

PUBLIC

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Death penalty / Legal concern

9 November 2006

USA (North Carolina)

Guy Tobias LeGrande (m), aged 47, black

Guy LeGrande is scheduled to be executed in North Carolina on 1 December 2006. He was sentenced to death in April 1996 for the murder of Ellen Munford on 27 July 1993.

A psychiatrist who has recently reviewed Guy LeGrande's records has concluded "to a reasonable degree of medical certainty" that Guy LeGrande suffers from serious mental illness, possibly schizoaffective disorder, bipolar disorder and/or delusional disorder, and that he "has been psychotic for many years". In an affidavit signed on 8 November 2006, Dr George Corvin states that Guy LeGrande's history is "replete with evidence of delusional thinking", and concludes that, on the available evidence, Guy LeGrande is incompetent to assist his lawyers and cannot comprehend the reality of his situation. The affidavit states that based upon recent letters written by Guy LeGrande, "it is clear that he believes that his pending execution is meaningless because he is going to receive an executive pardon. He also believes that he will receive a large settlement (between 1.5 and 3 billion dollars) from the State following his release from prison. He has written to his family indicating that he plans to move out of North Carolina following his release, and has also written of plans for a 'first meal' to celebrate his release from prison". The execution of a person who is legally insane; that is, who does not understand the reason for, or reality of his punishment, is unconstitutional in the USA.

According to the state's evidence at the 1996 trial, the murder of Ellen Munford was the result of a conspiracy formulated and led by her estranged husband, Tommy Munford. He had taken out a life insurance policy of \$50,000 on her, with himself as the sole beneficiary, and told numerous people that he wanted to "do [her] in". He had repeatedly harassed Ellen Munford and trespassed on the property where she was living with another man.

Tommy Munford and Guy LeGrande worked at the same restaurant. Munford offered LeGrande \$6,500 if he would commit the murder, and gave LeGrande a gun and ammunition to carry out the crime. On 27 July 1993, after dropping Guy LeGrande off in the woods next to Ellen Munford's home, Tommy Munford picked up their two children in order that she would be alone in the house. Driving away from the house, Tommy Munford blew the car horn to signal to LeGrande that Ellen Munford was alone. Guy LeGrande watched the house for several hours before entering the home and shooting Ellen Munford.

Tommy Munford, who is white, was allowed to plead guilty to second-degree murder and, after testifying against Guy LeGrande, was sentenced to life imprisonment. Guy LeGrande is black and was sentenced to death by an all-white jury for the murder of Ellen Munford, who was also white. In his recent affidavit, Dr Corvin suggests that LeGrande's apparent belief at the time of the trial that he was persecuted by white people would have been exacerbated by being tried in front of an all-white jury and being referred to "in a pejorative manner through the use of a racial epithet" by one of the key witnesses at the trial.

Guy LeGrande was found competent to stand trial and to represent himself after firing his court-appointed lawyers. Dr Corvin has concluded that the finding of competency was based on inadequate information and he "strongly believe[s] that it is very likely" that LeGrande was incompetent. Guy LeGrande displayed behaviour indicative of possible mental illness. According to Dr Corvin, LeGrande "remained grandiose and paranoid, and adhered to a number of delusional beliefs" during the trial. For example, he told his stand-by counsel that he was receiving messages through the television from Oprah Winfrey (TV personality) and Dan Rather (TV news anchor). His stand-by counsel filed a motion asking to be heard on the question of mental illness, but LeGrande, who was reportedly wearing a Superman T-shirt, responded by tearing the motion in half, and the trial was allowed to continue. He apparently believed that his attorneys and his family were

assisting the prosecution. Dr Corvin's affidavit emphasises that a person who suffers from mental illness may experience "sudden and severe exacerbation of their symptoms during periods of elevated stress". After Guy LeGrande was found guilty, he became very hostile towards the jury – highly damaging to the defendant in the context of a capital sentencing.

Dr Corvin concludes that the presence of schizophrenia and bipolar disorder among Guy LeGrande's siblings, "particularly when viewed in the context of his own long-standing bizarre behaviour/thought processes), makes it more likely than not that Mr LeGrande also suffers from a serious mental illness". Members of LeGrande's family have described past behaviour strongly supportive of such a conclusion. Dr Corvin's recent attempt to visit LeGrande was unsuccessful after the condemned man refused to meet him.

BACKGROUND INFORMATION

In 1986, the US Supreme Court ruled in *Ford v. Wainwright* that the execution of people who are legally insane violates the US Constitution's prohibition on "cruel and unusual punishments". In reality, this has offered only minimal protection. In 2002, in *Atkins v. Virginia*, the Supreme Court prohibited the death penalty for people with mental retardation. The Court reasoned that the impairments of defendants with mental retardation diminish their personal culpability and their ability to understand consequences, rendering the death penalty unjustifiable on grounds of retribution or deterrence. Amnesty International believes that there is a profound inconsistency in exempting people with mental retardation from the death penalty while those with serious mental illness remain exposed to it. The same rationale of diminished culpability, greater vulnerability and limited capacity can apply to defendants afflicted with severe mental illness. For further information, see *USA: The execution of mentally ill offenders* (AMR 51/003/2006, January 2006), [http://web.amnesty.org/library/pdf/AMR510032006ENGLISH/\\$File/AMR5100306.pdf](http://web.amnesty.org/library/pdf/AMR510032006ENGLISH/$File/AMR5100306.pdf).

The racial aspects of this case, and the crime and sentencing, are reminiscent of another North Carolina death penalty case, that of Robert Bacon. Indeed, in upholding LeGrande's death sentence in 1997, the Chief Justice of the North Carolina Supreme Court noted that the two cases were "very similar". Bacon, a black man, was sentenced to death for the murder of his white girlfriend's estranged husband. As in Guy LeGrande's case, the sole aggravating factor in the murder making it punishable by the death penalty was that it was committed for pecuniary gain (the wife stood to receive \$130,000 in life insurance). Two state Supreme Court judges noted that she was "the instigator, planner and motivator" behind the crime, although Robert Bacon had actually carried it out. She received a life sentence for first-degree murder. Bacon was tried in 1987 by an all-white jury and was sentenced to death. After his sentence was overturned, he was re-sentenced to death in 1991, again by an all-white jury (see EXTRA 59//01, AMR 51/130/2001, 31 August 2001, <http://web.amnesty.org/library/index/engamr511302001>). Robert Bacon's death sentence was commuted in October 2001 by Governor Michael Easley. He said that a "review of this matter in its totality" had led him to conclude "that the appropriate sentence for the defendant is life without parole".

Since judicial killing resumed in the USA in 1977, 1,055 people have been put to death there, 43 of whom were executed in North Carolina. This year, 51 people have been executed, four of them in North Carolina.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- explaining that you are not seeking to downplay the seriousness of the crime, or the suffering caused;
- opposing the execution of Guy LeGrande;
- noting the compelling evidence that Guy LeGrande suffers from serious mental illness;
- noting the similarities to the Robert Bacon case, recalling Governor Easley's clemency decision in that case;
- urging Governor Easley to stop this execution and to grant clemency to Guy LeGrande.

APPEALS TO:

Governor Michael F. Easley, Office of the Governor
20301 Mail Service Center, Raleigh, NC 27699-0301, USA

Fax: +1 919 715 3175 or +1 919 733 2120

Email, via website: <http://www.governor.state.nc.us/email.asp?to=1>

Salutation: Dear Governor

COPIES TO: diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.