

URGENT ACTION

WOMAN WITH LOW IQ SET FOR EXECUTION IN USA

Teresa Lewis, a woman assessed as having "borderline mental retardation", is scheduled for execution in Virginia, USA, on 23 September as the "mastermind" of the murder of her husband and stepson. The men who carried out the killing received life prison sentences.

Matthew Shallenberger and Rodney Fuller shot and killed Julian Lewis and his adult son Charles Lewis in their home in the early hours of 30 October 2002. On 15 May 2003, Teresa Lewis pleaded guilty to capital murder for her role in the killings, a plea that meant she would be sentenced by a judge rather than a jury. Prosecutors claimed that she had lured Matthew Shallenberger and Rodney Fuller – with sex, gifts, and a promise to share life insurance proceeds – to commit the murders. Based substantially on the account of the crime presented by the prosecutor, the judge found that Teresa Lewis was "the mastermind" behind the murders and sentenced her to death. Prosecutors agreed that Rodney Fuller should receive a life sentence in return for a guilty plea and his cooperation, and the judge, "in good conscience," said he could not sentence Matthew Shallenberger to a harsher sentence than Fuller received.

A psychologist tested Teresa Lewis prior to her plea and found that she had an IQ (intelligence quotient) of 72, indicating that her intellectual function was in the "borderline mental retardation" range. Post-conviction investigations raised additional evidence of her mental disabilities. A second psychologist, selected by the state, assessed her IQ at 70. Medical experts have diagnosed her with Dependent Personality Disorder and an addiction to painkillers before the crimes, calling into further question the "mastermind" label attached to her (see overleaf).

In contrast, Matthew Shallenberger's IQ was scored at 113 (and Rodney Fuller's at 68.) In an interview conducted by Teresa Lewis's defence team in 2004, Matthew Shallenberger said that he had "manipulated the whole thing," and that the murders had been his idea. According to an investigator for the defence, Shallenberger had told him that "as soon as he met Teresa, he sized her up as someone who was not too bright and could be easily manipulated". The investigator asserted that Matthew Shallenberger said that, while he had committed the crime for the proceeds from the life insurance policies he assumed the victims would have, "he and Teresa never specifically talked about money, about the insurance, or about Teresa 'paying' him for any killing." Separately, in a letter to a friend obtained by the lawyers, Matthew Shallenberger wrote that "the only reason I had sex with [Teresa Lewis] was for the money – to get her to 'fall in love' with me so she would give me the insurance money". Also in 2004, Rodney Fuller said that "it seemed to me that Mrs. Lewis would do just about anything Shallenberger asked her to do", and that "Shallenberger was definitely the one in charge of things, not Mrs Lewis".

PLEASE WRITE IMMEDIATELY in English or your own language, in your own words:

- Explaining that you are not seeking to excuse the killing of Julian and Charles Lewis;
- Noting the evidence of Teresa Lewis's mental impairments, and that evidence raised by Teresa Lewis's appeal lawyers casts doubt on the prosecution's version of the crimes, which was largely accepted by the court;
- Noting that the two actual murderers received life sentences and noting evidence that one of them has since claimed to have been the mastermind behind the murders;
- Calling on the Governor to grant clemency and to commute Teresa Lewis's death sentence.

PLEASE SEND APPEALS BEFORE 23 SEPTEMBER 2010 TO:

Governor Bob McDonnell, Office of the Governor,
PO Box 1475, Richmond, Virginia 23218, USA

Email: via website: <http://www.governor.virginia.gov/AboutTheGovernor/contactGovernor.cfm>

Fax: +1 804 371 6351

Salutation: Dear Governor

Also send copies to diplomatic representatives of the USA accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Teresa Lewis's lawyers obtained mental health assessments of her after she was sentenced to death in 2003. In 2004, a Professor of Psychiatry at Virginia Commonwealth University concluded that "before, during and immediately after the killings, Ms Lewis' mental state and abilities were significantly impaired as a result of several disabilities from which she was suffering. These disabilities included: 1. development disabilities, i.e., diagnosis of Borderline Intellectual Function; 2. Passive-Dependent Personality features; and 3. Drug Dependence... It is my opinion that these limitations made it highly unlikely that she was capable of the initiation and planning of the crime... At the time of the crimes, her judgment was severely impaired by her disabilities and her addiction, and she would have been subject to being easily led by others". She also concluded that Teresa Lewis's abuse of and addiction to prescription drugs could have explained her perceived lack of remorse at the time of the crimes, a factor which has been cited by the prosecution and the courts in justification of the death sentence. The psychiatrist said that "it seems clear that Ms Lewis has tremendous guilt and remorse about her actions. She is currently being treated for post-traumatic stress disorder with medication and psychotherapy. She states that she continues to have frequent flashbacks to the event, dreams about it, and continues to have insomnia and thoughts at the time of sleep about these events. She is tearful in describing the night of the murder and in describing the impact on her family, particularly her son."

Also in 2004, another mental health expert, a Professor of Psychology at Duke University, North Carolina, provided his opinion. He concluded that "when multiple sources of evidence are taken into account, it is very clear that Teresa possessed neither the verbal intelligence nor the independent initiative to frame and mastermind a plan to murder the victims. It is also quite inconsistent with both tested personality profiles and patterns of personality evidenced in her life choices that Teresa would lead and direct two men in the commission of these crimes. Teresa spent her life taking 'orders' from men and complying with their wishes in order to please them... From a psychological standpoint, a woman who is functionally retarded intellectually, with passive dependent personality disturbance, and a habit of submissively seeking men's approval throughout her life, is a poor bet as the mastermind of a brutal murder plot." In relation to the IQ assessment made at the time of her sentencing, he said: "in pragmatic terms, the level of intellectual functioning of one with a 72 IQ would not be discernibly distinctive from one with a 69 IQ. Certainly, it would not be professionally reasonable to base a life or death decision on three IQ points" (the execution of people with 'mental retardation' is prohibited in the USA – an IQ of 70 or lower is an indicator of possible mental retardation).

The trial court held a post-conviction evidentiary hearing at which this evidence was presented. The state presented an evaluation presented by another mental health expert who rejected the diagnosis of dependent personality disorder and of Teresa Lewis's addiction to prescription drugs. He concluded that Teresa Lewis had the mental capacity to plan and carry out the murder plot. The judge upheld the death sentence, and the appeal courts have affirmed this decision.

For the past seven years, Teresa Lewis, who is the only woman on death row in Virginia, has been housed in the segregation unit at Fluvanna Correctional Center for Women (a move unrelated to any disciplinary issues). She spends virtually all her time alone in her cell. When she is allowed outside for "recreation," she is by herself. She can hear and converse with other inmates who are placed in the segregation unit temporarily as punishment for disciplinary problems or disruptive behaviour in the general population of the facility. She also is allowed to meet periodically with the prison chaplain.

Amnesty International unconditionally opposes the death penalty, in all cases and in all countries. The USA has carried out 1,224 executions – of 1213 men (99 per cent) and 11 women – since resuming judicial killing in 1977. Virginia accounts for 107 of these executions. The last woman put to death in Virginia was Virginia Christian who was killed in the state's electric chair on 11 August 1912 for a murder committed when she was 17 years old. The last woman put to death in the USA was Frances Newton in Texas in September 2005. There have been 36 executions in the USA this year, two of them in Virginia.

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