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Death penalty / Legal concern

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USA (Texas)

Kelsey Patterson (m), black, aged 50

Kelsey Patterson is scheduled to be executed in Texas on 18 May 2004. He was sentenced to death in 1993 for a double murder committed in 1992. He has long suffered from paranoid schizophrenia, a serious mental illness whose symptoms can include hallucinations, delusions, confused thinking, and altered senses, emotions or behaviour. He was first diagnosed with this brain disorder in 1981.

There is no doubt that Kelsey Patterson shot Louis Oates and Dorothy Harris, and there would appear to be little doubt that mental illness lay behind this tragic crime. He made no attempt to avoid arrest – after shooting the victims, he put down the gun, undressed and was pacing up and down the street in his socks, shouting incomprehensibly, when the police arrived.

In 2000, a federal judge wrote that “Patterson had no motive for the killings – he claims he commits acts involuntarily and outside forces control him through implants in his brain and body. Patterson has consistently maintained he is a victim of an elaborate conspiracy, and his lawyers and his doctors are part of that conspiracy. He refuses to cooperate with either; he has refused to be examined by mental health professionals since 1984, he refuses dental treatment, and he refuses to acknowledge that his lawyers represent him. Because of his lack of cooperation, it has been difficult for mental health professionals to determine with certainty whether he is exaggerating the extent of his delusions, or to determine whether he is incompetent or insane. All of the professionals who have tried to examine him agree that he is mentally ill. The most common diagnosis is paranoid schizophrenia.”

A jury found Kelsey Patterson competent to stand trial. Yet his behaviour at his competency hearing, and at the trial itself – when he repeatedly interrupted proceedings to offer rambling narrative about his implanted devices and other aspects of the conspiracy against him – provided compelling evidence that his delusions did not allow him a rational understanding of what was going on or the ability to consult with his lawyers.

The setting of his execution date has led to a legal challenge that Kelsey Patterson is not competent for execution, that is, that he does not understand the reality of, or reason for, his impending punishment. This challenge is pending in the courts. The constitutional protections in this area are minimal, and other prisoners have gone to their deaths despite suffering from serious mental illness.

In an indication of his delusional thinking, since learning of his execution date, Patterson has written rambling letters to various officials. In the letters he refers to a permanent stay of execution that he says he has received on grounds of innocence. For example, in a letter to the Texas Court of Criminal Appeals in February 2004, he wrote: “the McClennan County state district court Mclennan County has said stay and stay stay stay stay stay and stay stay stay always stay from execution to me my men from me Kelsey Patterson stay from murder and execution to me Kelsey Patterson...”.

Kelsey Patterson's case raises wider questions about society's treatment of the mentally ill. His family had tried unsuccessfully to get treatment for him prior to his crime. If Kelsey Patterson is put to death, it will not be first time that the Texas system has, in effect, buried its own failure in its execution chamber. Larry Robison, who was executed in 2000, had suffered from paranoid schizophrenia long before committing the crime for which he was sentenced to die. His family had tried to obtain help for him, but were turned away because he had not yet turned violent. James Colburn was also a diagnosed paranoid schizophrenic whose family had tried, unsuccessfully, to get appropriate health care before the murder for which he was sent to death row. He was executed in March last year. Last month, Scott Panetti received a 60-day stay of

execution shortly before he was scheduled to be executed in Texas. He had been hospitalized for mental illness many times before the crime.

Texas accounts for 321 of the 903 executions carried out in the USA since 1977. Amnesty International opposes the death penalty in all cases. The United Nations Commission on Human Rights has repeatedly called for an end to the use of the death penalty against people with mental disorders.

In Texas, the Board of Pardons and Paroles (BPP) has the power to recommend clemency. The Governor can accept or reject a recommendation for clemency. If the BPP votes against recommending clemency, the Governor cannot overrule it. The Governor can, however, issue a 30-day reprieve without the BPP's recommendation, and can use this to ask the BPP to reconsider a decision to deny clemency. The Governor can also ask the BPP to consider clemency in any case, before they make their decision. According to the Texas Administrative Code, "The board shall investigate and consider a recommendation of commutation of sentence in any case, upon the written request of the governor."

For further information, see *USA: Another Texas injustice: The case of Kelsey Patterson, mentally ill man facing execution*, March 2004 <http://web.amnesty.org/library/Index/ENGAMR510472004>

RECOMMENDED ACTION: Please send appeals in your own words to arrive as quickly as possible, in English or your own language, expressing sympathy for the families and friends of Louis Oates and Dorothy Harris, but urging the Board of Pardons and Paroles to recommend clemency for Kelsey Patterson in the interest of decency and the reputation of the State of Texas and the USA as a whole, and in appeals to the Governor urging him to do all in his power and influence to prevent the execution.

APPEALS TO: (Note: In all appeals please include Kelsey Patterson's prison number: #999065)
Rissie Owens, Presiding Officer, Board of Pardons and Paroles, 1300 11th St., Suite 520, P.O. Box 599, Huntsville, TX 77342-0599, USA

Fax: +1 936 291 8367, Salutation: Dear Ms Owens

Charles Aycock, Board of Pardons and Paroles, 5809 S. Western, Suite 237, Amarillo, TX 79110, USA

Fax: +1 806 358 6455, Salutation: Dear Mr Aycock

Linda Garcia, Board of Pardons and Paroles, 1212 N. Velasco, Suite 201, Angleton, TX 77515, USA

Fax: +1 979 849 8741, Salutation: Dear Ms Garcia

Juanita Gonzalez, Board of Pardons and Paroles, 3408 S. State Hwy. 36, Gatesville, TX 76528, USA

Fax: +1 254 865 2629, Salutation: Dear Ms Gonzalez

Jose L. Aliseda, Board of Pardons and Paroles, 1111 West Lacy St., Palestine, TX 75801, USA

Fax: +1 903 723 1441, Salutation: Dear Mr Aliseda

LaFayette Collins, Board of Pardons and Paroles, 420 S. Main, San Antonio, TX 78204, USA

Fax: +1 210 226 1114, Salutation: Dear Mr Collins

Governor Rick Perry, Office of the Governor, PO Box 12428, Austin, Texas 78711-2428, USA

Fax: +1 512 463 1849, Email via webpage: <http://www.governor.state.tx.us/contact#contactinfo>

Salutation: Dear Governor

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

You may also write brief letters (under 250 words) to: Viewpoints, C/O *Houston Chronicle*, P.O. Box 4260, Houston, Texas 77210, USA. **Fax: +1 713 362 3575. Email to viewpoints@chron.com**

PLEASE SEND APPEALS IMMEDIATELY.