

PUBLIC

AI Index: AMR 51/077/2006

16 May 2006

UA 136/06

Death penalty / Legal concern

USA (Texas)

Angel Maturino Reséndiz (m) aged 46, Hispanic

Mexican national Angel Maturino Reséndiz is scheduled for execution on 27 June 2006. He was sentenced to death for the 1998 murder of Claudia Benton, a doctor in Houston. He is also believed to have committed a series of murders in several other US states. There is compelling evidence that Angel Maturino Reséndiz suffers from serious mental illness, including paranoid schizophrenia. His lawyers are arguing that he is incompetent for execution – that is, that he does not understand the reason for, or reality of, his punishment – and that his execution would therefore violate the US Constitution.

At the trial in 2000, the defence argued that Angel Maturino Reséndiz was not guilty by reason of insanity, in other words that he did not know right from wrong at the time of the murder. For the defence, an expert testified that Maturino Reséndiz was suffering from chronic paranoid schizophrenia, producing the delusion that he was an angel of God with a duty to destroy “evil people.” The prosecution’s experts did not dispute that he was mentally ill – and their testing found evidence of brain damage – but they testified that, in their opinion, he was not legally insane at the time of the crime.

No determination had been made of his competency to stand trial: the capacity of the defendant to understand the proceedings and to consult rationally with his attorney in presenting a defence. However, a pre-trial psychological evaluation reported that Angel Maturino Reséndiz “stated with great vehemence that he wanted to be his own attorney, that he wanted to plead guilty and that he wanted to be put to death. He explained that if this course of events occurred, he would be victorious because he would return to live on this earth whereas the judge, the jury and the executioner would all die instantly when he was put to death.” Throughout the trial proceedings, antipsychotic drugs were administered to subdue the symptoms of his mental illness. After the jury rejected the insanity defence and found him guilty, Maturino Reséndiz asked to be sentenced to death. He instructed his court-appointed attorneys not to make an opening statement at the penalty phase of his trial, not to cross-examine the state’s witnesses and to present no testimony on his behalf.

In the six years that Angel Maturino Reséndiz has been on death row, his mental condition has continued to deteriorate. He has been transferred to an inpatient psychiatric unit on eight different occasions, has mutilated himself more than 30 times, and has been placed on antipsychotic medication to control his auditory hallucinations and delusions. A recent assessment by a psychiatrist found that Angel Maturino Reséndiz is completely delusional, convinced that as a “man-angel” he is immune from lethal injection and will awaken unharmed with a “renovated body” (*cuero renovado*) on the third day following his execution. A psychologist also recently concluded that the prisoner suffers from schizophrenia, and that he does not believe he will die as a result of execution.

In addition, Angel Maturino Reséndiz – who suffered a childhood in Mexico marked by mental illness in his family and by appalling deprivation and abuse – was denied his internationally-recognized right to adequate legal representation on appeal. His appeal lawyer filed a petition raising a single generic claim, failing to make any reference to the prisoner’s mental illness, and not even mentioning him by name. It was later discovered that this petition was identical, word-for-word, to a brief filed in the appeal of another death row prisoner. The appeal lawyer also missed a crucial deadline for filing in Angel Maturino Reséndiz’s case, with the result that under federal law the prisoner forfeited his right to further review of case-specific issues, such as his mental illness.

A petition has been filed with the Inter-American Commission on Human Rights, asserting that the execution of Angel Maturino Reséndiz would violate the USA's international human rights obligations. On 1 May 2006, the Commission responded by issuing "precautionary measures" calling on the United States to take the steps necessary to preserve the petitioner's life and physical integrity while his claims are under review.

BACKGROUND INFORMATION

The US Supreme Court has provided constitutional exemptions for some categories of mentally impaired people facing the death penalty. In 1986, the 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 applies to defendants afflicted with severe mental illness. For further information, see AI's recent report: *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).

There have been 1,022 executions in the USA since judicial killing resumed there in 1977. Texas accounts for 35 per cent (363) of these executions. Texas accounts for eight of the 18 executions carried out in the USA this year.

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

- expressing sympathy for the family and friends of Claudia Benton, explaining that you are not seeking to condone the manner of her death or to minimize the suffering caused;
- expressing concern that Angel Maturino Reséndiz was convicted and sentenced to death without a determination of his competency to stand trial, despite abundant evidence of serious mental illness;
- noting that the mental health of Angel Maturino Reséndiz has deteriorated further on death row and that he is now reported to have no understanding that his execution will result in his death;
- expressing concern at the shocking quality of legal representation he received on appeal, and noting that executive clemency exists precisely to compensate for inequities that the courts are unable or unwilling to remedy;
- calling for the commutation of this death sentence in the interest of decency and justice;
- urging that the Texas authorities at a minimum grant a reprieve to allow the Inter-American Commission on Human Rights sufficient time to rule on the claims submitted on his behalf.

APPEALS TO:

Ms. Rissie Owens, Presiding Officer
Texas Board of Pardons and Paroles, P.O. Box 13401, Austin, Texas 78711, USA

Fax: +1 512 463 8120

Salutation: Dear Ms. Owens

The Honorable Rick Perry
Office of the Governor, State Capitol, P.O. Box 12428
Austin, Texas 78711-2428, USA

Fax: +1 512 463 1849

Salutation: Dear Governor

Please include the prisoner's inmate number in all appeals: **TDCJ Number 999356.**

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

PLEASE SEND APPEALS IMMEDIATELY. All appeals must arrive by 27 June 2006.