

PUBLIC

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Further information UA 300/02 (AMR 51/157/2002, 3 October 2002) - Death penalty/legal concern

USA (Texas) James Blake Colburn (m), white, aged 42

James Colburn received a last-minute stay of execution from the US Supreme Court on the evening of 6 November 2002. He was sentenced to death in October 1995 for the murder of Peggy Murphy in June 1994. James Colburn has an extensive history of paranoid schizophrenia, a serious mental illness whose symptoms include delusions and hallucinations.

On 5 November, the US Supreme Court rejected James Colburn's appeal, which raised the question of his competency at trial. During this time, he had been injected with anti-psychotic drugs that had a sedative effect on him (see UA 300/02, AMR 51/157/2002, 3 October 2002). The execution looked set to proceed around 6pm on 6 November as scheduled. However, the defence lawyer made another appeal to the Supreme Court, challenging the state's procedures determining James Colburn's current competency to be executed. The Court ordered the reprieve just after 8pm.

Several newspapers ran editorials opposing the execution. The *Houston Chronicle* asked "what justice is there, really, in carrying out a capital punishment sentence for a person who suffers from voices and hallucinations caused by a disabling major mental illness? Adequate mental health services may have spared Colburn years of suffering and might have spared his victim's life. It is no secret that Texas has inadequate resources for helping the mentally ill lead normal lives. Looked at another way, it would be better for all and a service to justice if such serious mental health issues were addressed before there is any need to deal with them within the criminal justice system and on death row."

Newsday wrote that the execution would be "unconscionable", and the *San Antonio Express News* said that "If ever there was a case in which the U.S. Supreme Court should have intervened to stop an execution, it is that of James Colburn...". The *Dallas Morning News* and the *Los Angeles Times* also urged the Court's intervention.

For further information on the case, see *Mentally ill man scheduled for execution in Texas* (AMR 51/158/2002, 16 October 2002) available on www.amnesty.org

No further action by the UA Network is requested at present. Many thanks to all who sent appeals. Amnesty International will continue to monitor James Colburn's case and will inform the Urgent Action network of any developments.