

URGENT ACTION

MAN EXECUTED DESPITE INTELLECTUAL DISABILITY

Ernest Lee Johnson was executed in Missouri on 5 October 2021. He was convicted and sentenced to death in 1995 for the murders of three employees of a convenience store in Missouri. A jury sentenced him to death despite a claim of intellectual disability, in violation of international law. The courts denied his requests for an alternative method of execution, due to the risk of violent seizures from the lethal injection drugs linked to a medical condition. State and federal courts denied his final appeals for relief and the Governor of Missouri refused to halt the execution or commute his sentence.

NO FURTHER ACTION IS REQUESTED. MANY THANKS TO ALL WHO SENT APPEALS.

Ernest Lee Johnson was convicted and sentenced to death in 1995 for the 1994 murders of Mary Bratcher, age 46; Fred Jones, age 58, and Mabel Scruggs, age 57, in a convenience store in Columbia, Missouri, where the three worked.

In 2002, the US Supreme Court ruled in *Atkins v. Virginia* that the execution of people with an intellectual disability contravened a national consensus and was unconstitutional. Despite evidence of his intellectual disability and a diagnosis of Fetal Alcohol Syndrome, a jury resentenced Ernest Johnson to death. The judge instructed the jury that they had to unanimously find “by a preponderance of the evidence” that Ernest Johnson had an intellectual disability in order to return a verdict for life imprisonment without parole. The defence objected to this instruction, arguing that it should have been the prosecution’s burden to prove Ernest Johnson did not have an intellectual disability.

In 2008, Ernest Johnson underwent brain surgery to remove part of a meningioma tumour (it could not be removed in its entirety). Since the surgery, Ernest Johnson suffered from seizures and was prescribed anti-seizure medication. Before his 2015 scheduled execution, his lawyer filed a complaint in federal court seeking a stay of execution, arguing the lethal injection drugs used by Missouri could cause him to have violent seizures, based on testimony of an expert in anaesthesiology and surgery, which would render his execution unconstitutional. The US Supreme Court halted his 2015 execution to allow the appeals around this issue to continue, however the US Court of Appeals for the Eighth Circuit rejected his appeal for an alternate method of execution in April 2020. State and Federal courts denied any last appeals and the Governor of Missouri refused to grant clemency in the case.

NAME AND PRONOUN: Ernest Lee Johnson (He/Him)

THIS IS THESECOND AND FINAL OUTPUT FOR UA 96/21

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/4696/2021/en/>