

# URGENT ACTION

## TEXAS EXECUTION DATE WITHDRAWN

Andre Thomas's execution date of 5 April 2023 has been withdrawn by a county judge after Andre Thomas's lawyers requested more time to be able to challenge their client's mental competence for execution. The US Constitution prohibits the execution of individuals who lack a rational understanding of the reason for their punishment. Andre Thomas has a long history of serious mental disability, including schizophrenia, and was experiencing a prolonged and severe psychosis at the time of the crime.

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

In *Ford v. Wainwright* in 1986, the US Supreme Court affirmed that the execution of the "insane" violates the US Constitution's Eighth Amendment ban on "cruel and unusual punishments". In 2007, the Court issued some clarification on how states should interpret the *Ford* protection, in *Panetti v. Quarterman*, in the case of a man on death row in Texas with serious mental disability (Scott Panetti remains on death row today).

The 15th Judicial District Court, Grayson County, Texas, withdrew Andre Thomas's 5 April execution date to allow his lawyers time to investigate and prepare their case to show that Andre Thomas is incompetent for execution. After the order was issued, Andre Thomas's lawyers said:

"The Constitution and Texas law forbid the execution of people who are insane. Mr Thomas is such a person, as he is not competent to be executed, lacking a rational understanding of the State's reason for his execution... The Court's Order gives Mr Thomas the time necessary to make the threshold showing that his lifelong, profound mental illness, characterized by fixed auditory and visual hallucinations, distorts everything he says, thinks, and does and he is not competent for execution."

There have been eight executions in the USA this year, four of them in Texas. This brings to 1,566 the total number of executions in the USA since the US Supreme Court approved new capital statutes in 1976. Texas accounts for 582 of these executions, 37 per cent of the national total since 1976, and 461 more than the next highest state total (in neighbouring Oklahoma).

**NAME: Andre Thomas**

**THIS IS THE FIRST AND FINAL OUTPUT FOR UA 23/23**

**LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/6520/2023/en/>**