

URGENT ACTION

EXECUTION SET OF MAN WITH MENTAL DISABILITY

Johnny Johnson, a 45-year-old man long diagnosed with severe mental disabilities, including schizophrenia and schizoaffective disorder, is scheduled to be executed in Missouri on 1 August 2023 for the 2002 murder of a six-year-old girl. His lawyers have presented the findings of a neuropsychiatrist that he does not have a rational understanding of the reason for his punishment, instead believing Satan is using the State to execute him to bring about the end of the world. International law prohibits the execution of people with serious mental disabilities, including those with a diminished ability to understand the reasons for their sentence.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Office of Governor Michael L. Parson
P.O. Box 720, Jefferson City
MO 65102, USA

Email via: <https://governor.mo.gov/contact-us/mo-governor>

Dear Governor Parson

Johnny Johnson is due to be executed at 6pm on 1 August 2023. The crime of which he was convicted was undoubtedly serious. I do not seek to minimize this seriousness or to downplay the suffering caused.

Johnny Johnson has been diagnosed with serious mental (psychosocial) disabilities since childhood, including schizophrenia, schizoaffective disorder, and major depressive disorder. He was under treatment for schizophrenia at the time of the crime and has been treated for such disorders since being arrested on that day.

In 1986, in *Ford v. Wainwright*, the US Supreme Court affirmed that the execution of someone who has "lost his sanity" violates the Constitution. In *Panetti v. Quarterman* in 2007, it clarified that this includes those whose "mental state is so distorted by a mental illness" that he or she lacks a "rational understanding" of "the State's rationale for the execution". A neuropsychiatrist retained by Johnny Johnson's lawyers concluded in early 2023 that Johnny Johnson is not competent for execution under this standard: that while he is aware he was convicted of murder and is on death row, he does not have a rational understanding of the link between the crime and his punishment.

Despite this evidence, the Missouri Supreme Court determined that Johnny Johnson did not meet the threshold standard for incompetency to be executed. The Court further found that "evolving standards of decency" do not render Johnny Johnson ineligible for execution due to his severe mental disability.

Employing its "evolving standards of decency" analysis, the US Supreme Court has excluded children and people with intellectual disability from the death penalty. In denying relief to Johnny Johnson, the Missouri Supreme Court emphasised that the courts have declined to extend these categorical protections to those with serious mental disabilities. I urge you to recognize, however, that in numerous states, including Missouri, bills have been introduced to ban the use of the death penalty against such individuals. In 2019, Ohio passed such a law, specifying that the offender's condition need not meet "the standard to be found not guilty by reason of insanity . . . or the standard to be found incompetent to stand trial." In 2022, Kentucky took a significant step by passing a law that grants exemption from the death penalty to offenders who exhibit "active symptoms and a well-documented history, including an official diagnosis" of specified mental disabilities such as schizophrenia or schizoaffective disorder.

I urge you to grant the request for clemency filed before you for Johnny Johnson and to commute his death sentence.

Yours sincerely,

ADDITIONAL INFORMATION

In addition to developmental disabilities manifesting throughout his childhood, Johnny Johnson's first admission to a psychiatric clinic was when he was 14 years old. Evaluators found that he had been contemplating suicide for a period of six months. By the age of 18, he had been admitted for psychiatric care four times due to suicidal ideation and suicide attempts. Diagnoses during this time included major depression. In 1996, at 18, he voluntarily admitted himself to a medical centre. There he reported experiencing a blackout, hearing voices, and seeing his deceased friends who urged him to harm himself. He was diagnosed with major depression, and a psychotic disorder.

In the six years between turning 18 and the crime for which he was sentenced to death, his admissions for psychiatric treatment continued, with diagnoses including schizophrenia, paranoid schizophrenia, schizoaffective disorder (a condition characterized by symptoms of schizophrenia, such as hallucinations or delusions, and symptoms of a mood disorder, such as mania and depression), major depressive disorder, borderline intellectual functioning, and polysubstance dependence. In early 2002, he received a diagnosis of paranoid schizophrenia and was put in a treatment program; in June 2002 he missed several psychiatric appointments. He also had meetings with a social worker, but after 28 June 2002, failed to turn up for those as well. Less than a month later, on the morning of 26 July 2002, a six-year-old girl went missing; Johnny Johnson had been seen with her that morning. The 24-year-old was arrested, admitted to killing her and told police where to find the body.

In jail following the crime, Johnny Johnson's symptoms continued, including auditory hallucinations and paranoia, and he was placed on medication as well as suicide watch. A court-ordered evaluation in November 2003 concluded he was competent to stand trial. He was diagnosed with major depressive disorder, recurrent, severe, with psychotic features, in partial remission, polysubstance dependence, antisocial personality disorder, and borderline intellectual functioning (with an IQ of 70). Jail records dated February 2004 read: "Symptoms of psychosis and depression. Frequently experiences mood swings, feelings of unreality, auditory/visual hallucinations, and feelings of paranoia". At his trial in early 2005, prosecution and defence experts agreed that Johnny Johnson had schizoaffective disorder. The defence asserted a diminished capacity defence, arguing that due to his mental disability he could not form the necessary deliberation to sustain a first-degree murder charge. The prosecution argued that he did have the capacity to deliberate, and its expert opined that that any hallucinations that he may have had at the time were due to methamphetamine intoxication, not psychosis. Johnny Johnson was sentenced to death for first-degree murder and to life imprisonment on his convictions for abduction and attempted rape of the girl.

On death row, according to prison medical records, his symptoms have persisted, including auditory hallucinations, and he has frequently been put on suicide watch as well as medication. In February 2023, a neuropsychiatrist retained by Johnny Johnson's lawyers concluded that he is not competent for execution: "Mr Johnson is aware he is on death row and that he was convicted of murder. However, he does not have a rational understanding of the link between his crime and his punishment. [H]e believes it is Satan 'using' the State of Missouri to execute him in order to bring about the end of the world and that the voice of Satan confirmed this plan to him... His belief that he can change this plan by going into the judge and lawyers' heads to influence them to not execute him is likewise irrational and delusional, as is his belief that the spirits of the underworld can influence the State to not execute him for Satan's purposes. He endorsed delusional beliefs about his mortality, and while he conceded he 'thinks' he would die by lethal injection, his statements that he is a vampire and able to 'reanimate' his organs, and his belief he can enter an animal's mind if he can learn the right 'code' in order to go on living after his execution show that he does not have a rational understanding of the finality of his punishment. Mr Johnson, despite treatment with appropriate and significant doses of powerful antipsychotic medications, remains floridly psychotic. He suffers from debilitating hallucinatory and delusional experiences.... His beliefs about why he is to be executed are rooted in delusional thinking, the product of a severe psychotic mental illness and a cognitively impaired brain."

The State has provided an affidavit from the Mental Health Director at Potosi Correctional Center, which houses death row, stating that Johnny Johnson "appears to understand the nature of his upcoming execution". On 8 June 2023, the Missouri Supreme Court refused to stay the execution. His lawyers are seeking a stay and a hearing in federal court. The state is arguing that the execution should be allowed to proceed, without a hearing.

Executing someone who lacks a *rational* understanding of the reason for, or reality of, their execution violates the US Constitution under a 1986 US Supreme Court ruling, with the Court clarifying in 2007 that "A prisoner's awareness of the State's rationale for an execution is not the same as a rational understanding of it." International human rights law prohibits the use of the death penalty against people with mental (psychosocial) and intellectual disabilities. The UN Human Rights Committee the expert body established by the International Covenant on Civil and Political Rights (ratified by the USA in 1992) to oversee its implementation has said that States parties must "refrain from executing persons who have a diminished ability to understand the reasons for their sentence."

Four states have carried out the 13 executions in the USA so far this year – Texas (5), Florida (4), Missouri (3), and Oklahoma (1). These four states are responsible for 57% of executions in the USA since 1976.

PREFERRED LANGUAGE TO ADDRESS TARGET: English. You may also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 1 August 2023

NAME: Johnny Johnson