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USA: Guy LeGrande found incompetent for execution due to mental illness

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On 27 June 2008, a North Carolina judge found Guy Tobias LeGrande incompetent for execution due to his serious mental illness.¹ The execution of a person who does not understand the reason for, or reality of his punishment, is unconstitutional in the USA.

Guy LeGrande has been on death row in North Carolina for 12 years. He was sentenced to death in April 1996 for the murder of Ellen Munford on 27 July 1993. He had come within days of execution in late 2006 before the judge issued a stay for the purpose of assessing the condemned man's competence for execution. Amnesty International members had appealed at that time for the execution to be stopped and for clemency to be granted.²

Superior Court Judge Robert Bell held a hearing in 2007. Three psychiatrists testified that Guy LeGrande suffers from serious mental illness, including "thought disorder, psychosis and clinical paranoia." The judge found that "it is undisputed among the three testifying psychiatrists that psychosis is a serious mental illness whereby a person shows symptoms of being out of touch with reality either by virtue of having delusional thoughts, illogical thought processes and/or auditory or visual hallucinations."

Judge Bell found in his own interaction with LeGrande that the prisoner's "answers at times were completely disconnected and illogical". LeGrande's delusional beliefs included that he "has been or is engaged in a romantic relationship with hip-hop artist Eve Jeffers", and that his lawyers, both past and current, were working for the state. As a result of this delusion, the prisoner believed that he had no choice but to represent himself (he has refused to cooperate with any lawyers since 1995). According to Judge Bell, the evidence showed also that LeGrande has "delusional beliefs that he will not be executed, will be pardoned and will receive a large financial settlement from the State". The judge found that while LeGrande had "a factual knowledge" that the state could set an execution date for the murder of Ellen Munford, LeGrande "lacks a rational understanding and awareness of this because he believes his execution will not occur due to his impending pardon, release and financial settlement".

Judge Bell found that, due to Guy LeGrande's "major mental illness", he

¹ *State of North Carolina v. Guy Tobias LeGrande*, In the General Court of Justice, Superior Court Division, Order on defendant's motion to stay proceedings, 27 June 2008.

² See Amnesty International Urgent Action, Death penalty / Legal concern, 9 November 2006, <http://www.amnesty.org/en/library/info/AMR51/169/2006/en>, and update 30 November 2006, <http://www.amnesty.org/en/library/info/AMR51/179/2006/en>.

“does not rationally understand that he can actually be executed and does not comprehend his own situation in reference to the proceedings and he does not understand the nature and object of the proceedings against him. The gross delusions stemming from Mr LeGrande’s severe mental disorder puts an awareness of the link between his crime and its punishment in a context so far removed from reality that the punishment can serve no proper purpose. Due to his delusional and psychotic thought process, Mr LeGrande cannot assist counsel in a rational or reasonable manner”.

In 1986, the US Supreme 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 a 5-4 decision issued on 28 June 2007, the Supreme Court somewhat clarified its *Ford* ruling of 21 years earlier. Amnesty International expressed the hope at the time that the *Panetti v. Quarterman* decision, referred to by Judge Bell in his ruling on Guy LeGrande, would provide additional protection to death row inmates suffering from serious mental illness.³

As Amnesty International described in its major 2006 report on the use of the death penalty in the USA against offenders with mental illness, numerous seriously mentally ill defendants have been allowed to waive their right to a lawyer and have represented themselves.⁴ Some were sentenced to death after trials where they were clearly not representing their best interests.

Guy LeGrande was found competent to stand trial in 1996 and to represent himself after firing his court-appointed lawyers. At the trial, he displayed behaviour indicative of possible mental illness. LeGrande reportedly rambled incoherently during the trial. He called the jurors “Antichrists” and told them that “hell ain’t deep enough for you people. But you remember when you arrive, say my name, Guy Tobias LeGrande. For I shall be waiting”.

According to a psychiatrist who reviewed the record, during the trial LeGrande “remained grandiose and paranoid, and adhered to a number of delusional beliefs”. For example, he told his stand-by counsel that he was receiving messages through the television from Oprah Winfrey (TV personality) and Dan Rather (TV news anchor). His stand-by counsel filed a motion asking to be heard on the question of mental illness, but LeGrande, who was wearing a Superman T-shirt, responded by tearing the motion in half, and the trial was allowed to continue. He apparently believed that his attorneys and his family were assisting the prosecution.

Guy LeGrande, who is African American, was sentenced to death by an all-white jury for the murder of Ellen Munford, who was also white. According to the state’s evidence at the 1996 trial, the murder was the result of a conspiracy formulated and led by her estranged husband,

³ See, USA: Supreme Court tightens standard on 'competence' for execution, 29 June 2007, <http://www.amnesty.org/en/library/info/AMR51/114/2007/en>. However, Scott Panetti, the death row inmate at the centre of the Supreme Court’s decision, has since been found competent for execution despite his serious mental illness. See USA: Where is the compassion? The imminent execution of Scott Panetti, mentally ill offender, January 2004, <http://www.amnesty.org/en/library/info/AMR51/011/2004/en>.

⁴ On 19 June 2008, the US Supreme Court, in *Indiana v. Edwards*, On June 19, 2008, held that it is constitutionally permissible for states to insist on representation by counsel for mentally ill defendants who have already been found competent to stand trial but whom the judge finds is incompetent to represent himself. The case focussed on Ahmad Edwards, who was found incompetent to stand trial three times, but eventually was determined to be competent and sought to represent himself at trial. He was denied this request by the trial judge on the grounds that he continued to suffer from schizophrenia.”

Tommy Munford. He had taken out a life insurance policy of \$50,000 on her, with himself as the sole beneficiary, and told numerous people that he wanted to “do [her] in”. He had repeatedly harassed Ellen Munford and trespassed on the property where she was living with another man.

Tommy Munford and Guy LeGrande worked at the same restaurant. Munford offered LeGrande \$6,500 if he would commit the murder, and gave LeGrande a gun and ammunition to carry out the crime. On 27 July 1993, after dropping Guy LeGrande off in the woods next to Ellen Munford’s home, Tommy Munford picked up their two children in order that she would be alone in the house. Driving away from the house, Tommy Munford blew the car horn to signal to LeGrande that Ellen Munford was alone. Guy LeGrande watched the house for several hours before entering the home and shooting Ellen Munford.

Tommy Munford, who is white, was allowed to plead guilty to second-degree murder and, after testifying against Guy LeGrande, was sentenced to life imprisonment.

Amnesty International opposes the death penalty in all cases. The death penalty not only runs the risk of irrevocable error, it is also costly – to the public purse, as well as in social and psychological terms. It has not been proven to have a special deterrent effect. It tends to be marked by arbitrariness in its application, and to be applied discriminatorily on grounds of race and class. It denies the possibility of reconciliation and rehabilitation. It promotes simplistic responses to complex human problems, rather than pursuing explanations that could inform positive strategies. It prolongs the suffering of the murder victim’s family, and extends that suffering to the loved ones of the condemned prisoner. It consumes resources that could be better used to work against violent crime and assist those affected by it. It is a symptom of a culture of violence, not a solution to it. It is an affront to human dignity.

In 2002, in *Atkins v. Virginia*, the US 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 can apply to defendants afflicted with severe mental illness.

Guy LeGrande’s death sentence is not commuted by Judge Bell’s ruling, and he remains on death row. Amnesty International urges the North Carolina authorities to commute his death sentence and to ensure that he receives all necessary and appropriate treatment for his serious mental illness.

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For further information, see USA: The execution of mentally ill offenders, January 2006, <http://www.amnesty.org/en/library/info/AMR51/003/2006/en>.

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