

# URGENT ACTION

## INDIANA CARRIES OUT ITS FIRST EXECUTION SINCE 2009

Joseph Corcoran was executed in Indiana in the early hours of 18 December 2024. He was convicted in 1999 of the murder of four men in 1997 and sentenced to death. He had long been diagnosed with paranoid schizophrenia, with symptoms that include hallucinations and delusions. Final appeals were rejected and the governor declined to intervene.

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

In 1997, 22-year-old Joseph Corcoran was living in his sister's house when he shot his brother, his future brother-in-law and two other men there. Joseph Corcoran's mental disability remained the focus of efforts to stop the execution. His lawyers sought to be allowed back into court on the basis that his mental disability precluded his execution. Meanwhile, Joseph Corcoran submitted a handwritten affidavit to the courts stating that he did not wish to litigate his case further, and that he understood that if the petitions were dismissed this would result in his execution, and that "execution will end my life".

On 10 December 2024, Human Rights Day, the Indiana Supreme Court ruled 3-2 against the lawyers. The dissenting opinion said: "There is no penalty more severe – more irrevocable – than death. So, when reviewing cases imposing this penalty, justice demands not haste but precision and care. Guaranteeing this demand constitutionally requires ensuring a prisoner is competent to be executed... The evidence submitted by Corcoran's attorneys reveals a documented history of severe mental illness, and inability to cooperate with counsel, and a desire to be executed to escape prison – all of which raise substantial questions about his current mental capacity... [A]t a minimum, we should stay Corcoran's execution and order a psychiatric examination."

On 11 December 2024, a petition was filed in federal court on behalf of Joseph Corcoran's wife, acting as "next friend" to her husband, claiming that he was not competent to be executed, and that as such his execution would be unconstitutional under the Supreme Court rulings *Ford v. Wainwright* (1986), *Panetti v. Quarterman* (2007) and *Madison v. Alabama* (2019). Among the evidence submitted was a psychiatrist's report, dated 10 December (too late for the Indiana Supreme Court). Her report detailed that prison records from 2023 to 2024 indicated that Joseph Corcoran was "still very delusional and has no insight into his illness... Due to his severe paranoid beliefs and his belief that mental health professionals will diagnose him with psychiatric illness due to their ignorance of the electronic surveillance system that exists, he will not cooperate with an evaluation from a psychiatrist or other mental health professional. He minimizes and covers up his symptoms". She noted in this regard that his affidavit "makes it sound like his decision to forego any further litigation is logical". On 13 December the US District Court denied the petition, ruling the claim of incompetence for execution was "procedurally defaulted and without merit". On 16 December, the US Court of Appeals affirmed this ruling. One of the three judges dissented, noting among other things the new evidence that "Corcoran's severe paranoid schizophrenic delusions not only continue but also cause him to hide his condition from the world and feign sanity". The dissent also noted the state Supreme Court had relied upon Joseph Corcoran's affidavit, but without having provided his lawyers with an opportunity to respond to it. This, he said, was "precisely the lack of due process" previously condemned by the US Supreme Court in *Ford* and *Panetti*, and was "particularly troubling" given the expert evidence the lawyers had previously presented of Joseph Corcoran's "efforts to hide his true motivations for seeking the death penalty".

Late on 17 December, the US Supreme Court declined to intervene, as did the Governor and the execution by lethal injection went ahead shortly after half past midnight on 18 December. In a statement, Joseph Corcoran's lawyers recalled the expert evidence that Joseph Corcoran "would rather die" than "acknowledge his schizophrenia", and that this was "how the government was able to kill him". They said they "stand resolute that permitting Joe's execution to proceed has done harm to the rule of law".

Indiana accounts for 21 of the USA's 1,607 executions since 1976. There have been 25 executions in the USA this year. This was Indiana's first execution since 11 December 2009. Amnesty International opposes the death penalty in all cases unconditionally.

**NAME: Joseph Corcoran**

**THIS IS THE FIRST AND FINAL OUTPUT FOR UA 105/24**

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/8819/2024/en/>

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