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Dozens of Mental Health Organizations and Experts, Former Prosecutors, Evangelicals and the American Bar Association Urge Texas Governor to Commute Death Sentence of Severely Mentally Ill Man Facing Imminent Execution

Clemency Petition Filed Today: Execution of Scott Panetti Would "Cross a Moral Line"

(*Austin, Texas, November 12, 2014)* Today, dozens of prominent organizations and individuals from Texas and across the country called on the Texas Board of Pardons and Paroles and Governor Rick Perry to stop the December 3rd scheduled execution of Scott Panetti, a severely mentally ill man who has suffered from schizophrenia for more than 30 years.

Mr. Panetti, who represented himself at his capital trial wearing a cowboy costume, will be executed unless a commutation is granted or a court intervenes. Mr. Panetti has suffered from serious mental illness for over 30 years. He was hospitalized more than a dozen times for psychosis and delusions in the 14 years leading up to the crime for which he was convicted and sentenced to death. At his 1995 trial he attempted to call over 200 witnesses, including John F. Kennedy, the Pope, and Jesus Christ.

The commutation requests were submitted to the Texas Board of Pardons and Paroles and Governor Perry as part of a clemency petition filed by Mr. Panetti's attorneys this morning, which states: "The case of Scott Louis Panetti is a judicial disaster that has attracted national and international outrage – and for good reason. Evidence of his incompetency runs like a fissure through every proceeding in his case – from arraignment to execution…The execution of Scott Panetti would cross a moral line."https://drive.google.com/file/d/0BxR5nee8pBYQZzdFTFJpdVZZRjNjN2NMOE0zTEhocE1Pb0Jr/view?usp=sharing

Letters urging clemency in Mr. Panetti's case come from several of the nation's and Texas' leading mental health organizations, including the **American Psychiatric Association**, **Mental Health America** and **Disability Rights Texas**; experts on mental health issues in the law; **a former Texas Governor**, **state Attorneys General, U.S. Attorneys** and others with experience in the criminal justice field; **50 Evangelical faith leaders, including Rev. Sam Rodriguez of the National Hispanic Christian Leadership Conference, Jay Sekulow of the American Center for Law and Justice, Lynn Hybels of the nationally prominent Willow Creek Church, Gabriel Salguero of the National Latino Evangelical Coalition** and other faith leaders; **Murder Victims Families for Reconciliation**; and the **American Bar Association**, among others.

"As law enforcement and criminal justice professionals, we are deeply troubled that a capital sentence was the result of a trial where a man with schizophrenia represented himself, dressed in a costume," stated the letter signed by 30 prominent individuals, including former federal and state court judges and prosecutors, Department of Justice officials, parole board members, and other notable legal practitioners from Texas and across the country. "We come together from across the partisan and ideological divide and are united in our belief that, irrespective of whether we support or oppose the death penalty, this is not an appropriate case for execution."

The first time Mr. Panetti showed signs of being afflicted with a psychotic disorder was in 1978, over 14 years before he shaved his head and killed his in-laws, Amanda and Joseph Alvarado. During his multiple hospitalizations, doctors diagnosed him with chronic schizophrenia and schizoaffective disorder.

Detailed information about Mr. Panetti's medical history can be found in a mental illness timeline starting in 1978 that shows how Mr. Panetti's mental health degenerated over the years, including how in 1986, the Social

Security Administration made a determination that Mr. Panetti was so disabled from schizophrenia that he was entitled to government benefits: http://texasdefender.org/wp-content/uploads/Panetti-Mental-Illness-Timeline.htm

In 1986, Mr. Panetti first succumbed to the delusion that he was engaged in spiritual warfare with Satan. In an affidavit his first wife signed to have him involuntarily committed, she testified that he was obsessed with the idea that the devil was in the house. He engaged in a series of bizarre behaviors to exorcize his home, including burying his furniture in the backyard because he thought the devil was in the furniture.

"In his state of severe mental illness, Mr. Panetti should never have been permitted to represent himself at his capital trial," states the letter from leading national and Texas mental health organizations and experts. "…[T]he fact that he did not have counsel renders his conviction and sentencing even more problematic in light of the delusional nature of his illness."

In 2004, Texas tried to execute Mr. Panetti, but a federal judge court stayed the execution and the United States Supreme Court ultimately found the Fifth Circuit's standard for determining competency to be executed unconstitutional in Panetti v. Quarterman, 551 U.S. 930 (2007). Notwithstanding that decision, Texas continued to contest Mr. Panetti's competence to be executed. In 2013, the Fifth Circuit again found him competent to be executed – despite the District Court's findings that he has a severe mental illness and suffers from paranoid delusions.

On November 6, 2014, the trial court in Kerrville, Texas refused a request by Mr. Panetti's attorneys to withdraw or modify the execution date so that they would have a meaningful opportunity to contest his competency for execution.

Mr. Panetti has not had a competency hearing in nearly seven years. He has a fixed delusion that his execution is being orchestrated by Satan, working through the State of Texas, to put an end to his preaching the Gospel of Jesus Christ.

"The execution of Scott Panetti would be a cruel injustice that would serve no constructive purpose whatsoever," states the letter signed by more than 50 notable Evangelical Christian faith leaders, including 20 from Texas. "When we inflict the harshest punishment on the severely mentally ill, whose culpability is greatly diminished by their debilitating conditions, we fail to respect their innate dignity as human beings."

A complete listing of the clemency letters and more information about Mr. Panetti's case, including legal documents, video footage, and more, can be accessed here:www.texasdefender.org/scott-panetti

To speak with attorneys for Mr. Panetti, Kathryn Kase of the Texas Defender Service and Greg Wiercioch of the Texas Defender Service and the University of Wisconsin at Madison Law School, or signatories to the letters supporting clemency, please contact: Laura Burstein, Laura.Burstein@Squirepb.com, 202-626-6868 (o)

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