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# DEATH PENALTY INFORMATION CENTER

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## **New Picture Has Emerged of Woman Facing Imminent Execution in Virginia**

### **"Mastermind" of Crime Was in Reality Led Along by Actual Killers Who Received Lesser Sentences**

Unless the governor or the U.S. Supreme Court intervenes, Teresa Lewis will be put to death on September 23 in Virginia, the first woman to be executed in that state in a century. But the woman whom the sentencing judge assumed was the mastermind in the murders of her husband and adult stepson now has been shown to be a simpler person who was readily led by others and the target of a scam by an ambitious hitman. Ms. Lewis has taken full responsibility for her role in the crime, but was probably less culpable than the two men who used her and actually carried out the killings. Those men were given life sentences, while Lewis pleaded guilty and received a death sentence.

"The issue in this case," said Richard Dieter, Executive Director of the Death Penalty Information Center, "is not that Teresa Lewis is a woman and should be treated differently. But it would be grossly unfair if the one person among those involved who is probably the least danger to society, who is certainly no more guilty than those who carried out the murders, and whose disabilities call out for mercy, is the only person scheduled to die for this crime."

Teresa Lewis has an IQ of 72, close to the level of intellectual disability that would exempt her from the death penalty. She has been diagnosed with a dependent personality disorder that meant she looked to others for help and direction, and she was addicted to prescription drugs at the time of the crime. At a very low time in her life following the death of her mother, Matthew Shallenberger (IQ 113) and Rodney Fuller became her acquaintances, and she followed their suggestions in planning a crime to gain insurance money. But far from being the ringleader, Lewis was more of a pawn, as a letter from Shallenberger to a girlfriend indicates. He wrote that he considered his romantic involvement with Teresa “just part of what had to be done to get the money” and that she was “just what I was looking for: some ugly bitch who married her husband for the money and I knew I could get to fall head over heels [sic] for me.” (Shallenberger later committed suicide in prison.)

A psychologist who interviewed Shallenberger reported that he “boasted of dreams of becoming a 'hitman' for the Mafia.” Teresa, on the other hand, bungled attempts to retrieve her husband's cash and insurance after the murder, including presenting an obviously forged check to the bank. When she was questioned by police, she could not tell a straight story and quickly confessed her involvement, alerting police to Shallenberger and Fuller.

Rodney Fuller, Shallenberger's accomplice in the murders, agreed that Teresa was a follower, not a leader: “It seemed to me that Mrs. Lewis would do just about anything Shallenberger asked her to do. As between Mrs. Lewis and Shallenberger, Shallenberger was definitely the one in charge of things, not Mrs. Lewis.”

Since being sent to death row, Teresa Lewis has been remorseful and a model inmate. A prison chaplain noted that Teresa held steadfastly to her faith and shared her love and support with women in the cells around her. Prison officials have talked about her singing hymns in her cell that calmed the entire wing.

Lynn Litchfield, the former chaplain in Virginia where Lewis is being held, recently described her in *Newsweek's* "My Turn" section:

Teresa seemed meek, almost pliant. When I hugged her—the only hug we ever shared—she was so grateful. She didn't look like a remorseless killer, a “mastermind” who plotted two murders, as the judge put it (her original lawyers did little to dispute this image). In one of our

sessions, she collapsed into great soul-shattering, body-heaving sobs and cried into my wrist, the only part of me I could get through the slot in the door.

In addition to a clemency petition to Governor Robert McDonnell, Lewis's lawyers have asked the Supreme Court for a stay of execution while it considers her legal petition. Virginia sets execution dates before the Supreme Court decides whether it will take a case, making a petition for a stay necessary so the Court can give reasonable consideration to her issues.

Before the Court, Lewis's attorneys assert that she pleaded guilty in order to allow the judge determine her sentence. Virginia law required that in order to have a judge, rather than a jury, she had to waive her right to a jury throughout the process, including the determination of whether she was eligible for the death penalty. Whether that is a constitutional deprivation of her right to trial is an arguable issue deserving more time.

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