

# URGENT ACTION

## INMATE WITH MENTAL ILLNESS FACES EXECUTION

**A 32-year-old African American man, Marcus Druery, is due to be executed in Texas on 1 August for a murder committed in 2002. He has repeatedly been diagnosed as having schizophrenia, with his symptoms including delusions and auditory hallucinations.**

**Marcus Druery** was sentenced to death in December 2003 for the murder of Skylyer Browne, a fellow student at Texas State Technical College in Waco. Skylyer Browne was shot dead in Bryan, Texas, on 30 October 2002. Marcus Druery's lawyers are seeking a full court hearing on the question of his "competency" for execution under US law, that is, whether he has a rational understanding of the reason for and reality of his impending execution. They have presented compelling evidence that Marcus Druery suffers from serious mental illness, including paranoid schizophrenia, and that his symptoms include delusions and auditory hallucinations.

The Texas prison authorities have themselves diagnosed Marcus Druery as suffering from serious mental illness. In 2009 he was diagnosed with schizophrenia and held in the prison's psychiatric unit for inpatient treatment. It was noted around this time that he was suffering from auditory hallucinations and "psychotic ideations", including his belief that he had a "one month sentence". During 2009, he began referring to something he called "options", but what he means remains unclear. During 2010, various mental health staff noted on a number of occasions that his thought processes were "paranoid", "delusional" and "illogical", and the schizophrenia diagnosis was reaffirmed. In written grievances filed with the prison authorities during the year, Marcus Druery complained about his body having been "silently tampered with", he believed he was being held "even after countless options were granted", that he had been "wired in 2008" stating "I'm continually held for no reason in a cell w/[with] wires in it where everything I say & do can be heard & everything I say recorded...It is very dangerous to be in any prison wired up like that. There have been countless injuries sustained to myself because of this whole situation. My freedom NEEDS to be more IMMEDIATELY IMMEDIATE!!!" He has continued to assert that he has been "wired".

In May 2012, a neuro-psychologist specializing in schizophrenia and retained by the defence lawyers conducted an interview and examination of Marcus Druery. She concluded that he suffers from paranoid schizophrenia, that this mental disorder emerged in his mid to late 20s, and that "the severity and nature" of his illness "deprive him of a rational understanding of the connection between his crime and punishment". On 24 July, a Texas trial-level judge denied a motion to hold a full hearing on the competency issue. The decision is being appealed.

**Please write immediately, in English or your own language, citing Marcus Druery's Inmate No. #999464:**

- Explaining that you are not seeking to excuse the murder of Skylyer Browne or to downplay the suffering caused;
- Noting the evidence of Marcus Druery's serious mental illness, including diagnoses by prison authorities;
- Expressing concern that no court has considered the merits of the claim of incompetence for execution;
- Opposing the execution of Marcus Druery and calling on the Board of Pardons and Paroles and Governor Rick Perry to ensure that the execution is halted in the event that a stay is not forthcoming from the courts.

**PLEASE SEND APPEALS BEFORE 1 AUGUST 2012 TO:**

**Clemency Section, Texas Board of Pardons and Paroles**

8610 Shoal Creek Blvd. Austin, TX 78757-6814

USA

Fax: 011 1 512 467 0945

Email: [bpp-pio@tdcj.state.tx.us](mailto:bpp-pio@tdcj.state.tx.us)

Salutation: Dear Board members

**Governor Rick Perry**

Office of the Governor,

PO Box 12428, Austin, Texas 78711-2428

USA

Fax: 011 1 512 463 1849

Salutation: Dear Governor

Please check with AIUSA Urgent Action Office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

In *Ford v. Wainwright* in 1986, the US Supreme Court affirmed that the execution of insane prisoners violates the US Constitution's Eighth Amendment ban on "cruel and unusual punishments". However, the *Ford* ruling did not define competence for execution, nor did a majority of the Court mandate specific procedures to be followed by the individual states to determine whether an inmate was legally insane. The result was the adoption of different standards in different states, judicial uncertainty, and minimal protection for seriously mentally ill inmates (see USA: The execution of mentally ill offenders, January 2006, <http://www.amnesty.org/en/library/info/AMR51/003/2006/en>).

In a 5-4 decision issued on 28 June 2007, *Panetti v. Quarterman*, involving the case of a Texas death row inmate who had long suffered from serious mental illness (and remains on death row today), the US Supreme Court acknowledged that its *Ford* decision 21 years earlier had "not set forth a precise standard for competency" and had discussed the standard "at a high level of generality". However the Court noted that the various Justices' opinions that made up the *Ford* ruling "nowhere indicate that delusions are irrelevant to comprehension or awareness if they so impair the prisoner's concept of reality that he cannot reach a rational understanding of the reason for the execution." The Court said that "a prisoner's awareness of the State's rationale for an execution is not the same as a rational understanding of it. *Ford* does not foreclose inquiry into the latter". To refuse to consider evidence of a prisoner's mental illness-related delusions "preventing him from comprehending the meaning and purpose of the punishment to which he has been sentenced", the Court said, was to "mistake *Ford*'s holding and its logic". It said that "gross delusions stemming from a severe mental disorder may put an awareness of a link between a crime and its punishment in a context so far removed from reality that the punishment can serve no proper purpose".

In January 2011, Marcus Druery was again transferred to the psychiatric unit in the prison where he is housed. The report from that time includes the following: "The patient is not sure why he is here, he doesn't believe he has any mental problems... He said he did not know which attorney is working on his case, he had options on his case. Asked if he was on death row, he said he was not sure. He says he is not supposed to be on death row, he was found innocent, they threw out his case but did not release him. They are people trying to bring it back. He also received a settlement, he is supposed to get a hundred thousand something a month and a luxury car but evidently there are people interfering with this". The clinician again described the prisoner's thought processes as "delusional" and "paranoid", and a new diagnosis of schizophrenia was subsequently made.

The neuro-psychologist who examined Marcus Druery in May 2012 concluded that she was confident that Marcus Druery's "delusional ideas pervade and distort his understanding of his current legal situation and his present circumstances. Because of his inflexible, psychotic, and delusional interpretation of his circumstances, Mr Druery does not have the capacity to rationally understand the connection between his crime and his punishment."

In its 2007 *Panetti* ruling, the US Supreme Court acknowledged that "a concept like rational understanding is difficult to define". In the *Ford* ruling two decades earlier, four of the Justices had similarly noted that although "the stakes are high", the evidence of whether a prisoner is incompetent for execution "will always be imprecise". In other words, there will always be errors and inconsistencies, at least on the margins. Where the courts fail to provide a remedy for injustice, the power of executive clemency should be exercised. Amnesty International opposes the death penalty unconditionally in all cases. Today, more than 140 countries are abolitionist in law or practice. In the USA there have been 1301 executions since executions resumed there in 1977. Texas accounts for 483 of these executions. There have been 24 executions in the USA so far in 2012, six of them in Texas.

**Name:** Marcus Ray Tyrone Druery (m)  
**Issue(s):** Death penalty, Health concern

**UA:** 223/12  
**Issue Date:** 25 July 2012  
**Country:** USA