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Supreme Court Blocks Execution of Delusional Killer

By [RALPH BLUMENTHAL](#)

HOUSTON, June 28 — Amplifying its ban against execution of the insane, a closely divided [United States Supreme Court](#) on Thursday overturned the death sentence of a delusional [Texas](#) murderer who insisted that he was being punished for preaching the Gospel.

In a rebuke to lower courts, the justices ruled 5 to 4 that the defendant, Scott Louis Panetti, had not been shown to have sufficient understanding of why he was to be put to death for gunning down his wife's parents in 1992.

The court, acting on the last day of the 2006-7 term, declined to lay out a new standard for competency in capital cases. But it found that existing protections had not been afforded.

Justice [Anthony M. Kennedy](#) provided the swing vote, joined by the court's liberal wing: Justices [John Paul Stevens](#), [David H. Souter](#), [Ruth Bader Ginsburg](#) and [Stephen G. Breyer](#).

The justices referred the case back to a federal district court to re-evaluate Mr. Panetti's claims of insanity. They said the district court, Texas courts and the United States Court of Appeals for the Fifth Circuit, in New Orleans, had all failed to assess those claims properly.

In a stinging dissent, Justice [Clarence Thomas](#) called the ruling "a half-baked holding that leaves the details of the insanity standard for the district court to work out." He was joined in the minority by Chief Justice [John G. Roberts Jr.](#) and Justices [Antonin Scalia](#) and [Samuel A. Alito Jr.](#)

Gregory W. Wiercioch, a staff lawyer for the Texas Defender Service who argued Mr. Panetti's appeal before the justices in April, hailed the decision as "reaffirming and strengthening the grounds for proving incompetence" and said it "put the bite back into a standard that the Fifth Circuit had rendered essentially meaningless."

Larry Cox, executive director of [Amnesty International](#) USA, said, "The Supreme Court has taken a much-needed step toward a more humane America."

But the solicitor general of Texas, Ted Cruz, who had defended the sentence before the court, said the state would continue to seek Mr. Panetti's execution.

"Unfortunately, today's 5-to-4 decision will invite abuse from capital murderers, subject the courts to numerous false claims of incompetency and even further delay justice for the victims' families," Mr. Cruz said.

"Texas," he added, "will now return for further proceedings" in the lower courts, "where we will continue working to carry out the jury's unanimous capital sentence for Scott Louis Panetti's premeditated double homicide."

Mr. Panetti, 49, is on death row in the East Texas town of Livingston. He has won periodic delays of execution — he came within a day of being put to death by lethal injection in 2004 — but court decisions against his appeals have added to protests against capital punishment in Texas, where 397 people, more than in any other state, have been executed since the Supreme Court allowed resumption of the death penalty in 1976.

A schizophrenic who served as his own lawyer in court and mounted an often incoherent defense, Mr. Panetti claimed that his body had been taken over by an alter ego he called Sarge Ironhorse and that demons were bent on killing him for his Christian beliefs.

In a prison interview last November, Mr. Panetti, clutching verses from Scripture, declared, "The Devil has been trying to rub me out to keep me from preaching." He tried to strip off his prison uniform to show scars from burns that he said [John F. Kennedy](#) healed with coconut milk after the sinking of Kennedy's torpedo boat in the Pacific in World War II.

In April, the Supreme Court narrowly reversed three other Texas death sentences as contrary to its evolving jurisprudence on capital punishment. As in those cases, Thursday's ruling found reversible error by Texas courts and the Fifth Circuit.

In 1986, the Supreme Court ruled in *Ford v. Wainwright* that the Constitution barred the execution of the mentally ill. But the standard for determining competency was not laid out beyond Justice Lewis F. Powell's concurring opinion that the Eighth Amendment's ban on cruel and unusual punishment required that a defendant who is to be executed be able to recognize the relationship between his crime and his sentence.

The Fifth Circuit found that Mr. Panetti had a minimal understanding of the connection. But the justices said that he was so delusional that a minimal understanding was not sufficient, and that he had been denied opportunities for fully presenting his case for insanity.

The trial court that sentenced him “failed to provide the procedures to which petitioner was entitled under the Constitution,” the majority said, calling the procedures that the court did provide “so deficient that they cannot be reconciled with any reasonable interpretation of the ‘Ford rule.’ ”

The Panetti case has a long and tangled history dating from the day 15 years ago when Mr. Panetti shaved his head, donned combat fatigues and, in front of his estranged wife and their 3-year-old daughter, shot to death the wife’s parents, Joe and Amanda Alvarado, in the Hill Country town of Fredericksburg.

During the previous decade, medical records showed, Mr. Panetti had been hospitalized 14 times for schizophrenia, manic depression, hallucinations and delusions of persecution. Claiming to have seen visions of the Devil, he nailed shut the curtains of his house, buried his furniture and threatened to kill his family.

One Texas jury deadlocked on his competence to stand trial, but a second jury found him sane enough. Proclaiming himself healed by God as “a born-again April fool,” he refused further antipsychotic medication, dismissed his lawyers and won approval from the trial judge, Stephen B. Ables, to represent himself in court in 1995.

He appeared with a Tom Mix cowboy hat slung over his back, wearing purple western shirts and cowboy boots. He tried to subpoena Jesus and repeatedly ignored Judge Ables’s orders. But it was his often brutal cross-examination of his estranged wife, Sonja, forcing her to relive the murders in graphic detail, that clearly terrified the jurors, who convicted him in 90 minutes and sentenced him to death.

Afterward, Dr. F. E. Seale, a psychiatrist who treated Mr. Panetti in 1986, voiced revulsion.

“I thought to myself, ‘My God, how in the world can our legal system allow an insane man to defend himself?’ ” Dr. Seale said. “ ‘How can this be just?’ ”

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