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New Nationwide Poll Shows Americans Oppose Death Penalty in Cases where Person has Mental Illness By 2-1 Margin

Scott Panetti, a Schizophrenic Man, Scheduled for Execution this Wednesday in Texas; Today's Poll Adds to Emerging National Consensus Against Executions in Cases Like Scott Panetti's

(Chapel Hill, NC, December 1, 2014) A new poll by Public Policy Polling released today found that Americans oppose the death penalty for persons with mental illness by a margin of 2 to 1. Fifty-eight percent of respondents said they opposed the death penalty for persons with mental illness, while only 28% favored it. Opposition was consistent across all political parties, with a majority of Democrats (62%), Republicans (59%), and Independents(51%) all indicating they opposed the death penalty for the mentally ill, and across all regions of the country. Respondents from the Midwest showed the strongest opposition with 64% saying they opposed the death penalty for the mentally ill, followed by the West with 61% opposed, and the South and Northeast--both with 55% opposed.

The new poll can be accessed

here: https://drive.google.com/file/d/0B1LFfr8Iqz_7R3dCM2VJbTJiTjVYVDVodjVVSTNjBhgXZW1B/view

Opposition to the death penalty for persons with mental illness was also strong across both genders, and all income and education levels.

The survey of 943 registered voters was conducted on November 24-25, 2014 and has a margin of error of +/- 3.1. The survey was commissioned by Robert Smith, an assistant professor of law at the University of North Carolina at Chapel Hill. (Include link to poll results document/spreadsheet?)

"Today's important polling is part of significant new research which clearly shows an emerging consensus against using capital punishment in cases where the defendant is mentally ill," said Professor Smith. "The poll joins other new data demonstrating that sentencing trends are down across the country for death-eligible defendants with severe mental illness. Combining this public polling, sentencing practices, and the recommendations of the mental health medical community, it's clear that a consensus is emerging against the execution of a person like Scott Panetti, who suffers from a debilitating illness which is similar to intellectual disability in that it lessens both his culpability and arguable social value of his execution."

Mr. Panetti, who has been diagnosed with both schizophrenia and schizoaffective disorder for over three decades, was permitted to represent himself at his capital trial in

Kerrville, TX in 1995. Acting as his own counsel, Mr. Panetti appeared at his capital trial in a cowboy costume and attempted to call over 200 witnesses, including living and dead celebrities, to the stand. He declined to accept a plea deal that would have spared his life, and was sentenced to death. Mr. Panetti is scheduled to be executed on Wednesday, December 3rd at 6 p.m. Central time.

In Mr. Panetti's most recent habeas petition, which was denied on Wednesday, November 26, 2014 in a split decision by the Texas Court of Criminal Appeals (link: <https://drive.google.com/file/d/0BxR5nee8pBYQRWZpbWdQZkV3d0xRTFI2RWE3M21WZXcyYlQ0/view>), attorneys cited new research from a forthcoming empirical study that actual sentencing practices reveal an emerging consensus against use of the death penalty in cases where the defendant has severe mental illness. The new research, which examines the capital sentencing practices of 7 states, finds that only “5 out of 68, or 7.35% of defendants found [guilty but mentally ill] have been sentenced to death.” (p. 45)

Furthermore, “the most recent instance in which a defendant found [guilty but mentally ill] was sentenced to death took place at least 20 years ago,” and none of those defendants has been executed. (pp. 45-46)

For more information about today’s poll or if you would like to speak with Professor Smith or the attorneys representing Scott Panetti, please contact Laura Burstein at: Laura.Burstein@Squirepb.com<mailto:Laura.Burstein@Squirepb.com>

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