



Statement of Scott Panetti's Attorney re: Fifth Circuit's Decision to Uphold District Court's Ruling that Mr. Panetti is Competent to be Executed

“Scott Panetti believes that Texas plans to execute him to prevent him from preaching the gospel and saving souls on death row. He is a severely mentally ill man who was hospitalized over a dozen times in the decade preceding the offense. At his trial, Mr. Panetti represented himself wearing a cowboy suit and attempted to subpoena Jesus and John Kennedy. Mr. Panetti is insane. Executing him would violate the Eighth Amendment's prohibition on cruel and unusual punishments.

“In 2007, the U.S. Supreme Court held that Mr. Panetti, as a mentally ill individual, could not be executed if he lacked a rational understanding of why he is being put to death and the effect of the death penalty. The Fifth Circuit Court of Appeals and the U.S. District Court for the Western District of Texas have simply refused to follow the Court's ruling. The federal district court recognized that the ‘rational understanding’ test was the correct legal standard, but failed to apply the standard to Mr. Panetti. The Fifth Circuit compounded the error by applying a standard the Supreme Court has squarely rejected: that the individual need only have a bare ‘factual awareness’ that he is going to be executed and the State's stated reason for the execution.

“The Supreme Court has directed the lower courts to determine an individual's rational understanding of his punishment, the reason for it, and the role delusions play in preventing or distorting his understanding to the point where the execution no longer serves the purposes of punishment and instead violates the Eighth Amendment. The Fifth Circuit and the district court failed to do the required work in Mr. Panetti's case.”

- *Kathryn Kase, Attorney for Scott Panetti and Executive Director
of Texas Defender Service
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