

Federal court puts Florida execution of paranoid schizophrenic on hold

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A federal court has put the execution of Florida death row inmate John Ferguson on hold, scheduling arguments for this coming Friday on whether he is insane and therefore ineligible for the death penalty. Ferguson's defense has argued for decades that he is mentally ill and suffers from paranoid schizophrenia, and that his execution would constitute "cruel and unusual punishment."

The Saturday ruling by U.S. District Court Judge Daniel T.K. Hurley came three days after the Florida Supreme Court upheld a lower state court ruling that Ferguson was sane and could be put to death. After the state Supreme Court ruling, Florida Governor Rick Scott, a Republican, signed a death warrant for Ferguson, with his execution set for October 23.

Ferguson, now 64, was convicted of killing eight people in 1977 during a home invasion in Dade County, Florida. He was also convicted separately of the murders of two teenagers in 1978. Ferguson has been on death row since 1978. The murders were committed shortly after he was released from a mental hospital against the warnings of state-appointed psychiatrists. His lawyers contend that their client suffers from paranoid schizophrenia and is therefore ineligible for the death penalty.

The Eighth Amendment to the US Constitution, part of the 1791 Bill of Rights, prohibits "cruel and unusual punishments." In recent decades, including in *Panetti v. Quarterman* (2007), the US Supreme Court has held that it violates the Eighth Amendment for criminal defendants to be executed if they do not understand the reason for their imminent execution. Accordingly, once an execution date has been set, death row inmates have the right to litigate their competency to be executed in habeas corpus proceedings.

In a news release following the federal court's

halting of the execution, Ferguson's attorney Chris Handman stated, "In order for the state to execute him, Mr. Ferguson must have a rational understanding of the reason for, and effect of, his execution. A man who thinks he is the immortal Prince of God and who believes he is incarcerated because of a Communist plot quite clearly has no rational understanding of the effect of his looming execution and the reason for it."

Before Saturday's federal court ruling, Ferguson's attorneys had appealed to the Florida Supreme Court to halt the execution. That court instead affirmed decisions of the lower Florida courts that Ferguson is competent to be executed. Bradford County Eighth Judicial Circuit Judge David Glant found the testimony of experts attesting to Ferguson's mental state "credible and compelling," and ruled that the death row inmate's delusions were "genuine." However, he ruled that Ferguson was competent for execution because his beliefs were in keeping with Christian teachings.

Judge Glant concluded that Ferguson's delusions represented a "relatively normal Christian belief, albeit a grandiose one." He said, "There is no evidence in the record that Ferguson's belief as to his role in the world and what may happen to him in the afterlife is so significantly different from beliefs other Christians may hold so as to consider it a sign of insanity."

In its 2007 ruling in *Panetti*, the US Supreme Court found that Texas death row inmate Scott Panetti suffered from a schizoaffective disorder, leading him to believe that the state wanted him dead to stop him from preaching. He was sentenced to death for the 1992 killing of his mother-in-law and father-in-law. The high court found that although Panetti recognized the factual rationale behind his death sentence, a "prisoner's awareness of the State's rationale for an execution is not the same as a rational understanding of it."

Like Panetti, John Ferguson believes that the state wants him dead as part of a conspiracy and “hardening process,” not because of the crimes he has committed. Neuropsychiatry expert George W. Woods, who has examined Ferguson three times in the last year, has stated that the death row prisoner believes “the guards [are] soldiers and communists” who are “going to kill him because they know he is the prince of God and that he has the power and can control the sun.” Ferguson also believes “he has more power than Jesus,” Woods said.

Judge Hurley has scheduled three hours on Friday for oral arguments in Ferguson’s case. The court could set aside his execution or rule that he is competent to be put to death. In that case, Ferguson’s attorneys can be expected to continue their client’s appeal to the US Supreme Court.

The state of Florida has executed two people so far this year. Since the US Supreme Court reinstated the death penalty in 1976, the state has sent 73 prisoners to their deaths, the fourth highest of those US states that practice capital punishment. Since 1973, 23 death row prisoners in Florida have been exonerated due to evidence of their innocence, the most of any state.



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