Texas executes Tracy Beatty, a mentally ill man denied access to mental health testing

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10 November 2022

Texas executed Tracy Beatty on Wednesday, November 9, after the US Supreme Court declined to grant him a stay of execution. He was the fourth prisoner to be put to death in Texas this year and the thirteenth in the US. Beatty's execution had been rescheduled on three previous occasions.

The Supreme Court declined to review Beatty's challenge to the Texas Department of Criminal Justice's refusal to un-handcuff the mentally ill and brain-damaged death-row prisoner so that mental health experts could conduct testing that his lawyers argued was necessary to demonstrate his mental incompetence.

Beatty, 61, was convicted and sentenced to death in 2004 for the 2003 murder of his mother, Carolyn Click, 62, and the burying of her body outside her mobile home in Whitehouse, 115 miles southeast of Dallas. According to authorities, he then spent her money on drugs and alcohol.

The condemned prisoner received a lethal injection of the sedative pentobarbital through needles inserted into veins in his wrists at the state penitentiary in Huntsville.

Newsweek wrote: "As the powerful sedative took effect, he took two deep breaths, mumbled something unintelligible, and began to snore. A physician pronounced him dead 17 minutes later," at 6:39 p.m. local time.

The Associated Press reported that after being asked by the warden if he had a final statement, Beatty began sobbing as he addressed his wife, who looked into the death chamber from a window a few feet away.

According to a transcript from the Texas Department of Criminal Justice, he said: "Yes, I just want to thank … I don't want to leave you baby [addressing his wife], see you when you get there. I love you. Thank you to all my brothers back on the unit for all the encouragement to help get my life right. Sunny, Blue I love you brothers."

The Supreme Court, in a one-paragraph ruling, denied without comment or any noted dissent Beatty's plea for a stay of execution. In the same summary order, the high court denied Beatty's petition for a writ of certiorari, which would have allowed him to seek judicial review of a decision of a lower court.

In 2021, the Texas Department of Criminal Justice began allowing prisoners to be unshackled during an evaluation by experts if a court granted permission. Beatty's defense counsel had presented evidence to the Supreme Court that their client suffered from paranoid schizophrenia and had been experiencing hallucinations and delusions.

Federal judges in East Texas and Houston had declined to order the Texas prisons to free Beatty's hands so he could complete routine neuropsychiatric and neuropsychological tests, saying the federal courts had no jurisdiction to intervene.

Defense mental experts, who had documented numerous indicators of brain impairment that they said made testing necessary, therefore could not complete the mental health evaluations they had been retained to conduct. The experts argued that having the inmate uncuffed during neurological and other tests was crucial to coming to an informed decision about his mental health.

Beatty's lawyers said the federal court rulings, upheld by the Court of Appeals, "leaves petitioners with the right to paid service providers but no right to any services," rendering the federal law authorizing capital defense services "meaningless as a practical matter."

US District Judge Charles Eskridge in Houston last week claimed requiring handcuffs during such an

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evaluation was “quite simply, a rational security concern.”

The federal court rulings were upheld by the US Court of Appeals for the Fifth Circuit in New Orleans. On Monday, the Texas Board of Pardons and Paroles unanimously declined to commute Beatty’s death sentence to a lesser sentence or to postpone it for six months.

The district court judge ruling in Beatty’s case cited a lack of jurisdiction in turning down his defense’s request to have his hands unshackled for a mental evaluation in September.

Beatty’s attorneys wrote in court documents: “If Mr. Beatty is shackled and unable to participate in these evaluations, his ability to seek available remedies will be harmed.”

The defense attorneys also wrote in a court document that an expert who had examined Beatty said he “is clearly psychotic and has a complex paranoid delusional belief system,” and that he was living in a “complex delusional world” where he believes there is a “vast conspiracy of correctional officers who … ‘torture’ him via a device in his ear so he can hear their menacing voices.”

The US Supreme Court has prohibited the death penalty for intellectually disabled individuals, but it has not barred this punishment for those with serious mental illness.

Beatty’s lawyers had previously argued that their client was ineligible for the death penalty because he had not committed capital murder. Under Texas law a defendant can be found guilty of capital murder if a murder occurs during the commission of a separate felony.

Prosecutors had argued that his crime qualified as capital murder because Beatty also committed burglary by entering the residence without permission, assaulting his mother and taking property from the home.

The prosecution’s theory, however, was based on the hearsay testimony of a neighbor who told the jury that Click, Beatty’s mother, told her that she and Beatty had had an argument and that she had told him to move out.

In a dissenting opinion in an appeal before the Texas Court of Criminal Appeals, Judge Cheryl Johnson said that another neighbor had testified that Click and Beatty argued daily and that she had told him to move out numerous times, but that she had allowed him to stay in the home after these arguments.

The judge wrote in her dissent: “The evidence of entry without consent in this case is thin, and the evidence of intent to commit a felony, theft, or assault even thinner. … There is no doubt that [Beatty] killed Click; the issue is whether the burglary was proven and thus whether the offense is capital murder or murder.”

A majority of the appeals court argued that a “rational jury could infer that [Beatty] was angry after Click told him to get out and that he entered Click’s house with intent to assault her again or kill her, or at least take some of her money or her possessions.”

Six executions are scheduled for 2023 in Texas, according to the Death Penalty Information Center. Since the Supreme Court reinstated the death penalty in 1976, Texas has sent 577 prisoners to their deaths, more than any other US state. Those executed include 571 men, 6 women, the intellectually disabled and seriously mentally ill, foreign nationals not assured their consular rights, and those sentenced to death for crimes committed as juveniles.

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