

URGENT ACTION

MENTAL COMPETENCE IN DOUBT AS EXECUTION SET

Jack Greene, aged 62, is scheduled to be executed in Arkansas on 9 November. His lawyers assert his execution would be unconstitutional because he has a psychotic disorder preventing him from having a rational understanding of his punishment.

Jack Greene was convicted in 1992 of the 1991 murder of Sidney Burnett. Experts have diagnosed him with a psychotic disorder, including delusional beliefs of a conspiracy between his lawyers and the state. His lawyers say his mental disability has worsened since 2004, a year after the prison authorities moved him to Varner Supermax Unit, and to a 12 x 7.5 feet (3.6 x 2.3m) cell behind a solid steel door. According to his lawyers, he has spent the past 14 years “in almost constant isolation, rarely leaving his cell, even for attorney visits”.

Over the years, Jack Greene has written to courts complaining of a conspiracy between his lawyers and state officials to physically injure him as a way to prevent him being returned to his home state of North Carolina. In 2008 for example, he wrote that “US Presidential Candidate prior Ark. Gov. Mike Huckabee and prior att. Gen. Ark. gov. Mike Beebe, both with political knowledge of appointed and retained attorney’s, prior or current in their illicit influence of bias senior Ark. Dept. of Corrections staff to have expedited by racial black staff of Ark. death row to inflict constant re-injury to brain with concussion, destroying all thirty one (31) paired neurological spinal nerves...” Medical examinations have provided no signs of the physical injuries Jack Greene claims.

His lawyers state that Jack Greene’s mental disability “has manifested itself through bizarre physical behaviour. Greene frequently contorts his body, lies on the floor, and stands on his head in an effort to prevent his perceived physical pain. He usually has paper or his finger stuck up his nose and ears. This often causes his nose to bleed, leaving his face covered in blood. Greene has told his attorneys and others that he has to use his toilet as a desk... Greene eats his meals out of the sink.” Correctional staff have noted delusional and bizarre behaviour.

In September 2017, a psychiatrist retained by Jack Greene’s lawyers concluded that Jack Greene “suffers from a psychotic disorder” characterized primarily by “somatic delusions and persecutory delusions” and that “Mr Greene understands his execution to be yet another step in an all-encompassing scheme to physically harm him”. The psychiatrist notes that Jack Greene’s history “reveals several key risk factors for the development of psychotic disorder”, including “an extensive family history of severe mental illness”, “extreme poverty”, “prolonged exposure to severe childhood trauma”, “traumatic brain injury”, “a history of self-harm”, and “ongoing solitary confinement”. In October 2017, another psychologist retained by Jack Greene’s lawyers agreed with this assessment and diagnosed him with delusional disorder. This psychologist writes, “Because Mr. Greene has incorporated his execution into his persecutory and somatic delusions, he does not have a rational understanding of his execution.”

Please write immediately in English or your own language:

- Calling for the execution of Jack Greene to be halted and his death sentence commuted;
- Noting the expert evidence that Jack Greene’s serious mental disability prevents him from having a rational understanding of his punishment, which would render his execution unconstitutional.

PLEASE SEND APPEALS BEFORE 9 NOVEMBER 2017 TO:

Governor of the State of Arkansas

The Honorable Asa Hutchinson

State Capitol, Suite 250, 500 Woodlane St, Little Rock, AR 72201, USA

Fax: +1 501 682 3597

Email: <http://governor.arkansas.gov/contact-info/> (use US detail) *AI USA’s New York contact details: 5 Pennsylvania Plaza, New York, NY 10001, Telephone 212 807 8400; or*

info@governor.arkansas.gov (asking for email to be forwarded to governor)

Salutation: **Dear Governor**

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY WOODY JOHNSON, Embassy of the United States of America, 24 Grosvenor Square W1A 6AE, tel: 020 7499 9000, *There is at present no general embassy email address*

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The murder of Sidney Burnett in Arkansas occurred a few days after Jack Greene's brother was shot dead in their home state of North Carolina. Jack Greene was convicted and sentenced to life imprisonment in North Carolina for the murder of his brother. That conviction was overturned on appeal. Meanwhile, he was extradited to Arkansas under an agreement that he would be returned to North Carolina if the prosecution in Arkansas "be terminated in any manner other than by the imposition of a judgment and sentence of death". In Arkansas, Jack Greene's 1992 death sentence was overturned on appeal in 1994. He was re-sentenced to death in 1996. He made multiple attempts to drop his appeals, but the Arkansas Supreme Court refused to allow it. In 1998, the same court overturned the death sentence for a second time. At a resentencing in 1999, he was again sentenced to death. He again attempted to waive his appeals; this time his waiver was accepted. His execution, set for 14 December 1999, was stayed by the Arkansas Supreme Court based on its ruling in another case that death penalty cases should receive an automatic appeal. In 2001, the Court affirmed Jack Greene's death sentence.

In October 2004, Jack Greene's lawyers filed a claim that he had intellectual disability and that his execution would therefore be unconstitutional. At a hearing in federal court in 2010, Jack Greene testified, over the objection of his lawyers, that he wished to withdraw the claim. The judge noted that "Greene was transported to the courtroom in a wheelchair. Greene's body appeared contorted, and he had enormous difficulty standing and controlling his body movements. Greene has written affidavits and other writings, some dated as early as 2005, complaining that prison employees torture him by constantly slamming the trap door to his cell. According to Greene's writings, the constant slamming causes him to suffer intense ear pain and has damaged his nervous system and spinal cord." Jack Greene told the judge: "between the Department of Corrections and this Federal Public Defender's Office, they have wasted hundreds of thousands of dollars to try to cover up these crimes against humanity here." The judge asked: "What crimes against humanity?" to which Jack Greene replied: "To inflict a person with such injuries that force a person to live with such injuries, and then spend untold thousands and thousands of dollars to try to validate making me out to be a retard just to try to cover it up. I live like this every moment of the day, 24/7. It's all I can do to keep from dying from these injuries to my brain that has destroyed my central nervous system." At a competency hearing in 2011, the defence presented a neuropsychologist and a neuropsychiatrist who testified that Jack Greene was incompetent to waive his intellectual disability claim as a result of his mental disability, including a psychotic disorder involving delusional beliefs. For the state, a psychologist testified that in her opinion Jack Greene was competent, while acknowledging as atypical his "behaviour of twisting and contorting his body, standing on his head, and plugging his ear."

In September 2017, Jack Greene wrote to the Governor's chief counsel, asking that the Governor order his return to North Carolina: "when ever I wouldn't stop forcing the legal issues of my return to N. Carolina, as drafted within the 'Executive Agreement' between the State of Arkansas and North Carolina, of my 'Extradition', the Ark. Dept. of Corrections, then criminally inflicted me, and endlessly since July 5th 2004 with pre-cussion concussion brain troma [sic] injuries with the total destruction of my entire neurological nerve system that has forced me to live for the past 13-yr's, all crippled maimed and tortured and endure and suffer 24/7 so inhumanly, unable to even walk etc., described within pages 40-41-42 of such pro-long symptoms of such inhumane maim and torture since July 5th 2004."

Under US constitutional law, the execution of those who do not have a rational understanding of the reason for or reality of their punishment is prohibited. International law and standards hold that the death penalty not be imposed or carried out on people with mental or intellectual disabilities. This applies whether the disability was relevant at the time of the crime or developed after the person was convicted. Amnesty International opposes the death penalty unconditionally. There have been 1,463 executions in the USA since 1976, 31 in Arkansas. There have been 21 executions this year, four in Arkansas, the first since 2005.