

URGENT ACTION

DELUSIONAL DISORDER DIAGNOSED, EXECUTION SET
William Morva, a 35-year-old US-Hungarian national, is due to be executed in Virginia on 6 July. A psychiatrist has diagnosed him with delusional disorder, and concluded that this contributed to the crimes for which he was sentenced to death. The jury was not told that he had this serious mental disability.

By August 2006, **William Morva**, then 24, had been in Montgomery County Jail in Virginia for a year awaiting trial on attempted robbery and other charges. During this time, the jail was operating at two to three times its capacity, was severely overcrowded and its provision of medical and mental health care was inadequate. William Morva's psychological condition worsened and he believed that his physical health was deteriorating drastically and threatening his life. During the year, he had expressed this to various people in a number of letters from the jail.

On 20 August, jail staff transported William Morva to hospital after he said he needed medical attention. While there, he attacked the deputy assigned to accompany him, took his gun, and as he escaped shot an unarmed hospital security guard, Derrick McFarland. On 21 August, Sheriff's Deputy Corporal Eric Sutphin, responding to a sighting of William Morva, was shot and killed. Later that day, police found William Morva lying in a grassy ditch. He was arrested, charged with capital murder, and convicted in 2008. At the sentencing phase the defence presented a psychiatrist and a neuropsychologist who testified that the defendant had a personality disorder that did not rise to the level of a serious mental disability. They told jurors that William Morva had odd beliefs but that he did not experience delusions. The jury voted for death.

In 2012, a psychologist reviewed all available materials, including William Morva's family history of "extensive and severe mental illness" which included diagnoses of delusional disorder, schizophrenia, and obsessive-compulsive disorder. The psychologist was critical of the expert assessments conducted for the trial, concluding that none had identified or detailed the mitigating impact of, among other things, William Morva's persistent "somatic, paranoid, and grandiose delusions", and a "clear history of psychiatric deterioration" prior to the crime. He concluded that William Morva's somatic delusions in particular "may have formed a nexus with the crimes in that he apparently believed he was dying because of his 'ailments' – seemingly motivating his escape attempt." In 2014, a court-appointed psychiatrist conducted an evaluation, and diagnosed William Morva as having delusional disorder, persecutory type. She opined that he committed his crimes as a result of the delusions he was experiencing. She advised that he be treated with medication, and concluded that he was "not able to assist his attorneys". Although this evidence was presented on appeal, procedural rules prevented the court from deciding whether William Morva had this mental disability and whether his crimes were a product of it. A 6 July execution date has been set.

Please write immediately in English or your own language:

- Calling for commutation of William Morva's death sentence and medical care for his mental disability;
- Noting the diagnosis of delusional disorder, but that the jurors were told he had a less serious mental disability and did not experience delusions, denying them a full picture of who they were being asked to sentence;
- Explaining that you are not seeking to downplay the seriousness of violent crime or its consequences.

PLEASE SEND APPEALS BEFORE 6 JULY 2017 (by 22 JUNE if possible, in case of early decision) TO:

Governor Terry McAuliffe, Common Ground for Virginia, P.O. Box 1475, Richmond, VA 23218, USA

Fax: +1 804-371-6531

Email (via website): <https://governor.virginia.gov/constituent-services/communicating-with-the-governors-office/> (**NB** this requires an address in the USA, please use AIUSA's address: AI USA: 5 Penn Plaza, 16th Floor, New York, NY 10001, Phone: (212) 807-8400)

Twitter: @TerryMcAuliffe

Salutation: Dear Governor

Also send copies to diplomatic representatives accredited to your country. MR. LEWIS LUKENS, Chargé d'Affaires ad interim, American Embassy, 24 Grosvenor Square, London W1A 6AE, tel: 020 7499 9000. Salutation: Dear Mr. Lukens

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

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ADDITIONAL INFORMATION

None of William Morva's family testified at the trial, further depriving the jurors of a full picture of who they were being asked to sentence. Since the trial, his mother has said: "William lives in an alternate reality. I don't understand how this was not better explained in court at his trial. William's version of reality is so different than that of everyone else that he's working under a different understanding of the world around him... He is mentally ill."

Before a death sentence can be imposed in Virginia, the jury must find that the state has proved beyond a reasonable doubt at least one of two aggravating factors. One is that the defendant's "conduct in committing the offense was outrageously or wantonly vile, horrible or inhuman, in that it involved torture, depravity of mind or aggravated battery to the victim." In William Morva's case, the state relied upon the "depravity of mind" prong. Given the evidence that his somatic delusions contributed to his crimes, it is troubling that the state considers that these crimes "reflected a consciousness materially more 'depraved' than that of any person guilty of murder", the constitutional standard to narrow the death penalty to the "worst of the worst" crimes and offenders. Jurors deciding his sentence did not hear about his somatic delusions, however.

The other aggravating factor is that the defendant will pose a future danger to society if allowed to live. Knowing that the prosecution would rely heavily upon this, William Morva's lawyers requested the appointment of a forensic psychologist specializing in prison risk assessment to provide rebuttal testimony. The judge denied the request, and the state proceeded to emphasise the danger that William Morva would pose to prison guards if he was sentenced to life. The prosecutor told the jury that it was "impossible to conclude that that defendant will never escape", because "he's smarter than the others, and he is always thinking... We're talking about a prisoner here who hurts guards, beats them. We're talking about a prisoner who shoots uniformed officers... [A] prospect of life imprisonment is very frightening" because if after one year in jail, "you're killing people", then "what is the prospect of life in prison going to cause that person to feel justified in doing to those prison guards?"

William Morva was made to wear an electro-shock stun belt for his trial. The judge did not hold a hearing into whether this was necessary, even though the defendant had not been a disciplinary problem in any pre-trial proceedings or in the 18 months of pre-trial detention at the New River Valley Regional Jail. In 2015, a federal judge noted "Morva wore a stun belt under his clothes, and a few jurors observed the bulge the belt caused", but upheld the death sentence. In a case in 1998, a Washington State appeal court ruled that a trial judge should have held such a hearing and ordered a new trial: "The record demonstrates that the jurors were aware of the shock box [sic] and were speculating about it. Its use may have suggested to the juror that [the defendant] was a dangerous person who could not be trusted or controlled, even in the presence of an armed officer. The use of the shock box may be even more prejudicial than handcuffs or leg irons because it implies that unique force is necessary to control the defendant". In a capital case, such perception could tip the balance towards a death sentence. One of William Morva's jurors recalled that there were two police officers behind him at all times, one of whom had "a Tazer or a remote control device that could be used to control Mr Morva", and another recalled how there was "a large bulge around Mr Morva's waist beneath his clothes" and that an official had told him that "Mr Morva was wearing a stun belt and that it was operated by the deputies who stood guard behind him". Amnesty International considers that stun belt use per se violates the prohibition on torture and other cruel, inhuman or degrading treatment (see: <https://www.amnesty.org/en/documents/amr51/054/1999/en/>).

There have been 13 executions in the USA this year, bringing the total number of executions nationwide to 1,455 since 1976, when the US Supreme Court approved new capital statutes. Virginia accounts for 112 of this national total. Amnesty International opposes the death penalty unconditionally. Today, 141 countries are abolitionist in law or practice. International law and standards on the use of the death penalty hold that it 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.