

URGENT ACTION

ARKANSAS SUPREME COURT STOPS EXECUTION

On 7 November, the Arkansas Supreme Court granted a stay of execution in the case of Jack Greene, a 62-year-old man who was scheduled to be executed on 9 November. The state said that it would not seek to have the stay lifted.

Jack Greene was convicted in 1992 of the 1991 murder of Sidney Burnett. He has repeatedly tried to waive his appeals. 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 he was moved to a 12 x 7.5 feet (3.6 x 2.3m) cell behind a solid steel door in Varner Supermax Unit. According to his lawyers, Jack Greene has spent 14 years “in almost constant isolation, rarely leaving his cell, even for attorney visits”.

On 6 November, with his execution date approaching and a lower level court having denied the defence request for a hearing on Jack Green’s competence for execution, his lawyers filed an emergency motion in the Arkansas Supreme Court for a stay. The motion opened: “Multiple doctors have diagnosed Jack Gordon Greene with a severe mental illness—specifically, Delusional Disorder. [Jack] Greene believes that, for the past thirteen years, his attorneys and the Arkansas Department of Correction have conspired to torture him by, for example, destroying his central nervous system and injuring his inner ear. There is little, in fact, that is actually wrong with [Jack] Greene physically. Still, in [Jack] Greene’s mind, his execution is the ultimate act in a cover-up of what he calls ‘crimes against humanity.’ The doctors who have recently examined [Jack] Greene have found that he is delusional about his injuries, delusional about the conspiracy to harm him, and unable to rationally comprehend his execution in light of these delusions.” The motion stated that, following the procedure set out in Arkansas law, the Director of the Department of Corrections had determined otherwise, “though without conducting any expert evaluation of her own”. This, the defence lawyers argued, was not the “full and fair hearing” to determine competency for execution required under US constitutional law.

The Arkansas Supreme Court granted the stay of execution, by five votes to two, without further comment. Governor Hutchinson issued a statement in response to the Court’s decision: “I am surprised by the Arkansas Supreme Court’s decision to issue an emergency stay of execution for Jack Greene. Last-minute delays are always very difficult and only prolong the justice the Burnett family was promised more than 20 years ago. This case has been reviewed by the courts on numerous occasions, and the state must now await further court action before the penalty given by an Arkansas jury is carried out.”

The main question before the Court will be whether it is constitutional to allow the director of the Arkansas Department of Corrections to determine mental competence for execution.

No further action is requested at present. Many thanks to all who sent appeals.

This is the first update of UA 202/17. Further information: www.amnesty.org/en/documents/amr51/7339/2017/en/

Further information on UA: 202/17 Index: AMR 51/7149/2017 Issue Date: 8 November 2017

**AMNESTY
INTERNATIONAL**

