

Perspectives

People With Mental Retardation Are Dying, Legally: At Least 44 Have Been Executed

Denis Keyes, William Edwards, and Robert Perske

On February 20, 2002, the United States Supreme Court heard *Daryl Atkins v. Virginia* (Case No. 00–8542). The question the Court will consider is:

Does the execution of persons with mental retardation violate current American standards of decency?

Given this crucial question, we have updated the earlier list of people with mental retardation who have been executed since 1976 (Keyes, Edwards, & Perske, 1997). At that time, 30 persons were listed. Currently, at least 44 persons with this disability have been escorted to the death chamber.

The updated list is based on the authors' work on behalf of these persons, on formal statements in psychological reports, trial briefs, appellate briefs, and from interactions with the following key sources:

- ACLU Capital Punishment Project
- Amnesty International—USA
- Death Penalty Information Center
- Human Rights Watch
- NAACP Legal Defense Fund
- National Coalition to Abolish the Death Penalty
- Many attorneys who work on these death penalty cases.

The list consists of those who scored 70 or less on standardized intelligence tests. It applies the allowable 5-point standard error of measure in a few cases in which adaptive skill data were significantly lower.

Sources agree that other defendants could have been added, but the issue of their mental retardation was ignored or never discovered. No referrals for evaluation were made. Consequently, no mention of mental limitations was raised during their trials and appeals.

Reference

Keyes, D., Edwards, W., & Perske, R. (1997). People with mental retardation are dying, legally. *Mental Retardation*, 35, 59–63

Authors:

Denis Keyes, PhD, Associate Professor of Special Education; College of Charleston, Charleston, SC. **William Edwards, JD**, Deputy Public Defender, Los Angeles County Public Defender's Office. **Robert Perske, BD**, Advocate Worker and Author, 159 Hollow Tree Ridge Road Darien, CT 06820. Rperske@aol.com

Table 1 Defendants With Mental Retardation Executed Since Death Penalty Reinstated in 1976

Name	State	Race	IQ	Date of execution
1. Arthur F. Goode, III	FL	W	60-63	04/05/84
2. Ivon Ray Stanley	GA	B	62	07/12/84
3. James Dupree Henry	FL	B	low 70s	09/20/84
4. Morris Odell Mason	VA	B	62-66	06/25/85
5. James Terry Roach	SC	W	69-70	01/10/86
6. Jerome Bowden	GA	B	59-65	06/24/86
7. Willie Celestine	LA	W	(68-81) 77	07/20/87
8. John Brogdon	LA	W	mild MR	07/30/87
9. Horace Dunkins	AL	B	65-69	07/14/89
10. Alton Waye	VA	B	probable MR	08/30/89
11. Johnny Ray Anderson	TX	W	70	05/17/90
12. Dalton Prejean	LA	B	71-76	05/18/90
13. Ricky Ray Rector	AR	B	MR from lobotomy	01/24/92
14. Johnny Frank Garrett	TX	W	dual MR/MI	02/11/92
15. Billy Wayne White	TX	B	66-69	04/23/92
16. Nollie Lee Martin	FL	W	dual MR/MI	05/12/92
17. Ricky Lee Grubbs	MO	W	72	10/21/92
18. Cornelius Singleton	AL	B	55-67	11/20/92
19. Robert Wayne Sawyer	LA	W	65-68	03/05/93
20. William Henry Hance	GA	B	mild MR	03/31/94
21. Mario Marquez	TX	L	65	01/17/95
22. Willie Clisby	AL	B	mild MR	04/28/95
23. Varnell Weeks	AL	B	mild MR	05/12/95
24. Girvies Davis	IL	B	low borderline MR	05/17/95
25. Sylvester Adams	SC	B	65-69	08/18/95
26. Barry Lee Fairchild	AR	B	60-63 (note)	08/31/95
27. Walter Milton Correll	VA	W	68	01/4/96
28. Luis Mata	AZ	L	68-70	08/22/96
29. John Earl Bush	FL	B	low borderline MR	10/21/96
30. Frank Middleton	SC	B	68-69	11/22/96
31. Terry Washington	TX	B	58-69	05/06/97
32. Tony Mackall	VA	B	64	02/20/98
33. Reginald Powell	MO	B	65	02/25/98
34. Robert Carter	TX	B	mild MR	05/18/98
35. Dwayne Allen Wright	VA	B	MR/MI	10/14/98
36. Ronald Yeats	VA	W	70	04/29/99
37. Norman Lee Newsted	OK	W	MR/MI	07/08/99
38. Raymond James Jones	TX	B	MR	09/01/99
39. David R. Leisure	MO	W	74	09/01/99
40. Charles Anthony Boyd	TX	B	64	08/5/99
41. Willie Sullivan	DE	B	58-70	09/24/99
42. Oliver Cruz	TX	L	64-76	08/09/00
43. Wanda Jean Allen	OK	B	69	01/11/00
44. Robert Clayton	OK	W	68	03/01/01