



October 17, 2012

A Schizophrenic on Death Row

The Florida Supreme Court decided on Wednesday that [the state can proceed with the execution](#) next week of a 64-year-old inmate named John Ferguson. His lawyers immediately said that they will ask the United States Supreme Court to stay the execution and to review the case on grounds that Mr. Ferguson is mentally incompetent and that executing him would violate his constitutional rights as defined by the court in two earlier decisions.

The court must review the case. At issue are not only Mr. Ferguson's life but also two differing interpretations of what constitutes competence: one Florida's, the other the Supreme Court's.

Mr. Ferguson believes that he is the Prince of God and that he is facing execution not for murders he committed but because of a conspiracy against him for being the prince. He believes that he cannot be killed and that he has "inner ears" so he can hear God whisper instructions. All of this is consistent with his being a paranoid schizophrenic, as he was diagnosed 40 years ago and many times since, including earlier this month.

The Supreme Court [ruled](#) in 1986 that it is unconstitutional to execute someone who lacks the "ability to comprehend the nature of the penalty." In 2007, the court [clarified](#) that a "prisoner's awareness of the state's rationale for an execution is not the same as a rational understanding of it" and that evidence of psychological dysfunction may result in a "fundamental failure to appreciate the connection" between his crimes and his execution.

Yet this is not the way Florida sees it. Florida law requires only "awareness" — that Mr. Ferguson knows he committed murders and is set to be executed. On that basis, a trial judge [ruled](#) last Friday that Mr. Ferguson was competent and could be executed, and the Florida Supreme Court [upheld](#) that view, saying no "stricter standard" of competence is required.

Florida's "awareness" test is plainly inadequate, because it assumes Mr. Ferguson has the kind of understanding of his situation that his delusions make impossible. Mistaken findings of competence like this have allowed states to execute scores of people with severe mental illnesses, including schizophrenia.

Beyond that, the Supreme Court's 2007 ruling is the law of the land and should be applicable to Florida. The court now has a solemn obligation to explain why Florida's standard clearly

violates the Constitution and to block this execution.