

Texas court issues last-minute stay of execution of mentally ill death row prisoner

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The Texas Court of Criminal Appeals ruled 5-4 yesterday to stay the execution of Larry Keith Robison, a diagnosed paranoid schizophrenic who was scheduled to be put to death by lethal injection in Huntsville, Texas at 6pm Tuesday. He was convicted and sentenced to death for the murders of five people in 1982, carried out while in a psychotic state. He has spent 16 years on death row.

Robison's attorneys had submitted evidence to the court documenting his long history of mental illness. The court wrote in its opinion, "Because he has long suffered from schizophrenia, he does not understand the nature of the punishment to be imposed upon him." The US Supreme Court ruled in 1986 that mentally ill could be put to death as long as they understood the reason for their execution.

As of Tuesday afternoon, Texas Governor and presidential candidate George W. Bush had not made a decision whether or not stay Robison's execution, and the court's ruling effectively let him off the hook in the matter. The Texas Board of Pardons and Paroles voted unanimously last week not to recommend that Bush commute Robison's death sentence to life in prison. Bush has never acted against the decision of the pardon board, and has presided over the execution of 98 prisoners during his five years as governor.

The court's ruling sends the question of Robison's mental competence back to the trial court, and in effect puts the execution off for weeks or months. It is not clear whether the state of Texas will challenge the court's ruling. The assistant district attorney who prosecuted Robison's case commented that although he had been diagnosed as a schizophrenic, "there are an awful lot of people diagnosed as schizophrenic that aren't killing people."

Larry Robison's family has repeatedly cited his case

as an example of the mistreatment and criminalization of the mentally ill by the judicial system in Texas and the US. Prior to the murders, Robison's mother Lois had continually sought treatment for her son, but he was repeatedly released from facilities after 30-day stays. Robison, who was by that time unemployed and over 21, was not covered by his parents' medical insurance and they could not afford to pay the exorbitant cost of private mental health care. At his two criminal trials, juries never heard evidence of his mental illness.



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