

Indiana and Oklahoma put mentally ill inmates to death in final executions of 2024

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The US states of Indiana and Oklahoma executed two mentally incompetent men this week, ending a year that saw 25 death row prisoners put to death. Their executions underscore one of the most barbarous features of the death penalty system in America, which condemns inmates to death despite their documented severe mental illness.

The US Supreme Court ruled in 2002 in *Atkins v. Virginia* that execution of the intellectually disabled, known then as “mentally retarded,” constitutes “cruel and unusual punishment,” as prohibited by the Eighth Amendment of the US Constitution. This prohibition, however, does not extend to the execution of the mentally ill. While condemned prisoners who do not rationally understand why they are to be executed are constitutionally exempt from execution, others are often not, and states differ on how their competency is evaluated.

Indiana

In the early morning hours on Wednesday, Joseph Corcoran was executed at the Indiana State Prison in Michigan City, Indiana. Corcoran, 49, was convicted and sentenced to death for the murder of four people in 1997, including his brother James Corcoran, 30, his sister’s fiancé Robert Scott Turner, 32, and two other men, Timothy G. Bricker, 30, and Douglas A. Stillwell, 30.

Corcoran’s execution was the first carried out in 15 years in Indiana, which halted executions in 2009 due to the difficulty in obtaining the lethal chemicals required to carry them out. Of the states that practice

capital punishment, Indiana is one of two that do not allow media witnesses at executions, the other being Wyoming. Corcoran did choose, however, to have a reporter for the *Indiana Capital Chronicle* as one of his own witnesses.

Corcoran’s attorney Larry Komp said his client’s execution took eight minutes, but that he only had a partial view and could not hear anything, including Corcoran’s last words. Corcoran was reportedly administered a single lethal dose of pentobarbital and was pronounced dead at 12:44 a.m. local time. Komp said there was no way to tell if the condemned inmate felt pain.

Evidence of Corcoran’s serious mental illness dated to early childhood, which included self-isolation, self-harm and “extreme paranoia.” Before his trial he rejected a plea deal, saying he would only agree to it if the state “would sever his vocal cords first because his involuntary speech allowed others to know his innermost thoughts.” On death row, he believed that prison guards were torturing him with an ultrasound machine.

Corcoran was a “volunteer” for execution who waived his appeals. In 1979, Supreme Court Justice Thurgood Marshall called the volunteer process “nothing less than state-administered suicide.” Of the 1,607 state killings in the US since the Supreme Court reinstated the death penalty, 166, or 10 percent, have been of so-called volunteers.

Indiana Supreme Court Justice Robert D. Rucker dissented from a decision in 2005 allowing Corcoran to waive his appeals, stating, “Corcoran is under the paranoid delusion that prison guards are torturing him with sound waves. As a result, Corcoran wants the State to execute him in order to end the pain. I am not willing to accommodate him.” Five doctors who had

diagnosed Corcoran with schizophrenia concluded he was incompetent to stand trial or waive his appeals, but the courts allowed it.

Religious groups, victims' family members and the original prosecutor in the case all favored halting Corcoran's execution.

Corcoran exhausted his federal appeals in 2016. The Indiana Supreme Court declined earlier this month to hold a hearing to decide if his execution should be halted because of his serious mental illness, as did the US Court of Appeals for the 7th Circuit on Tuesday. The US Supreme Court denied his request for a stay late Tuesday, exhausting Corcoran's legal options. Governor Eric Holcomb, a Republican, refused to commute his sentence.

Indiana has sent 21 prisoners to their deaths since 1990, when the state resumed executions after a brief hiatus was ended by the US Supreme Court in 1976.

Oklahoma

Kevin Ray Underwood was convicted and sentenced to death for the brutal 2006 killing of 10-year-old Jamie Rose Rolin. Underwood, a former grocery store worker, turned 45 on the day he was executed at the Oklahoma State Penitentiary in McAlester. His was the nation's 25th and final execution of 2024.

Inside the death chamber, strapped to a gurney, Underwood apologized to his victim's family and his own family "for all the terrible things I did," adding, "The decision to execute me on my birthday and six days before Christmas was a needlessly cruel thing to do to my family, but I'm very sorry for what I did and I wish I could take it back."

A three-drug lethal injection protocol of a sedative, a paralytic and a drug to induce cardiac arrest began at 10:04 a.m. local time. His breathing jerked slightly, and his eyes closed several minutes later. A doctor entered the execution chamber at 10:09 a.m. and shook him a few times, declaring him unconscious. He was pronounced dead at 10:14 a.m.

Three members of the Oklahoma's Pardon and Parole Board voted unanimously against recommending clemency. Underwood's attorneys had argued that he

should be spared the death penalty because of his long history of abuse and serious mental health problems. These included autism, obsessive-compulsive disorder, bipolar and panic disorders, post-traumatic stress disorder, schizotypal personality disorder and deviant sexual paraphilias.

An examination of the actions that resulted in the death of young Jamie Rolin would lead any rational observer to the conclusion that the murder could only have been committed by a pathologically deranged individual. Underwood told the pardon and parole board that he lured Jamie into his home, hit her over the head with a cutting board and then suffocated her. He sexually assaulted her dead body but abandoned plans to cannibalize it.

He told the board, "It is true that I have blocked out most memory of that day. When I do think about it, it causes me great pain. I cannot believe that I did ... those things. The person that I was in the weeks leading up to that event is not who I am now or was before that."

State prosecutors argued that many people suffer from mental illness, but that does not justify harming children. After the board's vote, Oklahoma Attorney General Gentner Drummond said that he was pleased the board "voted to deny clemency for this deeply evil monster and ensured that justice will be delivered for Jamie Rose Bolin."

Underwood's attorneys sought a last-minute stay of execution from the US Supreme Court arguing that their client deserved a hearing before all five members of the Oklahoma board and that his rights had been violated by scheduling the hearing after two members of the board had resigned. The Court rejected the request for a stay.

Oklahoma has carried out 127 executions since 1976, second only to Texas, with 591.



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