

November 13, 2014

Governor Rick Perry  
PO Box 12428  
Austin, Texas 78711-2428

Texas Board of Pardons and Parole  
8610 Shoal Creek Boulevard  
BPP Conference Room  
Austin, Texas 78757

Re: Scott Panetti's Clemency Petition

To the Honorable Governor Perry:  
To the Honorable Members of the Texas Board of Pardons and Parole:

We are 30 individuals, including a **former Governor, former state Attorneys General, former federal and state court judges, prosecutors, U.S. attorneys, Department of Justice officials, parole board members, and legal practitioners from Texas and across the country** who respectfully urge you to grant clemency to Scott Panetti and commute his death sentence to life in prison. We come together from across the partisan and ideological divide and are united in our belief that, irrespective of whether we support or oppose the death penalty, this is not an appropriate case for execution.

Many of us have prosecuted serious crimes, including cases where the death penalty was imposed. Although Mr. Panetti committed a tragic crime, because of his severe mental illness and the uncertainty of his capital trial, at which he represented himself, we believe the most fitting punishment in his case is life in prison.

Mr. Panetti's history of severe mental illness pre-dates the crime by over a decade. Not only was he hospitalized over a dozen times due to psychosis, the Social Security Administration found him to be disabled due to chronic schizophrenia some six years before the crime for which he was convicted and sentenced to death.

As law enforcement and criminal justice professionals, we are deeply troubled that a capital sentence was the result of a trial where a man with schizophrenia represented himself, dressed in a costume. Mr. Panetti's capital trial was highly problematic. In the criminal justice system, states can force counsel on criminal defendants who suffer from mental illness. In Mr. Panetti's case, the court clearly should have done so; Mr. Panetti should not have been permitted to face the ultimate punishment without assistance of counsel.

Our concern is that the criminal justice system recognizes both the diminished culpability of a person with severe mental illness, like Mr. Panetti, and the absence of penological value in carrying out a death sentence in a case of such extreme mental illness. Therefore, the death penalty is an excessive punishment in this case. Keeping

Mr. Panetti in prison for life is sufficient punishment and it will protect society. We recognize the profound nature of your task in considering the clemency request of Mr. Panetti. We thank you for your service and we thank you, also, for considering our belief that Scott Panetti, due to his severe mental illness, should not be put to death, but should serve the remainder of his sentence imprisoned for life.

Respectfully,

**TEXAS**

**Mark White**

Governor, Texas (1983-1987)

**Charles F. Baird**

Judge, 299<sup>th</sup> Criminal District Court, Travis County, Texas (2007-2011); Judge, Texas Court of Criminal Appeals (1991-1999).

**Paul E. Coggins**

United States Attorney, Northern District of Texas (1993-2001).

**Murry B. Cohen**

Justice, Court of Appeals for the First District of Texas (1983-2002); Assistant District Attorney, Harris County, Texas (1973-74); Partner, Akin Gump Strauss Hauer & Feld LLP (2004–present).

**Timothy Floyd**

Tommy Malone Distinguished Chair in Trial Advocacy and Director of Experiential Education, Mercer University Walter F. George School of Law; Former J. Hadley Edgar Professor of Law and Co-Director of Clinical Programs, Texas Tech University School of Law (1989-2004).

**W. Royal Furgeson, Jr.**

Judge, Federal District Court for the Western and Northern Districts of Texas (1993-2013).

**Tim Cole**

District Attorney, 97<sup>th</sup> District of Texas (1993-2006) and Assistant District Attorney, 271<sup>st</sup> District of Texas (2010-2014)

**Steven J. Martin**

Corrections Consultant and Attorney; Special Assistant Attorney General, Texas Office of the Attorney General (1985-1986); Executive Assistant to the Director (1984-1985), General Counsel (1983-1985), and Legal Counsel (1981-1985), Texas Department of Corrections, Huntsville, Texas; United States Probation and Parole Officer, McAllen, Texas (1975-1977), Tulsa, Oklahoma (1977-1980); Corrections Officer, Texas Department of Corrections, Huntsville, Texas (1972-1973).

**Kenneth J. Mighell**

United States Attorney, Northern District of Texas (1977-1981); Assistant United States Attorney, Northern District of Texas (1961-1977).

**Sam Millsap**

District Attorney, Bexar County, San Antonio, Texas (1982-1987).

**Michol O'Connor**

Author, Jones McClure Publishing; Former Justice, Court of Appeals for the 1<sup>st</sup> District of Texas (1989-2000).

**Rev. Dr. Carroll L. Pickett**

Chaplain, Texas State Penitentiary at Huntsville, Texas Department of Corrections (1980-1995).

**Sidney Powell**

Assistant United States Attorney and Chief of Appellate Sections, Western and Northern Districts of Texas; Eastern District of Virginia (1978-1988).

**Charles Terrell**

Chairman, Texas Department of Criminal Justice (1987-1990); Chairman, Safer Dallas Better Dallas (2006-2012).

**Lt. Col. Colby Vokey**

Lieutenant Colonel, United States Marine Corps, (1987-2008); Lead Counsel for Guantánamo detainee Omar Khadr at Military Commissions (2005-2007).

**Kira West**

Assistant United States Attorney, Southern District of Texas (1990-1999); Kira West, Attorney-at-Law, Boerne, Texas (2005-2008) and Washington, D. C. (2009-present)

**NATIONAL**

**A. Bates Butler III**

United States Attorney, District of Arizona (1980-1981); First Assistant United States Attorney, District of Arizona (1977-1980).

**W.J. Michael Cody**

Attorney General, Tennessee (1998-2001); United States Attorney for the Western District of Tennessee (1977-1981).

**Robert Del Tufo**

United States Attorney, District of New Jersey (1977-1980); Attorney General, New Jersey (1990-1993).

**Conor Dugan**

Special Assistant United States Attorney, Eastern District of Virginia (2008); Attorney, Appellate Section, U.S. Department of Justice Civil Rights Division (2004-2011).

**Mark Earley**

Attorney General, Virginia (1998-2001).

**Bennett Gershman**

Professor, Pace Law School; Office of the New York State Anti-Corruption Prosecutor (1973-1976); Chief, Appeals Bureau, Special Assistant Attorney General, New York State (1974-1976); Assistant District Attorney, New York County (1967-1972).

**Bruce R. Jacob**

Dean Emeritus and Professor of Law, Stetson University College of Law, Gulfport, Florida; Assistant and Special Assistant Attorney General of Florida, Tallahassee, (1960-1962).

**Gerald Kogan**

Chief Justice, Florida Supreme Court (1987-1998); Chief Prosecutor, Homicide and Capital Crimes Division, Dade County, Florida (1960-1967).

**Jim Petro**

Attorney General, Ohio (2003-2007).

**Richard J. Pocker**

United States Attorney, District of Nevada (1989-1991); Assistant United States Attorney (1985-1989); U.S. Army Judge Advocate General (1980-1985).

**Stephen D. Rosenthal**

Attorney General, Virginia (1994-1994).

**Thomas Sullivan**

United States Attorney, Northern District of Illinois (1977-1981).

**Larry D. Thompson**

Deputy Attorney General of the United States (2001-2003); United States Attorney, Northern District of Georgia (1982-1986).

**John Van De Kamp**

Attorney General, California (1983-1991); District Attorney, Los Angeles County (1975-1981); United States Attorney, Central District of California (1966-1967); Assistant United States Attorney, Central District of California (1960-1966).

**Atlee W. Wampler III**

United States Attorney, Southern District of Florida (1980-1982); Miami Strike Force, Attorney-In-Charge, Organized Crime & Racketeering Section, United States

Department of Justice (1975-1980).