

RE: Research Inquiry Regarding Seriously Mentally Ill Capital Defendants

5 year period: January 1, 2011 to December 31, 2015.

All cases handled in Capital Defense Division (75% of state).

79 total cases open in period.

18 still open.

1 Atkins claim being litigated.

4 with SMI - including 2 with competency claims being litigated.

1 of the competency cases involves a client who was on the Row after having plead guilty and asked for death. Began receiving treatment on Row, changed his mind and sentence and plea were vacated for conducting an improper competency hearing pre-plea.

61 cases closed

33 by plea

18 death dropped

3 charges reduced

7 trials - 5 of 7 resulted in death

8 of 61 suffered with SMI

3 by plea (prosecutor expressed appreciation for mental health claims in 2 cases; 1 was primarily ID, both plead to manslaughter)

1 charge was reduced to murder because of inability to prove underlying felony in felony-murder case

4 trials - ALL DEATH

Mississippi has 45 people on the Row; 1 has been found Ford/Panetti incompetent and 2 in state pcr have been found incompetent to proceed; following a prison conditions suit against conditions on the Row a special "mental health" tier was created – there are about 15 people on the tier but all probably are not SMI; at least 8-10 are including the 3 mentioned previously.

<https://www.youtube.com/watch?v=V75nZf5YBQY>

<http://www.wapt.com/news/mississippi/James-Hutto-Trial/20263414>