

Appeals court stays Texas execution over claim of mental disability

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An execution scheduled for Tuesday in Huntsville was stayed by a federal appeals court in New Orleans two hours before Robert James Campbell was set to be put to death.

The court said prosecutors in Campbell's case did not take into account evidence that he had an intellectual disability.

The U.S. Supreme Court has banned the execution of anyone with such a disability and has pegged an IQ of 70 or below as evidence of it. Campbell's first IQ test as a child showed his IQ to be 68. When he first arrived on death row, it was 71. A test conducted in April at the request of his lawyers put Campbell's IQ at 69.

Campbell's attorneys contended Texas had concealed evidence of Campbell's low IQ scores during his trial.

The U.S. Court of Appeals for the 5th Circuit, in its ruling, said: "It is regrettable that we are now reviewing evidence of intellectual disability at the eleventh hour before Campbell's scheduled execution. However, from the record before us, it appears that we cannot fault Campbell or his attorneys, present or past, for the delay."

The Austin-based Texas Catholic Conference, public policy arm for the state's bishops, had written in February to Texas Gov. Rick Perry, asking him to grant a stay of execution.

"Mr. Campbell's execution wrongly suggests that society can overcome violence with violence. At a time when the sanctity of life is threatened in many ways, punishment by death is not a solution but instead effectively undermines our society's respect for life," said a Feb. 20 letter to Perry from Jeffery R. Patterson, executive director of the Texas Catholic Conference.

"Our society has the means of effectively rendering criminals harmless in order to provide them with an opportunity for reform, yet the death penalty denies them this opportunity," Patterson said. "The Catholic Church opposes the use of the death penalty as a means of punishment or a deterrent to crime because there are alternative means to protect society available."

Campbell, now 41, was convicted of the 1991 abduction, rape and murder of Alexandra Rendon. A state court had in early May rejected a stay of execution based on his lawyers' disability claim.

According to Jason Clark, a spokesman for the Texas Department of Criminal Justice, Campbell "was talking with the chaplains who were there at the front of the cell" when he got word of the stay. "He was smiling. He says, 'I'm happy. The Lord prevailed.' "

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