



## Case Study: Kelsey Patterson

The case of Kelsey Patterson, who was executed in 2004, is one of the most compelling examples of what can happen when the mental health system fails to provide adequate care and in doing so, puts the public at risk. For more than two decades, Patterson struggled with paranoid schizophrenia. His severe delusions and elaborate conspiracy theories led him to commit several irrational and motiveless assaults. Yet instead of investing resources in a long-term treatment plan, the state of Texas largely left Patterson to his own devices, until one day his mental illness pushed him to the point of no return.

### **A Cycle of Illness, Violence, and Neglect**

Kelsey Patterson spent much of the 1980s in and out of two state mental hospitals. His condition would be stabilized, but would deteriorate once he was removed from psychiatric care. When he stopped taking his medication, he would become belligerent.<sup>i</sup> According to the *Houston Chronicle*, he was “left half-treated and unsupervised by the state for years despite a history of psychotically inspired, near-fatal assaults.”<sup>ii</sup>

In 1980, Patterson shot and wounded Richard Lane, a Dallas co-worker who he believed was conspiring against him and attempting to poison his food (it was Lane’s first day on the job). Lane survived and Patterson was sent to the maximum security unit at Rusk State Hospital, where he was found incompetent to stand trial and diagnosed with schizophrenia. Although restored to competency through treatment, doctors determined that he had been unable to conform his conduct to the law, a key provision of Texas’ insanity statute at the time. Prosecutors dismissed the charges, deeming him insane at the time of the crime.<sup>iii</sup>

In 1983, Patterson shot and wounded a co-worker in his hometown of Palestine in another motiveless, delusional assault. Again he spent months at Rusk State Hospital before being restored to competency. Once again he was found unable to conform his behavior to the law, and the attempted murder charge was dismissed.

Back in Dallas in 1986, he assaulted yet another co-worker and was sent to Terrell State Hospital. As with the previous incidents, no charges were filed because of his mental health status. He was hospitalized once more in 1988 after reportedly threatening family members and complaining that people were trying to poison him. That hospital stay lasted only 34 days.<sup>iv</sup>

Throughout this period, Patterson denied that he was mentally ill, would stop taking his medications, and refused to comply with treatment plans. His delusions continued to worsen, and he believed that everyone was out to get him, particularly “the authorities.” According to his brother, he sometimes would tape the edges of his windows and doors to determine if anyone had come in the room. He also heard voices talking to him through the walls and over the loudspeakers during his time in jail.<sup>v</sup>

### **Key Issues in This Case:**

- Diagnosed with paranoid schizophrenia in 1981
- History of hospitalizations and incarceration
- Danger to others when not being treated or taking medication
- Found incompetent to stand trial and deemed insane in prior assaults
- Severe delusions and conspiracy theories prevented him from assisting his attorneys or cooperating with mental health professionals
- Believed he had a “permanent stay of execution”

On September 25, 1992, just days after his brother once again tried to have him committed to a psychiatric facility, Patterson walked a short distance from his home to a local oil supply business in Palestine, where he shot and killed both the owner, Louis Oates, and his secretary, Dorothy Kay Harris, at whom he screamed "You ain't going to get away with it." After the shooting, he put down the gun, stripped to his socks, and paced, shouting incomprehensibly until the police arrived. As with his previous assaults, there seemed to be no real motive or explanation for the crime – Patterson had only a casual acquaintance with the victims. Yet in this instance, the state not only decided to pursue charges but also to seek the death penalty, arguing that Patterson met the new legal standard of sanity, which merely required the defendant to know that his conduct was wrong. The ability to conform one's conduct to the law was no longer part of the insanity defense in Texas. By all accounts, however, Patterson's delusional beliefs were the same as always.<sup>vi</sup>

### **Patterson's Competency Hearing and Capital Trial**<sup>vii</sup>

At his competency hearing, two physicians did not dispute his mental illness but declared Patterson to be competent to stand trial. Dr. James Grigson – who had diagnosed Patterson with schizophrenia 12 years earlier – reversed course and testified that in this latest assault, Patterson had been sane at the time of the crime. He had spoken with Patterson for less than five minutes and had not conducted a comprehensive evaluation, yet was absolutely confident in his assessment.<sup>viii</sup>

Against the advice of his attorneys, Patterson took the witness stand during the hearing and rambled about the conspiracies against him. He offered this explanation for his behavior:

"They have some type of implant devices that they used on me in the military, which I receive. Like the device that they put in the inner ear in which they can send subliminal message and make a person act beyond their controllability to know you have taken an action."

The jury found him competent to stand trial, in spite of the clear evidence that he did not possess a rational or factual understanding of the proceedings against him and was unable to consult with his attorneys, whom he believed were plotting against him. Patterson was constantly removed from the courtroom during his trial because of his disruptive behavior and outbursts about the devices implanted in his body. The jury rejected his insanity defense, found him guilty of capital murder, and sentenced him to death.

### **"A Permanent Stay of Execution"**

During his time on death row, Patterson consistently maintained that he was the victim of an elaborate conspiracy, and he wrote rambling, incoherent letters to court officials, his family, politicians, and others. He refused to meet with mental health professionals or his lawyers, which made it impossible to formally assess his competence. Both state and federal courts upheld his conviction and found him competent to be executed. In November 2003, the U.S. Supreme Court refused to hear his appeal and the state set his execution for the following May.

Upon learning of his execution date, Patterson's letters referred to a "permanent stay of execution" that he said he had received on grounds of innocence. Competency for execution requires an inmate to be aware of the impending execution and the reason for it.

Dear Chief Clerk MURRAY L HARRIS 2:04cv 60

I am MYSELF Kelsey Patterson who Ask that You the United States District Court Eastern District of Texas HONOR HONOR HONOR MY Rights is in AmnestY give Me MY Rights give Me MY Rights give Me MY Rights Stop the death warrants death warrants murders Stop the Execution Stop and Remove the Execution Execution date Execution date told to Me by Major Miller on JANUARY 15 who said the order came from Attorney general of Texas Execution PUNISHMENTS Body Health destruction disfigurement Immerse Iert usage Scope SCOAP devil murder Home Rape death machines death warrants death warrants murder Execution Execution date Execution Hell that is Being did To Me MY Bodies from MY Body MY men from Me Kelsey Patterson MY EY MY Sight MY Vision MY Family MY Family see and APPLY IN Action IN Action for Me MY Family the Fact that the Texas Court of Criminal Appeals AND KUNTZ-TDCJ Authority have told Me stay and that I have BEEN give A PERMANANT stay from Execution based ON INNOCENCE and foot AGAINST CIVIL ACTION Number 4199999999

Excerpt from a 13-page letter from Kelsey Patterson to the Texas Court of Criminal Appeals. (© Private)

On May 17, 2004, the Texas Board of Pardons and Paroles issued an extremely rare recommendation of clemency for Kelsey Patterson because of his mental illness; the vote was 5-1 and was only the second such recommendation in the board's history. Governor Rick Perry rejected the recommendation, however, "in the interests of justice and public safety." Kelsey Patterson was executed on May 18, 2004, delusional until the very end, as evidenced by his incoherent last statement:

"Statement to what? State what? I am not guilty of the charge of capital murder. Steal me and my family's money. My truth will always be my truth. There is no kin and no friend; no fear what you do to me. No kin to you undertaker. Murderer. ... Get my money. Give me my rights. Give me my rights. Give me my rights. Give me my life back."<sup>ix</sup>

<sup>i</sup> "Mentally Ill Killer's Life on the Line." *Houston Chronicle*, August 10, 2002.  
<sup>ii</sup> "Is Mentally Ill Death Row Inmate Sane Enough to Die?" *Houston Chronicle*, November 14, 1999.  
<sup>iii</sup> Ibid.  
<sup>iv</sup> Ibid.  
<sup>v</sup> Ibid.  
<sup>vi</sup> *Another Texas injustice: The case of Kelsey Patterson, mentally ill man facing execution*. Amnesty International, March 2004. <http://web.amnesty.org/library/Index/ENGAMR510472004>.  
<sup>vii</sup> Ibid.  
<sup>viii</sup> Dr. Grigson was known as "Dr. Death" because his testimony was instrumental in sending so many people to death row. He later was expelled from the American Psychiatric Association and Texas Society of Psychiatric Physicians because of his unethical, unscientific testimony in such cases.  
<sup>ix</sup> [www.tdcj.state.tx.us/stat/pattersonkelseylast.htm](http://www.tdcj.state.tx.us/stat/pattersonkelseylast.htm)