



Case Study: James Colburn

No one disputed that James Colburn was profoundly mentally ill, tormented by inner voices and hallucinations. Even the prosecutor in his capital trial did not deny his severe mental illness, but did not consider it a sufficient reason not to seek the death penalty.

Nowhere to Go

James Colburn was diagnosed with chronic paranoid schizophrenia as a teenager, typically the age of onset. He was raped while hitchhiking at the age of 16, drank and used drugs heavily as a means of self-medication, and tried repeatedly to commit suicide while in and out of mental health institutions and crisis centers. Starting at the age of 20, Colburn spent years in prison for a variety of offenses, including armed robbery, burglary, and arson.ⁱ

Key Issues in This Case:

- Undisputed diagnosis of paranoid schizophrenia, with delusions and auditory hallucinations
- History of hospitalizations and incarceration
- Lack of access to adequate mental health services
- Sedated by anti-psychotic drugs – dozed repeatedly during his trial and appeared to lack any emotion
- Should have been declared incompetent to stand trial

In 2002, his sister Tina Morris recalled to Amnesty International:

"As a child, James was very good, but when he reached puberty that's when we started seeing differences in him. He became very isolated, not into the family at all, real withdrawn, he was scared of everybody, he was in constant fear... He would say this little man would eat out of his stomach... The little demon would tell him what to do. He said that one time it told him to kill my grandmother, which was like his mother, and he said he had to leave the house for about a week to fight the voices. He was 16.

When my parents' insurance wouldn't cover him after [he was] 18, he didn't have insurance coverage. But James himself tried to check himself in to Tri County [hospital] in Conroe. James begged for help. He had been in Galveston mental hospital, he had been at one here in Houston. He had been in a lot of different facilities, but when he turned 18 and the insurance was cut off, ..., we begged for help, begged for help... My grandparents and my parents drained their finances pretty much trying to help him. He tried himself, he went to the Tri County, he himself wanted help, and they, you know, just pushed him out on the street, give him his SSI check, and just push him out there, and he was scared in society. He likes being in confined places, because he feels like he can fight those voices off if he is by himself."ⁱⁱ

"They're never going to let up until I die."

On June 26, 1994, Colburn invited Peggy Murphy, a hitchhiker, to his apartment in eastern Texas, where he attempted to have sex with her. When she resisted, he strangled and stabbed her. He turned himself in to the police and gave a videotaped confession in which he could be seen rocking back and forth and shaking uncontrollably. He told his lawyers and investigators that he felt safest in prison and mentioned that he committed his crime, in part, so that he could be incarcerated again. He also told them that it was the voices and hallucinations that drove him to distraction and to murder, relaying to one psychologist that "All these voices want me to do is to get the lethal injection. They just want me to shut up. They just want me to kill people. They're never going to let up until I die."ⁱⁱⁱ

At the time of the murder, Colburn was being treated irregularly on an outpatient basis. According to a post-conviction psychiatric assessment, in the week leading up to the murder, he was allegedly experiencing auditory and visual hallucinations, some of which commanded him to commit suicide.^{iv}

At times during his pre-trial detention, the Montgomery County Jail withheld his medication after he refused to pay for it. He was placed on suicide watch on several occasions and placed in restraints. Despite Colburn's obvious deterioration while in jail, the court relied on an examination conducted by a court-appointed psychologist 10 months prior to the start of the trial to deem him competent; he was not reexamined at the actual time of his trial or at any time during the proceedings.

Medicated Beyond Competency

During his 1995 trial, Colburn received injections of Haldol, an anti-psychotic drug that can have a powerful sedative effect. The jury interpreted the fact that he showed no emotion as a lack of remorse, not as a side effect of his medication. One juror said later in an affidavit that she was unaware of the extent of Colburn's mental illness because the defense had failed to explain it fully. She said she was "horrified" by his demeanor in the courtroom and in his videotaped confession, where he appeared "uncaring."^v A lay observer, a nurse with experience with mentally ill patients, also stated in an affidavit that Colburn appeared to fall asleep on frequent occasions during the proceedings. His attorneys had to shake him periodically and at one point asked if they could "walk him around the room a little bit." A psychiatrist who conducted an assessment of Colburn in 1997 and reviewed the records in the case concluded that there were "serious questions and concerns regarding [Colburn's] competency to stand trial at that time," and that Colburn's sedation called into question his ability to participate actively in the proceedings against him.^{vi}

Because he was aware of the crime he had committed and understood that it was wrong, Colburn could not be deemed insane at the time of the crime, even though he clearly was suffering the effects of his mental illness. After appellate courts upheld his conviction, his execution was set for November 6, 2002. Aware of his impending death, Colburn was considered competent to be executed.

Numerous newspapers ran editorials opposing the execution. Although he received a last-minute stay of execution from the U.S. Supreme Court, the justices later refused to take his appeal. James Colburn was executed on March 26, 2003.

"The statement that I would like to make is, none of this should have happened and now that I'm dying, there is nothing left to worry about. I know it was a mistake. I have no one to blame but myself. It's no big deal about choosing right from wrong. I pray that everyone involved overlooks the stupidity. Everybody has problems and I won't be a part of the problem anymore. I can quit worrying now, it was all a mistake. That's all I want to say."^{vii}

ⁱ "Supreme Court Blocks Execution of Texas Man." *Washington Post*, November 7, 2002.

ⁱⁱ *USA: James Colburn: Mentally Ill Man Scheduled for Execution in Texas* (AMR 51/158/2002). Amnesty International, October 2002. Download from www.amnestyusa.org/abolish.

ⁱⁱⁱ *Ibid.*

^{iv} *Ibid.*

^v "Supreme Court Blocks Execution of Texas Man." *Washington Post*, November 7, 2002.

^{vi} *USA: James Colburn: Mentally Ill Man Scheduled for Execution in Texas* (AMR 51/158/2002). Amnesty International, October 2002. Download from www.amnestyusa.org/abolish.

^{vii} www.tdcj.state.tx.us/stat/colburnjameslast.htm