

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 14-164

(Commission to Determine Mental Competency of Inmate)

WHEREAS, counsel for JOHN RUTHELL HENRY (“Henry”), an inmate under sentence of death and with a pending death warrant, has written a letter to the Governor alleging that Henry may be insane; and

WHEREAS, in the letter counsel alleges that he has witnessed a significant deterioration in Henry’s mental state, and that Henry does not seem to fully understand how close to the end of his life he may be, has hallucinations, and engages in delusional thinking; and

WHEREAS, section 922.07, Florida Statutes, requires that “[w]hen the Governor is informed that a person under sentence of death may be insane, the Governor shall stay execution of the sentence and appoint a commission of three psychiatrists to examine the convicted person”; and

WHEREAS, to invoke section 922.07, an inmate must make sufficient allegations of insanity, *see Provenzano v. State*, 751 So.2d 37, 40 (Fla. 1999); and

WHEREAS, while the facts supporting Henry’s alleged insanity are vague and conclusory, because the Governor’s solemn duty to execute a duly imposed sentence of death requires the exercise of utmost caution, I will nonetheless implement the requirements of section 922.07.

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, by virtue of the authority vested in me by the Constitution and laws of the State of Florida, direct as follows:

A. The following psychiatrists are hereby appointed as a Commission to examine the mental condition of JOHN RUTHELL HENRY, pursuant to section 922.07, Florida Statutes:

1. Dr. Wade Myers
2. Dr. Donald Taylor
3. Dr. Tonia Werner

B. The above-named psychiatrists constitute the "Commission to Determine the Mental Competency of John Ruthell Henry." The Commission shall examine Henry to determine whether he understands the nature and effect of the death penalty and why it is to be imposed upon him. The examination shall take place with all three psychiatrists present at the same time. Counsel for Henry and counsel for the State, and any necessary correctional personnel, may be present at the examination. Counsel may not participate in the examination.

C. The examination shall be conducted on May 16, 2014. Upon completion of the examination, the Commission shall promptly, and by no later than close of business May 19, 2014, report its findings to my office.

D. The expenses incurred by the Commission for this examination and report shall be paid by the Department of Corrections.

E. The execution of sentence imposed upon Henry, scheduled for June 18, 2014 at 6:00 p.m., is hereby temporarily stayed pending receipt of the Commission's report. In the event that, after receiving the report, I decide that Henry has "the mental capacity to understand the nature of the death penalty and why it was imposed on him," the execution of sentence imposed upon Henry will occur on June 18, 2014 at 6:00 p.m. In the event that, after receiving the Commission's report, I decide that Henry does not have "the mental capacity to understand the nature of the death penalty and why it was

imposed on him," Henry will be committed to a Department of Corrections mental health treatment facility until such time as he has been restored to sanity and the sentence of death may be executed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 12th day of May, 2014.

A handwritten signature in blue ink, appearing to read "Rick Scott".

RICK SCOTT, GOVERNOR

ATTEST:

A handwritten signature in black ink, appearing to read "Ken Retzner".

SECRETARY OF STATE

2014 MAY 12 AM 9:35
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED