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New Filing: Lisa Montgomery, Who is Out of Touch with Reality and Has No Rational Understanding of Her Scheduled Execution, is Not Competent to be Executed

(*Indianapolis, IN*) Attorneys for Lisa Montgomery tonight filed a petition for writ of habeas corpus stating that her January 12, 2021 execution would violate the Eighth Amendment because she is not competent for execution and the Fifth Amendment because she has not been given the opportunity to prove her incompetence. Mrs. Montgomery has brain damage, severe mental illness, and suffered a lifetime of sexual torture. Her already fragile mental health is currently deteriorating, according to her attorneys.

Mrs. Montgomery suffers from brain damage from her mother's drinking during pregnancy, multiple head injuries, and the neurobiological impact of the severe torture that she experienced over her lifetime "resulting in her becoming detached from reality." (Petition at p. 14.) Her brain was likely further damaged when, as a young teenager, her stepfather frequently slammed her head into a concrete floor while raping her. Scientific imaging shows that her brain is damaged structurally and functionally. (Petition at pp. 47, 51, 62, 63-68.)

The petition states: "Presently [Mrs. Montgomery's] mental condition results in her inability rationally to understand she will be executed, why she will be executed, or even where she is. Under such circumstances, her execution would violate the Eighth Amendment." (Petition at p. 8, citing *Madison v. Alabama* (2019), *Panetti v. Quarterman* (2007), and *Ford v. Wainwright* (1985).)

Mrs. Montgomery's Petition for Writ of Habeas Corpus, which was filed in the Southern District of Indiana District Court, can be viewed here:
<https://tinyurl.com/yy4nqkm4>

Dr. George Woods, an expert in neuropsychiatry, stated that the kind of brain damage that Mrs. Montgomery has affects her ability to have accurate perceptions of reality. He concluded: "In my professional opinion, which I hold to a reasonable degree of psychiatric certainty, Lisa Montgomery is unable to rationally understand the government's rationale for her execution as required by *Ford v. Wainwright*, 477 U.S. 399 (1986)." (See Petition at pp. 76-77, 83.)

Dr. Katherine Porterfield, a clinical psychologist and a leading expert on torture, stated: "My opinion, which is based on information obtained from Mrs. Montgomery's attorneys about their daily communication with her, as well as my previous evaluation of Mrs. Montgomery over four days and eighteen hours of face to face interviewing in 2016, and extensive review of Mrs. Montgomery's

biopsychosocial history through records and witness interviews, is that as a result of her severe mental illness Mrs. Montgomery is currently unable to rationally understand the basis for her execution. My opinion is also based on my knowledge and experience as a psychologist who has worked with survivors of torture and other trauma for more than two decades, and the United States Supreme Court opinion in *Madison v. Alabama*, 139 S.Ct. 718 (2019).” (See Petition at p. 69.)

Because of COVID-19 restrictions at the federal prisons, neither expert has been able to examine Mrs. Montgomery since her execution was scheduled. (See Petition at p. 72, 74.) The petition requests a hearing to determine her competence before any execution takes place.

In addition to brain damage, Mrs. Montgomery has been diagnosed with epilepsy, bipolar disorder, and complex posttraumatic stress disorder after a lifetime of sexual torture. The government’s mental health professionals agree that Mrs. Montgomery is seriously mentally ill. She has been incarcerated at the Federal Medical Center, Carswell, a federal prison for female inmates with special mental health needs. Federal Bureau of Prisons psychiatrists have documented Mrs. Montgomery in an acute psychotic state and have prescribed anti-psychotic medication since 2008, but the medication can only do so much. (Petition at pp. 4, 19-22.)

One of Mrs. Montgomery’s key symptoms is dissociating and being able to know what is real and not real. Dr. Porterfield, one of the nation’s leading experts on torture, has testified that children who experience the type of trauma that Mrs. Montgomery experienced lose contact with reality. What is happening to them is so terrifying that their mind goes to another place to survive. From a very young age and continuing into the present day, Mrs. Montgomery has been disconnected from her physical being and out of touch with reality. (Petition at pp. 42, 43.)

Mrs. Montgomery was genetically predisposed to mental illness because she had severe mental illness on both sides of her family. As a young teenager, she was kept as a sexual slave for her stepfather, who built a special rape room for this purpose. Her stepfather invited his friends to rape Lisa vaginally, orally, and anally, and they “urinated on her like she was trash” afterward. (Petition at pp. 2, 22, 23.)

Lisa’s mother allowed adult men to rape Lisa for money or in exchange for home repairs, including gang rapes. Lisa’s mother’s cruelty was unimaginable: she once killed the family dog with a shovel in front of Lisa and the other children to punish them. Many adults – including a cousin who was a law enforcement officer and the judge in her mother’s divorce proceedings – knew what was happening to Lisa and did nothing to intervene. (Petition at pp. 24, 35.)

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