

ANDRE THOMAS ATTORNEY STATEMENT IN RESPONSE TO TODAY'S CERT DENIAL

(October 11, 2022) Today, the U.S. Supreme Court denied certiorari in Thomas v. Lumpkin, where Andre Thomas had asked the Court to review his death sentence and hold that his rights to an impartial jury and effective assistance of counsel were violated. Justice Sonia Sotomayor issued the following dissent joined by Justices Elena Kagan and Ketanji Brown Jackson:
<https://tinyurl.com/4ajb5yzs>

Mr. Thomas, a Black man with severe schizophrenia and psychosis, was convicted and sentenced to death by an all-white jury of murdering his estranged wife, a white woman, their son, and her daughter in response to voices in his head. On their jury questionnaires, three jurors expressed opposition to people of different races marrying and having children; one juror wrote that such relationships are "against God's will," and another that we should "stay with our Blood Line." Despite the obvious connections to Mr. Thomas and his case, his attorneys failed to object to their presence on the jury.

Maurie Levin, Counsel for Andre Thomas, made the following statement:

“Today’s cert denial in Mr. Thomas’s case abdicates the Court’s role and responsibility to ‘confront racial animus in the justice system’ Instead, the Court failed to even attempt to ensure ‘the promise of equal treatment under the law that is so central to a functioning democracy.’ A mere five years after affirming their commitment in the *Pena-Rodriguez* case, the Court has exposed the emptiness of that promise.

“The import of that denial is magnified by the nature of the case.

“Andre Thomas is one of the most mentally ill people in the history of Texas’ death row. After being convicted and sent to death row, Mr. Thomas's mental health further deteriorated, and he gouged out his remaining eye and ate it. He is blind and is not a danger to anyone. To pursue his execution would be nothing but an ugly spectacle and would not make Texans safer.

“Suffering from severe schizophrenia and active psychosis, Mr. Thomas committed this crime and then attempted to take his own life by stabbing himself in the chest. Five days after the murders, while sitting in his jail cell, Mr. Thomas—following the literal dictates of Matthew 5:29 that ‘if thy right eye offend thee, pluck it out, and cast it from thee’—gouged out his right eye.

“Mr. Thomas began hearing ‘demons’ and first tried to kill himself at 10 years old, marking the beginning of a lifetime of extreme mental illness. In the three weeks leading up to the crime, Mr.

Thomas twice tried to commit suicide, and sought help at local hospitals, where they noted that Mr. Thomas was experiencing delusions, religious hallucinations, and hearing voices.

“One judge on the Texas Court of Criminal Appeals observed that Mr. Thomas ‘has a severe mental illness’ and acknowledged that ‘there is no dispute that [Mr.] Thomas was, in laymen’s terms, ‘crazy’ at the time he killed his wife and the children.’ After being convicted and sent to death row, Mr. Thomas gouged out his other eye and ate it.

“No one who hears the story of Mr. Thomas’ life believes he is mentally competent. Guiding a blind, delusional man onto Texas’ gurney would be an indelible image that would cast a permanent shadow over Texas’ reputation. Texas can keep the public safe by keeping Mr. Thomas in prison for life.”

-- *Maurie Levin, Andre Thomas’ Attorney*

-- *October 11, 2022*

For further background, Andre Thomas’ petition for certiorari can be viewed here: <https://tinyurl.com/56b5awp4> and Brief of Amici Curiae, Former Prosecutors and Judges in Support of Petitioner, can be viewed here: <https://tinyurl.com/uv4b2pnp>

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