

**REPORT Nº 24/10**  
PETITION 1282-06  
DECISION TO ARCHIVE  
UNITED STATES  
March 16, 2010

**ALLEGED VICTIM:** Guy Legrande

**PETITIONERS:** Jay H. Ferguson, Anna Arceneaux and Sarah Rackley

**ALLEGED VIOLATIONS:** Articles I, II, XVIII and XXVI of the American Declaration of the Rights and Duties of Man

**INITIATION OF PROCESSING:** November 27, 2006

**I. POSITION OF THE PETITIONERS**

1. On November 17, 2006, the Inter-American Commission on Human Rights (the "Inter-American Commission" or the "IACHR") received a petition along with a request for precautionary measures from Jay H. Ferguson from Thomas, Ferguson & Mullins, L.L.P., and Anna Arceneaux and Sarah Rackley from Fair Trial Initiative (the "petitioners"), against the United States of America (the "State" or the "U.S.") on behalf of Guy LeGrande ("Mr. LeGrande" or "the alleged victim"), a U.S. national, who was scheduled to be executed in the state of North Carolina.

2. The petitioners alleged that the State is responsible for the violation of Mr. LeGrande's rights because the State permitted Mr. LeGrande to represent himself during trial without holding an adequate competency hearing, resulting in the violation of his due process rights; because he was scheduled to be executed despite the fact that he was mentally incompetent, amounting to cruel and inhumane treatment; and that he was a victim of racial discrimination during his criminal trial, in breach of his right to equality before the law.

3. The petitioners submitted that Mr. LeGrande's mental incompetence had been independently assessed by a number of doctors, who found him to have a "mixture of grandiose, persecutory and erotomanic delusions"; in spite of this, he was allowed to represent himself during all parts of his trial and sentencing, which allegedly adversely impacted his assessment of evidence and decisions. It was claimed that Mr. LeGrande was incompetent to represent himself at trial and to be sentenced to death; and that he is incompetent to be executed.

4. With regard to the complaint of racial discrimination, the petition alleged that the State systematically excluded African-Americans from jury service at Mr. LeGrande's trial and sentencing hearing. They further alleged that the death penalty had been imposed in a racially discriminatory manner whereby the white codefendant of Mr. LeGrande --who they allege was equally, if not more, culpable-- received a significantly lesser sentence.

5. In their last communication, the petitioners informed the IACHR that in June 2008, a North Carolina state judge found Mr. LeGrande incompetent for execution due to his mental illness. The petitioners indicated that they are now pursuing additional domestic remedies which arose from that decision and that consequently they no longer wish to pursue the matter before the Inter-American Commission.

## **II. POSITION OF THE STATE**

6. On January 22, 2007, the State requested an extension to file its response, as domestic litigation was pending regarding a determination of Mr. LeGrande's mental competence and execution. On September 14, 2007, the State argued that the petition should be rejected because the petitioners failed to exhaust domestic remedies, as proceedings were still ongoing in North Carolina to resolve Mr. LeGrande's competency to be executed. The State claimed that on May 4, 2007, the Superior Court Judge of Stanly County, North Carolina, held a competency hearing at which Mr. LeGrande was examined by three psychiatrists. The State contended that the Judge had not yet issued his decision, but that this proceeding indicated that domestic remedies were ongoing.

7. The State further asserted that Mr. LeGrande has been afforded due process of law and has full access to and enjoyment of domestic legal proceedings to ensure that he is mentally competent.

## **III. PROCESSING BEFORE THE INTER-AMERICAN COMMISSION**

8. Following receipt of the petition, the IACHR transmitted the pertinent parts to the State on November 27, 2006 along with a request that it take precautionary measures to preserve Mr. LeGrande's life pending the IACHR's investigation of the allegations in the petition. The IACHR notified the petitioners thereof on the same date and on November 28, 2006, the petitioners transmitted additional information. On December 7, 2006, the State informed the IACHR that the request for precautionary measures had been forwarded to the relevant authorities.

9. On January 22, 2007, the State requested an extension of time to submit its response to the petition and on September 20, 2007, the Inter-American Commission received the State's response, dated September 14, 2007. The IACHR acknowledged receipt on January 28, 2008 and duly transmitted this response to the petitioners with a request for observations. On March 3, 2008 and June 10, 2009, the petitioners submitted additional information concerning the status of Mr. LeGrande's case.

## **IV. GROUNDS FOR THE DECISION TO ARCHIVE**

10. Article 42 of the IACHR Rules establishes that prior to determining admissibility, the Inter-American Commission shall ascertain whether the grounds for the petition still exist or subsist and if it considers that they do not, it shall order the case to be archived.

11. In the present case, since the presentation of the petition, a number of important events took place. Domestic proceedings on behalf of Mr. LeGrande before the Superior Court of North Carolina led to a decision that Mr. LeGrande was indeed incompetent to be executed. The petitioners thus requested that the present petition be withdrawn and informed the IACHR that domestic remedies remained available to Mr. LeGrande following the Superior Court's decision. The petitioners have indicated that they are pursuing additional domestic remedies and that they wish to desist from the present petition. In accordance with Article 41 of its Rules, which indicates that a petitioner may desist from a petition at any stage, the IACHR hereby decides to archive the present petition.

Done and signed in the city of Washington, D.C., on the 16<sup>th</sup> day of the month of March, 2010.  
(Signed): Felipe González, President; Paulo Sérgio Pinheiro, First Vice-President; María Silvia Guillén, José de Jesús Orozco Henríquez, and Rodrigo Escobar Gil, members of the Commission.