

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

<https://eji.org/cases/madison-v-alabama/>

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The Supreme Court recognized that people with dementia like Vernon Madison are protected from execution under the Eighth Amendment.

Vernon Madison suffered from severe vascular dementia following multiple life-threatening strokes that left him legally blind, incontinent, unable to walk without a walker, with slurred speech, and with no memory of the crime or the circumstances that brought him to death row.

Mr. Madison had long suffered from mental illness but when he became extremely confused and disoriented, told his lawyers he was going to move to Florida, and could no longer remember his crime, concerns about his competency were raised. Experts agreed that Mr. Madison's vascular dementia was likely the result of several strokes he experienced in 2015 after he had been held in solitary confinement on Alabama's death row for 30 years.

Mr. Madison was convicted of the shooting death of a Mobile police officer in 1985. His first trial was overturned after reviewing courts found that the prosecutor had engaged in intentional racial discrimination during jury selection by excluding Black people. Mr. Madison, who was Black, was tried a second time, convicted, and sentenced to death. Courts again found that prosecutors had engaged in misconduct and illegally convicted him.

After a third trial, Mr. Madison was convicted but jurors sentenced him to life imprisonment without parole. An elected trial judge [overrode](#) the jury's verdict of life and imposed a sentence of death. After recent Supreme Court rulings, the Alabama legislature barred the practice of overturning jury life verdicts in 2017 but did not apply the new law retroactively.

After Mr. Madison was scheduled for execution in 2016, a federal appeals court [found](#) that he was incompetent to be executed because he had no rational understanding of the crime for which he was convicted. The Eleventh Circuit held that executing a person currently suffering from dementia would be cruel and unusual punishment. The Supreme Court overturned the lower court ruling in 2017 and declared that a federal court in a habeas proceeding is not authorized to make a decision about the unresolved question about whether dementia qualifies as a basis for barring an execution under the Eighth Amendment.

The expert who concluded that Mr. Madison was competent to be executed was illegally abusing narcotics at the time he conducted his evaluation of Mr. Madison. He was arrested on felony drug charges days after the competency hearing and has been disqualified from medical practice.

EJI argued that the unreliability of the competency assessment by the now-discredited physician and Mr. Madison's uncontradicted dementia and impaired mental health established a basis for stopping his execution. In January 2018, the Supreme Court [granted](#) EJI's motion for a stay of execution and agreed to consider Mr. Madison's [petition for review](#).

On October 2, 2018, EJI Executive Director Bryan Stevenson [argued](#) the case before the Court. He concluded his argument by reminding the justices: The 8th Amendment isn't just a window. It's a mirror. And what the Court has said is that our norms, our values are implicated when we do things to really fragile, really vulnerable people. Dementia in this case renders Mr. Madison frail, bewildered, vulnerable, in a way that cannot be reconciled with executing him because of his incompetency.

On February 27, 2019, the Supreme Court [ruled](#) in favor of Vernon Madison, extending Eighth Amendment protections to people with dementia and holding that Mr. Madison was entitled to an assessment that recognizes dementia and other mental conditions as covered by Eighth Amendment's ban against cruel and unusual punishment.

Mr. Madison's case brought national attention to the plight of aging prisoners. He [passed away](#) in February 2020 at Holman Prison in Atmore, Alabama, at age 69.

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122 Commerce Street Montgomery, AL 36104 [\(334\) 269-1803](tel:3342691803) [\[emailprotected\]](#)

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