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GOOD MORNING, LADIES AND GENTLEMEN, WELCOME. CASE ON THE COURT'S CALENDAR FOR CONSIDERATION THIS MORNING IS THOMAS H. PROVENZANO VERSUS THE STATE OF FLORIDA. MR. REITER, ARE YOU READY TO PROCEED?

THANK YOU, YOUR HONOR. GOOD MORNING, YOUR HONORS. I'M MICHAEL REITER REPRESENTING MR. PROVENZANO WE'RE HERE TODAY ON APPEAL FROM THE CIRCUIT COURT ON AN ORDER FINDING MR. PROVENZANO COMPETENT. WE'RE HERE ON AN ORDER FINDING MR. PROVENZANO COMPETENT TO BE EXECUTED. IT IS OUR CONTENTION THAT THAT FINDING BAY THE COURT WAS ERRONEOUS. BASED UPON THE COURT'S ORDER, THERE IS A FLAVOR THAT THE COURT, HAD IT APPLIED THE FACTS TO THE 8TH AMENDMENT, MAY HAVE WELL FOUND MR. PROVENZANO INCOMPETENT TO BE EXECUTED BUT HE WAS COMPELLED TO APPLY THE STANDARD, FACTS DUE TO 3811 WHICH WOULD UNT ULTIMATELY FINDING OF THE WORDS OF UNDERSTANDING AS THE PLAIN LANGUAGE OF THAT RULE IMPLIES IS THAT MR. PROVENZANO'S FACTUAL UNDERSTANDING IF -- APPLIES WITH THAT STANDARD AND IS COMPETENT.

HE UNDERSTANDS THE FACT OF HIS EXECUTION.

YES, HE DOES.

AND THAT REASON THAT THE EXECUTION IS BEING HELD IS BECAUSE HE WAS CONVICTED OF THE CRIMES IN ORLANDO, CORRECT?

THAT'S A BONE OF CONTENTION.

BUT THE JUDGE FOUND THAT.

NO, I THINK COURT SAYS THAT HE FOUND THAT THOMAS HAS THE CAPACITY TO UNDERSTAND THAT THAT'S THE REASON. BUT THAT'S NOT WHAT HE BELIEVES.

BUT THIS BELIEF THAT HE'S HAD THAT WHATEVER THAT HE BELIEVES HE'S JESUS CHRIST, THIS HAS EXISTED ACCORDING TO THE TRIAL COURT, BEFORE THESE CRIMES WERE COMMITTED.

THAT DELUSION HAS EXISTED FOR A LONG PERIOD OF TIME.

SO LEWAS FOUND TO BE COMPETENT TO STAND TRIAL AND ASSIST IN HIS OWN DEFENSE.

YES, HE WAS.

BASED ON THIS SAME SET OF DELUSIONAL BELIEFS.

WE DON'T KNOW THAT TO BE THE CASE.

WHAT I WANT TO UNDERSTAND IS THIS IN TERMS OF WHAT WE LOOK AT TODAY: WHAT IS THE BASIS FOR THE CONSTITUTIONAL PROHIBITION AGAINST THE EXECUTION OF INCOMPETENCE? WHAT SHOULD WE BE FOCUSING ON IN LOOKING AT WHETHER SOMEONE HAS THE CAPACITY TO UNDERSTAND THE FACTS OF THEIR EXECUTION AND THE REASON FOR IT?

THIS COURT HAS ALREADY MODIFIED THAT PLAIN LANGUAGE ONCE LAST TIME WHEN IT SAYS AS WELL AS JUDGE BENTLEY THAT THAT STANDARD INCLUDES AN ELEMENT OF RATIONALITY SO THE LANGUAGE ITSELF LITERALLY IS NOT APPLICABLE. JUDGE BENTLEY, LET ME QUOTE THIS

BECAUSE IT APPLIES TO YOUR QUESTION, SPECIFICALLY SAYS, THE COURT FINDS THAT ACCEPTANCE OF THE REASONS FOR SENTENCING WHETHER RATIONAL, IRRATIONAL, OR DELUSION IS NOT PART OF THE CURRENT STANDARD OF COMPETENCY TO BE EXECUTED. THE COURT INDICATED WHAT HE BELIEVES IS IRRELEVANT. YET JUSTICE POWELL IN HIS OWN INTERPRETATION OF THE STANDARD SAYS FORD DOES NOT BELIEVE USED THE WORD BELIEVE, DOES NOT BELIEVE, OR BELIEVES THAT THE SENTENCE OF DEATH HAS BEEN INVALIDATED. JUSTICE POWELL CONCERNED ITSELF WITH THE ENTIRE MENTAL STATE OF THE INDIVIDUAL. THAT'S JUST PART OF THE ISSUE IN THAT CASE JUSTICE POWELL WAS CONCERNED THE GUY DIDN'T KNOW HE WAS ABOUT TO BE KILLED. MR. PROVENZANO EVEN HAD THE ABILITY TO KNOW THE DIFFERENCE BETWEEN WHETHER HE'S GOING TO GET KILLED BY LETHAL INJECTION OR BY ELECTROCUTION.

BUT THERE IS THE WORD BUT BETWEEN THE TWO SENTENCES. HE INDICATES HE DOES NOT KNOW THE RELATIONSHIP BETWEEN HIS CRIME AND PUNISHMENT BUT BELIEVES THAT THE DEATH SENTENCE HAS BEEN INVALIDATED. ONE BY THE WORD BUT IMPLIES ONE IS DEPENDENT ON THE OTHER. ALTHOUGH MR. PROVENZANO FACTUALLY UNDERSTANDS THE LEGAL PROCESS THAT HE WAS CHARGED, CONVICTED AND SENTENCED TO DEATH, HIS TRUE BELIEF IS THAT'S NOT THE REASON WHY HE'S BEING EXECUTED.

POWELL COMES UP WITH THREE REASONS WHY YOU HAVE THE 8TH AMENDMENT. ONE IS AN ASSISTANCE BASIS. ONE IS TO BE ABLE TO PREPARE YOURSELF FOR DEATH MENTALLY AND SPIRITUALLY AND THE OTHER IS TO SERVE SOCIETY'S REPRIBUTIVE GOALS. THE ASSISTANCE ONE IS SORT OF ACT HERE BECAUSE WE'VE DECIDED THAT'S NOT THE PURPOSE OF THE 8TH AMENDMENT PROHIBITION.

THIS COURT HASN'T FOUND SO, NO.

SO YOU SAY -- THAT'S WHAT I'M ASKING YOU: WHAT IS THE PURPOSE OF WHEN WE'RE LOOKING AT WHETHER MR. PROVENZANO IS COMPETENT TO BE EXECUTED, IS BECAUSE HE NEEDS TO PROVIDE ASSISTANCE TO HIS COUNSEL? OR IS IT TO SERVE SOCIETY'S GOAL TO MAKE SURE THAT MR. PROVENZANO KNOWS WHY HE'S BEING EXECUTED SO THERE CAN BE APPROPRIATE RETRIBUTION?

I THINK THE STANDARD SHOULD REQUIRE ALL THREE, EVEN AS THE ABA SUGGESTED THAT DOESN'T REQUIRE IT. HOWEVER THERE IS VERY LITTLE GUIDANCE EITHER IN THE FEDERAL COURTS OR FOR THAT MATTER IN THE STATE OF FLORIDA WITH REGARD TO HOW THE APPLICATION SHOULD BE MADE. I'M PRETTY MUCH BASED ON THE RECORD CONFINED TO WHAT THE FINDING OF THE COURT WAS HOWEVER I THINK THE STANDARD INCLUDES ALL THREE. AS FAR AS THE MENTAL STATE IS CONCERNED, THE COURT, WHAT HE DID FIND WAS THERE WAS A DUAL BELIEF SYSTEM. WHEN THE QUESTIONS WERE ASKED OF THE THREE DOCTORS WHICH THE COURT FOUND PROBABLY MOST WEIGHT ON, DR. D SAYS HIS FACTUAL UNDERSTANDING VERSUS DELUSION IS NOT MUTUALLY EXCLUSIVE. DR. BERLIN SAYS THEY'RE INTERRELATED. EVEN DR. McLAREN SAYS THEY'RE INTERTWINED YET THE COURT SEPARATED THEM OUT AND THE REASON WHY HE DID THAT IS BECAUSE AS JUDGE KING SAYS IN THE MARTIN COURT, THE MARTIN VERSUS DUGGER, YOU MAKE THIS ANALYSIS IN A CERTAIN WAY. YOU DETERMINE THE MENTAL STATUS BASED ON THE SUBJECTIVE AND THE OBJECTIVE. THE OBJECTIVE IS TO DETERMINE WHAT IS IN THE MIND OF THE INDIVIDUAL HIMSELF. THEN DETERMINE FROM THE OBJECTIVE WHETHER WHAT'S IN HIS MIND IS BASED IN REALITY. BY THE FACT THESE TWO FACTS OR TWO STATEMENTS, HIS ABILITY TO UNDERSTAND AND HIS DELUSION ARE INTERTWINED, IF YOU -- I REMEMBER BACK TO THE QUESTION OF TRUE, FALSE AND FALSE QUESTION AT THE TIME OF SCHOOL. THEY SAY IF ANY PART OF THE STATEMENT IS FALSE, THE ENTIRE STATEMENT IS FALSE. AND WHEN YOU ASK THE QUESTION IS MR. PROVENZANO INCOMPETENT TO BE EXECUTED AND YOU MAKE THE STATEMENT ON THE ONE HAND HE HAS THE ABILITY TO UNDERSTAND, AND ON THE OTHER HAND HE HAS A DELUSIONAL BELIEF THAT DOESN'T ALLOW HIM TO DO THAT UNDERSTANDING, THIS STATEMENT IS FALSE. THE ONLY WAY YOU MAKE THAT MENTAL STATE APPLICABLE TO COMPLY

WITH THAT STANDARD IS TO TROCATE OFF THE DELUSION. THE COURT FINDS THE DELUSION IS NOT NECESSARY IN THE STANDARD AND THEREFORE IT FITS LIKE A PIGEON HOLE INTO THAT STANDARD. SO HE WENT ABOUT IT IN A BACKWARDS SENSE. ALSO, WITH REGARD TO THE STATE MAKES THE COMMENT THERE ARE NO OTHER CASE OUT THERE WHERE THE COURTS HAVE HELD TO THE STANDARD WE ARE SUGGESTING. BUT IN THE ALTERNATIVE THERE IS NO COURT THAT HAS STATED THAT A TRIAL COURT FOUND THAT THE DEFENDANT HAS PROVEN TO ITS SATISFACTION THAT THE REASON FOR THE PERSON'S EXECUTION IS THEIR DELUSIONAL BELIEF.

MR. REITER, I'M JUSTICE SHAW. I WANT TO ASK A QUESTION.

YOUR ENTIRE ARGUMENT DOES IT NOT HINGES ON THE FACT THAT HE BELIEVES THAT HE'S BEING EXECUTED BECAUSE HE'S JESUS CHRIST.

YES. IF HE UNDERSTANDS THAT HE ENTERTAINS THE BELIEF THAT HE'S JESUS CHRIST BUT HE UNDERSTANDS THAT I KILLED SOMEBODY AND I WENT BEFORE A JURY AND IT WAS DETERMINED THAT I WAS GUILTY, AND THE JUDGE AND SOCIETY SENTENCED ME TO THIS PUNISHMENT FOR THE FACT THAT I KILLED SOMEONE, ALTHOUGH I'M JESUS CHRIST, COULD YOU EXECUTE HIM?

BY THE TERM YOU USED ALTHOUGH, I WOULD SAY YES. BUT THAT'S THE POINT. FIRST OF ALL HE ISN'T SAYING THAT IN FACT HE COMMITTED THE CRIME. HE UNDERSTANDS INTELLECTUALLY THAT'S WHAT EVERYONE SAYS THAT WE WAS TRIED FOR E IT, HE WAS SENTENCED TO DEATH. BUT HIS TRUE BELIEF IS THAT'S NOT A REAL FACT. THAT IS SOMETHING THAT'S BEING CONJURED UP IN ORDER TO EXECUTE HIM AS BEING JESUS CHRIST. LET ME TELL YOU THAT --. THE LYNCH PIN THEN IS THE FACT THAT JUDGE'S STATEMENT TO THE EFFECT THAT HE BELIEVES THAT, THE TRIAL JUDGE'S FINDING, THAT PROVENZANO BLOOES THAT HE'S BEING -- BELIEVES THAT HE'S BEING EXECUTED BECAUSE HE'S JESUS CHRIST.

AND HAS PROVED IT BY CLEAR AND CONVINCING EVIDENCE. THE CASE CITED BY MARTIN VERSUS DUGER AND AGAIN CITED BY THIS COURT SUGGEST AND EVEN STATES THAT LOOK AT THE DEFENDANT'S MENTAL CAPACITY ON ITS SURFACE WOULD INDICATE HE'S COMPETENT TO STAND TRIAL BECAUSE HE INTELLECTUALLY UNDERSTANDS THE LEGAL PROCESS BETTER THAN ANYONE WHO HAS BEEN A LAYPERSON THAT CAME BEFORE HIM. BUT THE COURT DID NOT DISREGARD HIS DELUSION EVEN THOUGH ALL THE DOCTORS FOUND HIM COMPETENT AND THE STATE AGRICULTURE YOU'D HE WAS COMPETENT. FOUND THAT THE DELUSIONAL BELIEF THAT HE HAD OUTWIGD AS AN INTERRELATIONSHIP BETWEEN HIS FACTUAL UNDERSTANDING MADE HIM INCOMPETENT. VERY SIMILAR TO THE ANALYSIS THAT SHOULD BE APPLIED HERE. IF THE 8TH AMENDMENT IS TO HAVE --

I THOUGHT THAT CASE INVOLVED COMPETENCE SI TO BE ABLE TO ASSIST HIS COUNSEL.

THAT WAS THE BOTTOM LINE FINDING. BUT THE ANALYSIS TO BE ABLE TO MAINTAIN THAT THE COURT LOOKED AT HIS INTELLECTUAL ABILITY AND LOOKED AT HIS DELUSIONAL SUFFERING AS WELL TO MAKE ITS STATEMENT.

JUSTICE WELLS HAD A QUESTION.

I TAKE IT THAT THE IMPORTANCE OF JESUS CHRIST IN THIS BELIEF IS THAT IT AT BASIC IS A CONSPIRACY, IS THAT CORRECT? THAT THE REASON THAT THIS GOES ON THE BASIS THAT, YES, I UNDERSTAND THAT I COMMITTED A MURDER. OF THE BAILIFF. I UNDERSTAND THE JURY SENTENCED ME TO DEATH. AND I UNDERSTAND IF I'M EXECUTED I WILL DIE. HOWEVER, I ALSO BELIEVE THAT THE REASON THEY'RE GOING TO EXECUTE ME IS BECAUSE OF I AM JESUS CHRIST AND THERE'S A CONSPIRACY TO KILL JESUS CHRIST. IS THAT CORRECT?

SUBSTANTIALLY. I THINK THERE'S A LITTLE TWIST TO IT BUT SUBSTANTIALLY.

WELL, IF I SUBSTITUTED WHERE THE JUDGE HAS "BECAUSE HE IS JESUS CHRIST," IF I SUBSTITUTED, "BECAUSE OF A CONSPIRACY OF THOSE WHO KILL BABIES," WOULD I NOT BE AT THE SAME PLACE?

PERHAPS IF IN FACT THE BELIEF WAS THAT YOU DON'T NECESSARILY BELIEVE. NOW, YOU MAY UNDERSTAND YOU WERE CHARGED WITH THAT BUT THE QUESTION IS BASED ON YOUR DELUSION, IS YOUR HONEST AND TRUE BELIEF THE REASON YOU'RE BEING EXECUTED NOT BECAUSE OF THE CRIMES THAT YOU ARE ALLEGED TO HAVE COMMITTED BUT BASED ON WHATEVER CONSPIRACY RESULTED, IF THAT IS A TRUE BELIEF, THEN HE'S NOT ASSOCIATING HIS CRIME WITH THAT PUNISHMENT.

WELL, THE WAY I UNDERSTAND THE EQUATION THAT JUDGE BENTLEY POSES IS WHAT WE REALLY HAVE GOING ON HERE IS A DUAL BELIEF, AND THAT THERE IS THIS LONG-STANDING, PRIOR TO THE DATE OF THE MURDER, BELIEF, THAT HE IS JESUS CHRIST, AND WHATEVER RAMIFICATION THAT BRINGS HAS BEEN VISITED UPON HIM. AND THAT HE CONTINUES TO BELIEVE THAT, AND HE BELIEVES THAT AT THE END, THAT THAT IS THE REASON FOR HIS EXECUTION. ISN'T THAT WHAT HE SAYS?

HE SAYS IT'S A DUAL BELIEF BUT IT'S UNSUPPORTED BY ANYTHING IN THE RECORD. LOGIC DICTATES A PERSON CANNOT HOLD TWO SEPARATE BELIEFS IN CONFLICT SIMULTANEOUSLY ON SEPARATE MATTERS. NONE OF THE DOCTORS FOUND THAT. JUDGE BENTLEY MADE THAT INVENTION ON HIS OWN. DR. BROLIN SPECIFICALLY SAYS YOU CANNOT HOLD TWO SEPARATE BELIEFS THAT ARE IN CONFLICT ON THE SAME SUBJECT MATTER AT THE SAME TIME. IT'S NOT POSSIBLE. SO THAT DUAL SYSTEM, IT'S INTERTWINED. THERE HAD TO BE SOME RELATION SHIP BETWEEN THE TEAM OF THEM.

MY READING OF EVEN WHAT DR. DEE TESTIFIED TO WAS THAT WE HAVE AN INTERTWINED SYSTEM. AND WHAT I'M CONCERNED ABOUT IS THAT -- IS THE VERY THING THAT JUDGE BENTLEY SEEMED TO BE REACHING FOR, AND THAT IS THAT WE HAVE A LAW THAT SAYS THAT MURDER IN THE FIRST DEGREE IS SENTENCED BY DEATH. AND THIS MAN UNDERSTANDS THAT. NOW, WHY HE IS BEING SELECTED FOR DEATH IS ANOTHER ISSUE. JUST LIKE IF A PERSON KILLS BECAUSE HE BELIEVES THAT A PERSON PERFORMING ABORTIONS, THAT HE IS ORDAINED BY GOD TO KILL THOSE PEOPLE, THAT THAT SEEMS TO ME TO BE A VERY SIMILAR TYPE OF THING.

IF THE BELIEF OF THE KILLING WAS DONE SO BY HIMSELF FOR THE PURPOSES OF THAT KILLING. HOWEVER, IF HE DOESN'T BELIEVE THAT HE IS IN FACT GUILTY OF THOSE OFFENSES, AND THAT THE ONLY ACCUSATION IS CAUSED BECAUSE OF THE FACT OF A CONSPIRACY BECAUSE HE IS JESUS CHRIST, THERE'S A DIFFERENCE IN THAT UNDERSTANDING.

I KNOW YOU'RE IN YOUR REBUTTAL TIME, BUT JUDGE BENTLEY USES THE WORDS "RATIONAL ACCEPTANCE" OR "RATIONAL UNDERSTANDING." THE DO THOSE HAVE THE SAME MEANING? DOES HE DISTINGUISH THEM OR ARE THEIR INTERCHANGED?

HE KEPT USING THE WORD ACCEPTANCE AND I WAS UNDER THE UNDERSTANDING HE WAS SAYING BELIEF, THOSE ARE SIN NO HIMS, BELIEF AND ACCEPTANCE. HE USED BELIEF THAT I THINK IN CONTEXT YOU DON'T HAVE ANY CHOICE OVER AND WE HAVE THE TENDENCY TO USE THE WORD CHOICE AS A WILLFUL DESIRE. HE'S USING THE RATIONAL AWAY FROM THE UNDERSTANDING ASPECT OF IT. HE'S SAYING I THINK IN THE WAY HE DESCRIBES IT THAT THE RATIONAL BELIEF OF MR. PROVENZANO IS IRRELEVANT TO THE STANDARD. IT'S ONLY HIS RATIONAL UNDERSTANDING. SO HE SEPARATED THE TWO OUT AND TOTALLY DISREGARD THAT HIS DELUSIONAL BELIEF IS IRRELEVANT TO STANDARD WHICH I THINK IS IN CONTRAVENTION TO JUSTICE POWELL'S TERM OF BELIEF. I EXPECTED THE QUESTION TO SAY: WHY SHOULD THIS COURT ACCEPT THE WAY WE ARE SUGGESTING THE STANDARD SHOULD BE APPLIED AS TO THAT OF THE STATE? IF YOU APPLY THE STANDARD AS THE STATE IS SUGGESTING AND AS ULTIMATELY

FOUND BY JUDGE BENTLEY, THERE'S SUBSTANTIAL UNCERTAINTY. IN REALITY AS TO MR. PROVENZANO'S INCOMPETENCY. HOWEVER IN FINDING HIM INCOMPETENT AT THIS TIME WE CAN RISE TO THE LEVEL OF IN SPIRIT OF THE 8TH AMENDMENT BY HAVING HIM TREATED, TO MAKE A DETERMINATION THAT WE ARE MORE CERTAIN AS TO HIS COMPETENCY BEFORE HE'S EXECUTED WHICH I THINK IS A DEMAND BY A 8TH AMENDMENT. THANK YOU.

THANK YOU, MR. REITER. MS. DITTMAR?

GOOD MORNING, YOUR HONORS. MAY IT PLEASE THE COURT. I'M CAROL DITTMAR REPRESENTING THE APPELLEE OF THE STATE OF FLORIDA. ON THE ISSUE AS TO WHETHER THE 8TH AMENDMENT INCLUDES AN ELEMENT OF BEING ABLE TO ASSIST YOUR DEFENSE, THERE IS NO SUCH ELEMENT IN THE 8TH AMENDMENT STANDARD FOR COMPETENCY FOR EXECUTION. JUSTICE POWELL'S DISCUSSION ABOUT WHAT THE 8TH AMENDMENT REQUIRES BASICALLY IS THAT THE 8TH AMENDMENT ONLY PROHIBITS THE EXECUTION OF A DEFENDANT WHO IS UNAWARE OF THE PENALTY THAT HE'S ABOUT TO SUFFER AND WHY HE'S ABOUT TO SUFFER IT. AND IN THE MARTIN VERSUS DUGGER CASE, JUDGE KING GOES AT LENGTH INTO WHAT THIS MEANS AND THAT IT DOES NOT CONTAIN AN ELEMENT THAT INCLUDES BEING ABLE TO ASSIST YOUR DEFENSE AT THAT POINT. THERE ARE SOME STATES THAT HAVE ADOPTED THAT AS PART OF THEIR COMPETENCY FOR EXECUTION STANDARD AND JUSTICE POWELL EVEN INDICATES STATES ARE FREE TO COME UP WITH A MORE RIGOROUS STANDARD BUT THAT'S NOT REQUIRED BY THE 8TH AMENDMENT. THERE'S ABUNDANT EVIDENCE --

SO WHAT ARE YOU AND JUSTICE POWELL SAYING THAT 8TH AMENDMENT IS? IF IT'S NOT ASSISTANCE, WHAT IS THE PURPOSE OF HAVING SOMEONE UNDERSTAND THAT THEY ARE ABOUT TO BE KILLED AND WHY? WHAT IS THE 8TH AMENDMENT VALUE IN THAT DEFENDANT UNDERSTANDING THAT?

HE SAYS THAT FITS WITHIN THE GOAL OF CAPITAL PUNISHMENT FOR RETRIBUTION.

SO IT'S THAT THE PERSON WHO'S BEING EXECUTED HAS TO KNOW, SO THAT WHAT?

SO THAT THEY CAN --

THEY CAN APPRECIATE THAT YOU'RE BEING KILLED BECAUSE YOU KILLED SOMEBODY?

RIGHT. THE REASON FOR IT. SO THAT IT'S -- IT FOLLOWS THAT IT'S FROM THAT PURPOSE. AND HE SAYS THAT MEETS THE RETRIBUTION GOAL OF CAPITAL PUNISHMENT. AND JUDGE KING IN THE MARTIN DECISION ALSO TALKED ABOUT THE DETERRENCE FACTOR AND THAT SOCIETY HAS TO BE ABLE TO COUNT ON THIS.

BUT, NOW, JUDGE BENTLEY SAYS THAT HE HAS A RATIONAL UNDERSTANDING OR ACCEPTANCE AND I'D LIKE FOR YOU TO DEAL WITH THAT.

YES, HE DOES.

BUT HE'S ALSO HAS A LONG-STANDING DELUSIONAL BELIEF THAT THE WHOLE TRIAL AND WHAT HE'S FACING NOW IS BECAUSE HE'S JESUS CHRIST. AND HOW CAN THOSE TWO BE ON THE SAME TABLE?

HE BASED THE DISTINCTION BETWEEN RATIONAL UNDERSTANDING AND RATIONAL ACCEPTANCE. THOSE ARE NOT SAME THINGS TO JUDGE BENTLEY. AND THAT'S SUPPORTED BY THE EVIDENCE THAT WAS PRESENTED BELOW.

WHAT DOES FORD REQUIRE? A RATIONAL --

UNDERSTANDING. AN UNDERSTANDING OF THE CONNECTION BETWEEN THE PUNISHMENT AND THE CRIME. AND WHEN JUDGE BENTLEY IS TALKING ABOUT AN ACCEPTANCE, HE'S TALKING ABOUT A DEFENDANT'S BELIEF THAT HIS CONVICTION AND SENTENCE ARE VALID. THAT THEY ARE JUST. AND THERE ARE MANY DEFENDANTS ON DEATH ROW WHO HAVE WHAT THEY BELIEVE IS A GOOD JUSTIFICATION FOR WHY THEY COMMITTED THE CRIME. JUST AS MR. PROVENZANO DOES HERE. HE FEELS LIKE HE WAS ACTING IN SELF DEFENSE. HE DOES NOT THINK HE WAS GUILTY OF ANY CRIMINAL WRONGDOING AND UNDER THE STANDARD THE DEFENSE IS ASKING YOU TO ADOPT, ANY DEFENDANT WHO DOES NOT BELIEVE THEY WERE GUILTY OF CRIMINAL WRONGDOING CANNOT BE COMPETENT FOR EXECUTION. IN MARTIN --

HOW MANY DEFENDANTS ON DEATH ROW HAVE A HISTORY OF EVEN BEFORE THE MURDER, OF BELIEVING, A DOCUMENTED HISTORY OF BELIEVING HE'S JESUS CHRIST? HADN'T HE SIGNED A JOB APPLICATION AS JESUS CHRIST?

YES, HE DID, IN 19 -- IT WASN'T A JOB APPLICATION. IN 74 HE SIGNED SOMETHING REQUIRED FOR A COMMUNITY SERVICE PROJECT WHICH WAS PART OF SOME OF I GUESS CRIMINAL OFFENSE HE COMMITTED AT THAT TIME AND HE SIGNED THAT DOCUMENT JESUS CHRIST. AND THAT WAS IDENTIFIED AS THE FIRST TIME THAT HE HAD DONE THAT. AND AGAIN, THAT DELUSION IS THE SAME DELUSION WHICH HE HAD AT THE TIME OF TRIAL WHICH DID NOT PRECLUDE HIS RATIONAL UNDERSTANDING OF THE PROCEEDINGS AGAINST HIM AT THAT TIME. DR. DEE AND DR. McLAREN BOTH TALKED ABOUT HOW THESE BELIEFS ARE INTERTWINED. THAT THERE'S A DUAL BELIEF SYSTEM AND THAT THEY WOULD CO-EXIST TOGETHER. WHAT DR. DEE SAID WAS THEY'RE NOT IN CONFLICT. THEY'RE RELATED. BECAUSE HE PUTS THE WHOLE COURTROOM DRAMA SCENE AS ALSO BEING PART OF HIS BEING JESUS CHRIST. ALTHOUGH THERE MAY NOT BE A LOT OF DEFENDANTS WHO HAD THIS PARTICULAR DELUSION, THERE ARE A NUMBER OF DEFENDANTS FOR EXAMPLE PAUL HILL, WHO KILLED THE ABORTION DOCTOR. HE BELIEVED THAT HE WAS JUSTIFIED IN WHAT HE DID. AND JUDGE KING IN THE MARTIN DECISION TALKS ABOUT THAT TO AN EXTENT BECAUSE HE SAYS THE USE OF THE WORD WHY, WHY THE PUNISHMENT IS BEING IMPOSED, AND JUSTICE POWELL'S STANDARD AS HE PUT FORTH, THE USE OF THE WORD WHY, DOES NOT IMPLY, SHOULD NOT IMPLY, THERE HAS TO BE AN EXPLANATION WHICH IS SATISFACTORY TO THE DEFENDANT AS TO WHY SOCIETY FINDS HIS ACTIONS TO BE CRIMINAL AND DESERVING OF THE DEATH PENALTY. THAT'S EXACTLY THE SITUATION WE HAVE HERE. PROVENZANO DOESN'T BELIEVE THAT HE DESERVES TO BE PUT TO DEATH FOR WHAT HE DID. THAT IS HIS BELIEF. THAT DOES NOT MEAN HE'S NOT COMPETENT TO BE EXECUTED. HE STILL UNDERSTANDS THE PROCESS. HE UNDERSTANDS THAT THE PUNISHMENT IS A RESULT OF HIS ACTIONS AT THE COURTHOUSE. AND THAT'S VERY CLEAR. I THINK SOME OF THE MOST DEMONSTRATIVE EVIDENCE THAT WAS PRESENTED BELOW ARE SOME OF THE PRO SE PLEADINGS THE STATE ENTERED AS CAN EXHIBITS WHERE HE WAS SAYING, HE WAS ASKING THIS COURT SHORTLY AFTER THE WARRANT WAS SIGNED AND ALSO THE FEDERAL DISTRICT COURT FOR A STAY. AND HE'S CLEARLY TYING IT INTO THE EVIDENCE THAT WAS PRESENTED AT HIS TRIAL. HE'S SAYING YOU NEED TO TALK TO THIS INMATE WHO KNOWS SOMEBODY THAT WAS AT THE COURTHOUSE THAT DAY BECAUSE THEY HAVE INFORMATION AS TO WHAT REALLY HAPPENED. AND HE'S CLEARLY RELATING THE PENALTY THAT HE'S FACING TO THE EVIDENCE IN HIS TRIAL, AND THE CRIMINAL PROCESS AGAINST HIM. SO HE HAS THAT UNDERSTANDING.

DOES HE HAVE TO UNDERSTAND WHY HE'S BEING EXECUTED?

HE HAS TO UNDERSTAND THAT IT'S A RESULT OF HIS CONVICTION. NOW, HE DOESN'T HAVE TO AGREE WITH SOCIETY FINDING THAT CONVICTION, OR SOCIETY IMPOSING THE DEATH PENALTY BECAUSE OF HIS ACTIONS. THAT'S THE DISTINCTION THAT JUDGE BENTLEY WHEN HE TALKS ABOUT RATIONAL ACCEPTANCE, THAT'S WHAT HE'S REFERRING TO, WHETHER THE DEFENDANT AGREES THAT THIS IS A JUST RESULT.

IS YOUR ANSWER YES, HE HAS TO UNDERSTAND WHY HE'S BEING EXECUTED?

HE HAS TO UNDERSTAND THAT IT FLOWS FROM HIS CRIMINAL ACTION, YES.

SO, THEN, WE'RE FACED WITH THE JUDGE'S FINDING THAT THIS MAN FEELS THAT HE IS BEING EXECUTED BECAUSE HE'S JESUS CHRIST, AND THERE'S A CONSPIRACY --

THAT'S CORRECT.

-- TO EXECUTE JESUS CHRIST. HOW DO YOU GET AROUND THAT?

HE BELIEVES THAT'S WHAT GAVE RISE TO THE CONVICTION. HE UNDERSTANDS THE SENTENCE FLOWS FROM CONVICTION. AND HE --

BUT THE JUDGE SAYS AFTER STRUGGLING WITH THIS ISSUE, THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT PROVENZANO HAS A DELUSIONAL BELIEF THAT THE REAL REASON HE IS BEING EXECUTED IS BECAUSE HE IS JESUS CHRIST.

AND GOES ON TO SAY THAT THAT DELUSIONAL BELIEF DOES NOT IMPAIR HIS ABILITY TO UNDERSTAND THAT THIS SENTENCE FLOWS FROM THE CRIME AND THE CONVICTION.

WHAT IS THE DEFINITION OF DELUSION, OR DELUDE OR DELUSIONAL?

WELL, THE DELUSION IS, THE PSYCHOLOGISTS AND PSYCHIATRISTS CHARACTERIZE DELUSIONS AS EITHER BEING BIZARRE DELUSION OR NON-BIZARRE DELUSIONS BUT IT'S BASICALLY OUT OF TOUCH WITH REALITY. THAT YOU PERCEIVE SOMETHING THAT IS NOT WHAT MOST PEOPLE WOULD PERCEIVE. I THINK THERE'S DISAGREEMENT EVEN AMONG THE EXPERTS AS TO WHAT PRECISELY A DELUSION IS.

I THINK PROBABLY WHAT WE STRUGGLE WITH IS HOW YOU CAN HAVE A RATIONAL UNDERSTANDING AND A DELUSIONAL BELIEF.

WELL, THERE ARE A NUMBER OF CASES THAT SAY YOU CAN BE DELUSIONAL AND STILL BE COMPETENT FOR EXECUTION. YOU CAN BE DELUSIONAL AND STILL BE COMPETENT TO STAND TRIAL.

AS TO THE REASON WHY YOU'RE BEING EXECUTED?

I THINK THAT WAS THE CASE IN THE WEEKS CASE OUT OF ALABAMA AND THE BERNARD NARD CASE IN TEXAS WHERE THE DEFENDANTS HAD DELUSION OF PERSECUTION. AND VERY SIMILAR TO WHAT HAPPENED IN PROVENZANO, THOSE DEFENDANTS FELT LIKE THERE WAS A CONSPIRACY AGAINST THEM BUT THEY COULD RATIONALLY UNDERSTAND THE PENALTY THEY WERE FACING FLOWED FROM THE CONVICTION. THE CRIMINAL ACTIVITY THAT THEY HAD BEEN CONVICTED OF COMMITTING WHETHER THEY BELIEVE THAT THEY HAD COMMITTED THE CRIMINAL ACTIVITY WAS NOT A FACTOR, WAS NOT AN ISSUE. IT WAS A DELUSION OF PERSECUTION AND ALL OF THOSE RELATED TO BOTH IN THE WEEKS CASE AND IN THE BERNARD CASE RELATED TO THE CONVICTION AND THE SENTENCE. THEY FELT LIKE IT WAS A RESULT OF THIS DELUSION OF PERSECUTION. SO I THINK YOU CAN STILL MAINTAIN THAT DELUSION, AND STILL HAVE THE UNDERSTANDING.

DO YOU THINK THAT THE JUDGE'S FINDINGS ARE INCONSISTENT?

NO.

ARE THEY CONSISTENT? HE MADE SEVERAL FINDINGS THERE. AND YOU CAN READ THEM AS BEING CONSISTENT.

I THINK THEY ARE CONSISTENT, BECAUSE PARTICULARLY WHEN THE EXPERTS ARE TESTIFYING YES, HE CAN DO BOTH OF THESE THINGS. I THINK IF SOMEONE HAD A DELUSION THEY WERE JESUS CHRIST AND IT WAS SUCH A PER VAES I'VE, ALL ENCOMPASSING DELUSION THAT THEY TOOK ON THE PERSONA OF JESUS CHRIST, THEY DRESSED LIKE JESUS, THEY TALKED LIKE JESUS, THEY BASICALLY BECAME JESUS THEN YOU MIGHT BE ABLE TO SAY THEY NO LONGER HAD THAT UNDERSTANDING OF WHAT HAD HAPPENED AND HOW THEY GOT TO WHERE THEY ARE. THAT IS NOT THE EXTENT OF THIS DELUSION IN THIS CASE. THERE'S NO EVIDENCE THAT KIND OF DELUSION EXISTS WITH MR. PROVENZANO. THERE CAN BE A DELUSION WHERE HE MAY HAVE A STREAM OF THOUGHT, GEE, I BELIEVE THIS IS WHY THIS IS REALLY HAPPENING. THERE MAY BE A LOT OF PEOPLE ON DEATH ROW THAT CANNOT ACCEPT THE FACT THEY ARE PERSONALLY CAPABLE OF COMMITTING THE KIND OF EVIL YOU HAVE TO COMMIT TO GET ON DEATH ROW SO THEY COME UP WITH REASONS WHY THIS HAS HAPPENED TO THEM THAT TAKES THE BLAME AWAY FROM THEM. THEY MAY RELY ON THAT BELIEF AS SOMETHING TO GET THEM THROUGH. BUT THAT DOES NOT PRECLUDE THEM FROM HAVING THE ABILITY TO UNDERSTAND THAT THE PENALTY THAT THEY ARE ABOUT TO SUFFER WAS IMPOSED AS A RESULT OF THE CONVICTION WHICH CAME ABOUT BECAUSE SOCIETY FOUND THE CRIMINAL WRONGDOING TO HAVE OCCURRED. AND THAT THEY DISAGREE FROM THE START THAT THEY ARE GUILTY OF THIS OFFENSE. THEN ACCORDING TO THE DEFENSE STANDARD, THEY'RE NEVER GOING TO BE COMPETENT FOR EXECUTION BECAUSE THEY DON'T ACCEPT RATIONALLY THAT THIS PENALTY SHOULD FLOW FROM WHAT THEY DID. THEY THINK THERE'S ANOTHER REASON FOR IT. WHETHER IT'S POLITICS, WHICH IS ANOTHER THING MR. PROVENZANO SAYS. ONE OF THE REASONS I'M ON DEATH ROW HAS NOTHING TO DO WITH ANYTHING, IT'S POLITICS. HE SAYS I'M INNOCENT. NUMBER TWO IT'S A POLITICAL THING BECAUSE IT'S AN ELECTION YEAR. NUMBER THREE, I'M JESUS CHRIST. AND THESE ARE THE REASONS I'M ON DEATH ROW TODAY. THERE ARE A LOT OF DEFENDANTS THAT MAINTAIN OTHER BELIEFS ABOUT WHY THEY'RE THERE BUT THEY STILL UNDERSTAND THEY'VE BEEN THROUGH CRIMINAL PROCESS, THEY WERE COMPETENT AT THE TIME OF TRIAL. THEY WERE ABLE TO ASSIST THEIR DEFENSE. THEY WERE ABLE TO RATIONALLY UNDERSTAND THE PROCEEDINGS AGAINST THEM. AND THEY HAVE THE SAME DELUSIONAL STATE 15 YEARS LATER WHEN THEY'RE GOING TO BE EXECUTED THAT CAN STILL UNDERSTAND ALL THOSE THINGS. SO THAT'S WHAT WE HAVE IN THIS CASE. AND I THINK YOU CAN RECONCILE THE JUDGE'S FINDING AND I THINK IT'S CONSISTENT WITH THE EVIDENCE PRESENTED BELOW, PARTICULARLY DR. McLAREN'S TESTIMONY AND DR. DEE'S TESTIMONY THAT YOU CAN HAVE THESE DIFFERENT BELIEFS IN YOUR MIND. ONE IS NOT PRECLUDED AND UNDER THE 8TH AMENDMENT YOU'D HAVE TO HAVE SOMEONE WHO IS TOTALLY UNAWARE OF THE PUNISHMENT THEY'RE ABOUT TO SUFFER AND WHY THEY ARE SUFFERING IT. MR. PROVENZANO IS NOT UNAWARE. HE MAY HAVE OTHER IDEAS. DR. BERLIN TESTIFIED IT'S WREATH REALLY AN EITHER OR THING. IF YOU HAVE AN IRRATIONAL BELIEF ABOUT WHY YOU'RE FACING THE DEATH PENALTY THEN YOU CANNOT HAVE A RATIONAL UNDERSTANDING. I DON'T THINK IT'S AN EITHER OR THING AND JUDGE BENTLEY REJECTED THAT BY FINDING NO, YOU CAN HAVE MORE THAN ONE BELIEF. AND SOME MAY BE RATIONAL, SOME MAY BE IRRATIONAL BUT THEY CAN ALL EXIST. SO IT'S NOT JUST BECAUSE YOU CAN COME UP WITH AN IRRATIONAL EXPLANATION FOR WHY YOU'RE THERE DOES NOT MEAN YOU DON'T HAVE A RATIONAL EXPLANATION. AND IF THIS COURT DOES FIND THAT THAT IS PART OF THE COMPETENCY FOR EXECUTION STANDARD, I THINK YOU'RE GOING TO HAVE TO REWORK ALL OF THE CASE LAW ON COMPETENCY TO STAND TRIAL BECAUSE YOU ALSO HAVE THAT RATIONAL ELEMENT IN COMPETENCY TO STAND TRIAL. IF YOU HAVE A DEFENDANT WHO DOES NOT BELIEVE THE ACTS THEY COMMITTED SHOULD AMOUNT TO CRIMINAL WRONGDOING, YOU'RE GOING TO SAY HE CAN'T EVEN STAND TRIAL FOR THAT. SO I THINK THAT'S A HUGE STEP AWAY FROM WHAT THE LAW CURRENTLY REQUIRES AND CERTAINLY WHAT THE 8TH AMENDMENT REQUIRES. THAT'S REALLY MOST OF THE POINTS THAT I WANTED TO MAKE SO I WOULD JUST ASK ON THIS BASIS THAT THIS COURT AFFIRM JUDGE BENTLEY'S ORDER FINDING MR. PROVENZANO COMPETENT TO BE EXECUTED. THANK YOU.

THANK YOU, MS. DITTMAR, MR. REITER.



TWO POINTS OF FACT I WISH TO DISAGREE WITH WITH REGARD TO THE STATE. DR. McLAREN NEVER SAID YOU CAN MAINTAIN TWO SEPARATE BELIEFS TOGETHER AND DO IT IN A COINCIDENCE WAY. ACTUALLY JUDGE BENTLEY DISAGREED WITH DR. McLAREN. LET ME TELL YOU HOW. DR. McLAREN SAYS I DON'T BELIEVE MR. PROVENZANO'S DELUSIONAL BELIEF GOES HIGH ENOUGH OR IS STRONG ENOUGH TO PREVENT HIM FROM BEING ABLE TO UNDERSTAND THE FACTS OF THE CASE AND HIS BELIEF. I SAID TO DR. McLAREN, I SAID DR. McLAREN, IF YOU WERE TO BELIEVE THAT MR. PROVENZANO'S DELUSION IS AS HIGH AS A DEFENSE DOCTORS SAY THEY ARE, WOULD THEN MR. PROVENZANO BE INCOMPETENT TO BE EXECUTED? AND HIS ANSWER WAS, HE MIGHT. JUDGE BENTLEY FOUND BY CLEAR AND CONVINCING EVIDENCE THAT HIS DELUSION DOES PREVENT HIM OR HIS DELUSION MAKES HIM BELIEVE THE REASON WHY HE'S BEING EXECUTED IS BECAUSE HE'S JESUS CHRIST SO HE BELIEVED HIS DELUSION WAS GREATER THAN DR. McLAREN. THAT'S ONLY REASON DR. McLAREN DIDN'T AGREE WITH THE STANDARD. SECONDLY THERE'S A MAJOR POINT DIFFERENCE BETWEEN THE CASE OF WEEKS AND BERNARD. THOSE COURTS NEVER FOUND THAT DEFENDANT HAD PROVEN TO THEIR SATISFACTION THAT THOSE DELUSIONS WERE REAL TO THAT PERSON. BY THE WAY, ALL THE DOCTORS AGREED JUSTICE HARDING THAT THE DELUSION TO THAT PERSON IS AS REAL AS WE BELIEVE ANYTHING ELSE AS A NORMAL PERSON. IT'S REAL TO HIM. AND THOSE COURTS IN WEEKS AND BERNARD SPECIFICALLY DO NOT SAY THEY HAVE PROVEN THAT THOSE DELUSIONS DO IN FACT EXIST. THE COURTS ACKNOWLEDGED THE FACT THAT THE ATTORNEYS MAKE THAT ALLEGATION AND THE DOCTORS TESTIFIED TO IT BUT NOT NECESSARILY THAT THEY'VE PROVEN IT THAT IT RISE TOSS THE LEVEL OF THE STANDARD REQUIRED BY THE STATE.

IS HIS BELIEF THAT HE'S JESUS CHRIST, IS IT GOING TO MAKE IT EASIER FOR HIM TO FACE HIS IMPENDING DEATH?

OH, I DON'T KNOW THE ANSWER TO THAT ONE, JUDGE.

THERE WAS NO TESTIMONY ABOUT THAT?

THERE WAS SOME QUESTION AS TO WHAT HE BELIEVED WOULD HAPPEN IF AND WHEN HE DIES. I THINK DR. FLEMING SAYS HE DOESN'T THINK IT WILL BE ANY DIFFERENT BECAUSE HE BELIEVED HE WAS DEAD AT THE TIME OF HIS BIRTH AND IT MR. THE SAME.

IS THERE ANYTHING WRONG WITH THAT, IN SOMEONE BELIEVING THEY'RE REALLY NOT GOING TO BE KILLED, THEY'RE GOING TO GO ON TO A BETTER PLACE?

I THINK THERE WAS DISAGREEMENT BETWEEN THE DOCTORS AS TO WHAT HE TOLD EACH OF THEM REGARDING THAT. I DON'T THINK THERE WAS ANY SPECIFIC FINDING TO THAT FACT.

YOU'RE SUGGESTING THERE SHOULD BE TREATMENT FOR THIS MENTAL ILLNESS NOW TO GET TO A POINT WHERE SOMEONE CAN EXPLAIN TO HIM THAT HE'S REALLY NOT JESUS CHRIST SO HE THEN CAN GO TO HIS DEATH THINKING HE'S JUST THOMAS PROVENZANO?

I DON'T KNOW THAT IT'S AN EXPLANATION BUT JUSTICE POWELL INDICATED IT'S NOT A QUESTION OF IF OR WHEN HE WILL BE EXECUTED. IF YOU HAVE A TREATMENT WHETHER IT BE DRUGS OR SOME TIN TYPE OF MENTAL TREATMENT CAN BRING HIM TO A LEVEL WHERE WE HAVE MORE CERTAINTY AS TO HIS COMPETENCY OR WHETHER HE'S INCOMPETENT.

I TAKE IT FROM THE BRIEFS IN WHICH YOU'VE CITED TO US THAT THERE IS NO COURT, NO APPELLATE COURT, WHICH HAS UNDER SIMILAR CIRCUMSTANCES BECAUSE OF SOME TYPE OF CONSPIRACY BELIEF BY A DEFENDANT WAITING TO BE EXECUTED THAT THAT PREVENTED THE EXECUTION.

NO. I THINK I TRIED TO FIND EVERY CASE THAT WAS OUT THERE AND THERE ISN'T ANY.

SO THIS COURT WOULD BE PLOWING TOTALLY.

NEW GROUND, THAT'S CORRECT.

AND I BELIEVE ONE OF THE BRIEFS SAID IN MARTIN VERSUS DUGGER, IN FACT, MARTIN WENT AHEAD -- THE COURT WENT AHEAD AND HELD AN EVIDENTIARY HEARING IN THE DISTRICT COURT AND FOUND MARTIN TO BE COMPETENT TO BE EXECUTED.

RIGHT. THAT IS CORRECT.

AND BLOOM WAS -- DIDN'T HAVE TO DEAL WITH INCOMPETENCY.

NO IT DEALT WITH THE APPLICATION OF HOW YOU APPLY THE STANDARD AND WHERE YOU WORK THE OBJECTIVE AND SUBJECTIVE STANDARD TO MAKE THAT DETERMINATION. ALSO WANT TO MAKE A POINT WITH REGARD TO THE DOCUMENT ALLEGEDLY WRITTEN TO THE COURT BY MR. PROVENZANO T. COURT DID NOT FIND IN FACT IT WAS WRITTEN BY MR. PROVENZANO. IT IS NOT UNCOMMON KNOWLEDGE THAT OTHER PEOPLE IN PRISON WRITE FOR OTHER PEOPLE. WE DON'T KNOW WHO IN FACT WROTE THOSE DOCUMENTS. TO SUGGEST HE'S COMPETENT BASED ON DOCUMENTS WE HAVE NO FIND BUYING THE COURT THAT WAS WRITTEN BY HIM WOULD CERTAINLY BE UNFAIR. THERE IS INCON SIN TENANCY IN THE COURT'S ORDER. ON ONE HAND HE SAYS THERE'S NO REQUIREMENT THE COURT CONSIDER WHAT MR. PROVENZANO BELIEVES RATIONALLY, IRRATIONALLY OR DELUSIONAL BUT YET TOWARDS THE END OF HIS ORDER HE SPECIFICALLY SAYS THAT THERE IS HIS DELUSION IS UNIMPAIRED. HIS UNDERSTANDING IS UNIMPAIRED BY HIS DELUSION. IF IT'S NOT REQUIRED TO CONSIDER HIS DELUSION, WHY DID THE COURT EVEN MENTION THE FACT THAT IT DOESN'T IMPAIR HIS ABILITY TO UNDERSTAND? I THINK BECAUSE OF THAT AS THE COURT STARTED OUT IN ITS DISCUSSION IS THAT BASED UPON MR. PROVENZANO'S DELUSION HE VERY WELL MAY BE INSANE FOR EXECUTION. THAT WAS THE COURT'S FEELING FROM OVERALL PICTURE. IT ONLY IS WHEN GOES ON IN HIS ORDER TO DESCRIBE THE APPLICATION OF 3.811 WHERE THE SYSTEM BREAKS DOWN IN AN APPLICATION FROM HIS FEELING OF THE OVERALL PICTURE TO THAT APPLICATION. AND THAT'S WHERE THE CONFLICT ARISES. THANK YOU.

THANK YOU VERY MUCH. THANKS TO BOTH OF YOU. WE'LL BE IN RECESS.