

October 1, 2012

The Honorable Rick Scott
State of Florida
Office of the Governor
The Capitol
Tallahassee, FL 32399-0001

Dear Governor Scott:

This report is in response to Executive Order Number 12-220 appointing the three of us as a Commission to examine the mental condition of John Errol Ferguson. The order specifically requested this examination determine whether Mr. Ferguson understands the nature and effects of the death penalty, and why it was imposed on him.

The purpose and non-confidential nature of this evaluation were explained to Mr. Ferguson. The Commission then performed a 90-minute clinical evaluation of Mr. Ferguson at Florida State Prison. He acknowledged an understanding of these elements and agreed to proceed.

Medical, mental health, and correctional records from 1978 to the present were reviewed. According to the records, he has been free of symptoms and signs of mental illness for many years. However, Mr. Ferguson was diagnosed in the past with Schizophrenia, Chronic Paranoid Type; Substance Abuse; and Antisocial Personality Disorder. He was treated intermittently with antipsychotic medication until January 2000 or thereabouts. He stopped the medication secondary to stated side effects. He has not been treated with any psychotropic medications since then. His psychiatric rating was changed to an S1 in August 2001 (S1 refers to a classification in which no significant mental health issues are of concern). He has declined any psychiatric or psychological treatment since that time.

Additionally, we reviewed numerous court orders and findings. In all of the proceedings, Mr. Ferguson was determined to be competent to proceed and sane. He was adjudicated guilty of eight counts of murder and was sentenced to death.

Also as part of our evaluation on October 1, 2012, we interviewed three correctional officers concerning Mr. Ferguson's recent functioning. They all have had recent and regular (daily or every other day) contact with him, ranging from nine months to ten years. None of the officers had observed any abnormalities in his thinking, speech, communication, or behavior. Rather, he was described as polite, rational, with good hygiene, and always "having his wits." He kept his cell clean and organized. He spent most of his time reading various books including but not exclusively the Bible. Furthermore, Mr. Ferguson was described as attending to his activities of daily living, being compliant with institutional rules, and appropriately asking for anything he needed.

Mr. Ferguson was calm and cooperative during the interview. He was responsive to questions and provided appropriate, logical, and coherent answers. His thought process was linear and goal-directed. He denied symptoms of cognitive disturbance. He was fully oriented, and his memory and concentration were intact. His intelligence was clinically judged to be in the average to high average range.

Mr. Ferguson spoke candidly about his potential execution scheduled for October "16th." He understood the nature and effects of the death penalty, and explained that he will be given a "lethal injection" that will end his life. He acknowledged that he would die from the execution and would then be buried. He understood why the death penalty has been imposed on him. "I was accused of murder. The officers lied on me. I was sentenced to death." He noted "he is good with God" in terms of handling his upcoming potential execution.

Mr. Ferguson related he had been anointed the "Prince of God." After death he believes he will arise and be the "right hand of God." This did not affect his factual and rational understanding of his impending execution, and the committee was not struck by this revelation as being psychotic in nature, but instead a combination of his genuine religious belief that there is a God and attempting to feign religious delusional thinking. In addition, Mr. Ferguson also feigned other psychotic symptoms (e.g., seeing an occasional shadow person and once seeing dogs come out of the cell wall).

In summary, based on our clinical interview, review of records, and interviews with three correctional officers, it is our opinion with reasonable medical certainty that Mr. Ferguson: (1) has no genuine current mental illness, and (2) understands the nature and effect of the death penalty and why it was imposed on him.


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