

Robert Gattis - A Case For Clemency

On January 20, 2012, the State of Delaware plans to execute Robert Gattis for the killing of his former girlfriend, Shirley Slay. Mr. Gattis was sentenced to death in 1992. Neither the jury nor the sentencing judge had been provided with material information that, today, would be presented to any judge or jury considering whether to impose a sentence of death. Neither the jury nor the sentencing judge knew that he was the victim of ongoing sexual abuse from his pre-school years through adolescence and suffered extreme and sustained physical and psychological abuse during those same years. Experts have characterized Mr. Gattis's childhood as one "marked by catastrophic abuse and neglect." We are seeking clemency from the Delaware Board of Pardons and Governor Jack Markell. Upon recommendation from the Board of Pardons, Governor Markell has the constitutional authority to spare Mr. Gattis's life. Clemency has deep roots in our Anglo-American tradition of law, to prevent undue harshness in the operation of the criminal law. Mr. Gattis is not the worst of the worst by any means.

There are many compelling reasons to grant Mr. Gattis mercy and commute his death sentence to one of life imprisonment without the possibility of parole, including:

- **He suffered long-standing sexual molestation and physical abuse during his childhood and adolescence**, which greatly impaired his ability to function as an adult.
- **This history of molestation and abuse was never presented at his trial.** Neither the jury that recommended the death sentence, nor the judge who imposed it, were aware of Mr. Gattis's tragic background. His sexual abuse was not presented at all and his extreme physical abuse was whitewashed as "spanking."
- **He has consistently expressed remorse and contrition** for the senseless killing of Ms. Slay.
- During his twenty-one years in prison following death sentence, he has demonstrated a **genuine and sustained commitment to redemption and rehabilitation.**
- **His good conduct and positive influence on younger inmates** over time has been recognized and acknowledged by prison corrections officers.

- **He has developed and sustained strong and enduring relationships** with his two sons and their young families.
- **He has successfully mentored nieces, nephews and other young people**, to make the right choices in their lives and not repeat the tragic mistakes of his life.

A Childhood of Catastrophic Abuse

Unimaginable sexual and physical abuse were facts of Robert Gattis's childhood and adolescence. As a child, he was raped and otherwise sexually molested by a series of perpetrators beginning at an age so young it is disturbing to consider. The acts were often violent, and many occurred when he was left in the "care" of close family members who had no interest or ability to protect him. Mr. Gattis was also brutalized by the men in his mother's life. His step-father was a violent drunk with little regard for a child not his own. Mr. Gattis's natural father abused his son just as severely as the step-father, and repeatedly abandoned Mr. Gattis and his mother for long periods of time. Mr. Gattis was still a small child when he began to show the predictable signs of emotional distress stemming from this abuse, but he was provided no protection or help. His horrifying childhood experiences had a profound psychological impact, influenced the course of his life, and shed critical light on the person Mr. Gattis was when he killed Ms. Slay.

Mr. Gattis's killing of Ms. Slay, which occurred over twenty-one years ago, was a senseless act, very much informed by his mental illness. At that time, Mr. Gattis had been involved with Ms. Slay in a romantic relationship for almost six years. On the day of her death, inside of her apartment, they had an argument which began when Mr. Gattis accused her of seeing another man. Enraged and jealous, he struck her repeatedly, and then left the apartment. Ms. Slay called the police. While an officer was there, Mr. Gattis phoned, and the officer told him not to return. He did return, however, kicked open Ms. Slay's door, and shot and killed her.

There is no excuse or justification for Mr. Gattis's crime. Yet the horrific sexual and physical abuse he suffered provides insight into the impairment of the man who committed that crime. In Delaware we have recently learned, to our shock and sorrow, that undetected childhood sexual and physical abuse is widespread. Our state has begun to provide services to victims and training to those who come into frequent contact with our children. We do so because we now

know that without intervention, the effects of prolonged childhood sexual abuse are long-lasting, and profoundly disruptive of its victims' abilities to function in intimate relationships. Robert Gattis never received any such intervention. He was at the mercy of his abusers from preschool to adolescence. His many abusers included trusted family members who took advantage of him while no one – not a parent, not a teacher, not a doctor or clergy person – came to his aid. Much of this abuse occurred on our watch, as he passed through our schools virtually unnoticed, without meaningful intervention.

Crucial Life History Never Presented to Jury or Judge

This crucial life history of sexual abuse was never presented to Mr. Gattis's sentencing judge or jury. The lawyers who handled Mr. Gattis's trial have acknowledged their error in not seeking out and presenting this information. Recently, the governors of Ohio and Oklahoma have exercised grace on behalf of other inmates facing the death penalty. The stories of these cases share a common thread with that of Robert Gattis, in that deeply troubling information about the tragic lives of these individuals came to light long after their original trials. One governor (Governor John Kasich of Ohio), in language that echoes the terror of Mr. Gattis's life, found that as a child the condemned "was destined for disaster," having "suffered uniquely severe and sustained verbal, physical and sexual abuse from those who should have loved him." Mr. Gattis too was destined for disaster considering his background.

Mr. Gattis is Deeply Remorseful

There is another reason Mr. Gattis is deserving of mercy. Despite his horrifying background, during the twenty-one and a half years of his incarceration following his death sentence, he has demonstrated the determination and strength of character to redeem and rehabilitate himself. At forty-nine he is a different person from the man who killed Ms. Slay. He is a beloved and involved father, uncle, friend and mentor. People close to Mr. Gattis, including corrections officials, report that his expressions of remorse and contrition for Ms. Slay's death have been consistent and sincere.

Corrections Officials Attest to Mr. Gattis's Redemption

Several former Delaware state correctional officers have attested to Mr. Gattis's character and the positive influence he has played in the lives of other inmates. His two sons, successful and thoughtful young men, have strong and enduring relationships with him. They and their young families draw strength from his active presence in their lives. Over the years of his incarceration, through letters, visits and telephone calls, Mr. Gattis has counseled them not to repeat the mistakes that he has made. He has provided similar mentoring and guidance to other young people, including inmates, nieces and nephews, who also attest to the positive influence he has had over them.

The act of clemency is recognition that even among the condemned there are those who need not be removed from the human community. Mr. Gattis's commitment to redemption for his act has been demonstrably genuine, and his subsequent contribution to the human community has been positive.

For all of these many reasons and more, we are urging the Board of Pardons to recommend and Governor Markell to grant clemency to Mr. Gattis and commute his sentence to life in prison without the possibility of parole.