



December 6, 2024

The Honorable Eric Holcomb
Office of the Governor
200 W. Washington St., Ste. 206
Indianapolis, IN, 46204

Re: Request for Clemency for Joseph Corcoran

Dear Governor Holcomb,

Indiana Disability Rights (IDR) is writing to request clemency for Joseph Corcoran, who is scheduled to be executed on December 18, 2024. IDR opposes the death penalty for individuals diagnosed with a serious mental illness, intellectual disability, or other significant cognitive impairment. The execution of individuals with such conditions raises profound ethical, legal, and moral concerns, as it disregards their diminished culpability and the role that their disabilities often play in their actions.

IDR has extensive experience and expertise advocating for the rights of individuals with disabilities, given its role as the state's federally-mandated protection and advocacy system.¹ Indeed, IDR is statutorily charged with advocating for individuals with various disabilities, including serious mental illness, using a variety of tools, including investigation, informal negotiation, and legal representation.² IDR rights this letter to request clemency for Mr. Corcoran, as well as to demonstrate why executing individuals with serious mental illnesses fails to promote justice systemically.

Mr. Corcoran's case exemplifies the urgency of these concerns. Substantial evidence shows that Mr. Corcoran suffers from serious mental illnesses, including diagnoses of schizophrenia and schizoaffective disorder. Moreover, substantial evidence illustrates that Mr. Corcoran was incompetent to waive his right to post-conviction review, including testimony by three forensic psychologists who believe Mr. Corcoran was incompetent to waive these rights. His mental health history has profoundly affected his perception of reality, decision-making, and ability to participate meaningfully in his defense. Executing individuals who cannot fully comprehend their

¹ See Ind. Code § 12-28-1-1 et seq.; see also 42 U.S.C. § 15043.

² See 42 U.S.C. § 10805 et seq.

Equity Through Advocacy

The Protection and Advocacy System for the State of Indiana

4755 Kingsway Drive, Suite 100
Indianapolis, IN 46205
IndianaDisabilityRights.org

Phone: 317.722.5555
Toll Free: 800.622.4845
Fax: 317.722.5564

circumstances, or the consequences of their actions, violates fundamental principles of human dignity and equity.

IDR suggests Mr. Corcoran's death sentence should be commuted to life without parole for the following reasons:

1. **Mr. Corcoran is seriously mentally ill.** Mr. Corcoran suffers from long-term, documented diagnoses of schizophrenia and schizoaffective disorder. Even before his official schizophrenia diagnosis, and long before his trial, friends and neighbors noticed Mr. Corcoran's strange behavior. A neighbor noticed him nodding and having a conversation even though he was alone. A classmate noticed Mr. Corcoran's perception was impaired because he believed people on the school bus were talking about even though the classmate was on the bus and knew this to be untrue.

That Mr. Corcoran is seriously mentally ill and suffers from paranoid schizophrenia is further evidenced by his severe paranoia, extreme exaggerations, delusions, and auditory hallucinations, as well as negative symptoms such as lack of emotion. Mr. Corcoran has maintained the delusional belief that the Indiana Department of Correction (IDOC) is using an ultrasound device to inflict daily torture and muscle spasms on him. He also believes he suffers from a "sleep disorder" in which his thoughts and emotions are broadcast over IDOC radio while he sleeps. Mr. Corcoran has maintained these delusions for over two decades.

2. **Mr. Corcoran was unable to meaningfully participate in his legal defense.** Due to his severe mental illnesses, Mr. Corcoran was unable to meaningfully assist his legal counsel, prepare his defense, and otherwise participate in legal proceedings against him. The State offered Mr. Corcoran a plea deal with a sentence of life without the possibility of parole. He rejected the offer because of his mental illness, and not because he wanted to avoid responsibility for his crimes; he informed the State that he would not accept the offer unless the State agreed to have his vocal cords severed. Mr. Corcoran would have avoided the death penalty by accepting the plea offer or choosing a bench trial without the possibility of the death penalty were it not for his decision-making capacity being adversely affected by his mental illnesses. Simply, Mr. Corcoran's ultimate refusal to accept either life-preserving alternative was a product of his mental illness. Mr. Corcoran's mental illness even impeded the State's own efforts to avoid a death sentence.
3. **Mr. Corcoran's decision-making is based on "a reality that doesn't exist."** A competency hearing was held after Mr. Corcoran initially waived his right to post-conviction review. During this hearing, three forensic experts opined that Mr. Corcoran was incompetent to waive this post-conviction review due to mental illness. Dr. Robert Kaplan testified that Mr. Corcoran's decision to waive his post-conviction appeals was not rational because it was made on "the basis of a reality that doesn't exist." The court overruled these opinions and deemed Mr. Corcoran competent. Mr. Corcoran views his execution not as punishment, rather an escape from the torture he endures from his mental illnesses and constant suffering. This misunderstanding is a product of his irrationality rather than a sign of competency.

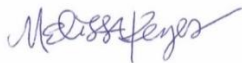
The intersection of mental illness and the criminal justice system is a critical issue. As a state and a society, we have a responsibility to recognize the vulnerabilities of individuals like Mr. Corcoran. Numerous states and national organizations have called for a ban on the death penalty for those with serious mental illness, acknowledging that mental health conditions impair judgment, inhibit impulse control, and distort perceptions of reality—all factors that diminish culpability. Indiana is surrounded by states that refuse to execute the severely mentally ill.³ “Severe mental illness” generally refers to “mental disorders that carry certain diagnoses, such as schizophrenia, bipolar disorder, and major depression; that are relatively persistent (e.g. lasting at least a year); and that result in comparatively severe impairment in major areas of functioning.”⁴

In Mr. Corcoran’s case, these considerations are especially relevant. His serious mental illness was neither fully acknowledged nor fully addressed during his trial, despite its unambiguous impact on his behavior and capacity. While we acknowledge the severity of his crime and the profound loss experienced by the victims’ families, we ask you to consider that life imprisonment without the possibility of parole provides an alternative that protects public safety and honors the principles of justice tempered with mercy.

As advocates for Indiana’s disability community, we sincerely request your demonstration of compassion by granting clemency to Mr. Corcoran. Doing so would not only prevent the irreversible harm of executing a person with significant mental illness, but also affirm Indiana’s commitment to fairness, humanity, and the inherent dignity of all individuals.

Thank you for your thoughtful consideration of this matter.

Respectfully,



Melissa Keyes
Executive Director



Sam Adams
Senior Attorney

³ Equal Justice Initiative. (2024). Recent rulings in some states bar death penalty for people with serious mental illness. *Equal Justice Initiative*. [Recent Rulings in Some States Bar Death Penalty for People with Serious Mental Illness](#).

⁴ American Bar Association. (2021). *American Bar Association*, [Severe Mental Illness Initiative](#).