

Delaware killer facing execution seeks clemency

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The Associated Press

DOVER, Del. —

The state Board of Pardons will meet next week to consider a clemency request from a convicted killer who is scheduled to be executed later this month.

Attorneys for Robert Gattis filed the clemency petition Tuesday, asking the board to recommend that Gov. Jack Markell commute Gattis' death sentence to life in prison without parole.

The 49-year-old is scheduled to be executed Jan. 20 for the 1990 shooting death of his former girlfriend, Shirley Slay, 27. The board will meet Jan. 9 at the state's maximum security prison in Smyrna to consider the request for clemency.

Attorneys for Gattis say commutation is appropriate because the courts have never properly considered the physical and sexual abuse that Gattis suffered as a child as factors weighing against the death penalty.

"What we're asking really is for the pardons board to take a look at this evidence," said Karl Schwartz, a federal public defender who is helping represent Gattis. "Nobody has contested it."

Cathy Rossi, a spokeswoman for Markell, said the governor had not seen the petition for commutation, and that it would be premature to comment before the board considers it.

"The governor knows from having served for ten years on the Board of Pardons that it will carefully review and consider Mr. Gattis's (sic) petition," Rossi said in an emailed statement.

Prosecutors have said Gattis shot Slay "execution-style" between the eyes in a jealous rage, but he claimed the gun went off accidentally.

According to the clemency petition, Gattis does not dispute that he is responsible for Slay's death and has repeatedly expressed contrition and remorse for the killing. His attorneys say the abuse he suffered as a child had a "catastrophic" effect on his development and behavior as an adult.

"Robert's violent behavior as an adult, which culminated in the commission of this crime, cannot be separated from his victimization and the inevitable impact it had upon him," defense attorneys wrote.

Among other things, attorneys for Gattis claim he was subjected to repeated anal rape and other molestation by family members, sexually abused by other boys in his neighborhood, and frequently beaten by his father and stepfather.

"Robert's years in violent, sexualized family surroundings had a devastating effect on his development, causing profound psychological problems," his attorneys wrote.

His attorneys say that when Gattis was sentenced to death almost 20 years ago, defense attorneys and trial judges did not have a clear understanding or adequate appreciation of the impact of child abuse on a defendant's subsequent behavior as an adult.

Lawyers who represented Gattis at trial and on appeal immediately after his conviction have submitted affidavits acknowledging that they did not adequately raise those issues, but arguments about Gattis' abusive childhood were procedurally barred in later appeals because they had not been raised earlier in the case, according to his current attorneys.