



Robert Gattis Clemency Petition—Issues to Consider

Thank you for speaking out about the issue of clemency for Robert Gattis. Below are some points that you may want to consider raising. Please refer to the executive summary of the Case for Clemency for Robert Gattis for the details of the case.

- Clemency is an intricate and necessary part of a fair and impartial system of justice. From a historical perspective, it is seen as an act of mercy. In modern times, it is the final appeal, the “fail safe”, used to ensure that the public welfare, and the justice system itself, are best served by the outcome determined by the courts.
- 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. There is no excuse or justification for his crime. Yet, in a death penalty trial, the U.S. Supreme Court has determined that aggravating circumstances and mitigating circumstances must both be considered before imposing a death sentence. In the Gattis case, the mitigating circumstances were not fully presented to the judge and jury. The history of sexual and physical abuse that Robert Gattis suffered from a pre-school age were never fully considered. Were his case to be before a judge and jury today, that information would necessarily have been presented.
- Many who support the death penalty do so because they believe that some crimes are so heinous, some actions so abhorrent, that society is morally justified in demanding the perpetrator’s life be forfeited. They support and justify the death penalty for the “worst of the worst.” This is not the case with Robert Gattis. His crime of passion, shooting his girlfriend in a jealous rage informed by his mental illness, does not represent the worst of the worst. Is justice served if we execute Robert Gattis when others who have committed murder under similar circumstances, or much worse circumstances, live out their lives in prison without the possibility of parole?
- The passage of time, when combined with evidence of significant remorse, rehabilitation and redemption, can change the equation in some capital cases. Is the punishment that was considered appropriate over twenty years ago still appropriate today? There is significant information about Robert Gattis that is outlined in the executive summary that supports commutation of his sentence to life without the possibility of parole. Gattis is not the same person now that he was then. The public welfare does not gain anything from his execution. In fact the community, inside prison and without, will suffer a significant loss if Robert Gattis’s sentence is not commuted to life in prison without the possibility of parole.

Thank you for your help. If you have any questions, please contact Kathleen MacRae at kmacrae@aclu-de.org or 302-654-5326 x102 or Richard Morse at rmorse@aclu-de.org or 302-654-5326 x103.