

# Baumgartner, POLI 203

## Spring 2016

Just Mercy, continued

February 1, 2016

# George Stinney

- Young boy in Georgia executed in 1944
- After attention to the case rose, he became, I believe, the only person in US history to be exonerated through judicial action after having been executed:
- [http://www.nytimes.com/2014/12/18/us/judge-vacates-conviction-in-1944-execution.html?\\_r=0](http://www.nytimes.com/2014/12/18/us/judge-vacates-conviction-in-1944-execution.html?_r=0)
- George was 14 years old. (See pp. 157 ff.)

# Juvenile LWOP

- Miller v. Alabama, 2012.
  - Mandatory LWOP for juveniles not allowed
    - Kagan for the majority: cruel and unusual
    - Chief Justice Roberts for the dissenters: can't be unusual since the majority of states allow it.
- Montgomery v. Louisiana, Jan 25, 2016
  - The ruling above is retroactive
- 2,300 cases may be affected.
- Why do we have 2,300 children serving LWOP?

# Why do we fear children?

- Super-predators
- See homicide data from last week
- Interesting project: trace the use of this term
  - Maybe a good term paper for my class NEXT semester on Framing Public Policies...
- No longer taken seriously, but a wave of fear of “out of control” and “socially pathological” and “hopeless” sociopathic 14-16 year olds...

# The Shark Tank

- Kids are stupid (teenagers, I mean)
- They take risks
- They don't think of consequences, outcomes
- They follow the lead of other people
- They act quickly, following impulses, not reason
  
- Studies by Abigail Baird
- Frontal lobe takes longer to develop
- Mis-match between intellectual capacity (by age 16) and psycho-social development (mid-20s)
- See pdf of slides from MacArthur Fdn on web site.

# Victims, Offenders, or Both?

- TV: victims are blameless, offenders make the wrong choices out of many options
- Real world: offenders were abused, victims often were not boy scouts
- Statistics on homicides from last week show that the same demographic categories lead in both victims and offenders
- Geography: crime happens within neighborhoods
- But we don't portray it that way in the media nor do we typically understand it that way unless you study it.
- This allows offenders to be dehumanized.

# Walter McMillan

- DPIC # 50:
  - <http://www.deathpenaltyinfo.org/innocence-list-those-freed-death-row>
- Anthony Hinton, # 152
- Levon Jones, # 127 (*Last Lawyer* case)
- Harold Wilson #120 (Philadelphia, triple knife slayings, discussed before)

# Wrongful Convictions not that rare

- Bryan Stevenson: Why was it so easy to convict him with no evidence, but so hard to get him out?
- Some surprising but not uncommon features:
  - Motivated testimony by inmates or others facing legal trouble
  - Interrogations including lies, etc. (plus illegal things; interrogators are ALLOWED to lie to you.)
  - Suppression of evidence
- Note: Walter McMillan would be in jail if he had been sentence to LWOP; the trial was re-done because the judge over-ruled the jury to impose death



# National Registry of Exonerations

- [www.exonerationregistry.org/](http://www.exonerationregistry.org/)
- 1,733 exonerations as of yesterday, since 1989
- Leading Contributing Factors:
  - False Accusation, Perjury
  - Official Misconduct
  - Mistaken Witness ID
  - Misleading Forensics
  - False Confession