

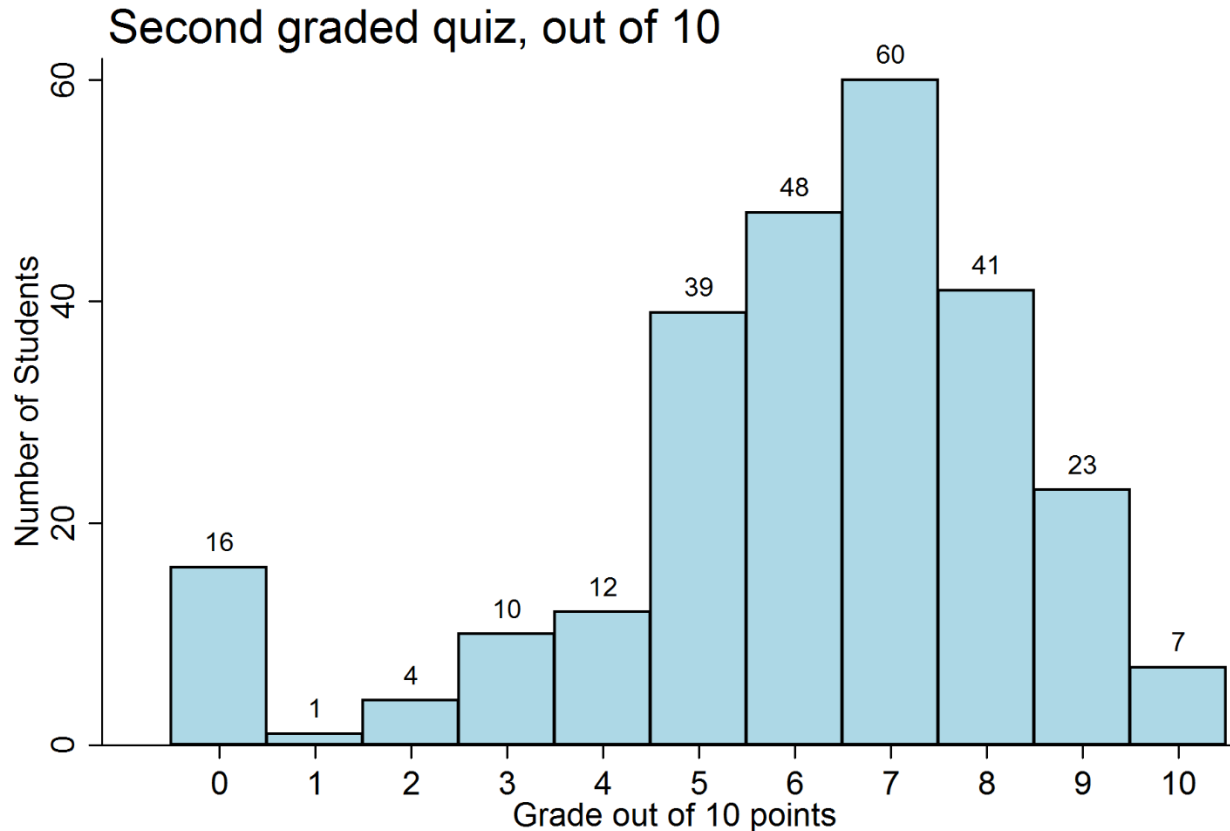
Baumgartner, POLI 203

Spring 2016

The Last Lawyer

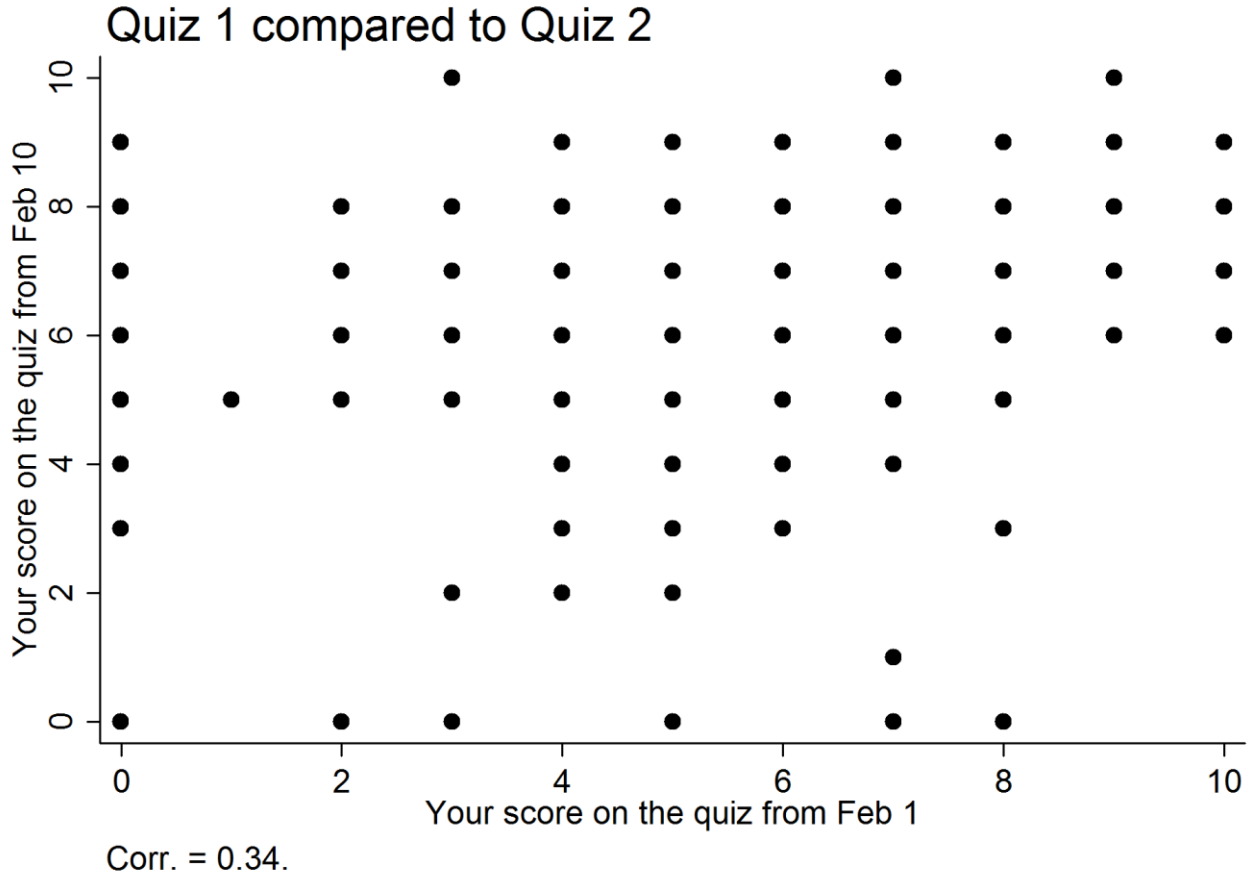
February 17, 2016

Quiz from last week

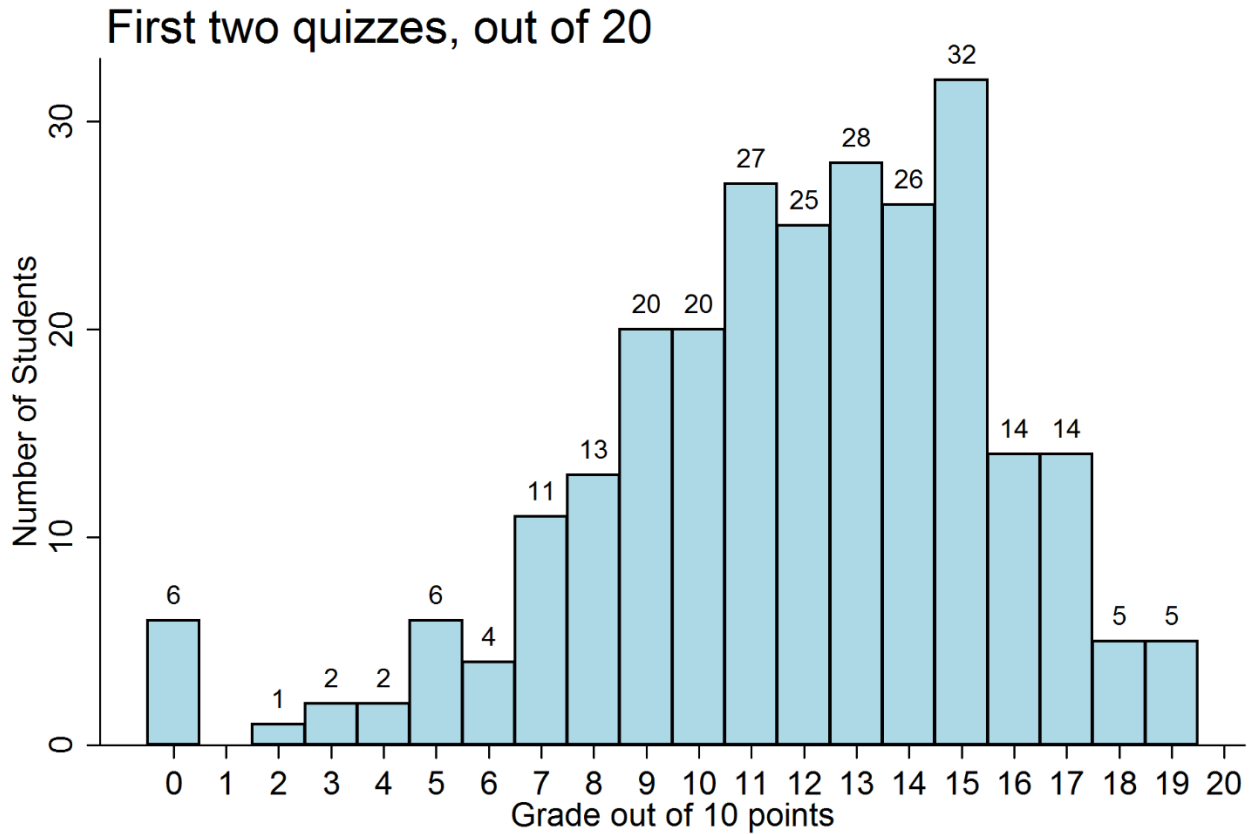


Mean grade: 6.1; Median, 6; Mode 7. N = 245 / 261.

Quiz 1 and 2, not highly correlated



Combined results, 2 quizzes so far



Mean grade: 11.8; Median, 12; Mode 15. N = 251 / 261.

No more bite mark testimony in Texas?

- <http://www.nytimes.com/2016/02/13/us/texas-panel-calls-for-an-end-to-criminal-ids-via-bite-mark.html>
- Ray Krone, # 100 from death row
 - <https://www.youtube.com/watch?v=nDa4Hpdivs3I>
 - <http://www.innocenceproject.org/cases-false-imprisonment/ray-krone>

False confessions

- Last Sunday night on Dateline, 18 year-old, special needs, fingered maliciously by the true perpetrators, ends up in an interrogation for 6 hours, and admits what is fed to him, eventually. Officer lies repeatedly.
- <http://www.nbcnews.com/nightly-news/video/false-confessions-the-interrogation-tactics-that-bring-them-622926403825>

Willie Womble

- NC Innocence Inquiry Commission found him actually innocent:
 - <http://www.innocencecommission-nc.gov/womble.html>
 - <https://www.law.umich.edu/special/exoneration/pages/casedetail.aspx?caseid=4528>
- Signed a confession after being threatened with hanging. He can't read. Convicted, 1976, exonerated, 2014.

Leon Brown and Henry McCollum

- Lumberton, 14 and 19 years old, “if I say that can I see my mom?”
- [http://www.nytimes.com/2014/09/03/us/2-convicted-in-1983-north-carolina-murder-freed-after-dna-tests.html? r=0](http://www.nytimes.com/2014/09/03/us/2-convicted-in-1983-north-carolina-murder-freed-after-dna-tests.html?_r=0)
- <http://www.innocencecommission-nc.gov/mccollum-brown.html>

Ken Rose was McCollum's lawyer

- Ken Rose:
 - Profile in the News and Observer
 - <http://www.newsobserver.com/news/local/article10074956.html>
 - Op Ed from Washington Post after McCollum freed: I'm angry!
 - <http://www.newsobserver.com/opinion/op-ed/article10051685.html>
 - NC Inn Inq Commission did its own search and uncovered evidence of innocence that Ken had asked for for 20 years. Police said it was missing. He's angry.

Political Football

Thanks To Hugh Holliman, death row inmates could leave prison early and move in next door....



WAYNE A LAWS
MURDER FIRST DEGREE
DOC NUMBER: 0234897
SENTENCE TYPE: DRATH ROW



HENRY L MCCOLLUM
MURDER FIRST DEGREE; CHILD RAPE
DOC NUMBER: 0266106
SENTENCE TYPE: DRATH ROW

1. 8/3/2009 SB 461 (2R) North Carolina Racial Justice Act

jdnews.com

"The law would also allow some convicted killers to go from death row to parole almost immediately."

The Daily News, Jacksonville, N.C., 08/18/2009

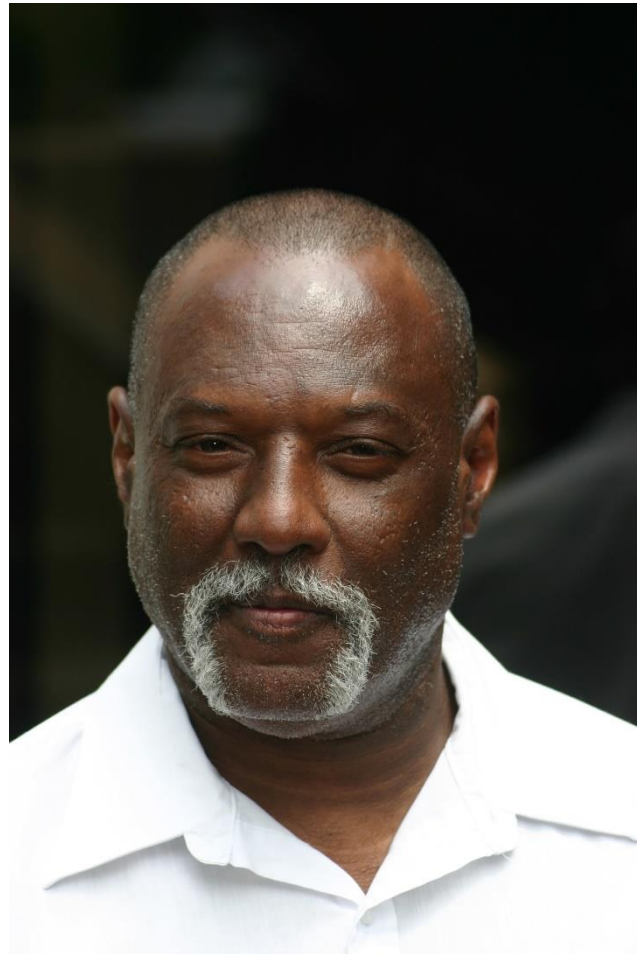
Meet Wayne Laws. He brutally **MURDERED** two people. And get to know Henry McCollum. He **RAPED AND MURDERED AN 11 YEAR OLD CHILD**. Both are on Death Row today.

But thanks to ultra-liberal **Hugh Holliman**, they might be moving out of jail and into Your neighborhood sometime soon.

Holliman voted to allow activist judges to weaken the sentence of Death Row inmates... making some eligible for parole immediately.¹

**Keep Death Row Inmates Where They Belong And
Get Rid of Criminal Coddler Hugh Holliman**

Last Lawyer, and Bo Jones



The Crime: Leamon Grady found dead

- Bootlegger, rural house, middle of night, lots of people come by his house at all hours to buy illegal booze
- One shot, dead.
- No DNA in such a case.
- He had previously been beaten up in another incident, no arrest or suspect...

The investigation

- Focuses on George Overton and Allen Bizzell, who found the body
- Overton wanted already for rape, “it was probably Vanessa... I should have killed her too”
- Goes cold when there is no physical evidence
- Stays dormant for 3-4 years...

Lovely Lorden

- Be careful who your friends are!
- Ex-girlfriend comes forward after 3 years, no explanation why then...
- Victim a bootlegger, star witness a prostitute, trial six years after crime, DA: I wish I had better witnesses; no gun, no physical evidence

The trial

- 3 days jury selection
- 1.5 days testimony
- 1 day deliberation: guilty

- Penalty phase
- 1.5 days testimony
- 0.5 days deliberation: death

Death, on that evidence?

- No physical evidence
- Six years later
- Not much of a defense
- Defense attorney: No way they can get 1st degree murder w/o evidence
- Detective and DA: What a surprising / successful outcome, wow!

- DA's question: Do I have enough to convince a jury beyond a reasonable doubt?

Graham Phillips: Legally incompetent? Or did he miscalculate?

- It's not unconstitutional to have a bad or lazy lawyer, or one who miscalculates
- Same with Greg Taylor: defense says the DA can't prove it so puts up little defense, certainly no mitigation defense for the penalty phase...
- Presumption of innocence means sometimes defense attorneys miscalculate: state has to prove the case...

Defense plan

- Negotiate a plea
 - Not that easy when client is innocent!
- No investigator of the facts of the crime
- No experts / school / medical records...
- No expectation that the DA could prove the case, since the witness was bad and there was no physical evidence, and there were any number of people who could have killed Leamon Grady.

Conflict of Interest?

- Small town...
- Graham Phillips' wife was niece of Leamon Grady
 - Inherited part of the estate
 - Leamon was executor and took 10 percent of estate plus expenses when it was divided

Good enough reasons for a new trial?

- Have to make the case this was “ineffective assistance of counsel” not just mistakes
 - Fair trial just means your lawyer has the opportunity to argue, not that he is perfect...

Jury credence to witnesses

- Why believe Lovely Lorden?
 - Apparently they did...
- Bo Jones as the defendant
 - Previously guilty of several crimes
 - Low mental capacity
 - Drinking / crack problem
 - Very little defense presented
- Weigh those two things, with the police and the local officials having a “good suspect” in custody. So, the outcome is not a shock.

Is Bo Jones crazy?

- Does this matter?
- It could save him from death, lead to the sentence being changed to LWOP
- But it would not set him free.

- Dual track defense: get him off death row (delusional); try to get a new trial

Does Bo Jones have a “delusional belief in God”?

- God won't allow this to happen?
- Judge may not accept the idea that someone who strongly believes in God is crazy... Same with the juries.
- But what if his belief in this outcome is actually delusional?
- Of course, this can't be tested...

How unpleasant to save someone

- Your own attorneys have to argue that you are crazy.
- Imagine what that does to the inmate
- No wonder he did not trust anyone!