

Baumgartner, POLI 203

Spring 2016

RJA 2: the Aftermath

Reading: RJA 2011, '15
Obrien and Grosso, Kotch and
Marsteller

March 7, 2016

From Monday

- RJA allows inmates to be removed from death row and be resentenced to LWOP if they can show:
- Statistical Disparities
 - By race of inmate
 - By race of victim, OR
 - In the use of peremptory strikes of potential jurors

How to rebut?

- Statistical evidence, clearly
- But also “sworn testimony” of people involved in the system
 - I did not intend to discriminate
 - We have programs in place to eliminate discrimination
- Unclear how such evidence would / should be weighed by a judge or the NC SC

How did this ever pass???

- O'Brien and Grosso article
- Our focus on Wednesday: debates, 4 cases that were heard, revision in 2011, repeal in 2013, current law (2015) designed to speed up executions: Restoring Proper Justice Act

What happened after it passed

- First surprise: almost everyone on death row appealed
 - Something like 145 of 150 inmates appealed
- Second, it becomes a political football (no surprise). However, the focus on Hugh Holliman is a surprise. He was defeated for reelection

Hugh Holliman entered politics because of his daughter's murder by Ricky Sanderson

- <http://www.wral.com/news/local/story/123265/>
- <http://www.wral.com/news/local/story/123357/>
- You may remember Ricky Sanderson from the Last Lawyer. If not, look him up.

Hugh Holliman the target of these ads, defeated in 2012

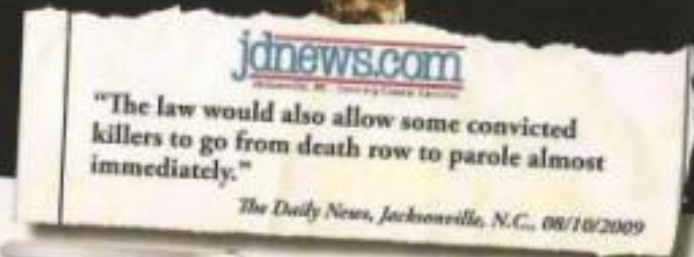
Thanks To Hugh Holliman, death row inmates could leave prison early and move in next door....



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



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



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

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

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

So many ironies

- Hugh Holliman as the target
- Henry McCollum as the threatening inmate
- Suggestion that people would go free (much less “move into your neighborhood”)
- But race, crime, capital punishment are potent scare dynamics in elections. Holliman was defeated.

4 cases make it to trial

- First case: approved on the basis of jury selection (Marcus Robinson)
- Next 3 cases combined, one involved the killer of a police officer. Also successful on the basis of jury selection
- 2015: cases overturned on the basis that the judge should have allowed more time for the prosecutors to submit their evidence

Where we stand

- 4 cases were heard, then the law was repealed
- Can you take away a right, once granted? In other words, do the 142 inmates who filed in 2009 have the right to have their cases heard, even though the law is no longer in effect?
- The four cases that were heard, and which were successful, are to have new hearings. But the law is no longer in effect... They are currently back on death row.

Restoring Proper Justice Act

- Kick-start the execution machinery
- Look at the law on the web site and consider
- Is this “cheap talk”? That is, are there so many legal hurdles to making this happen that it simply allows politicians to take a stand without actually worrying about making it happen?
- Or, even if it is not going to happen, is there a large constituency for bringing back executions?