

Baumgartner, POLI 203

Spring 2016

I am Troy Davis, part 2

Reading: I am Troy Davis, pp. 161-

April 4, 2016

Monday's speaker

- I need 5-10 volunteers to carry some things from my office to Genome Science, in between class and the lecture Monday night, and also stay after the lecture until maybe 7:30pm. See me after lecture if you can help.
- Remember, the game doesn't start until 9, and there is no sense partying before the game, so be at the talk.

Troy's case exemplifies...

- Reversing an initial conviction very hard
- Lack of good attorneys, limited resources available for indigent defense
- Entire family goes down
- Terrible divisions in the community, as people divide based on trust in police / race
- If wrong person is convicted, true perpetrator gets away with murder...
- Compare to Darryl Hunt, very similar but Darryl avoided (by one vote) the death penalty.

Four dates with death

- Troy came twice within 24 hours of his death date, a third time it was cancelled a few days ahead of time, and the fourth time, it came 4 hours after it was scheduled, as the US Supreme Court considered his appeals again.
- Is that torture?
- Is that unusual?

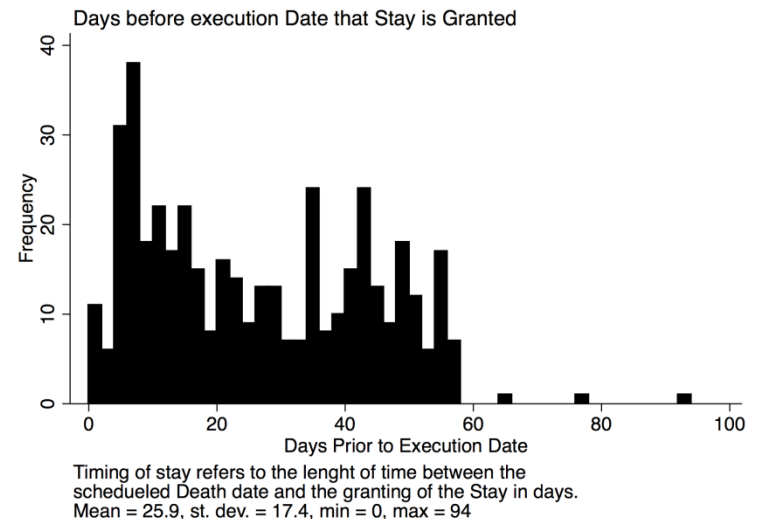
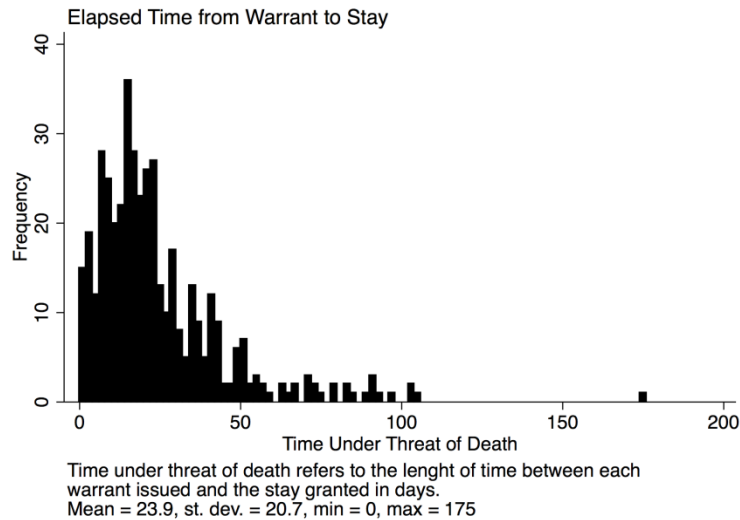
1995 revisions in PA law

- Set a very short limit from the date the PA Supreme Court hears a case to the time the Governor MUST set an execution date.
- Note that the law requires that the inmate have direct appeal to the federal courts.
- No matter, they still set the date.
- These were routinely cancelled, of course.
- However, life was made a little more stressful.

Pennsylvania never executes. But they routinely schedule executions.

Time Under Threat of Death: often the threat is there for 30 days or longer

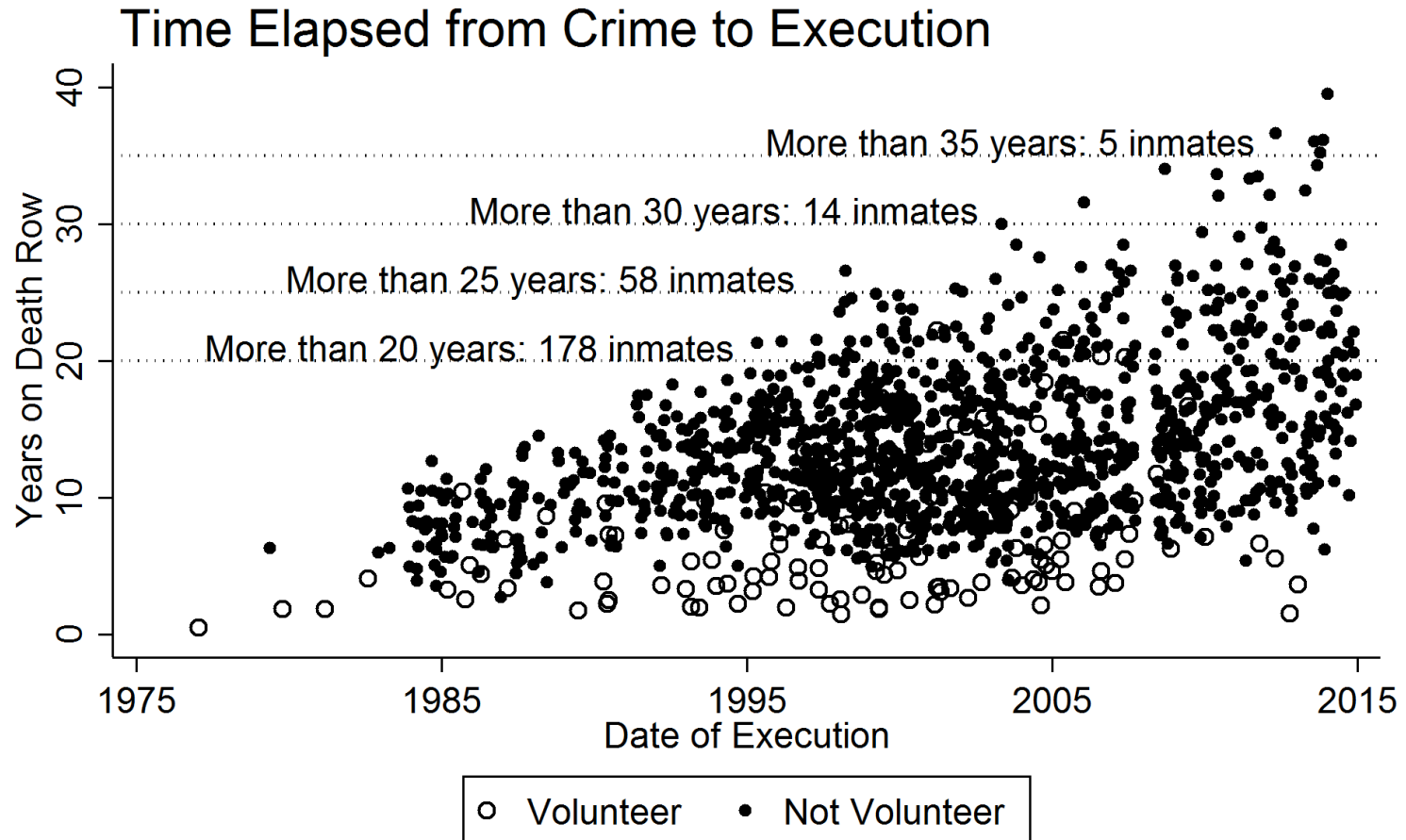
Days before the Date when the stay is granted: often very few.



Twenty-two years on death row

- That definitely is not unusual.
- Is it torture?
- This has been litigated twice. The first time, it was rejected. 1995, *Lackey v. Texas*. USSC rejected it. But he had “only” served 16 years when he filed.
- 2014, *Jones v. Chappell*, Federal judge ruled that the California system is unconstitutional because of the average 20 year delay for completing appeals. Rejected on appeal because the California state appeals process was not complete...
- Justice Breyer, in *Glossip*, raised this issue: What is the additional value to society of death, following 30+ years on death row? So this will be litigated.

The UNC contribution to that debate: Facts.



Includes 1,379 of 1,394 executions from 1977 through 2014.
Excludes 15 cases where the exact date of the crime is unavailable.
Volunteers: 137, Non-volunteers, 1,257

Is innocence enough? Nope.

- P. 174: April 16, 2009, the 11th Circuit denies Troy's appeals:
- "Claims of actual innocence based on newly discovered evidence have never been held to state a ground for federal habeas relief absent an independent constitutional violation occurring in the underlying state criminal proceeding."

Why are these bars so high?

- Procedures are reviewed, not findings.
- Findings of fact at the original trial are presumed to be accurate.
- Original trial defense attorneys are key: very hard to fix mistakes later, if that attorney had the opportunity to fix it up front.
- Presumption of guilt once guilt is found.
- “Finality” – otherwise the courts would be flooded with “frivolous appeals.”

NC Innocence Inquiry Commission

- Since creation in 2006, almost 2,000 cases received, 9 exonerations.
- <http://www.innocencecommission-nc.gov/stats.html>
- Claims of actual innocence accepted, but very high bars of evidence needed.
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- Still the only one in the US.