

Baumgartner, POLI 203

Spring 2016

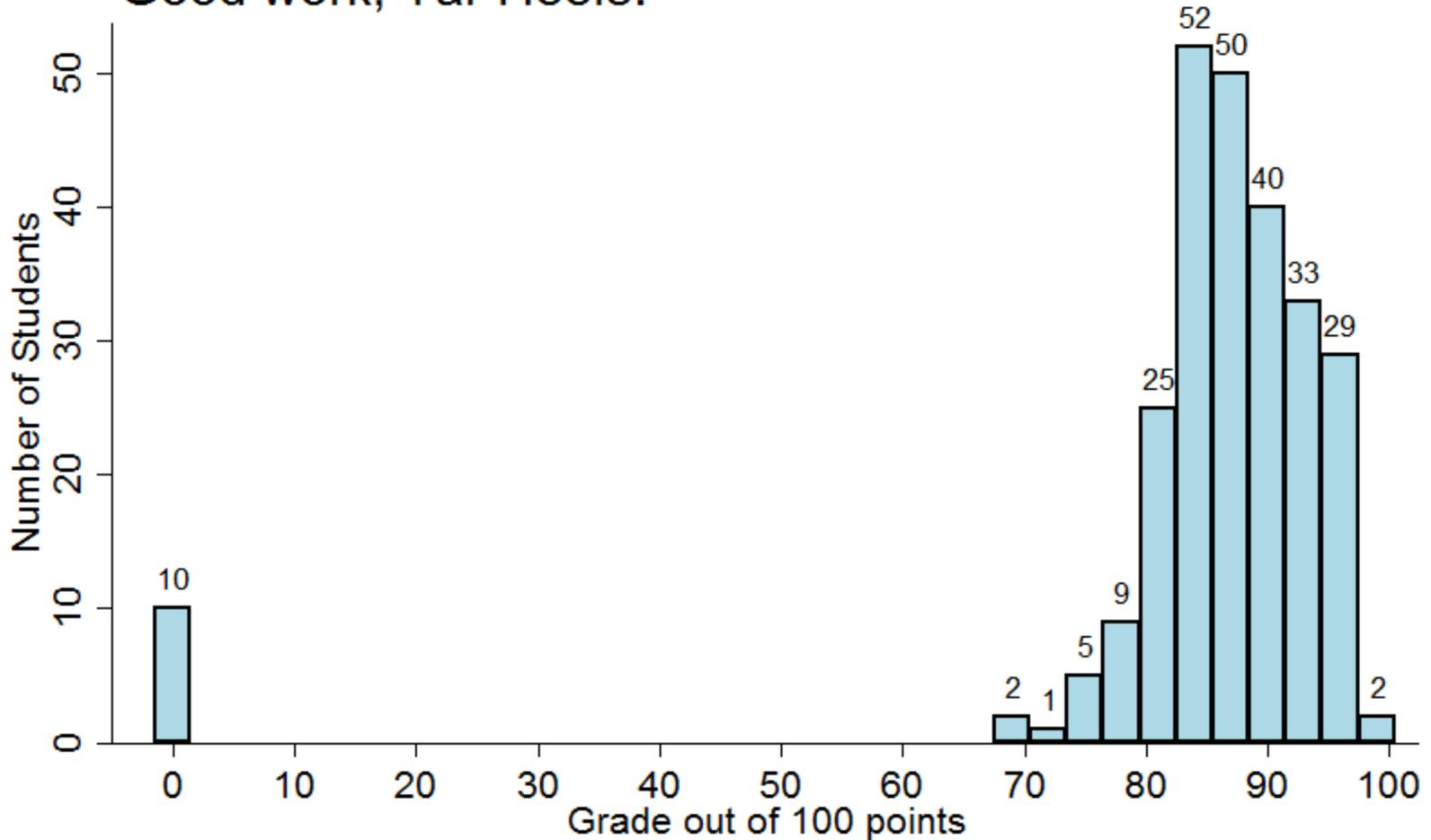
I am Troy Davis, part 1

Reading: I am Troy Davis, pp. 1-160

March 30, 2016

Your first paper: good job!

Research Paper, out of 100
Good work, Tar Heels!



Mean grade: 87.50; Median grade, 87. N = 248 / 258.

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.

He who flips first, suffers least?

- Redd Coles as the informant

How to assess unreliable witnesses

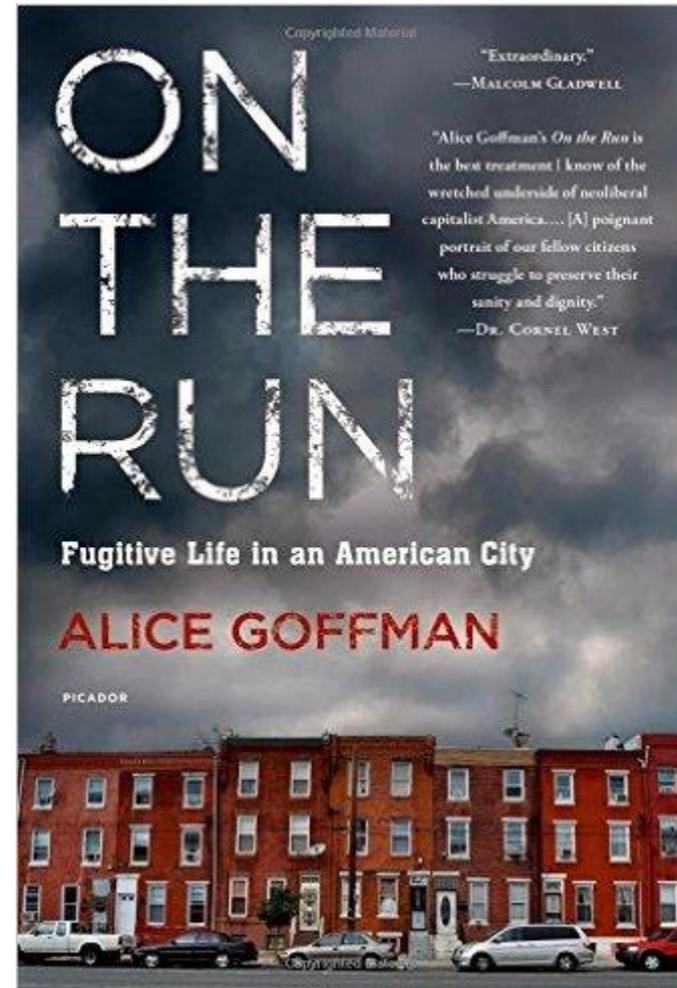
- Boy scouts and church choir masters may not be at the pool hall / bus station at 1am on a Saturday morning
- Lots of people have criminal records, something to gain, a charge reduced, another benefit if they cooperate
- Not to mention, they may want to avoid being the target, stay on the “good side” of investigators. Motivated testimony is very common. You and I may not be motivated, but if you are “in the system” the police may have leverage over you or a loved one.

Consequences of “being dirty” or “having paper”

- First, we are not talking about fugitive murderers, here. Rather, failure to pay court costs after a traffic ticket for example.
- Any official conduct, drivers license office, going to the hospital, applying for unemployment, etc. is an opportunity for the police to come get you. So, no recourse for abuse, no regular job, etc.
- Marginalization as a way of life.

“Having paper”

- Recent interesting book
- In certain parts of towns, maybe 30 percent of men are “dirty” and the “clean” ones are often only one altercation away.



Walter Scott, Akiel Denkins

- North Charleston, Raleigh shootings
- Many people ask: Why did he run?
 - Several outstanding warrants for such things as being late on child support. (You can go to jail for that in S.C.)
 - Denkins, similarly, lots of paper for drugs etc.
- Would you run at the sight of the police? No. (Please don't!)
- But many people do. Particularly in areas where crimes occur.

What do you lose when you have paper?

- First, you lose your citizenship rights.
- Second, you lose your sense that the police will be on your side. You now have a “prior record.”
- Third, you lose your credibility as a witness for your own defense.
 - (However, strangely, you do not lose your credibility as a witness for the prosecution.)

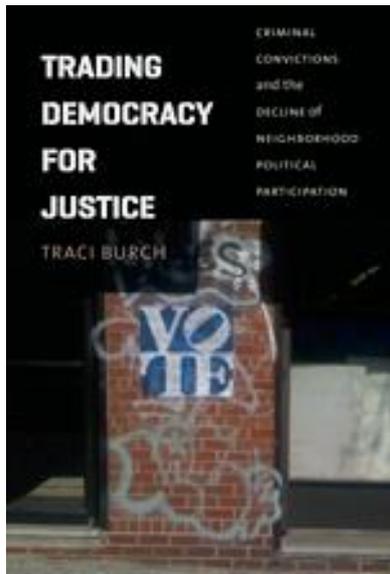
What do you lose when you have paper?

- Fourth, you lose any leverage or independence and you become susceptible to pressure.
 - Say x and certain charges will be dropped or reduced.
 - Say x and your cousin's case will be dropped.
 - Don't say x and this charge will be increased.
- Fifth, you have no credibility if you were to complain.

Two other great books on this

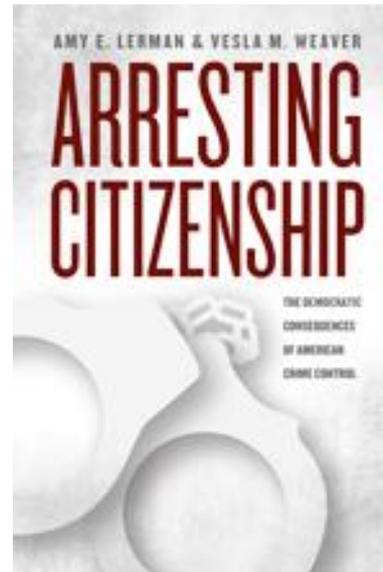
Traci Burch

- Entire communities see lower voting turnout, use of services, landlord complaints, etc. Community – wide effects of mass incarceration.



Amy Lerman and Vesla Weaver

- Reduces trust in government, increases alienation, reduces use of public services, generates cynicism and anti-government attitudes on a mass scale.



Possible tunnel vision

- Close the case
- Make someone pay
- Get an air-tight case that will lead to conviction
- Eyewitness testimony very compelling
- Confessions very helpful (none in this case)
- Recanting testimony later: perjury?
Trustworthiness easily questioned...

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.

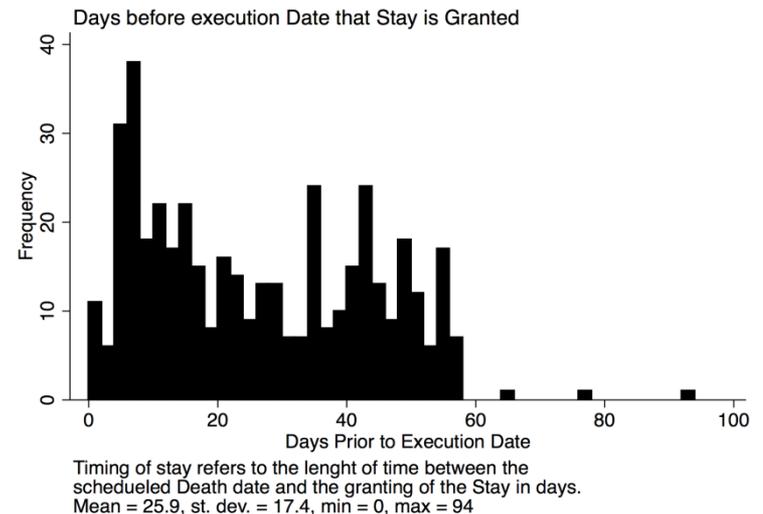
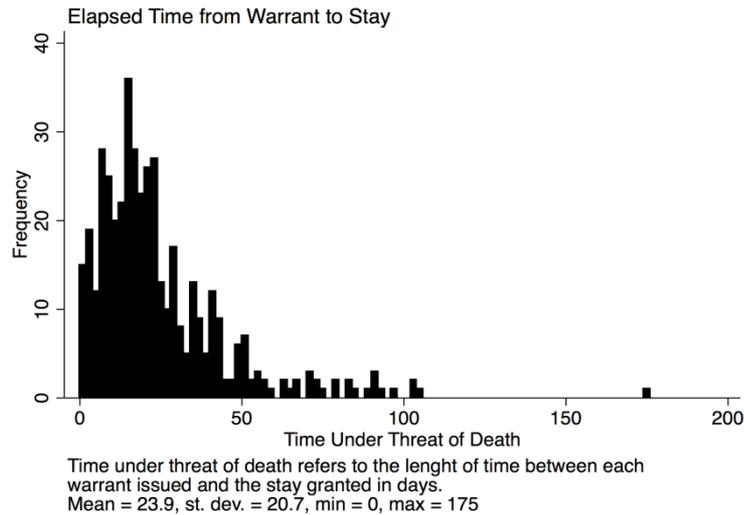
Four dates with death

- 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?

Pennsylvania never executes. But they routinely schedule executions.

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

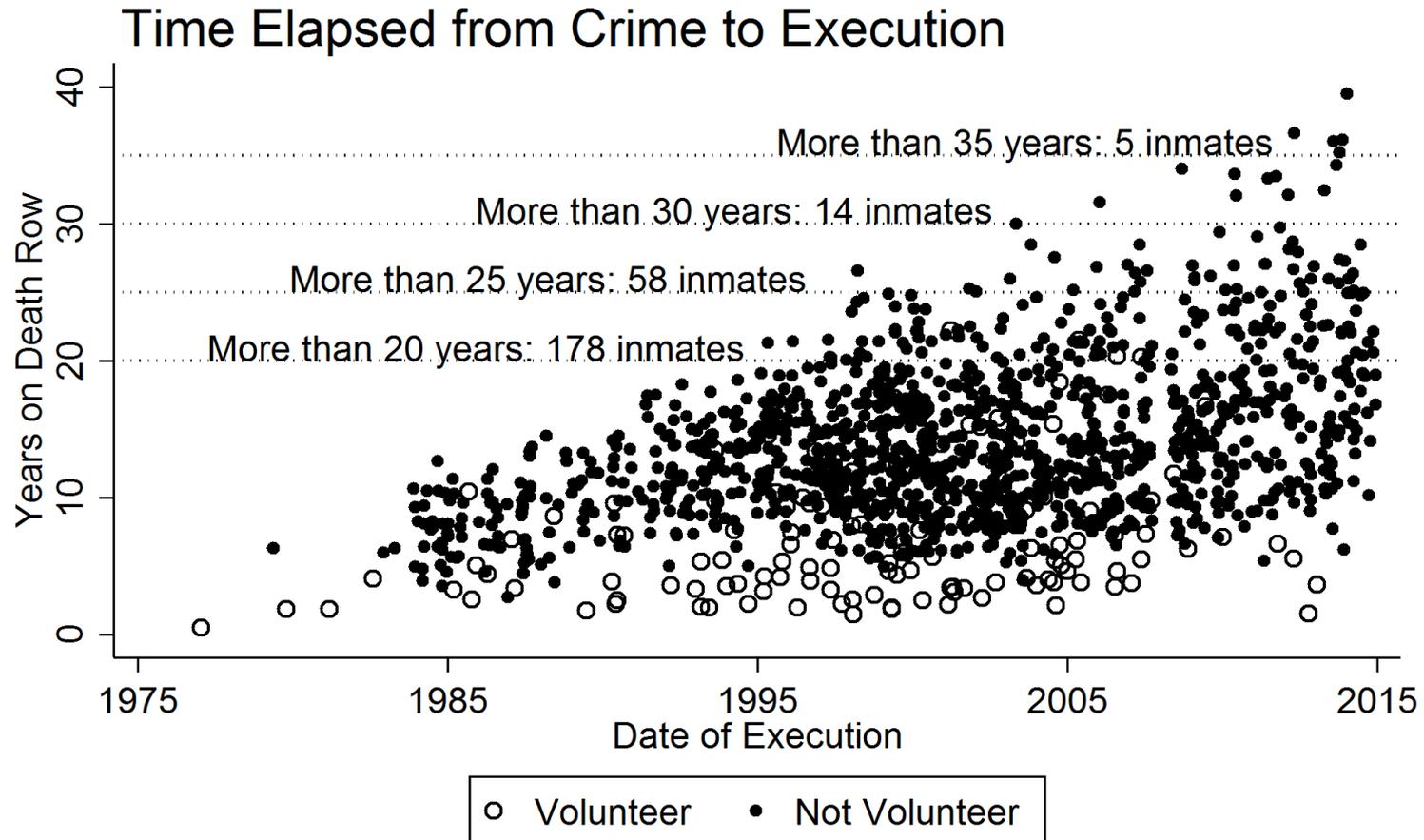
Days before the Date when the stay is granted: often very few.



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