

Selected Case Review and Discussion

Daniel C. Durham

Arizona State University

## Selected Case Review and Discussion

### Case Overview and Applicability to the Death Penalty

#### **Nick Yarris (Pennsylvania)**

In 1981 Nicholas Yarris was convicted and sentenced to death for the sexual assault and murder of a young female victim based upon questionable testimony and inadequate testing of biological evidence (Innocence Project, n.d.). A general miscarriage of justice in the Yarris trial began with the failure of the presiding judge to require that the prosecution comply with rules of evidence regarding portions of a police case file (Blanco, n.d.). A secondary issue involved the perjured testimony of a prison inmate provided with knowledge of the prosecution. Throughout the appeal process, perhaps the most glaring aspect of the arbitrary nature of the ordeal was the refusal of a court-appointed lawyer for Yarris to file a motion for a new trial to not alienate the appointing judge (Blanco, n.d.). Ultimately, in 2003 the court vacated the Yarris conviction based on DNA testing results.

#### **Aaron Patterson (Illinois)**

In 1986 Aaron Patterson was convicted and sentenced to death for the murder of two individuals in Chicago based upon: a confession obtained through torture during police interrogation; and changing testimony on the part of a witness. Misconduct on the part of the Chicago police aside, the miscarriage of justice began with the failure of Patterson's attorney to present evidence regarding the coerced confession. The arbitrary application of justice continued for years as the court system rejected appeals in the case. Finally, in the *State v. Patterson* (735 N.E.2d 616, 627-28, Ill. 2000) the Illinois Supreme Court granted a hearing to determine the effectiveness of Patterson's attorney. However, it ultimately took a pardon by the Illinois Governor in 2003 to free Patterson from death row (Death Penalty Information Center, n.d.).

**Cameron Todd Willingham (Texas)**

In 1992 Cameron Willingham was convicted and sentenced to death based on charges associated with a house fire that killed his three daughters. Problems, in this case, began with the exaggerated expert testimony on the part of arson investigators during the trial. Despite claims of flawed evidence, the trial occurred during a period in which many forms of forensic evidence and investigation techniques were regarded as reliable and admissible in court (Shelton, 2012). Ultimately, Willingham was executed by lethal injection in 2004. However, afterward, the Texas Forensic Science Commission identified that the conviction involved flawed forensic evidence as well as inaccurate and exaggerated testimony (Commission Report, 2011). The miscarriage of justice continues almost a decade after Willingham's death given that the Texas Attorney General has, in effect, nullified the report by prohibiting the commission from investigating evidence in criminal cases that occurred before September 1, 2005 (Abbott, 2011).

**Troy Anthony Davis (Georgia)**

Troy Davis was convicted and sentenced to death for the 1989 murder of an off-duty police officer based primarily upon eye witness testimony. The absence of conclusive evidence against Davis aside, the most disconcerting aspect of this case is that seven of the nine eyewitnesses changed or recanted their testimony after the conviction (Knapp, 2011). Davis was spared from death on three separate occasions until the Georgia Board of Pardons and Parole denied his request for clemency as well as an attempt to have an inmate to take a polygraph test to prove Davis' innocence (Severson, 2011). By some accounts, the death sentence in the Davis case was the result of discriminatory practices associated with the inability of individuals who do not have the financial resources available to obtain adequate legal representation (Kain, 2011). Nevertheless, Davis was executed by lethal injection in 2011.

**George Huguely (Virginia)**

In 2010 George Huguely was accused of murder in the death of a University of Virginia coed. In 2012, based on witness testimony exposing a pattern of violence, Huguely was convicted of second-degree murder and sentenced to twenty-three years in prison. The death penalty, while applicable to this case based on Virginia law, was identified as not being the type of case that a prosecutor would generally seek the death penalty (Ferran, 2010). Given the relationship between Huguely and the victim, an interesting aspect of discrimination, in this case, is the consideration that, as a whole, the criminal justice system provides little support for victims of domestic violence and that victims are routinely subject to acts of violence by the same individual (Cunningham, 2011). With this presumption in mind, consider that in 2013 Huguely was granted an appeal in his murder case based upon issues associated with the impartiality of a juror and arguments that Huguely's right to counsel was violated (Ryan, 2013).

**Anastasio Hernandez-Rojos (California)**

After having lived in the United States for eighteen years, Anastasio Hernandez-Rojos was deported and subsequently apprehended while attempting to reenter the U.S. in 2010. During his second deportation, Hernandez was beaten and tasered by U.S. Customs and Border Protection agents. According to witnesses, when the incident occurred Hernandez was handcuffed and not resisting (Esen, 2012). Although Hernandez had a pre-existing heart condition, his death was ruled as a homicide. Despite this ruling, the miscarriage of justice continues considering that no formal criminal charges have been filed in the death of Hernandez. The death of Hernandez would also seem to be consistent with the alleged discriminatory practices of abuse against travelers, which includes excessive force, by U.S. Customs and Border Protection agents along the border between the United States and Mexico (Nevins, 2012).

**Trayvon Martin (Florida)**

In 2012 Trayvon Martin was fatally shot while walking through a gated community by George Zimmerman. Since the shooting, accounts of the event have been questioned and the scope of the police investigation criticized. Despite Zimmerman's claim that Martin assaulted him, some community leaders have alleged that Zimmerman was not initially charged because the victim was black (Nelson, 2013). As the second-degree murder trial of Zimmerman is preparing to begin in June of 2013, the presiding judge has ruled that the defense may not enter certain potentially inflammatory aspects of Martin's past at trial (Connor, 2013).

**Chrishaun "CeCe" McDonald (Minnesota)**

Chrishaun McDonald, a transgender woman, was arrested for a 2011 stabbing death during an argument outside of a bar. Opinions differ on whether the killing was in self-defense after the exchange of words involving racial and homophobic slurs (Simmons, 2011). Disputes also arose regarding the denial of due process and admissibility of a statement made by McDonald after being arrested (Simmons, 2011). In 2012, amid accusations of overzealous prosecution against a transgender individual, McDonald accepted a plea-bargain for a charge of second-degree manslaughter and was sentenced to forty-one months in prison (Pearce, 2012).

**James Craig Anderson – Deryl Dedmon (Mississippi)**

In 2012, James Anderson, an African American male, beaten by a group of white teenagers then run over and killed by a vehicle driven by Deryl Dedmon (Pettus, 2011). While this act was racially motivated, there were issues regarding whether Dedmon could receive a fair trial given the publicity of the case. Although Dedmon pleaded guilty in 2012, in the absence of an underlying offense as required by Mississippi to pursue a death sentence, he was sentenced to two concurrent life terms (LeCoz, 2013).

## **Comparison of the Cases**

### **Similarities in Cases**

The apparent similarity in each case is that the death of one or more victims resulted from the direct actions of an individual. That said, the second most common similarity with the cases is that the majority of trials involved some degree of eyewitness testimony or, in the case of Dedmon, video evidence. The critical consideration in this regard is that research has identified that misidentification by eyewitnesses is a significant contributing factor in wrongful convictions (Bohn, 2011). Similar to this research finding, questionable eyewitness testimony was involved in the Yarris, Patterson, Davis and, to a lesser, Willingham cases. An additional factor in the Davis case is that seven of nine witnesses changed or recanted their testimony after the conviction (Knapp, 2011).

Fundamental to the American criminal justice system is the expectation for fair enforcement of the laws and the right of an accused to receive an impartial trial. Collectively, four of the cases reviewed involved adverse issues associated with the law enforcement and judicial system. The Patterson case involved wrongful actions by Chicago police officers to elicit a confession, while the use of excessive force resulted in the death of Hernandez. The actions of law enforcement were also a point of contention concerning the quality and scope of the investigation into the Martin case (Sennett, 2013). Specific to the judicial process, the Patterson and Huguely cases involve issues associated with the inadequate representation of the defendant and, in the Huguely case, potential juror misconduct.

The last of the most obvious similarities is associated with the issue of discrimination that was evident in four of the nine cases reviewed: racial discrimination in the Anderson murder; racial and sexual discrimination in the killings committed by McDonald; and while perhaps less

evident, discrimination based on national origin in the Hernandez murder. Further, while the case has not yet come to trial, accusations of racial discrimination on the part of the Zimmerman have also lingered since the killing of Martin.

### **Differences in Cases**

The specific differences in each case were most evident in the manner that each victim was murdered. However, while all cases are controversial in some way, no criminal charges have been filed in the death of Anastasio Hernandez-Rojos, and the fate of George Zimmerman in the Trayvon Martin case has yet to be determined. In the four death penalty cases, while indications are that each case involved the conviction of an innocent individual, only two convictions resulted in an execution. The remaining two death penalty convictions were resolved by a pardon in the Patterson case and an exoneration through DNA evidence in the Yarris case.

Sentencing in the cases that have resulted in convictions differ in that three cases did not involve the imposition of a death sentence. The case of Chrisaun McDonald was plea-bargained to a charge of second-degree manslaughter, and the death penalty was not available by Mississippi law in the case of Deryl Dedmon. In a somewhat more complicated case, the death penalty was not sought in the trial of George Huguey, predominantly due to the inability of the prosecution to prove malice in the commission of the murder (Ferran, 2010).

Perhaps the most striking difference in any of the cases involving convictions is that only Deryl Dedmon admitted his guilt. Arguably, McDonald may have admitted guilt in accepting a plea-bargain to a second-degree murder charge. However, the decision was made to avoid the possibility that a jury would not have accepted the claim of self-defense as well as issues of discrimination against transgender (Yuen, 2012). The coerced confession of Patterson notwithstanding, the remainder of the accused maintained their innocence through their ordeal.

## References

- Abbott, G. (2011). *Opinion of the Attorney General of Texas* (GA-0866). Retrieved from Attorney General of Texas website: [http://www.innocenceproject.org/docs/willingham/TX\\_AG\\_0711.pdf](http://www.innocenceproject.org/docs/willingham/TX_AG_0711.pdf)
- Commission Report. (2011). *Report of the Texas Forensic Science Commission: Willingham/Willis Investigation*. Retrieved from <http://www.fsc.state.tx.us/documents/FINAL.pdf>
- Blanco, J. (n.d.). Encyclopedia of murderers. *Murderpedia, the encyclopedia of murderers*. Retrieved May 28, 2013, from <http://murderpedia.org/male.Y/y/yarris-nicholas.htm>
- Bohm, R. M. (2011). *Death quest: An introduction to the theory and practice of capital punishment in the United States* (4th ed.). Amsterdam: Anderson Pub.
- Connor, T. (2013, June 7). Jury's look into Trayvon Martin's past has its limits - U.S. News. *U.S. News*. Retrieved June 8, 2013, from [http://usnews.nbcnews.com/\\_news/2013/06/07/18832092-jurys-look-into-trayvon-martins-past-has-its-limits?lite=](http://usnews.nbcnews.com/_news/2013/06/07/18832092-jurys-look-into-trayvon-martins-past-has-its-limits?lite=)
- Cornell University Law School. (n.d.) Annotated Constitution Sixth Amendment. *Legal Information Institute*. Retrieved June 2, 2013, from <http://www.law.cornell.edu/anncon/html/amdt6frag2>
- Cunningham, V. (2011). Shaping perceptions by a few key words: A look at how the media controls the public's perception of rape and domestic violence victims. The George Washington University, ProQuest, UMI Dissertations Publishing.
- Death Penalty Information Center. (n.d.). Innocence Cases. *Death Penalty Information Center*. Retrieved June 2, 2013, from <http://www.deathpenaltyinfo.org/node/4900>
- Espen, B. (2012). Crossing the line. *PBS: Public Broadcasting Service*. Retrieved June 2, 2013, from <http://www.pbs.org/wnet/need-to-knowcrossing-the-line/13737/>



- Ferran, L. (2010). Will George Huguey Face Death Penalty for Yeardeley Love Murder. *ABC Breaking News*. Retrieved June 2, 2013, from <http://abcnews.go.com/GMA/TheLaw/expert-debate-george-huguey-face-death-penalty-yeardeley/story>
- Innocence Project. (n.d.). Wrongful Convictions. *The Innocence Project*. Retrieved June 2, 2013, from <http://www.innocenceproject.org/Content/Nicholas>
- Kain, E. (2011, September 21). The State of Georgia Has Killed Troy Anthony Davis - Forbes. *Information for the World's Business Leaders - Forbes.com*. Retrieved June 7, 2013, from <http://www.forbes.com/sites/erikkain/2011/09/21>
- Knapp, A. (2011). Troy Anthony Davis and the Truth - Forbes. *Information for the World's Business Leaders - Forbes.com*. Retrieved June 2, 2013, from <http://www.forbes.com/sites/alexknapp/2011/09/22/troy-anthony-davis-and-the-truth>
- LeCoz, E. (2013). James Craig Anderson Case. *Breaking News and Opinion on The Huffington Post*. Retrieved June 2, 2013, from <http://www.huffingtonpost.com/2013/01/03>
- Nelson, G. (2013, April 30). Trial in Trayvon Martin case nears self-defense showdown. *U.S. News and World Report*. Retrieved June 6, 2013, from [www.usnews.com/articles/2013/04/30/george-zimmerman-declines-stand-your-ground-hearing](http://www.usnews.com/articles/2013/04/30/george-zimmerman-declines-stand-your-ground-hearing)
- Nevins, J. (2012). On the boundary of abuse and accountability. *North American Congress on Latin America*, 45(2), 64-66. Retrieved June 6, 2013, from <http://web.ebscohost.com.ezproxy1.lib.asu.edu/ehost>
- Pearce, M. (2012, June 18). A transsexual woman is sentenced to Minnesota men's prison - Los Angeles Times. *Featured Articles From The Los Angeles Times*. Retrieved June 7, 2013, from <http://articles.latimes.com/2012/jun/18/nation/la-na-nn-transgender-woman-sentenced-to-mens-prison-20120618>

- Pettus, G. (2011). *USA TODAY: Latest World and US News*. Retrieved June 2, 2013, from <http://usatoday30.usatoday.com/news/nation/story/2011-09-04/Mississippi-hate-crime-suspect-victim-had-roots-in-church/50257944/1>
- Ryan, R. (2013). Convicted Murderer George Huguely's Appeal Granted. *Newsplex*. Retrieved June 2, 2013, from <http://www.newsplex.com/home/headlines/Convicted-Murderer-George-Huguelys-Appeal-Granted-204888801.html>
- Sennett, D. (2013). Trayvon Martin's family to speak at peace gathering in Miami days before George Zimmerman trial. *South Florida Sun Sentinel*. Retrieved June 2, 2013, from <http://www.sun-sentinel.com/os-trayvon-martin-peace-miami-20130601,0,6752577.story>
- Severson, K. (2011, September 20). Troy Davis Is Denied Clemency in Georgia – NYTimes.com. *The New York Times - Breaking News, World News & Multimedia*. Retrieved June 7, 2013, from [http://www.nytimes.com/2011/09/21/us/troy-davis-is-denied-clemency-in-georgia.html?\\_r=0](http://www.nytimes.com/2011/09/21/us/troy-davis-is-denied-clemency-in-georgia.html?_r=0)
- Shelton, D. E. (2012). *Forensic science evidence: can the law keep up with science?*. El Paso: LFB Scholarly Pub. LLC.
- Simmons, A. (2011). Defendant in stabbing death now says it was self-defense. *Star Tribune News from Minneapolis, St. Paul and Minnesota*. Retrieved June 2, 2013, from <http://www.startribune.com/local/Minneapolis>
- Yuen, L. (2012). Transgender woman gave up self-defense claim in plea deal. *Minnesota Public Radio*. Retrieved June 2, 2013, from <http://minnesota.publicradio.org/display/web/2012/05/03/cece-plea>