

Lesson 7

Thursday February 15, 2024

In re Winship (1970)

- Case originates with a theft charge (12-year old Samuel Winship stealing money from a woman's purse at a store).
- Evidence in the case was not conclusive (witness reported him running away just before money was reported missing but he did not confess and no one said they actually saw him steal the money).
- New York law allowed for Winship to be adjudicated delinquent by a "preponderance of the evidence" rather than requiring "proof beyond a reasonable doubt."
- U.S. Supreme Court held that when there is a question of criminal guilt, the 14th Amendment's Due Process Clause requires that "proof beyond a reasonable doubt" be the evidentiary standard in state courts and that this ruling applies to juveniles charged with a crime.

McKeiver v. Pennsylvania (1971)

- 6th Amendment: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district where in the crime shall have been committed...”
- 16-year old Joseph McKeiver charged with robbery and larceny.
- McKeiver requested a jury trial and this request was denied by the juvenile court judge.
- McKeiver appealed to the U.S. Supreme Court.
- The Court held that juveniles *do not* enjoy the 6th Amendment’s right to a jury trial.
- Court’s reasoning was somewhat unclear because of different opinions by the justices but three themes emerged: (1) juries do not enhance the child’s best interest mission of the juvenile court; (2) there are other aspects to consider besides guilt and innocence in juvenile cases; and (3) concerns about confidentiality of the juvenile justice process.

Breed v. Jones (1975)

- 5th Amendment: “nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb.”
- 17-year old Gary Jones was adjudicated delinquent for armed robbery in Los Angeles.
- Judge decided to waive the case to the criminal court after adjudication had already occurred.
- Jones filed petition for a writ of habeas corpus on the theory that the 5th Amendment’s prohibition against double jeopardy had been violated. Criminal court denied the writ ruling that juvenile adjudication is not equivalent to adult criminal trial.
- U.S. Supreme Court overruled, holding that jeopardy attaches when evidence is presented in a case where a juvenile is charged with violating a criminal statute. Waiver hearings must, therefore, be conducted before adjudication hearings.

Fare v. Michael C. (1979)

- California case; juvenile offender asked to see his probation officer prior to interrogation -- not an attorney.
- U.S. Supreme Court holds that juveniles have all the rights accorded to adult defendants under *Miranda v. Arizona* (1966).
- Only applies to custodial interrogations by police.

Procedural Due Process

- Guaranteed by the 5th and 14th Amendments to the U.S. Constitution.
- Focus on process by which life/liberty/property is to be deprived.
- Supreme Court's rulings in this area emphasize the importance of ground rules for actors in the criminal and juvenile justice system.
- Also has largely been interpreted as applying when school officials decide whether to deprive a child of their access to the schoolhouse.

Key Supreme Court Precedents on Capital Punishment

- *Furman v. Georgia* (1972): declares the death penalty as currently administered to be cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments.
- *Gregg v. Georgia* (1976): rules that the death penalty trial and sentencing procedure proposed by Georgia does not violate the Eighth and Fourteenth Amendments.

The Juvenile Death Penalty

- *Thompson v. Oklahoma* (1988): the death penalty for juveniles 15 years of age and younger is unconstitutional. This case left open the question of whether a youth age 16 or 17 could be sentenced to death.
- *Stanford v. Kentucky* (1989): the death penalty for juveniles 16 and 17 years of age does not inevitably violate the Eighth and Fourteenth Amendments.

Death Penalty For Offenders with Mental Retardation

- *Penry v. Lynaugh* (1989): the death penalty for offenders with mental retardation does not inevitably violate the Eighth and Fourteenth Amendments.
- *Atkins v. Virginia* (2002): “there is a ‘national consensus’ that the Eighth and Fourteenth Amendments prohibit the execution of a person with mental retardation.”

Overview of *Roper v. Simmons* (2005)

- Christopher Simmons, 17 years old, commits capital murder in Missouri in September 1993.
- He receives the death penalty but the punishment is thrown out by the Missouri Supreme Court based on the U.S. Supreme Court's decision in *Atkins v. Virginia* (2002).
- The U.S. Supreme Court's *Stanford* ruling would appear to control this case but the Court agrees to consider it anyway.
- By a five-to-four margin, the U.S. Supreme Court upholds the Missouri Supreme Court's dismissal of the death penalty. Justice Anthony Kennedy writes the Court's majority opinion.

Some Background on Christopher Simmons (pp. 1-2)



- Christopher Simmons was a 17 year old high school student when he murdered Shirley Crook.
- His friends and accomplices were Charles Benjamin (age 15) and John Tessmer (age 16).
- Simmons appears to have been the instigator, discussing his wishes “to murder someone” with Benjamin and Tessmer.
- He argued that they should “commit burglary and murder by breaking and entering, tying up a victim, and throwing the victim off a bridge.”
- Simmons also “assured his friends they could ‘get away with it’ because they were minors.”

Case Facts (page 2)

- Simmons, Benjamin, and Tessmer met at 2:00 a.m. on the night of the murder. Apparently, Tessmer left before any crimes were committed.
- Simmons and Benjamin entered Shirley Crook's home. After a confrontation, Crook recognized Simmons; he then bound and gagged her.
- Simmons and Benjamin transported Mrs. Crook to a railroad trestle and threw her into a river.
- The next day, fisherman recovered her body. Simmons and Benjamin were arrested and charged with first degree murder. Tessmer was also arrested and charged with criminal conspiracy.
- Benjamin was convicted of first degree murder and sentenced to life imprisonment (at age 15 he was too young to be sentenced to death). The charges against Tessmer were dropped because he cooperated in providing evidence against Benjamin and Simmons.

Evidence and Proceedings Against Simmons (pp. 2-3)

- After his arrest, Simmons waived his right to an attorney and confessed to the murder.
- Because 17 year olds are adults for criminal justice purposes (upper age limit for juvenile jurisdiction in Missouri is age 16 - same as SC), Simmons was charged and tried as an adult for burglary, kidnapping, stealing, and first degree murder.
- The prosecutor sought the death penalty against Simmons, the jury convicted him and recommended a death sentence - a recommendation the judge followed.

Simmons' Appeal (pp. 4-5)

- Primary claim on appeal: ineffective assistance of counsel at trial.
- Simmons' new attorneys argued that expert witnesses should have been called to testify about Simmons' home background and other problems during his adolescent years.
- Appeals court found no violations and denied Simmons' petition.
- The Missouri Supreme Court in *State v. Simmons* (1997) affirmed the trial court's ruling and the U.S. Supreme Court declined Simmons' petition for writ of certiorari.
- Federal courts denied Simmons' petition for writ of habeas corpus in 2001.

A Key Development

- Simmons' execution date was set for May 2002.
- The Missouri Supreme Court took note of the U.S. Supreme Court's upcoming decision in the Atkins v. Virginia (2002) case.
- On April 29, 2002, the Missouri Supreme Court decides to stay the execution of Simmons pending the outcome of the U.S. Supreme Court's decision in Atkins.