THE JUVENILE DEATH PENALTY TODAY:

DEATH SENTENCES AND EXECUTIONS

FOR JUVENILE CRIMES,

JANUARY 1, 1973 - FEBRUARY 28, 2005

[issue #77]

Victor L. Streib
Ella and Ernest Fisher Professor of Law
Ohio Northern University
Ada, Ohio 45810-1599
Telephone: (419) 772-2207
FAX: (419) 772-1875
E-mail: v-streib@onu.edu

This report is available on the web at

http://www.law.onu.edu/faculty/streib

Latest corrections and changes entered on October 7, 2005.

©
Victor L. Streib
2005

PREFACE

This is Issue #77, the final issue of these periodic reports, having first been launched on June 15, 1984. On that date, the death penalty for juvenile offenders (defined as those under age 18 at the time of their crimes) was an obscure issue in law as well as in political and social arenas. During the last twenty-one years, these reports have been with us (1) through the intense litigation of the late 1980s, (2) through our society's near hysteria about violent juvenile crime in the 1990s, (3) into the era of the international pressure on the United States to abandon this practice, and (4) now at the end of this practice. The validity and influence of these reports is indicated by the citations to them in the opinions of leading courts, including the United States Supreme Court: Roper v. Simmons*, 125 S.Ct. 1183, 1192, 1193, 1210, 1211, 1221 (2005);* In re Stanford*, 537 U.S. 968, 971 (2002); and* Stanford v. Kentucky*, 492 U.S. 361, 373 (1989). In the litigation leading up to the final juvenile death penalty case before the United States Supreme Court (*Roper v. Simmons*, 125 S.Ct. 1183 (2005)), the Missouri Supreme Court majority opinion included 12 citations to these reports: See* Simmons v. Roper*, 112 S.W.3d 397, 408, 409, 411 (Mo. 2003). This final issue of this periodic report is intended to document the status of the death penalty for juvenile offenders as of the day before the United States Supreme Court held this practice to be unconstitutional.*

These reports sketch the characteristics of the juvenile offenders and their crimes who have been sentenced to death, who have been executed, and who are currently under death sentences. A source of confusion and occasional inaccuracy is the difference between being legally under a sentence of death and being physically housed on a state's death row. This report chronicles the exact date of imposition and reversal or removal of the death sentence by a court or executive officer. Therefore, the list of persons currently under juvenile death sentences excludes those for whom the sentence has been legally reversed or removed, even if the case is still being reviewed or reconsidered. However, it is not uncommon for such a person to continue to be housed on the prison's death row even though no longer legally under a death sentence. This list also includes those persons under legal death sentences who are housed temporarily in local jails or prisons rather than the jurisdiction' death row prison. Such temporary housing typically occurs (1) when the individual has just been sentenced to death but not yet transported to the death row prison or (2) when he or she is serving as a witness or defendant in another trial or proceeding and must be located nearby. In either case, they are under sentences of death but are not actually on death row and often are not even known to or listed by the prison officials.

The solitary goal of these reports is to collect in one place the best available data and information on the death penalty for juvenile offenders. It is left to other documents and to other organizations to argue about the pros and cons of this practice, with the hope that these data will inform those arguments and deliberations. Therefore, while a sketch of both pro and con rationales is provided, this report takes no position on the legality, wisdom, or morality of the death penalty for juvenile offenders. The author of these reports has been involved with this issue for over thirty years as a researcher and as an attorney. References to some of those involvements can be found in Appendix C to this report.

EXECUTIVE SUMMARY

- Beginning with the first in 1642, at least 366 juvenile offenders were executed. Twenty-two of these occurred during the current era (1973-2005), constituting 2.3% of the total of the 949 executions during this period.

- Almost two-thirds of the current-era executions of juvenile offenders occurred in Texas, with no other United States' jurisdiction or other country in the world actively involved in this practice.

- The final execution of a juvenile offender was in Oklahoma on April 3, 2003, but Oklahoma has no more juvenile offenders on death row and has not even sentenced a juvenile offender to death sentence for 9 years.

- A total of 226 juvenile death sentences were imposed from 1973 to 2005. Of these, only 71 remain currently in force and were still being litigated as of February 28, 2005. Of the other 155 sentences finally resolved, 22 (14%) resulted in execution and 133 (86%) had been reversed or commuted.

- *Thompson v. Oklahoma* (1988) held that the Constitution prohibits execution for crimes committed at age 15, and Wayne Thompson is serving a life sentence in prison.

- *Stanford v. Kentucky* (1989) held that execution for crimes at ages 16 or older is constitutional, but Stanford was granted clemency in 2003 and is serving a life sentence.

- *Roper v. Simmons* (2005) was decided on March 1, 2005, the day after the date of this final report, and held that execution for crimes committed at an age less than age 18 is prohibited by the United States Constitution.

- Of the 38 death penalty jurisdictions in the United States (37 states and federal), 19 jurisdictions have expressly chosen a minimum age of 18, 5 jurisdictions have chosen an age 17 minimum, and the other 14 death penalty jurisdictions use age 16 as the minimum age.

- Essentially every other nation in the world has joined international agreements prohibiting the execution of juvenile offenders, with only the United States refusing to abandon its laws permitting the juvenile death penalty.

- The annual death sentencing rate for juvenile offenses has been declining rapidly and now is at the lowest point in 15 years.

- Only 21% of the public favors the death penalty over life in prison for juveniles who commit murder (ABC News Poll; 12-19-2003).

HISTORICAL BACKGROUND:

- Actual execution of juvenile offenders sentenced to death began in 1642 (Thomas Graunger, Plymouth Colony, Massachusetts).

- Since 1642, at least 366 juvenile offenders were executed, an average of almost exactly one per year. These 366 juvenile offender executions were imposed by 38 states and the federal government, and they constituted less than 2% of the total of about 20,000 confirmed American executions since 1608.

- Twenty-two of these 366 executions for juvenile crimes were carried out during the current era (1973-2005). They constituted 2.3% of the 949 total executions during this period, an execution rate only slightly higher than had been experienced prior to 1973. These 22 executions are listed in Table 1 below.

TABLE 1:
EXECUTIONS OF JUVENILE OFFENDERS,
JANUARY 1, 1973, THROUGH FEBRUARY 28, 2005

Name	Date of Execution	Place of Execution	Race & Sex of Offender/Victim	Age at Crime	Age at Execution
Charles Rumbaugh	09-11-1985	TX	WM / WM	17	28
J. Terry Roach	01-10-1986	SC	WM / WM, WF	17	25
Jay Pinkerton	05-15-1986	TX	WM / WF, WF	17	24
Dalton Prejean	05-18-1990	LA	BM / WM	17	30
Johnny Garrett	02-11-1992	TX	WM / WF	17	28
Curtis Harris	07-01-1993	TX	BM / WM	17	31
Frederick Lashley	07-28-1993	MO	BM / BF	17	29
Ruben Cantu	08-24-1993	TX	LM / LM	17	26
Chris Burger	12-07-1993	GA	WM / WM	17	33
Joseph John Cannon	04-22-1998	TX	WM / WF	17	38
Robert A. Carter	05-18-1998	TX	BM / LF	17	34
Dwayne D. Wright	10-14-1998	VA	BM / BF	17	26
Sean R. Sellers	02-04-1999	OK	WM /WM,WM,WF	16	29
Christopher Thomas	01-10-2000	VA	WM / WF	17	26
Steve E. Roach	01-19-2000	VA	WM / WF	17	23
Glen C. McGinnis	01-25-2000	TX	BM / WF	17	27
Gary L. Graham	06-22-2000	TX	BM / WM	17	36
Gerald L. Mitchell	10-22-2001	TX	BM / WM	17	33
Napoleon Beazley	05-28-2002	TX	BM / WM	17	25
T. J. Jones	08-08-2002	TX	BM / WM	17	25
Toronto Patterson	08-28-2002	TX	BM / BF	17	24
Scott A. Hain	04-03-2003	OK	WM / WM, WF	17	32

- All but one of these executed juvenile offenders were age 17 at the time of their crimes, with only Sean Sellers (Oklahoma) being age 16.

- Only 45% of executed juvenile offenders were white, while 57% of executed adult offenders have been white. (NAACP-LDF, DEATH ROW U.S.A. at 10 (Fall 2004)).

- The races of the victims are essentially the same for executed juvenile offenders (81% white) as for executed adult offenders (80% white). However, the over-representation of female victims is even more apparent in juvenile offender executions (59% female victims) as compared to adult offender executions (49% female victims). (NAACP-LDF, DEATH ROW U.S.A. at 10 (Fall 2004)).

- The periods on death row awaiting execution for these executed juvenile offenders ranged from 6 years to over 20 years, resulting in the ages at execution ranging from 23 to 38.

- Of the 22 juvenile executions, Texas accounted for 13 (59%), Virginia for 3 (14%), and Oklahoma for 2 (9%). These three states together account for 81% of all juvenile executions in the current era. No other state has executed a juvenile offender in over 11years.

- Almost all executions are of adult offenders, so the overall execution rate would be largely unaffected even if juvenile executions were to cease. For example, Texas has executed 338 persons in the current era, only 13 (4%) of whom were juvenile offenders. Outside of Texas, the rest of the entire United States has executed 611 persons in the current era, only 9 (1%) of whom were juvenile offenders.

LEGAL CONTEXT:

- In *Thompson v. Oklahoma*, 487 U.S. 815 (1988), the United States Supreme Court held that executions of offenders age 15 and younger at the time of their crimes are prohibited by the Eighth Amendment to the United States Constitution.

- In *Stanford v. Kentucky*, 492 U.S. 361 (1989), the United States Supreme Court held that the Eighth Amendment to the United States Constitution does not prohibit the death penalty for crimes committed at ages 16 or 17.

- Two state supreme courts have interpreted their own state constitutions to require specific minimum ages regardless of their state death penalty statute or the federal constitutional minimum age. Using this state constitutional approach, the Washington Supreme Court set the minimum age at 18 (*State v. Furman*, 858 P.2d 1092 (Wash. 1993), and the Florida Supreme Court set the minimum age at 17 (*Brennan v. State*, 754 So.2d 1 (Fla., 1999)).

- In *Atkins v. Virginia*, 536 U.S. 304 (2002), the United States Supreme Court held that the United States Constitution prohibits the death penalty for mentally retarded offenders, based upon reasoning closely analogous to juvenile offenders.

- In *In re Stanford*, 537 U.S. 968 (2002), the United States Supreme Court decided not to take the case, over a strong dissent by Justice Stevens (joined by Justices Breyer, Ginsburg, and Souter). These four Justices not only wanted to revisit the juvenile death penalty issue but were ready to declare it unconstitutional and to "put an end to this shameful practice." On Dec. 8, 2003, the Kentucky Governor granted clemency to Kevin Stanford, changing his death sentence to life in prison without parole.

- In *Simmons v. Roper*, 112 S.W.3d 397 (Mo. 2003), the Supreme Court of Missouri interpreted current national data to hold that the death penalty for juvenile offenders now violates the United States Constitution's prohibition against Cruel and Unusual Punishment, but they did not reach the issue under the Missouri State Constitution. Although a ruling on federal constitutionality, *Simmons* applied only in Missouri at that juncture.

- On January 26, 2004, the United States Supreme Court granted certiorari (124 S.Ct. 1171) and agreed to hear the *Simmons* case, restyled as *Roper v. Simmons*. Oral arguments in *Roper v. Simmons* were heard on October 13, 2004., and the two issues before the Supreme Court were as follows:

  (1) Once the United States Supreme Court sets the Eighth Amendment Cruel and Unusual standard, can a lower court subsequently reinterpret and reject that standard under evolving standards of decency?

  (2) Is the death penalty for a 17-year-old offender now Cruel and Unusual under the Eighth Amendment's evolving standard of decency?

- On March 1, 2005 (the day after the effective date of this report), the United States Supreme Court decided *Roper v. Simmons*, 125 S.Ct. 1183 (2005). In that decision, the Supreme Court ruled that the death penalty for a 17-year-old offender is now Cruel and Unusual under the Eighth Amendment's evolving standard of decency.

- As of February 28, 2005, 37 states and the federal government had statutes authorizing the death penalty for capital crimes, almost all of which are forms of murder. Of those 38 death penalty jurisdictions, 19 jurisdictions (50%) have expressly chosen age 18 at the time of the crime as the minimum age for eligibility for that ultimate punishment. Another 5 jurisdictions (13%) have chosen age 17 as the minimum. The other 14 death penalty jurisdictions (37%) use age 16 as the minimum age, either through an express age in the statute (3 states) or by court ruling (11 states). See Table 2 below.

- Minimal political consideration of *lowering* the express statutory minimum age from 18 to 16 has occurred in the past few years. No state has done so during the current death penalty era, and no record has been found of this occurring at any other time in American history.

TABLE 2:
MINIMUM DEATH PENALTY AGE
BY JURISDICTION AS OF February 28, 2005

Age 16	Age 17	Age 18	No Death Penalty
Alabama	Florida	California	Alaska
Arizona	Georgia	Colorado	Dist. of Columbia
Arkansas	New Hampshire	Connecticut	Hawaii
Delaware	North Carolina	Illinois	Iowa
Idaho	Texas	Indiana	Maine
Kentucky	[5 states]	Kansas	Massachusetts
Louisiana		Maryland	Michigan
Mississippi		Missouri	Minnesota
Nevada		Montana	New York
Oklahoma		Nebraska	North Dakota
Pennsylvania		New Jersey	Rhode Island
South Carolina		New Mexico	Vermont
Utah		Ohio	West Virginia
Virginia		Oregon	Wisconsin
[14 States]		South Dakota	[13 States & D.C.]
		Tennessee	
		Washington	
		Wyoming	
		Federal	
		[18 states & Fed.]	

- Conversely, legislative and court activity to establish the express statutory minimum age at 18 has been steady for the past quarter-century:

1981: Ohio	1994: Kansas
1982: Nebraska	1995: New York
1985: Colorado	1999: Montana
1986: Oregon	2002: Indiana
1986: Federal	2003: Missouri
1988: New Jersey	2004: South Dakota
1993: Washington	2004: Wyoming

JUVENILE DEATH PENALTY IN OTHER COUNTRIES:

- The death penalty for juvenile offenders has become a uniquely American practice, in that it has been abandoned legally by nations everywhere else due to the express provisions of the United Nations Convention on the Rights of the Child and of several other international treaties and agreements.

- Article 37 (a) of the United Nations Convention on the Rights of the Child provides that "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age." The United States is the only country in the world that has not yet ratified this international agreement, in large part because of our desire to remain free to retain the death penalty for juvenile offenders.

- A very few rogue executions of juvenile offenders in 2 or 3 countries outside of the United States have occurred in last decade, despite the legal ban on this practice. These rogue executions were illegal in the countries in which they occurred and are not seen in any way as a rejection either of the international agreements or of the customary international law (*jus cogens*) forbidding such executions.

- In the most recent development, Iran is said to have hanged Iman Farrokhi, a 17-year-old offender, on January 20, 2005, for killing a member of Iran's security forces.

JUVENILE DEATH SENTENCES IMPOSED, JANUARY 1, 1973, THROUGH FEBRUARY 28, 2004

- Table 3 below lists the sentences imposed each year according to the Bureau of Justice Statistics and to my research.

- A total of 226 juvenile death sentences have been imposed since 1973, only 3% of the total of the approximately 7,543 death sentences imposed for offenders of all ages. Just over 71% of these juvenile death sentences have been imposed on 17-year-old offenders, with the other 29% imposed on offenders ages 15 and 16 at the time of their crimes.

- Of these 226 juvenile death sentences imposed in the current era, only 71 remain currently in force (see Table 5 below). For the 155 juvenile death sentences finally resolved either by reversal or execution, the reversal rate is 86% (133/155). Only 14% (22/155) of finally resolved juvenile death penalty cases have resulted in actual execution.

TABLE 3:
DEATH SENTENCES IMPOSED FOR CRIMES COMMITTED AS JUVENILES, JANUARY 1, 1973, THROUGH FEBRUARY 28, 2005

Year	Total Death Sentences	Juvenile Death Sentences (Age at Crime) 15	16	17	Totals	Juvenile as Percentage of Total
1973	42	0	0	0	0	0.0 %
1974	149	1	0	2	3	2.0 %
1975	298	1	6	5	12	4.0 %
1976	233	0	0	3	3	1.3 %
1977	137	1	3	8	12	8.8 %
1978	185	0	1	4	5	2.7 %
1979	151	0	1	2	3	2.0 %
1980	173	2	0	4	6	3.5 %
1981	224	0	2	6	8	3.6 %
1982	265	0	1	13	14	5.3 %
1983	252	0	4	4	8	3.2 %
1984	285	3	0	3	6	2.1 %
1985	266	1	1	4	6	2.2 %
1986	300	1	3	5	9	3.0 %
1987	289	1	0	1	2	0.7 %
1988	290	0	0	5	5	1.7 %
1989	259	0	0	1	1	0.4 %
1990	252	1	2	5	8	3.2 %
1991	267	1	0	4	5	1.9 %
1992	287	0	1	5	6	2.1 %
1993	289	0	1	6	7	2.4 %
1994	315	0	4	13	17	5.4 %
1995	318	0	2	11	13	4.1 %
1996	320	0	4	8	12	3.8 %
1997	276	0	4	4	8	2.9 %
1998	300	0	4	7	11	3.6 %
1999	279	0	2	12	14	5.0 %
2000	231	0	3	4	7	3.1 %
2001	163	0	0	7	7	4.5 %
2002	159	0	2	2	4	2.6 %
2003	144	0	1	1	2	1.4 %
2004	125	0	0	2	2	1.5 %
2005	20*	0	0	0	0	0.0 %
Totals:	7,528*	13	52	161	226	3.0 %

*estimates

- In the last few years, the juvenile death sentencing rate appears to have declined significantly. The 7 such sentences annually in 2000 and 2001 were only half of the typical rate in the preceding 6 years. In 2002, only 4 juvenile death sentences were imposed, but the adult death sentencing rate also fell dramatically. Only 2 juvenile death sentences were imposed annually in 2003 and 2004, the lowest annual rate since 1989.

- These 226 juvenile death sentences have been imposed in 23 individual states, comprising well over half of the death penalty jurisdictions during this time period. Table 4 below lists all death penalty jurisdictions which have imposed juvenile death sentences since 1973.

TABLE 4:
STATE-BY-STATE BREAKDOWN OF JUVENILE DEATH SENTENCES,
JANUARY 1, 1973, THROUGH FEBRUARY 28, 2005

Rank & State	Race of Offender				Sex of Offender		Age at Crime			Totals
	Asian	Black	Latin	White	Male	Female	15	16	17	
(1) TX	0	25	3	11	32	2	2	5	10	58
(2) FL	0	8	0	1	21	0	0	0	10	32
(3) AL	0	12	0	6	17	1	1	0	3	23
(4) LA	0	16	0	6	12	1	1	4	3	17
(5) MS	0	7	0	3	10	0	0	3	4	13
(6) GA	0	5	1	3	11	0	1	3	3	11
NC	0	7	4	7	7	0	0	2	5	11
(8) AZ	0	0	0	5	7	0	1	1	3	7
OK	0	0	0	1	7	0	0	3	2	7
SC	0	2	0	1	6	0	0	2	2	7
(11) PA	0	5	0	2	6	0	0	0	2	6
OH	0	5	0	2	6	0	1	0	3	6
VA	0	4	0	1	4	1	1	0	0	6
(14) MO	0	2	0	2	2	0	0	3	0	4
(15) IN	0	2	0	1	3	0	0	1	1	3
KY	0	1	0	0	3	0	1	0	0	3
MD	0	2	2	0	3	0	0	1	1	3
NV	0	1	0	0	2	0	0	0	1	3
(19) AR	0	2	0	0	1	0	0	0	161	2
(20) DE	0	1	0	0	1	0	0	52		1
NE	0	1	0	1	1	0	13			1
NJ	0	1	0	88	1	5		58		1
WA	1	0	28		221		0	20		1
TOTALS		109				0	9	14		226
			14	58	0	3	8	8		
1		18	21		0	1	7	8		

- Texas (58 sentences) is the clear leader in this practice, followed at quite a distance by Florida (32 sentences) and then Alabama (23 sentences). These 3 states together account for exactly half (113/226) of all juvenile death sentences.

- Juvenile death sentences for black and white juvenile offenders appear to be spread around the sentencing jurisdictions fairly evenly, but the 27 of the 28 Latin offenders are in Texas, Arizona, Florida and Nevada.

- Almost all (98%) juvenile offenders sentenced to death were males. The 5 cases involving female juveniles were in the deep south (Mississippi, Alabama, and Georgia) and in Indiana. The 13 cases involving very young offenders (age 15 at crime) were scattered across 10 different states.

- Appendix A to this report provides a detailed listing of name, age, race, gender, state, and current status for each juvenile death sentence.

DEATH ROW INMATES UNDER JUVENILE DEATH SENTENCES AS OF FEBRUARY 28, 2005

- As of February 28, 2005, the day before the Supreme Court decided *Roper v. Simmons*, a total of 71 persons were on death row under death sentences received for juvenile crimes (see Table 5 below). These 71 condemned juvenile offenders constituted only 2% of the total death row population of 3,471.[1]

- Although all were ages 16 or 17 at the time of their crimes, their current ages range from 18 to 43.

- Race of offender for these juvenile cases differs from the adult offenders currently under sentences of death. Although 46% of the adult offenders are white, only 34% of the juvenile offenders are white. Another major difference is that only 10% of adults are Latin, while 21% of the juveniles are Latin. (NAACP-LDF, DEATH ROW U.S.A. at 1 (Fall 2004)).

- These 71juvenile offenders currently are under death sentences in only 12 of the 19 states which authorize the death penalty for juvenile offenders, and they have been on death row from 6 months to 24 years. Texas has by far the largest death row for juvenile offenders, holding 29 (41%) of the national total of 71 juvenile offenders.

- All juvenile offenders currently under death sentences are male and have been convicted and sentenced to death for murder.

---

[1] The total number of death row inmates comes from the premier source of this information: NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC, DEATH ROW U.S.A., FALL 2004 (New York: 2004) (data current as of Oct. 1, 2004).

TABLE 5:
CHARACTERISTICS OF OFFENDERS AND VICTIMS IN JUVENILE DEATH PENALTY CASES IN FORCE AS OF FEBRUARY 28, 2005

OFFENDERS

Age at Crime		Age Currently		Race	
Age 16 = 13	(18%)	Ages 17-19 = 1	(1%)	Am. Ind. = 1	(1%)
Age 17 = 58	(82%)	Ages 20-24 = 23	(32%)	Asian = 2	(2%)
71	(100%)	Ages 25-29 = 33	(46%)	Black = 29	(41%)
		Ages 30-34 = 8	(11%)	Latin = 15	(21%)
		Ages 35-39 = 3	(4%)	White = 24	(34%)
		Ages 40-43 = 3	(4%)	71	(100%)
		71	(100%)		

VICTIMS

Age		Race		Sex	
Ages 0-15 = 13	(14%)	Am. Ind. = 1	(1%)	Male = 49	(51%)
Ages 16-19 = 12	(13%)	Asian = 7	(7%)	Female = 47	(49%)
Ages 20-29 = 15	(17%)	Black = 8	(9%)	96	(100%)
Ages 30-39 = 15	(17%)	Latin = 10	(11%)		
Ages 40-49 = 14	(16%)	White = 64	(71%)		
Ages 50-59 = 8	(9%)	90	(100%)		
Ages 60-69 = 4	(4%)	[unknown] = 6			
Ages 70-79 = 8	(9%)	96			
Ages 80-82 = 1	(1%)				
90	(100%)				
[unknown] = 6					
96					

- Well over three-quarters of these cases involve 17-year-old offenders, and two-thirds of them are offenders of color. In contrast, 81% of the victims are adults. Over two-thirds of the victims are white, and half are females.

- Appendix B to this report sets forth the names of the juvenile offenders on death row as of February 38, 2005, along with some brief information about their crimes and sentences. Multiple sentencing dates mean that an earlier death sentence was reversed and subsequently a new death sentence was imposed.

RATIONALE FOR JUVENILE DEATH PENALTY:

Arguments in Favor:

- Because the American juvenile death penalty is authorized in 19 separate state jurisdictions, each essentially authorized to go its own way, the justifications for this practice among these states can be expected to differ. However, common themes can be detected:

    (1) Violent juvenile crime, particularly homicide, is perceived to be much worse in the United States than in most other countries;

    (2) Juvenile homicide rates increased substantially until the mid- to late-1990s. Although they have fallen dramatically since that time, public fear of juvenile homicide remains very high.

    (3) Juvenile murderers seem to be particularly brutal and nonresponsive to civilized entreaties to stop the killing;

    (4) Almost every political leader is pushing strongly for harsher punishments for violent juvenile crime; and

    (5) Correcting the societal conditions which breed violent juvenile crime seems to be a huge task nearly impossible to achieve in any significant measure.

Arguments Opposed:

- Arguments against the juvenile death penalty typically focus on a similarly wide spectrum of concerns:

    (1) Almost all of these teenage offenders have had terrible childhoods. Given their youth, such teenagers have not yet had the opportunity to age out of some of the effects of their terrible childhoods.

    (2) Medical research during the past decade indicates that the adolescent brain does not mature organically until the late teens or early twenties, with impulse control being the last to fully develop.

    (3) The threat of capital punishment does not deter teenagers who tend to have little realistic understanding of death and instead tend to see themselves as immortal.

    (4) The retributive desire to visit extremely harsh punishment upon egregious offenders is blunted at least somewhat if that offender is a child.

(5) Harsh punishments for violent juvenile crimes are only temporary band-aid solutions, with the only effective long-term solutions coming from cleaning up the neighborhoods, schools, and societal structures that continue to generate such violent teenagers.

- The basic tenets of these two positions have not changed during the current era of the American death penalty. They tend to be included not only in sweeping discussions of the juvenile death penalty as constitutional and legislative policy but also in the arguments of opposing attorneys in individual juvenile death penalty cases.

CONCLUSIONS:

- All other nations have abandoned in law the death penalty for juvenile offenders, with only the United States (essentially Texas) continuing this practice.

- Considerable pressure from international human rights groups is being imposed upon the United States jurisdictions that continue to execute juvenile offenders.

- The most promising legal arguments in courts today are:

  (1) that the death penalty for juvenile offenders and mentally retarded offenders should be treated the same under the Eighth Amendment;

  (2) that the death penalty for juvenile offenders is prohibited under the Eighth Amendment "evolving standards of decency;" and

  (3) that the death penalty for juvenile offenders violates international law.

- The annual death sentencing rate for juvenile offenders has dropped precipitously. Following the year 1999's peak of 14 sentences, only 7 juvenile death sentences were imposed each year in 2000 and 2001. Only 4 were verified for 2002, only 2 for 2003, and only 2 for 2004.

- Given the declining sentencing rate, the increased legislative activity, and the continuing international pressure, these appear to be the last days of the juvenile death penalty. It has already all but disappeared around the world except in the United States. In fact, on March 1, 2005, the day after the final date of this report, the United States Supreme Court decided Roper v. Simmons, prohibiting the juvenile death penalty as Cruel and Unusual Punishment under the Eighth Amendment to the United States Constitution.

APPENDIX A:
JUVENILE DEATH SENTENCES IMPOSED,
JANUARY 1, 1973, THROUGH FEBRUARY 28, 2005

Year	Offender's Name	Age at Crime	Race /Sex	State	Current Status
1973	[none]	---	----	---	----------
1974	Harris, John	17	B/M	OH	Reversed in 1978
	Thompson, Larry	17	W/M	FL	Reversed in 1976
	Vasil, George	15	W/M	FL	Reversed in 1979
1975	Battie, Billie Joe	17	B/M	TX	Reversed in 1981
	Bell, Willie Lee	16	B/M	OH	Reversed in 1978
	Bridgeman, Ronnie	17	B/M	OH	Reversed in 1978
	Brown, Henry	16	B/M	FL	Reversed in 1979
	Gibson, Samuel, III	17	B/M	GA	Reversed in 1982
	Hawes, Gary Lee	15	B/M	GA	Reversed in 1976
	Jones, Larry (see also 1977)	17	B/M	MS	Reversed in 1977; Resentenced to death, 1977; Reversed in 1983
	Pickle, Clanton D., Jr.	16	W/M	MS	Reversed in 1977
	Ross, Johnny	16	B/M	LA	Reversed in 1977
	Shields, Linwood L.	17	B/M	DE	Reversed in 1977
	Stewart, Rodney L.	16	B/M	NE	Reversed in 1977
	Tyler, Gary	16	B/M	LA	Reversed in 1976
1976	Davis, Mark Anthony	17	B/M	OH	Reversed in 1978
	Johnson, Willie	17	B/M	OH	Reversed in 1978
	Simpson, Willie	17	B/M	FL	Reversed in 1982
1977	Eddings, Monty Lee	16	W/M	OK	Reversed in 1982
	Ferguson, Bernard	17	W/M	TX	Reversed in 1982
	Jones, Larry (see also 1975)	17	B/M	MS	Reversed in 1983
	Legare, Andrew (see also 1982 and 1984)	17	W/M	GA	Reversed in 1981; Resentenced to death, 1982; Reversed in 1983; Resentenced to death, 1984; Reversed in 1986
	Magill, Paul (see also 1981)	17	W/M	FL	Reversed in 1980 Resentenced to death, 1981; Reversed in 1987

Year	Offender's Name	Age at Crime	Race /Sex	State	Current Status
[1977]	Morgan, James (see also 1981, 1985, and 1990)	16	W/M	FL	Reversed in 1981 Resentenced to death, 1981; Reversed in 1984; Resentenced to death, 1985; Reversed in 1989; Resentenced to death, 1990; Reversed in 1994
	Roach, James Terry	17	W/M	SC	EXECUTED: 1-10-1986
	Rodriguez, Magdal.	17	L/M	TX	Reversed in 1981
	Ross, Frank	15	B/M	FL	Reversed in 1980
	Rumbaugh, Charles	17	W/M	TX	EXECUTED: 9-11-1985
	Starks, Paul	17	W/M	OH	Reversed in 1978
	Valencia, Frank	16	L/M	AZ	Reversed in 1982
1978	Boutwell, John Ken.	17	W/M	OK	Reversed in 1983
	Bracewell, Debra	17	W/F	AL	Reversed in 1981
	Burger, Christopher (see also 1979)	17	W/M	GA	Reversed in 1978; Resentenced to death, 1979; EXECUTED: 12-7-1993
	Coleman, S. Kelvin	16	B/M	MS	Reversed in 1979
	Prejean, Dalton	17	B/M	LA	EXECUTED: 5-18-1990
1979	Burger, Christopher (see also 1978)	17	W/M	GA	EXECUTED: 12-7-1993
	Harris, Curtis (see also 1983)	17	B/M	TX	Reversed in 1982; Resentenced to death, 1983; EXECUTED: 7-1-1993
	Smith, Reginald	16	B/M	LA	Reversed in 1981
1980	Brown, Joe Nathan	17	B/M	LA	Reversed in 1982
	Davis, Timothy	17	W/M	AL	Now on death row
	Ibanez, Efran Castro	17	L/M	TX	Reversed in 1986
	Ice, Todd	15	W/M	KY	Reversed in 1984
	Marshall, Joseph	15	B/M	LA	Reversed in 1982
	Roney, James L.	17	W/M	TX	Reversed in 1982
1981	Burns, Victor	17	B/M	TX	Reversed in 1985
	Buttrum, Janice	17	W/F	GA	Reversed in 1989
	Graham, Gary	17	B/M	TX	EXECUTED: 6-22-2000
	Jackson, Carnel	16	B/M	AL	Reversed in 1986
	Magill, Paul (see also 1977)	17	W/M	FL	Reversed in 1987

Year	Offender's Name	Age at Crime	Race /Sex	State	Current Status
[1981]	Morgan, James (see also 1977, 1985, and 1990)	16	W/M	FL	Reversed in 1984; Resentenced to death, 1985; Reversed in 1989; Resentenced to death, 1990; Reversed in 1994
	Pinkerton, Jay Kelly	17	W/M	TX	EXECUTED: 5-15-1986
	Tokman, George	17	W/M	MS	Reversed in 1988
1982	Barrow, Lee Roy	17	W/M	TX	Reversed in 1985
	Cannon, Joseph John	17	W/M	TX	EXECUTED: 4-22-1998
	Cannaday, Attina	16	W/F	MS	Reversed in 1984
	Carter, Robert Anth.	17	B/M	TX	EXECUTED 5-18-1998
	Garrett, John. Frank	17	W/M	TX	EXECUTED 2-11-1992
	Johnson, Lawrence (see also 1984)	17	B/M	MD	Reversed in 1983 Resentenced to death, 1984; Reversed in 1988
	Lashley, Frederick	17	B/M	MO	EXECUTED: 7-28-1993
	Legare, Andrew (see also 1977 and 1984)	17	W/M	GA	Reversed in 1983; Resentenced to death, 1984; Reversed in 1986
	Moe, Randall	17	W/M	FL	Reversed in 1983
	Peavy, Robert	17	B/M	FL	Reversed in 1983
	Stanford, Kevin	17	B/M	KY	Commuted in 2003
	Stokes, Freddie (see also 1983)	17	B/M	NC	Reversed in 1982; Resentenced to death, 1983; Reversed in 1987
	Thompson, Jay	17	W/M	IN	Reversed in 1986
	Trimble, James	17	W/M	MD	Reversed in 1990
1983	Bey, Marko	17	B/M	NJ	Reversed in 1988
	Harris, Curtis Paul (see also 1979)	17	B/M	TX	EXECUTED: 7-1-1993
	Harvey, Frederick	16	B/M	NV	Reversed in 1984
	Hughes, Kevin	16	B/M	PA	Now on death row
	Lynn, Frederick (see also 1986)	16	B/M	AL	Reversed in 1985; Resentenced to death, 1986; Reversed in 1992
	Mhoon, James	16	B/M	MS	Reversed in 1985
	Neelley, Judith	17	W/F	AL	Commuted in 1999
	Stokes, Freddie (see also 1982)	17	B/M	NC	Reversed in 1987

Year	Offender's Name	Age at Crime	Race /Sex	State	Current Status
1984	Aulisio, Joseph	15	W/M	PA	Reversed in 1987
	Brown, Leon	15	B/M	NC	Reversed in 1988
	Johnson, Lawrence (see also 1982)	17	B/M	MD	Reversed in 1988
	Legare, Andrew (see also 1977 and 1982)	17	W/M	GA	Reversed in 1986
	Patton, Keith	17	B/M	IN	Reversed in 1987
	Thompson, Wayne	15	W/M	OK	Reversed in 1988
1985	Cantu, Ruben	17	L/M	TX	EXECUTED: 8-24-1993
	Livingston, Jesse J.	17	B/M	FL	Reversed in 1988
	Morgan, James (see also 1977, 1981, and 1990)	16	W/M	FL	Reversed in 1989 Resentenced to death, 1990; Reversed in 1994
	Ward, Ronald	15	B/M	AR	Reversed in 1987
	Williams, Raymond	17	B/M	PA	Reversed in 1987
	Wills, Robert James	17	B/M	TX	Reversed in 1988
1986	Comeaux, Adam	17	B/M	LA	Reversed in 1987; Resentenced to death, 1993; Reversed in 2003
	Cooper, Paula R.	15	B/F	IN	Reversed in 1989
	LeCroy, Cleo	17	W/M	FL	Now on death row
	Lynn, Frederick (see also 1983)	16	B/M	AL	Reversed in 1992
	Matson, John, Jr.	17	B/M	TX	Reversed in 1991
	Mitchell, Gerald Lee	17	B/M	TX	EXECUTED: 10-22-2001
	Sellers, Sean	16	W/M	OK	EXECUTED: 2-14-1999
	Wilkins, Heath	16	W/M	MO	Reversed in 1996
	Williams, Alexander	17	B/M	GA	Commuted in 2002
1987	Dugar, Troy	15	B/M	LA	Reversed in 1993
	Lamb, Wilb. Aaron	17	W/M	FL	Reversed in 1988

Year	Offender's Name	Age at Crime	Race /Sex	State	Current Status
1988	Adams, Thomas		W/M	NC	Reversed in 1994;
	(see also 1995)	17			Resentenced to death, 1995;
					Now on death row
	Hain, Scott Allan		W/M	OK	Reversed in 1993;
	(see also 1994)	17			Resentenced to death, 1994
		17			EXECUTED: 4-3-2003
	Hegwood, Bernell	17	B/M	FL	Reversed in 1991
	Jimenez, Jesus		L/M	AZ	Reversed in 1990
	Lee, Percy	17	B/M	PA	Now on death row
1989	Joyner, Richard	17	W/M	NC	Reversed in 1991
		17			
1990	Blount, John	15	B/M	PA	Reversed in 1994
	Ellis, Ralph	17	W/M	FL	Reversed in 1993
	Flowers, Clayton J.	17	W/M	AL	Reversed in 1991
	Furman, Michael M.	16	W/M	WA	Reversed in 1993
	Gibson, Exzavious	16	B/M	GA	Now on death row
	Hart, Gary Davis, II		B/M	AL	Now on death row
	Morgan, James		W/M	FL	Reversed in 1994
	(see also 1977, 1981, and 1985)	17			
	Slayton, Nathan	15	W/M	AL	Now on death row
		17			
1991	Allen, Jerome	17	B/M	FL	Reversed in 1994
	Barraza, Mauro		L/M	TX	Now on death row
	Bonifay, James		W/M	FL	Reversed in 1993;
	(see also 1994)	17			Resentenced to death, 1994;
		17			Now on death row
	Foster, Ronald Chris		B/M	MS	Now on death row
	Thomas, Doug Chris	16	W/M	VA	EXECUTED: 1-10-2000
1992	Farina, Jeffrey Allen		W/M	FL	Reversed in 1996;
	(see also 1998)	17			Resentenced to death, 1998;
		17			Reversed in 2000
	Knotts, William T.	17	W/M	AL	Now on death row
	Martinez, Miguel	17	L/M	TX	Reversed in 2000
	McGinnis, Glenn C.	17	B/M	TX	EXECUTED: 1-25-2000
	Rey, Johnny		B/M	TX	Reversed in 1999
	Wright, Dwayne A.		B/M	VA	EXECUTED: 10-14-1998

Year	Offender's Name	Age at Crime	Race /Sex	State	Current Status
1993	Alvarado, Steven	17	L/M	TX	Now on death row
	Blue, David	17	B/M	MS	Reversed in 2003
	Comeaux, Adam		B/M	LA	Reversed in 2003
	(see also 1986)	17			
	Holly, William	17	W/M	MS	Now on death row
	Hudgins, Joseph	17	W/M	SC	Reversed in 1999
	Miles, Laquan	16	B/M	TX	Reversed in 1996
	Richardson, Antonio		B/M	MO	Reversed in 2003
		17			
1994	Bonifay, James		W/M	FL	Now on death row
	(see also 1991)	16			
	Burgess, Roy, Jr.	16	B/M	AL	Reversed in 2000
	Conyers, Robert L.	17	B/M	SC	Reversed in 1999
	Curtis, Memwaldy	16	B/M	FL	Reversed in 1996
	Domingues, Michael	17	L/M	NV	Now on death row
	Hain, Scott Allen		W/M	OK	EXECUTED: 4-3-2003
	(see also 1988)	16			
	Jackson, Levi Jaimes	17	W/M	AZ	Now on death row
	Jones, T. J.	17	B/M	TX	EXECUTED:8-8-2002
	Laird, Kenneth	17	W/M	AZ	Now on death row
	Monterrubia, Jose	17	L/M	TX	Now on death row
	Perez, Efrain	17	L/M	TX	Now on death row
	Roach, Steve E.	17	W/M	VA	EXECUTED: 1-19-2000
	Simmons, Chris	17	W/M	MO	Reversed in 2003
	Soriano, Oswaldo	17	L/M	TX	Now on death row
	Soto-Fong, Martin R.	17	L/M	AZ	Now on death row
	Villareal, Raul	17	L/M	TX	Now on death row
	Womble, Curtis Ray		B/M	NC	Reversed in 1998
		17			
1995	Adams, Thomas		W/M	NC	Now on death row
	(see also 1988)	17			
	Barnes, Michael S.	17	W/M	AL	Reversed in 1998
	Beazley, Napoleon	17	B/M	TX	EXECUTED: 5-28-2002
	Bernal, Johnnie	17	L/M	TX	Now on death row
	Craig, Dale Dwayne	17	W/M	LA	Now on death row
	Dickens, Justin	17	W/M	TX	Now on death row
	Dixon, Anthony	16	B/M	TX	Now on death row
	Hughes, Herman, Jr.	17	B/M	SC	Now on death row
	Jenkins, Larry	16	B/M	GA	Now on death row
	Mooney, Jerry D.	17	W/M	OK	Reversed in 1999
	Ortiz, Oscar, III		L/M	TX	Reversed in 1997

Year	Offender's Name	Age at Crime	Race /Sex	State	Current Status
[1995]	Patterson, Toronto	17	L/M	TX	D: 8-28-2002
	Williams, Nanon		B/M	LA	Now on death row
		17	W/M	TX	
1996	Capetillo, Edward	16	W/M	AL	Now on death row
	Cousin, Shareef	17	W/M	AL	Reversed in 1998
	Dewberry, John C.	17	B/M	TX	Now on death row
	Duncan, Trace	17	W/M	AL	Now on death row
	Hyde, James M.	17	AmInd/M	MS	Now on death row
	Jones, Anzel Keon	17	W/M	SC	Now on death row
	Loggins, Kenneth	16	L/M	FL	Now on death row
	McGilberry, Stephen	16			Now on death row
	Powers, Ted Benj.	17			Now on death row
	Ramirez, Nathan		B/M	AR	Reversed in 1999;
	(see also 2003)		B/M	FL	Resentenced to death, 2003;
		16			Now on death row
	Sanford, Damond	17	B/M	TX	Reversed in 2000
	Urbin, Ryan		W/M	FL	Reversed in 1998
		17	W/M	TX	
1997	Arthur, Mark	16			Now on death row
	Brennan, Keith M.	17			Reversed in 1999
	Cobb, Raymond L.		B/M	LA	Reversed in 2000;
	(see also 2001)		B/M	VA	Resentenced to death, 2001;
		16	B/M	TX	Now on death row
	Howard, Cedric D.	16	B/M	AL	Now on death row
	Jackson, Chauncey	17	W/M	FL	Reversed in 2000
	Johnson, Eddie	16			Now on death row
	Pressley, Marcus D.	17	B/M	AL	Now on death row
	Snipes, David Paul		L/M	TX	Reversed in 1999
		17	B/M	AL	
1998	Adams, Renaldo	17	W/M	MS	Now on death row
	Arroyo, Randy	17	W/M	FL	Now on death row
	Carroll, Taurus	17			Reversed in 2002
	Dycus, Kelvin	16	W/M	FL	Now on death row
	Farina, Jeffrey Allen		B/M	NC	Reversed in 2000
	(see also 1992)	16	B/M	LA	
	Ferrell, Roderick J.	17	B/M	VA	Reversed in 2000
	Golphin, Kevin	16			Now on death row
	Jacobs, Lawrence	16			Reversed in 2001
	Johnson, Shermaine		W/M	SC	Reversed in 2001
					Resentenced to death, 2002;
		17	TX	EXEC	Now on death row
	Kelly, William	B/M	TX	UTE	Reversed in 2002
	17	B/M			

Year	Offender's Name	Age at Crime	Race /Sex	State	Current Status
[1998]	Wimberly, Shaber (see also 2001)	17	B/M	AL	Reversed in 1999; Resentenced to death, 2001; Now on death row
1999	Bridgewater, Roy	17	B/M	LA	Now on death row
	Duke, Mark A.	16	W/M	AL	Now on death row
	Eskridge, Roderick	17	B/M	MS	Now on death row
	Guillen, Derrick	17	B/M	TX	Now on death row
	Harvey, Derrick	16	B/M	PA	Reversed in 2002
	Horn, Patrick	17	B/M	TX	Now on death row
	Little, Leo Gordon	17	W/M	TX	Now on death row
	Lopez, Michael A.	17	L/M	TX	Now on death row
	Matthews, Ryan	17	B/M	LA	Reversed in 2004
	Osborne, Larry C.	17	W/M	KY	Reversed in 2001
	Solomon, Chris	17	B/M	TX	Now on death row
	Williams, Bruce Lee	17	B/M	TX	Now on death row
	Wilson, Geno Capo.	17	B/M	TX	Now on death row
	Wynn, Gregory	16	B/M	AL	Now on death row
2000	Bell, Ronald Lee, Jr.	17	B/M	FL	Reversed in 2002
	Davolt, James Ed.	16	W/M	AZ	Reversed in 2004
	Reeves, Whitney	17	W/M	TX	Now on death row
	Servin, Robert P.	16	L/M	NV	Reversed in 2001
	Tirado, Francisco	17	L/M	NC	Reversed in 2004
	Tran, Son	17	As/M	TX	Now on death row
	Williams, Corey	16	B/M	LA	Reversed in 2004
2001	Chapman, Lamorris	17	B/M	NC	Now on death row
	Cobb, Raymond (see also 1997)	17	W/M	TX	Now on death row
	Huerstel, Christopher	17	W/M	AZ	Reversed in 2003
	Springsteen, Robert	17	W/M	TX	Now on death row
	St. Clair, Rossiny	17	B/M	FL	Reversed in 2002
	Walters, Travis	17	B/M	NC	Now on death row
	Wimberly, Shaber (see also 1998)	17	B/M	AL	Now on death row
2002	Bonds, James	16	B/M	AL	Now on death row
	Johnson, Shermaine (see also 1998)	16	B/M	VA	Now on death row
	Salinas, Jorge	17	L/M	TX	Now on death row
	Wilson, Aaron	17	B/M	LA	Now on death row

Year	Offender's Name	Age at Crime	Race /Sex	State	Current Status
2003	Aguilar, Tonahitu	16	L/M	AZ	Now on death row
	Ramirez, Nathan (see also 1996)	17	L/M	FL	Now on death row
2004	Acuna, Robert	17	L/M	TX	Now on death row
	Morgan, Eric	17	W/M	SC	Now on death row
2005*	[none]				

* as of February 28, 2005

APPENDIX B:
CASE SUMMARIES FOR JUVENILE OFFENDERS UNDER DEATH SENTENCES AS OF FEBRUARY 28, 2005

ALABAMA

(last juvenile execution on 11-24-1961)
(13 juvenile offenders now on death row)

Adams, Renaldo Chante: Black male; age 17 at crime and now age 24 (DOB: 7-1-1980); rape, robbery, burglary and murder of white female adult in Montgomery on 8-20-1997; sentenced on 12-11-1998.

Bonds, James Willis: Black male; age 16 at crime and now age 21 (DOB: 7-24-1983); robbery and murder of white male age 59 in Houston County on 9-?-1999; sentenced on 11-11-2002.

Davis, Timothy Charles: White male; age 17 at crime and now age 43 (DOB: 3-18-1961); robbery of store and rape and murder of white female age 60 in Coosa County on 7-20-1978; sentenced on 7-28-1980.

Duke, Mark Anthony: White male; age 16 at crime and now age 24 (DOB: 5-15-1980); murder of white male age 39 (his father), white female age 29, white female age 7, and white female age 6 in Pelham (Shelby Co.) on 3-22-1997; sentenced on 3-25-1999.

Duncan, Trace Royal: White male; age 17 at crime and now age 28 (DOB: 11-15-1976); kidnaping and murder of white female age 37 in St. Clair County on 2-22-1994; sentenced on 3-8-1996 (see Loggins case below).

Hart, Gary Davis II: Black male; age 16 at crime and now age 32 (DOB: 9-19-1972); robbery and murder of white male age 22 in Mobile on 8-12-1989; sentenced on 5-9-1990.

Hyde, James Matthew: White male; age 17 at crime and now age 27 (DOB: 3-2-1977); murder of white male age 36 (police officer) in Albertville (Marshall County) on 1-24-1995; sentenced on 7-9-1996.

Knotts, William Thomas: White male; age 17 at crime and now age 33 (DOB: 11-20-1971); burglary and murder of black female age 37 in Montgomery County on 10-18-1989; sentenced on 8-1-1992.

Loggins, Kenneth: White male; age 17 at crime and now age 28 (DOB: 9-15-1976); kidnaping and murder of white female age 37 in St. Clair County on 2-22-1994; sentenced on 3-8-1996 (see Duncan case above).

Pressley, Marcus Dewayne: Black male; age 16 at crime and now age 26 (DOB: 11-24-1978); robbery and murder of white male age 44 and white female age 48 in Sterrett (Shelby County) on 7-25-1996; sentenced on 10-10-1997.

Slaton, Nathan D.: White male; age 17 at crime and now age 35 (DOB: 10-5-1969); rape and murder of white female age 68 in Albertville (Marshall County) on 5-28-1987; sentenced 5-22-1990.

Wimberly, Shaber Chamond: Black male; age 17 at crime and now age 25 (DOB: 9-6-1979); murder of white male age 67 and white female age 53 in Midland City on 1-27-1997; sentenced on 7-30-1998; reversed in 1999; resentenced to death on 5-?-2001.

Wynn, Gregory Renard: Black male; age 17 at crime and now age 24 (DOB: 2-9-1981); robbery and murder of female age 30 in Anniston on 4-8-1998; sentenced on 9-17-1999.

ARIZONA

(last juvenile execution on 7-6-1934)
(4 juvenile offenders now on death row)

Aguilar, Tonatihu: Latin male; age 16 at crime and now age 25 (DOB: 2-11-1980); murder of Latin male age 16 in Phoenix on 9-21-1996; sentenced on 6-19-2003.

Jackson, Levi Jaimes: White male; age 16 at crime and now age 29 (DOB: 1-15-1976); car jacking and murder of white female age 40 in rural Pima County on 12-7-1992; sentenced on 1-26-1994.

Laird, Kenneth Jeremy: White male; age 17 at crime and now age 29 (DOB: 3-21-1975); burglary, robbery and murder of white female age 37 in North Phoenix on 9-3-1992; sentenced on 4-15-1994.

Soto-Fong, Martin Raul: Chinese/Latin male; age 17 at crime and now age 30 (DOB: 10-6-1974); robbery and murder of 3 Asian males, ages 32, 45, and 77, in Pima County (Tucson) on 6-24-1992; sentenced on 2-3-1994.

FLORIDA

(last juvenile execution on 11-8-1954)
(3 juvenile offenders now on death row)

Bonifay, James Patrick: White male; age 17 at crime and now age 31 (DOB: 12-26-1973); robbery and murder of white male age 36 in Pensacola on 1-26-1991; sentenced on 9-20-1991; reversed in 1993; resentenced to death on 12-6-1994.

LeCroy, Cleo Douglas: White male; age 17 at crime and now age 41 (DOB: 3-7-1963); robbery and murder of white male age 27 and white female age 25 in Palm Beach County on 1-4-1981; sentenced on 10-1-1986.

Ramirez, Nathan: Latin male; age 17 at crime and now age 27 (DOB: 4-22-1977); rape and murder of white female age 71 in New Port Richey on 3-7-1995; sentenced on 11-8-1996; reversed in 1999; resentenced on 12-13-2003.

GEORGIA

(last juvenile execution on 12-7-1993)
(2 juvenile offenders now on death row)

Gibson, Exzavious Lee: Black male; age 17 at crime and now age 32 (DOB: 3-31-1972); robbery and murder of male age 46 in Eastman (Dodge County) on 2-2-1990; sentenced on 6-14-1990.

Jenkins, Larry Leonarde: Black male; age 17 at crime and now age 29 (DOB: 11-10-1975); robbery, kidnaping and murder of white female age 37 and white male age 15 in Jessup (Wayne County) on 1-9-1993; sentenced on 9-30-1995.

LOUISIANA

(last juvenile execution on 5-18-1990)
(4 juvenile offenders now on death row)

Bridgewater, Roy: Black male; age 17 at crime and now age 24; burglary and murder of white female age 70 and white male age 45 in Marrero (Jefferson Parish) on 10-31-1996; sentenced on 3-1-1999.

Craig, Dale Dwayne: White male; age 17 at crime and now age 30 (DOB: 9-22-1974); car-jacking and murder of white male age 18 in Baton Rouge on 9-14-1992; sentenced on 1-13-1995.

Howard, Cedric D'Wayne: Black male; age 16 at crime and now age 26 (DOB: 6-6-1978); robbery and murder of white female age 82 on 10-24-1994; sentenced on 7-14-1997.

Wilson, Aaron: Black male; age 17 at crime and now age 21; kidnaping, robbery, rape, and murder of white female age 48 in Caddo Parish on 12-23-2000; sentenced on 9-25-2002.

MISSISSIPPI

(last juvenile execution on 5-25-1950)
(5 juvenile offenders now on death row)

Dycus, Kelvin: White male; age 17 at crime and now age 25 (DOB: 9-19-1979); robbery and murder of white(?) female age 76 in Rosedale (Bolivar County) on 9-24-1996; sentenced on 6-19-1998.

Eskridge, Roderick: Black male; age 17 at crime and now age 25 (DOB: 1-25-1980); robbery and murder of female age 34 in Grenada County on 12-2-1997; sentenced on 1-26-1999.

Foster, Ronald Chris: Black male; age 17 at crime and now age 33 (DOB: 1-8-1972) robbery and murder of white male adult in Lowndes County on 6-10-1989; sentenced on 1-18-1991.

Holly, William Joseph: White male; age 17 at crime and now age 30 (DOB: 8-6-1974); robbery and murder of black male age 37 in Grenada County on 7-12-1992; sentenced on 3-3-1993.

McGilberry, Stephen Virgil: American Indian/white male; age 16 at crime and now age 26 (DOB: 2-7-1978); four death sentences for murders of white female age 44 (his mother), white male age 44 (his stepfather), white female age 24 (his stepsister), and white male age 3 (his stepsister's son) in St. Martin (Jackson County) on 10-23-1994; sentenced on 2-9-1996.

NEVADA

(last juvenile execution on 4-22-1949)
(1 juvenile offender now on death row)

Domingues, Michael (AKA Miguel): Latin male; age 16 at crime and now age 28 (DOB: 1-29-1977); burglary, theft, and murder of Asian female age 24 and Asian male age 4 in Las Vegas on 10-22-1993; sentenced on 9-16-1994.

NORTH CAROLINA

(last juvenile execution on 10-30-1942)
(4 juvenile offenders now on death row)

Adams, Thomas Mark: White male; age 17 at crime and now age 34 (DOB: 7-20-1970); robbery and murder of white female age 70 in Iredell County on 12-13-1987; sentenced on 11-19-1988; reversed in 1994; resentenced to death on 9-1-1995.

Chapman, Lamorris J.: Black male; age 17 at crime and now age 22 (DOB: 12-12-1982); murder of black female age 16 in Johnston County on 7-9-2000; sentenced on 11-2-2001.

Golphin, Kevin Salvador: Black male; age 17 at crime and now age 25 (DOB: 12-26-1979); murder of white male age 48 (Highway Patrol officer) and white male age 58 (Sheriff's Corporal) near Fayetteville on 9-23-1997; sentenced on 5-13-1998.

Walters, Travis LeVance: Black male; age 17 at crime and now age 24 (DOB: 7-8-1980); murder of American Indian female age 18 in Lumberton on 1-6-1998; sentenced on 4-5-2001.

PENNSYLVANIA
(last juvenile execution on 12-4-1916)
(2 juvenile offenders now on death row)

Hughes, Kevin: Black male; age 16 at crime and now age 42 (DOB: 3-5-1962); rape and murder of black female age 9 in Philadelphia on 3-1-1979; sentenced on 10-27-1983.

Lee, Percy: Black male; age 17 at crime and now age 36 (DOB: 8-24-1968); murder of two black females, ages 17 and 33, in Philadelphia on 2-27-1986; sentenced on 1-28-1988.

SOUTH CAROLINA
(last juvenile execution on 1-10-1986)
(3 juvenile offenders now on death row)

Hughes, Herman Lee, Jr.: Black male; age 16 at crime and now age 27 (DOB: 7-26-1977); robbery and murder of male age 20 in Orangeburg on 3-18-1994; sentenced in 1995.

Morgan, Eric Dale: White male; age 17 at crime and now age 21; robbery and murder of white male age 57 near Woodruff (Spartanburg County) on 5-3-2000; sentenced on 3-9-2004.

Powers, Ted Benjamin: White male; age 16 at crime and now age 31 (DOB: 9-19-1973); burglary, robbery, and murder of white male age 68 in Lexington County on 9-8-1990; sentenced on 2-23-1996.

TEXAS
(last juvenile execution on 8-28-2002)
(29 juvenile offenders now on death row)

Acuna, Robert Aaron: Latin male; age 17 at crime and now age 18; robberies and murders of adult white (?) male age 75 and white (?) female age 74 in Baytown (Harris County) on 11-11-2003; sentenced on 8-11-2004.

Alvarado, Steven Brian: Latin male; age 17 at crime and now age 30 (DOB: 8-11-1974); robberies and murders of adult Latin male and adult Latin female in El Paso on 9-22-1991; sentenced on 10-5-1993.

Arroyo, Randy: Latin male; age 17 at crime and now age 25 (DOB: 10-31-1979); kidnaping and murder of Latin male age 39 on 3-11-1997 in San Antonio; sentenced on 3-6-1998.

Arthur, Mark Sam: White male; age 17 at crime and now age 25 (DOB: 8-1-1979); murder of Latin male age 41 in Harris County on 12-21-1996; sentenced on 12-17-1997

Barraza, Mauro Morris: Latin male; age 17 at crime and now age 32 (DOB: 5-5-1972); burglary, robbery and murder of white female age 73 in Haltom City (Tarrant County) on 6-14-1989; sentenced on 4-8-1991.

Bernal, Johnnie: Latin male; age 17 at crime and now age 28 (DOB: 8-20-1976); murder of white(?) male age 19 in Houston on 8-19-1994; sentenced on 5-8-1995.

Capetillo, Edward Brian: Latin male; age 17 at crime and now age 27 (DOB: 5-13-1977); robbery and murders of white male age 19 and white female age 20 in Harris County on 1-16-1995; sentenced on 2-6-1996.

Cobb, Raymond Levi: White male; age 17 at crime and now age 28 (DOB: 6-18-1976); murders of white female age 23 and white female age 16 months in Huntsville on 12-27-1993; sentenced on 2-27-1997; reversed in 2000; resentenced to death in 2001.

Dewberry, John Curtis: White male; age 17 at crime and now age 28 (DOB: 1-30-1977); murder of white male age 57 in Beaumont (Jefferson County) on 12-25-1994; sentenced on 11-21-1996.

Dickens, Justin Wiley: White male; age 17 at crime and now age 28 (DOB: 7-28-1976); murder of white male age 50 in Randall County on 3-12-1994; sentenced on 5-17-1995.

Dixon, Anthony Tyrone: Black male; age 17 at crime and now age 28 (DOB: 11-7-1976); robbery and murder of white female age 34 in Houston (Harris County) on 5-15-1994; sentenced on 2-8-1995.

Guillen, Derek Jermaine: Black male; age 17 at crime and now age 24 (DOB: 10-20-1980); robbery, rape and murder of white female age 52 in Tempe on 3-26-1998; sentenced on 6-1-1999.

Horn, Patrick: Black male; age 17 at crime and now age 29; kidnaping and murder of black (?) male age 8 in Tyler on 10-13-1991; sentenced on 10-4-1999 [currently serving life sentence in federal prison in Atlanta, GA.].

Johnson, Eddie C.: Black male; age 17 at crime and now age 26 (DOB: 11-26-1978); robbery and murder of white male age 42 in Fort Worth on 3-6-1996; sentenced on 7-31-1997.

Jones, Anzel Keon: Black male; age 17 at crime and now age 27 (DOB: 2-4-1978); burglary and murder of white female age 49 in Paris (Grayson County) on 5-2-1995; sentenced on 6-4-1996.

Little, Leo Gordon: White male; age 17 at crime and now age 24 (DOB: 7-14-1980); kidnaping, robbery and murder of Latin male age 22 in San Antonio on 1-22-1998; sentenced on 3-5-1999.

Lopez, Michael Anthony, Jr.: Latin male; age 17 at crime and now age 23 (DOB: 4-28-1981); murder of male age 25 (deputy constable) in Harris County on 9-29-1998; sentenced on 5-25-1999.

Monterrubio, Jose Ignacio: Latin male; age 17 at crime and now age 28 (DOB: 8-26-1976); rape and murder of Latin female age 16 in Brownsville (Cameron County) on 9-5-1993; sentenced on 8-25-1994.

Perez, Efrian: Latin male; age 17 at crime and now age 29 (DOB: 11-19-1975); rape and murder of white female age 14 and white female age 16 in Houston (Harris County) on 6-24-1993; sentenced on 9-22-1994 (same crime as Villareal case below).

Reeves, Whitney: White male; age 17 at crime and now age 23 (DOB: 8-21-1981); murders of white female age 14 and white male age 40 in Beaumont on 8-20-1999; sentenced on 9-8-2000.

Salinas, Jorge Alfredo: Latin male; age 17 at crime and now age 20 (DOB: 4-1-1984); robbery and murder of Latin male age 20 and Latin female age 21 months in Mission (Hidalgo County) on 7-28-2001; sentenced on 8-29-2002.

Solomon, Christopher Julian: Black male; age 17 at crime and now age 25 (DOB: 1-30-1980); robbery and murder of white male adult in Texarcana on 9-19-1997; sentenced on 6-4-1999.

Soriano, Oswaldo Regalado: Latin male; age 17 at crime and now age 29 (DOB: 6-26-1975); robbery and murder of white male age 59 in Amarillo on 11-17-1992; sentenced on 5-4-1994.

Springsteen, Robert Burns, IV: White male; age 17 at crime and now age 30 (DOB: 11-26-1974); robbery and murder of white female age 13 in Austin on 12-6-1991; sentenced on 6-1-2001.

Tran, Son Vu Khai: Asian-American male; age 17 at crime and now age 24 (DOB: 5-11-1980); murder of Latin male adult and Asian-American male age 20 in Houston on 10-25-1997; sentenced on 12-18-2000.

Villareal, Raul Omar: Latin male; age 17 at crime and now age 29 (DOB: 9-25-1975); rape and murder of white female age 14 and white female age 16 in Houston (Harris County) on 6-24-1993; sentenced on 9-22-1994 (same crime as Perez case above).

Williams, Bruce Lee: Black male; age 17 at crime and now age 23 (DOB: 12-16-1981); car-jacking, rape and murder of Asian-American female age 24 in Dallas on 2-3-1999; sentenced on 12-10-1999.

Williams, Nanon McKewn: Black male; age 17 at crime and now age 30 (DOB: 8-2-1974); murder of white male age 19 in Harris County on 5-14-1992; sentenced on 9-22-1995.

Wilson, Geno Capoletti: Black male; age 17 at crime and now age 23 (DOB: 5-24-1981); robbery and murder of male age 19 in Houston on 12-2-1998; sentenced on 12-10-1999.

VIRGINIA

(last juvenile execution on 1-19-2000)
(1 juvenile offender now on death row)

Johnson, Shermaine Ali: Black male; age 16 at crime and now age 27 (DOB: 12-30-1977); rape and murder of black female age 22 in Petersburg (Prince George County) on 7-10-1994; sentenced on 2-22-1998; reversed in 2001; resentenced to death on 10-28-2002.

APPENDIX C:
SELECTED EXAMPLES OF AUTHOR'S INVOLVEMENT WITH JUVENILE DEATH PENALTY ISSUES

Research Publications:

Prosecutorial Discretion in Juvenile Homicide Cases, 109 PENN STATE LAW REVIEW 1071 (2005).

Standing Between the Child and the Executioner: The Special Role of Defense Counsel in Juvenile Death Penalty Cases, 31 AMERICAN JOURNAL OF CRIMINAL LAW (University of Texas) 67 (2003).

Adolescence, Mental Retardation, and the Death Penalty: The Siren Call of Atkins v. Virginia, 33 NEW MEXICO LAW REVIEW 183 (2003).

Executing Women, Children, and the Retarded: Second Class Citizenship in Capital Punishment, in AMERICA'S EXPERIMENT WITH CAPITAL PUNISHMENT 201 (1998) & 301 (2003) (James R. Acker, et. al, eds.) (Durham, NC: Carolina Press) (1998; 2d ed. 2003).

Executing Juvenile Offenders: The Ultimate Denial of Juvenile Justice, 14 STANFORD LAW & POLICY REVIEW 121 (2003).

Moratorium on the Death Penalty for Juveniles, 61 LAW & CONTEMPORARY PROBLEMS (Duke University) 55 (1998).

Excluding Juveniles from New York's Impendent Death Penalty, 54 ALBANY LAW REVIEW 625 (1990).

Executing Juvenile Females, 22 CONNECTICUT LAW REVIEW 3 (1989) (with Lynn Sametz).

DEATH PENALTY FOR JUVENILES (Bloomington, IN: Indiana University Press) (1987).

The Eighth Amendment and Capital Punishment of Juveniles, 34 CLEVELAND STATE LAW REVIEW 363 (1986).

Death Penalty for Children: The American Experience with Capital Punishment for Crimes Committed While Under Age Eighteen, 36 OKLAHOMA LAW REVIEW 613 (1983).

Attorney for Juvenile Offenders on Death Row:

Thompson v. Oklahoma, 487 U.S. 815 (1988);
Allen v. Florida, 636 So.2d 494 (Fla., 1994);
Cooper v. Indiana, 540 N.E.2d 1216 (Ind. 1989).

Expert Witness in Juvenile Death Penalty Trial, Appellate, and Post-Conviction Cases:

Arizona (1993-2002); Delaware (2004); Florida (1986-2002); Louisiana (1995-2004); Pennsylvania (2002-2004); and Texas (1989).