

**THE JUVENILE DEATH PENALTY TODAY:
DEATH SENTENCES AND EXECUTIONS
FOR JUVENILE CRIMES,
JANUARY 1, 1973 - APRIL 30, 2004**

by

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PREFACE

This is Issue #73 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. 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 into what appears to be the final days 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: 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 juvenile death penalty case now before the United States Supreme Court (Roper v. Simmons, 124 S.Ct. 1171 (2004)(cert. granted)), the Missouri Supreme Court majority opinion included 12 citations to these reports: See Simmons v. Roper, 112 S.W.3d 397, 408-09, 411 (Mo. 2003).

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's 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 have been executed. Twenty-two of these have occurred during the current era (1973-present), constituting 2.4% of the total of the 909 executions during this period.
- Almost two-thirds of the current-era executions of juvenile offenders have occurred in Texas, with no other United States' jurisdiction or other country in the world actively involved in this practice.
- The most recent 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 227 juvenile death sentences have been imposed since 1973. Of these, only 72 remain currently in force and are still being litigated. Of the other 155 sentences finally resolved, 22 (14%) have resulted in execution and 133 (86%) have 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* is now before the Supreme Court, raising once again the constitutionality of the death penalty for a 17-year-old offender. *Simmons* is currently being briefed, with oral arguments expected in October 2004 and a decision expected sometime in Spring 2005.
- Of the 40 death penalty jurisdictions in the United States, 21 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. However, several more states are considering raising their minimum age for the death penalty to age 18.
- 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 have been executed, an average of almost exactly one per year. These 366 juvenile offender executions have been imposed by 38 states and the federal government, and they constitute less than 2% of the total of about 20,000 confirmed American executions since 1608.
- Twenty-two of these 366 executions for juvenile crimes have been carried out during the current era (1973-present). They constitute 2.4% of the 909 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 APRIL 30, 2004**

<u>Name</u>	<u>Date of Execution</u>	<u>Place of Execution</u>	<u>Race & Sex of Offender/Victim</u>	<u>Age at Crime</u>	<u>Age at Execution</u>
Charles Rumbaugh	9-11-1985	Texas	WM / WM	17	28
J. Terry Roach	1-10-1986	So. Car.	WM / WM,WF	17	25
Jay Pinkerton	5-15-1986	Texas	WM / WF,WF	17	24
Dalton Prejean	5-18-1990	Louisiana	BM / WM	17	30
Johnny Garrett	2-11-1992	Texas	WM / WF	17	28
Curtis Harris	7-1-1993	Texas	BM / WM	17	31
Frederick Lashley	7-28-1993	Missouri	BM / BF	17	29
Ruben Cantu	8-24-1993	Texas	LM / LM	17	26
Chris Burger	12-7-1993	Georgia	WM / WM	17	33
Joseph John Cannon	4-22-1998	Texas	WM / WF	17	38
Robert A. Carter	5-18-1998	Texas	BM / LF	17	34
Dwight A. Wright	10-14-1998	Virginia	BM / BF	17	26
Sean R. Sellers	2-4-1999	Oklahoma	WM / WM,WM,WF	16	29
Christopher Thomas	1-10-2000	Virginia	WM / WF	17	26
Steve E. Roach	1-19-2000	Virginia	WM / WF	17	23
Glen C. McGinnis	1-25-2000	Texas	BM / WF	17	27
Gary L. Graham	6-22-2000	Texas	BM / WM	17	36
Gerald L. Mitchell	10-22-2001	Texas	BM / WM	17	33
Napoleon Beazley	5-28-2002	Texas	BM / WM	17	25
T.J. Jones	8-8-2002	Texas	BM / WM	17	25

Toronto Patterson	8-28-2002	Texas	BM / BF	17	24
Scott A. Hain	4-3-2003	Oklahoma	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 have been white, while 57% of executed adult offenders have been white. (NAACP-LDF, DEATH ROW U.S.A. at 9 (Winter 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 9 (Winter 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 has 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 10 years.
- 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 321 persons in the current era, only 13 (4.0%) of whom were juveniles. Outside of Texas, the rest of the entire United States has executed 588 persons in the current era, only 9 (1.5%) of whom were juveniles.

LEGAL CONTEXT:

- For the past 15 years, the federal constitutionality of the American juvenile death penalty was a reasonably well-settled issue. However, the United States Supreme Court has expressed a renewed interest in reconsidering this issue, and state courts are getting involved as well.
- 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* applies only in Missouri at this juncture.
- On January 26, 2004, the United States Supreme Court granted certiorari (124 S.Ct. 1171) and agreed to hear the *Simmons* case, now styled as *Roper v. Simmons*. *Simmons* is now being briefed, with oral arguments expected in October 2004 and a Supreme Court decision sometime in Spring 2005. The two issues before the Supreme Court are 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?
- Currently, 38 states and the federal government (both civilian and military) have statutes authorizing the death penalty for capital crimes, almost all of which are forms of murder. Of those 40 death penalty jurisdictions, 21 jurisdictions (52%) have expressly chosen age 18 at the

time of the crime as the minimum age for eligibility for that ultimate punishment. Another 5 jurisdictions (12%) have chosen age 17 as the minimum. The other 14 death penalty jurisdictions (36%) 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 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.
- Conversely, extraordinary legislative activity is underway to *raise* the express statutory minimum age 18. When Kansas and New York reenacted their death penalties in 1994 and 1995, respectively, their new statutes included minimum ages of 18 as well. Montana enacted legislation in 1999 to raise its minimum age to 18, and Indiana raised its minimum age to 18 in 2002.
- On March 3, 2004, the Governors of South Dakota and Wyoming signed bills to raise the minimum age for their death penalty to age 18. In New Hampshire, on April 22, 2004, the legislature voted overwhelmingly to raise the minimum age to 18 and that bill is now before the governor. Similar bills are pending in several other state legislatures, including Alabama and Florida.

**TABLE 2:
MINIMUM DEATH PENALTY AGE
BY JURISDICTION AS OF APRIL 30, 2004**

<u>Age 18</u>	<u>Age 17</u>	<u>Age 16</u>
California	New Jersey	Florida Alabama Mississippi
Colorado	New Mexico	Georgia Arizona Nevada
Connecticut	New York	New Hampshire Arkansas Oklahoma
Illinois	Ohio	North Carolina Delaware
		Pennsylvania

Indiana	Oregon	<u>Texas</u>	Idaho
			South Carolina
Kansas	South Dakota	5 states	Kentucky Utah
Maryland	Tennessee		<u>Louisiana</u>
			<u>Virginia</u>
Missouri	Washington		
		14 states	
Montana	Wyoming		
<u>Nebraska</u>	Federal Civilian		
	<u>Federal Military</u>		
19 states	& 2 federal jurisdictions		

- Thirteen American jurisdictions remain without the death penalty at all: Alaska, District of Columbia, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, Vermont, West Virginia, and Wisconsin.

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.

JUVENILE DEATH SENTENCES IMPOSED, JANUARY 1, 1973, TO APRIL 30, 2004

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

- A total of 227 juvenile death sentences have been imposed since 1973, only 3% of the total of the approximately 7,445 death sentences imposed for offenders of all ages. Just over 70% of these juvenile death sentences have been imposed on 17-year-old offenders, with the other 30% imposed on offenders ages 15 and 16 at the time of their crimes.
- Of these 227 juvenile death sentences imposed in the current era, only 72 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.
- 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 in 2003, the lowest annual rate since 1989. Only 1 juvenile death sentence has been imposed thus far in 2004.

**TABLE 3:
DEATH SENTENCES IMPOSED FOR CRIMES COMMITTED AS
JUVENILES, JANUARY 1, 1973, THROUGH APRIL 30, 2004**

<u>Year</u>	<u>Total Death Sentences¹</u>	<u>Juvenile Death Sentences (Age at Crime)</u>			<u>Totals</u>	<u>Juvenile Sentences as a Percentage of Total Sentences</u>
		<u>15</u>	<u>16</u>	<u>17</u>		
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%

1 The source of the data for total annual death sentences is the UNITED STATES DEPARTMENT OF JUSTICE, CAPITAL PUNISHMENT 2002 at 14, appendix table 2 (Nov. 2003).

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	3	5	9	3.6%
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	5	13	18	5.7%
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	143**	0	1	1	2	1.4%
2004*	48**	0	0	1	1	2.1%
Total:	7,445**	13	54	160	227	3.0%

* As of April 30th

** Estimates

- These 227 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 APRIL 30, 2004**

<u>Rank & State</u>	<u>Race of Offender</u>				<u>Sex of Offender</u>		<u>Age at Crime</u>			<u>Totals</u>
	<u>Asian</u>	<u>Black</u>	<u>Latin</u>	<u>White</u>	<u>Male</u>	<u>Female</u>	<u>15</u>	<u>16</u>	<u>17</u>	
1: Texas	1	25	17	14	57	0	0	0	57	57
2: Florida	0	8	3	21	32	0	3	9	20	32
3: Alabama	0	12	0	13	23	2	1	10	14	25
4: Louisiana	0	16	0	1	17	0	2	7	8	17
5: Mississippi	0	7	0	6	12	1	0	5	8	13
6: Georgia	0	5	0	6	10	1	1	0	10	11
North Carolina	0	7	1	3	11	0	1	0	10	11
8: Arizona	0	0	4	3	7	0	0	4	3	7

Oklahoma	0	0	0	7	7	0	1	3	3	7
South Carolina	0	2	0	5	7	0	0	3	4	7
11: Pennsylvania	0	5	0	1	6	0	1	2	3	6
Ohio	0	5	0	1	6	0	0	1	5	6
Virginia	0	4	0	2	6	0	0	3	3	6
14: Missouri	0	2	0	2	4	0	0	2	2	4
15: Indiana	0	2	0	1	2	1	1	0	2	3
Kentucky	0	1	0	2	3	0	1	0	2	3
Maryland	0	2	0	1	3	0	0	0	3	3
Nevada	0	1	2	0	3	0	0	3	0	3
19: Arkansas	0	2	0	0	2	0	1	1	0	2
20: Delaware	0	1	0	0	1	0	0	0	1	1
Nebraska	0	1	0	0	1	0	0	1	0	1
New Jersey	0	1	0	0	1	0	0	0	1	1
Washington	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>
Totals:	1	109	27	90	222	5	13	54	160	227

- Texas (57 sentences) is the clear leader in this practice, followed at quite a distance by Florida (32 sentences) and then Alabama (25 sentences). These 3 states together account for just over half (114/226) of all juvenile death sentences. Only 7 states have imposed 10 or more such sentences.
- Juvenile death sentences for black and white juvenile offenders appear to be spread around the sentencing jurisdictions fairly evenly, but the 26 of the 27 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 APRIL 30, 2004

- As of April 30, 2004, a total of 72 persons were on death row under death sentences received for juvenile crimes (see Table 5 below). These 72 condemned juvenile offenders constituted only 2% of the total death row population of approximately 3,500.²

² 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., WINTER 2004 (New York: 2004) (data current as of Jan. 1, 2004).

- Although all were ages 16 or 17 at the time of their crimes, their current ages range from 20 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 33% 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 (Winter 2004)).
- These 72 juvenile offenders currently are under death sentences in only 12 of the 21 states which authorize the death penalty for juvenile offenders, and they have been on death row from 6 weeks to nearly 24 years. Texas has by far the largest death row for juvenile offenders, holding 28 (38%) of the national total of 73 juvenile offenders.
- All juvenile offenders currently under death sentences are male and have been convicted and sentenced to death for murder.
- 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 about half are females.

**TABLE 5:
CHARACTERISTICS OF OFFENDERS AND VICTIMS IN JUVENILE
DEATH PENALTY CASES IN FORCE AS OF APRIL 30, 2004**

OFFENDERS

<u>Age at Crime</u>	<u>Age Currently</u>	<u>Race</u>
Age 16 = 14 (19%)	Ages 17-19 = 0 (0%)	Amer. Indian = 1 (1%)
Age 17 = <u>58</u> (81%)	Ages 20-24 = 26 (36%)	Asian = 2 (2%)
72 (100%)	Ages 25-29 = 32 (44%)	Black = 29 (40%)
	Ages 30-34 = 9 (12%)	Latin = 15 (21%)
	Ages 35-39 = 2 (3%)	White = <u>25</u> (35%)
	Ages 40-43 = <u>3</u> (4%)	72 (100%)
	72 (100%)	

VICTIMS

<u>Age</u>	<u>Race</u>	<u>Sex</u>
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Ages 0-15	= 13 (14%)	AmInd	= 1 (1%)	Male	= 48 (49%)
Ages 16-19	= 12 (13%)	Asian	= 7 (7%)	Female	= <u>50</u> (51%)
Ages 20-29	= 18 (20%)	Black	= 8 (9%)		98 (100%)
Ages 30-39	= 15 (16%)	Latin	= 11 (12%)		
Ages 40-49	= 14 (15%)	White	= <u>65</u> (71%)		
Ages 50-59	= 8 (9%)		92 (100%)		
Ages 60-69	= 4 (4%)	unknown	= <u>6</u>		
Ages 70-79	= 7 (8%)		98		
Ages 80-82	= <u>1</u> (1%)				
	92 (100%)				
unknown	= <u>6</u>				
	98				

- Appendix B to this report sets forth the names of the juvenile offenders on death row as of April 30, 2004, 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:
 - 1that the death penalty for juvenile offenders and mentally retarded offenders should be treated the same under the Eighth Amendment;
 - 2that 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.
- Several state legislatures are considering statutory amendments to eliminate the juvenile death penalty, primarily on grounds of falling public support and other public policy considerations.
- The annual death sentencing rate for juvenile offenders has dropped precipitously. Following the year 1999's peak of 15 sentences, only 7 juvenile death sentences were imposed each year in 2000 and 2001. Only 4 were verified for 2002, only 2 were imposed during 2003, and only one has been imposed during the first four months of 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. A major juvenile death penalty case (*Roper v. Simmons*) is now pending before the United States Supreme Court. It seems only a matter of time before the United States joins the rest of the world in legally prohibiting the death penalty for juvenile offenders.

**APPENDIX A:
 JUVENILE DEATH SENTENCES IMPOSED,
 JANUARY 1, 1973, THROUGH APRIL 30, 2004**

<u>Year</u>	<u>Offender's Name</u>	<u>Age at Crime</u>	<u>Race</u>	<u>/Sex</u>	<u>State</u>	<u>Current Status</u>
1973	(..... apparently 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	17	B/M		MS	reversed in 1977;
	(see also 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 ?
	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	17	B/M	MS	reversed	in
				1983	
(see also 1975)					
Legare, Andrew	17	W/M	GA	reversed	in
				1981;	
(see also 1982					resentenced
and 1984)					to death, 1982;
					reversed in 1983;
					resentenced to
					death, 1984;
					reversed in 1986
Magill, Paul	17	W/M	FL	reversed	in
				1980;	
(see also 1981)					resentenced
					to death, 1981;
					reversed in 1987
Morgan, James	16	W/M	FL	reversed	in 1981;
(see also 1981,					resentenced
1985, and 1990)					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, Magdaleno	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	17		W/M	GA	reversed	in
							1978;
	(see also 1979)						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	17		W/M	GA	EXECUTED	12-7-1993
	(see also 1978)						
	Harris, Curtis	17		B/M	TX	reversed	in
							1982;
	(see also 1983)						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	17		W/M	FL	reversed	in
							1987
	(see also 1977)						

Morgan, James	16	W/M	FL	reversed in 1984; resentenced to death, 1985;
(see also 1977, 1985, and 1990)				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, Johnny Fr.	17	W/M	TX	EXECUTED 2-11-1992
Johnson, Lawrence	17	B/M	MD	reversed in 1983;
(see also 1984)				resentenced to death, 1984; reversed in 1988
Lashley, Frederick	17	B/M	MO	EXECUTED 7-28- 1993
Legare, Andrew	17	W/M	GA	reversed in 1983; resentenced to death, 1984;
(see also 1977 and 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	reversed in 2003 (clemency)
Stokes, Freddie	17	B/M	NC	reversed in 1982;
(see also 1983)				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	17	B/M		TX EXECUTED 7-1-1993
	(see also 1979)				
	Harvey, Frederick	16	B/M		NV reversed in 1984
	Hughes, Kevin	16	B/M	PA	now on death row
	Lynn, Frederick	16	B/M		AL reversed in 1985;
	(see also 1986)				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	17	B/M		NC reversed in 1987
	(see also 1982)				
1984	Aulisio, Joseph	15	W/M		PA reversed in 1987
	Brown, Leon	15	B/M		NC reversed in 1988
	Johnson, Lawrence	17	B/M		MD reversed in 1988
	(see also 1982)				
	Legare, Andrew	17	W/M	GA	reversed in 1986
	(see also 1977 and 1982)				
	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	16	W/M	FL	reversed in 1989; resentenced to death, 1990;
	(see also 1977, 1981, and 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 1998
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	16	B/M		AL reversed in 1992
	(see also 1983)				
	Matson, John, Jr.	17	B/M		TX reversed in 1991
	Mitchell, Gerald Lee	17	B/M	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, Wilburn Aaron	17	W/M		FL reversed in 1988
1988	Adams, Thomas	17	W/M	NC	reversed in 1994 resentenced to death, 1995; now on death row
	(see also 1995)				
	Hain, Scott Allan	17	W/M		OK reversed in 1993 resentenced to death, 1994; EXECUTED 4-3-2003
	(see also 1994)				
	Hegwood, Bernell	17	B/M		FL reversed in 1991
	Jimenez, Jesus	17	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
1990	Blount, John	17	B/M		PA reversed in 1994

Ellis, Ralph	17		W/M	FL reversed in 1993
Flowers, Clayton Joel	15		W/M	AL reversed in 1991
Furman, Michael M.	17		W/M	WA reversed in 1993
(see also 1977, 1981, and 1985)				
Gibson, Exzavious	17		B/M	GA now on death row
Hart, Gary Davis, II	16		B/M	AL now on death row
Morgan, James	16	W/M	FL	reversed in 1994
Neal, John	16		W/M	AL reversed in 1992;
(see also 1994)				resentenced
				to death, 1994;
Slayton, Nathan	17		W/M	AL now on death row
1991 Allen, Jerome	15		B/M	FL reversed in 1994
Barraza, Mauro	17	L/M	TX	now on death row
Bonifay, James	17	W/M	FL	reversed in 1993;
(see also 1994)				resentenced to death, 1994;
				now on death row
Foster, Ronald Chris	17		B/M	MS now on death row
Thomas, Doug. Chris	17		W/M	VA EXECUTED 1-10-2000
1992 Farina, Jeffrey Allen	16		W/M	FL reversed in 1996;
(see also 1998)				resentenced
to death, 1998;				
				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	17	B/M	TX	reversed in 1999
Wright, Dwayne A.	17	B/M	VA	EXECUTED 10-14-1998

1993	Alvarado, Steven	17	L/M		TX	now	on	death	
	Blue, David	17	B/M		MS	reversed		in	
	Comeaux, Adam	17	B/M		LA	reversed		in	2003
	(see also 1986)								
	Holly, William	17	W/M		MS	now	on	death	row
	Hudgins, Joseph	17	W/M			SC	reversed		in
						1999			
	Miles, Laquan	17	B/M			TX	reversed		in
						1996			
	Richardson, Antonio	16	B/M			MO	reversed		in
						2003			
1994	Bonifay, James	17	W/M		FL	now	on	death	row
	(see also 1991)								
	Burgess, Roy, Jr	16	B/M		AL	reversed		in	
						2000			
	Conyers, Robert L.	16	B/M		SC	reversed		in	
						1999			
	Curtis, Memwaldy	17	B/M		FL	reversed		in	
						1996			
	Domingues, Michael	16	L/M		NV	now	on	death	
						row			
	Hain, Scott Allen	17	W/M		OK	EXECUTED		4-3-	
						2003			
	(see also 1988)								
	Jackson, Levi Jaimes	16	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
						row			
	Neal, John	16	W/M		AL	now	on	death	row
						row			
	(see also 1990)								
	Perez, Efrain	17	L/M		TX	now	on	death	row
						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
						row			
	Soto- Fong, Martin	17	L/M		AZ	now	on	death	row
						row			

	Villareal, Raul	17	L/M		TX	now	on	death	row
	Womble, Curtis Ray	17	B/M		NC	reversed		in	1998
1995	Adams, Thomas	17	W/M	NC		now	on	death	row
	(see also 1988)								
	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	17	B/M		TX	now	on	death	row
	Hughes, Herman, Jr.	16	B/M		SC	now	on	death	row
	Jenkins, Larry	17	B/M		GA	now	on	death	row
	Mooney, Jerry D.	16	W/M		OK	reversed		in	1999
	Ortiz, Oscar, III	17	L/M		TX	reversed		in	1997
	Patterson, Toronto	17	B/M		TX	EXECUTED		8-28-	2002
	Williams, Nanon	17	B/M		TX	now	on	death	row
1996	Capetillo, Edward	17	L/M		TX	now	on	death	row
	Cousin, Shareef	16	B/M		LA	reversed		in	1998
	Dewberry, John C.	17	W/M		TX	now	on	death	row
	Hyde, James M.	17	W/M	AL		now	on	death	row
	Duncan, Trace	17	W/M	AL		now	on	death	row
	Jones, Anzel Keon	17	B/M		TX	now	on	death	row
	Loggins, Kenneth	17	W/M		AL	now	on	death	row
	McGilberry, Stephen	16	AmInd/M		MS	now	on	death	row
	Powers, Ted Ben.	16	W/M		SC	now	on	death	row

	Ramirez, Nathan	17	L/M		FL reversed in 1999;
	(see also 2003)				resentenced
	Sanford, Damond	16	B/M		now on death row AR reversed in 2000
	Urbin, Ryan	17	W/M		FL reversed in 1998
1997	Arthur, Mark	17	B/M		TX now on death row
	Brennan, Keith M.	16	W/M		FL reversed in 1999
	Cobb, Raymond L.	17	W/M		TX reversed in 2000;
	(see also 2001)				resentenced
	Howard, Cedric D.	16	B/M		now on death row LA now on death row
	Jackson, Chauncey	16	B/M		VA reversed in 2000
	Johnson, Eddie	17	B/M	TX	now on death row
	Pressley, Marcus D.	16	B/M		AL now on death row
	Snipes, David Paul	17	W/M		FL reversed in 1999
1998	Adams, Renaldo	17	B/M	AL	now on death row
	Arroyo, Randy	17	L/M	TX	now on death row
	Carroll, Taurus	17	B/M		AL reversed in 2002
	Dycus, Kelvin	17	W/M		MS now on death row
	Farina, Jeffrey Allen	16	W/M		FL reversed
in 2000	(see also 1992)				
	Ferrell, Roderick J.	16	W/M		FL reversed in 2000
	Golphin, Kevin	17	B/M	NC	now on death row
	Jacobs, Lawrence	16	B/M		LA reversed in 2001
	Johnson, Shermaine	16	B/M		VA reversed in 2001;
					resentenced to
death, 2002					
	Kelly, William	17	W/M	SC	now on death row reversed in 2002

	Wimberly, Shaber	17		B/M	AL	reversed	in	
	(see also 2001)					1999;		
							resentenced	
							to death, 2001;	
							now on death row	
1999	Bridgewater, Roy	17		B/M	LA	now	on	
	Duke, Mark A.	16		W/M	AL	now on death row		
	Eskridge, Roderick	17		B/M	MS	now on death		
	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		
	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		
	Solomon, Chris	17		B/M	TX	now on death row		
	Williams, Bruce Lee	17		B/M	TX	now on death		
	Wilson, Geno Capo.	17		B/M	TX	now on death		
	Wynn, Gregory	16		B/M	AL	now on death row		
2000	Bell, Ronald Lee, Jr.	17		B/M	FL	reversed		
	Davolt, James Ed.	16		W/M	AZ	reversed	in	
	Reeves, Whitney	17		W/M	TX	now on death		
	Servin, Robert P.	16		L/M	NV	reversed	in	
	Tirado, Francisco	17		L/M	NC	now on death		
	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		
	Cobb, Raymond	17		W/M	TX	now on death row		
	(see also 1997)							

	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	17		B/M	AL	now on death		
					row			
	(see also 1998)							
2002	Bonds, James	16		B/M	AL	now on death		
					row			
	Johnson, Shermaine	16		B/M	VA	now on death		
					row			
	(see also 1998)							
	Salinas, Jorge	17		L/M	TX	now on death		
					row			
	Wilson, Aaron	17		B/M	LA	now on death		row
2003	Aguilar, Tonatihu	16		L/M	AZ	now on death		
					row			
	Ramirez, Nathan	17		L/M	FL	now on death		
					row			
	(see also 1996)							
2004*	Morgan, Eric	17		W/M	SC	now on		death
								row

* as of April 30, 2004

**APPENDIX B:
CASE SUMMARIES FOR JUVENILE OFFENDERS
UNDER DEATH SENTENCES AS OF APRIL 30, 2004**

ALABAMA

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

Adams, Renaldo Chante: Black male; age 17 at crime and now age 23 (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 20 (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 23 (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 27 (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 31 (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 32 (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 26 (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).

Neal, John Lionel: White male; age 16 at crime and now age 33 (DOB: 7-13-1964); robbery and murder of white female age 77 in Foley (Baldwin County) on 2-16-1987; sentenced in May 1990; reversed in 1992; resentenced on 4-9-1994.

Pressley, Marcus Dewayne: Black male; age 16 at crime and now age 25 (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 34 (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 24 (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 23 (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 24 (DOB: 2-11-1980); murder of Latin male age 28 and Latin female age 28 in Phoenix on 10-15-1996; sentenced on 6-19-2003.

Jackson, Levi Jaimes: White male; age 16 at crime and now age 28 (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 29 (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 30 (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 28 (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 29 (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 25 (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 20; 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 24 (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 24 (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 32 (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 29 (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 27 (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)
(5 juvenile offenders now on death row)

Adams, Thomas Mark: White male; age 17 at crime and now age 33 (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 21 (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 24 (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.

Tirado, Francisco Edgar ("Paco"): Latin male; age 17 at crime and now age 23 (DOB: 4-7-1981); burglary, kidnaping and murders of white female age 19 and white female age 25 in Cumberland County on 8-17-1998; sentenced on 4-11-2000

Walters, Travis LeVance: Black male; age 17 at crime and now age 23 (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 35 (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 26 (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 30 (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)
(28 juvenile offenders now on death row)

Alvarado, Steven Brian: Latin male; age 17 at crime and now age 29 (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 24 (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 24 (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 31 (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 27 (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 26 (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 27 (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 27 (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 27 (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 27 (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 23 (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 25 (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 26 (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 23 (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 27 (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 28 (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 22 (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 24 (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 28 (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 29 (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 23 (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 28 (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 22 (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 29 (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 22 (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 26 (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:

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) ____ (2004) (in press).

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 L. REV. 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:

AZ (1993, 2001, 2002); FL (1986, 2002); LA (1995, 1997, 2004); PA (2002, 2004); and TX (1989).