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A Content Analysis of Media Accounts of Death Penalty and Life Without Parole Cases

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A Content Analysis of Media Accounts of Death Penalty and Life Without Parole Cases

A thesis

presented to

the faculty of the Department of Criminal Justice/Criminology

East Tennessee State University

In partial fulfillment

of the requirements for the degree

Master of Arts in Criminal Justice & Criminology

by

Lisa Regina Kirk

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ABSTRACT

A Content Analysis of Media Accounts of Death Penalty and Life Without Parole Cases

by

Lisa Regina Kirk

The study analyzed a convenience sample of published accounts of death penalty cases and life without parole cases. The objective of the study was to explore factors that influence the selection of cases for coverage in books, think tank reports (e.g., Heritage Foundation), and periodicals and factors related to coverage of homicides resulting in a death penalty sentence or a life without parole sentence (often termed “America’s other death penalty”).

Since this study was exploratory, hypotheses were not offered. However, prior research on the death penalty and on life without parole offered several clues. For example, since black offender/white victim homicides were more likely to result in a death penalty sentence, it was expected that such homicides would more likely to be covered. Since conservatives were more likely to favor the death penalty and liberals were likely to oppose it, it was expected that coverage would vary by how conservative or liberal the coverage source. For example, how the Heritage Foundation covered cases was expected to be different from coverage by Human Rights Watch.

In summary, my study revealed opposite results of previous research studies. The results of my study are probably skewed because of the small sample size. A bigger sample size would more than likely resulted in more accurate and reliable results.
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CHAPTER 1
INTRODUCTION

Statement of Problem

The death penalty has always been a controversial debate between those that believe it is used arbitrarily and should therefore be abolished and those that believe criminals deserve the most severe punishment for committing the most heinous and atrocious crimes. Life without the possibility for parole for juveniles is also a highly debated topic. Those that believe the death penalty should be abolished have many concerns about its effectiveness, execution of the innocent, whether or not it has a deterrent effect, and the fiscal cost of the death penalty versus other sentences such as life with or without parole. Those that oppose juvenile life sentences also believe that it is unconstitutional or unethical. Some supporters of the death penalty believe it is a deterrent, while others do not care if it has a deterrent effect or not. Supporters of both the death penalty and life without the possibility of parole believe that those who commit the most heinous crimes deserve to receive the ultimate punishment regardless of deterrent effect. Over the past few years, support for the death penalty has slowly been declining while support for life without parole has been increasing.

Today’s generation faces many obstacles in making decisions that will have an impact on future generations to come. Much thought must go into whether or not to continue the process of handing down death penalty sentences versus life sentences with or without the possibility of parole. Is the death penalty morally right or wrong? Is the death penalty used for the most heinous crimes as it was intended or is the system broken and in need of repair? Should we accept the fact that some innocent people will be wrongly convicted and executed for crimes they did not commit?
Should the criminal justice system be more lenient on juveniles that commit first-degree murder? In the current economy, does it make good fiscal sense to continue sending criminals to death row or sentencing juveniles to life without parole or should we consider abolishing these practices? What impact does race, gender, and age of defendants and victims have in choosing between the death penalty and life without parole? Media accounts can affect how average citizens, prosecutors, and legislatures view the death penalty and life without parole; and legislator’s attitudes can affect laws about capital punishment and the criminal justice processing of death penalty cases.

Therefore, it is critical to evaluate media accounts of death penalty and life without parole cases to see if such accounts are accurate and complete because they affect perceptions and opinions of both the general public and decision makers, namely legislators and governors. Legislators make such vital decisions as whether or not to have the death penalty in their states and how the death penalty trial process works (e.g., what aggravating and mitigating factors jurors must consider). Governors have the power to pardon, grant clemency, or even to exonerate.

Distorted or incomplete media accounts can affect the decisions of the general public, legislators, and governors. Whether a state has the death penalty or not, that decision and related policies should be informed by accounts and information that is accurate and complete. This thesis will conduct an exploratory analysis of media accounts of murderers who received the death penalty or life without parole. The objective is to critique such accounts in order to seek more accurate and complete accounts in the future.

In summary, this thesis will conduct an exploratory content analysis of media accounts of murderers who received the death penalty or life without parole. The objective is to examine
such accounts in order to determine their accuracy and to assist in efforts to seek more accurate and complete accounts in the future.
CHAPTER 2
LITERATURE REVIEW

Introduction and History of the Death Penalty

Capital punishment is one of the most controversial issues of our time (Worthen, Rodgers, & Sharp, 2014). In 1972, the United States Supreme Court ruled that the death penalty, as it was currently being administered, was unconstitutional in the Furman v. Georgia case (Baker, Lambert, & Jenkins, 2005). Then in 1976, the United States Supreme Court reversed their decision in Gregg v. Georgia (Baker et al., 2005). Since the death penalty was reinstated in 1976, 1,437 executions have taken place in the United States (Department of Justice, 2016). When compared to 2014 with 35 executions, the rate has dropped 20 percent to 28 executions in 2015, which is the lowest it has been in 24 years (Department of Justice, 2016). Of those executed in 2015, 60 percent were black or Latino and nearly 30 percent involved interracial murders with at least one victim being white (Department of Justice, 2016).

While most of the world has abandoned capital punishment in the 21st century, the United States continues to keep the death penalty as an option. The south, in particular, is more prone to handing down death sentences than the north. In 1981, there were 61 countries that abolished the practice of the death penalty and by 2005 that number had increased by 122 for a total of 183 countries. The majority of executions are held in the few countries that maintain the death penalty (Messner, Baumer, & Rosenfeld, 2006). “Amnesty International estimates that 81 percent of all known executions in 2002 were carried out in just three nations: China, Iran, and the United States” (Messner, et al., 2006) with the majority being performed in southern states.
Support and Opposition for the Death Penalty

Supporters of the death penalty are usually older, white, male, wealthy, conservative, married, religious fundamentalists, and have an educational level that falls somewhere between high school graduate and college graduate, and live in rural, less populated areas (Messner, et al., 2006). Supporters view the death penalty as the most effective form of incapacitation, proportional to the crime committed, morally acceptable, an effective form of deterrence, and more cost effective than life without the possibility of parole (LWOP) (Patenaude, 2001).

Supporters of the death penalty have expressed their skepticism that if an offender receives a lighter sentence, such as life without the possibility of parole, they are seen as “getting off easy” (Messner, et al., 2006). And if they do receive life without the possibility of parole, they still get to enjoy benefits such as free television and cable, access to weight equipment, and free health care for the remainder of their life, which does not sit well with supporters (Messner, et al., 2006).

Public support for the death penalty has been on the decline in the last 25 years (Ferrall, 2002) and has reached a 19 year low (Lilly, 2002). The Death Penalty Information Center (2016) states that support for the death penalty has fallen to its lowest levels in 24 years. There are various reasons that can explain this decline in support. For example, starting in the late 1980s through the early 2000s, violent crimes decreased significantly (Khadaroo, 2014). How it has been enforced has also been called into question recently (Khadaroo, 2014).

Opponents of the death penalty view the practice as being brutal, ineffective as a deterrent, wrong, racist, expensive, and degrading (Patenaude, 2001). There is a decrease in support of the death penalty among those that did not finish high school, as well as college graduates, and have opposite characteristics of supporters in that they are younger, black, female,
poor, liberal, single, and live in more urban populated areas (Vollum, Longmire, & Buffington-Vollum, 2004).

Opponents of the death penalty believe that the criminal justice system is biased toward minorities and unfairly imposed (Lilly, 2002). Since the death penalty was reinstated in 1976, there have been 11 white defendants found guilty and executed for killing black victims (Lilly, 2002). However, there have been 161 blacks found guilty and executed for killing white victims (Lilly, 2002). Death penalty cases are disproportionally applied in urban areas than in rural areas (Lilly, 2002). This is due to the fact that blacks tend to live more in urban areas and whites reside in rural areas (Lilly, 2002).

When voters polled in 2010 were given the option of choosing another form of punishment other than the death penalty, over 60 percent would not choose the death penalty (Department of Justice, 2016). In fact, 13 percent would vote for life without parole, nine percent would vote for life with parole, 39 percent would vote for life without parole plus restitution, and only six percent had no opinion (Department of Justice, 2016). A poll conducted in 2009 found that police chiefs believed that the death penalty was the least effective way to reduce violent crime and it was also the “least efficient use of taxpayers’ money” (Department of Justice, 2016).

There are many other reasons people oppose the death penalty. However, the most common reason support for the death penalty has declined is the risk of executing innocent people (Lilly, 2002). Seven inmates on death row were exonerated just in 2014 (Khadaroo, 2014). Three of those had been found guilty in Ohio and two of them were released in November 2014 after serving 39 years on death row (Khadaroo, 2014).

Ebert (2007) states in his article that approximately 25 to 30 percent of those convicted in a death penalty case have their convictions overturned on direct appeal. This happens when the
appeal courts find one or more errors that happened during the trial stage (Ebert, 2007).
Because death is irreversible, special due process must be given to prevent the execution of those that are actually innocent (Ebert, 2007). This is not provided when a defendant is given a life sentence (Ebert 2007). Only nine percent of those convicted of a capital offense will ever be executed; the remainder will spend the rest of their lives behind bars with no hope of ever being released (Ebert, 2007). Others will have their convictions overturned on appeal or receive clemency (Ebert, 2007).

According to Lilly (2002) there have been ninety-eight inmates found innocent while on death row since 1973. According to the Death Penalty Information Center, there were six exonerations in 2015 and there have been 156 exonerations since 1973 (Department of Justice, 2016). Between 1973 and 1995 there were 28 states that had 68 percent of death penalty cases reversed due to flaws within the process (Lilly, 2002). Research has also concluded that states that perform the most executions are far more likely to make legal mistakes ending in a wrongful verdict of guilt (Lilly, 2002).

There have been a few executions that have gone awry as well. In April 2014, Oklahoma botched the execution of Clayton D. Lockett (LaChance, 2014). Lockett began to twist and squirm and even attempted to sit up after he was declared unconscious (LaChance, 2014). It took 43 minutes before Lockett died of a heart attack (LaChance, 2014). The media described his execution as a “torturous, lingering death” (LaChance, 2014). Other executions in Ohio and Arizona have also generated strong opposition to the death penalty, because the drugs used in the lethal injections are considered by some as cruel and unusual punishment which is against the constitutional ban (Khadaroo, 2014).
Studies conducted to determine if the death penalty deters someone from committing murder has shown that there is no deterrent effect, therefore it does not matter if a defendant is sentenced to death or given a life sentence, neither one will prevent or deter heinous murders from being committed (Ebert, 2007). Ebert (2007) lists non-death penalty states that have lower heinous crime rates than death penalty states that border them, which includes Iowa, Michigan, and Maine. A factor that may determine whether or not the death penalty is sought or results in the death penalty is the geographical area the crime is committed in (Ebert, 2007).

After Gregg v. Georgia, whenever a case is charged or prosecuted, there will almost always be a charge for aggravated first-degree murder, consideration for mitigating and aggravating factors, and a separated process for both the conviction and sentencing stages (Ebert, 2007). All capital cases are required to go to a jury trial unlike non-capital cases (Ebert, 2007). Because it is a death penalty case, the prosecutor and the defense attorney are allowed significantly more preemptory challenges (Ebert, 2007). Because of all of these requirements, the jury pool is far greater than in other trials since the issue of attrition must be taken into consideration to fill any vacancies that may occur during trial (Ebert, 2007). This means there are more alternate jurists, which require great care be given when selecting potential jury members (Ebert, 2007). The jury in a death penalty case is far more likely to be sequestered than in a non-death penalty case (Ebert, 2007).

Most states do not place a limit on how much can be spent on the defendant’s defense. Defendants are also entitled to have not one but at least two attorneys represent them in court (Ebert, 2007). “Expert witnesses, including forensic, medical, and psychiatric experts, are used more extensively and frequently in capital trials” (Ebert, 2007). The trials for death penalty cases usually take a much longer time, which adds to the costs (Ebert, 2007). There is also an increased
chance that the decision will be reversed upon appeal (Ebert, 2007). All of these requirements and added costs are all part of the “super due process” (Ebert, 2007) that must be done on all capital punishment cases. Every death penalty case is automatically appealed in state courts, although the automatic review is limited in federal courts (Ebert, 2007). There are two phases in a death penalty case: the conviction phase and sentencing phase (Ebert, 2007).

Ebert states, “approximately 25 and 30 percent of all death penalty convictions get overturned on direct appeal” (2007). Even if defendants are found guilty and sent to death row, only nine percent of those will actually be executed (Ebert, 2007). Because there are no limits to how much can be spent on a person’s defense, the federal government is normally held liable for the substantial costs for attorneys and most other defense costs for prosecuting these cases (Ebert, 2007). Ebert (2007) uses an assumption that assumes that for every 20 cases seeking the death penalty, at least one will result in an execution. Tennessee researchers found that the cost of prosecuting a capital case versus a life sentence case was more expensive than for non-capital cases (Ebert, 2007). Ebert (2007) found in his Tennessee study that the state had a very high rate of reversals, 29 percent, on capital cases. Ebert’s study (2007) found that a capital trial case in Tennessee would cost on average $46,791; life without the possibility of parole cases would cost $31,494; and life with the possibility of parole would cost $31,662.

According to the Department of Justice Report published on December 19, 2014, by 2013 there were 2,979 inmates on death row in 35 states including the Federal Bureau of Prisons in comparison to 3011 inmates in 2012. The three highest-ranking states were California with 735, Florida with 398, and Texas with 273 (Department of Justice, 2014). Tennessee ranked 12th overall with a total of 75 inmates on death row (Department of Justice, 2014). At the end of
2013, 60 percent of all death row inmates were located within the following five states: California, Florida, Texas, Pennsylvania, and Alabama (Department of Justice, 2014).

In 2013, there were 115 inmates removed from death row. Thirty-nine were executed, 31 died while incarcerated before execution, and 45 had their death sentence overturned by the courts (Department of Justice, 2014). Over a third of those removed from death row came from Texas and Florida with 20 and 19 respectfully (Department of Justice, 2014). From the time the death penalty was reinstated in 1976 through the year 2000, the number of inmates on death row increased steadily until it peaked at 3,601 inmates on death row (Department of Justice, 2014). Then in 2001, the number of inmates removed from death row started declining faster than admittance for the first time since the death penalty was reinstated and has continued to do so (Department of Justice, 2014).

Whites made up 56 percent or a total of 1,668 inmates on death row (Department of Justice, 2014). Blacks made up 42 percent or a total of 1,251 (Department of Justice, 2014). Male inmates made up the majority of inmates on death row with 98 percent and only two percent being women (Department of Justice, 2014). Of the 36 jurisdictions, only six showed an increase in the number of inmates on death row compared to 2012 while 16 jurisdictions showed a decrease (Department of Justice, 2014). For example, California had the largest increase with an additional 17 more death row mates than in 2012, while Texas decreased by 11 death row inmates than in 2012 (Department of Justice, 2014).

The grand total of executions in the United States in 2014 was 35 and in 2015 were 28 (Department of Justice, 2016). The three states with the most executions in 2013 were Texas with 16, Florida with seven, and Oklahoma with six; which makes up nearly 75 percent of all executions that year (Department of Justice, 2014). Only nine states were responsible for all of
those executions compared to 43 executions the previous year (Department of Justice, 2014). The average time on death row in 2013 was 15.5 years compared to 15.1 years in 2012 (Department of Justice, 2014).

By the end of August 2016, there were 2,943 inmates on death row; that is 36 less than just three years ago (Department of Justice, 2016). The top three states are California with 743, Florida with 396, and Texas with 263 (Department of Justice, 2016). In 2016, there have been 15 executions in the United States (Department of Justice, 2016). Eleven of the 15 executed were white, two were black, and two were Latino (Department of Justice, 2016). All but two victims were white; the other two victims were Latinos, one of which was killed by another Latino (Department of Justice, 2016). Tennessee remains in 12th place with 71 inmates on death row in January 2016, down from 75 three years ago (Department of Justice, 2016). Texas and Georgia each had six executions and Florida, Alabama, and Missouri each had one execution (Department of Justice, 2016).

The Federal Bureau of Investigations Report of 2014 revealed, “that the South had the highest murder rate…and accounted for over 80 percent of executions” (Department of Justice, 2016). The South performed 117 executions, Midwest performed 178 executions, the West performed 85 executions, the Northeast performed only 4 executions and the states of Texas and Oklahoma performed an alarming 649 executions since 1976 (Department of Justice, 2016).

Since the death penalty was reinstated, more inmates have been removed from death row than have been admitted (Department of Justice, 2014). This has been a continuous trend since 2001 (Department of Justice, 2014). Between 1977 and 2013, there were 8,124 inmates on death row (Department of Justice, 2014). Only 17 percent or 1,281 were executed during this time, six percent or 487 died while incarcerated, and 40 percent or 3,249 received some other form of
disposition (Department of Justice, 2014). It was not until 1930 that the federal government started collecting information on the number of executions that were performed (Department of Justice, 2014). During these 83 years, a total of 5,218 inmates were put to death (Department of Justice, 2014).

In the year 2014, there were only seven states that were responsible for 35 executions, compared to nine states and 39 inmates the previous year (Department of Justice, 2014). All of the executions in 2014 were carried out by lethal injection (Department of Justice, 2014). Three states were responsible for 80 percent of the executions in 2014 (Department of Justice, 2014). Texas executed 10 inmates, down from 16 the year before which also included two females; Florida executed eight inmates, an increase of one; and Missouri executed 10 inmates, which had only executed two the previous year (Department of Justice, 2014).

At the end of 2013, inmates on death row between the ages of 18-19 comprised of less than one percent; 35-39 comprised of 13.2 percent; 40-44 comprised of 18.3 percent; and from 45-49 and 50-54 comprised of just over 16 percent each (Department of Justice, 2014). There was just over 13 percent of inmates with an eighth grade education or less; ninth through the 11th grade made up almost 35 percent; and those with a high school diploma or GED consisted of just fewer than 43 percent (Department of Justice, 2014). Inmates with any college credits made up less than 10 percent of death row inmates (Department of Justice, 2014). Married and divorced or separated inmates were each around 20 percent. Over half of death row inmates had never been married (Department of Justice, 2014).

Between 1977 and 2013, 1,359 inmates were executed after serving an average of 137 months, which is almost 11.5 years (Department of Justice, 2014). From 1977 through 1983 there was no data on the average time on death row (Department of Justice, 2014). In 1985, an
inmate on death row averaged only 71 months or just less than six years on death row, whereas in 2012, the average had increased to 190 months or just less than 16 years (Department of Justice, 2014). In 27 years, the average time on death row increased by 10 years (Department of Justice, 2014).

No inmates were executed in the years 1978 or 1980 (Department of Justice, 2014). From 1977 through 2013, there were 1,359 inmates that had been executed; 770 of those were white and 464 were blacks (Department of Justice, 2014). In 1999, there were 98 executions, which were the most of any year during this timeframe; 53 were white, which was the highest number of whites during this time, and 33 were blacks (Department of Justice, 2014). The year 2000 had the second most executions during that time with 85 total, of which 43 were whites and 35 were blacks. This was also the year that the most blacks were executed (Department of Justice, 2014).

**Race**

Blacks and whites view the legal system, police, and justice very differently which influences how law-abiding they are, their predisposition to committing crimes, and how willingly or eager they are to cooperate with the police (Tyler, 2012). Blacks tend to view the legal system as unfair and riddled with biases whereas whites tend to see the legal system as fair and just (Tyler, 2012).

Because blacks see the legal system as unfair and biased toward them, they are more inclined not to trust the government. Research has show that the less likely someone is to trust the government, the less likely they will support the death penalty (Messner, et al., 2006). Research has also indicated that those who live in areas with a high homicide rate, have a larger black population, and are more conservative in their political views, are more likely to support the death penalty (Messner, et al., 2006). If the victim in a murder trial is white, the death penalty
is three and four more times likely to be imposed than if the victim was black (Scheb, 2008). Prosecutors are more likely to seek the death penalty when a black defendant murders a white victim than if a black defendant kills another black person also (Scheb, 2008).

In the last 50 years, the country has “experienced a dramatic transformation in race relations” (Unever, Cullen, & Jonson, 2008); beginning with the Civil Rights Movement in the 1960s. Afterwards, blacks were given opportunities for inclusion, which meant that blacks and whites were starting to be more alike (Unever, et al., 2008). However, that was not the opinion of everyone. For example, Hacker stated that “the United States remains two nations, black and white, separate, hostile, unequal” (Unever, et al., 2008). So although the civil rights movement had been a positive advancement in race relations, race still divides (Unever, et al., 2008).

Blacks suffer from a higher rate of criminal victimization and arrests than their white counterparts, especially when it comes to violent crimes (Unever, et al., 2008). Blacks make up about 12 percent of the total population, however they make up 42 percent of those on death row (Unever, et al., 2008). Bordt (2004) states that in a thirty-year period from 1930 to 1960, almost half of those executed for murder were blacks.

However, those that were given the death penalty for rape were 90 percent blacks (Bordt, 2004). High percentages like these are what led the Supreme Court to rule the death penalty unconstitutional in the Furman v. Georgia case. The statistics indicated that the death penalty was arbitrarily and discriminately imposed upon minorities (Bordt, 2004). When compared to whites, blacks are six times more likely to be the victim of a homicide and seven times more likely to commit homicides (Unever, et al., 2008). It is also more common for blacks to come in contact with the criminal justice system during their lifetime than whites (Unever, et al., 2008).
This can help explain why blacks tend to have less favorable views on the death penalty than whites (Baker et al., 2005). Because of their increased contact with the criminal justice system, blacks believe they are being racially discriminated against. Blacks also have less confidence in police because they view the police as being biased toward blacks and use racial profiling to harass them (Unnever et al., 2008). Young men of color and those that are poor tend to give the least support to the police (McNeeley & Grothoff, 2015). Their attitudes toward the police are predicated on their fear of crime, prior victimization, and any contact with the police in the past (McNeeley & Grothoff, 2015).

However, whites tend to have a more positive view of the police (McNeeley & Grothoff, 2015). Blacks tend to see the police as a tool that whites use to control them (McNeeley & Grothoff, 2015). So, it is only natural that those who control the police, whites, will feel more favorably toward the police than minorities (McNeeley & Grothoff, 2015). Racial tension’s roots lie in the disproportionate differences between whites and minorities to exert control over their future (McNeeley & Grothoff, 2015).

Having this background information, it is no wonder that blacks and whites hold different opinions on the death penalty. Blacks are less likely to support the death penalty than whites because of how they have historically been treated by the police and the criminal justice system overall in the past (Unnever, et al., 2008). Blacks also are more likely to give less punitive sentences than whites when they are on a jury (Baker et al., 2005).

But over the next several decades, whites will no longer be the majority of the population due to the considerably large increase in minority numbers (Baker, et al., 2005). Therefore, as the racial make-up of the country changes, it is important that we study the views and opinions of
why minorities, and blacks in particular, oppose the death penalty because they will be the future voters setting policies (Baker, et al., 2005).

**Gender**

In the article by Whitehead and Blankenship (2000), they state Gilligan’s position is that men and women have very different views on what is justice. Men tend to focus on the rights of individuals and holding one accountable for their actions, whereas females are more compassionate, concerned with relationships, and caring for others (Whitehead & Blankenship, 2000). This explains why men favor the death penalty and women oppose the death penalty.

Women tend to think about the pain being inflicted upon the defendant during an execution and show greater empathy for them (Whitehead & Blankenship, 2000).

Women have a greater fear of crime happening to them although research indicates that men are more likely to be victims of crimes (Whitehead & Blankenship, 2000). An explanation for this fear is that it is due to intimate partner violence from their fathers, husbands, or boyfriends, which normally goes unreported (Whitehead & Blankenship, 2000). Women also tend to hold perceptions that blacks commit street crimes and victims are white middle-class women (Whitehead & Blankenship, 2000). Criminals are seen as “weird, dirty, tall, and big” (Whitehead & Blankenship, 2000) and victims are seen as “normal, small, and tiny” (Whitehead & Blankenship, 2000).

Whitehead and Blankenship (2000) also state that gender may not be as critical as other factors. Some of these factors are “economic inequalities, situational constraints, and underlying political beliefs might explain why women differ from men on issues like capital punishment” (Whitehead & Blankenship, 2000). The most important fact may be political beliefs. Women
tend to vote more liberal with Democrats and men tend to vote more conservative with Republicans (Whitehead & Blankenship, 2000).

Stack (2000) states that because women have a higher level of forgiveness, it should be expected that women are less likely to support the death penalty. According to Stack (2000), women are more religious than men; maybe the exposure to religious teachings on forgiveness may cause women to be less likely to be more punitive in punishments. Christian teachings such as “turn the other cheek”, “vengeance is mine say the Lord”, and “love thine enemies” all teach us to forgive others of their sins (Stack, 2000). Women tend to disapprove of violence, unlike men (Stack, 2000). As children, girls are socialized to be more caring and nurturing of others; boys are socialized to be more aggressive and competitive (Whitehead & Blankenship, 2000). In the 1950s, women entering the labor force were around 33 percent and by 1994, that number had increased to over half (Whitehead & Blankenship, 2000).

There have been more than 20,000 people executed since the colonial period (Salvucci, 2011). All but 400 of them were males. In 1608, the first man was executed; however, a woman was not executed until 1632 (Salvucci, 2011). Since the 1700s, black women have made up two-thirds of the number of executions (Salvucci, 2011). Women have historically been treated more leniently than men, “from prosecutors, juries, judges, and politicians” (Salvucci, 2011).

Whereas men could receive the death penalty for minor offenses such as petty theft, a woman would have to have committed a far more serious crime such as murder or witchcraft (Salvucci, 2011). However, women were treated more harshly if they violated their gender norms and roles such as being a loving wife and mother (Salvucci, 2011). A violation of gender norms and roles would cost them the protection normally afforded to them for being a woman; this is referred to as the “chivalry theory” and the “evil woman theory” (Salvucci, 2011).
Offenders targeting victims who displayed criminogenic type behaviors, such as prostitution, would often receive a more lenient sentence because the victim was not seen as being innocent; therefore the offender would be held less blameworthy (Tomsich, Richards, & Gover, 2014). On the other hand, if an offender targeted a victim seen as vulnerable or passive, such as a white female, the offender would normally receive a much more harsh sentence (Tomsich et al., 2014).

The “female victim effect” occurs when male defendants are condemned for killing female victims, especially if a sexual crime has been committed, which implies that the policies concerning death row protects female defendants and victims (Tomsich et al., 2014). Male defendants that victimize females are at a higher risk of receiving the death penalty (Tomsich et al., 2014). Male defendants’ chances increase by 130 percent if their victims are female rather than male (Tomsich et al., 2014). Male defendants that rape female victims are also more likely to receive the death penalty (Tomsich et al., 2014).

Tomsich et al., 2014 explain that the chivalry hypothesis suggests that the responsibility the government feels toward homicide victims is critical when it involves female victims. Chivalry and paternalism are both supported by research according to Tomsich et al., 2014. In a study on noncapital sentencing, it was found that chivalry explains the “victim sex effect” when compared with gender conflict theory (Tomsich et al., 2014). The gender conflict theory expects the criminal justice system to provide special treatment to those in positions of power and males, in the belief that they deserve leniency whether they are the offenders or the victims (Tomsich et al., 2014).

Those that commit homicide of an intimate partner usually receive a “domestic discount” and are less likely to receive the death penalty, whereas, if one commits homicide of a complete
stranger, they are more likely to receive the death penalty (Tomsich et al., 2014). The “domestic discount” implies that frustration and stress of everyday family life can be viewed as mitigating factors when a family member or another intimate partner is killed, but cannot be used in stranger or predatory homicides (Tomsich et al., 2014).

Intimate partner homicides make up over half of all familial homicides (Tomsich et al., 2014). Women are twice as likely to be victims of an intimate partner homicide than men (Tomsich et al., 2014). When men kill their intimate partner, it is usually out of retaliation for ending the relationship, whereas only eight percent of women commit intimate partner homicide because of revenge (Tomsich et al., 2014).

A woman receiving the death penalty is very rare and to have it actually carried out is even more rare (Tomsich et al., 2014). According to the authors Tomsich, Richards, and Gover (2014), women account for ten percent of murder arrests and two percent for capital murder sentences, and less than one percent of those convicted will ever be executed. There have been 875 executions since the death penalty was reinstated in 1976. Out of those 875, only twelve were women; eight of the twelve “were convicted of killing their husbands, lovers, or children” (Salvucci, 2011). And two of the twelve women were gay (Salvucci, 2011). Texas is responsible for the execution of three of the twelve women also (Salvucci, 2011). They are Karla Faye Tucker, Betty Lou Beets, and Frances Newton (Salvucci, 2011). All three of these women fall in the “evil woman” category (Salvucci, 2011).

The most infamous one of the three was Karla Faye Tucker. She was white, articulate, and very good-looking (Salvucci, 2011). She had a troubled childhood and was a drug-addicted prostitute. She was found guilty of murdering two people in June of 1983 by using a pic axe (Salvucci, 2011). She later made the comment that with every swing, she reached a sexual
climax (Salvucci, 2011). This was a direct violation of gender norms in that she demonstrated a more “masculine proclivity for sex and violence” (Salvucci, 2011). She was also the first woman to be executed in Texas since the Civil War (Salvucci, 2011).

In the United States, there were 60 females on death row as of the end of 2012 and 56 at the end of 2013 (Department of Justice, 2014). Out of those 60 females, 41 were white and 15 were black in 2012 and out of 56, 38 were white and 14 blacks at the end of 2013 (Department of Justice, 2014). Tennessee had only one inmate in 2012 and 2013 and both were white (Department of Justice, 2014). The south had a total of 29 females on death row and the west came in at a close second with 25 females in 2012 (Department of Justice, 2014). In 2013 the south had a decrease of two and the west had a decrease of one (Department of Justice, 2014). Texas executed one black female inmate in 2013 (Department of Justice, 2014).

One explanation for why fewer women get the death penalty in comparison to men may be because of the aggravating and mitigating factors of the case. Research has shown that cases involving female defendants have less aggravating factors and more mitigating factors than male defendants (Tomsich et al., 2014). Examples of aggravating factors include crimes that were particularly heinous or cruel, having a past violent criminal record, having committed a homicide during the commission of another felony, homicides committed while resisting arrest, and premeditated murders (Tomsich et al., 2014).

Examples of mitigating factors include childhood abuse, homicide committed in a “heat of passion”, and showing remorse for their actions (Tomsich et al., 2014). Cases involving female defendants usually have more mitigating factors than aggravating factors; men usually have more aggravating factors than mitigating factors (Tomsich et al., 2014). Men are also more likely to have a past criminal record than women (Tomsich et al., 2014). In cases with female
defendants, there was usually less physical evidence that tied them directly to the murder and they very seldom involved strangers but rather intimate partners (Tomsich et al., 2014).

Although women may receive more favorable treatment by the criminal justice system overall does not mean they are not held accountable for their crimes. In fact, research reveals that woman are more likely to receive the death penalty on their first offense than men (Tomsich et al., 2014). Almost half of the women on death row are there for killing their intimate partner; and over half have suffered abuse during their childhood (Tomsich et al., 2014).

**Age**

The first juvenile to be executed in the United States happened in 1642 in Massachusetts Bay Colony when 11-year-old Thomas Graunger was found guilty at the age of 16 or 17 of buggery, anal intercourse, “with a mare, a cow, two goats, divers sheep, two calves and a turkey” (Neil & Neil, 2013). In the 374 years since the first juvenile execution, there have been almost 365 juveniles executed (Neil & Neil, 2013). There have also been about 20,000 executions in the United States since 1608 of which juvenile crimes constitute only 1.8 percent (Neil & Neil, 2013).

Over two hundred and fifty years later in 1899, the first juvenile justice system was established in Cook County, Illinois (Neil & Neil, 2013). The new juvenile justice system’s primary goal was to divert juvenile offenders from going through the adult justice system where punishments were more harsh (Neil & Neil, 2013). Whereas the adult justice system focused on retribution and deterrence, the juvenile justice system focused on rehabilitation (Neil & Neil, 2013).

Supporters of the juvenile justice system realized that children were very different from adults in many ways. For example, juveniles differ from adults in their “cognitive development,
impulse and emotional control, and judgment capability” (Neil & Neil, 2013). Research has proven that juveniles lack the maturity and responsibility found in most adults (Neil & Neil, 2013). In the article by Neil and Neil, (2013), it states that this renders them less culpable for their actions and therefore not eligible for the death penalty.

In the Roper v. Simmons case in 2005, the Court ruled that the death penalty is unconstitutional for juveniles and focused on the following differences between juveniles and adults: their culpability and capacity to change over time as they matured, their increased susceptibility to negative influences or peer pressure, and their powerlessness to control their surroundings (Neil & Neil, 2013). Because juveniles lack the maturity to make better choices, this causes them to make impulsive and ill-conceived decisions that adults would not make (Neil & Neil, 2013). Juveniles tend to focus on short-term consequences without giving a lot of thought to the long-term effects of their decisions (Shust, 2014). Because of this, the threat of the death penalty does not deter them from engaging in criminal behavior (Shust, 2014). Juveniles are motivated by rewards and less by risks than adults (Shust, 2014).

Physiological research has been conducted and found that the brain of juveniles does not fully mature until their early twenties (Modecki, 2007). The juvenile pre-frontal cortex, the area of the brain responsible for goal oriented behaviors and emotions changes considerably between adolescents and the early twenties (Modecki, 2007). The frontal lobe, the decision making center of the brain, may not fully mature until the early twenties either (Modecki, 2007). Their character is not fully developed as adults therefore their personality traits are subject to change over time and are not static (Neil & Neil, 2013).

Since landmark cases like Roper v. Simmons, Graham v. Florida, and Miller v. Alabama, the Supreme Court has repeatedly held that the harshest punishment, the death penalty, is cruel
and unusual punishment when it comes to juveniles (Levy, 2013). Because juveniles are amenable to change and therefore future rehabilitation, the Supreme Court has ruled that the juvenile death penalty is unconstitutional (Levy, 2013). The Supreme Court went further and stated that the sentence of life without the possibility of parole for juveniles under the age of 18 in noncapital cases violated the Eighth Amendment (Levy, 2013). The Supreme Court has also ruled that mandatory life without parole sentences are prohibited by the Eight Amendment because “they do not allow judges or juries to consider the mitigating characteristics of youth” (Shust, 2014).

In California, there are approximately 227 juveniles serving life without the possibility of parole sentences (When I Die, 2008). These juveniles will never be allowed paroled nor release; they will die in prison (When I Die, 2008). In the article “When I Die, That’s When They’ll Send Me Home”, (2008) it claims there are at least 2,380 juveniles serving life sentences while there are only seven juveniles in the rest of the world serving the same life sentences (When I Die, 2008). Although there are other countries that have life without parole sentences on their books, many do not actually practice it (When I Die, 2008). Opponents of juvenile life sentences believe that the United States is out of step with the rest of the world (When I Die, 2008).

The majority of juveniles in California that are under the age of 18 were convicted of murder (When I Die, 2008). Those living in California believe that this type of harsh sentence is reserved for the worst of the worst; however that is not always true (When I Die, 2008). A report by Amnesty International and Human Rights Watch found that almost six out of ten juveniles had never been in trouble with the law; this was their first offense (When I Die, 2008). And 45 percent of those sentenced to life were not even the one that pulled the trigger; they could have been charged with aiding and abetting or being an accomplice to the crime (When I Die, 2008).
For example, “When I Die” (2008) gives an example of a young boy that was the look-out while another juvenile stole a car and then killed someone.

Juveniles are not considered to be an adult to purchase cigarettes or alcohol, vote, or even sign a rental agreement yet can be considered an adult and given an adult sentence (When I Die, 2008). The Human Rights Watch conducted a survey of juvenile cases in California and found that in almost three out of four cases juveniles had strong family and community ties, which is a good indication that they can be rehabilitated (When I Die, 2008).

California has three ways that a juvenile can be transferred from juvenile court over to adult court. First, “a judge can preside over a “fitness hearing” to” determine if the juvenile has the potential to be rehabilitated as well as the seriousness of the crime committed (When I Die, 2008). “California is also just one of 15 states that allows prosecutors to file a case directly in adult court, without a hearing” (When I Die, 2008). Twenty-nine states, including California, mandates that juveniles be transferred over to the adult courts if they have been arrested for certain crimes, such as first-degree murder (When I Die, 2008).

For example, in California if a juvenile is convicted of murder with aggravating circumstances, such as during the commission of another felony, related to gang activity, or any of the 22 special circumstances on the books, the court has no choice but to transfer the juvenile over to the adult court (When I Die, 2008). However, the Human Rights Watch discovered that just because there were special circumstances involved, did not necessarily mean that the murder was more violent, premeditated, or demonstrate the level of responsibility the juvenile had in the case (When I Die, 2008).

African American juveniles in California serve life without the possibility of parole 18 times higher than white juveniles for the same offense (When I Die, 2008). Hispanics in
California serve life without the possibility of parole five times higher than white youths (When I Die, 2008). The ratio of blacks to whites serving life without the possibility of parole in California is 18:1, compared to Tennessee at a rate of 3:1 (When I Die, 2008).

Younger offenders that are sentenced to life sentences serve more time in prison than adults that receive the same life sentence due to the longer time they will remain behind bars (Shust, 2014). But just because juveniles may turn 18 does not mean they become a mature adult on the day of their birthday. Therefore the Court has refused to recognize the bright-line of those that meet the chronological age of 18 and can still find them less culpable up to the age of 25-years-old (Shust, 2014).

However, back in the 17th century, it was “held that children under the age of seven could not be punished for any crime” (Shust, 2014). Those that were seven and younger were believed to not have the mental capacity to form criminal intent, which is necessary when handing down punishment (Shust, 2014). Also those that were between the ages of seven and thirteen were presumed incapable of forming criminal intent; however, this presumption could be challenged if it could be proven that the child knew it was wrong (Shust, 2014). After the Bill of Rights was adopted, the United States kept the presumption of incapacity to be guilty of crimes for children between the ages of seven and thirteen; but theoretically, adult punishments, such as the death penalty, could be imposed on anyone over the age of seven (Shust, 2014).

It all started to change around the 19th century when reformers began to advocate for treatment rather than punishment for juvenile crimes (Shust, 2014). Then by the late 1980s, juvenile crime rates began to skyrocket (Shust, 2014). Between 1980 and 1994, juvenile arrests for violent crimes rose 64 percent and juvenile murder arrests rose by 99 percent (Shust, 2014). The media began to extensively cover stories involving juvenile crimes on television; 68 percent
of all news stories about violence involved juveniles; and 53 percent of all news stories that discussed youth involved violence (Rios, 2008).

The media spread fear of the “super-predator” or “teenage time-bombs” to the public (Rios, 2008). Super-predators were described as either black or Latino youths that were violent and would put society at risk (Rios, 2008). They were also described as being “predatory gang members, immoral criminals, rapists, gang murderers, and blood-thirty killers” (Rios, 2008). These descriptions always suggested that juveniles of color were super-predators (Rios, 2008). The media led us all to believe that these new super-predators would terrorize the entire nation by the year 2000 (Rios, 2008). However, this never came to fruition.

Regardless, between 1992 and 1995, forty states began to pass legislation that would allow juveniles to be transferred from juvenile courts over to adult courts with adult punishments (Shust, 2014). The escalation of juvenile crime rates saw the beginning of the end of rehabilitation for juveniles and started seeing the increase of the mindset of “adult time for adult crimes” (Shust, 2014).

Media

Although the crime rate has been on the decline in recent years, the media portrays violence as being on the rise and a major social problem that needs to be addressed by increasing punitive measures (Waid-Lindberg, Dobbs, & Shelley, 2011). The media emphasizes violent and rare cases of crime for entertainment purposes and political gain (Waid-Lindberg et al. 2011). They have also been held responsible for the “shift from penal welfarism to the current crime control model” (Waid-Lindberg et al. 2011, p. 42).

How the media reports crime and how it is portrayed causes crime to be distorted and over exaggerated (Haney and Greene, 2004). Because of this, the viewing public may have the
perception that crime is more violent than it actually is and that crime is running rampant and out of control (Haney & Greene, 2004). Just by being exposed to all of these distorted and exaggerated stories about the prevalence of crime can cause one to believe that criminals should receive harsher sentences (Haney & Greene, 2004).

By creating a moral panic, the media is able to influence legislation (Waid-Lindberg et al. 2011). Those that want to see laws written are able to effectively use the media to their advantage by keeping an issue constantly in the news cycle. The more an issue is talked about in the media, the more people will become concerned about the issue (Waid-Lindberg et al. 2011).

According to Williams (2007), news networks’ objective is to air stories that are rare or unusual and plays with the audience’s emotions without diving too deep into the “why” or “how” (Williams, 2007). This can be attributed to the fact that local television news shows can only provide a fraction of airtime because of the limited time frame of the newscast (Williams, 2007). This does not allow a lot of time to put everything into the proper context (Williams, 2007).

Gilliam and Iyengar claim that crime, especially violent crime, makes up almost 75 percent of all news coverage for some cities (Williams, 2007). However, local newspapers are able to dig a little deeper into the story and provide the context needed to properly cover the story (Williams, 2007). Unlike news shows, newspapers are less about sensationalism and more about substance. Many Americans get their news about crime from mass media such as television, radio, and newspapers rather than first-hand experience (Callanan, 2012).

Newspapers tend to focus on the positive attributes of victims and the negative characteristics of defendants, such as prior criminal records, alcohol or drug use, and brutality while barely acknowledging mitigating factors such as childhood abuse or neglect (Williams, 2007). Most executions never receive any national news coverage (Williams, 2007). For
example, only 25 out of 93 executions between 1976 and 1987 received any national media attention, when compared to 850 executions that took place all across the nation since 1987 (Williams, 2007).

Research conducted in England and Wales indicated that newspapers would not, and could not cover every homicide committed and those that are covered provide a distorted view of reality (Williams, 2007). The most likely to be reported are cases involving sexual homicide or financial gain (Williams, 2007). The newspapers in England and Wales study found differences in reporting regarding other variables such as the victim’s age and whether or not a shooting was involved (Williams, 2007).

In another study in Los Angeles, “the authors found that homicides featuring female victims, very young or very old victims, and victims who were not known to the offender received the most coverage” (Williams, 2007). Also, murder cases where the victims were non-white, non-stranger, and no gun used received the least amount of news coverage (Williams, 2007). I found the same results during my research. While the news media cannot be expected to cover every possible murder, it is easy to see that certain murders are considered to be more newsworthy than others.

Crime generally comprises about 10 to 15 percent of all national news coverage, 20 percent of all local news shows, and 25 percent of local newspaper coverage (Williams, 2007). National news outlets tend to focus on the more unusual and heinous crimes (Williams, 2007). For example, the bombing of the Oklahoma City federal building in 1995 by Timothy McVeigh, the murder of Laci Peterson by her husband in 2004, and the molestation trial of Michael Jackson in 2005 all received a lot of national media attention (Williams, 2007). These stories and
others like them received national attention because of the heinousness of the crime committed and the celebrity status of defendants involved (Williams, 2007).

The media tends to focus not only on the most heinous crimes but the race of defendants and victims; high profile victims, such as those in a position of authority like police officers and prosecutors would garner more media attention than the death of a prostitute (Williams, 2007). If a black defendant killed a white woman or child, the media would be more likely to cover the story than if a white male killed a black male.

When young children are raped and murdered, the media are also more likely to cover the story. The media focus on murders involving strangers, psychopathic offenders, such as serial killers, or innately brutal circumstances although they are not common occurrences (Williams, 2007). This helps to create a fear of crime, which causes people to support more harsh penalties (Williams, 2007).

The constant news coverage on violence increases the salience of crime in people’s lives, intensifies their assessment of risk, and makes one more fearful (Callanan, 2012). Therefore, how the media portrays the crime and the offenders and victims directly impacts the public’s perception (Williams, 2007).

For example, not every murder is deemed to be newsworthy. To determine if a murder is newsworthy, we must look at the number of victims involved, the heinousness of the crime such as torture, rape, or brutally beaten, if the victim was a child (Williams, 2007). If a murder does not lead us to outrage, it is not deemed to be newsworthy. There is a saying in the news world “if it bleeds, it leads”. These types of news stories sell and generate a larger following, which grows the news shows brand, which is important because news shows must be profitable (Callanan, 2012).
People also receive information about crime from movies, books, and the Internet (Williams, 2007). Many books have been written about true crime stories, especially regarding serial killers. For example, “The Jeffrey Dahmer Story: An American Nightmare”, “I Am Troy”, and “Defending Gary: Traveling the Mind of the Green River Killer” are all books written about a true story and all were included in my research. Many movies and documentaries have also been released, for example “Monster” about Eileen Wuornos, the female serial killer, Green River Killer, and a 60 Minutes documentary on James Bulger.

Since 2006, nearly 75 percent of Americans get their news online (Waid-Lindberg et al. 2011). But because the Internet is not regulated like television, newspapers, or radio, more graphic details are shown causing even more of a distorted view than more traditional methods of news coverage (Waid-Lindberg et al. 2011).

Reporters gather most of their information about a crime story from police and other law enforcement agencies (Haney & Greene, 2004). This method is commonly referred to as “subsidized news” which can present biases about the crime (Haney & Greene, 2004). This occurs because the police and other law enforcement agencies have first-hand knowledge about the particulars of a crime, the prior criminal record of the suspect or defendant (Haney and Greene, 2004). Police and other law enforcement agencies have also developed their own interpretation of events, which can influence how the news covers the story (Haney & Greene, 2004). When it comes to the death penalty, these types of biases are a big concern. The death penalty remains a very hot topic in politics even though there have been many prisoners exonerated over the past few years (Haney & Greene, 2004).

Death penalty cases are usually very heinous therefore the media will usually cover these cases from the arrest to the conviction and sentencing (Williams, 2007). Newspapers emphasize
the positive characteristics of the victims while emphasizing the negative characteristics of the defendants (Williams, 2007). For example, the news coverage on the victim will focus on the family left behind such as a spouse and children, the fact they went to church and were involved within their community. News coverage of the defendant focuses more on their past criminal history, drug or alcohol use, and the brutality of the murder but barely, if ever, report on past abuse, physical or sexual, neglect, or mental illness (Williams, 2007).

Things the media tends to focus on is usually inconsequential details such as what the prisoner ate for his last meal, how did they chose an executioner, politicians competing to take credit for being tougher on crime, or the execution procedures, the firing squad in Utah, hangings used in Washington state, lethal gas used in Mississippi and California, lethal injections and are they really more humane or does the prisoner suffer in silence, and also electric chairs that malfunctioned in Alabama and Florida (Lezin, 1999). The media usually does not focus on the person being executed or the mitigating factors of the case (Lezin, 1999). However, there are the few exceptions like serial killers (Lezin, 1999). For example, Theodore Bundy, John Wayne Gacy, Carla Faye Tucker, and Jerome Bowden, a mentally retarded juvenile executed in 1986 (Lezin, 1999).

Stephen Bright, a public defender that takes on many capital murder cases as is evident in Lezin’s book (1999), said, “We are more than the worst thing we have ever done.” Many that are on death row were disadvantages from birth; they were denied education, opportunities, hope because they were black, debilitating poverty, abuse, neglect, mental illness, and lack of maturity due to their young age (Lezin, 1999). The death penalty is suppose to be reserved for the worst of the worst, but it is obvious from doing my research, that is not the case; instead it is those that are incapable of depending themselves because they cannot afford to hire the best attorney and must
make do with their court-appointed lawyers who fall asleep in court or come in drunk and unprepared.

However, most executions fail to receive any national coverage (Williams, 2007). From 1976 to 1987 only 25 out of 93 executions were covered by the national news. Since 1987, there have been over 850 executions so it is no wonder that very few ever make the national news (Williams, 2007). But many executions are covered by the local news (Williams, 2007). When Oklahoma executed its first inmate in 25 years, the newspaper coverage was very intense (Williams, 2007). Williams (2007) stated in his article that from 1989 to 1991, there were 53 other executions and the local newspaper in Oklahoma, *The Daily Oklahoman*, covered 33 of the 53 executions. It has been found that the more media coverage there is of executions, the more homicides occur and less other crimes occur; this results in both a brutalization and a deterrent effect (Williams, 2007).

Haney and Greene (2004) quote Surette citing that the historical representation of criminals has changed from “romantic, heroic portraits to a more conservative and negative images. According to Haney and Greene (2004), in the late 19th century, the entertainment world was a part of a trend that focused on sensationalizing media stories about crime that paid less attention to environmental factors and more on the individual failures. The authors also state that television is less able to focus on the root causes of crime and its long-term effects, as well as its “context and the environmental factors tend to be ignored” (Haney & Greene, 2004).

Nearly three out of four Americans get their news from the Internet today, but like television it does not concentrate on the root causes of crime or the context in which it occurs; it is more like a sound bite (Waid-Lindberg et al., 2011). Because the Internet is unregulated unlike other forms of media, the coverage of crime can possibly be more graphic and even more
The Internet is also a form of entertainment like television where art imitates life.

Stories about crime have not only been a major component of news but also into the entertainment world. For example, the Perry Mason show was the first hit legal drama in 1957 in which Mason was a defense attorney that never lost a case and all of his clients were innocent (Rapping, 2003). The social issues of its time did not interfere with the cases of “who dunnits” unlike in today’s media (Rapping, 2003). But the 1960s saw a change with social issues such as civil rights playing a bigger part in public policies and the mass culture (Rapping, 2003). From the 1950s to the 1970s, television shows about criminal law put defense attorneys front and center. Many of the defense attorney characters fought for the indigent defendant in a fight for social justice (Rapping, 2003).

Then in the early 1980s, defense attorneys were replaced with “cops with a heart” series with shows like Cagney and Lacey and Hill Street Blues (Rapping, 2003). From 1986 to 1994, the show Matlock, which is very similar to the Perry Mason show, featured a go-getting attorney who never lost a case and the defendants were always innocent (Rapping, 2003). Up until this time, most of the television shows leaned to the left and were very liberal. Then in the 1990s, everything changed. In 1991, the programming and approach to covering criminal justice issues became more conservative (Rapping, 2003). Television programming began to set the political tone that would begin to dictate what audiences would watch for the next several years (Rapping, 2003).

Soon television cameras were allowed inside courtrooms and news became a 24-hour event (Rapping, 2003). No longer did the public have to wait for the evening news; news could be found all day everyday. This had a huge impact on society, as well as the networks. As more
and more networks dedicated to producing the news came about, there was the pressure to fill the airtime up with newsworthy stories. The first of the “major media event” trials began with the Menendez brothers who were prosecuted for murdering their wealthy parents (Rapping, 2003). Then came O.J. Simpson prosecuted for killing his white wife and her alleged lover (Rapping, 2003). Soon, watching big trials became a national pastime like football (Rapping, 2003).

Americans have come to rely on these televised courtroom trials to debate charged social issues like race (Rapping, 2003). This vast media spectacle has gone on to help further a right-wing political agenda that focuses on retribution instead of rehabilitation (Rapping, 2003). Nowhere is this more evident than in the juvenile justice system. Many years ago, children were demonized and today parents are being criminalized (Rapping, 2003). Alan Wolfe states that America has long thought of itself as a child-oriented society, but hair-raising stories of sexual abuse, poor schools, latchkey kids, and an inadequate childcare system suggest otherwise. Even as we celebrate the innocence of childhood, we deprive children of the opportunity just to be children (Rapping, 2003).

A study called *Young People and Youth Justice* tries to explain why this is. It is found that America increasingly harbors negative feelings toward its youth; in other words, American society does not like young people (Rapping, 2003). Wolfe believes that Americans invest less and less in education and health care, we are willing to incarcerate more and more of our own children at younger ages, and praise legislators that draft stiffer penalties for crimes committed by those under the age of 18 (Rapping, 2003). The media has led us all to believe that we have a generation of “super predators” that have slipped through the cracks of the criminal justice system (Rapping, 2003). John Diulio coined the term “super predator” youth theory (Rapping,
2003). However, many of the crimes committed by youths have been taken out of context. Many of these children have been abused (Rapping, 2003).

**Summary**

This literature review has highlighted pertinent information about the death penalty, including information about who is on death row and who is executed. The review has also offered an overview of juvenile life without parole. The review concluded with a summary of important facts about media coverage of crime and the death penalty.

Given the declining numbers of murderers on death row and the declining numbers of executions, it could be argued that there should be decreasing attention on the death penalty and on murderers who are sentenced to death. Given recent Supreme Court decisions limiting the use of juvenile life without parole, it might also be argued that there will be less media coverage and attention on this practice. However, as will be shown in the next chapters, there has been and continues to be considerable media coverage of both the death penalty and juvenile life without parole. This thesis will proceed with a content analysis of selected media accounts about the death penalty or murderers who received a capital sentence and media accounts of juvenile life with parole or juvenile murderers.
CHAPTER 3

METHODOLOGY

To examine how the media characterizes death penalty and life without parole cases, a content analysis was conducted of a select sample of different types of murderers. This is an exploratory effort to find out how writers cover these topics; are they writing impartial, objective accounts or are they presenting defenses of or attacks against the death penalty and life without parole? My goal is to determine whether or not what was written about the murders/murderers in this sample matched what is known to be factual about the death penalty, persons selected for capital cases, and persons who wind up on death row or receive life without parole. Are media accounts accurate and complete?

When it comes to media coverage of murder, does the television news report accurate information? Where is the focus placed concerning murder cases? Is the focus on the heinous and gory details of the murder, the background of the victim, or background of the murderer? The answers to these questions determine what cases receive media attention. Included in this content analysis are cases on selected newsworthy murders, cases involving juvenile murderers, and serial killers to determine if there are any recurring themes.

Although there are over two million people incarcerated, there are only approximately 2,900 prisoners on death row. This fact alone may indicate that death penalty cases are overrepresented in the media, causing a distortion of the facts. Death penalty cases receive more media attention than say the murder of someone killed during the commission of a robbery gone wrong or juveniles being sentenced to life without parole.

I found two major reports on juvenile murderers: a report published by the Heritage Foundation and a report published by Human Rights Watch. Each report covered multiple
murders committed by juveniles and, as will be shown below, analysis indicates completely
different reporting of juvenile murders and juvenile life without parole depending on the political
agenda of the publisher.

The analysis looked at a number of murders/murderers that various authors considered
noteworthy or newsworthy enough to investigate further and write about in full-length books,
book chapters, major periodicals, or reports on television or reports published by think tanks
such as the Heritage Foundation. The analysis included single victim cases, juvenile murderers,
and serial killer cases sentenced to life without parole.

The analysis involved reading each case to determine the factors noted above such as
aggravating and mitigating factors, characteristics of the murderer, and characteristics of the
murder victims. The analysis also focused on discovering which factors most likely led the
author to choose to present that murder case and what agenda, if any, the author may have had.

I looked at the race of the defendant, race of victims, number of male and female victims,
ages of victims and juvenile defendants, and whether they received the death penalty or life
without parole for the cases selected. I looked at aggravating evidence such as gang issues,
revenge, rape/attempted rape, history of family violence, robbery/attempted robbery, assault of a
police officer, stranger violence, and if the murder was committed just for thrills. I then looked at
mitigating evidence such as no prior criminal record, a history of abandonment, family history of
abuse, alcohol and drugs, depression, and mental illness.

When searching for juvenile murderers, I used a report by Stimson and Grossman (2009)
and a report by Human Rights Watch (2008). I used the same aggravating evidence previously
used for selected newsworthy murderers and then added the age of the victim at the time of the
crime.
However, the article I used for most of the juvenile offenders provided no mitigating evidence. The serial killers I chose for this paper were those that had the most victims, the most heinous circumstances, and received the most media attention and therefore should be easily recognizable. Again, I used the same aggravating and mitigating evidence as previously stated.

To compose a sample of articles for my content analysis, I conducted several different word searches to find the type of information I was searching for. I logged into East Tennessee State University’s online library and typed in the following words: ‘death penalty’, ‘life without parole’, ‘juvenile murderers’, ‘serial killers’, media and serial killers’, and ‘murder’ to name only a few of the most basic search items.

I logged into Tusculum College Garland library and used journals and databases, clicked off-campus, clicked on criminal justice, and then Proquest Criminal Justice. For example, when I typed in ‘death penalty’ and selected full text and peer reviewed articles, I received 4,207 results. Next, I would narrow the date range to 2012 to 2016 to get only the most current articles available and received 1,024 results. I then narrowed it down to only articles in the United States and had 230 articles remaining. Then I narrowed it to only articles for a result of 208. I proceeded to do various name searches until I had a total of 75 articles. I used the same search process on East Tennessee State University’s library, as well as Google Scholar. Often times I could find an abstract on a promising article but could not access the article on East Tennessee State University library but I could find the entire article on Google Scholar.

I also used four books on selected newsworthy capital murder cases and two books on serial killers, Jeffery Dahmer and Gary Ridgeway. The book “Dead Man Walking” contained two selected newsworthy murderers, Patrick Sonnier and Robert Willie. “Finding Life on Death
“Row” contained the stories of six selected newsworthy murderers. Also, a 60 Minutes documentary was reviewed regarding James Bulger.
CHAPTER 4
FINDINGS

Introduction

This chapter will present the findings of the content analysis. The chapter will discuss the findings on several newsworthy murderers. After a presentation of individual case details and an overview of what lessons we can learn from each case, common factors will be listed and compared. Then the chapter will discuss the analysis of two major reports on juvenile murderers. The chapter will conclude with a discussion of serial killers.

This exploratory research examines murder accounts to discover common themes and to suggest possible strategies for future, more systematic research down the road. This exploratory research also analyzed the completeness and accuracy of reporting. When searching for selected newsworthy murders for this paper, I chose cases found in peer-reviewed articles, books, and the 60 Minutes documentary. All but two cases had three or less victims.

For example, James Bulger, an organized crime boss, was featured on 60 Minutes. He is an outlier in the selected newsworthy murderer category because he was convicted of murdering 19 victims. More than half the serial killers in this paper have murdered fewer victims than Bulger.

Selected Newsworthy Murderers

Troy Davis

The book *I Am Troy* by Marlowe, Davis-Correia, and Davis (2013) is about a young, black man named Troy Davis convicted of murdering a white police officer in Savannah, Georgia. The authors, Marlowe, Davis-Correia, and Davis (2013), never went into any great detail about Davis’ childhood although the defendant and his sister are two of the authors. The
only thing mentioned was that Davis took after his mother and was a peacemaker; his sister, whom he was very close to as children, took after her father, feisty and argumentative (Marlowe, et al., 2013).

The focus was on the events surrounding the murder and what happened afterwards. The main focus was on how the police botched the investigation from the very beginning and intimidated witnesses. The police and the district attorneys office were so close to the case that it clouded their judgment and impacted their objectivity. They were less concerned with the truth and more concerned about taking a district attorney’s killer off the street, regardless if he was the one that actually did the crime or not. Finality was more important to law enforcement than fairness and justice (Marlowe, et al., 2013).

Around two in the morning on August 19, 1989, Troy was just arriving home when he heard the gunshots but did not know where they came from (Marlowe, et al., 2013). The night before, a homeless man bought some beer at a local store next to a pool hall; a white man exited the pool hall and asked the man for one of his beers and was told no (Marlowe, et al., 2013). They argued and then the man followed the homeless man across the street (Marlowe, et al., 2013). Two young black men came out of the pool hall and followed the two men arguing to the parking lot and saw the one guy pistol-whip the homeless man (Marlowe, et al., 2013).

The homeless man was bleeding badly and yelled for help, that is when an off-duty officer working as night security came around the corner to help the man (Marlowe, et al., 2013). It was at that moment the officer was shot once and fell to the ground, and then he was shot again (Marlowe, et al., 2013). Later that evening, the man that had been arguing with the homeless guy walked into the police station with his attorney and identified the shooter as Troy Davis, who had just walked out of the pool hall (Marlowe, et al., 2013). On August 21st, the
Savannah paper displayed a picture of Davis on the front page with the headline reading there was a manhunt for the killer (Marlowe, et al., 2013). Because of all the news publicity with his name and face being all over the newspaper, Davis turned himself into the police on August 23, 1989 (Marlowe, et al., 2013).

Every television station in Savannah broadcasted the video of Davis turning himself into the police (Marlowe, et al., 2013). The next day, the Chatham County District Attorney announces they will seek the death penalty and has a reenactment of the crime including witnesses (Marlowe, et al., 2013). Witnesses saw all the news coverage of the murder with Davis’ face on television and all the articles in the newspaper and wanted posters, which tainted their memories and possibly their ability to be objective (Marlowe, et al., 2013).

It is highly probable that when the police showed witnesses a photo lineup, they already thought they knew whom the killer was. The police made it a point to not put photos of any of the other witnesses or a photo of the guy that had given them Davis’ name, so that the only photo they would recognize would be Davis (Marlowe, et al., 2013). Out of all the other possible photos of people that were there that night, only Davis’ photo was included in the lineup (Marlowe, et al., 2013).

A young, black male that had grown up with Davis had been in the parking lot the night of the murder and was sleeping in his car (Marlowe, et al., 2013). Police officers walked over to his vehicle and woke him up to ask about the shooting; he thought he was going to be arrested for selling drugs until they started talking about a white cop being killed (Marlowe, et al., 2013). The police had heard he may have some information and wanted to talk to him; he told the police that he had been sleeping and did not know anything (Marlowe, et al., 2013).
They left only to return the next night to interrogate him (Marlowe, et al., 2013). The interrogation went on for hours till finally he told them whatever they wanted to hear (Marlowe, et al., 2013). Instead of asking him questions, the police officers told him that a man was arguing with a homeless man when Davis intervened and pistol-whipped the homeless man, at which time the off-duty officer arrived on the scene to assist in the situation (Marlowe, et al., 2013). That is when Davis shot the officer twice (Marlowe, et al., 2013). He was tired and wanted to go home so he gave them a statement saying everything they had told him to say (Marlowe, et al., 2013).

The homeless man told the police he had been drinking all day and when he left the store he was confronted by another man asking him for one of his beers and he told him no (Marlowe, et al., 2013). He told the police how the man followed him across the road threatening him (Marlowe, et al., 2013). He said that once he got to the parking lot, the man that was following him was in front of him and two other men came up behind up on either side, when the one on his left side suddenly moved, he turned toward him and was hit on the side of his head (Marlowe, et al., 2013). That is when he heard the gunshot and his girlfriend pulled him inside the bus station (Marlowe et al., 2013).

When he was leaving, the police grabbed him and threw him up against the police cruiser and handcuffed him (Marlowe, et al., 2013). The officer made him sit in the police cruiser for over an hour, bleeding badly from his head wound not allowing him to receive any medical attention (Marlowe, et al., 2013). They took him to the police station and interrogated him for hours trying to get him to break and tell them what they wanted to hear (Marlowe, et al., 2013). His drunkenness and his banged up head had him in a daze. The police officers finally typed up some papers and told him after he signed them, they would get him some medical attention for
his head wound (Marlowe, et al., 2013). He required 15 stitches and eventually had to have two brain surgeries because of blood clots, potentially caused by the lack of immediate medical treatment (Marlowe, et al., 2013).

Another black man had just driven into the parking lot for work when he heard the gunshots (Marlowe, et al., 2013). He had really dark tinted windows but said he saw a police officer chasing a young man, heard one gunshot and saw the officer fall to the ground; he ran inside the Burger King where he worked to get help for the officer (Marlowe, et al., 2013). When the officers asked him to describe the shooter he told them he was not sure because everything happened so fast and it was dark (Marlowe, et al., 2013). The only thing he told the police was that the shooter was black and his car windows were tinted too (Marlowe, et al., 2013). The officers wrote his statement and told him to sign it, but he was unable to read so he was not sure what had been written down and what he was actually signing (Marlowe, et al., 2013).

On August 30, 1989, the investigator asked this witness to look at the photo lineup to see if the shooter was in the lineup (Marlowe, et al., 2013). Because of the news coverage with Davis’ face and not pictures of any other people there that night, he identified Davis, but was only 60 percent sure it was him (Marlowe, et al., 2013). The Chief Assistant District Attorney kept pressuring him to positively identify Davis (Marlowe, et al., 2013).

A woman who had been home that night heard the gunshot and stepped outside to see what was going on when the man who had been arguing with the homeless man came up to her (Marlowe, et al., 2013). He told her to go to the parking lot to check on the officer; when she returned, she told him that the officer was dead, that is when he became very agitated (Marlowe, et al., 2013).
Davis’ sister hired her brother an attorney to represent him at his capital jury trial (Marlowe, et al., 2013). Davis complained to his sister that his attorney would not listen to any of his suggestions or follow up on any leads that he gave him (Marlowe, et al., 2013). His attorney had not spoken to any of the witnesses for the state, although he said he had tried but failed (Marlowe, et al., 2013). He also told Davis he would not call one single expert witness to testify on his behalf (Marlowe, et al., 2013). The only time Davis’ attorney would meet with him was if Davis called his mother and asked her to talk to him, but that almost always meant coming up with more money, which the family did not have (Marlowe, et al., 2013).

Jury selection began on August 19, 1991 and Davis’ trial began on the August 22, 1991; it only took three days to seat a jury in a capital murder case (Marlowe, et al., 2013). The actual trial lasted exactly one week; it took the jury only two hours to reach an unanimous verdict of guilty on all charges, including assaulting the homeless man and murdering the police officer (Marlowe, et al., 2013). The next day Davis was sentenced to death (Marlowe, et al., 2013).

A now 18-year-old man called Davis’ sister and told her he needed to talk to her and his attorney (Marlowe, et al., 2013). He told them that Davis and he were hanging out together that night at a pool party, then at the pool hall, and the parking lot (Marlowe, et al., 2013). He was just 16-years-old and scared when three police officers interrogated him without his parents being present or giving consent (Marlowe, et al., 2013).

They threatened him with 10-12 years in prison for being an accessory to the murder if he did not cooperate with them by telling them what they wanted to hear (Marlowe, et al., 2013). The detective in charge told him that Davis had a black, short-barreled gun with a brown handle too (Marlowe, et al., 2013). Now he was telling them that he lied and when asked why he lied to the police, he said that the police forced him into it (Marlowe, et al., 2013).
A woman, just out on parole herself, was intimidated into saying that Davis was the one that killed the officer, afraid of being rearrested on some charge (Marlowe, et al., 2013). In September 1989 at the preliminary hearing, that same woman having waited in the same conference room as all the other witnesses, including the man that was arguing with the homeless man that night, testified that the man she thought she saw running away from the scene that night was him because his complexion matched the description of the man she saw better than Davis; but she was told not to change her story now or she could spend up to 10 years in prison for perjury (Marlowe, et al., 2013).

The next night the wife to one of Davis’ attorneys received a phone call from this woman and explained that someone from the district attorney’s office had come to see her last year and offered to help with all of her legal problems if she would testify (Marlowe, et al., 2013). She explained to the person that she had lied last year (Marlowe, et al., 2013). She was called back into court to testify about that phone call and she denied ever making the call (Marlowe, et al., 2013). But at the parole hearing she told a friend of hers that she had lied and how badly she felt about identifying the wrong man (Marlowe, et al., 2013). Her friend went to talk to Davis’ attorney to tell them what her friend had confessed too (Marlowe, et al., 2013).

The police never searched for a .38 gun owned by the man who argued with the homeless man (Marlowe, et al., 2013). This man was not included in the photo lineup and all but one of the witnesses was now recanting their stories (Marlowe, et al., 2013). Four of the twelve jurors were now reconsidering their decision to sentence Davis to death because they now had serious doubts he was guilty (Marlowe, et al., 2013). Davis’ sister overheard one of the attorneys saying that he believed Davis was innocent but “in the South, any black man will do” (Marlowe, et al., 2013).

So she decided to hire a different lawyer to represent her brother (Marlowe, et al., 2013).
On September 12, 2008 the board denied clemency and refused to reconsider and no stay of execution would be granted (Marlowe, et al., 2013). On October 15, 2008, the US Supreme Court refused to review the state Supreme Court’s denial on Davis’ petition for a new trial (Marlowe, et al., 2013). His new attorney requested a new federal habeas petition on October 21, 2008 and on April 16, 2009, the Circuit Court of Appeals Eleventh District denied their petition (Marlowe et al., 2013). On May 19, 2009, Davis’ attorney filed a habeas petition directly with the US Supreme Court to have the case moved back to a federal judge for an evidentiary hearing on claims of his innocence (Marlowe, et al., 2013).

On August 17, 2009, the Supreme Court made a rare decision and ordered a new hearing and also ordered the federal district court in Georgia to accept testimony to determine if evidence could have found at the time of the original trial that would have clearly established Davis’ innocence (Marlowe, et al., 2013). At the hearing, one of the witnesses stated that he had a conversation with the man who had argued with the homeless man in whom he admitted he was the man who had actually murdered the police officer and let Davis take the fall for him (Marlowe, et al., 2013). This man kept this information a secret all those years because he had a criminal history that included almost ten convictions and there was also a warrant out for his arrest in Florida and he did not want to get into any more legal trouble when they ran his name through the database (Marlowe, et al., 2013).

On June 22, 2010, a black male prisoner testified at the evidentiary hearing that the man who had argued with the homeless man, related to him by marriage, had confessed nearly six years after the fact, that he was the one that had killed the officer and not Davis (Marlowe, et al., 2013). He told him that he needed to make things right because an innocent man was about to be executed for a crime he did not commit (Marlowe, et al., 2013). As Davis’ sister sat in the
courtroom, she was completely surprised by what he had just said (Marlowe, et al., 2013). But then the man said he had more he wanted to say, when he finally just came out and said that he had witnessed the entire thing (Marlowe, et al., 2013). He then went on to describe how a man walked up to the man lying on the ground and shot him (Marlowe, et al., 2013). When the attorney asked him if he recognized the shooter, he said yes, it was the man that had argued with the homeless man and not Davis (Marlowe, et al., 2013).

Even though there was overwhelming evidence that Davis was innocent, the judge still denied the petition for a Writ of Habeas Corpus on August 24, 2010 (Marlowe, et al., 2013). According to the judge, the witnesses that testified of being intimidated by the police were not as credible as the police officers who had insisted it never happened (Marlowe, et al., 2013). On September 19, 2011, the clemency hearing was held where only ten people would be allowed inside for the hearing, including attorneys and witnesses (Marlowe, et al., 2013). The next day, Davis was denied clemency and on September 21, 2011 Davis was executed at 11:08pm after having served just over 22 years on death row for a crime he did not commit.

**Davis Overview.** I believe that the reason the authors, one being the defendant’s sister, wanted to write this book was to shed light onto the flaws within our criminal justice at every level. First, the police officers felt they had their man and were not interested in pursuing any other leads. Because the victim was a district attorney, the prosecution’s office was too close to the case and was not able to be objective. I believe because of their rage and anger, they allowed the suspect to be tried in the media, poisoning any chance of having a fair trial.

The homeless man was interrogated for hours as he was seriously injured, bleeding from the head and needing medical attention. The police officers refused to allow him medical treatment until he signed a statement they had typed up. Another witness that was not able to
read was forced to sign a statement the police typed up for him. He had no idea what was on the paper he signed.

When the police officers showed one of the potential witnesses a photo lineup, the only picture they used from everyone that had been at the scene that night was the defendant. His picture had been splashed all across the news media so his photo was the only recognizable face the witness could recall. Witnesses recanted their stories saying they had been pressured into implicating Davis but they had lied. A female witness was going to recant her story but when she told the police the trouble she was in, they offered to help her if she did not recant her story. I believe that every thing that could have gone wrong, did go wrong in this case and the defendant’s sister wanted to set the record straight and clear her brother’s name while shedding light on a broken system in need of repair.

James Bulger

On July 10, 2016, 60 Minutes rebroadcasted a documentary previously aired on November 24, 2013 featuring the notorious Boston crime boss James “Whitey” Bulger (Simon, 2016). Bulger was on the FBI’s most wanted list for 14-years when he and his longtime girlfriend and caregiver, Catherine Greig, left Boston and went on the run (Simon, 2016). They moved to Santa Monica, California sometime in 1997 where they lived in plain site (Simon, 2016). Santa Monica was a great place to escape and not be noticed because the seaside suburb of Los Angeles is made up of tourists and transients, hippies, celebrities, and senior citizens and there are lots of cheap rent-controlled apartments close to the ocean (Simon, 2016).

One such place was the Princess Eugenia apartments where Charlie and Carol Gasko, alias for James Bulger and Catherine Greig, resided (Simon, 2016). They lived a pretty mundane life; they had nothing and never dressed up to go out (Simon, 2016). Their landlord described
them as perfect tenants because they never complained, paid their rent on time, and always paid in cash (Simon, 2016).

Bulger was known for extortion, flooding the city of Boston with cocaine, and murder that either he would personally perform or have ordered, sometimes at very close range in a hail of bullets (Simon, 2016). He was eventually charged with 19 counts of murder, conspiracy to commit murder, conspiracy to commit extortion, narcotic distribution, conspiracy to commit money laundering, extortion, and money laundering (Simon, 2016). He was a huge embarrassment to Special Agent Phil Torsney and others on the task force because he had been able to infiltrate the Boston office FBI, buy off agents who protected him for getting caught, and supplied him with information, including a tip that gave him the time to flee the area just days before he was going to be indicted (Simon, 2016).

Bulger was very smart and calculating, had planned his escape for years, and had almost a million dollars set aside to last him the rest of his life (Simon, 2016). The reason it was so difficult for the FBI to capture him was there were no good pictures of him or his girlfriend, a former dental hygienist (Simon, 2016). They loved animals, especially cats; so the FBI asked veterinarians to be on the lookout for them (Simon, 2016). There were also rumors that Greig had breast implants and other surgeries in Boston, so the agents contacted physicians (Simon, 2016). One day, a physician called and said he had located her files in his storage if they wanted to come and take a look (Simon, 2016).

The physician then asked the agent if he wanted the pictures too and the agent said he did and that he was on my way (Simon, 2016). Just so happen, one of the pictures the physician had was a picture of Greig. So the agents decided that if they could not find Bulger, they would search for Greig, in the hopes they would get lucky and find both (Simon, 2016). They had the
pictures shown on daytime talk shows in 14 different markets hoping someone had seen her (Simon, 2016).

The next day, they received a call from a woman who said she was absolutely positive the woman they were looking for lived in Santa Monica at the Princess Eugenia apartments and gave the apartment number of 303 (Simon, 2016). She described the woman as being early 60s and the man she was with was in his 80s (Simon, 2016). She also mentioned they were taking care of this cat, which fit her description exactly (Simon, 2016).

When the FBI agents went inside their apartment they found weapons all over the apartment, on the nightstand, under the windowsill, shotguns, mini-Rugers, and rifles (Simon, 2016). They also found over a half million dollars under their bed (Simon, 2016). Bulger told the agents that he would have done anything to keep from getting caught even if he had to become an upstanding law-abiding citizen (Simon, 2016). He even had a plan if he was on his deathbed; he would go to Arizona and crawl down to the bottom of some old mine to die and decompose, that way, they would be looking for him forever (Simon, 2016).

Bulger is now serving two life sentences and his girlfriend is serving eight years for harboring a fugitive (Simon, 2016). Bulger is an outlier within the selected newsworthy murderers category because he committed 19 murders in comparison to the normal three or less. Although he murdered a higher number of people, he does not meet the definition of a serial killer, which explains why he is in the selected newsworthy murderer category.

**Bulger Overview.** The reason this case was presented twice on 60 Minutes I believe was because of the notoriety of the offender, a known crime boss, who had killed or had ordered the killing of 19 victims. Bulger had been able to infiltrate the FBI and stay one step ahead of them for over 14-years. I am sure this was a huge black eye for the federal government who wanted to
ensure they got their man, regardless of how long it took. I think they wanted to demonstrate to all those considering going on the lam, that you may run but you cannot hide forever; the FBI will eventually find you and bring you to justice, no matter how long it takes.

Joseph Carl Shaw

The first chapter in Lezin’s book (1999) is about J.C. Shaw. Lezin (1999) states that he was three-years-old when his parents divorced. His father remained in his life until Shaw was eight-years-old then abandoned him (Lezin, 1999). By the time Shaw was 13-years-old, he was already over six feet tall; he excelled at sports like football and basketball (Lezin, 1999). However academically, he struggled to make “Cs” in class and after receiving a failing grade, he dropped out after the 10th grade (Lezin, 1999). Shaw tried to enlist in the Army but was denied entry at that time when they found a cyst at the base of his spine (Lezin, 1999). After having surgery to have the cyst removed, he reapplied and was accepted into the Army (Lezin, 1999). Shaw graduated from military police school on May 14, 1975 (Lezin, 1999).

Shaw received a letter of commendation for his work at Fort Jackson but never received the promotion he felt he deserved; he became disillusioned with the Army when he learned he was not getting paid what he was entitled too (Lezin, 1999). It took a long time to get it corrected and in the mean time, he and his wife were struggling financially (Lezin, 1999).

His wife had a miscarriage and the base hospital refused to treat her, instead told him he had to take her to the OB/Gyn at another hospital; by the time they arrived there, she had miscarried the baby (Lezin, 1999). Not long afterwards, Shaw was suspected of transporting drugs and was forced to sign an Article 15, basically destroying his career as military police (Lezin, 1999).
Shaw and his wife started having problems and separated; he then fell into depression (Lezin, 1999). At one point, Shaw told his mother that he needed to see a doctor about his ears because what people were saying is not what he was hearing (Lezin, 1999). Shaw, only 22-years-old, then began to abuse drugs and alcohol, tried marijuana, cocaine, PCP, LSP, crystal methadone, mushrooms, speed, downers, and anything else he could get his hands on (Lezin, 1999). He started hanging out with the wrong guys and doing drugs together; the drugs and alcohol were the only way he could cope with his depression (Lezin, 1999). Shaw began to hear voices in his head telling him to seek revenge against his ex-wife and other women who hurt him (Lezin, 1999). Then on October 17, 1977, Shaw and four of his friends, high on drugs, made a plan to find a woman and rape her (Lezin, 1999).

One night when Shaw and some friends were out driving, they shot a woman’s tire out; once she pulled over, they offered her a ride (Lezin, 1999). Once the woman was inside the car she saw the gun but it was too late (Lezin, 1999). Each man raped her before driving her to her friend’s house (Lezin, 1999). Before driving off, Shaw called her over to the car window and shot her because she looked like his ex-wife and he heard voices in his head telling him to kill her (Lezin, 1999).

Eleven days later on October 28, 1977, Shaw tried to commit himself at Fort Jackson Mental Health Clinic (Lezin, 1999). A psychiatrist saw him for 15 minutes before sending him home (Lezin, 1999). Shaw returned later that day even more upset pleading for help (Lezin, 1999). The next day, Shaw killed two teenagers; 14-year-old girl and a 17-year-old boy (Lezin, 1999). Both lived only five miles from the first victim (Lezin, 1999). The male had been shot twice in the head, the female was shot five times in the back of the head, raped, and her corpse mutilated (Lezin, 1999).
Lezin (1999) states that Shaw’s parents could not afford his $20,000 fee, so the family decided to use the court-appointed attorney to represent their son (Lezin, 1999). The court-appointed attorney had no experience trying a capital case or any criminal case; he specialized in divorce filings (Lezin, 1999). He did very little investigating and believed that the only way his client could get a life sentence instead of the death penalty was if he pled guilty (Lezin, 1999). The attorney thought that because he had given the judge on the case a leather jacket the previous Christmas, the judge owed him a favor (Lezin, 1999).

Shaw pled guilty to the murders of the two teenagers with a stipulation that he had not actually pulled the trigger but did confess to killing the woman (Lezin, 1999). His attorney never allowed him to tell the court how sorry he was for the murders (Lezin, 1999). It had only taken six weeks from the time of the murders to the time Shaw was convicted and sentenced to the death penalty (Lezin, 1999).

Psychiatrists evaluated Shaw later on and found that he was suffering from a severe case of clinical depression (Lezin, 1999). On November 10, 1977, he was committed to a mental hospital per a court order (Lezin, 1999). Four other psychiatrists diagnosed Shaw as suffering from schizophrenia, alcoholism, drug abuse, and emotional disturbance (Lezin, 1999). While in the mental hospital, Shaw tried to commit suicide three times (Lezin, 1999).

Less than two weeks after he was released from the hospital and returned to the jail, on the advice of his attorney, Shaw pled guilty to all charges (Lezin, 1999). Lezin (1999) states the charges included two counts of murder, two counts of conspiracy, rape, kidnapping, and armed robbery. Later Shaw also pled guilty to the murder of his first victim and received a life sentence (Lezin, 1999).
The judge found three aggravating factors: rape, kidnapping, and armed robbery (Lezin, 1999). The judge also found four mitigating factors: no significant prior criminal history, mental illness, Shaw’s capacity to conform his behavior was severely impaired, and his age and mentality at the time of the crime (Lezin, 1999). On December 16, 1977, the judge sentenced Shaw to death (Lezin, 1999).

Shaw’s death sentence was reaffirmed on direct appeal (Lezin, 1999). A prison volunteer contacted the Southern Prisoners’ Defense Commission and was able to convince three attorneys to take Shaw’s case pro bono (Lezin, 1999). One of the new attorneys filed a new petition for writ of habeas corpus and a motion for stay of execution citing ineffective counsel from his trial and appellate counsel, which were in violation of his sixth and 14th amendment rights (Lezin, 1999). Lezin (1999) states that the judge granted a stay just 18 hours before Shaw was to be executed.

Another new attorney took over the appeal and presented testimony about Shaw as a person, such as his troubled childhood, marriage, and drug use (Lezin, 1999). Lezin (1999) then states that the attorney granted Shaw the opportunity to address the court and express his deep remorse. But after eight days of testimony and arguments, the judge still denied Shaw relief (Lezin, 1999).

The attorney appealed to the state’s Supreme Court who also denied the appeal (Lezin, 1999). Stephen Bright, a public defender from Washington, D.C. replaced the other attorney at Southern Prisoners’ Defense Commission and took over Shaw’s case. Mr. Bright has played a vital role in other death penalty cases in this paper. A new appeal was filed on November 7, 1983 by Bright but was denied (Lezin, 1999). The prison warden said he was struck by how Shaw did
not fit the profile of a killer (Lezin, 1999). The Supreme Court denied Shaw’s last appeal and he was executed on January 11, 1985 (Lezin, 1999).

**Shaw Overview.** I believe the reason Lezin included Shaw’s case in his book was to demonstrate how hiring a competent attorney with experience handling capital cases is paramount to a good defense. When the court-appointed attorney is actually a divorce attorney, the situation can only get worse and did for this defendant. The court-appointed attorney had no previous background handling a capital murder trial and did not know how to conduct a proper investigation.

I think the attorney felt overwhelmed with handling a capital case and pushed his client to plead guilty. The court-appointed attorney thought that because he had given the judge on the case a leather jacket, he would win the case without doing any preparation. He failed to present mitigating evidence from the psychologists stating that the defendant suffered from clinical depression, schizophrenia, alcoholism and drug abuse, and emotional disturbances. This case and all the other cases Lezin presents in his book indicate that he is not a proponent of the death penalty because of the flaws in the criminal justice system.

**Donald Wayne Thomas**

The second chapter is on Donald Wayne Thomas, a 19-year-old black man, who dropped out of school in the 10th grade, knowing little except how to read and write his own name (Lezin, 1999). Thomas worked at a small restaurant in Georgia; his manager stated that he was the hardest and most dependable worker she had (Lezin, 1999). She trusted Thomas and even hired him to do some yard work at her home (Lezin, 1999).

Thomas never knew his father and his mother was an alcoholic who had men coming and going out of their house all the time until she married a man, also an alcoholic, when Thomas
was 16-years-old (Lezin, 1999). Thomas believed in keeping a woman in her place while he was in control (Lezin, 1999). His live-in girlfriend was a 15-year-old mildly retarded girl that he sometimes locked up in his room while he was out (Lezin, 1999). He also had a prior conviction for child molestation and assault with intent to rape, which he claims to have been a result of a foiled robbery attempt when two six-year-old girls were home (Lezin, 1999).

On April 11, 1979, two white nine-year-old boys went to a ballgame and then went their separate ways (Lezin, 1999). One of the boys, who lived with his mother in a predominantly black neighborhood in Atlanta, Georgia, never made it home (Lezin, 1999). His body was found one week after disappearing brutally beaten with his pants down to his thighs (Lezin, 1999). The autopsy revealed that he had numerous postmortem bruises and lacerations (Lezin, 1999).

Thomas’ girlfriend told the police that when he came home on April 13, 1979, he had blood on his pants and he took her to where he had left the little boy’s body, lying face down (Lezin, 1999). Lezin (1999) then says that Thomas told her that he had killed the boy by beating him with a stick and choked him (Lezin, 1999). Then Thomas rolled the body over and stomped on the little boy’s neck before throwing him into the bushes (Lezin, 1999). Once they arrived back home, he took his bloody pants off and hid them behind the house (Lezin, 1999). Thomas also confessed to his stepfather that he killed the little boy (Lezin, 1999).

After Thomas was arrested in April, the court appointed him an attorney on May 14, 1979 (Lezin, 1999). The attorney only met with his client ten times before going to trial in October and each visit was shorter than the last visit (Lezin, 1999). Thomas felt that his attorney was not on his side and stopped communicating with him altogether (Lezin, 1999). Thomas was convicted and found guilty of murder on October 24, 1979 based on the testimony of his girlfriend and stepfather and the bloody pants (Lezin, 1999). The court found that the
aggravating factor of strangling a nine-year-old child justified sentencing him to death (Lezin, 1999).

The court appointed psychiatrist found Thomas to be incompetent based on the fact that he rocked back and forth, became very restless and agitated, and eventually stopped responding to his questions while rocking back and forth, rubbing his genitals (Lezin, 1999). The psychiatrist also diagnosed Thomas with having symptoms of schizophrenia and unable to assist his attorney in his defense (Lezin, 1999). Thomas was then admitted into a state hospital for inpatient evaluation where he was found to be suffering from schizophrenia but also found to be competent to stand trial (Lezin, 1999).

The court-appointed attorney decided not to pursue a competency hearing and concluded that the only option he had was to challenge the credibility of the prosecution’s two key witnesses, the girlfriend and stepfather (Lezin, 1999). It never occurred to the attorney to question the 15-year-old girlfriend’s competency (Lezin, 1999). Three new attorneys took over the case for the appeal; one of them was Steven Bright who had also worked on J.C. Shaw’s case. The attorneys discovered there were no pretrial motions, no discovery, and an extremely short opening statement of one and a half pages compared to the customary 40-50 pages (Lezin, 1999). There had also been no evidence presented at the penalty phase to mitigate the charges (Lezin, 1999). The attorneys filed a motion with the state Supreme Court requesting the chance to file a brief and conduct an oral argument since none of the issues had been brought up in the brief filed by the previous attorney (Lezin, 1999). Lezin (1999) states that the court reaffirmed the conviction and death penalty.

The attorneys initiated state habeas proceedings by filing a petition for habeas corpus relief (Lezin, 1999). The petition raised claims of ineffective counsel, failure to present
mitigating evidence at sentencing, and failure to investigate Thomas’ incompetence to stand trial (Lezin, 1999). Upon investigation, the new legal team found a tremendous amount of mitigating evidence (Lezin, 1999). They were able to locate witnesses as far away as 600 miles and had the previous attorney exerted even the minimum amount of effort, he could have found the same information (Lezin, 1999).

Bright requested an evidentiary hearing and presented two psychiatrists and witnesses who had testified at the habeas hearing (Lezin, 1999). They brought up the fact that the trial attorney had been ineffective for not presenting any mitigating evidence (Lezin, 1999). On July 19, 1985, the US District Court set aside the death sentence but upheld the conviction (Lezin, 1999). Thomas had another sentencing hearing where Bright requested they give him life without parole but was denied; they were going to seek the death penalty again (Lezin, 1999). On July 28, 1986, the court of appeals affirmed the district court’s ruling regarding ineffective counsel but denied relief on all other grounds; the life sentence remained in tact (Lezin, 1999).

**Thomas Overview.** Lezin is a staunch opponent to the death penalty as is evident in the six capital murder cases he presents in his book, Finding Life on Death Row. Each case has its own individual factors that prove to the author that the death penalty should be abolished. For example, in Thomas’ case, his attorney only met with his client ten times before going to trial. Thomas was also found to be suffering from schizophrenia, yet competent to stand trial. Thomas’ 15-year-old slightly mentally retarded girlfriend testified against him at trial. His attorney never stopped to think he should question her competency to testify.

In offering his account of this case, Lezin focuses on ineffective assistance of counsel. By documenting specific instances of ineffective assistance such as this case, Lezin is
trying to show how this lack of effective representation is a prominent factor leading to the death penalty or a life sentence.

Michael Cervi

Chapter three in Lezin’s book (1999) is about Michael Cervi, a 19-year-old white man, who had enlisted in the Navy in the fall of 1975 as a Gunnersmate with a security clearance (Lezin, 1999). On February 23, 1977, Cervi and a friend left the ship they were stationed on and went unauthorized absent (UA) (Lezin, 1999). Cervi brought along his 30-30 Marlin rifle for the trip (Lezin, 1999). They hitchhiked to Columbia, South Carolina and were picked up by a doctor (Lezin, 1999). When the doctor stopped to eat at a restaurant, Cervi and his friend decided to rob and steal his car (Lezin, 1999).

They forced the doctor to drive them to Augusta, Georgia then exit off the interstate and pull over (Lezin, 1999). The two men then escorted the doctor into the woods where they tied him to a tree using his own necktie (Lezin, 1999). Cervi handed the rifle to his friend who then hit the doctor in the head several times with the butt of the gun (Lezin, 1999). Then Cervi stabbed him three times in the neck, later insisting that his friend ordered him to do so (Lezin, 1999). They left him in the woods to die and drove off in his car (Lezin, 1999). He was able to free himself and walk to the highway for help. He was taken to the hospital where he died the next day; but not before identifying both of his attackers (Lezin, 1999).

Cervi’s father was a chief homicide detective in Alameda County, California (Lezin, 1999). Some of his father’s co-workers showed up at their house to tell them their son had been arrested for murder (Lezin, 1999). An extradition hearing was held and the prosecutor called a local attorney and asked if he would represent Cervi and his friend Cervi (Lezin, 1999). Cervi
confessed to the Georgia Bureau of Investigation agent (Lezin, 1999). Once the attorney showed up, he requested to see his client twice and was refused both times (Lezin, 1999).

Cervi waived extradition and was taken back to Georgia (Lezin, 1999). Once Cervi was in Georgia, his parents and girlfriend met with an attorney that had been recommended to them (Lezin, 1999). The attorney agreed to take the case but required $5,000 for his retainer fee (Lezin, 1999). When the attorney met with Cervi, he was very upset and angry that a picture of his client smiling was in the newspaper, he was also angry with his new client because he had written a 17-page confession (Lezin, 1999).

With all of this evidence against him, the best they could hope for was that he did not get the death penalty (Lezin, 1999). At the hearing, the attorney put Cervi on the witness stand to try and get his confession suppressed but was not successful (Lezin, 1999). Lezin (1999) states that when Cervi was in Iowa and requested to speak with an attorney, the Georgia Bureau Investigator pointed to the prosecutor and said that was his attorney, not the prosecutor of the case. Cervi believed that the prosecutor was actually his attorney and that if he said anything he should not have, his attorney would stop him (Lezin, 1999).

Cervi’s attorney requested a change of venue because of the press the case had received, the prospective jurors would be prejudiced toward his client but the judge denied his request (Lezin, 1999). He also argued that the jury was illegitimate because it did not have a cross-section of the county but was again denied by the judge (Lezin, 1999). During jury selection, 89 black jurors were disqualified because they would not impose a death sentence, regardless of the circumstances (Lezin, 1999). Another nine jurors were also disqualified resulting in an all white jury in a county whose population was mostly black (Lezin, 1999).
Lezin (1999) says that the attorney received the death certificate for the victim citing cause of death as “aspiration pneumonia” (Lezin, 1999). The attorney was able to get the doctor that treated the victim to admit that he could have died of the same condition, regardless of whether he was injured (Lezin, 1999). Testimony lasted five days before Cervi was found guilty of murder, kidnapping, armed robbery, and motor vehicle theft on February 29, 1980 (Lezin, 1999).

Lezin (1999) notes that the prosecutor and judge appeared to be friends and the prosecutor also seemed to know some of the potential jurors. Cervi was sentenced to death (Lezin, 1999). Cervi was transferred to death row at Georgia Diagnostic and Classification Center in Jackson, Georgia; inmates referred to it as “Little Vietnam” because of the frequent stabbings that occurred (Lezin, 1999).

Cervi’s attorney used the following two reasons for appeal: the confession and being denied to speak with his attorney after requesting an attorney (Lezin, 1999). But the state Supreme Court reaffirmed his conviction and death sentence on September 29, 1981 (Lezin, 1999). Lezin (1999) states that the court ruled that the actions taken by the Georgia authorities were not a violation of his right to counsel; and also disagreed that Cervi’s request for an attorney during the Iowa probable-cause hearing prevented his interrogation by the Georgia investigators without notifying the defendant’s attorney and allowing the attorney to be present during questioning (Lezin, 1999).

The attorney petitioned the US Supreme Court for certiorari but was denied (Lezin, 1999). Mid-June 1983, Cervi’s attorney asked another attorney to help him with the habeas proceedings because his client was scheduled to be executed the next week (Lezin, 1999). The
new attorney filed the habeas corpus petition and the original attorney argued in court but was again denied but did get a stay of execution (Lezin, 1999).

The two attorneys requested the help of a third attorney and filed federal habeas relief on January 24, 1986 with the US District Court for the southern district of Georgia (Lezin, 1999). Almost thirteen months later, the judge denied relief on all but two grounds: the confession and conspiracy charge (Lezin, 1999). The judge then ordered an evidentiary hearing on the grounds listed (Lezin, 1999). The judge ruled orally from the bench against Cervi (Lezin, 1999).

However, the attorneys had a novel idea to present to the judge to the district attorney; if he was able to locate and talk to each of the original jury members and convince them to unanimously agree to reduce the death sentence to life imprisonment, the court would allow the change in sentencing (Lezin, 1999). It took years to find all of the original members and ten were in favor of reducing the sentence but two were unwaveringly against changing the sentence (Lezin, 1999).

On August 26, 1988, the attorneys called Cervi in prison to give him the good news that his sentence had been reduced to life imprisonment (Lezin, 1999). The judge found that the Georgia authorities had obtained the defendant’s confession in violation of his 5th amendment rights because they failed to stop the interrogation after Cervi requested an attorney (Lezin, 1999). Lezin (1999) states that Cervi was removed from death row. Cervi was paroled and released from prison on March 13, 1993, the day following his 35th birthday; he had served 16 years in prison (Lezin, 1999).

Cervi Overview. I believe the reason the author wrote his book and included Michael Cervi was to show that even those a person raised in a law-abiding home, the son of a homicide detective, could violate the law. The author further wanted to demonstrate to his readers that
those in positions of authority could take advantage of someone being accused of murder. The suspect in this case, Michael Cervi, was not made aware that his attorney was in the next room and had requested and been denied twice to speak to his client twice. The police continued to interrogate the suspect even after he requested to speak to his attorney. The police mislead Cervi by insinuating that the prosecutor was his attorney.

Judy Haney

Chapter four of Lezin’s book (1999) is about the only woman mentioned in the book, Judy Haney, a 32-year-old woman from Georgia who had dropped out of school at 16-years-old. Her father was a weekend drunk, which only made his violent temper worse and her mother was the disciplinarian who evoked fear as she set the rules and doled out the punishments (Lezin, 1999).

Haney married three months after she began dating a neighbor’s son (Lezin, 1999). She claims to have not loved him but just wanted to escape from her family and the only way to do that was to get married (Lezin, 1999). After they were married, her new husband insisted she not work but take care of his horse and cook dinner for him every night (Lezin, 1999). He restricted her to the house and limited contact with her family; even forbidding her to visit her cousin even though she was their closest neighbor (Lezin, 1999).

When she was seven months pregnant with their first child, a daughter, she felt fearful of her husband and his temper for the first time (Lezin, 1999). Haney would continue to meet her cousin and talk. One day, she pierced Haney’s ear and when her husband saw it, he knocked the earring all the way through her ear (Lezin, 1999). He made sure that she knew never to disobey him or there would be consequences, telling her that if her cousin ever came back he would kill her (Lezin, 1999).
Although he now allowed her to work outside the home, he increasingly limited her contact with family; she was only allowed to go to Georgia to visit her family once a year but her family was never allowed to visit them (Lezin, 1999). Haney’s mother was terminally ill so she decided she would go and stay with her for a little while; she planned to leave before her husband got home but it did not happen (Lezin, 1999). He refused to let her leave and when she tried to walk out the door anyway; he broke her nose and punctured her sinuses, causing severe hemorrhaging (Lezin, 1999).

By the time she had recovered, her mother had passed away (Lezin, 1999). Her husband not only abused his wife, but abused his children too (Lezin, 1999). He broke his daughter’s arm and beat his son with a belt (Lezin, 1999). When Haney stepped in to protect the children, he would beat her even worse (Lezin, 1999).

Haney decided that enough was enough; she packed up her things and put the children in the car ready to leave when he arrived home (Lezin, 1999). He yelled and told her she was not going anywhere as he slapped her face (Lezin, 1999). She turned her check and told him to slap it because it would be the last time he ever hit her (Lezin, 1999). She drove off with the children and went to his brother’s house to stay until December 1983 (Lezin, 1999).

Just like the typical abuser, he would apologize and promise to never hit her again if she would just come home (Lezin, 1999). She agreed and moved back in and had all of the locks changed; later that night he showed up and tried to get into the house and found all the locks had been changed, he was livid (Lezin, 1999). The day after Christmas, he started beating the kids again and she stepped in between them and he choked her (Lezin, 1999).

On January 1, 1984, her husband was shot in the stomach with a shotgun and then when he falls to the ground, he was shot again in the mouth, obliterating his face (Lezin, 1999). Haney
gave directions to her house to her sister’s husband, who she had only met twice before, to check on him; unaware he had a criminal record; never thinking he would kill her husband (Lezin, 1999). Upon his return, he told Haney that her husband was dead and would never again hurt her or the children (Lezin, 1999). It was his brother that found him dead (Lezin, 1999).

Haney claims that her sister’s husband, her brother-in-law, hired a hit man and demanded she pay him $3,000 (Lezin, 1999). He threatened to have her and the children killed if she did not pay (Lezin, 1999). Afraid he would hurt her and her children, Haney got a home improvement loan and gave it to him (Lezin, 1999).

The police had no evidence against Haney until the fall of 1987 when her sister, a drug user, agreed to turn state’s evidence against her (Lezin, 1999). She agreed to help the police in exchange for leniency on drug charges, as well as her involvement with her sister’s husband’s death (Lezin, 1999). When she called her sister out of the blue, Haney smelled a setup because they had not talked since she paid her husband the $3,000 hush money (Lezin, 1999).

A few days later, Hany’s sister showed up unannounced at her house wearing a coat although it was 90 degrees that day and refused to take it off (Lezin, 1999). On September 9, 1987 Haney’s sister recorded a phone conversation with her now ex-husband where he confessed to the murder of his brother-in-law (Lezin, 1999). He claimed that Haney hired him to kill her husband (Lezin, 1999). Haney was arrested and charged with murder-for-hire committed during a robbery in the first-degree that same day more than three and a half years after the crime (Lezin, 1999).

Haney’s court-appointed attorney arrived acting bizarre; his speech was slow and slurred; he stumbled when he walked, his facial appearance was flushed, and his eyes were red (Lezin, 1999). On October 20, 1988, he was found in contempt of court and put in jail overnight because
he was drunk (Lezin, 1999). Haney met with her court-appointed attorney only twice before the trial began (Lezin, 1999).

Her court-appointed attorney failed to zealously defend his client and made several egregious mistakes. The defense he presented to the jury was that she did not have the intent to commit murder because she was impaired by spousal abuse syndrome and was afraid of her husband (Lezin, 1999). Next, he failed to call any expert witnesses to testify on his client’s behalf until after the trial started (Lezin, 1999). Then, he neglected to interview any witnesses like her friends or colleagues who could have testified about the abuse she had suffered for years (Lezin, 1999).

Her attorney failed to obtain medical records from the hospital and did not have them subpoenaed until just two days prior to the trial beginning (Lezin, 1999). He never called any of the nurses or doctors who could have substantiated the fact that she was not lying about suffering from spousal abuse and the hospital’s record’s custodian testified that no such medical records could be found (Lezin, 1999). However, those records mysteriously appeared after Haney was sentenced (Lezin, 1999). Her attorney and co-council failed to explain to the court the nature of being a battered wife and that Haney’s large stature had no bearing on whether or not she had been abused (Lezin, 1999). Finally, they allowed a woman who had suffered abuse for 15 years to be re-victimized by the system (Lezin, 1999).

Haney was found guilty on October 24, 1988 and sentenced to death (Lezin, 1999). The court re-appointed the same attorney to handle her appeal process (Lezin, 1999). Whenever Haney would call her attorney, he would refuse to accept her call and instead told her to write him a letter (Lezin, 1999). He also refused to send her a copy of the trial transcript, which is
required by law (Lezin, 1999). Haney filed a complaint to the Alabama Bar Association and requested new representation (Lezin, 1999).

The Alabama Resource Center, now known as the Equal Justice Initiative (EJI), got involved and agreed to find her an attorney to represent her during the appeal (Lezin, 1999). EJI contacted the Southern Center for Human Rights (SCFHR) and they agreed to take her case (Lezin, 1999). The intern assigned to the case was introduced to Stephen Bright and the SCFHR (Lezin, 1999). By the time they got involved in the case, her previous court-appointed attorney had missed two statutorily imposed deadlines to file a brief with the Alabama Court of Criminal Appeals (Lezin, 1999).

The intern filed an appellate brief and got the case remanded (Lezin, 1999). The only one that was accepted was the court’s consideration of the victim impact statement in the sentencing phase of the trial (Lezin, 1999). The Alabama Court of Appeals remanded the case to the trial court instructing them to resentence Haney without considering the victim impact statement and then issue new written findings (Lezin, 1999). But the intern did not stop there; she filed a motion to have the court reconsider all of the issues they had disregarded earlier (Lezin, 1999). The court told her she would have to wait until a decision had been made (Lezin, 1999).

In Alabama, the judge has the discretion to disagree with the jury’s sentence (Lezin, 1999). In a vote of 10 to 2 in favor of the death penalty, the judge reaffirmed the death sentence (Lezin, 1999). The intern and Bright appealed to the state Supreme Court, which also reaffirmed the death penalty ruling (Lezin, 1999). Next, they both petitioned the US Supreme Court for certiorari, focusing on the fact that an accomplice should be held liable for the aggravating factors seeing as she was not the one who actually pulled the trigger (Lezin, 1999). But on February 22, 1993, the certiorari was denied (Lezin, 1999).
The intern and Bright asked an attorney with the Battered Women’s Task Force to take over the case (Lezin, 1999). The new attorney worked on Haney’s case for more than three years averaging 500-700 hours per year at a rate of $240 per hour for a total ranging from $120,000 to $168,000 (Lezin, 1999). He filed the state habeas petition one month before the deadline but the state moved to have it dismissed (Lezin, 1999).

The attorney then flew to Talladega County to meet with the judge and the attorney from the Attorney General’s office handling the case and agreed to amend his petition to address their concerns about the specifics of the claim (Lezin, 1999). The judge dismissed every issue except for the one regarding ineffective counsel and violations of Brady v. Maryland, which argues that the prosecution failed to disclose exculpatory evidence causing a disadvantage to the defense counsel (Lezin, 1999).

The claim of ineffective counsel concentrated on Haney’s original court-appointed attorney’s failure to obtain evidence regarding the severe beatings she suffered over the years (Lezin, 1999). The new defense team began the discovery process by collecting and examining the evidence that should have been done at Haney’s initial trial (Lezin, 1999). They tracked down over 70 witnesses to interview and realized just how extensive the abuse had been (Lezin, 1999).

One particular piece of evidence the prosecution had failed to share with the defense was a recording of Haney’s sister being wired by the police to record a conversation with her ex-husband (Lezin, 1999). She could be heard telling the police not to touch her cocaine because she was going to need it after it was over; but when it was played in court, it conveniently started after she made that statement (Lezin, 1999). She also repeatedly told how Haney was afraid of her husband (Lezin, 1999). Many of the witnesses testified how Haney was always afraid and
would come into work with severe bruises and black eyes for years (Lezin, 1999). Some even testified they had heard him threaten to kill her and the children (Lezin, 1999).

The attorneys also called Haney’s children to testify about the abuse they had suffered at their father’s hand. They described how their father would physically and verbally abuse their mother (Lezin, 1999). Haney was resentenced to life without parole (Lezin, 1999).

**Harvey Overview.** The author included Judy Haney’s story in the book because it demonstrates how abused women are victimized again by the criminal justice system. Her court-appointed attorney showed up to court drunk, never called any expert witnesses, never interviewed witnesses on her behalf, or requested medical records to substantiate her claim of spousal abuse. The same judge who appointed him as her defense attorney reappointed him to represent her on her appeal. The cycle of abuse just kept being repeated until Haney was fortunate enough to have the Southern Center for Human Rights (SCFHR) and Stephen Bright take over her case. Lezin appears to be against the death penalty because of all the procedural problems he points out in this book, not only in this case, but also in all the other cases discussed in the book.

**Jimmy Lee Horton**

The fifth chapter in Lezin’s book (1999) was about Jimmy Lee Horton, a poor, black man from Macon, Georgia. Horton began to steal at an early age and by the time he was 15-years-old, he was arrested on a regular basis (Lezin, 1999). When he was 19-years-old, he was arrested for burglarizing a store and sentenced to 12 years in prison, although he had done it before and never got caught (Lezin, 1999).

He married his sweetheart on Valentine’s Day, one month after he was released from prison (Lezin, 1999). After being married for two years, he became bored and started going out
to the clubs, having affairs, and reconnecting with his old buddies, causing him and his wife to fight (Lezin, 1999). He burglarized another store and received another six-year sentence, serving only three years (Lezin, 1999). His wife had had enough and filed for divorce (Lezin, 1999).

Upon his release in 1980, he moved in with an old girlfriend who laid down the law if he wanted to stay with her (Lezin, 1999). By the end of November, Horton and his buddies broke into a house and stole a black-barreled .22 caliber pistol and a television set (Lezin, 1999). They broke into another house then saw headlights as they went out the back door (Lezin, 1999).

The county’s district attorney had been shot and killed (Lezin, 1999). On December 11, 1980, one of Horton’s buddies, who had stayed home that night, was questioned by the police for 14-hours when he finally broke down and gave the police Horton and one of his buddies names; saying that the triggerman was Horton, which is what the other guy had told him (Lezin, 1999).

The next day while babysitting his girlfriend’s daughter, the police called him and told him he was being arrested for the murder of the county’s district attorney and had five minutes to come outside with his hands up (Lezin, 1999). Unable to afford a good attorney, he hired a local attorney who drank heavily and paid him $1,600 (Lezin, 1999).

Lezin (1999) states that Horton’s trial began on February 27, 1980. Ballistics determined that the victim had been killed with the black-barreled pistol Horton had stolen from the first burglary that night (Lezin, 1999). The circuit district attorney, known as death row Joe asked the new district attorney to prosecute the case of the man charged with killing his predecessor (Lezin, 1999). To no surprise, they sought the death penalty (Lezin, 1999). The circuit district attorney had 19 death sentence convictions and all but seven of them had been reversed on appeal (Lezin, 1999). The reason for so many reversals was because he used his preemptory strikes to prevent blacks, women, and young adults from serving on the jury (Lezin, 1999).
Again, he was successful in having no blacks seated on the jury in the Horton case (Lezin, 1999). The circuit district attorney stated during his closing argument both men had intended to kill the victim, therefore it really did not matter who had pulled the trigger (Lezin, 1999). The circuit district attorney also told the jury that Horton had been given many chances before, alluding to the fact that he had been on parole (Lezin, 1999).

Horton’s attorney should have contested much of what the circuit district attorney had said at trial but did not (Lezin, 1999). He never called any witnesses to testify on his client’s behalf, nor did he offer any evidence that could have mitigated the charges; instead he pleaded with the jury to show mercy, yet gave them no reason to do so (Lezin, 1999). He went so far as to say his client was unimportant and not a very good person (Lezin, 1999). He could provide no justifiable reason why his client did not deserve to die (Lezin, 1999). He ended by saying that he was asking “for the life of a worthless man” (Lezin, 1999, p. 142).

The jury only deliberated for 45 minutes before sentencing Horton to the death penalty (Lezin, 1999). His co-conspirator in the crime received life imprisonment and had five blacks on the jury, whereas Horton had an all-white jury (Lezin, 1999). Not long after Horton was in prison, a fellow inmate came up to Horton and said he needed to talk to both him and his attorney about the case (Lezin, 1999). He told Horton that after he had left the club that night that his friend, and co-conspirator, had told him that he had just killed a man that night (Lezin, 1999).

Horton’s attorney filed for an evidentiary hearing because of this new evidence, but when the inmate was cross-examined, he admitted that he had shared this information with Horton prior to his trial, which meant this was not evidence so the court denied a request for a new trial (Lezin, 1999). Georgia Supreme Court reaffirmed the conviction and death sentence in 1982 (Lezin, 1999).
The issue of the prosecutor striking all blacks from the jury would be very difficult to prove and proving ineffective counsel would also be difficult to prove because there have been cases where attorneys have gotten away with much worse (Lezin, 1999). Bright and the new attorney both agreed that the issue they should pursue was the hearsay testimony of the man who was not even at the scene of the crime (Lezin, 1999).

Two other issues were possibilities although there was very little if any supporting case law to back them up (Lezin, 1999). First, how the circuit district attorney was able to go after and charge two men for the same crime was a violation of their right to a fair trial under the 14th amendment (Lezin, 1999). Finally, he overstepped his authority when he suggested that Horton should be punished more harshly because of who the victim was, a district attorney (Lezin, 1999).

An attorney cannot afford to be selective in what issues to raise in a capital case because if it can be brought up at the state habeas petition but is not, the defendant loses the right to bring it up at a later time in federal court; in other words, that opportunity will be lost forever (Lezin, 1999). Therefore, Bright and the other attorney brought up everything they could use including the prosecution’s discrimination of having not blacks on the jury, totaling over 25 legal issues (Lezin, 1999).

But on November 7, 1986, a judge denied every one of the issues (Lezin, 1999). The next year, both the state Supreme Court as well as the US Supreme Court refused to review the case (Lezin, 1999). The attorneys petitioned the US District Court in Georgia on February 24, 1988 for a writ of habeas corpus, claiming that Horton had been convicted and sentenced to the death penalty in violation of the US Constitution (Lezin, 1999).
Almost four months later the district court agreed to provide funds to investigate the Swain claim, discrimination by prosecution, but ruled they could not rule on evidentiary hearing until the attorneys had the opportunity to prove their claim was valid (Lezin, 1999). They looked at 25 capital cases and 159 non-capital cases that the circuit district attorney had prosecuted (Lezin, 1999). It took them over a year to fully investigate the claim and they found that in the capital cases involving black defendants and white victims, he had used 96 out of the 103 strikes against black jurors, more than 93 percent of his strikes were used to eliminate possible black jurors (Lezin, 1999).

On October 18, 1989, the evidentiary hearing regarding the Swain claim was denied by the judge (Lezin, 1999). However, Horton’s appeal was heard by the Eleventh Circuit judges and on September 3, 1991 reversed the district court’s denial of the writ of habeas corpus and remanded the case back to them with specific instructions to grant a writ, with one condition that they could retry the petitioner within a reasonable amount of time (Lezin, 1999). The judge had ruled in favor of Horton on all three issues. The state reappointed the same prosecutor to retry Horton but after another year, the prosecutor agreed to accept a plea deal for a life imprisonment sentence with stipulation that Horton would not be eligible for parole until 2005, twelve years after he was sentenced to life (Lezin, 1999).

Horton Overview. The author included this case because it represented many of the issues with death penalty cases. The victim was a district attorney so the prosecutor sought the ultimate punishment, death. The defendant was a black man that was out on parole. The defendant was not able to afford to hire a good attorney but hired the cheapest one he could afford. The prosecutor was able to strike every black potential juror from serving; but the jury of his co-conspirator had five blacks. Horton received the death penalty from an all-white jury while his
co-conspirator received life without parole. Horton’s attorney stated in his closing arguments that his client was not a good man and was worthless. He then asked for mercy, but gave no reason to grant mercy. This case exemplifies racial issues and attorney effectiveness issues.

Larry Heath

The final chapter of Lezin’s (1999) book is about Larry Heath. Lezin (1999) reveals very few details about Heath’s childhood. Heath’s father was a domineering and aggressive man that drank; Heath recalls that the two of them could not be alone in a room without arguing (Lezin, 1999). Heath saw his mother as submissive to his father and the family was not very close or loving; when he married the first time, he did not include his parents in the wedding nor did he include them when his son was born (Lezin, 1999). Growing up, Heath was shy and awkward with no self-confidence, which he contributed to the fact that the family moved a lot when he was younger (Lezin, 1999). Once Heath was in high school, he started opening up a little and became more self-confident, which made his parents angry (Lezin, 1999).

Lezin (1999) does not mention when Heath married his first wife, but he and his second wife married in August 1978 and he killed her two years later (Lezin, 1999). She was shot in the head and her body found in the backseat of her car (Lezin, 1999). She was nine months pregnant but Heath did not believe that the child was his because he thought she was having an affair (Lezin, 1999). They did have a two-year-old son (Lezin, 1999).

During their marriage, Heath was having affairs and blaming his wife for doing the same (Lezin, 1999). He was very unhappy in the marriage and wanted a divorce but did not want to leave his son (Lezin, 1999). They moved into a new home and he started working with his father-in-law (Lezin, 1999). He later contacted his older brother and asked him if he knew of anyone that would kill his wife (Lezin, 1999).
Although the brother agreed to help him find someone, he never called him back to discuss the topic again (Lezin, 1999). Heath then called his middle brother and asked him the same thing; he told him that he knew a guy that he bought his marijuana from that could do the job (Lezin, 1999). He told him how to contact the man but other than that he wanted nothing to do with it (Lezin, 1999). At the end of July 1981, Heath located the man his brother told him about, showed him pictures of his wife and her car, and made arrangements to meet up again to discuss the plan (Lezin, 1999).

At the meeting, the man brought along two other guys and told Heath that one of them would do the actual killing (Lezin, 1999). Heath promised to let the other man, the one that was going to kill his wife, take his .357 Magnum because he did not have a gun of his own (Lezin, 1999). Heath paid the men $2,000 and told them that the gun was only meant to be used to scare her because he wanted her to have a “car accident” without it looking suspicious (Lezin, 1999).

At the time, Heath was dating a very young woman and he told her about his plan to have a woman murdered, not knowing that it was his nine-months pregnant wife (Lezin, 1999). The first two attempts to kill his wife failed; the guy that was going to kill her took off with the $400 he gave him to have his car repaired along with the gun he loaned him (Lezin, 1999). A little while later, the man Heath contracted for the hit told him that it was done, the other guy had shot her in the eye and was in the backseat of her car (Lezin, 1999). This made Heath very angry because he specifically told them he wanted it to look like a car accident and for her not to be shot (Lezin, 1999).

Lezin (1999) states that Heath refused to pay the men for the job until he could determine if they had left any incriminating evidence behind (Lezin, 1999). On February 10, 1982, Heath pled guilty to murder in exchange for a life sentence (Lezin, 1999). The victim’s parents got
custody of her two-year-old son and eventually adopted him (Lezin, 1999). On May 5, 1982, the grand jury in Alabama returned an indictment for capital murder during a kidnapping (Lezin, 1999).

Heath’s attorney contested the indictment on the grounds that an Alabama court had no legal jurisdiction over the case because it occurred in Georgia and his conviction and sentence in Georgia prevented him from prosecution in Alabama for the same reason (Lezin, 1999). However, the trial court rejected both claims, holding that the Constitutional prohibition against double jeopardy did not prevent successive prosecutions by two different states for the same crime (Lezin, 1999). The judge also claimed that the crime had actually occurred in Alabama (Lezin, 1999).

Between August 1981 and January 10, 1983, the media coverage of the murder was all over the news and covered every aspect of the case (Lezin, 1999). Because of all the media coverage, ten out of the twelve jurors knew that Heath had pled guilty in Georgia before they were summoned for jury duty; the remaining two jurors heard about it from the defense counsel (Lezin, 1999). In January 1983, Heath was convicted of capital murder and on February 10, 1983, exactly one year after being sentenced to life in Georgia for the exact same crime, he was sentenced to death (Lezin, 1999).

While in prison, Heath became known as the “Apostle of Death Row” (Lezin, 1999, p. 172). He refused to feel sorry for himself and took full responsibility for his actions and did not blame the guards for doing their job or the prison administrators (Lezin, 1999). A prison volunteer joined Stephen Bright as co-counsel in the effort of reducing his sentence (Lezin, 1999). At the time Bright took over the case, it was already on appeal to the US Court of Appeals for the Eleventh District (Lezin, 1999). One of the two court-appointed attorneys had only filed a
one page brief on the appeal and did not even bother to show up to court for oral arguments (Lezin, 1999). He had failed to present to the Alabama Supreme Court on direct appeal many of the key issues with the case; therefore they could not be used (Lezin, 1999).

On February 12, 1990, the volunteer helping Bright filed a Motion for Relief from Judgment with the US District Court for the Middle District of Alabama (Lezin, 1999). They were surprised when their motion was granted on April 30, 1990, which allowed them to file an amended petition (Lezin, 1999). However, the court denied the amended petition on July 24, 1990 and Heath’s initial appeal without prejudice (Lezin, 1999). This was good news for the attorneys because they could now present new issues in the amended appeal that had not previously been brought up (Lezin, 1999).

On August 28, 1991, the Eleventh Circuit reaffirmed the district court’s denial of habeas relief; the attorneys immediately petitioned the US Supreme Court for certiorari but were denied (Lezin, 1999). They then began the process of asking for clemency since all options had been exhausted (Lezin, 1999). The governor denied clemency and on March 18, 1992, Heath was moved to the death cell (Lezin, 1999). Lezin (1999) does not mention when or if the execution was carried out.

Heath Overview. The reason the author included Larry Heath’s case was to demonstrate a murder-for-hire scenario in which the defendant received the death penalty. Another reason could be that all of the media coverage influenced the second trial, resulting in the death sentence. This case also demonstrates how evidence can be lost forever if it is not brought up at the right time. Even if this evidence could exonerate a prisoner, the courts will not allow it to be heard.
Elmo Patrick Sonnier

Sister Helen Prejean’s book titled “Dead Man Walking” (1993) is based on a true story. I selected this book because it was made into a major motion picture starring Susan Sarandon and Sean Penn. As such, it attracted major crowds and also led many people to read the book. Thus this account received attention from millions of moviegoers and book readers.

It talks about how she became the spiritual advisor to two men convicted of murder and sentenced to death row. The first man is Elmo Patrick Sonnier, a 27-year-old white man who along with his younger brother Eddie, kidnapped, raped, and murdered a young white teenage couple on a lovers’ lane on November 4, 1977 (Prejean, 1993). The two victims were a 17-year-old boy and an 18-year-old girl (Prejean, 1993). Both had been shot three times at close range in the back of the head with a .22 caliber rifle (Prejean, 1993).

The two brothers faced murder charges, ten counts of aggravated kidnapping, and one charge of aggravated rape (Prejean, 1993). Patrick confessed to the murders several times and even took the police to the location where the crime occurred to demonstrate how it happened (Prejean, 1993). At his trial, Patrick changed his story and said that he confessed because he was afraid of the police and then blamed his brother for the murders (Prejean, 1993). Eddie testified against his brother at trial stating that it was Patrick how had murdered the young couple (Prejean, 1993). The brothers both confessed because they felt the police could not determine which one had actually pulled the trigger and they were afraid of the police (Prejean, 1993).

Each brother was tried separately and found guilty of first-degree murder and sentenced to death (Prejean, 1993). The Supreme Court later found that Patrick was the one who actually pulled the trigger and overturned Eddie’s death sentence (Prejean, 1993). The Louisiana Supreme Court overturned Patrick’s death sentence also because of the judge’s improper jury
instruction (Prejean, 1993). Eddie says he wants to come clean and confesses that he was the one who murdered the teenagers not his brother at his brother’s second sentencing trial (Prejean, 1993). However, the prosecutor discredits his new version of events as being a confession of guilty in an effort to save his brother’s life (Prejean, 1993).

Patrick was a loner in his childhood and did not have many friends and did not do very well with women or relationships (Prejean, 1993). Growing up, his parents fought a lot and eventually separated when he was only six, his sister was three, and Eddie was just a baby (Prejean, 1993). At the tender age of nine-years-old, Patrick was on probation with juvenile authorities for burglaries (Prejean, 1993). His father took him to a bar when he was 12-years-old and allowed him to pick any whiskey he wanted and allowed him to drink (Prejean, 1993).

Knowing the specifics of how Patrick was raised and how it affected him growing up, helps the reader to understand why he behaves the way he does. This information showed that he was a human being with feelings and emotions that had been affected by the events that happened in his early childhood; a time where a young boy is very impressionable.

Patrick lost his first appeal in October 1983 (Prejean, 1993). His court-appointed attorney then contacts Millard Farmer, an attorney in Atlanta that works on death penalty cases (Prejean, 1993). Farmer determines that the prosecutor used too many strikes when excusing jurors and never gave a reason why (Prejean, 1993). The prosecutor was only allowed six strikes but took eight (Prejean, 1993). It was too late to bring it up now though because it was up to the defense attorney to catch the mistake and bring it up when it happened (Prejean, 1993). Farmer had a saying that if it took a long time to select a jury, such as weeks or months, then you had a strong attorney; however, in Patrick’s case, it only took two days to select jurors (Prejean, 1993).
Farmer also discovered that the prosecutor used “future dangerousness” to justify the tough sentence (Prejean, 1993). Again, it was not something that could be brought up now because the defense failed to challenge the prosecutor (Prejean, 1993). Instead, Farmer charged that Patrick had “ineffective counsel” (Prejean, 1993). There were no family, friends, employers, or anyone to testify on Patrick’s behalf at his first sentencing hearing (Prejean, 1993). Then at the second sentencing hearing, the defense attorney just reintroduced guilt and innocence all over again when he had Eddie testify again (Prejean, 1993). Also the judge failed to include in his instructions to the jury the part of the code that the state must prove beyond reasonable doubt that Patrick had the intent to kill his victim (Prejean, 1993).

When Farmer asked Patrick how often he met with his defense attorney and exchanged correspondence, Patrick said that he never received any written correspondence from him and that he was in jail for nine months before he ever met him and then only once before the trial began (Prejean, 1993). When the defense attorney had Eddie testify, he had not conducted an interview beforehand (Prejean, 1993). Prejean (1993) states that on February 21, 1984, the Supreme Court denied Patrick’s petition. On March 30th, Farmer files a petition to have Patrick pardoned but clemency was denied (Prejean, 1993). Prejean (1993) states that Elmo Patrick Sonnier is executed on April 5, 1984 at 12:15am.

**Sonnier Overview.** Prejean has demonstrated all the different ways that the death penalty is flawed. Those that can afford to hire their own attorneys are less likely to receive the death penalty because they are more qualified and invested in their clients. Court-appointed attorneys are usually not compensated fairly and have limited resources available to defend their clients, unlike private attorneys. This can mean the difference between getting the death sentence and being found not guilty or at least receiving a lesser sentence.
A more qualified attorney would never allow a prosecutor to strike more jurors than legally allowed without contesting it. They would also ensure that they called witnesses, such as family, friends, co-workers, pastor, and experts to testify on their client’s behalf to present all of the mitigating evidence to counter the aggravating factors the prosecution would likely bring up. Being a woman of faith, she strongly opposes the death penalty because she believes it is wrong to take a life, any life, and that even those that have committed unspeakable acts like Sonnier deserve to be treated with dignity and respect. She does not condone his actions and feels that he should be punished but that justice would be best served with a life without parole sentence. She has made it her life’s work to see that the death penalty is abolished.

Robert Willie

The second murder case in the book “Dead Man Walking” by Prejean (1993) is Robert Willie. On May 28, 1980, Robert Willie and Joseph Vaccara kill 18-year-old Faith Hathaway in New Orleans, Louisiana (Prejean, 1993). Hathaway had been brutally raped, stabbed 17 times in the neck and upper chest, and left to die in the woods (Prejean, 1993). Faith had been missing for eight days before the police found her nude body with her legs spread-eagle (Prejean, 1993). Both men had been on an eight day rampage that left one woman dead, a teenage girl raped, and her boyfriend paralyzed from being tied to a tree and stabbed and shot (Prejean, 1993). Afterwards, both men kidnapped a teenage couple and took turns raping the young woman in the back seat of the car as they drove across several states (Prejean, 1993).

Before these crimes occurred, Willie had been involved in two other deaths; one man was killed over drugs in 1978 and in 1979 a Louisiana Parish Deputy Sergeant Louis Wagner II was shot and killed while committing a robbery (Prejean, 1993). Law enforcement officials did not believe that Willie had actually been the one to fire the fatal shot in the death of police officer
Wagner (Prejean, 1993). Willie had a long criminal history dating back to an early age that included drug and alcohol abuse (Prejean, 1993).

Millard Farmer represented Willie too. Both Willie and Vaccaro pled guilty in federal court and were each sentenced to three consecutive life sentences (Prejean, 1993). Both men were tried in the same courthouse at the same time but on separate floors (Prejean, 1993). Willie received the death penalty and Vaccaro received a life sentence (Prejean, 1993). Both men were indigent and had public defenders represent them (Prejean, 1993).

Willie was heavily into drugs and had prior criminal records. His juvenile record included shoplifting a bottle of wine when he was only 14-years-old (Prejean, 1993). He also stole two horses with his cousin and was picked up for truancy (Prejean, 1993). Sixteen-year-old Willie was picked up by the police for threatening bodily harm with a broken Coke bottle (Prejean, 1993). Other charges included theft of a checkbook, burglaries, carrying a concealed weapon, driving while intoxicated, and aggravated assault of a police officer (Prejean, 1993). He only had a ninth grade education and between 1972 and 1979, Willie was arrested over 30 times (Prejean, 1993).

The state Supreme Court granted Willie a new sentencing trial because of improper arguments made by Assistant District Attorney Herbert R. Alexander (Prejean, 1993). Ronald J. Tabak, an attorney assisting Farmer on the case, filed 14 arguments (Prejean, 1993). The only mitigation witness called to testify at Willie’s first trial was his mother and at his second trial, his aunt (Prejean, 1993). There were other family members that said they would have testified at the trial had they been asked (Prejean, 1993). They claimed that if they had testified, they would have told the jury about his troubled childhood, his drug addiction, and mental health issues.
(Prejean, 1993). This was in stark contrast to Vaccaro’s attorney that documented his troubled childhood and drug abuse (Prejean, 1993).

In August 1984, the Fifth Circuit Court of Appeals denied Willie’s petition and request for a new hearing (Prejean, 1993). On November 12, 1984, the Supreme Court refused to hear his case too (Prejean, 1993). His last hope was to receive a pardon from the governor but was refused again (Prejean, 1993). Willie is executed on December 28, 1984 at 12:15am (Prejean, 1993).

**Willie Overview.** Sister Prejean is a crusader to abolish the death penalty. After having been the spiritual advisor to two death row inmates and witnessing their executions, her belief that “an eye for an eye” perspective was wrong only grew stronger. Although she did not condone or like what these men had done, she hated their actions but not the man. They were still human beings and God’s creatures who deserved to live, albeit be in prison for life. She believes that “We are more than the worst thing we have ever done”, a quote from Stephen Bright (Lezin, 1999).

To justify understanding and forgiveness of those who have committed unspeakable heinous acts, she refers to the Bible. “How is it, I wonder, that the mandate and example of Jesus, so clearly urging compassion and nonviolence, could so quickly become accommodated?” (Prejean, 1999, p. 123) “Do you really believe that Jesus…would have participated in these executions? Would Jesus pull the switch” (Prejean, 1999, p. 123)?

Being a Christian woman of strong faith, she cannot just let the death penalty continue without taking a stand to see it one day be abolished. Although she understands and sympathizes with the victims’ families, she feels that it is the death row inmates that need her attention the
most. Although being a sister in the Catholic Church is not political, she cannot just stand by without taking action to make a change in the death penalty policy.

Ricky Ray Rector

On March 22, 1981, Rickey Ray Rector, a black man (Frady, 1993), went to a restaurant in Conway where he had once been denied entrance to a private party and started shooting; killing one man and injuring two others (Choate, 2015). The police went to his mother’s house two days later to question her and his sister when Rector walked in the house (Choate, 2015). He shot and killed a police officer then ran outside and shot himself in the head, basically giving himself a lobotomy (Choate, 2015).

Rector was tried separately for each murder with the first charge being first-degree murder of the man he killed at the restaurant and first-degree battery for the two injured (Choate, 2015). Although he had brain damage, a result from shooting himself in the head, he was still found competent to stand trial (Choate, 2015). His attorneys alleged he was not able to understand what was happening and was not able to assist in his own defense (Choate, 2015). Rector was found guilty and sentenced to life in prison for his murder (Choate, 2015).

Choate (2015) states that Rector was also found guilty of the murder of the police officer at his mother’s home and was sentenced to death on November 11, 1982. Rector, a black man, convicted of murdering a white police officer by an all white jury, was sentenced to death (Bright, 1993). His attorneys immediately filed for a habeas corpus citing his mental state had deteriorated so much that he was “not fit for execution” (Choate, 2015). The habeas corpus petition was denied, however, the district court did recognize his mental state and that executing a mentally deficient criminal would violate both state and federal law (Choate, 2015). It was therefore their job to determine if he was capable of understanding the reason he was being
executed and also to determine if he was insane (Choate, 2015). The district court ruled he was competent for execution (Choate, 2015).

The attorney continued to appeal the ruling on the grounds of his client’s mental status; he underwent three separate mental evaluations and was found competent every time (Choate, 2015). The first evaluation was performed at his initial appeal in 1982; the second evaluation was performed later in the appeals process in 1989; and finally in December 1991 after his attorneys appealed for clemency (Choate, 2015). The clemency panel heard his appeal before they made their recommendation and sent it to the then governor, Bill Clinton for final decision (Choate, 2015).

During the clemency appeal, fellow inmates testified that Rector “would bark, howl, and laugh wildly in his cell” (Choate, 2015). They testified that he was paranoid and fearful; one said he was afraid to leave his cell (Choate, 2015). The inmates also testified that in the presence of law enforcement officers he was able to control himself because he was afraid of them, therefore, it could appear that he was sane when he really was not (Choate, 2015). Then on January 16, 1992 the clemency panel denied his appeal (Choate, 2015). Six days later, Federal District Judge henry Woods denied a stay of execution because he had been found competent at every hearing he had gone before (Choate, 2015).

Choate (2015) states that Rector’s appeal for clemency was happening while Bill Clinton was running for president, especially during the New Hampshire primary. Like most politicians, Clinton did not want to appear soft on crime and strongly in favor of the death penalty to receive more votes (Choate, 2015). Clinton decided to deny Rector an appeal for clemency and even flew back to Arkansas to personally oversee his execution (Choate, 2015).
Rector had a last meal consisting of fried chicken, steak, and pecan pie (Choate, 2015). He ate the chicken and steak but then set his pie aside saying he would like to save it for later (Choate, 2015). This really unsettled the prison guards because it was obvious to them that he did not understand there would not be a “later” (Choate, 2015). His execution was scheduled to take place at 9:15pm on January 24, 1992 but was delayed by almost an hour because the medical staff could not find a viable vein to insert the IV (Choate, 2015). The fact that he had grown to over 300 pounds probably contributed to the difficulty in finding a vein (Bright, 1993). Rector tried to help the staff find a better vein, further unnerving them (Choate, 2015).

Behind the curtain, the witnesses stated they heard Rector moan in pain eight times while the medical staff searched for a suitable vein (Choate, 2015). Some of the prison staff believed the execution should be stopped but at 10:09pm, Rector was executed by lethal injection (Choate, 2015). Sometime after the execution had taken place, at least one of the prison officials resigned, stating that Rector’s execution had been very upsetting (Choate, 2015).

**Rector Overview.** In my opinion, the author, Choate, wrote about this case because the offender had killed a police officer and then shot himself in the head, which left him retarded and unable to comprehend what was going on around him. Rector had three separate mental evaluations and was found competent all three times. When he was given his last meal, he pushed the pie aside saying that he was saving it for later, indicating that he did not understand that there would not be a “later” for him.

The prison staff tried for over an hour to find a suitable vein to insert the IV for the lethal injection. Rector even tried to help them find a vein, another indication that he did not comprehend what was about to happen to him. Many claimed that he should never have been executed because of his mental capacity.
I believe the author thinks the execution was a violation of the Eighth Amendment for cruel and unusual punishment of a person unable to understand what was being done to him.

An additional, likely reason that Choate chose to cover the Rector case is that it involved then candidate Bill Clinton running for president. The argument has been made that Clinton feared being labeled soft on crime so he declined to stop this execution.

Ronald Williamson

John Grisham’s book *the Innocent Man* (2006) is based on a true story about a young man with dreams of being the next Mickey Mantle. But his dreams were shattered because of his drinking, drugs, and womanizing. A man named Glen Gore had told the police that he saw Debra Sue Carter talking to Ron Williamson at the club on December 7, 1982, although that was never verified (Grisham, 2006). In fact, 23 other people were at the club that night and not one of them saw Williamson that night (Grisham, 2006).

Williamson had been accused of raping two women in the past. Both cases went to trial where he was found not guilty on both charges (Grisham, 2006). Because of the stress and his legal issues, Williamson began to drink more heavily and chased even more girls (Grisham, 2006). Then he moved in with his mother where he slept 20 hours a day and had nightmares. He also started hearing voices and then answering the voices (Grisham, 2006). Williamson went to see a mental health professional and was diagnosed with manic-depression (Grisham, 2006).

Williamson was arrested for drunk driving and public intoxication in 1981 (Grisham, 2006). Again he was seen and treated for depression. Three months after Debbie’s murder, detectives interviewed him for the first time (Grisham, 2006). He provided a DNA sample and fingerprints (Grisham, 2006).
The police asked for all of Debbie’s male friends to come down to the station to provide fingerprints and provide a saliva sample for DNA testing (Grisham, 2006). But somehow Glen Gore fell through the cracks and was never fingerprinted or had his DNA collected (Grisham, 2006). The autopsy revealed that her vagina was bruised and her rectum dilated (Grisham, 2006). The medical examiner also found a small, metal, screw type bottle cap (Grisham, 2006). On March 28, 1983, the results from the fingerprints came back and showed that they did not belong to either Debbie or Ron Williamson (Grisham, 2006).

A few months later Williamson saw another mental health professional and was diagnosed with paranoid personality disorder and bipolar disorder (Grisham, 2006). He was arrested for forgery and sent to jail. In November 1983, another inmate told the detectives that Ron had yelled at her saying things like he had brought Debbie’s spirit into his cell and it was haunting him (Grisham, 2006).

The case against Williamson consisted of two inconclusive polygraph exams, having a bad reputation, residing not far from Debbie’s residence, and being identified by Glen Gore (Grisham, 2006). While Williamson was inside his cell, the jailers would give him too much of his medicine, Thorazine but then when it was time to go to court, they would lower his dose so he would become loud and belligerent (Grisham, 2006). The jury found Williamson guilty and sentenced him to death (Grisham, 2006).

Grisham (2006) states that Williamson’s court appointed attorney, Barney Ward, took over the case for the appeal process on June 1, 1987. This was Barney’s first capital case but his expertise was needed. During Williamson’s trial, Glen Gore testified that on the night Debbie was murdered, she had told him that Williamson was bothering her and asked Glen to “save her”
Glen Gore was the only eyewitness with any evidence against Williamson. Barry had long suspected that Glen Gore was involved in Debbie’s murder because he had a history of violence against women and he was the last person to see Debbie alive. This trial jury consisted of seven men and five women, all white jurors. Barney called no witnesses to mitigate the evidence against his client. He never brought up Williamson’s mental health issues either. The jury deliberated for only two hours before returning with the death penalty again.

Williamson’s habeas corpus was turned over to Janet Chesley, a lawyer with the Indigent Defense System, where she filed the necessary documents to try and prevent his execution. She argued that his trial lawyer was incompetent because he failed to bring up Williamson’s mental health and the unreliability of the hair evidence. The judge recommended a stay of execution.

On September 19, 1995, one year after the stay of execution was granted, the judge granted Williamson a new trial. On April 10, 1997, the court of appeals found that Williamson had been wrongly convicted and on July 13, 1997, Williamson was released from prison a free man. On February 10, 1999, two detectives went to see Glen Gore for a routine interview. Gore told the detectives he had been expecting a visit from them. Gore’s behavior was surprising and after talking a little, they asked Gore for a DNA sample and gave him a swab, but Gore broke it in half. Then on April 11, 1999 DNA results from semen found inside Debbie’s body matched Glen Gore. Glen Gore had
murdered Debbie and Ron Williamson was the one who had been wrongly convicted for his crimes and was fortunate enough to be cleared.

Williamson Overview. I think the reason Grisham wrote this book is to remind us that sometimes innocent people not only erroneously get convicted but even after evidence is presented proving innocence, the criminal justice system is more concerned with finality and procedures being followed than actually serving justice. A person’s life can be forever changed in a blink of an eye with no warning and it can happen to anyone, anywhere, at anytime. Eyewitnesses can have an agenda such as protecting themselves even if it means causing an innocent man to be sent to prison. They cast the blame onto others hoping to escape the punishment they deserve. Also, Grisham shed a light on this country’s failure to address the overwhelming mental health needs of its citizens. Instead of getting the mentally ill the medical help they need, we criminalize it and pass the buck onto someone else. Grisham also hoped to raise awareness that DNA testing needs to be done postconviction.

Cameron Todd Willingham

The article “Trial by Fire” by David Grann (2009) is about Cameron Todd Willingham, a 23-year-old unemployed white man. His mother abandoned him as a baby and his father and stepmother raised him (Grann, 2009). When he was 20-years-old he met his future wife who also had a troubled childhood (Grann, 2009). At just four-years-old, her mother was strangled to death by her stepfather during an argument (Grann, 2009). Willingham and she had a turbulent relationship with Willingham being unfaithful, drinking too much, and physically violent toward her, even during her pregnancy (Grann, 2009). They were not married until three months before the fire and had three little girls, including twins (Grann, 2009).
On December 23, 1991, the house in which they lived went up in flames (Grann, 2009). Willingham’s wife had left the house earlier that day to buy Christmas presents for the girls at the Salvation Army and he had fallen asleep while the girls were in their bedroom (Grann, 2009).

Flames erupted through the broken windows causing Willingham to retreat still crying for his young children left inside the burning house (Grann, 2009). Once the firemen were on the scene, Willingham told them about his children still being in the house (Grann, 2009). One of the firemen came out of the burning house cradling his oldest daughter and gave her CPR (Grann, 2009). Willingham went running toward the fireman holding his daughter then quickly charged forward toward the burning house when the firemen had to wrestle him away and even handcuff him to prevent him from running inside to save his other two daughters (Grann, 2009).

The assistant fire chief, a certified arson investigator with over 20-years experience, conducted the initial inspection of the house (Grann, 2009). A deputy fire marshal, one of the state’s best arson detectives having investigated over 1,200 fires, joined the team (Grann, 2009). He had a few sayings, such as, “fire does not destroy evidence, it creates it” and “the fire tells the story, I am just the interpreter” (Grann, 2009).

The deputy fire marshal followed the “burn trailer”, which was the path that the fire etched, leading from the hallway to the children’s bedroom (Grann, 2009). Whenever some flammable liquid was poured on a floor, it caused the fire to concentrate in the area of the liquid, which has commonly been referred to as “pour patterns” or “puddle configurations” (Grann, 2009). Another key piece of evidence in the investigation was a piece of glass from the broken windows with a spiderweb-like pattern referred to as “crazed glass” (Grann, 2009). Forensic textbooks had for years described this pattern as being caused by a liquid accelerant, which causes the glass to fracture (Grann, 2009).
Another suspicious finding was brown stains just outside the front door, which was consistent with the presence of accelerant (Grann, 2009). They both determined that a liquid accelerant had been poured all over the children’s bedroom, even under the beds, down the adjoining hallway, and out the front door, which created a “fire barrier” preventing anyone from being able to escape (Grann, 2009). The prosecutor later on suggested that the refrigerator had possibly been moved to block escape from the back door, creating a death trap with no way out (Grann, 2009).

Samples of burned material were sent to a laboratory for testing to determine if an accelerant had been used (Grann, 2009). The report came back saying that the sample, collected near the front door, contained evidence of “mineral spirits”, which is often a substance found in charcoal lighter fluid (Grann, 2009). With this new evidence, they determined that the fire was a triple homicide and that Willingham, the only other known person in the house at the time, was guilty of murdering his own children (Grann, 2009).

On December 31, 1991, the police brought Willingham in for questioning (Grann, 2009). Willingham told them that he heard a lot of popping and crackling sounds so he thought it might have been caused by something electrical (Grann, 2009). The investigators then asked him if he knew of anyone that would want to harm his family and Willingham said he did not know of anyone that would be that “cold-blooded” to kill his children (Grann, 2009). Finally, Willingham told them that he wished his daughter had not woke him up, then he would have died in the house with his children (Grann, 2009). Then the deputy fire marshal asked if he put his shoes on before he escaped the burning house, too which, Willingham replied that he had not (Grann, 2009).
Knowing that an accelerant must have been used at the front door entrance and that no one could have walked through unscathed, he knew that Willingham had killed his children because a medical report showed that his feet were not burned (Grann, 2009). Willingham explained that the fire was still up on the walls and not on the floor but the deputy fire marshal did not believe him (Grann, 2009).

On January 8, 1992, while Willingham and his wife were driving, SWAT teams surrounded them, pulled them over, and arrested him for murder (Grann, 2009). Under Texas law, if there are multiple deaths, the case is eligible for the death penalty (Grann, 2009). The prosecutor in the case did not personally believe in the death penalty and wasted taxpayers money with litigation and appeals that lasted for years, and the costs associated with it (Grann, 2009). However, the prosecutor came to the same conclusion as his boss, that because of the heinousness of this crime, Willingham deserved to be sentenced to death for the murders of his three young children (Grann, 2009).

Unable to afford to hire a competent attorney, Willingham was represented by two court-appointed attorneys: one was a former state trooper and the other a local defense attorney who represented all types of clients, from murderers to divorces (Grann, 2009). It was not long after Willingham was sent to prison that an inmate came forward with claims that Willingham had confessed to him that he had used lighter fluid to set the fire (Grann, 2009).

Several of Willingham’s wife’s relatives told the prosecutor they wanted to avoid a long drawn out trial so he approached Willingham’s attorneys and offered them an offer, in exchange for a guilty plea, they would offer a life sentence instead of seeking the death penalty (Grann, 2009). Willingham’s attorneys both believed their client was guilty and was happy with the offer and felt if they went to trial, he would be found guilty and sentenced to death (Grann, 2009).
When they presented the offer to their client, he refused to accept the offer because he maintained his innocence (Grann, 2009).

Willingham’s trial began in August 1992 as the prosecution called one witness after the other (Grann, 2009). A jailhouse informant testified that Willingham had confessed to murdering his three children (Grann, 2009). But the core of their case against Willingham was the scientific evidence (Grann, 2009). Willingham’s attorneys tried to find their own fire experts but the one they found agreed with the prosecution (Grann, 2009). The defense attorneys only called one witness on their client’s behalf (Grann, 2009). Willingham wanted to testify but his attorneys felt he would make a bad witness and refused to let him testify (Grann, 2009). The trial only lasted two days (Grann, 2009). It only took the jury an hour to come back with a unanimous guilty verdict (Grann, 2009).

In March 2000, the jailhouse informant recanted his story and sent the prosecutor in the case a Motion to Recant Testimony claiming that Willingham was innocent, but the defense attorneys were never told of this latest development (Grann, 2009). Then, without warning, the informant recanted his recantation (Grann, 2009). When pressured to explain why a man who had always maintained his innocence would confess to another inmate, a virtual stranger, he said that it was possible he misunderstood him (Grann, 2009).

In 1996, Willingham received a new court-appointed attorney that was appalled at the quality of defense at trial and appeal (Grann, 2009). His new attorney prepared him for a state writ of habeas corpus where “a prisoner can introduce new evidence like perjured testimony, unreliable medical experts, and bogus scientific findings” (Grann, 2009). Willingham’s new attorney was more competent that his first attorney but still had limited resources available to reinvestigate the case (Grann, 2009). The writ did not include any new exculpatory evidence, or
anything else from the jailhouse informant, or even the credibility of medical experts (Grann, 2009). Instead, the writ focused on procedural questions like whether or not the trial court made an error in the jury’s instructions (Grann, 2009).

On October 31, 1997, the Court of Criminal Appeals denied the writ (Grann, 2009). The attorney then filed a federal writ of habeas corpus and was granted a temporary stay of execution (Grann, 2009). In 2002, the federal district court of appeals denied the writ without even giving an explanation as to why (Grann, 2009). They appealed to the US Supreme Court in December 2003 but were denied again (Grann, 2009). His last hope was to seek clemency from then governor of Texas, Rick Perry (Grann, 2009).

Willingham’s attorney sent an acclaimed scientist and fire investigator a file on Willingham’s case describing the evidence on arson in January 2004 (Grann, 2009). He agreed to take the case pro bono and went to work combing through all the documents (Grann, 2009). He was highly sought after for his expertise in fire and explosives to determine the causes of fires (Grann, 2009). But by the 1990s, he had begun to focus on criminal-arson cases, and as he learned of their methods conducting local and state fires, he was shocked at what he learned (Grann, 2009).

Most arson investigators only have a high school education with no chemistry background (Grann, 2009). They had little if any formal training, what they knew was learned on the job, information that was passed down (Grann, 2009). Many arson investigators believed that their job was more of an art form than science but in 1993, the National Fire Protection Association published the first scientifically based guidelines on how to conduct a proper arson investigation (Grann, 2009).
Three years later, the International Association of Arson Investigators filed a petition saying that arson sleuths should not be bound by a 1993 Supreme Court ruling that required arson experts that testified at trials to obey the scientific method of arson investigations (Grann, 2009). Courts started rejecting arson investigators claims that were not conducted using the scientific method and in 2000 more and more investigators started using the scientific methods (Grann, 2009).

While going through the documents, he noticed where the previous deputy fire marshal made a comment that out of his 1,200 arson cases he had investigated; most of them had been arson (Grann, 2009). He knew that to be false because according to the Texas State Fire Marshals Office it is actually around 50 percent of all cases (Grann, 2009). He also thought that their theory that an accelerant had caused the fire to burn hotter and faster was nonsense because experiments had been done using wood and gasoline-fueled fires that could burn just as hot (Grann, 2009).

After analyzing the arson evidence presented at trial, the new investigator found numerous problems with the original investigation and the evidence presented at trial. Specifically, this investigator had problems with the previous investigator’s claims regarding a liquid accelerant being used, their findings regarding the “crazed glass”, the burn trailer, pour patterns, puddle configurations, the V-shape burn marks, and the unlikelihood of Willingham making it outside without his feet being burnt (Grann, 2009). His overall conclusion was that there was no arson but that the fire started accidentally. Hence, Willingham could not be found guilty if no crime of arson had occurred (Grann, 2009).

Willingham’s attorney felt she had more than enough to exonerate her client with this new evidence. After all, this investigator’s findings on fire behavior had already exonerated more
than ten other people (Grann, 2009). Another death row inmate with similar charges was a friend of Willingham’s and the investigator looked at his case too and found the exact same thing happened in his case (Grann, 2009). The new district attorney agreed with the new investigator’s findings and after serving 17-years on death row, Willingham’s friend was released (Grann, 2009). However, on February 13, 2004, a Friday the 13th, Willingham’s attorney told him those 15 members of the Board of Pardons and Paroles had unanimously denied his petition for clemency (Grann, 2009).

On February 17, 2004, Willingham received word that Governor Rick Perry had refused to grant him a stay (Grann, 2009). He had his last meal and visited with family before the execution (Grann, 2009). When the warden of the prison told him it was time to go, Willingham refused to help them and laid down; the officers had to carry him into the chamber; strapped him down and administered the IV into his arms (Grann, 2009). Willingham died at 6:20pm that evening and his death certificate read “Homicide” (Grann, 2009).

The investigators in the original arson investigation relied on past experience and went with their gut feelings rather than using new updated fire science research. They believed, erroneously, that with over 20-years experience investigating arson cases, they had the knowledge and experience required to find the truth. But if they had known about the Lime Street Fire and how it changed fire science, they would probably have come to a different conclusion and an innocent man would not have be executed for what was actually an accidental house fire.

The original deputy fire marshal eventually conceded that at the time of the Willingham’s fire, they were testifying to things that were true at that time, but have since been disproved (Mills & Possley, 2004). An investigation of forensic science conducted in 2004 found that many
of the pillars of arson investigations that were believed to be true for many years were proven false by conducting rigorous scientific scrutiny (Mills & Possley, 2004).

When we compare the evidence in Willingham’s case and other cases almost identical to it, it is hard to understand how one man on death row can be released and his name cleared yet another man in the exact same situation gets executed. If Willingham and his family could have afforded a better attorney the outcome could have been very different. But in criminal justice as in life, you get what you pay for and in this case ineffective and incompetent attorneys who have never tried a capital murder case equaled death.

Willingham Overview. One reason this case was selected is that it also became the subject of a PBS documentary entitled “Death by Fire.” As such, it attracted national attention. The various authors who wrote about Willingham’s case wanted their audiences to know that what was correct a few years ago may have changed and everyone needs to stay abreast of these changes.

For example, in Willingham’s case, the previous arson investigators went more on past experiences not realizing that what was true at that time had been disproven. Had they been properly trained on fire science and applied the new findings in the field, they would have found the fire to have been a terrible freak accident and not put a man in prison. The authors try to inform others that it is possible for someone to walk through a fire without shoes and not get burned because the flames are up overhead. The authors want us to know that even when two cases are identical, one can be set free while the other is executed.

The authors also make it a point that the second court-appointed attorney was more competent than the original attorney and was able to find a new investigator to dispute the scientific evidence presented by the prosecution. We learn that not all court-appointed attorneys
are ineffective; a competent attorney will defend his client to the best of his ability, even when resources are limited to prevent a miscarriage of justice. Some attorneys practice law to make money and they are usually the ones that go into corporate law; however, some attorneys do it because they want to make a difference and see that justice is served and every client is zealously represented.

**Analysis of Selected Newsworthy Murderers**

In Table One below, thirteen murderers were used in the selected newsworthy murderer category. I found thirteen murderers were responsible for the deaths of 38 victims with a mean of 2.92 per murderer. In Table one, I found nine out of 13 murderers (69 percent) were white and four out of 13 (31) percent were black. Table one also shows that 32 out of 38 victims (84 percent) were white. The victims’ race was not disclosed in six out of 38 (15 percent) of the victims. Three out of 13 murderers (23 percent) with a mean of two per murderer also injured victims.

Table One shows us that 29 out of 44 (66 percent) of the victims were males; nine out of 44 (20 percent) of the victims were females. Six out of 44 (14 percent) of the victims were age 17 and younger. Twelve out of 43 (28 percent) of the victims were 18 and older. Nine of the 13 (69 percent) of the murderers received the death penalty, whereas, five out of 13 murderers received life without parole. There was one murderer who received both a death sentence and a life without parole sentence for the deaths of two victims.
Table One

Selected Newsworthy Murderers

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Name</th>
<th>Race of Defendant</th>
<th>Race of Victim</th>
<th># of Murdered Victims</th>
<th># of Injured Victims</th>
<th>Male Victims</th>
<th>Female Victims</th>
<th>Victim Ages 1-17</th>
<th>Victim Age 18+</th>
<th>Death Penalty</th>
<th>LWOP</th>
</tr>
</thead>
<tbody>
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<td>Bulger</td>
<td>James</td>
<td>“Whitey”</td>
<td>White</td>
<td>White</td>
<td>19</td>
<td>17</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Cervi</td>
<td>Michael</td>
<td></td>
<td>White</td>
<td>White</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
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<td>Troy</td>
<td>Anthony</td>
<td>Black</td>
<td>White</td>
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<td>2</td>
<td>3</td>
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<td></td>
<td></td>
<td></td>
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<tr>
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<td>Judy</td>
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<td>White</td>
<td>White</td>
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<td>1</td>
<td>1</td>
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<td>1</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heath</td>
<td>Larry</td>
<td>Gene</td>
<td>White</td>
<td>White</td>
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<td>1</td>
<td>1</td>
<td>1</td>
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<tr>
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<td>Jimmy</td>
<td>Lee</td>
<td>Black</td>
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<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td>Rickey</td>
<td>Ray</td>
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<td>4</td>
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<td></td>
</tr>
<tr>
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<td>Joseph</td>
<td>Carl</td>
<td>White</td>
<td>White</td>
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<td>1</td>
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<td>X</td>
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<tr>
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<td>Patrick</td>
<td>White</td>
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<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Williamson</td>
<td>Ronald</td>
<td></td>
<td>White</td>
<td>White</td>
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<td>1</td>
<td>1</td>
<td>1</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Willie</td>
<td>Robert</td>
<td>Lee</td>
<td>White</td>
<td>White</td>
<td>2</td>
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<td>1</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td>Cameron</td>
<td>Todd</td>
<td>White</td>
<td>White</td>
<td>3</td>
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<td>3</td>
<td>3</td>
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<td>Totals</td>
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<td></td>
<td></td>
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<td>38</td>
<td>6</td>
<td>29</td>
<td>9</td>
<td>6</td>
<td>12</td>
<td>9</td>
<td>5</td>
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</table>

Table Two lists the aggravating evidence used in each murderer’s case. The 11 aggravating factors were rape, heinous/atrocious, kidnapping, armed robbery, the killing of a police officer, revenge, necrophilia, and financial. The thirteen selected newsworthy murderers committed a total of 26 aggravating factors. The aggravating factor of rape was associated with three out of 26 (11 percent). Heinous and atrocious occurred four out of the 26 times (15 percent).

Larrry Heath was the only one that was charged with trying to avoid prosecution, which resulted in four percent. Three murderers were charged with kidnapping, which reflected 11.5 percent overall. Armed robbery was committed three times for 11.5 percent as well. I found this to be surprising as I expected the number to be higher.

James Bulger was the only murderer whose aggravating factor was organized crime, which equated to four percent overall. Troy Davis, Rickey Rector, and Joseph Shaw were each convicted of murdering a police officer and received the death penalty, which is reflected in Table One, resulting in 11.5 percent. Four out of 26 (15 percent) aggravating factors were for revenge. Joseph Shaw was the only murderer charged with necrophilia, which resulted in four...
percent of the sample. Michael Cervi was the only murderer convicted of murder for financial gain, which was only four percent of the sample.

James Bulger, Rickey Rector, and Ronald Williamson each had a total of two aggravating factors, which was eight percent. Joseph Shaw was the only murderer that had more than three aggravating factors with a total of six aggravating factors (23 percent); one aggravating factor was for necrophilia, which is normally associated with serial killers.

Table Two
Aggravating Factors for Selected Newsworthy Murderers

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Rape</th>
<th>Heinous</th>
<th>Atrocious</th>
<th>Avoid Prosecution</th>
<th>Kidnapping</th>
<th>Armed Robbery</th>
<th>Organized Crime</th>
<th>Killing of Police Officer</th>
<th>Revenge</th>
<th>Necrophilia</th>
<th>Financial Gain</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>X</td>
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<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<tr>
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<td>Michael</td>
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<td></td>
<td></td>
<td>X</td>
<td></td>
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<td>Davis</td>
<td>Troy</td>
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<td></td>
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<td></td>
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<td>Judy</td>
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<td>Joseph</td>
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<td>3</td>
<td>4</td>
<td>1</td>
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<td>26</td>
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</tbody>
</table>

Table Three below shows all of the mitigating factors used in these murder cases, which included having no prior criminal record, history of abandonment, family history of abuse, alcohol and drugs, depression, and mental illness. The thirteen murderers only had a total of ten mitigating factors related to their cases. Mitigating factors no prior criminal record, alcohol, and mental illness each constituted 20 percent. The remaining mitigating factors: history of abandonment, family history of abuse, drugs, and depression each constituted ten percent.

I would have expected the percentages to be higher for alcohol, drugs, depression, and mental illness. One explanation for the low numbers of depression and mental health could be attributed to undiagnosed cases.
Judy Haney and Donald Thomas each had two mitigating factors in their murder cases for 20 percent each. Joseph Shaw had six mitigating factors for a total of 60 percent. While Shaw had six mitigating factors in his favor, he also had six aggravating factors that outweighed the mitigating evidence presented. The ten mitigating factors listed in Table Three equates to 38 percent, while the 26 aggravating factors listed in Table Two equates to the remaining 62 percent.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>No Prior Criminal Record</th>
<th>History of Abandonment</th>
<th>Family History of Abuse</th>
<th>Alcohol</th>
<th>Drugs</th>
<th>Depression</th>
<th>Mental Illness</th>
<th>Total</th>
</tr>
</thead>
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<td></td>
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<tr>
<td>Cervi</td>
<td>Michael</td>
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<td>0</td>
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<td>Troy</td>
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**Juvenile Murderers**

This section will analyze two depictions of juveniles who murdered and received life without parole sentences. The first report was published by Human Rights Watch and argues against juvenile life without parole. The second report was published by the Heritage Foundation and argues in favor of juvenile life without parole.

Wilson (2000) states that between January 1, 1973 and June 30, 2000, 17 juveniles were executed. All except one were 17-years-old, the other was 16-years-old at the time of the crime. There were nine whites, seven blacks, and one Latino (Wilson, 2000). Nine juveniles were from Texas, three from Virginia, and one each from South Carolina, Louisiana, Missouri, Georgia, and Oklahoma (Wilson, 2000). The first known juvenile to be executed in the United States was
Thomas Graunger who was found guilty of bestiality in 1642 in Plymouth Colony, Massachusetts (Wilson, 2000).

Nathan Leopold

At the time of the murder, Leopold was 19-years-old and his accomplice, Richard Loeb, 18-years-old (Historic Cases of Teen Killers). Both were highly intelligent with Leopold having an IQ of 210; he also spoke his first word when he was only four months old (Historic Cases of Teen Killers). At the time of the murder Leopold had already graduated college Phi Beta Kappa and had started law school at the University of Chicago, with the intention of transferring to Harvard Law School that fall (Historic Cases of Teen Killers). Loeb was the youngest graduate in University of Michigan’s history (Historic Cases of Teen Killers). Loeb also planned to attend the same law school in Chicago as his friend Nathan Leopold (Historic Cases of Teen Killers). Leopold could speak four languages and claimed to have studied 15 languages in all (Historic Cases of Teen Killers).

Leopold and Loeb believed they were so smart they could commit the “perfect crime” and get away with it (Historic Cases of Teen Killers). Leopold had written to Loeb stating ordinary laws governed common men but not those with superior qualities like them; therefore they were exempt because of their high intellect (Historic Cases of Teen Killers). In other words, Leopold believed that because of superior intelligence, he could kill anyone he wanted and not be held accountable for his actions. Leopold and Loeb were found guilty and sentenced to life for the murder of a 14-year-old boy who lived in the same wealthy Jewish neighborhood as his murderers (Historic Cases of Teen Killers).

Leopold Overview. Other than talking about how intelligent these two young men were and their aspirations of going to Ivy League law schools and coming from wealthy families, the
article does not tell us anything else about them. Here we have two white, rich, smart, young men with very bright futures ahead of them but because they felt they were above the law, they threw their lives away.

It appears that class, race, and intelligence were factors influencing the author to write about Leopold and Loeb. Whereas many murderers are lower class, minority, and have less than average intelligence, these two were just the opposite. Perhaps the ultimate reason is the arrogance these two men displayed. They thought that they could commit the perfect murder and get away with it due to their superior intelligence. Finally, the myth of the “perfect murder” is a theme that pervades fictional detective stories. Here, real life mirrored fiction.

This next section will discuss several juvenile murderers whose cases were reported by Stimson and Grossman in “Adult Time for Adult Crimes”. This is a report on juvenile murderers who received life without parole sentences. As will be shown, it is apparent that the authors had a clear agenda in reporting these cases.

**Andre Contreras**

Contreras, a 16-year-old Hispanic gang member, stole a car and used it to commit a drive by shooting (Stimson & Grossman, 2009). He and his friends went the next day to purchase ammunition for his rifle (Stimson & Grossman, 2009). As they were driving, they saw a rival gang member outside of his apartment and flashed him a gang sign; the other guy gave them the finger (Stimson & Grossman, 2009). They drove around the block again and returned while Contreras’ friend fired the rifle at the rival gang member but missed (Stimson & Grossman, 2009). Contreras’ and his friend then saw two young boys filling up their mother’s car with gas and decided to shoot them (Stimson & Grossman, 2009). Stimson & Grossman (2009) then states
that they fired shots at the two young boys, striking the oldest one, 15-years-old, in the chest, killing him.

Ralph David Cruz

Cruz, a 16-year-old Hispanic male, tried to carjack a young mother with her two small children in the car. She refused to give him the car and he shot her once in the head and twice in the chest (Stimson & Grossman, 2009). Stimson and Grossman then describe how Cruz pulled her lifeless body from the car and proceeded to run over her dead body with her car while her two children remained inside (Stimson & Grossman, 2009). The bodies of the two young children were found in the desert 30 minutes later by a civilian; both had been shot in the head (Stimson & Grossman, 2009).

His mother noticed the rims from the news about the murder and called the police on her son (Stimson & Grossman, 2009). After the police searched the house, they found the tires, rims, and the gun used to kill the family of three (Stimson & Grossman, 2009). Cruz received two life without parole sentences for the murders of the young children and life with the possibility of parole after serving 25 years for the murder of the young mother (Stimson & Grossman, 2009).

David Garcia

Garcia, a 17-year-old Hispanic gang member, shot at a rival gang member who fled into a garage for cover (Stimson & Grossman, 2009). A fellow gang member of Garcia’s tried to open the garage door to allow Garcia to shoot the rival gang member. Garcia shot once nearly hitting a sleeping baby before walking back to his car (Stimson & Grossman, 2009). Before he got inside the car, Garcia fired one more shot toward the garage door, but just at that moment his fellow gang member stepped in front of the bullet, killing him instantly (Stimson & Grossman, 2009). He was sentenced to life without parole (Stimson & Grossman, 2009).
**Sarah Johnson**

Johnson, one of two juvenile females, was 16-years-old when she murdered both of her parents out of revenge for grounding her (Stimson & Grossman, 2009). She was dating a 19-year-old illegal alien and her parents did not approve of the relationship (Stimson & Grossman, 2009). Johnson shot her mother in the head with a rifle as she slept and as her father was getting out of the shower she shot him in the chest at close range (Stimson & Grossman, 2009). Johnson claimed she thought her parents were going to have her boyfriend deported for statutory rape (Stimson & Grossman, 2009).

**Ashley Jones**

Jones, a 14-year-old female, was always staying out late at night partying and hanging out with her boyfriend who the parents disapproved of her seeing (Stimson & Grossman, 2009). She stabbed her father and pregnant mother but they survived (Stimson & Grossman, 2009). The parents decided to send her and her sister to go live with her maternal grandparents (Stimson & Grossman, 2009). They were very strict with her and grounded her for sneaking out to see her boyfriend (Stimson & Grossman, 2009).

Jones and her boyfriend decided that they were going to “kill everyone in the house, set it on fire, and take their money” (Stimson & Grossman, 2009). They planned every detail of their crime, stealing two guns her grandfather owned and taking them to another location to be used later (Stimson & Grossman, 2009). Jones mixed nail polish remover, rubbing alcohol, and charcoal lighter fluid to be used for setting the house on fire (Stimson & Grossman, 2009).

Two days later after the family was settled in for the evening, Jones called her boyfriend and told him to bring the weapons over to the house (Stimson & Grossman, 2009). Stimson and Grossman (2009) describe the brutal murders of Jones’ grandfather and aunt and the attempted
murders of her grandmother and younger sister. The boyfriend shoots the grandfather in the face twice; he stumbles to the kitchen still alive (Stimson & Grossman, 2009). Jones then goes into her aunt’s bedroom where she is sleeping and shoots her three times (Stimson & Grossman, 2009). The boyfriend sees that she is still breathing so he hits her in the head with a portable heater, stabs her in the chest, and attempts to set the room on fire (Stimson & Grossman, 2009).

The sound of gunshots awakens the grandmother who gets out of bed to see what is going on and Jones shoots her in the shoulder with her last bullet (Stimson & Grossman, 2009). When Jones and her boyfriend go back into the den, they see that her grandfather is still alive in the kitchen (Stimson & Grossman, 2009). They both grab knives and begin to stab him over and over again, leaving one knife sticking out of his back (Stimson & Grossman, 2009). Jones takes the charcoal lighter fluid and pours it on her grandfather and sets him on fire (Stimson & Grossman, 2009).

The screams of her burning grandfather awaken Jones’ 10-year-old sister who comes running out to the kitchen to see this horrific sight (Stimson & Grossman, 2009). Jones’ grandmother finds her way to the kitchen trying to find her husband and then Jones stabs her in the face with an ice pick (Stimson & Grossman, 2009). Jones takes the remainder of the charcoal lighter fluid and pours it on her grandmother and sets her on fire and watches (Stimson & Grossman, 2009).

The young girl tries to escape but Jones grabs her and starts hitting her (Stimson & Grossman, 2009). Jones’ boyfriend then shoves the gun into her face and threatens to kill her (Stimson & Grossman, 2009). Jones stops him and says she wants to do it herself; she proceeds to stab her little sister 14 times until the little girl pretends to be dead (Stimson & Grossman,
2009). After stealing $300 from her grandfather’s wallet and the keys to his car, they drive away (Stimson & Grossman, 2009).

The news of the horrific night’s events made Jones very angry and when she was arrested the next day, she displayed no emotion or remorse for her actions (Stimson & Grossman, 2009). Jones was found guilty of two counts of capital murder and two counts of attempted murder (Stimson & Grossman, 2009).

**Eduardo Lopez**

Lopez, a 17-year-old Hispanic male, tried to rob a man who turned to run away but slipped on the ice (Stimson & Grossman, 2009). Lopez then shot him in the chest; still he got up and tried to run away (Stimson & Grossman, 2009). Lopez tried to rob another man sitting in his car and the man refused to give him money (Stimson & Grossman, 2009). The man tried to drive away but Lopez ran alongside the car and stabbed him in the neck, killing him (Stimson & Grossman, 2009).

A police officer was out looking for him later that evening when he spotted him and ordered him to stop (Stimson & Grossman, 2009). As the officer ordered Lopez on his knees, the officer holstered his weapon (Stimson & Grossman, 2009). Lopez hit him with the handrail and was arrested (Stimson & Grossman, 2009). Lopez was sentenced to life without parole (Stimson & Grossman, 2009).

**Jesus Mandujano**

Mandujano, a 17-year-old Mexican gang member, burglarized a home while the homeowner was still home (Stimson & Grossman, 2009). As the homeowner ran into the bedroom and shut the door, Mandujano shot through the door, killing the man instantly (Stimson & Grossman, 2009). A few months later, Mandujano burglarized another home while the
occupants were home (Stimson & Grossman, 2009). He pistol-whipped some of the men inside and forced two women to undress and threatened to cut off their breasts if they did not take their clothes off (Stimson & Grossman, 2009). He then raped one of the women (Stimson & Grossman, 2009). Stimson and Grossman (2009) never mention if Mandujano was sentenced.

**Donald Torres**

Torres, a 14-year-old Hispanic male, breaks into a neighbor’s house and then douses it in kerosene and sets it on fire (Stimson & Grossman, 2009). A family of four, including a four-year-old boy and a one-and-a-half-year-old girl were killed in the blaze while Torres stood outside and watched it burn (Stimson & Grossman, 2009). He bragged about his crimes to three of his friends (Stimson & Grossman, 2009). When the police questioned him a couple of months later, he told them it was for revenge because the father had accused him of teaching his young son to play with matches; he also admitted he knew the rest of the family was inside at the time (Stimson & Grossman, 2009). Torres was sentenced to eight consecutive terms of life without parole (Stimson & Grossman, 2009).

**Norman Willover**

Willover, a 17-year-old gang member, had recently escaped from a juvenile rehabilitation center and purchased a semiautomatic handgun (Stimson & Grossman, 2009). Willover and a few other gang members decided they were going to rob someone, when two young women were walking by the wharf (Stimson & Grossman, 2009). The men started following them in the car and the guys started doing catcalls; the women ignored the guys (Stimson & Grossman, 2009). Willover pointed his gun and shot one in the back, killing her, and the other in the head and arm (Stimson & Grossman, 2009). Willover was sentenced to life without parole (Stimson & Grossman, 2009).
Adult Time for Adult Crimes Overview. A careful reading of the Stimson and Grossman report clearly suggests that they had an agenda, namely, to present a report that offers strong support for life without parole sentences for juvenile murderers. On the one hand, they offer the brutal details of each murder. On the other hand, they offer no information about the background of each juvenile. The reader gets to know the suffering of each victim but has no idea if the murderer had suffered abuse, neglect, educational deficits, mental illness, or any other factor that may have contributed to the murder he committed.

The Supreme Court has ruled that death penalty sentencing requires an individualized consideration of each defendant. Stimson and Grossman completely ignore that Supreme Court mandate in their depiction of these juvenile murderers. These authors chose to characterize each juvenile as a monster with no redeeming features.

Analysis of Juvenile Murderers

When I Die...They’ll Send Me Home (2008) a report published by the Human Rights Watch opposes life without parole for juveniles. This report discusses how juveniles in California are sentenced to death although the death penalty for juveniles was found to be unconstitutional by the Supreme Court in 2005 (When I Die, 2008). Juveniles are sentenced to life without parole and will die inside the California prisons.

When I Die (2008) states that there are almost 2,380 offenders that have been sentenced to life without parole compared to only seven known in the rest of the world. California law allows juveniles as young as 14-years-old to be sentenced to life without parole and all but a few are boys (When I Die, 2008). In California, just over 40 percent of juveniles serving life without parole are 16-years-old; 55 percent are 17; and four percent were 14-15-years-old when they committed the crime (When I Die, 2008).
This Human Rights Watch survey of juveniles in California prisons found that almost three out of four juveniles had strong family and community ties, which is a positive factor for rehabilitation (When I Die, 2008). Just over 70 percent lived with one or both parents while just over 10 percent said they were living with other family members (When I Die, 2008). Six percent were homeless, four percent were staying with friends, and 1.6 percent were in foster care when they committed the crime (When I Die, 2008). Almost 80 percent stated they received visits from family members during their incarceration (When I Die, 2008).

The 17-years-old and younger in California have been convicted of murder (When I Die, 2008). The homicide rate committed by juveniles between the ages of 14 to 17 peaked in 1993 and has progressively decreased every year since then (Fagan and West, 2005). According to the When I Die (2008) report, most Californians believe that the most severe punishments are only given to the worst of the worst offenders, however, that is not always true. Human Rights Watch conducted research not only in California but also across the country and discovered that juveniles have been sentenced to life without parole for a wide range of crimes, not just murder (When I Die, 2008). Human Rights Watch found that almost 60 percent of juveniles sentenced to life without parole were first-time offenders (When I Die, 2008).

Human Rights Watch conducted a survey in 2007 of juveniles serving life without parole and found that 45 percent had not even been the one to commit the actual murder for which they were convicted (When I Die, 2008). Examples they gave of juveniles serving life without parole for something other than murder were being a look-out while another person stole a car, sitting inside the getaway car during a burglary, or committing a burglary in which murder was not intended to happen (When I Die, 2008). Even though they may not have been the one that pulled
the trigger and directly killed someone, they were held responsible for their partner’s actions because they had committed a felony such as burglary or robbery (When I Die, 2008).

The law in California does not take into consideration the legal status of juveniles at the time the crime was committed (When I Die, 2008). Although anyone under the age of 18 cannot legally sign a rental contract to rent a car is unable to legally purchase cigarettes or alcohol, or vote, California still holds juveniles accountable to the same degree as adults (When I Die, 2008). In other words, if juveniles do an adult crime, they can expect to do adult time in California.

When I Die (2008) states that under California law, “a judge must sentence a 16-year-old to life without parole if he or she was convicted of murder with special circumstances”. Some of these special circumstances are murder committed in the commission of a felony, any murder related to gang violence, murder for financial gain, and lying in wait (When I Die, 2008). However, according to Human Rights Watch, special circumstances are not always reliable indicators that speak to the level of violence involved, premeditation, or culpability of the murder (When I Die, 2008).

Most juvenile death sentences between 1990 and 2003 came from Texas, Florida, and Alabama (Fagan and West, 2005). Fagan and West (2005) stated that out of 340 exonerations, there were 33 juveniles among that number, 23 of those were for murder. Fourteen of the 33 juveniles were exonerated due to false confessions compared to only 13 percent of adults (When I Die, 2008).

Life without parole for juveniles was enacted in 1990 but there had been medical advances in neuroscience that have established scientific proof that juveniles continue to develop and grow in ways that make them amenable to rehabilitation (When I Die, 2008). Before their brains have fully developed, juveniles are more prone to take risks without much thought to the
long-term consequences of their actions (When I Die, 2008). Juveniles are likely to grow out of their risk-taking and criminal behavior as they mature and get older (When I Die, 2008).

The frontal lobe in juveniles is dramatically different than in young adults (When I Die, 2008). The frontal lobe is responsible for cognitive processing, which helps us to plan and strategize and form our thoughts and actions (When I Die, 2008). There is one part of the frontal lobe, the dorsolateral prefrontal cortex that does not reach full maturity until we are in our twenties (When I Die, 2008). The dorsolateral prefrontal cortex helps us to control our impulses and give us the ability to weigh the consequences of our actions (When I Die, 2008).

According to When I Die (2008) report, California not only unjustly punishes juveniles in light of scientific evidence, but they apply the law unjustly as well. In California, 85 percent of all juveniles sentenced to life without parole are minorities (When I Die, 2008). Seventy-five percent of the 85 percent are blacks or Hispanics (When I Die, 2008). Blacks are 18.3 times more likely to be sentenced to life without parole than whites and Hispanics are five times more likely than whites to receive a life without parole sentence (When I Die, 2008). California ranks number one for having the worst record when it comes to racial disproportionate sentencing (When I Die, 2008).

Not only is California’s criminal law in need of overhaul but also the costs associated with housing juvenile offenders until their death are extreme. According to When I Die, (2008) from the time juvenile life without parole was enacted in 1990 until the date of the article, California had spent between 66 and 83 million dollars on housing juvenile offenders (When I Die, 2008). Each new juvenile sentenced to life without parole will increase that total by two million dollars (When I Die, 2008).
Rovner (2016) states that the national cost of housing juveniles for life is $34,135 per day per offender and that cost basically doubles once the offender is 50-years-old. This means that a 16-year-old juvenile offender that serves at least 50 years will cost about $2.25 million (Rovner, 2016). Multiply this amount by the total number of juvenile offenders and the cost is astronomical.

Rovner (2016) states there are approximately 2,500 offenders who will be convicted for homicide-related crimes, serving life without parole sentences that were handed down while they were still juveniles. If we were to assume that every one of the juvenile offenders served at least 50 years and nothing more, it would cost taxpayers $5.65 billion. With law enforcement agencies having to do more with decreasing budgets, it is easy to see that housing juveniles for longer periods of time is not cost effective and can cause counties, states, and the federal government to go bankrupt.

While many victims’ families may support sentencing juveniles to life without parole, juveniles do have support from all victim families. This may be unexpected but some disagree with the policies. For example, Azim Khamisa, the father whose son was killed by a juvenile offender, believes that throwing a young juvenile in prison and throwing away the key is barbaric, senseless, and serves no purpose (When I Die, 2008). Khamisa cites Gandi who said, “An eye for an eye will make the whole world blind” (When I Die, 2008).

Starting in 2012, juveniles sentenced to life without parole were given a ray of hope. The Supreme Court made a decision in the landmark case of Miller v. Alabama stating, “mandatory life in prison without parole for juveniles violated the Eighth Amendment, even in homicide cases” (Dunn, 2016). Upon this ruling, courts all across the country pondered if this was retroactive to all previously sentenced juveniles to life without parole (Dunn, 2016). By limiting
the use of life without parole, it guarantees offenders the opportunity to be released, but it does not actually guarantee release (Rovner, 2016). States and the federal government are now required to take into consideration the unique circumstances of each individual case to determine the appropriate sentence as of the 2012 Supreme Court ruling in the Miller v. Alabama case (Rovner, 2016).

In 2016, the Supreme Court’s ruling in the case of Montgomery v. Louisiana ensured that the 2012 Miller v. Alabama ruling was made retroactive (Rovner, 2016). Four states, Louisiana, Michigan, Pennsylvania, and Minnesota believed that it was not to be retroactively applied to previous cases (Dunn, 2016). However, there were nine states that did believe the new ruling was to be applied retroactively (Dunn, 2016). On January 25, 2016, the Supreme Court ruled that the ruling was to be applied retroactively (Dunn, 2016). This meant that over 2,000 offenders convicted when they were juveniles would be affected (Dunn, 2016).

If every one of these cases had to be resentenced that would cause a major hurdle for the criminal justice system because years ago states did not record the facts that would be required for discretionary sentencing hearings at the initial hearing (Dunn, 2016). Some of these cases go back to the 1950s (Dunn, 2016). Realizing the problems states would encounter, the Supreme Court explained that not every defendant would need to be resentenced; instead states could consider parole but must ensure the defendant does not serve a disproportionate sentence (Dunn, 2016).

After the Supreme Court ruling in Miller v. Alabama, 26 states changed their laws concerning juveniles convicted of murder, including felony murder (Rovner, 2016). These new laws on sentencing ranged from the possibility of parole after 15 years in some states and 40
years in other states (Rovner, 2016). There were still 32 states that allowed juveniles to be sentenced to life without parole (Rovner, 2016).

When juveniles were given mandatory life without parole sentences, the consideration of mitigating evidence was not allowed, such as age, history of abuse, or neglect (Dunn, 2016). Mandatory sentencing also failed to recognize the mental and emotional development of juveniles, whether or not they actually participated in the crime, and the possibility of rehabilitation (Dunn, 2016). Life without parole is still a sentencing option for juvenile offenders; however, juries must also weigh mitigating factors that make juveniles different from adults who commit the same crimes (Dunn, 2016).

Unlike the report, *When I Die*, (2008) that opposes life sentences for juveniles, Stimson and Grossman (2009) favor life without parole for juvenile offenders, as is inferred from the title *Adult Time for Adult Crimes*. Stimson and Grossman (2009) state that activists have alleged that the number of juveniles serving life without the possibility of parole in the United States is around 2,225. However, these authors claim that is not true. Stimson and Grossman (2009) disagree with activists that believe we do not need juvenile life without the possibility of parole sentences. The authors state that the number of juveniles that commit violent crimes in the United States is equal to “the next seven highest countries combined” (Stimson & Grossman, 2009). American juvenile murders ranks third in the world and 14th per capita. Only six other countries comes close to these statistics and they are Panama, Philippines, Kazakhstan, Paraguay, Cuba, and Belarus (Stimson & Grossman, 2009).

Stimson and Grossman (2009) refer back to the Constitution to prove that because juveniles are not given life without parole sentences for minor crimes, that punishment will never be disproportionate to the severity of the crime (Stimson & Grossman, 2009). They also
emphasize that the Constitution does not ban the use of life without parole for juveniles, disagreeing with the activists’ argument that it is cruel and unusual punishment (Stimson & Grossman, 2009).

The United States has more juvenile crimes than any other country in the Western Hemisphere and has for decades (Stimson & Grossman, 2009). In a 25-year span from 1980 to 2005, the number of juveniles arrested for murder was an alarming 43,621. Furthermore, nearly 110,000 juveniles were arrested for rape, over 800,000 for robbery, and over 1.2 million for aggravated assaults (Stimson & Grossman, 2009). Even the worst of the worst violent juvenile offenders cannot be sentenced to death; the maximum they can be given in 43 states and the federal government is life without the possibility of parole (Stimson & Grossman, 2009).

Opponents of juvenile life without parole believe that the United States is the only industrialized country that still sentences their juveniles to life sentences; however that is not true (Stimson & Grossman, 2009). In fact, Stimson and Grossman (2009) state that there are at least 11 other countries that continue to sentence juveniles to life. A couple of goals for those that favor banning life sentences for juveniles include reducing prison overcrowding and also preventing those that were only accomplices at the time of the crime from serving life sentences (Stimson & Grossman, 2009).

The authors also disagree with the activist’s insistence that most juveniles have their cases turned over to adult courts (Stimson & Grossman, 2009). In fact, they state that most juvenile cases remain in the juvenile justice system (Stimson & Grossman, 2009). However, there are instances when juvenile cases should be remanded over to the adult court because of the seriousness of the crime (Stimson & Grossman, 2009). But these cases are few and far between and not the norm, as the activists would have us believe (Stimson & Grossman, 2009).
Those against juvenile life sentences believe that “children should never face severe adult sentences” and that it is unconstitutional (Stimson & Grossman, 2009). They insist on calling them “children” instead of “juveniles” (Stimson & Grossman, 2009). Instead of focusing on the facts of the case, they overlook the evidence of the brutality and violence juveniles commit and show sympathy for them (Stimson & Grossman, 2009).

*When I Die* was published by Human Rights Watch, which is a liberal leaning, anti-life without parole organization. The report presents and emphasizes extenuating circumstances and mitigating background information on the defendants. In every other facet of their lives, juveniles are not allowed to buy alcohol, cigarettes, or vote because we as a society have deemed them too young and immature to assume that kind of responsibility; yet when they commit crimes, even those as heinous as murder, some believe that they should be locked up in prison for the remainder of their lives and the key thrown away. It makes no sense, on one hand, to say they are immature and cannot handle the responsibility that goes along with their choices but yet hold them to a different standard when it comes to their criminal behavior. If anyone under the age of 18-years-old is too immature to make the choice to drink, smoke, or vote, how can they be mature enough to understand the life or death consequences of their actions at the same age? Either they are mature enough to make their own decisions or they are not, but we cannot have it both ways.

Stimson and Grossman take a different approach and believe that juveniles should be held accountable for their actions to the fullest extent of the law. Stimson and Grossman present the facts of the murder in as brutal a fashion as possible. They focus on the criminal act itself without any consideration of the mitigating factors. They believe that if a juvenile commits an adult crime, they should pay by serving adult time. If you cannot do the time, do not do the
crime. Both reports are written and sponsored by think tanks with an agenda, supporting their point of view.

Table Four displays factors about nine juvenile murderers, who were discussed in two articles. The two articles I used did not contain any mitigating factors so there is no table included for mitigating evidence. Aggravating factors included the number of murdered victims, gang related, revenge, rape or attempted rape, family violence, robbery or attempted robbery, assault of police officer, stranger violence, and for thrills.

The mean age was 16.25 years old and the ages ranged from 14 to 19. Six out of nine (67 percent) murderers were Hispanics, two out of nine (22 percent) murderers were white, and one of the nine murderers (11 percent) was black. Four out of nine victims (44 percent) were Hispanic, four out of nine victims (44 percent) were white, and one of the nine victims (11 percent) was black. All but two (78 percent) murdered within their own race. The other two cases (22 percent) were Hispanic murderers with white victims.

Nine juvenile murderers killed a total of 23 victims for a mean of 2.55 each and ranged from one victim to four victims. Out of my overall sample size of 32 murderers, including serial killers, Ashley Jones was the youngest. When the nine juvenile murderers and the 13 selected newsworthy murderers were combined, Jones’ case was the cruelest, most heinous and atrocious murder; her victims were her immediate family members and included shooting, stabbing, and setting her victims on fire while still alive.

Table Four shows juvenile murderers within this sample were charged with a total of 18 aggravating factors. Garcia and Torres were each charged with one aggravating factor (6 percent); Leopold and Mandujano were each charged with three aggravating factors (17 percent each); the remaining five were each charged with two aggravating factors (11 percent each).
Four out of the 18 murderers (22 percent) were gang related. Three out of 18 (17 percent) were charged with seeking revenge. One out of 18 (six percent) was connected to rape or attempted rape. Two out of 18 (11 percent) involved family violence. One out of 18 (six percent) involved robbery or attempted robbery. One out of 18 (six percent) involved the assault of a police officer. Five out of 18 (28 percent) were charged with violence against a stranger. One out of 18 (six percent) was charged with murdering just for thrills.

Table Four

| Last Name | First Name | Age | Race of Defendant | Race of Victim(s) | # of Murdered Victims | Gang Related | Revenge | Rape Attempted Rape | Family Violence | Robbery Attempted Robbery | Assault of Police Officer | Stranger Violence | For Thrills | Totals |
|-----------|------------|-----|-------------------|------------------|----------------------|--------------|---------|---------------------|----------------|-------------------------|-----------------------|----------------|-----------|
| Contreras | Andre      | 16  | Hispanic          | Hispanic         | 3                    |              |         |                     |                 |                         |                       |                |           |
| Cruz      | David      | 16  | Hispanic          | Hispanic         | 3                    |              |         |                     |                 |                         |                       |                |           |
| Garcia    | David      | 17  | Hispanic          | Hispanic         | 4                    |              |         |                     |                 |                         |                       |                |           |
| Johnson   | Sarah      | 16  | White             | White            | 2                    |              |         |                     |                 |                         |                       |                |           |
| Jones     | Ashley     | 14  | Black             | Black            | 4                    |              |         |                     |                 |                         |                       |                |           |
| Leopold   | Nathan     | 19  | White             | White            | 1                    |              |         |                     |                 |                         |                       |                |           |
| Mandujano | Jesus      | 17  | Hispanic          | Hispanic         | 2                    |              |         |                     |                 |                         |                       |                |           |
| Torres    | Donald     | 14  | Hispanic          | White            | 4                    |              |         |                     |                 |                         |                       |                |           |
| Wilhover  | Norman     | 17  | Hispanic          | White            | 3                    |              |         |                     |                 |                         |                       |                |           |
| Average   |            | 16.25 | Total           | Total            | 23                   | 3            | 3       | 1                   | 2               | 1                       | 1                     | 44             | 1         | 18       |

Serial Killers

This section will present case histories of selected serial killers.

Rodney Alcala

Montaldo (2016) discusses serial killer Rodney Alcala and how he evaded getting caught for 40 years. Alcala is convicted of raping, torturing, and murdering four women (Montaldo, 2016). He once appeared on “The Dating Game” where he won a date with a woman but it never happened because she found him to be creepy (Montaldo, 2016). Alcala’s father abandoned the family when he was a child leaving his mother to raise him and his sisters by herself (Montaldo, 2016).

At the age of 17-years-old, Alcala joined the Army and was in four years before being medically discharged for severe anti-social personality (Montaldo, 2016). In 1968 he earned his Bachelors degree in 1968 from UCLA; the same year he tried to kill his first victim (Montaldo,
Later that same year, Alcala was caught raping an eight-year-old girl (Montaldo, 2016). The little girl had been on her way to school when Alcala lured her into his car; a nearby motorist thought something was wrong and followed them back to his apartment and called the police (Montaldo, 2016). Alcala raped and beat the little girl and then tried to strangle her with a 10-pound metal bar (Montaldo, 2016).

The police arrived, kicked in the door, and found the little girl lying unconscious on the kitchen floor in a puddle of blood (Montaldo, 2016). While trying to revive her, Alcala was able to slip out the backdoor and escape capture (Montaldo, 2016). The police searched his apartment and found several pictures mostly of young girls (Montaldo, 2016). Montaldo (2016) reports Alcala fled to New York where from 1968 to 1971 he lived undetected and in plain sight even though he was on the FBI’s most wanted list. During the summer of 1971, two young girls recognized his picture from a wanted poster they had seen at the post office and called the police and he was arrested (Montaldo, 2016).

Alcala was returned to California to stand trial for the rape of the eight-year-old girl (Montaldo, 2016). But the victim’s family had relocated to Mexico after the incident and would not come back to testify (Montaldo, 2016). The prosecution had no choice without the key witness in the case but to offer Alcala a plea deal; plead guilty to child molestation and all other charges, including attempted murder, would be dropped (Montaldo, 2016). He accepted the plea deal and served 34 months before being paroled (Montaldo, 2016).

Montaldo (2016) says that Alcala violated his parole within two months of getting out when he gave 13-year-old girl marijuana; the girl claimed she had been kidnapped but he was not charged (Montaldo, 2016). In November 1977, he raped, sodomized, and murdered an 18-year-old girl.
old woman using a large rock to smash in her face and then strangled her tying her belt and pant leg around her neck (Montaldo, 2016).

One month later he raped, sodomized, and murdered a 27-year-old nurse, using a hammer to rape her and then using the claw end of the hammer to beat and smash her face in (Montaldo, 2016). He then used a pair of nylon stockings to strangle her and left her body posed inside her apartment (Montaldo, 2016). Alcala would wait eighteen-months before striking again. In June of 1979, he raped, beat, and murdered a woman by using a shoelace from her shoes to strangle her (Montaldo, 2016). His need to kill escalated because in June, he killed three women. Alcala approached two 12-year-old girls and asked if they would pose for some pictures (Montaldo, 2016). A neighbor could tell something was wrong and asked the girls if they were ok; that is when one of the girls ran off (Montaldo, 2016). But later, Alcala kidnapped and murdered one of the little girls and dumped her body in the mountains to be scavenged by animals (Montaldo, 2016).

After his latest murder, he rented a storage locker in Seattle where the police found hundreds of photos of young women and children along with trophies he had taken and kept from his victims (Montaldo, 2016). The motives behind Alcala’s murders were sexual in nature and they were savagely violent and abusive (Montaldo, 2016). Montaldo (2016) compares the similarity between Alcala and other serial killers like Ted Bundy and Gary Ridgway. Alcala is suspected of murdering more than 100 people (Montaldo, 2016). Alcala represented himself at trial and the jury convicted and sentenced him to death (Montaldo, 2016).

Alcala Overview. I believe the author supports the death penalty because of his graphic description of the murders; especially, the killer using a clawhammer to rape and murder one of his victims. The only mitigating evidence the author offers is that Alcala’s father abandoned him
as a small child. He does not mention if he suffered from any mental illness; maybe he does not know. Montaldo seems to be in awe of how Alcala was able to hide in plain site for 40 years.

David Berkowitz

David Berkowitz, one of the most notorious serial killers of all time, was known as “The Son of Sam” for having killed six people and wounding many others in the 1970s (Newton, 2006). Berkowitz was adopted and lived in a middle-class home in the Bronx (Newton, 2006). Although his adoptive parents loved and doted on him, he felt rejected because his birth mother had given him up for adoption (Newton, 2006). His murders were angry statements against his birth mother, who had died giving birth to him, anger toward his adoptive mother for emotionally abandoning him, and envious toward beautiful women he felt were out of his league (Newton, 2006).

He was big for his age, not very good looking, and kept to himself (Newton, 2006). He was an average student in school with a reputation for being a bully (Newton, 2006). His adoptive mother died of breast cancer when he was only 14-years-old; his father remarried four years later to a woman who did not get along with his now 18-year-old son so they moved to another state, leaving Berkowitz behind (Newton, 2006). Berkowitz joined the Army and became a sharpshooter (Newton, 2006). During his turbulent three years in service, he had his one and only sexual encounter with a prostitute and contracted a venereal disease (Newton, 2006).

After being discharged from the Army, he found out his biological mother was still alive and that he had a sister (Newton, 2006). He visited a few times but his isolation, fantasies, and paranoid delusions had reached a peak (Newton, 2006). He was looking for revenge for past crimes he perceived were done to him; looking for a release to his isolated and unhappy existence (Newton, 2006). Berkowitz suffered not only from guilt and shame, but lacked sincere
and genuine relationships with others, which only encouraged his indifference for authority figures and even his father (Newton, 2006). Berkowitz would write cryptic notes and send them to newspapers (Newton, 2006).

On Christmas Eve in 1975 at the age of 22-years-old, he heard dogs howling in the neighborhood and he took them to be “demons” telling him to go out and kill (Newton, 2006). He was carrying a hunting knife and stabbed a 15-year-old girl six times; fortunately she survived the attack (Newton, 2006). He was not happy or satisfied with his attempt at knifing someone, so he changed his weapon of choice to a 44-caliber gun he felt more comfortable using (Newton, 2006). Most of his victims were women but if men got in his way, he would kill them too (Newton, 2006).

One and a half years later after his first attempt at murder, he shot two women as they sat in their car talking (Newton, 2006). One was shot in the neck and died instantly, the other survived (Newton, 2006). Then almost three months later he shot another couple sitting in a car, this time a man and woman who both survived the attack although the man was struck in the head with one of the bullets (Newton, 2006). Just one month later he shot two women that were walking home; both survived but one was paralyzed (Newton, 2006).

Two months later, he shot a young couple sitting in their car (Newton, 2006). The woman died at the scene and her fiancé survived (Newton, 2006). On March 8, 1977, a young college student was walking home from class and was shot and killed (Newton, 2006). On April 17, 1977, Berkowitz shot and killed an 18-year-old woman and her 20-year-old boyfriend twice (Newton, 2006). Berkowitz left behind a note signed “Son of Sam” (Newton, 2006).

On June 26, 1977, Berkowitz shot a woman three times and a man while leaving a nightclub; fortunately they both survived (Newton, 2006). On July 31, 1977, Berkowitz shot a
man and woman sitting in their car on a lover’s lane (Newton, 2006). The woman died from her injuries and the man lost his eyesight in one eye and partial vision in the other eye (Newton, 2006).

When Berkowitz went to trial, the prosecutors did not seek the death penalty but instead asked for life without parole (Newton, 2006). Berkowitz was interviewed in 1979 by a FBI agent and told him that he invented the “Son of Sam” so that in the event he was ever caught he could use it to plead guilty by reason of insanity (Newton, 2006).

**Berkowitz Overview.** It is likely that Newton chose to write about Berkowitz because the case was highly publicized at the time and thus likely would attract a considerable reading audience. Newton gives a balanced description of the crimes and Berkowitz’s past family history. He shares mitigating circumstances such as abandonment by his birth mother and perceived abandonment by his adoptive parents. However, I think Newton believes that the aggravating evidence outweighs the mitigating evidence but leaves it up to the readers to come to their own conclusion.

**Jerome Henry Brudos**

Jerome Henry Brudos had a fascination with wearing women’s shoes and undergarments as early as five-years-old (Brudos, n.d.). By the time he was 17-years-old, his sexual inclinations turned toward the abnormal, which was triggered by feelings of secrecy, fear, and peculiarity (Brudos, n.d.). After he threatened and assaulted a young girl, he was sent to a psychiatric hospital for evaluation (Brudos, n.d.). He remained hospitalized for nine months and the psychiatrists discovered Brudos was suffering from profound fantasies regarding rage and anger against his mother (Brudos, n.d.).
He had three older brothers and when he was born, his mother had wanted a girl (Brudos, n.d.). His mother forced him to live in the backyard in a shed; later on, this would have long-term consequences of anyone that ended up in his crosshairs (Brudos, n.d.). He was diagnosed with schizophrenia but was still able to graduate high school and become an electronics technician (Brudos, n.d.). He ended up getting a girl pregnant and they married (Brudos, n.d.). But he still had an insatiable appetite for women’s shoes and undergarments (Brudos, n.d.). He would walk the neighborhood at night looking for shoes and underwear he could steal (Brudos, n.d.). This behavior allowed him to act like a girl, which his mother had always wanted (Brudos, n.d.).

He had an ego, believing that he was smarter than the police (Brudos, n.d.). When he was on trial, the prosecutor used this against him by massaging his ego while on the stand asking him hypothetical questions (Brudos, n.d.). He showed no remorse about taking trophies like the cut off breasts, photographs, underwear, and shoes of his victims (Brudos, n.d.). The police found him just 250 miles from the Canadian border, wearing women’s underwear and hiding underneath a blanket in the backseat of a car (Brudos, n.d.). Brudos was given three consecutive life sentences and died in prison of liver cancer (Brudos, n.d.).

**Brudos Overview.** So it appears that the author chose this case as a vivid example of factors that mitigate against the death penalty even if the crime itself was reprehensible. Also, the author may have chosen this case for the sexual undertones it had. The unknown author presents some very important mitigating factors that appear to lessen Brudos’ culpability. He does not let him off the hook but I think the author believes that once the mitigating evidence is considered, Brudos should have gotten life without parole instead of the death sentence.
Ted Bundy

Ted Bundy was a handsome, intelligent man who discovered “dirty magazines” at 13-years-old and became fascinated by them (Dobson, 1989). It was not long until he became addicted to violent pictures of women being tortured and killed (Dobson, 1989). In his mind, it was a logical transition from fantasies to realities. Later on he began to attend law school (Dobson, 1989). School became his hunting grounds for young women. He would lure women into his car using different methods of deception like putting a cast on his leg or arm and trying to carry a bunch of books across the campus (Dobson, 1989).

When he met a woman he found interesting walking by herself, he would “accidently” drop the books and the woman would help him pick the books up and take them to his car (Dobson, 1989). He would then push her into the car, kidnap, rape her, and then dump her body in a place it would not likely be found for months (Dobson, 1989). He would continue to do this for years too come.

During the interview the day before his scheduled execution, Dobson (1989) asked him how he came to be a serial killer seeing as he came from a healthy home. Bundy agreed that he had never been physically, sexually, or emotionally abused and that was the tragedy of the whole situation (Dobson, 1989). Bundy stated that he had come from a two-parent loving Christian home with his four brothers and sisters (Dobson, 1989). As children, they all attended church regularly, his parents never drank, smoked, or gambled (Dobson, 1989). Bundy then told Dobson (1989) how when he was 12 or 13-years-old, he would find pornographic magazines that had been discarded into the trash and some was very hardcore pornography depicting violence and sexual violence in particular (Dobson, 1989).
Bundy made it a point to emphasize that he did not blame pornography for his choices nor did he blame his parents (Dobson, 1989). Bundy told Dobson (1989) that he accepted full responsibility for the vile heinous things he had done. Bundy said that he viewed pornography for about two years before it escalated (Dobson, 1989). He admitted to Dobson (1989) that the inhibitions that had been ingrained in him by the teachings of the church, the environment, school, and neighborhood was not enough to control his compulsion of wanting to hurt someone.

Bundy told Dobson (1989) that he also used alcohol, which helped to reduce his inhibitions while pornography completely took them away forever. Bundy further tells Dobson (1989) that the next day when he wakes up and realizes what he has done, he knows it was wrong in the eyes of the law and in God’s eyes. However, he sees himself as a normal person except for this one small part of himself that he keeps a secret (Dobson, 1989). Dobson (1989) asks Bundy if he has remorse for his actions and Bundy replies he can feel the hurt and pain he has caused the victim’s families but stops short of saying he is sorry (Dobson, 1989).

Bundy goes on to explain that in his opinion cable television shows more violence and especially sexual violence than X-rated adult movies did 30-years ago (Dobson, 1989). These types of shows predispose children to violence, which can cause them to grow up and become another Bundy (Dobson, 1989). When Dobson (1989) asks him about one of his last murders of a 12-year-old girl that he snatched up from a playground, Bundy says he cannot talk about it because it is still too difficult and expresses how he cannot begin to understand the pain her parents and the other victims’ parent felt and knows he can never restore them to normal again (Dobson, 1989). Bundy then says that he does not expect them to forgive him and will not ask for their forgiveness; that kind of forgiveness must come from God (Dobson, 1989).
Dobson (1989) then asks Bundy if he felt he deserved the punishment of the death penalty and Bundy says he does not want to die but that he knows he deserves the most extreme punishment allowable. Bundy also believes that society needs to be protected from him and others like him (Dobson, 1989). But without actually saying the words, he hints that killing him is not going to solve the problem with children having access and exposure to pornography and it is hypocritical to condemn him for what led to his actions when they continue to walk past pornographic magazines and other violence the media talks about (Dobson, 1989).

Ramsland (2013) states that Bundy is capable of being different things to different people; for example, he can get caught lying to someone about something he had just told another and begin to deflect and talk around the subject, in an effort to get out of the lie. Ramsland (2013) describes Bundy as being like a chameleon, which takes a great deal of “mental flexibility that only certain predatory psychopaths possess” (Ramsland, 2013).

Remember in his interview with Dobson, he said he came from a loving Christian home with loving parents, but in the article by Ramsland (2013), his sister was actually his biological mother and he was raised as her brother (Ramsland, 2013). Bundy was born in a home for unwed mothers and raised by his maternal grandparents until he was four-years-old (Ramsland, 2013). Then his biological mother, known to him as his sister, took him to Washington State, and she married a man that would give him his last name (Ramsland, 2013). Bundy would eventually learn the truth of his birth; humiliated for being a bastard, he became insecure and wanted to raise his status (Ramsland, 2013).

Bundy graduated college with honors, while carrying himself very well he dated a beautiful and classy woman (Ramsland, 2013). His friends even thought that he might run for political office (Ramsland, 2013). One of his co-workers from the campaign they had worked on
together recalls Bundy being capable of impressing anyone and she even thought of him as “Kennedy-like” (Ramsland, 2013). Another woman who had been friends with Bundy since 1969 stated that he once pushed her out of a raft they were riding into the icy water and never once attempted to help her back into the raft; she described his face as being blank like he was not even there (Ramsland, 2013).

One day his girlfriend broke up with him and shattered his world (Ramsland, 2013). Bundy was convicted for kidnapping and sent to prison in Colorado but he escaped and went to Florida (Ramsland, 2013). On January 15, 1978, he attacked five women, killing two of them in a sorority house (Ramsland, 2013). It was just one month later that Bundy would rape and murder a 12-year-old girl (Ramsland, 2013).

When Bundy went on trial, he refused to use an insanity defense or accept a plea deal that would give him a life sentence instead of the death penalty in exchange for pleading guilty (Ramsland, 2013). Bundy went so far as to represent himself at trial and received three convictions and death sentences (Ramsland, 2013). On the night before his execution, he admitted to many murders (Ramsland, 2013).

In 1978, the investigator from Pensacola, Florida interviewed Bundy for nearly 40 hours (Ramsland, 2013). Bundy told the investigator that he was a cold son-of-a-bitch (Ramsland, 2013). The investigator determined that Bundy presented three different personalities during the interview: “normal Ted, lawyer Ted, and vampire Ted” (Ramsland, 2013). Normal Ted wanted to be liked and lawyer Ted blamed vampire Ted for all of his problems (Ramsland, 2013).

Bundy was always wanting attention so the detectives made it look like no one was interested in him and Bundy took the bait and demonstrated paranoia and grandiosity, especially when he would describe to the detective how much smarter he was than law enforcement
because he had been able to allude being captured for so long (Ramsland, 2013). To demonstrate his superiority, he told the detective that serial killers go through a developmental process that included experimenting in the beginning, before mastering their skills of not feeling anything (Ramsland, 2013).

First, Bundy would choose a disposal site that provided privacy and then he would go off to hunt victims matching his sexual preferences (Ramsland, 2013). Unlike other serial killers who go after easy targets like prostitutes, Bundy preferred college women who seemed to come from good homes because he perceived this as a way to elevate his status (Ramsland, 2013). Once he found his chosen victim, he would fake an injury, like putting a cast on his arm or leg as mentioned in his interview with Dobson, and take them back to his car, where he would use a crowbar to hit them, knocking them unconscious before handcuffing them inside the car (Ramsland, 2013).

The method he used most often to kill his victims was strangulation during a sexual act but sometimes he would bludgeon or behead the corpses with a hacksaw or cut off their hands (Ramsland, 2013). In his mind, once they were dead, they belonged to him to do with as he pleased (Ramsland, 2013). Many of the victims looked like the girlfriend that had broken up with him earlier; they had long dark hair that was parted in the middle (Ramsland, 2013).

The prosecutor in the 12-year-old girl’s case stated that if Bundy felt like he was in charge, he would strut around like a rooster but if he felt out of control he would become demanding and belligerent (Ramsland, 2013). Bundy considered his murders as his life’s accomplishments and no one cold ever take that away from him; this was the one area of his life he felt like he had total control over (Ramsland, 2013).
A psychologist at the prison said that Bundy believed women were more powerful than men and that his mother was the most powerful person in their family (Ramsland, 2013). The psychologist determined that Bundy suffered from a dependent personality disorder (Ramsland, 2013). A criminal expert found Bundy incompetent to stand trial but the prosecution’s expert disagreed stating that Bundy was a very clever, self-absorbed psychopath who was more than capable of handling himself at trial (Ramsland, 2013).

Another psychiatrist diagnosed Bundy as being bipolar and said that his relationship with his mother had been superficial and cold (Ramsland, 2013). She later concluded that he might have multiple personality disorder and later said she believed he was a true psychopath (Ramsland, 2013). When it came time to walk to the electric chair, he refused to walk and had to be dragged (Ramsland, 2013).

**Bundy Overview.** Dobson and Ramsland most likely chose to write about Bundy because of the notoriety associated with him. It appears that Dobson got lured into Bundy’s story of blaming pornography for his crimes rather than accepting personal responsibility. He does not challenge him on any of his answers. If the reader were to only read Dobson’s article, we would think that pornography was the cause of his crimes, instead of the man. Because Dobson gets wrapped up in the tale Bundy spins, he is not able to be objective. After the interview, Dobson does not explain to the reader how he felt about how the interview went; we are left to wonder if he agreed with Bundy’s theory or not.

Unlike Dobson, Ramsland was not fooled by Bundy’s persona of being a victim of pornography. Ramsland felt that Bundy was a highly intelligent manipulator that was able to become whatever the occasion called for. Ramsland had done his homework and knew about
Bundy’s sister actually being his biological mother. It is not clear if Dobson knew, but he did not disclose it in the interview.

**Jeffrey Dahmer**

When Dahmer was just 10-years-old, he started experimenting with dead things like bones of chickens, insects he collected and placed in a jar, and decapitating small rodents like rats (Davis, 1995). In 1975, three kids from the neighborhood were walking through the woods behind Dahmer’s house and stumbled upon what was left of a dog whose head had been cut off with the gutted carcass dangling from a tree (Davis, 1995). Dahmer was always looking for ways to get attention and the kids thought he was strange (Davis, 1995). By the end of junior high, he realized he loved the taste of alcohol and at 14-years-old; he began to drink with the purpose of getting drunk (Davis, 1995).

In 1978, his parents started going through a nasty divorce when he was just two months from turning 18 (Davis, 1995). His mother claimed that her husband was trying to drive her back to her psychiatrist while his father’s lawyer would object (Davis, 1995). The parents fought over custody of their younger son and this made Dahmer feel like they neither one wanted him; eventually his mother got custody of the younger son (Davis, 1995). His father remarried on Christmas Eve the same year and five days later Dahmer joined the Army (Davis, 1995).

Dahmer stayed in the Army for three years before being kicked out because of his excessive drinking (Davis, 1995). Around October 7, 1981 Dahmer decided to go and live with his paternal grandmother in the hopes of making a difference in his life (Davis, 1995). Dahmer had already killed another man just six weeks before his parents divorced that July (Davis, 1995). Dahmer had strangled him and dismembered his body and buried it on the property (Davis, 1995). Later, he dug up the body and broke the bones into little pieces and then scattered
the bone pieces (Davis, 1995). Years later, it would be determined that the reason he committed such heinous crimes was that he did not want anyone to leave him ever again and if you tried to leave, he would kill you (Davis, 1995).

Davis (1995) states that Dahmer was just 19-years-old in 1978 when he committed his first murder (Davis, 1995). When the young man tried to leave, Dahmer picked up a dumbbell and smashed his head in (Davis, 1995). Davis (1995) states that Dahmer carried the victim’s body outside to a crawl space beneath the house where he dismembered the body and stuffed the parts into plastic bags he had hidden in the crawl space (Davis, 1995).

After a few days in the hot summer heat, the decomposing body began to release a nauseating smell (Davis, 1995). Afraid that his mother and sister would return and wonder what the smell was, he dug up the bag of bones, peeled the flesh off the bones, and then took a sledgehammer and crushed the bones leaving no fragment larger than a hand (Davis, 1995). He took the crushed body parts up on a rocky ledge behind his house and scattered the fragments to the wind (Davis, 1995).

Victim number two was a 14-year-old black boy that had been drugged and violently raped (Davis, 1995). While the boy was passed out in the apartment, Dahmer left to buy beer; the boy woke up and escaped where two women found him wandering the streets naked, disoriented, and blood on his buttocks (Davis, 1995). Dahmer showed up and tried to grab him but they would not let him go; the police showed up and returned the boy to Dahmer’s apartment after he explained that he was his 19-year-old lover (Davis, 1995). While in front of the police, Dahmer was very calm and soft spoken, but after they left, Dahmer’s demeanor changed drastically into anger and he strangled the boy (Davis, 1995). Afterwards, Dahmer had sex with his corpse, took
pictures, and then began to dismember his body (Davis, 1995). Dahmer kept his skull as a trophy (Davis, 1995).

In January 1985, Dahmer got a job and held it for six years (Davis, 1995). He started discovering that he was gay but would not admit it until 1991 (Davis, 1995). The rouse he would always use to lure his victims was giving them a concoction he made for them to drink, causing them to pass out, rendering them completely under his control (Davis, 1995). Six days after visiting his probation officer in September 1987, he would kill again (Davis, 1995).

It had been nine years since his first murder and it would now start to be measured in months instead of years (Davis, 1995). When he lived in rural Ohio, disposing of the bodies was much easier than now but he came up with a gory solution to the problem (Davis, 1995). He started using a vat of acid to strip flesh away from the bones of his victims and then throwing it all away; except for a few keepsakes (Davis, 1995).

Dahmer’s modus operandi was very consistent with all of his victims. First, he would lure them back to his apartment or his grandmother’s basement for drinks, to have their picture taken for money, or to have homosexual sex. Next, he would give them a homemade poisonous concoction he created that would render his victims unconscious (Davis, 1995). After they were incapacitated, he would take pictures, strangle them, dismember their bodies, take more pictures, and sometimes keep their skulls for souvenirs, and keep other body parts to eat later (Davis, 1995).

But murdering his victims was not enough; he started having sex with the warm dead bodies (Davis, 1995). Sometimes when he cut the heads off, he would boil them until all the flesh fell of the bones and put them in a freezer as a trophy (Davis, 1995). He bought a 57-gallon
barrel and took it to his bedroom where he started putting dismembered body parts into the barrel filled with acid to strip away the skin from the bones.

One of his victims was able to escape the apartment and into the street where he ran, still naked, into two police offices (Davis, 1995). With a look of terror on his face and handcuffs dangling from his wrist, he explained to them what he had just witnessed inside Dahmer’s apartment (Davis, 1995). When they knocked on the door, Dahmer calmly answered (Davis, 1995).

They asked him to hand over the key to the handcuffs but Dahmer refused, when asked again Dahmer became agitated and resisted the officers (Davis, 1995). They then started looking around the apartment and saw power tools on the couch, pictures of dismembered bodies, bloodstains on the bed, and a foul odor emanating from the bedroom (Davis, 1995). They opened the refrigerator and saw the severed heads (Davis, 1995). They then arrested him, stopping Dahmer’s murderous rampage that had lasted from 1978 to 1991 (Davis, 1995).

The district attorney was asking for life sentences on each of the four murders he was charged with (Davis, 1995). Later he was charged with 12 more counts of first-degree intentional homicide (Davis, 1995). His bail was set at five million dollars (Davis, 1995). This case caused outrage from the black communities, Hispanic community, Asian community, and the gay community because the defendant was white and his victims were poor people of color, and mostly homosexuals (Davis, 1995). The black community was especially hit hard because this white serial killer lived in a community that was 69 percent black (Davis, 1995).

When the two black women called the police to report a naked Laotian boy out in the streets, mumbling with blood coming out of his anus, the white officers returned him to the white man claiming he was his lover (Davis, 1995). If the white officers had not taken the white man’s
word, the 14-year-old Laotian boy may still be alive and they would have discovered the secret horrors inside Dahmer’s apartment sooner (Davis, 1995). Davis (1995, p. 202) states “Dahmer is a classic case of white supremacy at work, a way of life that governs institutions from police departments to courts to the workplace” (Davis, 1995, p. 202). Those that reside in these areas already have a distrust of the police; they are reluctant to call the police because they feel that nothing will be done to solve the problem (Davis, 1995).

Dahmer wrote a 179-page confession detailing his crimes (Davis, 1995). On January 13, 1992, against the advise of his attorneys, changed his innocent plea to guilty by reason of insanity (Davis, 1995). The jury consisted of seven women and seven men ranging from the age of 20 to 65, and all were white except for one black juror (Davis, 1995). Three psychiatrists evaluated Dahmer representing the prosecution, defense, and the court (Davis, 1995).

The prosecution’s psychiatrist stated that he was not pretending to be insane and also stated that he was a necrophiliac but fell short of actually saying he was psychotic (Davis, 1995). The defense’s psychiatrist said that if he did not have mental illness, he did not know what mental illness was (Davis, 1995). The court’s psychiatrist stated that Dahmer suffered from a serious personality disorder and required medical treatment (Davis, 1995). He also stated that Dahmer was not psychotic and not legally insane (Davis, 1995).

The jury made their decision quickly; ten of the twelve jurors believed that Dahmer was not suffering from a mental illness and that he knew right from wrong (Davis, 1995). On February 15, 1992 the jury sentenced Dahmer to 15 consecutive life without parole sentences and must be kept alone and under constant watch (Davis, 1995). Three months later in Ohio, Dahmer would receive another life sentence (Davis, 1995).
Dahmer was Dr. Jackyl and Mr. Hyde, becoming whoever he needed to be at the moment (Davis, 1995). For example, if he needed to con the police, he would become a polite young man and now it was time to become a model prisoner, which he did (Davis, 1995). The first year of Dahmer’s sentences, he was very closely monitored but then the prison officials loosen the reigns a little by allowing him to mix with other inmates with severe emotional problems (Davis, 1995). After a few months it was obvious that he was becoming dangerously close to the edge again (Davis, 1995).

An inmate had turned a toothbrush into a knife and tried to cut Dahmer’s throat but only caused a minor scratch (Davis, 1995). The prison officials did not take this to be a red flag of danger to come (Davis, 1995). Then on November 1993 he was paired with two other inmates to clean up detail; one was a white man that had killed his wife and blamed it on a black man; the other was a black man in for first-degree murder (Davis, 1995).

On November 28, 1993, the three inmates were taken to mop a shower and toilet beside of the shiny wood basketball court (Davis, 1995). The guards left Dahmer alone with both men for 20 minutes and when they returned, they found Dahmer facedown and unconscious in a pool of his own blood, with his head crushed and part of a bloody broom handle close by (Davis, 1995). The other white inmate was found lying on the shower floor severely injured (Davis, 1995). Both were rushed to the closest hospital for treatment; Dahmer died at 9:11am that day, just over two years after being arrested and sent to prison (Davis, 1995).

Dahmer Overview. Davis chose to write about Dahmer because it was a recent serial murder case that captured the entire nation’s attention. Several books and articles had been written about Dahmer and Davis probably felt like he had something of value to contribute to the conversation about the facts of the case. But more importantly, he knew there was a huge amount
of curiosity associated with the case and a book written on him would be very successful and lucrative. Americans have a fascination with serial killers and want to read and know more about them.

**John Wayne Gacy**

John Wayne Gacy was born in Chicago and was the second of three children and the only son (Injection, n.d.). The three children were raised in a Catholic home and went to Catholic schools (Injection, n.d.). His family was middle-class and Gacy had part-time jobs after school (Injection, n.d.). He was overweight and not athletic (Gacy, n.d.). Gacy had a troubled relationship with his alcoholic father who was physically and verbally abusive (Gacy, n.d.). However, he was very close to his sisters and mother (Gacy, n.d.).

When Gacy was only 11-years-old, he was hit in the head by a swing causing a blood clot in his brain that was not discovered until he was 16-years-old when he started experiencing blackouts (Gacy, n.d.). At 17-years-old, he was diagnosed with a non-specific heart ailment, which caused him to be hospitalized several time throughout his life (Injection, n.d.). Gacy attended four high schools before dropping out prior to graduation (Gacy, n.d.). He left home and headed out west but when he ran out of money, he worked in Las Vegas just long enough to make some money to go back home to Chicago (Gacy, n.d.).

He eventually graduated from college (Gacy, n.d.). While in college, he perfected his salesman skills; he could “talk his way in and out of almost anything” (Injection, n.d.). His job transferred him to another city and he met and married his wife in September 1964 (Gacy, n.d.). He actively participated in local organizations like the Jaycees; rising to become the vice-president of the chapter in 1965 (Gacy, n.d.). Gacy and his wife moved to take a job at his wife’s parents’ franchise and settled down to start their family, a son and a daughter (Gacy, n.d.).
Gacy was always actively involved in the community serving on numerous boards (Injection, n.d.). Those that knew him considered him to be very ambitious and hard working (Injection, n.d.). But rumors started going around that he was gay and preferred young boys, who were always around him (Injection, n.d.). In the spring of 1968, he was indicted on charges of sodomy with a young boy (Injection, n.d.). The boy testified that Gacy had tricked him into being tied up and violently raped him the previous year (Injection, n.d.). Gacy said that the boy consented to having sex for money (Injection, n.d.).

Four months later he was charged with hiring an 18-year-old boy to beat the boy up that had testified against him in court earlier (Injection, n.d.). Gacy was ordered by the court to undergo a psychiatric evaluation to determine if he was competent to stand trial (Injection, n.d.). He was found competent but diagnosed with an antisocial personality and not amenable to treatment (Injection, n.d.). Gacy then decided to plead guilty to sodomy and was sentenced to ten years in prison (Injection, n.d.). His wife divorced him and he never saw his children again (Gacy, n.d.).

Gacy was a model prisoner because he knew that if he stayed out of trouble, he could possibly be released early and he was released 18 months later on parole (Injection, n.d.). His father died while he was in prison, which caused him to suffer from depression (Injection, n.d.). He remarried on June 1, 1972 to a woman with two daughters who knew about his time in prison (Injection, n.d.). They would always invite their neighbors over for elaborate dinner parties but they were bothered with the stench inside the house (Injection, n.d.).

In 1974, Gacy decided to start his own company and hired young teenage boys to work for him for cheap (Injection, n.d.). But his real reasons were far more sinister. Everyone, including his new wife, started noticing his homosexual desires and he and his wife drifted apart
She started finding magazines of naked men and boys and when she confronted him, he admitted that he preferred boys to women (Injection, n.d.). She filed for divorce just shy of four years of marriage (Injection, n.d.).

Gacy had aspirations of running for public office and getting into politics one day (Injection, n.d.). To help get his name out there, he volunteered to clean up after the Democratic Party headquarters (Injection, n.d.). While he was cleaning at the headquarters building, he made a sexual advance toward a 16-year-old boy who then threatened to hit him with a chair (Injection, n.d.). The next month Gacy tried to trick the same young man again by handcuffing him; when he thought he was securely handcuffed, he started taking off his clothes but the boy had managed to keep one of his hands loosely cuffed and wrestled Gacy to the ground and handcuffed him (Injection, n.d.). Gacy promised he would never do it again and the boy continued to work for him for another year (Injection, n.d.).

Young boys who worked for Gacy began to disappear leading to an investigation that resulted in the discovery of several boys’ bodies (Injection, n.d.). The police obtained a search warrant for Gacy’s house on December 13, 1978 (Injection, n.d.). They collected a jewelry box that had two driver’s licenses inside and several rings, a box with marijuana and rolling papers, seven erotic movies, pills including Valium, a switchblade knife, a stained section of a rug, color photos of pharmacies and drug stores, an address book, a scale, books such as “Tight Teenagers”, “The Rights of Gay People”, and “Sex Between Men and Boys”, a pair of handcuffs with keys, a three-foot long two-by-four wooden plank with two holes drilled in each end, weapons, police badges, dildos, hypodermic syringes and needles, clothing too small for Gacy, a receipt for a roll of film, and nylon rope (Injection, n.d.). They also confiscated three vehicles; one had pieces of hair that would later be matched to one of the victims (Injection, n.d.).
Much later, the police would go back and check the crawl space underneath the house (Injection, n.d.). They thought at first the foul odor was sewage (Injection, n.d.). The ground had been layered in lime but had been untouched (Injection, n.d.). They did not have enough yet to charge him with murder, so they charged him with marijuana and drugs and placed him under surveillance (Injection, n.d.). The police returned again to search the house because Gacy had finally confessed to killing someone in self defense and buried the body underneath the garage (Injection, n.d.).

They went to search the crawl space again and found a mound of dirt where they found the remains of a body (Injection, n.d.). On December 22, 1978, Gacy confessed to murdering at least 30 people and had buried most beneath the crawl space (Injection, n.d.). He claimed the first murder occurred in January 1972 and the second happened in January 1974 (Injection, n.d.). After he lured them with promises of paying them for sex or offering them a job, or simply grabbing them against their will, he would handcuff and then rape them (Injection, n.d.).

To prevent them from screaming, he would stuff a sock or underwear into their mouths; he would then use a rope or a board against their throat while he raped and killed them (Injection, n.d.). He confessed that he would sometimes keep their dead bodies underneath his bed or in the attic for several hours before he would bury them in the crawl space (Injection, n.d.). Gacy told the police that most were in his crawl space or on his property but once the crawl space became full, he threw the last five bodies off a bridge into a river (Gacy, n.d.).

On December 28, 1978, the police removed 27 bodies from the house and another body had been found weeks earlier at another location (Injection, n.d.). The police would also find a body underneath the concrete patio (Injection, n.d.). A total of 32 bodies were found (Injection, n.d.).
Gacy’s murder trial began on February 6, 1980 where he pled guilty by reason of insanity (Injection, n.d.). The jury consisted of five women and seven men (Injection, n.d.). Gacy’s attorneys provided witnesses that testified to the abuse he suffered as a child, such as when his father beat him with a leather strap (Injection, n.d.). One witness testified that Gacy was a “very brilliant man” and it would be that statement that would counter the defense’s story that Gacy was not able to control his action and was insane (Injection, n.d.).

The defense called a psychologist to the stand who testified that he was extremely intelligent but believed he still suffered from borderline schizophrenia (Injection, n.d.). Other expert witnesses testified to the same and that he suffered from multiple personality disorder and had antisocial behavior (Injection, n.d.). The jury deliberated for two hours and found Gacy guilty of 33 murders; Gacy has the distinction of having been convicted of the most murders in American history (Injection, n.d.). Gacy was sentenced to death and on May 10, 1994, he was executed by lethal injection (Injection, n.d.).

Gacy Overview. The authors of these two articles present both mitigating and aggravating evidence but appear to believe Gacy still deserved the death penalty for his crimes. I think they both support the death penalty in cases such as this because of the overwhelming heinousness that is involved. Here was one of the most horrific and notorious serial killers of all time and he had fantasies of running for office. The two personalities do not seem to fit together.

Derrick Todd Lee

Derrick Todd Lee, a black man, had a troubled childhood. His father abandoned the family shortly after he was born (Newton, 2006). His father suffered from mental illness and would almost always end up in a mental hospital after attempting to kill his ex-wife (Newton, 2006). Lee’s mother married a good man that helped her raise Lee and his sisters like his own;
they taught them the “importance of a good education and to follow the teachings of the Bible” (Newton, 2006).

Lee did not excel in school; his younger sister always outshined him in academics (Newton, 2006). Lee had an IQ between 70 and 75, which made it difficult for him to maintain good grades in school (Newton, 2006). By the time Lee was 11-years-old, he had been caught peeping into windows of girls around the neighborhood; this behavior continued into adulthood (Newton, 2006). He also liked to torture dogs and cats (Newton, 2006).

Lee was arrested for burglary when he was 13-years-old (Newton, 2006). When he was 16-years-old, he pulled a knife on a boy during a fight (Newton, 2006). When he was 17-years-old, he was arrested for peeping into girls’ windows again (Newton, 2006). He married in 1988 and had two kids, a boy and a girl (Newton, 2006). He worked construction to provide for his family but still found time to cruise the local bars, all dressed up, drinking, and having affairs (Newton, 2006).

His wife’s father was killed in a 1996 plant explosion and she was awarded a quarter of a million dollars (Newton, 2006). Lee spent the money buying cars, clothes, and on his girlfriend (Newton, 2006). By 1999 he had spent all of the money and his girlfriend had given birth to his son that July (Newton, 2006). In June before his girlfriend had the baby, Lee was stalking another woman trying to convince her to date him and forced his way into her apartment (Newton, 2006). She was able to get him out of the apartment and filed stalking charges against him (Newton, 2006).

A friend of hers saw him lurking around her place and asked her about it (Newton, 2006). The woman caught him peeping inside her windows another time and called the police (Newton, 2006). He was arrested but only received probation (Newton, 2006). His family life was in
shambles as he and his wife began to argue more often till one day it resulted in him beating her (Newton, 2006). Violating his probation, he was sent back to prison for another year (Newton, 2006).

In 1993 Lee attacked two teenagers parked in a car on a lover’s lane; they both survived and six years later, the girl picked Lee out of a line-up as the attacker (Newton, 2006). Lee would continue to rape and murder for the next 10 years before DNA evidence linked him to seven victims (Newton, 2006). Most serial killers are white and use their method of killing as their signature; however, Lee was black and used various methods to kill (Newton, 2006). He also kept trophies from his victims (Newton, 2006).

In 2002, the police released a composite sketch of the suspected serial killer; described as a white male with a long nose and long hair (Newton, 2006). Not until May 23, 2003, did the police realize they were looking for a black man and had the sketch redone describing him as a light-skinned black male with short brown hair and brown eyes and probably between his late 20s and early 30s (Newton, 2006). The police were collecting DNA samples in parishes where unsolved murders had happened and at the time, Lee was living in the area (Newton, 2006).

Lee provided his DNA sample and a rush was put on his labs because he matched the composite sketch and discovered that his DNA matched women in five counties (Newton, 2006). After Lee gave his DNA sample, he and his family left the state (Newton, 2006). However, he was caught and in August 2004 he was found guilty of murder in the second-degree and sentenced to life without parole (Newton, 2006). In October 2004, he was found guilty of rape and murder of another woman and sentenced to death by lethal injection (Newton, 2006). The Louisiana Supreme Court upheld his conviction and death sentence but on January 21, 2016, he died in prison (Newton, 2006).
Lee Overview. Newton gives an unbiased description of the crimes and Lee’s past family history. Newton informs us that Lee’s father had suffered from mental illness his entire life and was in and out of mental institutions all throughout Lee’s childhood. Newton tells us that Lee had a low IQ between 70 and 75 making school very difficult. We also learn from Newton’s article that the police have biases when searching for serial killers. They have been taught that serial killers are typically white males but Lee does not fit the typical definition of a serial killer because he is a black serial killer. Newton does not have an agenda; instead he just wants to inform the reader that serial killers come in all races.

Clifford Robert Olson Jr.

Clifford Olson was a white serial killer from Canada who murdered children (Newton, 2006). He had been in trouble with the law from a very early age and was a known bully (Newton, 2006). It was rumored he tortured and killed animals, which is a common trait found in serial killers, although not all (Newton, 2006). By the time he married in May 1981, he had killed three people (Newton, 2006). His first victim was a 12-year-old girl he strangled with a belt and stabbed repeatedly (Newton, 2006).

After only four days of marriage, Olson kidnapped and murdered a 16-year-old girl (Newton, 2006). The next month he murdered a 13-year-old girl (Newton, 2006). His cooling off period between kills started getting shorter and shorter. In July 1981, Olson killed six more children, both male and female (Newton, 2006). On July 30, 1981, he committed his last murder of a 17-year-old girl he killed with a hammer and buried her body in a shallow grave (Newton, 2006).

The police suspected him in the murders but did not have enough evidence to arrest him until he tried to kidnap two other girls (Newton, 2006). Once he was caught, he confessed to 11
murders on one condition; that his new wife received $10,000 for each murder he admitted to and showed them where he hid the bodies (Newton, 2006). Wanting closure for their ordeal, the families agreed to his terms and his new wife was given $100,000; he gave the first one as a freebie (Newton, 2006). Olson was sentenced to 11 concurrent life sentences (Newton, 2006).

By Canadian law, he was eligible for parole after serving 25 years (Montaldo, 2016). Each time he went before the parole board, he was denied (Newton, 2006). Olson was suffering from cancer and died in a Quebec hospital on September 30, 2011 (Newton, 2006).

**Olson Overview.** Newton most likely chose to write about Olson because he was convicted of murdering young children. He does not provide a lot of details about Olson’s childhood other than he was a bully and liked to torture and kill animals. I feel that had Olson been convicted in the United States instead of Canada, Newton would have supported the death penalty for his crimes.

**Gary Leon Ridgway**

Gary Ridgway was born in Utah but raised in Seattle, Washington (Levi-Minzi & Shields, 2007). His mother was very domineering and ruled the house; his father never stood up to his domineering wife (Levi-Minzi & Shields, 2007). She was known to break plates over his head but still he never reacted except to walk away (Levi-Minzi & Shields, 2007). Ridgway’s father worked at a mortuary when Ridgway was a young boy and would sometimes come home and tell his young son about a co-worker who would have sex with the corpses (Levi-Minzi & Shields, 2007). Eventually, the idea of having sex with dead bodies would fuel his sexual fantasies because if they were already dead, you would never get caught and the corpse would not even feel it (Levi-Minzi & Shields, 2007).
During early childhood, Ridgway was a chronic bedwetter and whenever this happened, his mother would scold him in front of his brothers (Levi-Minzi & Shields, 2007). She would force him to stand up in the shower while she bathed him in cold water and paid special attention to his genitals (Levi-Minzi & Shields, 2007). During these bathing rituals, she would be barely dressed herself (Levi-Minzi & Shields, 2007).

Levi-Minzi & Shields (2007) tell of the mother working in a department store’s men section dressed very provocative and when she had to measure the men for suits, they would get aroused (Levi-Minzi & Shields, 2007). Like his father, his mother would come home and tell her young children every detail of the encounter, including how the customer’s genital area smelled (Levi-Minzi & Shields, 2007). As Ridgway became a teenager, he began to have Freudian type fantasies about having violent sex with his mother (Levi-Minzi & Shields, 2007).

Ridgway wanted to physically hurt his mother by slitting her throat with a kitchen knife because he was so frustrated at never being able to please her (Levi-Minzi & Shields, 2007).

Ridgway was an underachiever in school, bringing home “Ds” (Levi-Minzi & Shields, 2007). His mother would get upset and threaten to put him in a state institution for the mentally retarded, but never went through with her threat (Levi-Minzi & Shields, 2007). Ridgway eventually graduated high school when he was 20-years-old (Levi-Minzi & Shields, 2007).

As a teenager, Ridgway began to kill animals, set fires, and read a lot of true crime stories (Levi-Minzi & Shields, 2007). Not long after he was caught as the “Green River Killer”, he alluded to the fact that he may have killed before (Levi-Minzi & Shields, 2007).

He was not sure he had but said he recalled drowning a young boy in a lake; the year he said it supposedly happened, two young boys did drown in the lake he mentioned (Levi-Minzi &
Shields, 2007). He also told the investigators that when he was 16-years-old he stabbed a young boy in the woods after school but that he had survived the attack (Levi-Minzi & Shields, 2007).

As a young man, many women in the neighborhood he lived in rejected his advances so he started stalking them (Levi-Minzi & Shields, 2007). He would marry his first wife and join the Navy (Levi-Minzi & Shields, 2007). During his time in the Navy, Ridgway became obsessed with prostitutes (Levi-Minzi & Shields, 2007). He found out that his wife was cheating on him so he divorced her (Levi-Minzi & Shields, 2007). She would later tell the police that they use to have sex outdoors and in his vehicle, not far from the center of the Green River murderers (Levi-Minzi & Shields, 2007).

Ridgway told another woman that his first wife had become a prostitute and had given him a venereal disease, which his ex-wife refutes (Levi-Minzi & Shields, 2007). Ridgway quickly married his second wife who was the first person he had ever tried to choke before (Levi-Minzi & Shields, 2007). She would also later tell the authorities about his peculiar sexual habits, such as taking her to the secluded areas like the riverbanks of the Green River to have sex outdoors and experimenting in sexual bondage (Levi-Minzi & Shields, 2007). She also mentioned she believed Ridgway, his two brothers, and his father were dominated by his mother (Levi-Minzi & Shields, 2007).

They had one child together, a son, before divorcing and he was ordered to pay her child support, which angered him (Levi-Minzi & Shields, 2007). His wife told the police that when she first met Ridgway’s mother she did not believe she was his mother because she wore a lot of makeup, tight clothes, and looked like a prostitute (Prothero, 2006). After his second marriage failed, he started frequenting prostitutes even more often (Levi-Minzi & Shields, 2007). He
began to hate the prostitutes and his hatred eventually led him to start murdering them because he felt they viewed him with disgust and distain (Levi-Minzi & Shields, 2007).

Ridgway displayed four of the behavioral indicators that are known about serial killers that occur in childhood and adolescence, which are setting fires, being cruel to other children, and animal cruelty (Levi-Minzi & Shields, 2007). Ridgway’s life history suggests that he supported theories of “entitlement, women as sexual beings, dangerousness of world, and male sex drive is uncontrollable” (Levi-Minzi & Shields, 2007, p. 86).

Ridgway probably believed that the world was full of abusive women like his mother so he felt it necessary to exert his dominance over his victims (Levi-Minzi and Shields, 2007). His mother probably influenced him by flaunting her sexuality when she worked at the department store and gave him the impression that women are supposed to meet the sexual needs of men (Levi-Minzi & Shields, 2007). Because his mother treated him so horribly as a child, he may believe that he has the right to hurt women because his mother had hurt him so badly (Levi-Minzi & Shields, 2007).

Ridgway has never been diagnosed with any mental illness, his crimes and past life history suggests that he may suffer from antisocial personality disorder (Levi-Minzi & Shields, 2007). Behavioral experts had profiled the Green River Killer as someone who came from a home with an abusive domineering mother, had strong feelings about marital fidelity, experimented sexually, and often expressed contempt for prostitutes (Prothero, 2006).

A famous profiler at the FBI believed that the Green River Killer was meticulous, impulsive, and an avid outdoorsman, hated prostitutes and all women in general, unable to hold a job, and incapable of getting close to others (Levi-Minzi & Shields, 2007). It was also believed
that he would be drawn to the investigation, which he was when he once called offering his help catching the killer (Levi-Minzi & Shields, 2007).

Eventually, Ridgway was no longer able to have sex with a living human being; instead he started raping the still warm bodies of the women he had just murdered (Levi-Minzi and Shields, 2007). Sometimes, he would revisit the burial site, brush off the maggots on the corpse, and have sex again (Levi-Minzi & Shields, 2007). He would come to be disgusted with his own fantasies of having sex with corpses (Levi-Minzi & Shields, 2007).

Ridgway met and married his third wife and it was during their marriage that he committed most of his murders (Levi-Minzi & Shields, 2007). For 22 years, law enforcement was baffled over the Green River murder case (Levi-Minzi & Shields, 2007). When he was eventually caught Ridgway could not recall the exact timeline of his murders, the victims’ names, or even the exact number of women he had killed during this time (Levi-Minzi & Shields, 2007). Two months before the first body was discovered, Ridgway had his first encounter with the police and was arrested for solicitation for prostitution by an undercover woman posing as a prostitute (Prothero, 2006).

On July 15, 1982, children playing found the naked body of a 15-year-old girl in the Green River, hung up on a bridge piling with her jeans tied tightly around her neck (Prothero, 2006). On August 12, 1982, law enforcement found the body of a 22-year-old woman only a half-mile from where they found the first body (Prothero, 2006). On August 15, 1982, they found three more bodies (Prothero, 2006). One of the victims was discovered under the water, weighed down with heavy rocks and the other victim was found in the tall grass along the riverbank close by with her jeans tied around her neck like the 15-year-old girl (Prothero, 2006).
On August 16, 1982, the Green River Task Force was created (Levi-Minzi & Shields, 2007). The boyfriend of a missing prostitute followed a green pickup truck that was believed to be involved in her disappearance on April 30, 1983 (Levi-Minzi & Shields, 2007). This pickup truck was later identified as Ridgway’s prized truck (Levi-Minzi & Shields, 2007). By April 2, 1984, nearly two years since the first victim was discovered, the sheriff’s office had linked 20 murders to the Green River Killer (Levi-Minzi & Shields, 2007). Over a seven-year span, the remains of 37 young women had been discovered in isolated spots in the woods southeast of Seattle, which were miles away from the river (Levi-Minzi & Shields, 2007). Most the remains were nothing more than skeletal remains by the time they were discovered (Levi-Minzi & Shields, 2007).

Another seven young women described as missing, or presumed dead were blamed on the Green River Killer (Prothero, 2006). Many of the victims were runaways working as prostitutes at the time they were last seen alive (Prothero, 2006). These young prostitutes were drug addicts with mental illness, had bad relationships with family, and had other destructive behaviors (Prothero, 2006).

One of the murder victims found on August 15, 1982, had been weighed down with heavy rocks and also had a rock inside her vagina (Prothero, 2006). As the body count continued to rise, Ridgway contacted the task force saying he wanted to assist in their investigation (Levi-Minzi & Shields, 2007). In May 1984, Ridgway was given a polygraph and passed; when the FBI offered him another polygraph, he agreed but then changed him mind and hired an attorney (Prothero, 2006). Then in April 1987, his home was searched where samples of bodily fluids were taken from him, but the evidence was not enough to make an arrest (Levi-Minzi & Shields, 2007).
On April 8, 1987, investigators obtained a search warrant to search Ridgway’s house and his vehicles, mostly pickup trucks he had access to (Prothero, 2006). The investigators asked Ridgway to provide them a sample of his saliva, which he did (Prothero, 2006). The investigators found nothing so he was dropped as a suspect for 14 years (Prothero, 2006). The county detective concluded that Ridgway was not a viable suspect because he did not fit the FBI’s psychological profile and he did not appear to be anything like Ted Bundy (Prothero, 2006).

By 1991 according to Levi-Minzi & Shields (2007), “the Green River Task Force had spent $15 million, pursued 30,000 tips, and logged 9,000 pieces of evidence”, and yet they still did not have a suspect. Then in 1999, DNA testing had improved enough to identify the remains of a victim found in 1986 (Levi-Minzi & Shields, 2007). Then in the fall of 2001, DNA evidence had improved drastically and was able to identify Ridgway as the killer of four more victims (Levi-Minzi & Shields, 2007). Ridgway pled not guilty and when another three victims were linked to him, he pled not guilty again (Levi-Minzi & Shields, 2007).

Mark Prothero, the author of “Defending Gary: Traveling the Mind of the Green River Killer” (2006), was hired along with two other attorneys to represent Ridgway in his capital murder case. Ridgway struck a deal with the prosecution; in exchange for providing information on more murders and pleading guilty, the prosecution would agree not to seek the death penalty (Prothero, 2006). Prothero (2006) states that Ridgway pled guilty to 48 counts of first-degree murder and helped them to locate the remains of many other victims (Levi-Minzi & Shields, 2007).

Ridgway Overview. Prothero was not only the author of the book; he was Ridgway’s defense attorney. As his defense attorney, Prothero opposed the death penalty because he wanted to help his client avoid being executed. In the book, he talked to his wife about the reasons he
took the case. As an attorney, a defense attorney especially, he believes that everyone, regardless of the crime they have been charged with committing, deserves the best legal defense possible.

Knowing the millions of dollars it cost taxpayers to prosecute this case; justice could be served just as effectively with life sentences rather than a death sentence that is unlikely to occur anytime soon. But regardless of how he personally felt about the case or the defendant, he wanted to see justice served for the families of the victims. For the victims’ families, it was more important to know the location of their loved ones so they could bring them home and have a proper burial. Regardless of whether Ridgway received the death penalty or life without parole, one thing was for certain, he would never see the outside of the prison every again.

If we take Prothero at his word, it appears that he wanted to show the world that he was seeking a noble cause: justice for all and justice for the families of the victims. A more cynical assessment is that perhaps Prothero feared criticism for defending a serial killer and wanted to offer a defense for doing so. And it is difficult to omit that a book on a serial killer by his defense attorney would be likely to sell and make money for the author!

**Aileen Carol Wuornos**

Aileen Wuornos was one of the few female serial killers of our time. Male serial killers have been known to select prostitutes as their victims; but here, the roles are reversed and the female serial killer is the prostitute who kills her “Johns”. Her early childhood was very troubled, riddled with “rejection, abandonment, and inappropriate sexual relations with first her younger brother and then young neighborhood men” (Profiles of Serial Killers and Murderers). Her father was a child molester and sociopath who served time in prison before being strangled in 1969 (MacLeod, 2001). Her mother married her father when she was only 15-years-old and had two children before divorcing after only two-years of marriage (MacLeod, 2001). Wuornos’ mother
found it difficult to be a single mother with two small children and abandoned them both in 1960; leaving them with their maternal grandmother (MacLeod, 2001). The grandparents raised Wuornos and her brother as their own children and not grandchildren (MacLeod, 2001).

When Wuornos was 12-years-old, she found out the truth (MacLeod, 2001). Her grandmother drank heavily and was very strict with the children but when she discovered the truth, she rebelled (MacLeod, 2001). Wuornos became pregnant at 14-years-old and was sent off to a home for unwed mothers until she gave birth to a baby boy who she put up for adoption in January 1971 (MacLeod, 2001). She dropped out of school, left home, and started working as a prostitute (MacLeod, 2001).

Her brother died of throat cancer and her grandmother committed suicide (MacLeod, 2001). With nothing keeping her in town, she left to go to Florida where she met and married an older man who had money (MacLeod, 2001). The marriage was annulled after she spent most of his money (MacLeod, 2001). Afterwards, she committed forgery, theft, armed robbery, and prostitution (MacLeod, 2001). She met a 24-year-old young woman at a gay bar in 1986 and started a relationship with her (MacLeod, 2001).

On December 13, 1989, the first victim was found by a couple looking for scrap metal wrapped in a carpet (MacLeod, 2001). He had been shot three times with a .22 caliber gun (MacLeod, 2001). On May 5, 1990, another unidentified male body was found naked in Georgia, just across the Florida state line; he had been shot twice with a .22 caliber gun (MacLeod, 2001). A third unidentified naked male body was found on June 1, 1990 in the woods in Florida (MacLeod, 2001). The fourth body was found on June 6, 1990; the body was so decomposed, the medical examiner could not pull fingerprints from the victim or determine the time of death (MacLeod, 2001).
On August 4, 1990, a fifth body was discovered by a family out for a picnic (MacLeod, 2001). He had been shot twice with a .22 caliber gun, once in the chest and once in the back (MacLeod, 2001). The sixth victim was an investigator of abused and injured children and had previously been a police chief when he disappeared on September 11, 1990, the day after his 35th wedding anniversary (MacLeod, 2001). His body was found the next day; he had been shot seven times with a .22 caliber gun (MacLeod, 2001). On November 19, 1990, the seventh body was found shot four times with a .22 caliber gun; he had been dead less than 24 hours (MacLeod, 2001).

At the trial, Wuornos struck a plea deal, in which she would plead guilty to six charges and receive six consecutive life sentences (MacLeod, 2001). The state attorney felt she should get the death penalty (MacLeod, 2001). Wuornos went to trial on January 14, 1992 for the seventh charge of murder (MacLeod, 2001). The evidence against her was very damaging as the medical examiner explained to the jurors that it had taken the victim between 10 and 20 minutes to die from his gunshot wounds (MacLeod, 2001).

The Williams Rule allowed evidence from the other six murders to be brought up (MacLeod, 2001). Wuornos claimed she killed in self-defense but the jurors did not believe her, knowing about the other six murders and her confession (MacLeod, 2001). Her public defender did not want Wuornos to take the stand but she insisted upon telling her side of the story (MacLeod, 2001). She testified that the victim had raped and sodomized her (MacLeod, 2001).

On January 27, 1992, the jury found her guilty of first-degree murder after only two hours of deliberation (MacLeod, 2001). Wuornos became very angry and went off on a tirade screaming that she was innocent and had been raped (MacLeod, 2001). The penalty phase started the very next day with expert witnesses testifying for the defense that she was mentally ill and
suffered from borderline personality disorder (MacLeod, 2001). The defense also brought up her tumultuous childhood (MacLeod, 2001). The jury voted unanimously for the death penalty (MacLeod, 2001). Wuornos was executed on October 9, 2002 by lethal injection (Profiles of Serial Killers and Murderers).

**Wuornos Overview.** MacLeod probably believed that because of the physical, verbal, and sexual abuse Wuornos suffered as a child, her father being a convicted sex offender, and having been raped by her own brother and other men in the neighborhood, that she did not deserved to be sentenced to death. MacLeod probably felt the worst punishment should have been life without parole. However, knowing all of the abuse and mental illness Wuornos suffered, being committed to a mental hospital would have served her better.

**Analysis of Serial Killers**

Proponents of the death penalty agree that it should be used on the worst of the worst and serial killers definitely fit into that category, but even the worst of the worst serial killers do not always receive the death penalty. For example, Gary Ridgway, the Green River Killer, was one of the most prolific serial killers of our time and yet he was able to escape the death penalty in exchange for telling law enforcement where the bodies were hidden. The victims’ families felt finding their missing loved ones and bringing them home for a proper burial was worth taking the death penalty off the table and instead agreed to a sentence of life imprisonment.

Sometimes those that kill in the heat of passion because they have been abused for years do get the death penalty. For example, Eileen Wuornos had been abused throughout her childhood and had mental illness, however, she was sentenced to death. It is very rare for a serial killer to be a woman. When you compare the total number of victims and the aggravating factors in both cases mentioned, one would expect that the Green River Killer would have received the
death penalty and that maybe Wuornos would have been found not guilty by reason of insanity or received life imprisonment at the most.

Another example of a serial killer one would expect to be given the death penalty instead of the life sentence he received was Wayne Williams, the Atlanta Child Murderer. When most people think of a serial killer, they envision a white male in his 30s or 40s, not a black man. However, Williams was a black serial killer who murdered little black boys in Atlanta. Law enforcement just assumed it was a white male; they never stopped to consider the fact that he may be black and most that serial killers kill members of their own race (Walsh, 2005).

There have been more black serial killers than we know or remember. Research shows that since 1945, there had been 90 black serial killers identified and yet if we were asked to name one the only one that would come to mind would most likely be Wayne Williams (Branson, 2013). Some serial killers not included in my research but worth mentioning are Jake Bird with over 40 victims, John Floyd Thomas Jr. with over 30 victims, Coral Watts with over 13 and possibly more than 80 victims, Milton Johnson with 17 victims, and Maury Travis with over 17 victims (Branson, 2013). Branson (2013) lists all the known black serial killers as of July 15, 2010.

Coral Watts, known as the “Sunday Morning Slasher” (Walsh, 2005), may have murdered more people than Ted Bundy, Jeffrey Dahmer, and John Wayne Gacy combined and yet is less known (Branson, 2013). Henry Louis Wallace raped and strangled nine women between 1993 and 1996 when he was captured; what makes him unique is that all of his victims were acquaintances (Walsh, 2005).

The one thing all serial killers have in common is their motives for killing. They fall into one or more of the following categories: visionary, mission-oriented, hedonistic, and power-
oriented (Simon, 2015). The visionary serial killer has a psychotic break from reality and sometimes suffers from hallucinations where he hears voices that tell him to murder. An example of a visionary serial killer would be Ed Gain who ate the bodies of twelve of his female victims that looked like his mother; he also made furnishings and dresses using their skin (Simon, 2015).

Mission-oriented serial killers believe they are “ridding the world” of undesirables such as homosexuals, prostitutes, and the mentally ill (Simon, 2015). They believe they have been called for a noble cause. Examples of mission-oriented serial killers are “Gary Ridgway, Aileen Wuornos, and Jack the Ripper” (Simon, 2015). These types of murders are usually not sexual in nature (Simon, 2015). Hedonistic serial killers murder for the pleasure it gives them; they see people as being replaceable (Simon, 2015). They only care about achieving their goal; they do not care about the person they murdered (Simon, 2015). The power-oriented serial killer has the goal of exerting power and dominance over their victim (Simon, 2015). Many in this category sexually abuse their victims as a form of domination like Jeffrey Dahmer (Simon, 2015).

Although serial killers make up only .5 percent of all murders in this country, they receive the most media attention because of the number of victims and the heinousness of the crimes. The media helps to reinforce the myth that serial killers are white males, when in fact; a serial killer can be male or female and either black or white, although most victims of serial killers are female (Knoll, 2006).

True crime books such as The Jeffrey Dahmer Story, movies such as Buffalo Bill, and television shows like Criminal Minds often portray serial killers as white males and rarely do they portray blacks as being serial killers. This may have something to do with the perception that a black serial killer would not appeal to the masses (Walsh, 2005). They have no problem
casting black actors as lead investigators of serial killers in movies, such as Denzel Washington in The Bone Collector or Morgan Freeman in Seven and Along Came A Spider.

Table Five contains information on the 10 serial killers in the sample. Nine out of 10 (90 percent) serial killers were males and only one (10 percent) serial killer was female. This was expected as most previous research indicates that the majority of serial killers are males. Nine out of 10 (90 percent) serial killers were white and only one (10 percent) serial killer was black; this was also an expected outcome. Four out of ten (40 percent) serial killers murdered white victims.

Nine out of ten (90 percent) serial killers murdered white victims; three out of ten (30 percent) serial killers murdered black victims. Dahmer, a white serial killer, only murdered blacks while Lee and Ridgway murdered both white and black victims. Table Five also includes victim information such as the number of victims they were convicted of murdering, the total number of suspected murder victims, the number of male victims, the number of female victims, and the ages of victims: those 17-years-old and younger and those 18 or older.

The ten serial killers in the sample were convicted for a total of 144 murders, with a mean of 14.4; the range was from two to 49. The suspected number of victims was over 282. Alcala and Ridgway are both suspected of murdering over 100 victims each. Table Five shows that 112 out of 144 (78 percent) victims were male and 32 (22 percent) victims were female. There were 53 (31 percent) victims age 17 or younger and 114 (69 percent) victims were 18 and older. When the number of suspected and known murderers were combined, these ten serial killers were responsible for 426 murder victims, averaging 42.6 murders each. The total suspected and convicted murder victims per killer ranged from seven up to 149.
Table Five
Serial Killers

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Death Penalty</th>
<th>LWOP</th>
<th>Known as Serial Killer</th>
<th>White Serial Killer</th>
<th>Black Serial Killer</th>
<th>White Victims</th>
<th>Black Victims</th>
<th>Convicted for Number of Victims</th>
<th>Suspected Number of Victims</th>
<th>Number of Male Victims</th>
<th>Number of Female Victims</th>
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<th>Victims 18+</th>
<th>Total Suspected and Convicted Victims</th>
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<td>144</td>
<td>282</td>
<td>112</td>
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</table>

Table Six shows the aggravating factors associated with the 10 serial killers in the sample. Every serial killer’s case was deemed to be heinous, atrocious, and cruel. Six out of ten (60 percent) serial killers were found guilty with the aggravating factor of being premeditated. Heinousness, atrociousness, and cruelty occurred 10 out of 51 (20 percent) times. Premeditation occurred six out of 51 (12 percent) times. Five out of 10 (50 percent) were found to have prior violent felonies on their record. Prior violent felonies were present 5 out of 51 (10 percent) times.

Only one out of 10 (10 percent) serial killers murdered for financial gain; Wuornos, the only female serial killer in the sample, killed her male “Johns” for money. Financial gain occurred one out of 51 (two percent) times. Six out of ten (60 percent) of the serial killers were found guilty of rape or attempted rape. Rape or attempted rape happened six out of 51 (12 percent) times. Table Six shows that four of the serial killers (40 percent) had a history of family violence and four (40 percent) were convicted of robbery or attempted robbery. History of family...
violence happened four out of 51 (eight percent) times. Robbery or attempted robbery occurred four out of 51 (eight percent) times.

Half of the serial killers in this study tried to avoid prosecution or arrest, which often took many years before they were apprehended. The aggravating factor of avoiding prosecution or arrest happened 5 out of 51 times (10 percent). Four (40 percent) was convicted of necrophilia. Necrophilia occurred four out of 51 times (eight percent). Five out of ten (50 percent) were deemed to be a continuous threat of future violence. The potential that serial killers were deemed to continue to be a threat to society of causing future violence was 6 out of 51 times (12 percent).

The ten serial killers in Table Six had a total of 51 aggravating factors in their cases for an average of 5.0. The number of aggravating factors for each serial killer ranged from two to nine.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Heinous</th>
<th>Atrocious</th>
<th>Cruel</th>
<th>Premeditated</th>
<th>Prior Violent</th>
<th>Felony</th>
<th>Financial Gain</th>
<th>Rape Attempted Rape</th>
<th>Family Violence</th>
<th>Robbery Attempted</th>
<th>Avoiding Prosecution or Arrest</th>
<th>Necrophilia</th>
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</table>

Table Seven reveals that 60 percent of the serial killers in this study suffered from borderline personality disorder; 30 percent suffered from multiple personality disorder, 50 percent suffered from psychotic disorder; 20 percent suffered from depression; forty percent suffered from schizophrenia, 10 percent suffered from bipolar disorder, 50 percent suffered from antisocial behavior and had a history of family abuse; 40 percent suffered from abandonment; and 30 percent suffered from alcohol and drug abuse and paranoia.

The mitigating factors found in the ten serial killers in this sample can be found in Table Seven, which includes borderline personality disorder, multiple personality disorder, psychotic disorder, depression, schizophrenia, bipolar, antisocial behavior, history of family abuse,
abandonment, alcohol and drug abuse, and paranoia. A total of 40 aggravating factors were found in the ten serial killers in this sample. Borderline personality disorder occurred six out of the 40 (15 percent) times. Multiple personality disorder happened three out of 40 (eight percent) times. Psychotic disorder occurred five out of 40 (12.5 percent) times.

Four out of the 40 aggravating factors (10 percent) were for schizophrenia and only one killer out of 40 (two percent) suffered from bipolar disorder. Five out of 40 aggravating factors (12.5 percent each) were for antisocial behavior and a family history of abuse. Four out of the 40 aggravating factors (10 percent) were for abandonment. And three out of 40 aggravating factors (eight percent) were for alcohol and drug abuse and paranoia each.

Table Seven
Mitigating Factors for Serial Killers

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Borderline Personality Disorder</th>
<th>Multiple Personality Disorder</th>
<th>Psychotic Disorder</th>
<th>Schizophrenic Disorder</th>
<th>Bipolar Disorder</th>
<th>Antisocial Behavior</th>
<th>History of Family Abuse</th>
<th>Abandonment</th>
<th>Alcohol and Drug Abuse</th>
<th>Paranoia</th>
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Table Eight reveals the various methods serial murderers used on their victims, which included rape, strangulation, torture, beaten, bludgeoning, stabbing, shot, beheading, dismemberment, cannibalism, and mutilation. Six out of 10 serial killers committed rape; 80 percent of the serial killers strangled their victims; 30 percent of the serial killers tortured and or beat their victims; 60 percent of the serial killers bludgeoned their victims; 40 percent stabbed their victims; 20 percent shot their victims, 20 percent beheaded and dismembered their victims; and 10 percent mutilated the bodies and another 10 percent committed cannibalism.

James Alcala performed five of the methods listed to kill his victims. Jeffery Dahmer committed seven of the 11 listed methods on his victims. He was also the only one that ate parts
of the victims. Ted Bundy and Jeffrey Dahmer both beheaded and dismembered their victims.

Jerome Brudos was the only one that mutilated the victim’s corpses.

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Summary of Chapter 4

This chapter has presented findings on selected newsworthy murderers, juvenile murderers, and serial killers. The sample of selected newsworthy murderers included those convicted of killing three or fewer victims with one exception, the Boston crime boss James Bulger who killed 19 victims. Twenty-nine out of 37 victims were males. Research also revealed missing mitigating factors in many of the cases. The research indicated that males were the focus of these accounts. Juvenile murderers in the sample included only two female murderers and a total of 23 victims. Only one female serial killer was revealed in the sample. The 11 serial killers were responsible for a total of 144 murders resulting in a murder conviction; and a total of 426 victims of killings resulting in a murder conviction and of killings suspected to have been committed.
CHAPTER 5
SUMMARY, DISCUSSION, AND IMPLICATIONS

Introduction

This thesis performed a content analysis of murder/murderer accounts. Specifically, the research examined accounts of selected newsworthy murderers, juvenile murderers, and serial killers. This chapter will discuss the findings and offer implications for future research.

Selected Newsworthy Murderers

According to Scheb (2008), a defendant convicted of murdering a white victim is three to four more times likely to be sentenced to the death penalty than if the victim was black. However, my research revealed opposite results. This research revealed that seven white defendants murdered seven white victims; three of the defendants received the death penalty and four received life without parole. This research only showed one black defendant convicted of murdering one white victim and he received the death penalty.

According to Bordt (2004), 90 percent of defendants convicted of rape were black. However, my research found that out of the three black defendants in the sample, none of them were convicted of rape. However, two of the three black defendants had been convicted of armed robbery in connection to the murder and the other was convicted of killing a police officer. Three white defendants were convicted of raping three white victims and all three were sentenced to the death penalty. This supports the evidence that male defendants that victimize females are more likely to receive the death penalty (Tomsich et al., 2014).

Research also states that blacks are six times more likely to be the victim of a homicide than whites and seven times more likely to commit homicides (Unever, et al., 2008). However, the study findings did not reflect past research findings. With the exception of the four murderers
for whom the accounts do not provide the race of the victims, the remaining nine murderers were all convicted of killing white victims.

A possible explanation for these different findings is most likely the fact that the sample size was very small with only 13 murderers in the sample. Had the sample size been much larger, the results may have more closely mirrored past research findings.

Two of the murderers in this sample were convicted of murdering district attorneys; one was convicted of murdering a doctor, and one was convicted of murdering a police officer. Each of these cases was tried in the media before the trial because the victims were prominent members of their community and society. Had their victims been someone deemed less deserving of protection, such as prostitutes, the media would not have covered the cases.

Gender conflict theory explains that individuals, who hold positions of power and are male, are expected to receive special treatment by the criminal justice system (Tomsich et al., 2014). Three out of the four defendants convicted of murdering district attorneys, a police officer, and a doctor, received the death penalty and the other received life without parole. Horton was a black male convicted by an all white jury of murdering a white district attorney and received life without parole.

Haney was the only female defendant in the selected newsworthy sample. According to Tomsich et al., 2014, a defendant convicted of murdering an intimate partner will normally receive a “domestic discount” and less likely to receive the death penalty. My findings support this previous evidence as Haney received life without parole for the murder of her abusing husband.

Three of the murderers were convicted of killing youths 18-years-old and younger. Thomas was convicted of murdering a nine-year-old male; Sonnier was convicted of murdering a
17-year-old male and an 18-year-old female; and Willingham was convicted of murdering his three young daughters. Heath was convicted of hiring a hit man to murder his pregnant wife. When the victim is a child or young adult, the defendant will be more likely to receive the death penalty than when the victim is an adult. This research supports that statement with all four cases resulting in death sentences.

It appears that several authors had a clear agenda in presenting the cases they selected. For example, Sister Helen Prejean has strong religious objections to the death penalty. So she wrote a book that is quite sympathetic to the murderers. She presents them as flawed human beings rather than as cold-blooded monsters. Another example is Lezin. He documented numerous instances of problems with death penalty sentences. He focuses on the many procedural issues and highlights attorney issues specifically.

Lezin’s book “Life After Death Row” brings up numerous legal issues that plague the criminal justice system. In Shaw’s case, the defendant could not afford to hire a competent attorney so he had to rely on his court-appointed attorney, a divorce attorney, for representation. His court-appointed attorney had no prior experience trying criminal cases, especially a capital death penalty case. Lezin points out that Shaw was diagnosed with a mental illness yet was found to be competent to stand trial.

Another defendant in the book was Thomas, a black man convicted of killing a nine-year-old white boy. His court-appointed attorney only met with his client ten times before trial. Lezin mentions how police officers abused their power of authority and misled the defendant by telling him the prosecutor was actually his attorney. After asking to speak with his attorney, the police officers continued to interrogate the defendant.
Cervi was convicted of murdering a doctor. Unable to afford to hire a competent attorney, the judge appointed one for him. The case received a lot of media attention and when the attorney asked for a change of venue, his request was denied. The prosecutor was able to exempt every black from the jury resulting in an all-white jury.

Haney was the only female defendant in the book. She had suffered years of abuse by her husband and had tried to leave him before being convicted of murdering him. Her court-appointed attorney never called any expert witnesses on his client’s behalf. He failed to subpoena her medical records that would have showed all the times she had been in the hospital for injuries sustained at the hands of her husband. The court-appointed attorney never called the nurses or doctors to cooperate her story of abuse. He never interviewed or called any witnesses on his client’s behalf.

The prosecutor failed to release exculpatory evidence of the police’s recorded conversation between Haney’s sister and her husband where the sister tells the police not to touch her cocaine because she would need it afterwards. She can be heard on the recording saying that Haney was terrified of her husband.

The defense attorney arrived in court drunk and was found to be in contempt of court and taken to jail until the next day. After Haney was convicted, the judge re-appointed the same attorney to handle her appeal. After the trial, he refused to send her a copy of the trial transcripts, which he is required by law to do. He refused to accept any of her phone calls and insisted she write him a letter.

Horton was a black man convicted of murdering a white district attorney. Horton was unable to afford to hire a competent attorney. The prosecutor charged two men with the same crime and suggested that because of the victim’s status, the defendant should receive a harsher
sentence. The prosecutor was able to exempt every black from serving on the jury, resulting in an all-white jury that sentenced him to death, while his co-conspirator had five blacks on his jury and received life without parole.

The last case in Lezin’s book was Heath, convicted of hiring a hit-man to murder his pregnant wife. Heath had been tried in Georgia for the crime and found guilty and then was tried for the crime again in Alabama. The extensive media coverage of the case in Georgia was known by the jury members in the Alabama case and may have influenced their verdict. On appeal, his attorney only wrote a one-page brief and did not show up for the hearing. Evidence that could have possibly exonerated the defendant was not brought up at the appropriate time and was therefore lost forever. So it is clear that Lezin had a definite agenda; he wanted to expose the various legal shortcomings in the cases he chose for presentation.

**Juvenile Murderers**

Six out of the ten juvenile murderers were Hispanics and out of those six juveniles, four killed other Hispanics while two killed white victims. Unlike Bordt (2004) who stated that 90 percent of defendants convicted of rape were black, this research showed that only one Hispanic defendant out of all ten defendants committed rape. This research also showed that 40 percent were related to gangs. The ten juvenile defendants in the sample had a total of 23 murder victims.

This would seem to indicate that regardless of age, juveniles are capable of committing very serious crimes. The severity of these murders might very well cause some observers to conclude that these juveniles should be considered as adults and thus deserve adult criminal penalties. The youngest juvenile in the sample was only 14-years-old but committed the most gruesome crime of all the selected newsworthy defendants and juvenile defendants combined.
There were only two female juvenile defendants in the juvenile sample, which supports previous research that females are socialized to be more nurturing and caring, whereas boys are socialized to be more aggressive and competitive (Whitehead & Blankenship, 2000). Those convicted of violating gender norms and roles risk losing the protection normally afforded to them for being a female (Salvucci, 2011).

A strong agenda can influence how a writer reports on a murder or number of murders. Stimson and Grossman, for example, wrote about the brutal details of the murders that their sample of juveniles committed. However, they omitted any mitigating information, such as a history of child abuse. The report published by Human Rights Watch, on the other hand, had just the opposite agenda, namely, to present the human face of the juvenile murderer and thus argue against life without parole sentences for juveniles.

Serial Killers

While the death penalty is meant to be reserved for only the worst of the worst offenders, in reality, the worst offenders do not always get the death penalty especially in the case of serial killers. With the total number of victims per defendant and the aggravating factors involved, such as being heinous and atrocious, necrophilia, mutilation of bodies, and cannibalism, one would expect that every serial killer would receive the death penalty. However, that is not the case. In my research, only half of the serial killers in my sample received the death penalty. Depending upon the state where the serial killer committed the crimes, the death penalty may not be an option; some states’ most severe punishment may be life without parole.

Another explanation for only half of the serial killers receiving the death penalty may be that in exchange for taking the death penalty off the negotiating table, the serial killers had to agree to tell law enforcement officials the location of their victims. For example, the Green River
Killer, Gary Leon Ridgway, cooperated with the police and told them the location of many of his victims in exchange for a sentence of life in prison. Ridgway was convicted for the murder of 49 victims and suspected of murdering almost 150 people.

Dahmer and Bundy were both convicted of raping, strangling, bludgeoning, beheading, and dismembering the bodies of their victims. Dahmer was also convicted of torturing and cannibalizing his victims. However, only Bundy received the death penalty because Dahmer resided in Wisconsin, a state that does not have the death penalty and Bundy resided in Vermont, a state that does have the death penalty.

Serial killers only make up .5 percent of all murders in the country and female killers make up an even smaller percentage. Wuornos was the only female in the serial killer sample in this thesis. This is consistent with research that shows most serial killers are males.

According to the FBI, most serial killers are white males; however there have been black serial killers. The sample included one black serial killer, Derrick Todd Lee who was convicted of murdering seven white victims. Lee was one of the four serial murderers convicted for necrophilia and the only mitigating factor mentioned was a history of family violence.

It appears that particularly heinous cases attract the most media attention. For example, details about Dahmer, such as eating body parts of his victims, almost sounds unbelievable. So, gruesome details can and will attract media coverage of homicides. The case also had sexual overtones with his victims being gay. Just as with the movies and television shows, so also authors of murder accounts often choose to write about murderers or murders with prominent sexual overtones.

There can be idiosyncratic reasons for an author focusing on a particular murderer. For example, Prothero defended a serial killer and it appears that he may have been writing about the
case to justify his defense of such a serial killer. He may want to improve his image. In the Cameron Todd Willingham case, even after a new arson investigator uncovered evidence that Willingham was innocent of the murder of his three young daughters, the courts still refused to overturn his murder conviction. Finality appears to be more important than seeking justice.

Implications

The reasons an author would choose to write about certain murders and not others clearly affects what they report and how they report. For example, Stimson and Grossman are proponents of life without parole for juveniles, as is evident in the title “Adult Time for Adult Crimes”. Therefore, they do not present any mitigating evidence in the cases they used. The Human Rights Watch report differs in that the authors are opponents of life without parole for juveniles. Therefore, the reader must be able to recognize that each author has an agenda.

Authors can emphasize certain points or fail to emphasize points or even just omit critical facts or details. Again, Stimson and Grossman provide no mitigating details about the juvenile murderers they write about. This omission leaves an impression of young monsters that are mature enough to commit brutal crimes. Without background information about possible child abuse, sexual abuse, neglect, educational deficits, mental illness, and the like, the authors present an incomplete and inaccurate picture.

Overall, many authors have chosen to write about murders and murderers that are very chilling, to say the least. They have chose to write about murderers such as Dahmer, Ridgway, and Bundy who have committed unspeakable acts. It appears that writers and readers want this information communicated. This raises a question: Why are we humans so fascinated by the topic of murder? Is it because we value human life so much? Is it because we fear death and
what lies after death, such as eternal reward/punishment, the unknown, or the end of our human consciousness?

The 11-o'clock-news coverage gives the viewer a distorted picture of crime and so does media accounts of murders and murderers and the death penalty. For example, Lezin and Prejean focus on the death penalty while life sentences are very problematic and very prevalent. With an emphasis on death penalty cases, the public is led to believe that the death penalty is used more than life without parole. Nellis & Chung (2013) state there are more than 159,000 people serving life sentences as of 2012, which is almost a 12 percent increase from 2008. About 10,000 offenders serving life sentences were convicted of non-violent crimes (Nellis & Chung, 2013). Yet, the media says nothing about these prisoners; they are basically forgotten and ignored.

Readers and viewers of documentaries, such as 60 Minutes documentary on Bulger, have to be critical. Unless they approach murder accounts with a critical eye, they may unknowingly let an author or documentary producer “convert” them to his or her point of view.

Future Research

Upon completion of this content analysis on selected newsworthy murderers, juvenile murderers, and serial killers, I have come to the conclusion that a more comprehensive sample of murder accounts would be more beneficial. This content analysis was very broad in scope and covered too many types of murderers; therefore the focus in future research should be narrower in scope.

Future research should concentrate specifically on one type of offender, such as only serial killers and media coverage or life without parole cases and media coverage. By limiting murderers to one type, the sample size can be increased without increasing the overall length of the paper. Having a larger sample size would increase the reliability, validity, and
generalizability of the research. As was demonstrated in the analysis of selected newsworthy cases, the findings did not accurately match previous research, which can be attributed to the small sample size for each type of murder accounts.
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