

## News Roundup

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Three more inmates had their death sentences vacated this week under the Racial Justice Act. Cumberland County Superior Court Judge Greg Weeks, following the reasoning he used previously to void the death sentence for another inmate, ruled that racial discrimination by the State during jury selection required that the defendants be resentenced to life without parole. The *News and Observer* has the basics [here](#). The *Fayetteville Observer* has more details [here](#), including a discussion of the tense atmosphere in the courtroom. Apparently, Judge Weeks determined that the defendants were entitled to prevail under both the original and the amended RJA. The state plans to seek appellate review. I assume that Judge Weeks entered, or will enter, a written order, and when I am able to procure a copy, I will post it. [Update: the order is available [here](#).]

In other news:

1. *No changes to the RJA?* A few days before Judge Weeks's ruling, the *Fayetteville Observer* ran [this article](#) discussing the state of the death penalty in North Carolina. The piece notes the recent declines in capital cases and in death verdicts, and discusses the role of race, geography, and the wishes of the victim's family in determining whether a case will be capital. It also quotes House Majority Leader Skip Stam as saying, "We've done what we need to do on the RJA . . . I don't see doing anything else."
2. *New Supreme Court Justice.* Governor Perdue has named Court of Appeals Judge Cheri Beasley to replace retiring Supreme Court Justice Patricia Timmons-Goodson. The WRAL report is [here](#). Of course, that creates an opening on the court of appeals. There's been speculation that just-defeated Court of Appeals Judge Cressie Thigpen could end up back on the court, but plenty of other names have been mentioned as well.
3. *Federal circuits weigh in on gun rights.* Two federal appellate courts have issued somewhat conflicting rulings recently on Second Amendment issues. [Reuters notes](#) that the Second Circuit upheld New York's concealed carry law, which requires permit applicants to prove that "they have a special need for self-protection greater than others in the general community." The court ruled, in essence, that Second Amendment rights may be restricted outside the home in the interest of community safety. Meanwhile, the *Chicago Tribune* [reports](#) that the Seventh Circuit struck down Illinois's complete ban on concealed carry, concluding that the right to "bear" arms entails the right to carry them outside the home. Illinois was the only state in the nation to prohibit concealed carry entirely.
4. *Football players, concussions, and criminal court.* The connection between football and concussions has leaked into criminal court. Sentencing Law and Policy [notes](#) that former professional wide receiver David Boston, convicted in Florida of punching a woman, received just one-eighth the sentence prosecutors were seeking "[i]n part[] because Boston blamed concussions suffered in football for his actions off the field, and the judge found Boston's claims convincing."
5. *The lighter side.* Two overseas tidbits caught my eye this week. [In Brazil](#), "[f]our inmates tried to escape through a hole made [in] their cell's wall . . . [but] . . . the hole was too small and the second prisoner got stuck, keeping the others inside. . . . [A]fter badly injuring himself trying to pass through the hole repeatedly, the prisoner realized it was an impossible proposition. That's when he began to scream and cry for help." Meanwhile, [in Germany](#), "[s]paces in a new car park in the . . . town of Triberg now come with male and female symbols. The spaces for women are wider and well lit, while those for men are close to concrete pillars and can only be reversed into. Explaining the policy, Mayor Gallus Strobel said it was a natural decision

because men are better at parking than women.” I’m not generalizing, but it is true that my car is spotless while my wife’s has a zillion dents, scrapes, and dings . . .



Picture credit: [Jornal Populacional](#) (Portugese).