

News Roundup

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Lots of interesting news this week, so let's get right to it:

Constitution Day. It was Constitution Day this week, the 227th anniversary of the constitutional convention's proposal of what became our Constitution. Why not have Constitution Day on the anniversary of ratification? Because, as Kent Scheiddeger notes in [this interesting post](#) at Crime and Consequences, the latter date is "hard to pin down."

Criminal law and policy geniuses. The MacArthur Foundation announced the recipients of its genius grants this week. There are 21 new geniuses, including a Stanford psychologist who studies the connection between perceived race and perceived criminality, and a law professor who works to combat domestic violence and sexual abuse against Native American women. The *New York Times* has the story [here](#).

Another bad week for the NFL. Minnesota Vikings running back Adrian Peterson was charged with beating his four-year-old son with a switch so badly that wounds were still visible all over his legs days later, while Arizona Cardinals running back Jonathan Dwyer was charged with breaking his wife's nose after she refused his sexual advances. The league's defenders say that the NFL is "just a microcosm of society," with no more bad apples and no fewer, but I am beginning to wonder. In related news, Alabama federal judge Mark Fuller is facing calls for his resignation after his domestic violence conviction, as discussed in [this local article](#). Perhaps the federal judiciary is also a "microcosm of society"?

Moral Monday cases to be dismissed? Wake County Senior Resident Superior Court Judge Don Stephens recently ruled that the arrest of a Moral Monday protestor violated his free speech rights. A number of Moral Monday prosecutions have also been dismissed in district court recently, apparently causing acting DA Ned Mangum to think seriously about dismissing most of the remaining cases. MSNBC has the story [here](#).

Police testing facial recognition technology. The *News and Observer* has a [story](#) up this morning about how the Raleigh police will start using facial-recognition software to match crime scene surveillance photographs to "mug shots of people who have been booked into the Wake County jail." The use of such software seems inevitable and I doubt that it will long be limited to a database of those who have been booked into the local jail. The ACLU and others are calling for a discussion of limits and safeguards.

Judge says he would let an innocent person be executed. Federal Judge Richard Kopf writes about the death penalty and innocence [here](#). The whole post is fascinating but the line that's garnered the most attention is this: "Hypothetically, if I were confronted with a case where the petitioner was factually innocent of murder and I knew that he was factually innocent of murder and there was no federal legal remedy available to stop the execution, I would

probably allow the execution to proceed if I was satisfied that there was precedent that compelled such a result.”

Voluntary death penalty in Belgium? Belgium has abolished the death penalty, but it has just approved euthanasia at the request of a serial murderer and rapist facing life in prison for his crimes. The offender asserts that he is “suffering unbearably,” and the state has agreed to let him end his suffering. Belgium allowed physician-assisted euthanasia in over 1800 instances last year, but this is the first request from an inmate that has been granted. A number of similar requests apparently are now in the pipeline. The fascinating story is [here](#) at Sentencing Law & Policy.