



News Roundup

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In an odd turn of events for the person known as the "[champion of the falsely accused](#)," WRAL [reports](#) that Christine Mumma was accused herself this week by the North Carolina State Bar of violating the [Rules of Professional Conduct](#). Mumma serves as executive director and legal counsel for the North Carolina Center on Actual Innocence. The allegations arise from Mumma's work to free Joseph Sledge, who spent thirty-six years behind bars for the killing of a mother and her daughter in Bladen County in 1976 before he [was exonerated](#) last January.

The [state bar complaint](#) asserts that Mumma went unannounced to the home of the sister of two men whom she considered suspects in the killings. The purpose of Mumma's visit was to obtain a DNA sample from the sister, Ms. Andrus, but Andrus refused to provide a DNA sample on that day. Andrus expressed concern that Mumma was looking for a "scapegoat" and said she wanted to speak to her family members before making a final decision on whether to provide DNA. Mumma took a water bottle from the home when she left that she knew "might not have belonged to [her]." Once Mumma returned to her car and saw her own water bottle there, she confirmed that the water bottle was not hers. After Andrus confirmed with Mumma that she did not intend to submit a DNA sample, Mumma submitted the water bottle to a laboratory for DNA testing. The DNA did not match the brothers to the crime.

In other news:

Rap lyrics as evidence. Over at The Volokh Conspiracy, Eugene Volokh [reported](#) on the Second Circuit's recent opinion in [United States v. Pierce](#), holding that the trial court did not err at the defendant's trial for racketeering, narcotics trafficking, and murder, by admitting into evidence a video of the defendant rapping about a feud with a rival gang, "Young Gunnaz", and being a "shooter" as well as images of the defendant's "Y.G.K" tattoo, which allegedly stood for "Young Gunnaz Killer." The defendant argued that the admission of the video and photographs violated his First Amendment rights because courts should not "sustain a conviction that may have rested on a form of expression, however, distasteful, which the Constitution tolerates and protects." The court rejected that argument on the basis that the speech was not the basis for the prosecution, but instead was used to establish the defendant's involvement in the alleged criminal enterprise. The court went on to note that rap lyrics and tattoos are properly admitted when they are relevant and their probative value is not substantially outweighed by the danger of unfair prejudice. Jeff wrote [here](#) about other cases considering rap lyrics written by a defendant as evidence of guilt.

Should law enforcement officers wear body cameras? The Durham Police Department [is holding public forums](#) to receive community input on the issue. [A recent poll by Elon University](#) reveals that 9 out of 10 North Carolinians think police should wear body cameras and two-thirds of residents believe the footage should be made available to the public.

I'm sorry. Those are said to be two (or is it two-and-a-half?) of the most powerful words used in relationships—and perhaps in avoiding the death penalty. [One former assistant United States Attorney thinks](#) Dzhokhar Tsarnaev should have told the jury himself that he was sorry for the Boston Marathon bombings rather than relying on testimony from a nun and anti-death-penalty advocate who said he is remorseful.

In other death penalty news, death penalty trials, death sentences, and executions are on the decline in Texas, just

as they are in the rest of the country. A columnist for the Dallas Morning News reports [here](#) on reasons for the decline. Spoiler alert: Texas hasn't gone soft on crime. Finally, UNC law school professor Robert Smith penned [this piece](#) for Slate on the "deadliest prosecutors" in America. Smith's pick from Louisiana, Dale Cox, is quoted as saying "[i] think we need to kill more people."

On a lighter note . . .

Who would you pick to play you in the movie about your life? I'd be pretty flattered if Natalie Portman were cast. Above the Law [reports](#) that Ms. Portman will be playing the part of Justice Ruth Bader Ginsburg in an upcoming movie based on the "Notorious R.G.B.'s life."

Should you blog every day? Some lawyers [say yes](#). At first I thought I agreed with them, since we post every day here at the North Carolina Criminal Law blog. But then I realized that they make us look like slackers, since we don't **individually** blog every day. And don't even bother sending in a comment in support of that idea.