

## News Roundup

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Earlier this year, the News Roundup noted that the United States Supreme Court held in [Hurst v. Florida](#) that Florida's capital sentencing scheme was unconstitutional under the Sixth Amendment because it permitted a judge to increase a defendant's maximum authorized punishment based on the judge's own factfinding rather than that of a jury. The Defender Manual has an overview of the development of the Court's Sixth Amendment jurisprudence on this issue [here](#). Now the Florida Supreme Court has to decide what to do about the nearly 400 inmates awaiting execution who were sentenced under the unconstitutional scheme. The Palm Beach Post [reports](#) that former Florida Supreme Court justices were "among a handful of leading lawyers," including two former American Bar Association presidents, calling for the court to impose life sentences on all of the inmates in a blanket commutation.

Closer to home, the North Carolina Court of Appeals decided that old G.S. 14-27.4A(c) ([now codified](#) as G.S. 14-27.28(c)), a statute which "purports to provide the trial court with the unfettered ability to lengthen a defendant's sentence . . . with no input from a jury," is unconstitutional based on the same line of Supreme Court cases implicated in *Hurst*. The case is [State v. Singletary](#), and, as the opinion notes at page 28, Jessie and John have predicted for some time that the North Carolina statute likely was unconstitutional. Keep reading for more news:

**Drawings From Death Row.** Turning back to capital punishment, the New York Times has a five-part graphic journalism series titled "[Inside Death Row](#)" that features drawings by death row inmates. The description of the series notes that most of the artists "have committed terrible crimes" but that the focus of the series is not the crime but "what happens after."

**N.C. Judicial Standards Commission 2015 Annual Report.** The North Carolina Judicial Standards Commission released its [2015 Annual Report](#) this week. The report includes statistics and information about the more than 200 complaints the commission reviewed over the course of the year.

**U.S. Department of Justice Says HB2 Violates Federal Law.** As WRAL [reports](#), the U.S. Justice Department sent a letter to Governor McCrory that says that HB2 violates federal civil rights laws and asks that the McCrory administration advise the Department by Monday whether it will remedy the alleged violations. The News and Observer [reports](#) that House Speaker Tim Moore stated that legislators will not take any action on the controversial law by the Monday deadline.

**Implicit Bias for Defenders.** As [this article](#) from the Marshall Project notes, much of the research about implicit bias is focused on prosecutors, jurors, and judges. According to the article, however, "scholars are beginning to discuss how it also affects the work of public defenders." The American Bar Association reportedly plans to release training videos and other materials on the subject for defenders later this year. Alyson has [previously blogged](#) about the SOG's training on the issue which has been made available to a wide range of court actors across the North Carolina justice system. The SOG manual [Raising Issues of Race in North Carolina Criminal Cases](#) notes that defenders, like anyone else in the justice system, may be affected by implicit bias, and sessions on the operation of bias for public defenders have been offered at North Carolina defender conferences.

**Treating Young Adults as Teenagers.** North Carolina is nearly unique in treating 16- and 17-year-old offenders as adults rather than juveniles in its criminal justice system; a majority of states don't treat offenders as adults until

age 18. An [article](#) in the New York Times by a group of professors of psychology, psychiatry, and law notes that there has been recent advocacy proposing that the age of juvenile court jurisdiction be raised to 21. The article says that while treating young adult offenders differently from older offenders has advantages, raising the age to 21 would be premature for a variety of reasons including that the science on the issue is still developing.

**Children Shooting at Increased Rate.** Talladega news outlet WTVM 13 [reports](#) that 11-year-old Alabama home school student Chris Gaither shot an intruder on Wednesday morning after the intruder broke into the Gaither's house. Wounded in the leg, the man "started crying like a little baby" according to Gaither. Speaking of babies, the Washington Post [reports](#) that toddlers have shot at least 23 people this year. This reportedly is an accelerated pace compared to last year when toddlers were shooting people "at a rate of about one a week." Sadly, the vast majority of cases involve children accidentally shooting themselves according to the report.