

## RJA Oral Argument

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The state supreme court heard oral argument yesterday in two cases concerning the Racial Justice Act. In the first case, Superior Court Judge Gregory Weeks struck down the death sentence imposed on Marcus Robinson under the RJA as enacted in 2009. In the second, Judge Weeks vacated the death sentences imposed on Quintel Augustine, Christina Walters, and Tilmon Golphin, under the original RJA and, in the alternative, under the RJA as amended in 2012.

The cases present important issues about the proper interpretation of the RJA, including the extent to which a defendant may rely on statistical evidence of racial bias that isn't connected directly to the defendant's own case. The second case also presents the question of whether defendants who filed their claims under the original RJA are entitled to have their claims adjudicated under the law as it stood at the time of filing, a question that has taken on added importance since the legislature repealed the RJA altogether in 2013. I wrote about some of these issues in the [Capital Case Law Handbook](#), though the chapter on the RJA clearly will need revision after these cases are decided.

I wasn't able to attend the oral argument, but media reports suggest that the justices asked few questions and didn't tip their hands. (The *Fayetteville Observer* story is [here](#), while WRAL's is [here](#).) One interesting aspect of the proceedings is that Justice Beasley recused herself in the second case because she once helped defend Golphin. The recusal creates the possibility of a tie vote in that case.

As a side note, there was apparently tremendous public interest in the case, with the courtroom completely full and some spectators watching from a remote overflow location. Many people would probably be interested in a more complete understanding of what took place at oral argument than media reports convey. Yet our supreme court doesn't post recordings or transcripts of oral arguments. The United States Supreme Court [does](#), as do many state supreme courts, including our neighbors [Georgia](#), [Virginia](#), and [Tennessee](#). [Update: A reader notes that WRAL has posted a video of the argument [here](#).]

I will blog about the decisions when they come out.