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**THE JUVENILE DEATH PENALTY TODAY:
PRESENT DEATH ROW INMATES UNDER JUVENILE DEATH SENTENCES
AND
DEATH SENTENCES AND EXECUTIONS FOR JUVENILE CRIMES,
JANUARY 1, 1973, TO SEPTEMBER 30, 1991**

BY

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Both the juvenile death sentencing rate and the juvenile death row population remain very small in comparison to that for adults, each being about 1% to 2% of the totals. For purposes of consistency, a juvenile crime is defined as one committed while the offender was under age 18, the most common age jurisdictional dividing line between juvenile and criminal courts. A juvenile death penalty is one imposed for a juvenile crime.

HISTORICAL AND CONSTITUTIONAL BACKGROUND:

Actual execution of such condemned juveniles began in 1642 (Thomas Graunger, Massachusetts). Juvenile executions in the current era began on September 11, 1985, with the execution of Charles Rumbaugh in Texas. On January 10, 1986, South Carolina executed James Terry Roach; on May 15, 1986, Texas executed Jay Kelly Pinkerton; and on May 18, 1990, Louisiana executed Dalton Prejean. From 1642 to the present, approximately 286 persons were executed for juvenile crimes.

The constitutionality of the juvenile death penalty seems to be a reasonably well-settled issue. In Thompson v. Oklahoma (487 U.S. 815 (1988)), the Supreme Court held that execution of offenders age fifteen and younger at the time of their crimes is unconstitutional. The combined effect of the opinions by Justice Stevens and Justice O'Connor in Thompson is to hold that no state without a minimum age line in their death penalty statute can go below age sixteen without violating Thompson, and in fact no state with a minimum age line in its death penalty statute uses an age less than sixteen. In Stanford v. Kentucky (492 U.S. 361 (1989)), the Supreme Court held that the Eighth Amendment does not prohibit the death penalty for crimes committed at age sixteen or seventeen regardless of state statutory provisions.

JUVENILE DEATH SENTENCES IMPOSED:

The current American death penalty system began when new death penalty statutes were passed following the Supreme Court's decision in Furman v. Georgia, 408 U.S. 238 (1972), which in effect struck down all then existing death penalty statutes. Sentencing began under the new statutes in 1973 and continues through today.

While some uncertainty exists as to the precise number of death sentences imposed in the early years of this period, Table 1 on the next page lists the sentences imposed each year according to the Bureau of Justice Statistics and to my research. A total of 106 juvenile death sentences have been imposed since 1973, only 2.4% of the total of the approximately 4,462 death sentences imposed for offenders of all ages. Two-thirds of these juvenile death sentences have been imposed on 17-year-old offenders, the other third on offenders ages 16 and 15, and none on offenders age 14 or younger at the time of their crimes.

TABLE 1

DEATH SENTENCES IMPOSED FOR CRIMES COMMITTED AS JUVENILES,
JANUARY 1, 1973, TO SEPTEMBER 30, 1991

<u>Year</u>	<u>Total Death Sentences</u>	<u>Juvenile Death Sentences (Age at Crime)</u>				<u>Juvenile Sentences as Portion of Total Sentences</u>
		<u>15</u>	<u>16</u>	<u>17</u>	<u>Totals</u>	
1973	42	0	0	0	0	0.0%
1974	151	1	0	2	3	2.0%
1975	299	0	4	4	8	2.7%
1976	234	0	0	3	3	1.3%
1977	140	1	3	7	11	7.8%
1978	187	0	1	6	7	3.7%
1979	157	0	1	3	4	2.5%
1980	185	2	0	1	3	1.6%
1981	239	0	2	6	8	3.3%
1982	274	0	1	13	14	5.1%
1983	261	0	4	3	7	2.7%
1984	292	3	0	3	6	2.1%
1985	288	1	1	4	6	2.1%
1986	315	1	3	3	7	2.2%
1987	304	1	0	1	2	0.7%
1988	309	0	0	5	5	1.6%
1989	250	0	0	1	1	0.4%
1990	300*	1	3	4	8	2.7%
1991**	225*	0	0	3	3	1.3%

Totals :	4,462	11	23	72	106	2.4%

*Estimates

**Through September 30

The rate of juvenile death sentencing fluctuated considerably in the early years of this current era but then settled into a consistent annual rate of about 2% of total death sentences in the mid-1980s. A change occurred from 1987 to 1989 when the juvenile death sentencing rate dropped considerably, presumably deterred by the cases then pending before the Supreme Court. The rate appears to be returning to the previous pattern now that those cases have been decided. However, only three juvenile death sentences were imposed during the first nine months of 1991, forecasting an annual rate of four which would be somewhat lower than the previous pattern.

Of these 106 juvenile death sentences imposed in the current era, only 32 (30%) remain currently in force (see Table 2 below). Four (4%) have resulted in execution, and 70 (66%) have been reversed. Thus, for the 74 juvenile death sentences finally resolved (excluding the 32 death row inmates remaining under juvenile death sentences but still litigating them), the reversal rate is 95% (70/74).

Appendix A to this report (pp. 5-8) provides a more detailed listing of name, age, race, gender, state, and current status for

each juvenile death sentence. While the sources of these data are many, the major sources are the outstanding data gathering effort of the NAACP Legal Defense and Educational Fund, Inc. (particularly Death Row, U.S.A.) and the equally fine monitoring effort of the National Coalition to Abolish the Death Penalty.

CURRENT DEATH ROW INMATES UNDER JUVENILE DEATH SENTENCES

As of September 30, 1991, 32 persons were on death row under death sentences received for juvenile crimes. These 32 condemned juveniles constituted only 1.3% of the total death row population of 2,504. Although all were age 17 or younger at the time of their crimes, their current ages range from 17 to 33. They were under death sentences in 12 different states and had been on death row from less than 2 weeks to almost 13 years.

All 32 juveniles offenders on death row were male and had been convicted and sentenced to death for murder. The demographic characteristics of these 32 juveniles and their 39 victims are outlined in Table 2.

TABLE 2

CHARACTERISTICS OF OFFENDERS AND VICTIMS IN JUVENILE DEATH PENALTY CASES CURRENTLY IN FORCE, SEPTEMBER 30, 1991

Offenders

<u>Age at Crime</u>	<u>Race</u>
15 = 1 (3%)	B = 16 (50%)
16 = 8 (25%)	H = 2 (6%)
17 = 23 (72%)	W = 14 (44%)
32 (100%)	32 (100%)

Victims

<u>Age</u>	<u>Race</u>	<u>Sex</u>
Under 18 = 3 (8%)	B = 9 (24%)	M = 17 (44%)
18 to 49 = 27 (69%)	H = 1 (3%)	F = 22 (56%)
50 & over = 9 (24%)	W = 29 (74%)	39 (100%)
39 (100%)	39 (100%)	

Nearly three-quarters of these cases involved 17-year-old offenders, and a majority of them were minority offenders. In contrast, over 90% of the victims were adults with nearly a quarter being over age 50. Three-quarters of the victims were white and a clear majority were females. Thus, the typical juvenile death penalty case is the 17-year-old minority male who kills an older white female.

Appendix B to this report (pp. 9-11) sets forth the names of these juvenile offenders currently on death row and some brief details about their crimes and sentences. Multiple sentencing dates mean that the earlier death sentence was reversed but then a new death sentence was imposed.

APPENDIX A

JUVENILE DEATH SENTENCES IMPOSED,
JANUARY 1, 1973, TO SEPTEMBER 30, 1991

<u>Year</u>	<u>Offender's Name</u>	<u>Age at Crime</u>	<u>Race /Sex</u>	<u>State</u>	<u>Current Status</u>
1973	(apparently none)				
1974	Harris, John	17	B/M	OH	reversed in 1978
	Thompson, Larry	17	W/M	FL	reversed in 1976
	Vasil, George	15	W/M	FL	reversed in 1979
1975	Battie, Billie Joe	17	B/M	TX	reversed in 1981
	Bell, Willie Lee	16	B/M	OH	reversed in 1978
	Bridgeman, Ronnie	17	B/M	OH	reversed in 1978
	Brown, Henry	16	B/M	FL	reversed in 1979
	Gibson, Samuel III	17	B/M	GA	reversed in 1976?
	Jones, Larry (see also 1977)	17	B/M	MS	reversed in 1977; resentenced to death in 1977; reversed in 1983
	Stewart, Rodney L.	16	B/M	NB	reversed in 1977
	Tyler, Gary	16	B/M	LA	reversed in 1976
1976	Davis, Mark Anthony	17	B/M	OH	reversed in 1978
	Johnson, Willie	17	B/M	OH	reversed in 1978
	Simpson, Willie	17	B/M	FL	reversed in 1982
1977	Eddings, Monty Lee	16	W/M	OK	reversed in 1982
	Ferguson, Bernard	17	W/M	TX	reversed in ?
	Jones, Larry (see also 1975)	17	B/M	MS	reversed in 1983
	Legare, Andrew (see also 1982 and 1984)	17	W/M	GA	reversed in 1981; resentenced to death in 1982; reversed in 1983; resentenced to death in 1984; reversed in 1986
	Magill, Paul (see also 1981)	17	W/M	FL	reversed in 1980; resentenced to death in 1981; reversed in 1987

(continued)

<u>Year</u>	<u>Offender's Name</u>	<u>Age at Crime</u>	<u>Race /Sex</u>	<u>State</u>	<u>Current Status</u>
(1977)	Morgan, James (see also 1981, 1985, and 1990)	16	W/M	FL	reversed in 1981; resentenced to death in 1981; reversed in 1984; resentenced to death in 1985; reversed in 1989; resentenced to death in 1990; now on death row
	Roach, James Terry	17	W/M	SC	executed in 1986
	Ross, Frank	15	B/M	FL	reversed in 1980
	Rumbaugh, Charles	17	W/M	TX	executed in 1985
	Starks, Paul	17	W/M	OH	reversed in 1978
	Valencia, Frank	16	H/M	AZ	reversed in 1982
1978	Boutwell, John Ken.	17	W/M	OK	reversed in 1983
	Bracewell, Debra	17	W/F	AL	reversed in 1981
	Burger, Christopher (see also 1979)	17	W/M	GA	reversed in 1978; resentenced to death in 1979; now on death row
	Coleman, Kevin	16	B/M	MS	reversed in 1979
	High, Jose	17	B/M	GA	now on death row
	Prejean, Dalton	17	B/M	LA	executed in 1990
	Tyner, Rudolph	17	B/M	SC	reversed in 1979
1979	Brown, Joseph	17	B/M	LA	reversed in ?
	Burger, Christopher (see also 1978)	17	W/M	GA	now on death row
	Harris, Curtis (see also 1983)	17	B/M	TX	reversed in 1982; resentenced to death in 1983; now on death row
	Smith, Reginald	16	B/M	LA	reversed in 1981
1980	Davis, Timothy	17	W/M	AL	now on death row
	Ice, Todd	15	W/M	KY	reversed in 1984
	Marshall, Joseph	15	B/M	LA	reversed in 1982
1981:	Burns, Victor	17	B/M	TX	reversed in 1985
	Buttrum, Janice	17	W/F	GA	reversed in 1989
	Graham, Gary	17	B/M	TX	now on death row
	Jackson, Carnel	16	B/M	AL	reversed in ?
	Magill, Paul (see also 1977)	17	W/M	FL	reversed in 1987

(continued)

<u>Year</u>	<u>Offender's Name</u>	<u>Age at Crime</u>	<u>Race /Sex</u>	<u>State</u>	<u>Current Status</u>
(1981)	Morgan, James (see also 1977, 1985, and 1990)	16	W/M	FL	reversed in 1984; resentenced to death in 1985; reversed in 1989; resentenced to death in 1990; now on death row
	Pinkerton, Jay Kelly	17	W/M	TX	executed in 1986
	Tokman, George	17	W/M	MS	reversed in 1988
1982	Barrow, Lee Roy	17	W/M	TX	reversed in 1985
	Cannon, Joseph J.	17	W/M	TX	now on death row
	Cannaday, Attina	16	W/F	MS	reversed in 1984
	Carter, Robert A.	17	B/M	TX	now on death row
	Garrett, Johnny F.	17	W/M	TX	now on death row
	Johnson, Lawrence (see also 1984)	17	B/M	MD	reversed in 1983; resentenced to death in 1984; reversed in 1988
	Lashley, Frederick	17	B/M	MO	now on death row
	Legare, Andrew (see also 1977 and 1984)	17	W/M	GA	reversed in 1983; resentenced to death in 1984; reversed in 1986
	Moe, Randall	17	?/M	FL	reversed in 1982?
	Peavy, Robert	17	?/M	FL	reversed in 1983
	Stanford, Kevin	17	B/M	KY	now on death row
	Stokes, Freddie (see also 1983)	17	B/M	NC	reversed in 1982; resentenced to death in 1983; reversed in 1987
	Thompson, Jay	17	W/M	IN	reversed in 1986
	Trimble, James	17	W/M	MD	reversed in 1990
1983	Bey, Marko	17	B/M	NJ	reversed in 1988
	Harris, Curtis P. (see also 1979)	17	B/M	TX	now on death row
	Harvey, Frederick	16	B/M	NV	reversed in 1984
	Hughes, Kevin	16	B/M	PA	now on death row
	Lynn, Frederick (see also 1986)	16	B/M	AL	reversed in 1985; resentenced to death in 1986; now on death row
	Mhoon, James	16	B/M	MS	reversed in 1985
	Stokes, Freddie (see also 1982)	17	B/M	NC	reversed in 1987
1984	Aulisio, Joseph	15	W/M	PA	reversed in 1987
	Brown, Leon	15	B/M	NC	reversed in 1988
	Johnson, Lawrence (see also 1982)	17	B/M	MD	reversed in 1988

(continued)

<u>Year</u>	<u>Offender's Name</u>	<u>Age at Crime</u>	<u>Race /Sex</u>	<u>State</u>	<u>Current Status</u>
(1984)	Legare, Andrew (see also 1977 and 1982)	17	W/M	GA	reversed in 1986
	Patton, Keith	17	B/M	IN	reversed in 1987
	Thompson, W. Wayne	15	W/M	OK	reversed in 1988
1985	Cantu, Ruben	17	H/M	TX	now on death row
	Livingston, Jesse J.	17	B/M	FL	reversed in 1988
	Morgan, James (see also 1977, 1981, and 1990)	16	W/M	FL	reversed in 1989; resentenced to death in 1990; now on death row
	Ward, Ronald	15	B/M	AR	reversed in 1987
	Williams, Raymond	17	B/M	PA	reversed in 1987
	Willis, Robert J.	17	B/M	TX	now on death row
1986	Comeaux, Adam	17	B/M	LA	reversed in 1987
	Cooper, Paula R.	15	B/F	IN	reversed in 1989
	LeCroy, Cleo	17	W/M	FL	now on death row
	Lynn, Frederick (see also 1983)	16	B/M	AL	now on death row
	Sellers, Sean	16	W/M	OK	now on death row
	Wilkins, Heath	16	W/M	MO	now on death row
	Williams, Alexander	17	B/M	GA	now on death row
1987	Dugar, Troy	15	B/M	LA	now on death row
	Lamb, Wilburn Aaron	17	W/M	FL	reversed in 1988
1988	Adams, Thomas	17	W/M	NC	now on death row
	Hain, Scott Allan	17	W/M	OK	now on death row
	Hegwood, Bernell	17	B/M	FL	reversed in 1991
	Jimenez, Jesus	17	H/M	AZ	reversed in 1990
	Lee, Percy	17	B/M	PA	now on death row
1989	Joyner, Richard	17	W/M	NC	reversed in 1991
1990	Blount, John	17	B/M	PA	now on death row
	Ellis, Ralph	17	W/M	FL	now on death row
	Flowers, Clayton Joel	15	W/M	AL	reversed in 1991
	Furman, Michael M.	17	W/M	WA	now on death row
	Hart, Gary Davis II	16	B/M	AL	now on death row
	Morgan, James (see also 1977, 1981, and 1985)	16	W/M	FL	now on death row
	Neal, John	16	B/M	AL	now on death row
	Slayton, Nathan	17	W/M	AL	now on death row
1991	Barraza, Mauro	17	H/M	TX	now on death row
	Bonifay, James	17	W/M	FL	now on death row
	Foster, Ron Chris	17	B/M	MS	now on death row

APPENDIX B

CASE SUMMARIES FOR CURRENT DEATH ROW INMATES
UNDER JUVENILE DEATH SENTENCES,
SEPTEMBER 30, 1991

ALABAMA

Davis, Timothy: White male; 17 at crime and now age 30; robbery of store and rape and murder of white female age 60 in Coosa County in 1978; sentenced 7-28-80.

Hart, Gary Davis II: Black male; age 16 at crime and now age 18; robbery and murder of white male age 22 in Mobile on 8-12-89; sentenced 5-9-90.

Lynn, Frederick: Black male; 16 at crime and now age 27; burglary and murder of elderly white female in Eufaula on 2-5-81; sentenced on 5-31-83 and 4-9-86.

Neal, John L.: Black male; age 16 at crime and now age 21; murder of white female adult in Baldwin County on 2-16-90; sentenced in May 1990.

Slaton, Nathan: White male; age 17 at crime and now age 21; rape and murder of white female age 68 in Albertville (Marshall County) in May 1987; sentenced 5-22-90.

FLORIDA

Bonifay, James Patrick: White male; 17 at crime and now age 17; murder of white male age 36 in Pensacola on 1-26-91; sentenced on 9-20-91.

Ellis, Ralph: White male; age 17 at crime and now age 30; murder of two black males in Duval County on 3-20-78; sentenced on 5-2-90.

LeCroy, Cleo Douglas: White male; 17 at crime and now age 28; robbery and murder of white male adult and white female adult in Palm Beach County on 1-4-81; sentenced on 10-1-86.

Morgan, James A.: White male; age 16 at crime and now age 31; rape and murder of white female age 66 in Martin County on 6-6-76; sentenced on 12-30-77, 12-7-81, 6-7-85, and 2-2-90.

GEORGIA

Burger, Christopher: White male; 17 at crime and now age 31 (DOB: 1-?-60); robbery and murder of white male cab driver in Wayne County on 9-4-77; sentenced 1-25-78 and 7-17-79.

High, Jose Martinez: Black male; 17 at crime and now age 33 (DOB: 8-16-58); kidnap and murder of white male age 11 in Crawfordville on 7-26-76; sentenced on 12-1-78.

(GEORGIA, continued)

Williams, Alexander, IV: Black male; 17 at crime and now age 23; rape and murder of white female age 16 in Richmond County on 3-4-86; sentenced on 8-29-86.

KENTUCKY

Stanford, Kevin: Black male; 17 at crime and now age 28 (DOB: 8-23-63); rape and murder of white female age 20 in Louisville on 1-7-81; sentenced on 9-28-82.

LOUISIANA

Dugar, Troy: Black male; 15 at crime and now age 20 (DOB: 5-1-71); robbery and murder of white male in Calcasieu Parish on 10-26-86; sentenced on 5-1-87.

MISSISSIPPI

Foster, Ron Chris: Black male; age 17 at crime and now age 19; robbery and murder of white male adult in Lowndes County on 6-10-89; sentenced on 1-17-91.

MISSOURI

Lashley, Frederick: Black male; 17 at crime and now age 27 (DOB: 3-10-64); robbery and murder of foster mother, black female age 55, in St. Louis on 4-9-81; sentenced on 4-26-82.

Wilkins, Heath A.: White male; 16 at crime and now age 22 (DOB: 1-7-69); robbery of store and murder of white female age 26 in Avondale on 7-27-85; sentenced on 6-27-86.

NORTH CAROLINA

Adams, Thomas: White male; 17 at crime and now age 21; robbery and murder of white female age 70 in Cooleemee in December 1987; sentenced on 11-19-88.

OKLAHOMA

Hain, Scott Allan: White male; 17 at crime and now age 21 (DOB: 6-2-70); robbery, kidnapping, arson, and murder of white adult male and white adult female in Creek County on 10-6-87; sentenced on 5-24-88.

Sellers, Sean Richard: White male; 16 at crime and now age 22 (DOB: 5-18-69); murder of white male age 35 in Oklahoma City on 9-8-85 and murder of mother age 32 and stepfather age 43 in Oklahoma City on 3-5-86; sentenced on 10-2-86.

PENNSYLVANIA

Blount, John: Black male; 17 at crime and now age 18 (DOB: 10-25-72); murder of black males ages 18 and 19 in Philadelphia on 9-28-89; sentenced on 11-9-90.

Hughes, Kevin: Black male; 16 at crime and now age 29 (DOB: 3-7-62); rape and murder of black female age 9 in Philadelphia on 3-1-79; sentenced on 10-27-83.

Lee, Percy: Black male; 17 at crime and now age 22; murder of black female adult and black female teenager in Philadelphia on 2-26-86; sentenced on 1-28-88.

TEXAS

Barraza, Mauro: Hispanic male; 17 at crime and now age 19; murder of white female age 73 in Tarrant County on 6-14-89; sentenced on 4-8-91.

Cannon, Joseph John: White male; 17 at crime and now age 31; robbery and murder of white adult female in Bexar County on 9-30-77; sentenced on 2-22-82.

Cantu, Ruben: Hispanic male; 17 at crime and now age 24 (DOB: 12-5-66); robbery and murder of white male adult in Bexar County on 11-8-84; sentenced 11-?-85.

Carter, Robert Anthony: Black male; 17 at crime and now age 27; robbery of store and murder of teenage Hispanic female on 6-24-81; sentenced on 3-10-82.

Garrett, Johnny Frank: White male; 17 at crime and now age 27; rape and murder of white female nun age 76 in Amarillo convent on 10-31-81; sentenced on 9-2-82.

Graham, Gary L.: Black male; 17 at crime and now age 27; robbery of store and murder of black male adult in Houston on 5-13-81; sentenced on 10-26-81.

Harris, Curtis Paul: Black male; 17 at crime and now age 30; robbery and murder of white male adult in Bryan County on 12-12-78; sentenced on 6-7-79 and 8-6-83.

Willis, Robert J.: Black male; 17 at crime and now age 24 (DOB: 1-28-67); robbery and murder of white female in Orange County on 1-17-85; sentenced on 5-31-85.

WASHINGTON

Furman, Michael M.: White male; age 17 at crime and now age 20 (DOB: 6-22-71); rape and murder of white female age 85 in Kitsap County on 4-27-89; sentenced on 3-6-90.