

CASE SUMMARIES: GARZA

This resource provides you with brief synopses of the court cases referenced in the issues that supplement the Juan Garza narrative. Synopses are derived from court documents or other sources determined to best convey the courts' decisions.

RACIAL AND GEOGRAPHICAL DISPARITIES IN THE FEDERAL DEATH PENALTY

McCleskey v. Kemp (1987)

Statistical studies that show evidence of racial disparities in capital proceedings do not prove that an individual's death sentence is unconstitutional under the Eighth and Fourteenth Amendments.

The Baldus study (a statistical study on racial disparities in the application of the death penalty) does not demonstrate that the Georgia capital sentencing system violates the Eighth Amendment. McCleskey (petitioner) failed to establish that the sentence in his case is disproportionate to the sentences in other murder cases. Since petitioner's sentence was imposed under Georgia sentencing procedures that focus discretion “on the particularized nature of the crime and the particularized characteristics of the individual defendant,” it may be presumed that his death sentence was not “wantonly and freakishly” imposed, and thus that the sentence is not disproportionate within any recognized meaning under the Eighth Amendment.

The Baldus study does not establish that the administration of the Georgia capital punishment system violates the Fourteenth Amendment. Although the Court has accepted statistics as proof of intent to discriminate in the context of a State's jury selection, petitioner failed to prove that the decision-makers in his case acted with discriminatory purpose.

INTERNATIONAL LAW AND OPINION

The *Avena* Decision (2004)

Mexico brought claims against the United States in the International Court of Justice (ICJ), stating that the U.S. had violated the Vienna Convention on Consular Relations and the rights of 54 Mexican citizens accused of crimes and sentenced to death in the United States. Mexico claimed that the U.S. failed to inform the accused Mexican citizens of their right to notify their embassy and obtain consular assistance in a timely fashion.

The ICJ decided *Avena* in favor of Mexico, stating that advisement of consular rights "without delay" confers "a duty upon the arresting authorities to give that information to an arrested person as soon as it is realized that the person is a foreign national, or once there are grounds to think that the person is probably a foreign national." The ICJ held that the Mexican citizens were entitled to have their cases reviewed in U.S. courts in light of this deprivation.

The LaGrand Case (Germany v. United States) (1999)

German citizens Karl and Walter LaGrand were not informed of their consular rights after being arrested for murder. The LaGrands were later sentenced to death. Germany then sued the United States in the International Court of Justice (ICJ). The ICJ called for a stay of execution, but the United States rejected the order. Karl and Walter LaGrand were executed in 1999, and Germany continued to pursue the matter in the ICJ after the executions. Germany eventually prevailed and the ICJ held that the U.S. was in violation of the Vienna Convention on Consular Relations.

Medellin vs. Dretke (ongoing)

One of the death row inmates whose case was a part of the *Avena* Case was Jose Medellin. After being denied the review that the ICJ mandated, Medellin's attorneys appealed to the U.S. Supreme Court in 2005 to secure this review.

Before oral arguments commenced in the Supreme Court, President Bush issued an Executive Order directing the state courts to abide by the ICJ ruling and review the cases of Medellin and the other Mexicans. The Supreme Court then dismissed the case, citing the President's Executive Order as the chief reason and reserved the right to hear a future appeal once the case had run its course in state court. Texas courts refused to review Medellin's case, saying that the President lacked the power to order a review. The U.S. Supreme Court agreed to re-open Medellin's appeal.

Sanchez-Llamas v. Oregon and Bustillo v. Johnson (2006)

The Vienna Convention on Consular Relations requires a state to notify “without delay” the foreign nationals whom they are arresting of their right to have their embassy or consulate informed of their arrest. In the combined cases of *Sanchez-Llamas v. Oregon* and *Bustillo v. Johnson*, the Supreme Court decided that confessions given by foreign nationals accused of a crime prior to or without notifying the accused’s foreign consulate do not have to be suppressed as evidence in court.

JURY INSTRUCTIONS: JURORS' UNDERSTANDINGS AND MISUNDERSTANDINGS

Rompilla v. Horn, Petition for a Writ of Certiorari (2004)

Like Juan Garza, defendant Ronald Rompilla appealed his death sentence on the grounds that the jury was not fully informed of the possibility of a sentence of life without parole. (Related to *Simmons v. South Carolina*).

Weeks v. Angelone (2000)

While deliberating the defendant's sentence, the jurors sent the trial judge a note asking him to clarify "whether, if they believed [the defendant] guilty of at least one of the aggravating circumstances, it was their duty to issue the death penalty, or whether they must decide whether to issue the death penalty or a life sentence." The judge responded by directing them the same paragraph in their jury instructions that had caused their confusion. The jury returned with a sentence of death, and the defendant raised the issue of jury instructions on appeal.

The Supreme Court held that the "Constitution is not violated when a trial judge directs a capital jury's attention to a specific paragraph of a constitutionally sufficient instruction in response to a question regarding the proper consideration of mitigating evidence." (From Supreme Court Syllabus)

Simmons v. South Carolina (1994)

"During the penalty phase of defendant's trial, the State argued that his future dangerousness was a factor for the jury to consider when deciding whether to sentence him to death or life imprisonment for the murder of an elderly woman.... When asked by the jury whether life imprisonment carried with it the possibility of parole, the court instructed the jury not to consider parole in reaching its verdict and that the terms life imprisonment and death sentence were to be understood to have their plain and ordinary meaning." The defendant was sentenced to death.

The Supreme Court overruled the South Carolina Supreme Court's decision that the jury need not be informed of the defendant's ineligibility for parole. They held, "Where a defendant's future dangerousness is at issue, and state law prohibits his release on parole, due process requires that the sentencing jury be informed that the defendant is parole ineligible. An individual cannot be executed on the basis of information which he had no opportunity to deny or explain." (From Supreme Court Syllabus)