

Courtroom Cases Teacher Overview

from <http://deathpenaltyinfo.msu.edu/>

This teacher overview describes the actual courtroom cases and the potential juror qualifying survey Web site content. "Jump to" links within each description jump directly to that part of this site, or you can return to this top menu.

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Would You Be Chosen to Serve on a Jury?

This one-item survey is actually administered to potential jurors in capital cases. It may serve as a means to stimulate class discussion and lead into the four cases provided on the site. It provides students with five possible positions on the sentence of death, ranging from "I would always vote for the death penalty" to "I would never vote for the death penalty." Reasons for why they would or would not be permitted to be a juror on a capital case are also provided.

Four Courtroom Cases

While the death penalty debate involves many issues and data, it is also involves real cases. This curriculum seeks to give students a sense of how the death penalty is applied by summarizing four representative cases below. The eventual outcomes, which the students will learn later, are diverse: one inmate was not sentenced to death, two have already been executed, and one inmate was freed when his conviction was overturned.

Students will receive their first experience of the trial process by answering questions which may lead to their exclusion or inclusion on a capital case jury. But regardless of whether they would actually be chosen for the jury, they can review the facts in the cases which follow and decide how they would vote, and why.

The cases are based on actual death penalty trials that took place in four different states around the country. No case was chosen to demonstrate a single point. Rather cases were chosen because they embodied many death penalty issues which would likely result in further discussion.

Some of the issues in the cases are understated and may be noticed only by one or two students. It would certainly be appropriate to encourage further research into such an issue and discuss how it may have played a role in the ultimate decision reached in the case. For example, a student may recognize that in a particular case the defendant was

black and the victim was white. There may be nothing else said in the brief description provided about how race may play a role in capital cases, but that is fair ground for debate, especially if the students find broad factual data to support their assertion in the particular case before them.

Besides the wide variety of issues that may arise in each case, it is hoped that there will be discussion of what the four cases together say about the practice of the death penalty. No four cases can be truly representative of how capital punishment is applied in the United States, but once the students have read the final outcomes in these cases, they will be better prepared to discuss such questions as:

- In what kinds of cases is the death penalty pursued?
- Can you predict the outcome of a death penalty case by reading the facts of the crime?
- Does the jury always have all the facts it needs to adequately decide the sentence?
- Who is responsible for bringing important evidence before the jury? What should happen if those responsible do a poor job?
- What kind of evidence is used to obtain a conviction; what kind is used to determine the ultimate sentence?
- Is it fair that different defendants receive different sentences for similar crimes? .

We have omitted descriptions of the eventual outcome from the student version of the Death Penalty Information Web site because reading the outcomes at the same time students read about the case could limit discussion. The outcomes are provided for teachers beginning on the next page:

Case 1: Lesley Gosch

Lesley Gosch was convicted of capital murder and sentenced to death. He was granted last-minute reprieves of his execution on two occasions. His attorneys on appeal claimed that Gosch's trial was unfair because witness Stephen Hurst had given the jury the false impression that he was not interested in the reward money when he testified. They also maintained that the trial attorneys should have presented a stronger case that Gosch was not the shooter in this murder. Just prior to his execution, his attorneys challenged the clemency process in Texas, which is initially conducted by a Board which does not conduct open meetings or allow review of its decision making. Gosch was executed on April 24, 1998. He had no final statement and made no eye contact with Amy Grammer, the daughter of the woman he was convicted of killing.

After the trial, Stephen Hurst was paid the \$100,000 reward offered by the banks. John Rogers received a prison term of 45 years.

Case 2: Kenneth French

The jury deliberated for two and a half days to determine the sentence. At that time, the jury reported that it was hopelessly deadlocked. They unanimously found the existence of two aggravating factors (risk of death to more than one person, and murder in the course of violent conduct). They were able to agree that the mitigating evidence did not outweigh the aggravating evidence, but were unable to agree on whether French should be sentenced to death. Upon determining that the jury was deadlocked, the court imposed a sentence of four consecutive terms of life imprisonment for the murders, and additional time to be served consecutively for the other offenses.

French filed a notice of appeal and remains incarcerated in North Carolina.

Case 3: Dennis Stockton

Stockton was found guilty of the murder of Kenny Arnder and sentenced to death in 1983. Prior to his trial, the prosecutors had offered to recommend against a death sentence if Stockton testified against Tommy McBride, who allegedly made the offer to have Arnder killed. Stockton refused the prosecutor's deal, saying he never heard McBride make any offer.

During his years on death row, there was a major escape by six inmates. From his own diary, it was clear that Stockton had been involved in the early planning of the escape, but had backed out before it was attempted. Stockton had always maintained his innocence of the crime that sent him to death row, and he hoped his appeals would free him.

Stockton's chief accuser at trial, Randy Bowman, recanted his testimony to a reporter in 1995. At that time, Bowman stated he never heard Stockton say he would kill Arnder when offered the \$1,500. Later, police investigators visited Bowman, and he took back his recantation. The Virginia and federal courts denied all of Stockton's appeals, many of

which claimed new evidence. At least three people submitted affidavits claiming that Bowman had bragged about killing Arnder. There was also evidence that Bowman had been given a deal for testifying against Stockton. The police, however, produced evidence that Bowman was in jail when Arnder was killed and maintained that no deal had been made with Bowman.

Stockton was executed by lethal injection in 1995. Tommy McBride was arrested but never tried in connection with the murder. The North Carolina authorities declined to prosecute the case because they did not believe they had enough evidence to convict anyone of murder.

Case 4: Walter McMillian

The jury voted 7-5 in favor of a life sentence for Walter McMillian. However, in Alabama the judge can override the jury's recommendation. Judge Robert E. Lee Key decided to sentence McMillian to die in the electric chair for the murder of Ronda Morrison. At sentencing, McMillian again proclaimed his innocence, saying, "I'd like for the girl's parents to know that I did not kill their daughter."

McMillian's defense was eventually taken over by the Alabama Resource Center, which discovered that two of the witnesses had been given favorable treatment in criminal prosecutions and reward money for their testimony against McMillian, and that this information had not been revealed to the jury. Ralph Myers told the defense that he had been forced to make false accusations against McMillian. Moreover, it was discovered that McMillian had not converted his truck to a "low-rider" until six months after the murder, thus undercutting the testimony of those who claimed to see his truck at the crime scene. McMillian's conviction was eventually overturned, and the prosecution agreed to drop all charges. McMillian was freed in 1993 after nearly six years on death row.