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PERSONS ON DEATH ROW AS OF OCTOBER 1, 1990,  
FOR CRIMES COMMITTED WHILE UNDER AGE EIGHTEEN  
(33rd edition)

by

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As of October 1, 1990, thirty-one persons are on death row for crimes committed while under the age of eighteen, the most typical age cutoff for juvenile court. These thirty-one condemned juveniles constitute only 1.3% of the total death row population of 2,393. The practice of sentencing such juveniles to death remains at a remarkably low rate. The annual number of juvenile death sentences during recent years has been six in 1984, six in 1985, seven in 1986, two in 1987, five in 1988, two in 1989, and seven reported so far in 1990. These are years in which the annual death sentencing rate for adults has been about 300 per year. Thus, juvenile death sentences comprise only about 1% to 2% of the total death sentences each year.

Actual execution of such condemned juveniles began in 1642 (Thomas Graunger, Massachusetts) and ended temporarily in 1964 (James Echols, Texas). Juvenile executions began again 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. Rumbaugh, Roach, Pinkerton, and Prejean were all age seventeen at the time of their crimes but were in their mid- to late-twenties when finally executed. For a complete history of this practice, please see V. STREIB, DEATH PENALTY FOR JUVENILES (Bloomington, IN: Indiana University Press, 1987).

The constitutionality of the juvenile death penalty has been the subject of intensive litigation lately. On June 29, 1988, the United States Supreme Court decided Thompson v. Oklahoma (487 U.S. 815 (1988)), dealing with the constitutionality of imposing the death penalty on an offender who was only fifteen years old at the time of the crime. The holding in Thompson was somewhat fractured, with the fragile coalition majority of five justices resting their conclusions on fairly different premises and analyses. The combined effect of the opinions by Justice Stevens and Justice O'Connor in Thompson is to draw a minimum age line at sixteen for the death penalty. No state without a minimum age line in their death penalty statute can go below age sixteen without violating Thompson, and no state with a minimum age line in its death penalty statute uses an age less than sixteen.

On June 26, 1989, almost exactly one year after the Thompson decision, the Court decided Stanford v. Kentucky (109 S.Ct. 2969 (1989)). A different but no less fragile coalition of five justices held here that the Eighth Amendment does not prohibit the death penalty for crimes committed at age sixteen or seventeen regardless of state statutory provisions.

Combining the Court's rulings in Thompson and Stanford, the constitutionally mandated minimum age for the death penalty is now age sixteen at crime. Although half of the death penalty states have no such express minimum age provision in their statutes, those states nonetheless must follow this constitutional standard and presumably will soon be amending their statutes accordingly. This legal premise apparently is

being challenged by a trial court in Baldwin County, Alabama, which on February 23, 1990, sentenced Clayton Joel Flower to death for a crime committed at age fifteen.

All thirty-one juveniles offenders now on death row are male and were convicted and sentenced to death for murder. The demographic characteristics of the thirty-one juveniles and their thirty-eight victims are as follows:

#### Offenders

<u>Age at Crime</u>	<u>Race</u>
15 = 2 (6%)	B = 13 (42%)
16 = 6 (19%)	H = 2 (6%)
17 = <u>23</u> (74%)	W = <u>16</u> (52%)
31 (100%)	31 (100%)

#### Victims

<u>Age</u>	<u>Race</u>	<u>Sex</u>
Under 18 = 5 (13%)	B = 7 (18%)	M = 14 (37%)
18 to 49 = 24 (63%)	H = 2 (5%)	F = <u>24</u> (63%)
50 & over = <u>9</u> (24%)	W = <u>29</u> (76%)	38 (100%)
38 (100%)	38 (100%)	

Brief sketches of these thirty-one cases are presented below.

#### ALABAMA

Davis, Timothy: White male; 17 at crime and now age 29; robbery of store and rape and murder of white female age 60 in Coosa County in 1978; sentenced 7-28-80.

Flowers, Clayton Joel: White male; 15 at crime and now age 17; murder of white female age 19 in Bay Minette (Baldwin County) on 6-5-88; sentenced on 2-23-90.

Hart, Gary Davis II: Black male; age 16 at crime and now age 17; 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 25; burglary and murder of elderly white female in Eufaula on 2-5-81; sentenced on 5-31-83 and 4-9-86.

Slaton, Nathan: White male; age 17 at crime and now age 20; rape and murder of white female age 68 in Albertville (Marshall County) in May 1987; sentenced 5-22-90.

#### ARIZONA

Jimenez, Jesus Rodriguez: Hispanic male; 17 at crime and now age 21 (DOB: 9-?-69); murder of Hispanic female age 5 in Phoenix on 11-30-86; sentenced on 1-22-88.

#### FLORIDA

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.

Hegwood, Bernell: Black male; 17 at crime and now age 20; robbery and murder of white male age 46, black male age 21, and white female age 19 in Fort Lauderdale on 5-23-87; sentenced on 3-29-88.

LeCroy, Cleo Douglas: White male; 17 at crime and now age 27; 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 30; 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 30 (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 32 (DOB: 8-16-58); kidnap and murder of white male age 11 in Crawfordville on 7-26-76; sentenced on 12-1-78.

Williams, Alexander, IV: Black male; 17 at crime and now age 21; 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 27 (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 19 (DOB: 5-1-71); robbery and murder of white male in Calcasieu Parish on 10-26-86; sentenced on 5-1-87.

#### MARYLAND

Trimble, James Russell: White male; 17 at crime and now age 26 (DOB: 11-5-63); rape and murder of white female age 22 in Baltimore on 7-3-81; sentenced on 3-19-82.

#### MISSOURI

Lashley, Frederick: Black male; 17 at crime and now age 26 (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 21 (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 20; robbery and murder of white female age 70 in Cooleemee in December 1987; sentenced on 11-19-88.

Joyner, Richard Wayne: White male; 17 at crime and now age 19; robbery and murder of white male age 57 in Nash County on 12-1-88; sentenced on 5-25-89.

#### OKLAHOMA

Hain, Scott Allan: White male; 17 at crime and now age 20 (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 21 (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

Hughes, Kevin: Black male; 16 at crime and now age 27; rape and murder of black female age 9 in Philadelphia in 1979; sentenced on 10-27-83.

Lee, Percy: Black male; 17 at crime and now age 21; murder of black female adult and black female teenager in Philadelphia on 2-26-86; sentenced on 1-28-88.

TEXAS

Cannon, Joseph John: White male; 17 at crime and now age 30; 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 23 (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 26; 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 26; rape and murder of white female nun age 76 in Amarillo convent on 10-31-81; sentenced on 9-2-82.

Harris, Curtis Paul: Black male; 17 at crime and now age 29; 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 23 (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 19 (DOB: 6-22-61); rape and murder of white female age 85 in Kitsap County on 4-27-89; sentenced on 3-6-90.