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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 FEBRUARY 1, 1991*

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* A new periodic report on the current implementation of the juvenile death penalty, combining information formerly reported under two separate periodic report titles: "Imposition of Death Sentences for Juvenile Offenses. January 1, 1973, through _____," and "Persons on Death Row as of _____ for Crimes Committed While Under Age Eighteen."

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This edition of this periodic report is the first to combine both death sentencing information and current death row occupancy information concerning crimes committed by juveniles. Both the juvenile death sentencing rate and the juvenile death row population remain very small in comparison to that for adults, each being around 1% to 2% of the totals. However, attention to this narrow slice of the capital punishment issue remains high among lawmakers, the courts, the research community, and the media, suggesting a symbolic importance far transcending the very small number of juveniles involved.

For purposes of consistency, a juvenile crime is defined as one committed while the offender was under age eighteen, the most common age jurisdictional dividing line between juvenile and criminal courts. A juvenile death penalty is one imposed for a juvenile crime. These definitions render irrelevant the age of the offender when convicted or sentenced or the offender's current age. Also ignored is any individual state's particular age jurisdictional dividing line between juvenile and criminal courts. Therefore, even if a state (e.g., Texas) considers 17-year-olds to be adults and not juveniles, these offenders are listed as juveniles in this report.

HISTORICAL AND CONSTITUTIONAL BACKGROUND:

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-twenties to early thirties when finally executed. From 1642 to the present, approximately 283 persons have been executed for juvenile crimes. 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 in recent years. 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 in fact 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.

JUVENILE DEATH SENTENCES IMPOSED:

The current American death penalty system began when new death penalty statutes were passed beginning in the Fall of 1972. These statutes followed the United States Supreme Court's decision in Furman v. Georgia, 408 U.S. 238, on June 29, 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 of these post-Furman statutes have undergone minor and sometimes major challenges, most have endured relatively unchanged, making them and the sentences under them the legal structure for our current death penalty system.

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 102 juvenile death sentences have been imposed since 1973, only 2.4% of the total of the approximately 4,304 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.

The rate of juvenile death sentencing fluctuated considerably in the early years of this current era but has settled into a consistent annual rate of about 2% of total death sentences since 1983. The only blip in this pattern occurred in 1987 to 1989. The juvenile death sentencing rate dropped considerably during those years, presumably deterred by the cases pending before the Supreme Court at the time. The rate appears to have returned to normal now that those cases have been decided and the issue largely has been left up to each individual state to decide.

TABLE 1

DEATH SENTENCES IMPOSED FOR CRIMES COMMITTED AS JUVENILES,

JANUARY 1, 1973, TO FEBRUARY 1, 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	0	3	2.0%
1975	301	0	4	3	7	2.3%
1976	234	0	0	2	2	0.9%
1977	141	1	3	6	10	7.1%
1978	188	0	1	6	7	3.7%
1979	158	0	1	3	4	2.5%
1980	186	2	0	1	3	1.6%
1981	239	0	3	6	9	3.8%
1982	277	0	1	13	14	5.1%
1983	262	0	4	3	7	2.7%
1984	294	3	0	3	6	2.0%
1985	291	1	1	4	6	2.1%
1986	315	1	3	3	7	2.2%
1987	304	1	0	1	2	0.7%
1988	296	0	0	5	5	1.7%
1989	300*	0	0	2	2	0.7%
1990	300*	1	2	4	7	2.3%
1991**	25*	0	0	1	1	4.0%

Totals :	4,304	11	23	68	102	2.4%

*Estimates

**Through February 1.

Appendix A to this report (pp. 5-8) provides a more detailed listing of name, age, race, gender, state, and current status for each case. While the sources of this information are many, the major sources are the outstanding research effort of the NAACP Legal Defense and Educational Fund, Inc. (particularly their newsletter, Death Row, U.S.A.) and the equally fine monitoring effort of the National Coalition for the Abolition of the Death Penalty. However, the data from 1973 through the early 1980s may not be as complete as those for more recent years. This data compilation effort has always been and it appears will always be "research in progress," so recipients of this report are asked to complement this research with any corrections, additions, and deletions which they might be able to provide.

CURRENT DEATH ROW INMATES UNDER JUVENILE DEATH SENTENCES

As of February 1, 1991, 31 persons are on death row under death sentences received for juvenile crimes. These 31 condemned juveniles constitute only 1.3% of the total death row population of 2,412. Although all were age 17 or younger at the time of their crimes, their current ages range from 18 to 32. They are under death sentences in 12 different states and have been on death row from 2 weeks to over 12 years.

All 31 juveniles offenders now on death row are male and were convicted and sentenced to death for murder. The demographic characteristics of the 31 juveniles and their 38 victims are outlined in Table 2.

TABLE 2

CHARACTERISTICS OF OFFENDERS AND VICTIMS
IN JUVENILE DEATH PENALTY CASES CURRENTLY IN FORCE

Offenders

<u>Age at Crime</u>	<u>Race</u>
15 = 2 (6%)	B = 15 (48%)
16 = 6 (19%)	H = 1 (3%)
17 = <u>23</u> (74%)	W = <u>15</u> (48%)
31 (100%)	31 (100%)

Victims

<u>Age</u>	<u>Race</u>	<u>Sex</u>
Under 18 = 3 (8%)	B = 9 (24%)	M = 17 (45%)
18 to 49 = 26 (68%)	H = 1 (3%)	F = <u>21</u> (55%)
50 & over = <u>9</u> (24%)	W = <u>28</u> (74%)	38 (100%)
38 (100%)	38 (100%)	

Nearly three-quarters of these cases involved 17-year-old offenders, with race being evenly split between white and 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 majority were females. Thus, the typical juvenile death penalty case is the 17-year-old white or black male who kills an older white female.

Appendix B to this report (pp. 9-11) sets forth the names of these offenders 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 FEBRUARY 1, 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	?/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
	Brown, Henry	16	B/M	FL	reversed in 1979
	Gibson, Samuel III	17	B/M	GA	reversed in 1976?
	Jones, Larry	17	B/M	MS	reversed in 1977;
	(see also 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
	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	17	B/M	MS	reversed in 1983
	(see also 1975)				
	Legare, Andrew	17	W/M	GA	reversed in 1981;
	(see also 1982 and 1984)				resentenced to death in 1982; reversed in 1983; resentenced to death in 1984; reversed in 1986
	Magill, Paul	17	W/M	FL	reversed in 1980;
	(see also 1981)				resentenced to death in 1981; reversed in 1987
	Morgan, James	16	W/M	FL	reversed in 1981;
	(see also 1981, 1985, and 1990)				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

(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)	Roach, James Terry	17	W/M	SC	executed in 1986
	Ross, Frank	15	?/M	FL	reversed in 1980
	Rumbaugh, Charles	17	W/M	TX	executed in 1985
	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
	Hughes, Kevin	16	B/M	PA	now on death row
	Jackson, Carnel	16	B/M	AL	reversed in ?
	Magill, Paul (see also 1977)	17	W/M	FL	reversed in 1987
	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
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

(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>
(1982)	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
	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	

<u>Year</u>	<u>Offender's Name</u>	<u>Age at Crime</u>	<u>Race /Sex</u>	<u>State</u>	<u>Current Status</u>
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	16	B/M	AL	now on death row
	(see also 1983)				
	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 resentenced to death in 1989; now on death row
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	now on death row
	Lamb, Wilburn Aaron	17	W/M	FL	now on death row
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	now on death row
	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	16	W/M	FL	now on death row
	(see also 1977, 1981, and 1985)				
Slayton, Nathan	17	W/M	AL	now on death row	
1991	Foster, Ron Chris	17	B/M	MS	now on death row

APPENDIX B

CASE SUMMARIES FOR CURRENT DEATH ROW INMATES

UNDER JUVENILE DEATH SENTENCES

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 18; 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 19; 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 26; 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 21; rape and murder of white female age 68 in Albertville (Marshall County) in May 1987; sentenced 5-22-90.

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.

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 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 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 22; 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.

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 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 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.

Joyner, Richard Wayne: White male; 17 at crime and now age 20; 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

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 28; 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 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 26; 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 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 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 19 (DOB: 6-22-71); rape and murder of white female age 85 in Kitsap County on 4-27-89; sentenced on 3-6-90.