US Supreme Court upholds limits on death penalty appeals

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In important rulings related to the death penalty on April 18, the US Supreme Court voted to uphold the basic tenets of the 1996 Anti-Terrorism and Effective Death Penalty Act (AEDPA), which restricts the ability of death row prisoners to gain federal review of their cases. At the same time, the court also voted to grant new sentencing hearings to two Virginia death row inmates, Michael Wayne Williams and Terry Williams (unrelated).

Under consideration was interpretation of the law signed by President Bill Clinton in 1996 that bars federal courts from overturning state convictions or sentences unless the state proceeding "resulted in a decision that was contrary to, or involved an unreasonable application of, clearly establish federal law as determined by the Supreme Court." The law is aimed at cutting the time between sentencing and executions in capital punishment cases, and restricting the authority of federal courts to grant petitions of habeas corpus, which contend that convictions have violated federally protected rights. There are currently more than 3,500 prisoners on the nation's death row, and 627 people have been put to death since the Supreme Court reinstituted the death penalty in 1976.

The high court voted 5 to 4 that federal judges must defer to a state court decision, even one they regard as incorrect, as long as the decision was not "unreasonable." This vote was consistent with previous rulings by the court which have served to streamline the appeals process for death row prisoners. No current member of the Supreme Court opposes the death penalty in principle, and this interpretation of the AEDPA will mean further restrictions on the rights of inmates to appeal their death sentences.

According to the Death Penalty Information Center, more than 85 prisoners have been released from death row nationally, having been exonerated of their crimes. Any limitations placed on the ability of condemned inmates—already hampered by shoddy legal representation and a lack of funds—to appeal their convictions and sentences raises the likelihood that innocent people will be sent to their death.

While ruling to uphold the spirit of the Anti-Terrorism and Effective Death Penalty Act, the court ruled 6-3 to grant a new sentencing hearing to Terry Williams. Williams was convicted and sentenced to death for the 1985 murder of a neighbor in Danville, Virginia.

US District Court Judge James C. Cacheris had found that the Terry Williams's lawyer "failed to make any reasonable investigation on behalf of Williams.... [He] did not even attempt to obtain Williams's juvenile records from Danville social services, not because he didn't believe these records would be important, but because he incorrectly believed that 'State law didn't permit it.'" As a result Williams's jury did not hear evidence of his borderline mental retardation, his background of neglect and abuse or his head injuries. After the trial, Williams's attorney was suspended from the state bar on a mental disability.

However, the US Court of Appeals for the Fourth District in Richmond, Virginia did not affirm the District Court's finding of ineffective counsel, and rejected Williams's appeal. The Fourth Circuit Court ruled that a state court decision could not be considered "unreasonable" unless it interpreted or applied the relevant precedent "in a manner that reasonable jurists could all agree is unreasonable."

Although the Supreme Court voted unanimously that the Circuit Court's interpretation of the 1996 law was incorrect, the justices ruled 5-4 that "for purposes of today's opinion, the most important point is that an *unreasonable* application of federal law is different from an *incorrect* application of federal law." In other words, a state court ruling could be upheld even if it was wrong, as long as it was a "reasonable" decision.

The Supreme Court went on to rule 6-3 to grant Terry

Williams a new sentencing hearing, on the basis that his legal representation at his original hearing did not meet constitutional minimum standards for competency, and was therefore an unreasonable ruling. The dissenting justices commented that Williams's inadequate representation had most likely not affected the outcome of his sentencing hearing.

The Supreme Court also ruled April 18 on the case of Michael Williams, who was sentenced to death in 1994 for the murder of a Cumberland County, Virginia couple. It was revealed after his trial that the jury forewoman in his case was the ex-wife of the deputy sheriff who testified in the case. Although the couple had four children together, neither the juror nor the deputy told the court of their relationship. The prosecutor, who had represented the woman in the divorce, also remained silent.

As in the Terry Williams case, a US District Judge granted a hearing on the matter, but the Fourth Circuit Court issued a stay preventing the hearing. The Circuit Court ruled that, according to this court's interpretation of the AEDPA, Williams could be granted a hearing only if the evidence in question could not have been previously uncovered "through the exercise of due diligence," i.e., by his original attorney, and a petition could show that the presentation of such evidence would have demonstrated innocence.

The Fourth Circuit reasoned that since the divorce, which became final in 1979, was a matter of "public record," Williams's lawyer should have been able to locate the relevant document. Anyway, it argued, the knowledge of the relationship would not have prevented "a reasonable factfinder" from convicting Williams.

The Supreme Court agreed to review Michael Williams's case on October 28, 1999, the day he was scheduled to be put to death, and his execution was postponed. The court ruled unanimously Tuesday to grant Williams a new sentencing hearing. Justice Anthony Kennedy wrote that the Fourth Circuit's interpretation of the 1996 law—that since Williams had "failed to develop" the factual basis of a claim in state court, he could not be granted an evidentiary hearing in federal court—amounted to a "no-fault reading of the statute." Kennedy observed that the issue was "whether the prisoner made a reasonable attempt, in light of the information available at the time, to investigate and pursue claims in state court," not whether he succeeded in doing so.

Although the Supreme Court ruled in these two cases to grant new sentencing hearings, the majority ruling confirming the principles of the Anti-Terrorism and Effective Death Penalty Law serves to limit the ability of death row inmates to appeal state sentences. Unless federal judges can prove that state convictions and sentences are "unreasonable"—even if flawed or incorrect—they must defer to state judges' rulings.

It should be noted that Michael Williams and Terry Williams are both from Virginia, a state that has carried out 76 executions since the death penalty was reinstated in 1976, second only to Texas, with 211. Michael Williams's case involved blatant prosecutorial misconduct and Terry Williams's legal representation was decidedly ineffective.

The Fourth Circuit Court of Appeals has denied appeals in all but two Virginia death penalty cases since 1977. When a death row inmate's appeal is denied by the Circuit Court, a prisoner can appeal to the US Supreme Court, which, on average, chooses to review only three or four death penalty cases a year. At both the state and federal level, the bar for habeas corpus relief has already been raised very high, and there is no reason to believe that the high court's recent rulings will alter that.

On Wednesday, April 19, the Supreme Court heard arguments in the case United States v. Dickerson, *concerning the possible reversal of the 34-year-old* Miranda *decision, which requires police to inform suspects of their right to remain silent and to consult a lawyer. For previous* WSWS *articles on this subject, see:*

US Supreme Court to consider reversing Miranda decision
[8 December 1999]
US Circuit Court strikes down suspects' rights
[11 February 1999]