Conviction overturned after Texas judge ordered multiple electric shocks on defendant in court

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A Texas court of appeals has overturned a conviction and ordered a new trial for a defendant after a Fort Worth judge instructed his bailiff to administer a powerful electric shock to Terry Lee Morris three separate times with an electric device on his ankle for "failing to follow courtroom decorum."

In 2014, Morris was on trial in the Tarrant County courtroom in Fort Worth, charged with soliciting explicit photographs from a 15-year-old girl. When Judge George Gallagher asked him to enter a plea, he refused, and said he wanted the judge to recuse himself from the proceeding because of an alleged conflict of interest.

Morris had recently filed a federal lawsuit against both his defense attorney and Gallagher, whom he wanted removed from the case. When Morris asked Gallagher to recuse himself, Gallagher asked the jury to leave and threatened to activate the electric stun device wrapped around Morris' leg if he continued his "outbursts."

"Mr. Morris, I am giving you one warning," Gallagher said. "You will not make any additional outbursts like that, because two things will happen. Number one, I will either remove you from the courtroom or I will use the shock belt on you."

"All right, sir," Morris said.

Gallagher asked Morris if he would follow the rules. Morris responded that he asked the judge to recuse himself.

The judge asked again, "Are you going to follow the rules?"

"I have a lawsuit pending against you," responded Morris.

Gallagher then told the bailiff to "hit him" with the electric device. The bailiff pressed the button which activated the device and then Gallagher asked Morris again whether he was going to behave. When Morris told Gallagher he had a history of mental illness the judge ordered the bailiff to shock Morris again. Morris complained that he was being tortured for seeking the judge's recusal and Gallagher had him shocked a third time before Morris was finally removed from the courtroom.

The experience reportedly traumatized Morris so much that he never returned for the remainder of his trial and almost all his sentencing hearing. He was subsequently convicted and sentenced to 60 years in prison as a sex offender.

However, the Court of Appeals of the Eighth District of Texas threw out the conviction last month and called for a retrial "based on the trial court's improper use of the stun belt" and Morris's removal from the courtroom, violating his constitutional rights. Since Morris was too terrified to return to the courtroom, the court ruled that the shocks effectively barred him from attending his own trial, in violation of the Sixth Amendment.

The barbaric use of "stun belts" began in the 1990s, justified as a way to deliver a shock in the event a defendant became violent or attempted to escape a courtroom. The device is comparable to the shock collars which are used to train dogs and are soon to be outlawed in England because they are known to cause physical and psychological harm to animals.

Activated by a button on a remote control, the stun belt delivers an eight-second, 50,000-volt shock to the person wearing it. The impact on the human body is similar to the electronic taser weapons which police use

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to subdue people. When activated, the device can cause the person to seize, suffer heart irregularities, involuntarily urinate or defecate and suffer severe anxiety as a result of fear of the shocks.

According to testimony in a case involving the constitutionality of use of stun belts, the devices act "more as a deterrent rather than a means of actual punishment because of the tremendous amount of anxiety that results from wearing a belt that packs a 50,000-volt to 70,000-volt punch."

Because individual counties purchase the devices for use, it is difficult to estimate how many stun belts are in use across the United States. However, their use is common, drawing outrage from a range of human rights groups.

International organizations such as the United Nations and the European Committee for the Prevention of Torture have condemned the use of stun belts and Amnesty International has called for them to be banned.

In writing the appellate court's decision, Justice Yvonne T. Rodriguez condemned the barbaric way in which Gallagher used the stun belt against Morris, however she did not reject its use as a control mechanism.

"While the trial court's frustration with an obstreperous defendant is understandable, the judge's disproportionate response is not. We do not believe that trial judges can use stun belts to enforce decorum," Rodriugez wrote.

"A stun belt is a device meant to ensure physical safety; it is not an operant conditioning collar meant to punish a defendant until he obeys a judge's whim. This Court cannot sit idly by and say nothing when a judge turns a court of law into a Skinner Box [a laboratory apparatus used for studying conditioning in animals, sometimes with electric shocks], electrocuting a defendant until he provides the judge with behavior he likes."

"As the circumstances of this case perfectly illustrate, the potential for abuse in the absence of an explicit prohibition on nonsecurity use of stun belts exists and must be deterred," Rodruigez concluded. "We must speak out against it, lest we allow practices like these to affront the very dignity of the proceedings we seek to protect and lead our courts to drift from justice into barbarism."

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