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CASE STUDY:

McGinnis v. State of Texas

Juvenile Offenders and the Death Penalty

BACKGROUND

Unlike most nations in the world, the United States permits the execution of people who were under the age of eighteen at the time of their crime. There are currently 24 states (many of them in the South) that allow this practice, despite the fact that doing so violates international human rights treaties and standards. The Supreme Court ruled in 1989 that the execution of someone as young as 15 constituted "cruel and unusual punishment," and was therefore unconstitutional. Many states set the minimum age for death penalty sentences at sixteen years or more frequently, seventeen years of age. Criminologists have found that minors are more likely than adults to act on impulse, under the influence of others, and with little understanding of long-term consequences. They also note that the death penalty does not deter potential offenders who lack maturity, while the execution of minors in retribution for their crimes violates basic humanitarian principles.

- **JUVENILE** = a person who has not reached the age (usually 18) at which one should be treated as an adult by the criminal justice system.
- **MITIGATING FACTOR** = a set of facts that do not justify or excuse an act or offense, but may reduce the degree of moral culpability and thereby reduce the damages in a civil case or the penalty in a criminal case.

FACTS

Glen McGinnis, an African American male, shot an employee while he was attempting to rob a laundry/cleaners in a small Texas town. McGinnis was abused and neglected throughout his childhood by a drug addicted mother and an alcoholic step-father. Frequently left without adequate food and not able to attend school, McGinnis began shoplifting at age nine, and was frequently in Child Protective Services and the state's juvenile facilities. McGinnis was seventeen years old at the time of the murder and the state sought the death penalty for his crime.

ISSUE

Should the death penalty be imposed on juveniles? What consideration should be given to mitigating factors?

HOLDING

Glen McGinnis was found guilty of capital murder and was sentenced to death.

WHAT HAPPENED AT THE TRIAL / ARGUMENTS

The pool from which jurors were selected for the trial initially consisted of 102 individuals. Three of these were African American, and the remaining people were white. All three African American jurors asked to be excused, two for medical reasons and the other because she was going on vacation. Over the defense lawyer's objection, the judge excused all three after little or no consideration of their excuses, and thus McGinnis was tried by an all white jury.

The jury convicted Glen McGinnis of capital murder and the proceedings moved into a sentencing phase. In a Texas capital punishment case, jurors have to decide:

- 1.) if the defendant had acted deliberately in killing the victim and
- 2.) if the defendant represented a continued threat to society.

If the answer to both of the above questions is yes, then the jurors are asked to consider if there are any mitigating factors which should result in leniency. If the answer is no, then the defendant is sentenced to death.

The District Attorney argued vigorously for the death penalty and painted McGinnis as a habitual criminal who would represent a continuing threat to society if he was allowed to continue to live. The defense presented evidence of McGinnis's childhood of abuse and neglect as well as his apparent capacity to do very well in a structured environment. Employees at the juvenile detention facility testified to McGinnis's good disciplinary behavior, one of whom admitted she had considered adopting McGinnis after working with him in detention. The defense also presented an expert witness (the head of the psychology program at the prison) who had worked extensively with McGinnis in prison, who stated that McGinnis was a product of an abusive home environment, had showed remorse and was not a real continuing threat to society.

WHAT HAPPENED AFTER TRIAL

McGinnis was sentenced to death and was executed on January 25th, 2000.

APPLICATION

- 1.) Why do you think the United States is one of a very few nations that still allows the juvenile death penalty?

- 2.) The juvenile death penalty has not been applied to females since 1912. Although four women have recently received death penalty sentences in recent years, all of these sentences have been commuted (lessened to life imprisonment.) These women have committed very similar crimes as their male juvenile counterparts, yet they have not been executed. Why do you think this is?