

## **For immediate release**

BOSTON – February 24, 2014 – The Civil Rights and Restorative Justice (CRRJ) Project of Northeastern University School of Law has filed an *amicus curiae* brief arguing for posthumous exoneration in a 70-year-old murder case. The South Carolina case involved a 14-year-old boy, George Stinney, sentenced to death and executed after a hasty trial for the murder of two young girls in 1944. He was the youngest person ever executed in the United States in the twentieth century.

Stinney's lawyers in South Carolina, Steven S. McKenzie and Matthew Burgess of Coffey, Chandler & McKenzie, filed a petition seeking an exoneration or, alternatively, a new trial in the case, and the South Carolina Third Circuit Court heard evidence on the matter in January 2014. Testifying at that hearing were Stinney's brother, now a resident of New York, and his sister, a resident of New Jersey.

In its *amicus* brief, CRRJ argues that courts should grant posthumous exonerations where there have been documented in grave miscarriages of justice, as in the Stinney matter. Stinney's trial was rife with procedural errors, the most critical of which was his lawyer failed to file an appeal on his behalf, therefore sealing his fate. Stinney was arrested a day after the murder, then, 30 days later, tried and sentenced to the electric chair in a procedure lasting a day. Eighty days after the murder, he was electrocuted, despite a nation-wide campaign to save his life.

Stinney's lawyer offered virtually no defense at his trial. While there were exculpating witnesses – namely, Stinney's relatives who could have offered an alibi – they were not called at trial. Although the jury system in Clarendon County was unconstitutionally segregated, the lawyer never challenged it. Stinney allegedly made a confession, but without benefit of counsel or his parents – and to this day, the precise contents of his statement are unknown. Even if Stinney had been convicted on this slim and unreliable evidence, his case would likely have been reversed by an appellate court, but there was never review.

CRRJ described a number of other cases where courts have granted posthumous exonerations, including many, like Stinney, where race was a defining factor in the original proceedings. According to the brief, in Clarendon County, where the trial took place, no African-American had served on the grand or petit jury although blacks constituted 72% of the population. The Supreme Court reviewed Clarendon County's school segregation practices when it decided *Brown v. Board of Education* in 1954.

While the travesty of George Stinney's conviction and execution can never be undone, the brief suggests that it can be ameliorated for his brother and sister and other living family members, and for the residents of the state of South Carolina.

On the brief for the Civil Rights and Restorative Justice Project are Northeastern University School of Law's Margaret Burnham and Michael Meltsner, and South Carolina lawyer Armand Derfner.

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