

APPENDIX 2: CHILD VICTIM CASES WHERE JURY REJECTED DEATH PENALTY

This table summarizes more than seventy cases identified over a thirty-eight-year period from 1979 to 2017 from federal, military, and state courts in twenty-six different states.

Name	State	Type	Year of verdict	Description	Source [†]
Adkins, Marcus	Mo.	State	1993	Home invasion & murder of ex-wife's 5 y/o and 8 y/o children who were shot in the head at point-blank range	State v. Adkins, 867 S.W.2d 262 (Mo. Ct. App. 1993)
Aguirre, Roberto Rojas	Tex.	State	2011	Murder of 8 y/o & 6 y/o stepsons & 3 y/o son & mother-in-law	http://valleycentral.com/news/local/alton-man-gets-life-in-prison-for-familys-murder
Alvarez, Dennis	N.Y.	State	2003	Murder of 28 y/o girlfriend and her two children	http://www.nytimes.com/2003/05/24/nyregion/jury-deadlock-spare-life-of-man-guilty-in-3-murders.html
Armandariz, Gabriel	Tex.	State	2015	Murder by strangulation of 2 infant sons; sent photo of youngest son's hanged body to estranged wife	http://www.star-telegram.com/news/local/crime/article13853561.html
Baskerville, Ricky	Mo.	State	1979	Shooting murders of man, woman and the woman's 7 y/o son, who was attempting to hide under a table	State v. Baskerville, 616 S.W.2d 839 (Mo. 1981)
Bui, Quang	Ala.	State	2004	Murder of his 3 children by slitting throats with butcher knife	http://www.tuscaloosaneews.com/news/20041218/man-convicted-of-slaying-children-taken-off-death-row
Burrell, Christopher	Ga.	State	1991	Kidnapping, robbery & murder of 17 y/o high school girl by strangulation and shooting	Burrell v. State, 376 S.E.2d 184 (Ga. 1989)

[†] All hyperlinks were accessed by the author on Nov. 1, 2017 and subsequently by the *Hofstra Law Review* on Aug. 23, 2018, except for cases from 2018 whose links were accessed on the date the online report appeared.

Name	State	Type	Year of verdict	Description	Source [†]
Burst, William	Mo.	State	1996	Murder of woman and her 6 y/o daughter who was sexually molested and suffocated	https://books.google.com/books?id=jV3cDAAQBAJ&pg=PA64&dq=William+Burst+suffocate+Lawson&hl=en&sa=X&ved=0ahUKEwjDnbHJnp7WAhVBWmMKHfoIDCQQ6AEIJjAA#v=onepage&q=William%20Burst%20suffocate%20Lawson&f=false
Carson, Ora Ray	Idaho	State	2006	Murder of 3-month-old son by beating	State v. Carson, 264 P.3d 54 (Idaho 2011); http://archive.slttrib.com/article.php?id=3818185&itype=NGPSID
Cisneros, Ismael Juarez	Va.	State	2005	Murder of 17 y/o girl who was lured to a rural area where she & unborn child were killed	http://www.washingtontimes.com/news/2005/jun/14/20050614-103201-7782r
Clay, Brian	Nev.	State	2017	Rape murder of 10 y/o girl and her mother	https://www.reviewjournal.com/crime/courts/jury-spare-life-of-las-vegas-man-who-killed-girl-mother
Coleman, Rayshaun	Nev.	State	2014	Murder of 6-week-old infant who had fractured skull and burns on his body	https://www.ksl.com/?s-id=29336907
Colon, Marc Anthony	Nev.	State	2008	Murder of 3 y/o girl who was battered to death	https://lasvegassun.com/news/2008/oct/08/couple-guilty-first-degree-murder-childs-death
Crawford, Austin	Tex.	State	2013	Murder of girlfriend's 10-month-old daughter by beating her in the head	http://dfw.cbslocal.com/2013/08/15/arlington-man-murdered-baby-when-she-wouldnt-stop-crying
Davidson, Latine	Ind.	State	1986	Murder of two defendant's 2 infants on two separate occasions	Davidson v. State, 558 N.E.2d 1077 (Ind. 1990)
Daise, Earnest	S.C.	State	2013	Murder of a 4 y/o child & attempted murder of 2 y/o child	https://www.islandpacket.com/news/local/community/beaufort-news/article-33536763.html
Davis, Billy Frank	Kan.	State	2015	Home invasion where 8 y/o girl was kidnapped, raped repeatedly, choked, and stuffed in closet where she died	http://www.cjonline.com/article/20150213/NEWS/302139675

Name	State	Type	Year of verdict	Description	Source†
Davis, Tony Lynn	Okla.	State	1985	Second degree murder of 25-month-old stepson	http://newsok.com/article/2126250
Edens, Gary	Okla.	State	1997	Murder of 5-month-old son who was beaten and flung into wall causing head trauma	http://newsok.com/article/2566382
Felts, William	Ga.	State	2016	Rape & murder by stabbing of 13 y/o girl & murder of her 14 y/o male cousin	https://patch.com/georgia/midtown/life-prison-man-who-killed-two-atlanta-teens-0
Fleer, Eugene	Mo.	State	1991	Murder of 3 y/o boy by drowning, and murder of 15 y/o babysitter by strangulation and drowning	State v. Fleer, 851 S.W.2d 582 (Mo. Ct. App. 1993)
Garcia, Adair	Cal.	State	2005	Murder of his 5 children by smothering	https://www.highbeam.com/doc/1P2-10985104.html
Garcia, Ramon	Cal.	State	2000	Sodomy & beating death of infant daughter	http://articles.latimes.com/2002/oct/25/local/me-briefs25.2
Garcia-Torres, Antolin	Cal.	State	2017	Kidnap & murder of 15 y/o girl	http://www.mercurynews.com/2017/06/05/sierra-lamar-penalty-verdict
Garrard, Joyce Hardin	Ala.	State	2015	Murder of 9 y/o granddaughter by forcing her to run until she died	https://www.cbsnews.com/news/woman-gets-life-sentence-in-granddaughters-running-death
Gaytan, Brendon	Tex.	State	2015	Murder of 6 y/o and 2 y/o girls in drive-by shooting	https://www.nbcdfw.com/news/local/Corpus-Christi-Man-Gets-Life-in-Prison-for-Killing-2-Girls-294495691.html
Grande, Oscar Antonio	Va.	State	2005	Murder of 17 y/o girl who was lured to a rural area where she & unborn child were killed	http://www.washingtontimes.com/news/2005/jun/14/20050614-103201-7782r
Greene, Lisa	N.C.	State	2007	Murder of 8 y/o & 10 y/o children in arson	State v. Greene, No. COA09-1327, 2010 N.C. App. LEXIS 1771 (N.C. Ct. App. Sept. 7, 2010)
Hall, Janet State Bell	N.C.	State	2007	Murder of 11 y/o son by shooting and attempted murder of 16 y/o daughter by beating and shooting	State v. Hall, 653 S.E.2d 200 (N.C. Ct. App. 2007)

Name	State	Type	Year of verdict	Description	Source [†]
Hamilton, Danial	Okla.	State	1997	Murder of girlfriend's 18-month-old daughter	http://www.oscn.net/dockets (search for Case Number CF-1995-2193 in Oklahoma County District Court)
Hampton, Andre	N.C.	State	2013	Murder of 23-month-old son caused by brain injury from multiple blunt force trauma injuries	https://www.wsocvtv.com/news/local/man-sentenced-life-prison-sons-death/334348222
Harper, Cornelius	Tex.	State	2014	Murder of cousin, who was shot & his cousin's pregnant girlfriend, who was repeatedly stabbed killing her 8.5 month-old unborn child	http://cncpunishment.com/forums/showthread.php?9333-Cornelius-Harper-Sentenced-to-Life-in-2010-TX-Slaying-of-Leiah-Jackson-Yancy-Daniels-and-Unborn-Baby-Daniels
Harris, Wesley	Ga.	State	2005	Murder of young mother & her 2 y/o daughter who were gunned down, their bodies were stuffed in the trunk of car, and car set on fire	http://www.gwinnettdaily.com/archive/harris-sentenced-to-life-in-prison-for-double-murder/article_e491da-7e2c-5476-8576-c0f3d899fa23.html
Hartley, Kenneth	N.C.	State	2011	Murder of mother and 14 y/o half-brother by stabbing; anal rape & strangulation murder of 9 y/o half-sister	State v. Hartley, 710 S.E.2d 385 (N.C. Ct. App. 2011)
Hatcher, Charlie	Mo.	State	1984	Rape and murder of 12 y/o girl	http://articles.latimes.com/1985-03-17/news/mn-35311_1_wrongful-convictions/8
Henderson, Philip Wayne	Cal.	State	1982	Triple murder of father, mother, & child, plus unborn fetus at 30 weeks gestation	https://law.justia.com/cases/california/court-of-appeal/3d/225/1129.html
Herbert, Amy	La.	State	2009	Murder of 9 y/o daughter & 7 y/o son by stabbing	http://www.houmatoday.com/news/20090619/killer-mom-sentenced-to-two-life-terms
Hogshooter, Russell	Okla.	State	2016	Murder of 6 people including 2 unborn babies	http://newsok.com/article/5504721

Holmes, James	Colo.	State	2015	Multiple murder in Aurora theater shooting; one of 12 deceased victims was a 6 y/o child	https://www.cnn.com/2015/08/26/us/james-holmes-aurora-massacre-sentencing/index.html ; http://www.thedenverchannel.com/news/movie-theater-shooting/james-holmes-verdict-life-in-prison-for-aurora-colorado-theater-gunman-jury-rejects-death-penalty
Horn, Lawrence	Md.	State	1996	Ordered triple murder, including quadriplegic 8 y/o son	http://www.washingtonpost.com/wp-dyn/content/article/2009/12/31/AR2009123102446.html
Jordan, Samuel	La.	State	2012	Murder of 8-wk-old who died of head injuries	https://www.ktbs.com/news/samuel-jordan-sentenced-to-life-in-prison/article_b1ff58cd-e129-5b41-b70e-d06f6e48f374.html
Kehoe, Chevie	Ark.	Fed.	1999	Robbery and murder of man, woman, & her 8 y/o daughter by placing plastic bags over their heads, weighing them down with rocks, and throwing them into bayou	United States v. Kehoe, 310 F.3d 579 (8th Cir. 2002)
King, Levi	Tex.	State	2009	Home Invasion murder of man, his pregnant wife & their 14 y/o son; family's 10 y/o daughter survived	http://www.newschannel10.com/story/11268978/levi-king-sentenced-to-life-in-prison
Lamb, Clifford	Va.	State	2005	Murder by strangulation of girlfriend's 16-month-old baby	http://www.whsv.com/news/headlines/3212786.html
Landrum, Michael	Ala.	State	2005	Murder of 3 y/o daughter and her grandmother	http://www.demopolistimes.com/2005/03/08/landrums-life-spared
Langley, Ricky	La.	State	2009	Murder and sexual abuse of neighbor's child	http://www.kplctv.com/story/11655399/ricky-langley-sentenced-to-life-in-prison
Lingle, Harold	Mo.	State	2002	Murder of pregnant mother and three children	State v. Lingle, 140 S.W.3d 178 (Mo. App. 2004); https://semissourian.com/story/58989.html
Lozano, Pascual	Nev.	State	2003	Murder of 9 y/o girl in drive-by shooting	http://www.lasvegasonline.com/news/las-vegas-jury-spare-pascual-lozanos-life/81382751

Lujan, Larry	N.M.	Fed.	2011	Home invasion, kidnapping & murder of 16 y/o boy by repeated stabbing, almost severing his head	https://www.justice.gov/opa/pr/new-mexico-man-receive-life-prison-sentence-after-conviction-kidnapping-charge-related-death
McEnroe, Joseph	Wash.	State	2015	Murder of six members of ex-girlfriend's family, including 5 y/o & 3 y/o children	http://www.seattletimes.com/seattle-news/with-death-on-table-mcenroe-jurys-friendships-crumble
McKinney, Steve Charles	Tex.	State	2003	Murder of husband, wife, and their 5 y/o child; family's 4 y/o daughter survived	http://www.chron.com/neighborhood/article/Townewest-murder-convict-gets-life-sentence-9762855.php
Mills, Jonathan	Conn.	State	2004	Murder of defendant's aunt and her two children	https://www.nhregister.com/news/article/Mills-escapes-death-penalty-11672826.php
Morrison, James Davis	Tex.	State	2012	Shooting murder of 2 women & one unborn child	https://www.mysanantonio.com/news/local_news/article/Jury-rejects-death-sentence-3972452.php
Nettles, Harold	Ind.	State	1989	Murder of mother and 5 y/o	Nettles v. State, 565 N.E.2d 1064 (Ind. 1991)
Nettles, Malik	Mo.	State	1999	Shooting murder of 15 y/o girl and her unborn child	State v. Nettles, 10 S.W.3d 521 (Mo. Ct. App. 1999)
Nichols, Terry	Colo.	Fed.	1998	Oklahoma bombing victims included 15 children	https://www.nytimes.com/1995/05/03/us/terror-oklahoma-children-tender-memories-day-care-center-are-all-that-remain.html ; <i>see also</i> http://www.washingtonpost.com/wp-srv/national/longterm/oklahoma/nichols.htm
Nichols, Terry	Okla.	State	2004	Bombing murders included 19 children and one fetus (Non-unanimous)	United States v. Nichols, 132 F.Supp.2d 931 (D. Colo. 2001); <i>see also</i> http://www.nbcnews.com/id/5184483/ns/us_news-crime_and_courts/t/judge-dismisses-deadlocked-nichols-jury/#.WbgQmqhSy72
Paul, Demetrius	Ga.	State	2000	Murder of 10 y/o child by beating	https://caselaw.findlaw.com/ga-supreme-court/1219694.html

Perry, James	Md.	State	1996	Triple murder for hire, including quadriplegic 8 y/o	http://www.washingtonpost.com/wp-dyn/content/article/2009/12/31/AR2009123102446.html
Phillips, Denny	Okla.	State	2016	Murder of 6 people including 2 unborn babies	http://www.koco.com/article/denny-phillips-russell-hogshooter-sentenced-to-life-without-parole-in-cathouse-murders/4311049
Proffit, Kent Alan Sr.	Wyo.	State	2006	Murder of 16 y/o boy who was scheduled to testify against defendant in a sexual assault trial	http://www.gillette-newsrecord.com/news/article_056d1d23-a287-5f0c-9c04-5c7f39fe2e54.html
Rogers, Irvin	Fla.	State	1992	Murder of infant stepson by beating, after prior manslaughter conviction of manslaughter for death of 17-month-old stepdaughter	http://articles.orlandoseninel.com/1992-09-15/news/9209150319_1_marquise-sentence-stepson
Roper, Robert W.	Ga.	State	1991	Kidnapping, robbery & murder of 17 y/o high school girl by strangulation and shooting	Burrell v. State, 376 S.E.2d 184 (Ga. 1989)
Ross, Lester	Fla.	State	2015	Murder of woman and her infant child by feeding rat poison	http://www.fox13news.com/news/local-news/man-who-killed-3-year-old-daughter-her-mother-sentenced-to-life
Rush, Harry	Mo.	State	1994	Murder of ex-girlfriend's 8 y/o and 6 y/o daughters with ice pick, knives and boards	State v. Rush, 872 S.W.2d 127 (Mo. Ct. App. 1994)
Rutan, Katherine	Okla.	State	2007	Murder of 6 y/o son	http://newsok.com/article/3115062
Santiago, Jose	N.Y.	State	2000	Execution style murders of a 2 y/o girl and 14 y/o girl in their home in front of their mother	https://www.newspapers.com/newspage/137126870
Scott, Michael James	Tex.	State	1999	Yoghurt Shop murders. Murdered 4 women, aged 17, 17, 15 and 13	http://crimefeed.com/2016/05/crime-history-the-austin-yogurt-shop-murders
Smith, Jason	Ill.	State	2008	Killed 4, including infant	https://www.stltoday.com/news/illinois-investigates-jason-smith-de-fense/article_cb616c71-65e4-55c3-9022-a43127cbb821.html

Smith, Susan	S.C.	State	1995	Murder of 14-month-old & 3 y/o sons by drowning	http://www.thestate.com/news/local/crime/article13900058.html
Sojka, Alan	Ariz.	State	2008	Murder of 5 y/o son	Sojka v. Ryan, No. CV-13-1449-PHX-DGC (ESW), 2015 WL 5853953 (D. Ariz. Aug. 25, 2015)
Steppe, Joshua	N.C.	State	2011	Attempted rape & murder by beating of 10-month-old stepdaughter	http://www.wral.com/news/local/story/10125021
Thomas, Maron	Tex.	State	2013	Murder of mother, stepfather, brother, and sister who were shot to death & niece who was decapitated	https://web.archive.org/web/20141018105513/http://www.sealynews.com/news/article_cc7d8c9e-e983-11e2-b4d5-001a4bcf887a.html
Utley, James	Ind.	State	1989	Murder of three year old and her mother	Utley v. State, 589 N.E.2d 232 (Ind. 1991)
Valdez, Martin Leyva	Cal.	State	2011	Murder of 11 y/o boy by shooting	http://www.pe.com/2011/01/20/riverside-county-jurors-reject-death-penalty
Williams, Naeem	Haw.	Fed.	2015	Murder of 5 y/o child by beating her to death	https://www.nbcnews.com/news/us-news/jury-deadlocks-rejects-death-naeem-williams-childs-murder-n143021
Wilson, Charles	Ga.	Mil.	2017	Murder of 8-months-pregnant fiancée & unborn daughter	http://www.robins.af.mil/News/Article-Display/Article/1101423/robins-airman-sentenced-to-life-without-parole-in-murder-trial
Yates, Andrea	Tex.	State	2002	Murder of 5 children by drowning them in the bathtub	https://www.voanews.com/a/a-13-a-2002-03-16-3-andrea-66481602/552276.html
Yellowbear, Andrew	Wyo.	State	2006	Child abuse murder of 22-month-old daughter	http://trib.com/news/to_p_story/defiant-yellowbear-gets-life-sentence/article_c0b44749-6b13-5c37-bad7-9b620f35cb08.html