CRIMINAL JUSTICE LEGAL FOUNDATION

CJLF Advisory

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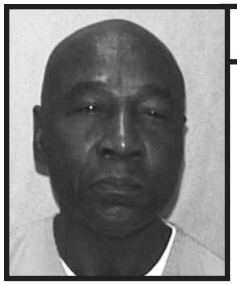
SUPREME COURT TO DECIDE MURDERER'S CLAIM OF RETARDATION

A Florida man convicted of the murders of a pregnant woman and a police officer is seeking a U. S. Supreme Court decision overturning his death sentence because of his low IQ.

The high court heard oral argument in the case of **Hall v. Florida** on March 3, 2014, to consider the defendant's argument to expand the threshold IQ requirement for a mental retardation claim from a score of below 70 to a range of 65 to 75.

The California-based Criminal Justice Legal Foundation joined the case to encourage a decision rejecting the request.

In 1981, habitual criminal Freddie Lee Hall was convicted and sentenced to death for the murder of Karol Hurst. Evidence introduced at trial indicates that on the afternoon of February 21, 1978, Hall and accomplice Mack Ruffin were sitting in Ruffin's car in the parking lot of a Pantry Pride grocery store looking for a car they could use for a robbery. Hall later told police that he spotted 21-year-old Karol Hurst, a seven-months-pregnant housewife, leaving the store with groceries. Hall accosted her and forced her into her car, which he drove while Ruffin followed in his car. They stopped in a wooded area where the young woman was later found beaten, raped, and shot to death. After leaving the murder scene, Hall and Ruffin went to a convenience store where their suspicious behavior caused a clerk to call police. When the two left the store, the clerk heard a gunshot and saw Hall and Ruffin drive away in Karol Hurst's car. The clerk found Deputy Sheriff Lonnie Coburn dead behind the store with his gun missing. The gun used to kill Karol Hurst was found under the deputy's body.



Freddie Lee Hall

When other officers spotted the car, a chase ensued. Eventually the suspects abandoned the car and fled on foot. A short time later both men were captured. The deceased deputy's gun and Mrs. Hurst's purse and groceries were found in her car.

Hall and Ruffin were tried separately for the murder of Karol Hurst. Hall claimed that Ruffin committed the murder. Both were convicted and sentenced to death. They were tried together for the murder of Deputy Sheriff Coburn. Both were convicted. Hall received a death sentence, while Ruffin was sentenced to life in prison.

In sentencing Hall for Hurst's murder, the jury found seven aggravating factors, including previous convictions for assault with intent to commit rape, second-degree murder, and firing a gun into an occupied vehicle.

Hall's conviction and sentence were upheld on direct appeal in 1981, and his first state habeas corpus petition was denied a year later. Between 1982 and 1990, Hall's claims of trial and sentencing error were reviewed, reconsidered, and denied by nine different courts. In 1992, the Florida Supreme Court granted Hall a new sentencing hearing to introduce additional mitigating evi-

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CANDIDATE FOR LOS ANGELES COUNTY SHERIFF ADDRESSES CJLF BOARD

CJLF Chairman Rick Richmond

Long Beach Police Chief Jim McDonnell, a candidate for Los Angeles County Sheriff, addressed the Criminal Justice Legal Foundation's Board of Trustees at a February 25 luncheon meeting in Los Angeles. Among the board members and invited guests who attended to hear Chief McDonnell's address, were former California Governors Pete Wilson and George Deukmejian, California Assemblyman Tim Donnelly, and former Los Angeles District Attorney Steve Cooley.

In his speech, Chief McDonnell discussed his philosophy on what constitutes effective law enforcement and answered several questions from the audience on current law enforcement issues.

Police Chief Jim McDonnell

Case Report

A Summary of Foundation Cases Currently Before the Courts

Hall v. Florida: U. S. Supreme Court case involving a convicted murderer's claim that the IQ requirement for mental retardation should be expanded from a score of below 70 to a range of 65 to 75 so that he can avoid a death sentence. In 1981, Freddie Lee Hall, and an accomplice, kidnapped a 21-year-old pregnant woman from a grocery store parking lot and drove her into the woods where she was raped, beaten, and shot to death. After two decades of appeals, upholding Hall's conviction and sentence, the U. S. Supreme Court decided in another case that executing the mentally retarded was unconstitutional. Florida and other states had adopted a standard, which included an IQ score below 70 to qualify as mentally retarded. Hall claims he is retarded, but his lowest IQ test in evidence is 71. He is now asking the Supreme Court to broaden the range of scores to include him. When the U. S. Supreme Court agreed to hear Hall's appeal, CJLF accepted the Florida Attorney General's request to join the case. CJLF argues that the standard for mental retardation should be left to the states. Otherwise, well-deserved sentences for clearly guilty murderers will be held up for years as these issues are endlessly reviewed.

HCRC v. U. S. Department of Justice: Ninth Circuit Court of Appeals case to review an order by a District Judge in Oakland, blocking the fast-track process for federal appeals of state death penalty cases enacted by Congress and signed into law by President Clinton in 1996. In the District Court, Mark Klaas, whose daughter was murdered in 1993 by a habitual felon later sentenced to death for the crime, sought to be included as a party in the case to argue against further delay of the fast-track process. The Court denied his request and ruled in favor of a group of death penalty defense attorneys who had filed the suit to halt the process. On appeal, CJLF, representing Mr. Klaas, argues that he has a right to intervene as a party in the case to assure that his interest in ending the delay in reviewing the conviction and death sentence of his daughter's murderer is considered. The Foundation's brief notes that there is ample Ninth Circuit precedent supporting Mr. Klaas's right to be heard in this case.

People v. Moffett: California Supreme Court case involving a criminal (a few days short of his 18th birthday) who was an accessory to murder of a police officer during the attempted escape from an armed robbery. Andrew Moffett was convicted of the murder of Officer Larry Lasater, which is a death penalty offense for murderers 18 and over. Because of his age, he received a sentence of life in prison without the possibility of parole (LWOP). During sentencing, the judge noted that she was exercising her discretion to give him LWOP rather than life *with* parole due to the circumstances of the crime. While Moffett's case was on appeal, the U. S. Supreme Court, in **Miller v. Alabama**, abolished mandatory LWOP for murderers under 18. The state Court of Appeal then overturned Moffett's sentence, announcing that it violated the "spirit" of **Miller**. When the California Supreme Court agreed to hear the state's appeal, CJLF filed an *amicus curiae* brief on behalf of Officer Lasater's wife, mother, and brother, arguing to reinstate Moffett's sentence. The brief notes that the **Miller** ruling bars mandatory LWOP for murderers under the age of 18, while California's law is not mandatory and gives judges sentencing discretion.

Santiago v. State: Connecticut Supreme Court case to consider a condemned murderer's challenge to an April 2012 law which prospectively abolishes the death penalty but allows the execution of murderers currently on the state's death row and of those who committed capital murder before the law's enactment. Eduardo Santiago was sentenced to death in 2005 for a contract killing. He argues that by abolishing the death penalty, the state Legislature has affirmed that it serves no penological interest and therefore must apply retroactively. CJLF was asked to join the case by Dr. William Petit, who survived the brutal 2007 home invasion robbery which resulted in the sexual assault and murder of his wife and two daughters. The two habitual felons convicted of these crimes, Joshua Komisarjevsky and Steven Hayes, are currently on death row. CJLF argues that adoption of this law was the result of a legislative compromise involving several lawmakers who would only vote for it if the sentences for current death row inmates were retained. A decision adopting Santiago's position would infringe on the fundamental purpose of the legislative branch, which is to pass laws through compromise.

Advisory layout design by Irma H. Abella

B O X S C O R E

An accounting of the state and federal court decisions handed down over the past year on cases in which CJLF was a participant. Rulings favoring CJLF positions are listed as WINS, unfavorable rulings are LOSSES, and rulings which have left the issue unsettled are DRAWS.

Kansas v. Cheever: 12/11/13. Unanimous U. S. Supreme Court decision to overturn a Kansas court ruling, which held that the Constitution prohibited a prosecution expert from testifying in rebuttal to a cop killer's expert on a mental defense claim. In 2005, drug dealer Scott Cheever shot and killed a Kansas county sheriff who was serving an arrest warrant. Cheever shot at several other officers before he surrendered. At trial, a pharmacist testified that Cheever was too high on drugs to have intended to kill the sheriff. Over Cheever's objection, the prosecution introduced an expert who testified that Cheever knew what he was doing on the day of the murder. The Kansas Supreme Court later overturned Cheever's conviction and death sentence, finding that, with the exception of a claim of mental illness, the Constitution did not allow a compelled examination by a prosecution expert to rebut defense experts on other mental defenses, such as intoxication. CJLF joined the state Attorney General's appeal to argue that the Kansas court's holding was not supported by the Constitution or any Supreme Court precedent. **WIN**

Cook v. FDA: 7/23/13. Unanimous decision by a three-judge panel of the U. S. Court of Appeals for the D. C. Circuit, which overturned a federal district judge's March 2012 ruling that ordered the FDA to confiscate existing stocks of the execution drug sodium thiopental from state departments of corrections. In a lawsuit brought by 25 condemned murderers facing execution in Arizona, California, and Tennessee, the District Court held that the drug, which is widely used for executions, was illegally obtained from its foreign manufacturer and had to be confiscated. On November 12, 2012, the Foundation filed an *amicus curiae* brief with the Court of Appeals, arguing that the district judge's order, which affects dozens of states who were not parties in the case, violates federal rules and the rights of affected states and ignores a fundamental requirement of due process. The court's opinion cited and thanked the Criminal Justice Legal Foundation for providing a key argument that it *utilized* in its decision. **WIN**

Salinas v. Texas: 6/17/13. U. S. Supreme Court decision utilizing CJLF arguments to reject a Texas murderer's claim that his incriminating behavior during a voluntary interview with police should have been excluded from his trial. The case involved the 1992 shotgun murders of two brothers in Houston. After police learned that Genovevo Salinas may have been involved, they visited his parents' home, where he also lived. During the visit, Salinas's father turned over his shotgun to the police, and his son agreed to go to the police station for a voluntary interview. After an hour of answering questions, when asked if the shells found at the murder scene would match the shotgun, Salinas stared at the floor and would not answer. Testing later revealed that the shells were a match, and a witness came forward telling police that Salinas admitted to the murders. At trial, the jury learned that Salinas had refused to answer the shotgun question. Following his conviction, Salinas appealed, arguing that informing the jury of his silence violated the Fifth Amendment. CJLF joined the Supreme Court review of this case to argue that a suspect's behavior during a voluntary interview is evidence which should not be kept from the jury. The Court's 5-4 decision agreed. **WIN**

Trevino v. Thaler: 5/28/13. Five to four U. S. Supreme Court ruling expanding a criminal's ability to extend court review by attacking his state-paid habeas corpus lawyer. In 1997, gang member Carlos Trevino was convicted and sentenced to death for the kidnap, gang rape, and murder of a 15-year-old Texas girl. After years of appeals of his conviction and sentence, including an attack on the competence of his trial lawyer, Trevino's new lawyer came up with a different claim against the trial lawyer. When the Federal District Court dismissed the claim as defaulted, Trevino argued that a 2012 high court ruling creating a narrow exception to the rule prohibiting incompetence claims against a defendant's habeas corpus lawyer should be expanded to accommodate his case. At the invitation of the Texas Solicitor General, CJLF joined this case to argue that the exception Trevino wants would swallow the rule. The Court ruled to create the exception anyway, opening the door to years of unnecessary and expensive review to already lengthy death penalty cases. **LOSS**

Chaidez v. United States: 2/20/13. U. S. Supreme Court decision rejecting the claim of a convicted fraudster that a high court ruling announced years after her conviction should be applied retroactively to her case. In 2003, Roselva Chaidez, a Mexican citizen living in Illinois, pled guilty to mail fraud and was sentenced to four years probation. In 2009, the government initiated deportation proceedings after she lied on her application for U. S. citizenship, denying that she had been convicted of a crime. A year later, the Supreme Court announced in **Padilla v. Kentucky** that a plea bargain can be overturned if the defense attorney fails to tell his client about the deportation consequences of the bargain. When Chaidez appealed, claiming that the **Padilla** ruling should apply retroactively to overturn her conviction, CJLF joined the case to argue that its 1989 U. S. Supreme Court victory in **Teague v. Lane** prohibits the retroactive application of new rules announced on habeas corpus. The Court's 7-2 decision *utilized* CJLF arguments and research to uphold that precedent and prevent the overturning of thousands of convictions of foreign nationals. **WIN**

TOTAL	**4 Wins**	**1 Loss**	**0 Draw**

CAMPAIGN TO QUALIFY DEATH PENALTY REFORM INITIATIVE FOR NOVEMBER BALLOT KICKS OFF IN LOS ANGELES

Signature gathering to qualify a death penalty reform measure for California's November general election ballot began on February 13, 2014, when three former governors, joined by prosecutors and victims' families, held a press conference in Los Angeles. San Bernardino District Attorney Mike Ramos opened the press conference, telling reporters that the initiative has been introduced to keep a promise law enforcement leaders made to Californians in 2012, that if they voted to reject the ACLU-backed initiative to abolish the death penalty, they would return in 2014 with an initiative designed to reduce the unnecessary delay and expense currently preventing the execution of the state's worst murderers.

Former Governors George Deukmejian, Pete Wilson, and Gray Davis joined District Attorney Mike Ramos along with Kermit Alexander (whose mother, sister, and two nephews were murdered in their home by a gang member in 1984) and Phyllis Loya (whose son, a police officer, was murdered in 2005 by an armed robbery suspect attempting escape). Both murderers are currently on California's death row.

Supporters of the California Death Penalty Reform and Savings Act must collect 807,000 signatures by mid-May in order to qualify for the November 4, 2014 general election ballot. The coalition supporting the initiative includes virtually every professional law enforcement and victims' organization in the state. The initiative was drafted, in large part, by CJLF Legal Director Kent Scheidegger, with the help of District Attorneys and law enforcement representatives after the state Legislature killed two bills, introduced in 2013, which would have made similar reforms to the death penalty process.

How Does The Initiative Fix California's Death Penalty?

The initiative amends the California Constitution and state law to:

1. shorten the appeals process for death penalty cases,
2. limit the ability of condemned murderers to delay executions with lawsuits attacking a method of execution, and
3. reduce the cost of housing condemned murderers.

The excessive time taken for California's current appeal and post-conviction review process of death penalty cases has several causes.

Review of a capital case requires two proceedings: a direct appeal to review the trial record and a habeas corpus petition to consider additional facts the defendant wants to have considered. An attorney is appointed for each proceeding.

The process for appointing attorneys for the direct appeal takes roughly *five years*. The Judicial Council has imposed pointlessly restrictive criteria for those who are deemed qualified, far beyond what Congress has required for federal capital cases. For the habeas corpus review, the list of who is deemed qualified is assigned to the Habeas Corpus Resource Center, an agency funded in the judicial budget but not accountable to any court or elected official. Its board is chosen by defense lawyers who do not want the system to work.

The initiative would require the Supreme Court to establish criteria for attorneys with the goal of providing a larger pool of qualified attorneys to reduce the delay in appointments while still maintaining quality representation and qualifying under federal law. It would shift the decision on which attorney to appoint from the Supreme Court to the Court of Appeal for the direct appeal and the trial court judge for habeas corpus. It would shift the hiring of the Executive Director of the Resource Center from the Center's Board to the Supreme Court, and make him answerable solely to the Court, which could replace him at will.

Currently, the direct appeal of a death penalty case is heard by the California Supreme Court. The Court's seven justices review the thousands of pages describing dozens of claims of trial and sentencing error, one case at a time. The Court has a current backlog of 449 direct appeals of death penalty cases. It currently takes up to nine years for the attorney handling the direct appeal to file his brief with the Supreme Court. A different attorney is appointed to handle the murderer's habeas corpus review, which can take more than ten additional years.

The initiative would require the appointment of both a direct appeal attorney and a habeas corpus attorney shortly after the trial and sentencing. The initiative would transfer review of the direct appeals from the Supreme Court to three-judge panels of the state courts of appeal. With 105 judges, the backlog would amount to 13 cases per panel. Panels currently hear and decide several hundred cases per year. After the backlog is cleared, the state's average of 20 death penalty cases per year would amount to less than one case per panel. When a panel upholds a conviction and sentence, the Supreme Court would review the decision and in most cases summarily affirm. This is a short process which does not require a hearing or a written opinion. If a panel were to overturn a conviction or sentence, the Supreme Court would review that ruling, either upholding it and sending the case back for retrial, or overturning it and reinstating the conviction and sentence. The main value in moving the direct appeal to the appellate courts is to speed the process for reviewing each case and remove the backlog while screening out the hundreds of frivolous claims.

Currently there are no firm limits on the number of state court reviews of death penalty cases and no firm deadlines for deciding the direct appeal or filing a habeas corpus petition.

The initiative would limit a condemned murderer to two state court reviews of his claims in cases where there is no question of guilt or eligibility for the death penalty, which includes most capital cases. The initiative encourages the courts to complete the direct appeal process in five years and requires the habeas corpus petition to be filed one year after an attorney is appointed. This would allow review of the direct appeal and the habeas corpus petition simultaneously.

If enacted, these provisions would shorten the appellate and habeas corpus review process by at least a decade for most cases. The shortened process would also save millions in tax dollars.

Lawsuits attacking California's execution protocol have unnecessarily blocked the executions of over 15 of the state's worst murderers (who have exhausted their apppeals) for seven years.

In 2006, a federal district judge in San Jose halted the execution of rapist/murderer Michael Morales and all of the other death row inmates in order to review claims that California's three-drug protocol might be painful, thereby violating the Eighth Amendment prohibition against cruel and unusual punishment. In 2008, the U. S. Supreme Court decision in **Baze v. Rees** (won by CJLF) held that a similar three-drug protocol used in Kentucky was not unconstitutional. The two dissenters in the Court's 7-2 decision agreed that if Kentucky had added an extra step, utilized in California's

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"DEATH PENALTY REFORM INITIATIVE"

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protocol, they would have voted with the majority to uphold it. While most other death penalty states resumed executions after the decision, the district judge in San Jose continued to block executions in California while he allowed additional briefing on the lawsuit. That suit is still active, even after the original judge has transferred and a new judge has taken over the case.

In 2007, a Marin County Superior Court judge announced that California's lethal injection process violated state law because it had not been adopted in compliance with the state's cumbersome Administrative Procedure Act (APA), which requires public input. No other execution method in state history had been adopted through this process. After a liberal panel of San Francisco's First District Court of Appeal upheld the judge's order, neither the Schwarzenegger administration nor Attorney General Jerry Brown sought an appeal before the California Supreme Court to overturn the lower court ruling. Seven years later, executions remain on hold after the Court of Appeal held that the California Department of Corrections and Rehabilitation's (CDCR) second attempt still did not comply with the APA.

Former governors Pete Wilson, George Deukmejian, and Gray Davis and San Bernardino District Attorney Mike Ramos.

Metropolitan News Enterprise photo by Michael J. Peil

The initiative removes the requirement that the execution protocol be adopted through the APA process, while still providing notice to the attorneys for the inmates and general public. The initiative provides CDCR with the authority to change the protocol if an existing method is blocked by a court: for example, switching to the one-drug protocol approved by the Ninth Circuit and in use in Arizona. These changes would moot both lawsuits and give CDCR the flexibility to quickly make adjustments to avoid future legal challenges to a particular method of execution.

Condemned murderers are, by far, the most expensive inmates to house within the state prison system.

Currently, condemned murderers are housed on death row at San Quentin State Prison on the San Francisco Bay. They are kept in single cells with televisions and laptops. Their meals are delivered to them and they are allowed to spend recreation time with other murderers who are members of the same prison gang. Condemned murderers are not required to do any type of work.

The initiative would allow the CDCR to hold condemned murderers in other state prisons and house them two to a cell. Condemned murderers would also be required to work and 70% of their earnings would be used to pay restitution to the families of victims. This provision would reduce the cost of housing most condemned murderers.

Summary.

Bureaucratic obstacles, foot dragging by elected officials opposed to the death penalty, and rulings by two liberal judges have caused decades of delay in carrying out death sentences for California's worst murderers. As a result, hundreds of millions in tax dollars have been wasted, the families of murderers have been made to suffer unnecessarily, and the will of the people of California has been arrogantly defied.

The Death Penalty Reform and Savings Act changes this. Drafted by constitutional law experts to withstand legal challenges by the ACLU and others, this measure will streamline the review process for the overwhelming majority of defendants whose guilt is unquestionable, while allowing further review of the small number of cases where some question exists. Under the provisions of this measure, the rulings blocking the execution of murderers currently on death row who have exhausted all appeals will be mooted, the delay in appointing attorneys for appeals will be eliminated, and the backlog of existing appeals will be cleared.

Californians who want to help qualify this measure for the November 2014 ballot can order initiatives and gather signatures or make a contribution by going to www.deathpenaltyreform.com.

This year CJLF is asking Californians to choose if they want to enforce the death penalty by helping draft an initiative to remove unnecessary years and millions in wasted tax dollars from the current process. We are also continuing our fight to *repeal Jerry Brown's Realignment*, which is turning thousands of innocent people every year into new crime victims. Our survival and continuing efforts depend upon annual tax-deductible contributions from people like you, who want criminals to be held responsible for the crimes they commit. If you have not given to CJLF this year, do so today, and help us carry on the fight to protect the rights and safety of you and your loved ones. Please clip and mail the card on the right along with your check, or visit *www.cjlf.org* to use your credit card. ***Thank you very much!***

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Winter/Spring 2014

Victims' Rights at Issue in Ninth Circuit Appeals

In the previous issue of the *Advisory*, we reported on the case of **Habeas Corpus Resource Center v. Department of Justice**, regarding the "fast track" that Congress provided for federal court review of state death penalty judgments. As noted, last November, Federal District Judge Claudia Wilken denied a CJLF request that Mark Klaas (the father of a murder victim) be included as a party in a lawsuit brought by a group of criminal defense attorneys to block implementation of the "fast-track" law. In December, Judge Wilken ruled in favor of the defense attorneys, issuing a preliminary injunction preventing the Department of Justice from granting states' eligibility for the law's expedited review of death penalty cases.

The law in question—part of the Anti-terrorism and Effective Death Penalty Act (AEDPA)—was adopted by Congress in 1996 to allow expedited federal court review of death penalty cases for qualifying states that provide competent, adequately funded defense counsel for state post-conviction review of death penalty cases. But after AEDPA became law, rulings by hostile federal courts prevented its implementation. In 2006, Congress amended the law to provide that the U. S. Attorney General would certify whether a state qualified for the "fast track" and that the review of those decisions be exclusively with the U. S. Court of Appeals for the District of Columbia Circuit (DC Circuit), the only federal circuit court which does not review state death penalty cases on habeas corpus, thus eliminating any potential conflict of interest.

Last year, the Attorney General announced the rules for state compliance. A month later, Judge Wilken ruled to block the process. In March, CJLF filed an appellate brief in the Ninth Circuit on behalf of Mr. Klaas, challenging Judge Wilken's refusal to include him as a party, arguing that his interests are not adequately represented by the Attorney General and that prior decisions have recognized the right of those directly affected by court action to be represented in the appeal.

In April, the Foundation will file an *amicus curiae* (friend of the court) brief to encourage a decision to lift the preliminary injunction. CJLF will argue that the law requires challenges to the "fast-track" process to be reviewed by the DC Circuit (not a District Judge in California) and that federal rules require that states denied the opportunity to qualify for the "fast-track" process should have been included as parties in the original case.

Watch for further developments in this important battle for victims' rights in a future *Advisory*.

"CLAIM OF RETARDATION"

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dence. At the hearing, Hall claimed that he was mentally retarded. The trial court allowed the evidence, but found it did not outweigh the aggravating circumstances and resentenced him to death. In 1999, the Florida Supreme Court affirmed the sentence. In 2002, the U. S. Supreme Court decided in **Atkins v. Virginia** that it was unconstitutional to execute a mentally retarded person. The Florida Legislature had already adopted the generally recognized three-prong test to determine which murderers were retarded. The criteria were 1) intelligence in the bottom 2.5% of the population, along with 2) poor adaptive behavior, which 3) was evident before age 18. If a murderer had an IQ score of 70 or more, he failed the test for retardation. If he did score below 70, the other prongs of the test had to be met.

In 2009, Hall won a new hearing to determine if he was mentally retarded. At the hearing, three different doctors who had tested Hall's IQ presented scores of 71, 73, and 80. After reviewing this and other evidence, the court held that Hall did not meet the first prong. In 2012, Hall appealed that holding to the Florida Supreme Court. He argued that the threshold IQ score of 70 was not the correct standard and that a range of 65 to 75 should be adopted. Florida's high court rejected this claim and upheld Hall's death sentence.

When the U. S. Supreme Court agreed to hear Hall's appeal, the Criminal Justice Legal Foundation agreed to join the case. CJLF argues that the Supreme Court should not engage in micromanagement of the details of determinations in borderline cases.

"The Court's decision in *Atkins* left those matters to the states and they should stay there," said Foundation Legal Director Kent Scheidegger. "Otherwise, well-deserved sentences for clearly guilty murderers, like Hall, will be held up for years as these issues are litigated through multiple courts," he added.

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