



JUSTICE (360)

ADVANCING EQUALITY IN THE
CRIMINAL JUSTICE SYSTEM

2019 ANNUAL REPORT

ORGANIZATIONAL UPDATES

Justice 360 welcomed two new staff members to our team in 2019. With the addition of Megan Barnes, we will now have three full-time lawyers on staff, and Alana Jordan accepted our Development Coordinator position in October.

Megan joined us as the Craig N. Yankwitt Capital Punishment Fellow in September 2019. Megan is a graduate of Harvard Law School and Rhodes College. A native of Dallas, TX, she interned with the ACLU Capital Punishment Project in Durham, N.C. and the Office of Capital and Forensic Writs in Austin, TX.

Alana is a graduate of the University of South Carolina School of Journalism and Mass Communications and has more than a decade of development and communications experience working with non-profit organizations.

2ND ANNUAL FOUNDERS DAY (Celebrating more than 30 Years of Justice 360's Work)



We had more than 50 people join us for our 2nd Annual Founders' Day on October 16th at 300 Senate Street. Everyone enjoyed food and drinks (including oysters) and live music by Whiskey Tango Revue. A little more than \$17,050 was raised around the event. Thank you to everyone who sponsored the event and joined us to celebrate!

2019 DEATH PENALTY

SENTENCES

South Carolina juries imposed two new death sentences in 2019. Jerome Jenkins, Jr. (25-year-old Black male) was sentenced to death in Horry County and Timothy Jones, Jr. (38-year-old white male) was sentenced to death in Lexington County. Lexington and Horry counties remain the highest death sentence producing counties in the state (36 in Lexington and 24 in Horry) in the modern era of capital punishment.

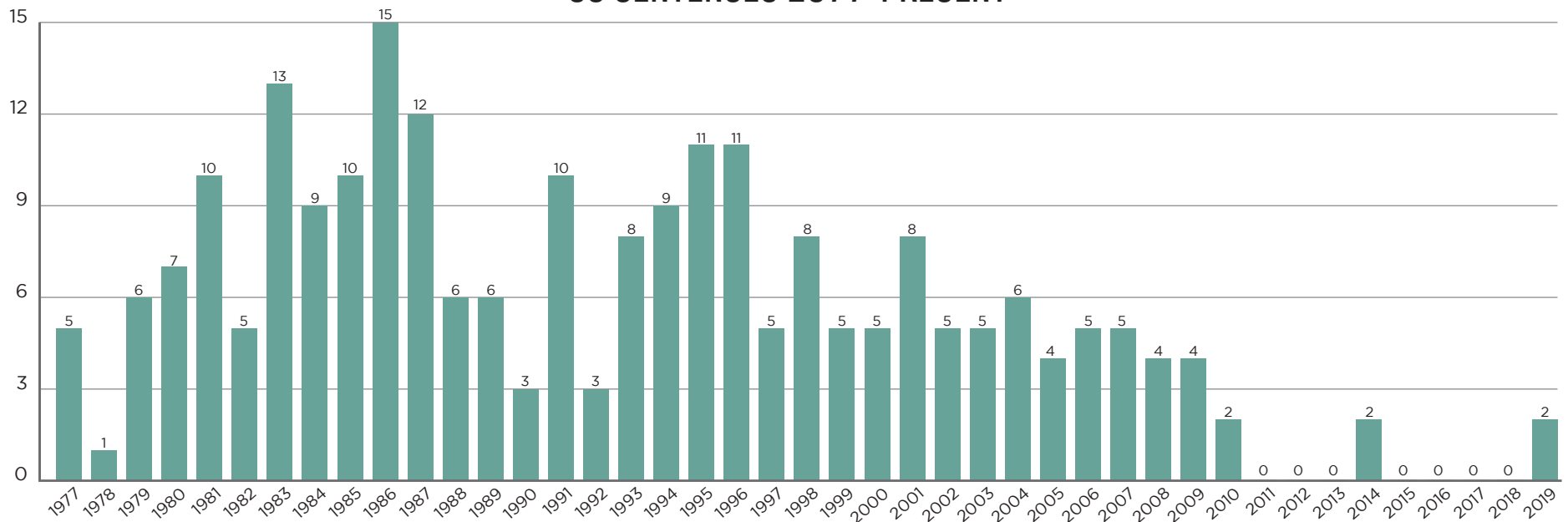
Note: One federal death sentence arose out of South Carolina in 2019. Brandon Council (34-year-old Black male) was sentenced to death by a federal jury in Horry County in October 2019.

Geography: Only 5 South Carolina counties have imposed a death sentence in the last ten years, continuing to demonstrate that the death penalty is not a state-wide punishment, but is county and Solicitor-specific.

LAST DECADE DEATH SENTENCES BY COUNTY

COUNTY	SENTENCES 2010-2019
Horry	2
Lexington	1
Spartanburg	1
Anderson	1
Edgefield	1

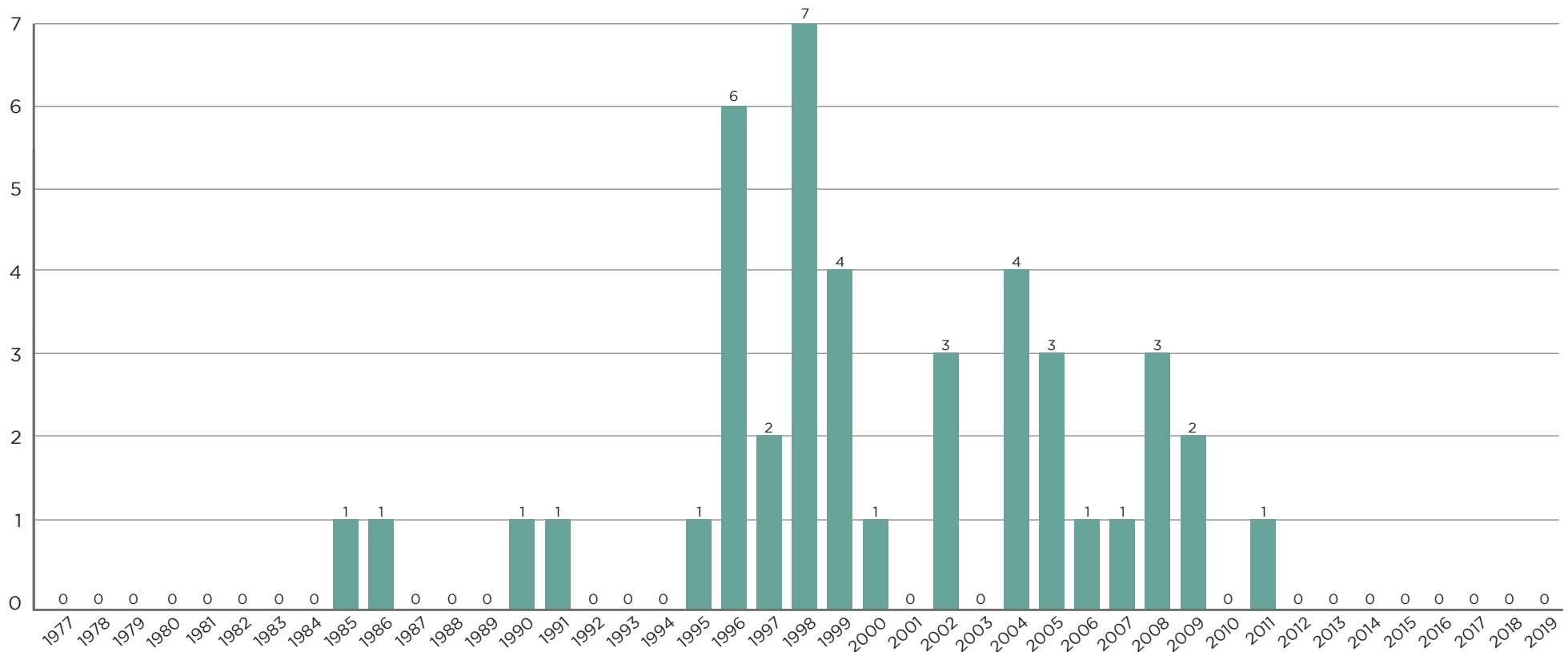
SC SENTENCES 1977-PRESENT



EXECUTIONS

No executions have been carried out since 2011, meaning only one person was executed in the past decade (Jeffrey Motts who dropped his appeals). South Carolina has not executed a person who completed the full appellate process since 2009.

SC EXECUTIONS 1977-PRESENT



At the end of 2019, the method of execution in South Carolina remains the inmate's choice between lethal injection and electrocution. This may change in 2020 with the possible introduction of the firing squad (see legislative update section below).

DEATH ROW

In July, death row moved to Broad River Correctional Institution in Columbia, SC. The move came with significant changes to the death row conditions, including the end of permanent solitary confinement. Instead, death row inmates are now classified based on their institutional behavior rather than the severity of their sentence.

At the end of 2019, 40 men (and no women) remain on South Carolina's death row. These men have been on death row for an average of 17.4 years while the required appellate review process continues.

Nearly 3/5th (55%) of South Carolina's death row population is Black. White (43%) and Latinx (2 %) defendants make up the remainder of the death row population.

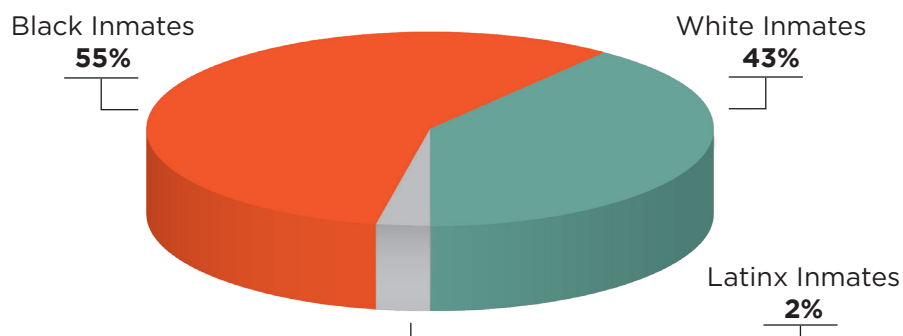
80% of death row inmates were sentenced to death for killing a white victim.

Geography: As a result of the more limited geographical use of the death penalty, 4 counties' death sentences (Lexington, Greenville, Horry, and Spartanburg) make up over half of the death row population (25 counties have no one currently on death row).

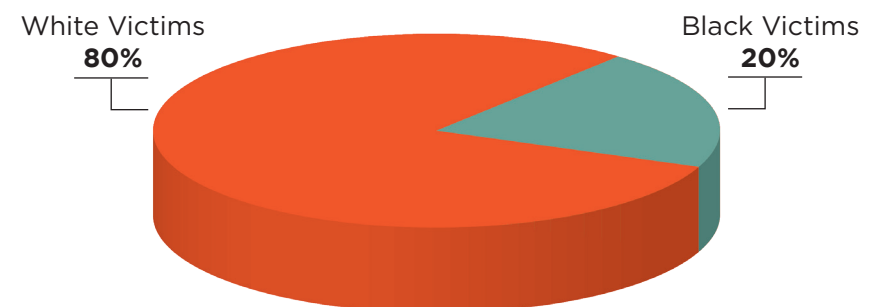
DEATH ROW INMATES BY COUNTY

COUNTY	# ON DR	COUNTY	# ON DR
Lexington	7	Calhoun	1
Greenville	5	Charleston	1
Horry	5	Clarendon	1
Spartanburg	4	Dorchester	1
Orangeburg	2	Georgetown	1
Sumter	2	Greenwood	1
York	2	Lancaster	1
Abbeville	1	Newberry	1
Aiken	1	Pickens	1
Beaufort	1	Richland	1
Berkeley	1		

DEATH ROW INMATES BY RACE



DEATH ROW INMATES BY VICTIM RACE



SIGNIFICANT CASES & LEGISLATION

REVERSALS

In March 2019, the federal district court granted James Nathaniel Bryant (Horry County, Black male) a new sentencing hearing because one of the individuals who originally sat on Bryant's jury (and decided if he should live or die) was unable to hear all of the evidence presented at trial. The case remains pending with a likely appeal by the State.

A South Carolina circuit court granted Ron Finklea (Lexington County, Black male) a new sentencing hearing because his trial attorneys failed to present evidence to the jury regarding Finklea's post-traumatic stress disorder ("PTSD"), leaving jurors uninformed about important aspects of Finklea's life when making their sentencing decision. The case remains pending on appeal in the South Carolina Supreme Court.

Long time Justice 360 client James Rusty Cain, was released on parole in September after 33 years in prison. Justice 360 attorneys worked on his case for over 20 years, resulting in reversal of his conviction due to ineffective assistance of his trial counsel. He pled to a sentence of life with the possibility of parole and, in 2019, Justice 360 attorneys represented Cain in his parole hearing at which the parole board unanimously voted to grant him parole

Overall, over 60% of all death sentences imposed in the modern era (since 1977) have been reverse due to some error in the judicial process.

LEGISLATIVE ACTIVITY

No new death penalty legislation was passed into law in 2019, but several bills were proposed and remain pending for the 2020 legislative session.

Execution Methods: Senate Bill 176 proposes to add a third alternative execution method (adding firing squad to lethal injection and electrocution) that the inmate could choose from as long as that method is deemed available by the Director of the Department of Corrections. If a method is unavailable (i.e. due to the shortage of execution drugs), that choice would no longer be an option to the inmate. The bill passed the Senate in 2019 and will begin 2020 in the House Judiciary Committee.

Execution Drug Secrecy: House Bill 3354 proposes to shroud the providers of lethal injection drugs in secrecy by terming the information a "state secret." The bill begins 2020 in the House Judiciary Committee.

Abolition: Senate Bill 58 would abolish the death penalty as a possible punishment in South Carolina. The bill begins 2020 in the Senate Judiciary Committee.



JUVENILE EXTREME SENTENCING

JUVENILE SENTENCING IN 2019

In 2019 (and currently), life without the possibility of parole remained a sentencing option for juveniles charged with a homicide offense.

Two boys were sentenced to die in prison – 1 black male who was 17 at the time of the offense (Florence County) and 1 white male who was 14 at the time of the offense (Anderson County). Six other juveniles (5 Black males and 1 Latino male) were sentenced for homicide offenses to sentences ranging from 30 – 60 years.

In September 2019, the South Carolina Supreme Court upheld a 130-year sentence imposed on a juvenile convicted of non-homicide offenses, despite the US Supreme Court's ruling that a juvenile cannot be sentenced to life without parole for a non-homicide offense. *State v. Slocumb*

JUVENILE PAROLE

As 2020 dawns, much work remains to be done to reform juvenile sentencing. Our office currently represents the longest serving juvenile in the South Carolina Department of Corrections. He has been incarcerated since 1973 and denied parole since 1983 (based solely on the one thing he cannot change – the circumstances of the offense – not his demonstrated rehabilitation and maturity at 64 years old).

LEGISLATIVE ACTIVITY

Juvenile Sentencing Reform: House Bill 3919 seeks to reform several areas of juvenile sentencing, including prohibiting a sentence of life without parole for anyone under the age of 18 and eliminating solitary confinement for all juveniles. The bill begins 2020 in the House Judiciary Committee.



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Justice 360 is a South Carolina non-profit organization working to reform policies and practices in capital and juvenile life without parole proceedings.

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