

Legal memorandum on rogers v. wycoff case

Law, Common Law



Legal Memorandum on Rogers v. Wycoff case From: Jamshid AKHMEDOV To: Therese KEELAGHAN Date: November 5, 2012 1) Relevant facts: Defendant: Edward Wycoff, 40 Defense attorney: Defendant acts as his own attorney Victims: Julie Rogers, 47 and Paul Rogers, 47 Plaintiff attorney: Deputy District Attorney Mark Peterson Witness (also a Victim): Victims' son Eric Rogers, 20 Witness' attorney: Tedd W. Cassman Judge: Contra Costa County Superior Court Judge John W. Kennedy Defendant Wycoff murdered his sister and brother-in-law, El Cerrito attorneys Julie and Paul Rogers. Victims were stabbed and bludgeoned to death with a knife and wheelbarrow handle. A jury convicted Wycoff of murders and he is going to be sentenced by death penalty. Victims' son Eric Rogers want to testify in court against death penalty for defendant. 2) Issue of law: Whether Victim Eric Rogers can testify about his wishes regarding defendant's penalty? 3) Rule of law: Applicable legislation: - California State Constitution, Article 1 Declaration of rights, Sec. 28, b8: - US Supreme Court's decision on Payne v. Tennessee case (1991) 4) Application of law to fact: In our case Victim Eric Rogers wants to testify at sentencing stage, which is his right according to point b8, Sec. 28, Article 1 of California State Constitution which says that in order to preserve and protect victim's rights to justice and due process, a victim shall be entitled to the list of rights among which is the right to be heard, upon request, at any proceedings, including any delinquency proceedings, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceedings in which a right of the victim is at issue. Defense attorney may argue based on two precedents of US Supreme Court - Booth v. Maryland (1987) and South Carolina v. Gathers (1989) and state that this testimony is

irrelevant to the crime itself and is not connected to the facts of the case and also victim's testimony is unacceptable during death penalty cases. But US Supreme Court overruled these two precedents by its decision on Payne v. Tennessee case (1991). This decision holds that testimony on the form of a victim impact statement is admissible during the sentencing phase of a trial and, in death penalty cases, does not violate the Cruel and Unusual Punishment Clause. Besides legal grounds for allowing the victim to testify, we also have moral and social grounds. There is a principle that punishment should fit the crime. But in moral point of view punishment fits the crime if it gives satisfaction to the victim equivalent to suffer caused by crime. Here we have situation where victim's testimony can lessen the punishment for criminal. But according to the victim's moral views life imprisonment of the defendant will satisfy them more than death penalty, because death penalty is associated with vengeance, which is not acceptable for the victim. Whether the judge considers this testimony while deciding punishment for defendant has less impact importance, rather than opportunity for the victim to express own views and own attitude towards the crime and its punishment. 5) Conclusion Based on all abovementioned it can be concluded that we have not only strong legal bases, but also moral and social bases to allow the victim to testify against death penalty.