

## ENGL 1101

Student: Stephanie Ryals

Teacher: Annalee Edmondson

### Death by Association: The Jeffery Wood Case

“A system that will take life must first give justice.”—  
Former ABA President John J. Curtin, Jr.

Our human lives are brief. Once taken, they can never be retrieved. Therefore, if a life has to be blotted out, the justification for this action must be legitimate. An unwarranted execution is equivalent to an unjust murder. The Law of Parties, section 7.02 of the Texas Penal Code, states that codefendants may be held criminally responsible for each other's actions if they acted as co-conspirators, even if one defendant commits a spontaneous felony without his codefendant's consent (Penal). In layman's terms, the Law of Parties upholds the view of guilt by association. This is the law under which Jeffery Wood has been convicted.

In 1996, two men, Daniel Reneau and Jeffery Wood, were convicted on the charge of premeditated homicide for the murder of Texaco Gas Station Clerk Kris Keeran during a staged robbery in Kerrville, Texas (Fears 2A). Interestingly, however, Wood was not even in the gas station at the time of the shooting. Rather, he was anxiously waiting in the getaway car while Reneau stormed into the gas station to rob the station's safe (Fears 2A). When Keeran failed to respond quickly enough to Reneau's demands, Reneau shot him with a .22-caliber handgun (Fears 2A). Hearing the gunfire, Wood ran into the building. It was at this point that Reneau, holding Wood at gunpoint, threatened both Wood and his family as he ordered him to remove both the safe and surveillance camera (McCann). Eventually, both Reneau and Wood were sentenced to capital punishment, with Reneau being executed by lethal injection in 2002 (McCann, McKinley 12A).

Currently, Wood resides on death row awaiting his final hearing in either February or March of this coming year after being granted *moratoria*<sup>[1]</sup> (McKinley 12A). He was found guilty simply because of his involvement with Reneau in this robbery. Jeff Wood, who has been found mentally unstable, neither had a weapon, nor shot or gravely injured anyone. Yet, he has been condemned to death under Texas law. The argument being presented here does not dispute the legality or morality of capital punishment, but of the Texas legal system. The Law of Parties has a deleterious effect on the Texan citizenry because it totally disregards the Eighth Amendment to the United States Constitution: because this law can be misapplied to punish those, even to execute those, not responsible for criminal actions, it leads to cruel and unusual punishment.

Capital punishment is reserved for those who commit first-degree murder. The only crime that Wood committed was confiscating the safe and surveillance-camera tape and driving the getaway car. Therefore, to execute him is a violation of the Eighth Amendment of the United States Constitution, which states that “cruel and unusual punishment [shall not be] inflicted.” This opinion is upheld by four Supreme Court cases and one state court case: *Coker v. Georgia*

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[1] *Moratoria*- A court authorized period of delay in which the prosecutor and defendant are able to build stronger, opposing cases.

(1977), *Enmund v. Florida* (1982), *Kennedy v. Louisiana* (2008), *Atkins v. Virginia* (2002), and *The Texas Department of Community Affairs v. Burdine* (1984).

In 1977, Erlich Anthony Coker was sentenced to death after having raped an adult woman during an armed robbery. Coker was a convicted murderer, rapist, kidnapper, and assailant who had escaped from prison in 1974 (“Coker”). Yet despite this man’s crooked past, the Supreme Court remained just and barred the decision upheld by the Supreme Court of Georgia, stating that rape was not a crime substantial enough to receive the death penalty due to the fact that no human life had been taken (“Coker”). Therefore, by implication, capital punishment is too harsh a sanction unless the crime is murder. Jeffery Wood inflicted no bodily harm on anyone, nor did he have a tainted legal record prior to his arrest. The precedent has been set; no murder equals no death penalty.

This same conclusion was made again in the 1982 decision of *Enmund v. Florida*. Enmund, like Wood, was the driver of the getaway car during a robbery-murder of an elderly Florida couple. He, along with one of his accomplices, Jeanette Armstrong, was convicted of robbery and murder in the first degree, despite the fact that Enmund was sitting in the car the entire time. After an appeal to the Supreme Court of Florida and then again to the Supreme Court, Justice White of the Supreme Court concluded that “imposing the death penalty on a defendant when a murder was committed by others was a violation of the Eighth Amendment if the defendant ‘does not himself kill, attempt to kill, or intend that a killing take place’” (Fears 2A). In conclusion, according to the precedent set by this case, Texas’s Law of Parties is violating Wood’s constitutional rights by sentencing him to a punishment he does not deserve. For he, like Enmund, “[did] not himself kill, attempt to kill, or intend that a killing take place” (Fears 2A).

Patrick O. Kennedy was sentenced to death for the rape of his eight-year-old stepdaughter in the third case: *Kennedy v. Louisiana* (2008). After having the court decision appealed and a *writ of certiorari*<sup>[2]</sup> granted, the Supreme Court agreed to review the case. The Court concluded that a difference exists between pre-meditated, first-degree murder and non-homicidal offences against an individual, and therefore dismissed Kennedy’s sentence (“Kennedy”). The Court further derived that the death penalty does not apply to crimes that resulted in the death of the victim (“Kennedy”). This is not to say that Kennedy should be allowed to walk away from his crime, but rather that his due punishment is not death. In Wood’s case, his crime not only had nothing to do with Keeran’s, the victim’s, death, but it also was not committed against a particular individual. Therefore, Wood doesn’t even meet the qualifications for the death penalty.

Fourthly, in the Supreme Court case of *Atkins v. Virginia* of 2002, Justice Stevens summarizes that “construing and applying the Eighth Amendment in the light of our ‘evolving standards of decency,’ we (the Supreme Court Justices) therefore conclude that such punishment is excessive and that the Constitution ‘places a substantive restriction on the State’s power to take the life’ of a mentally retarded offender” (Atkins). Under the Virginia Court system, “Daryl

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<sup>[2]</sup> *Writ of certiorari* - An order in which a higher court, the Supreme Court, requests the record of a case decided by a lower court. The case record usually includes “a list of the parties, a statement of the facts of the case, the legal questions presented for review, and arguments as to why the Court should grant the writ” (Definition).

Atkins was convicted of abduction, armed robbery, and capital murder” and was sentenced to the death penalty despite the testimony of a forensic psychologist who concluded that Atkins was mentally retarded (Atkins). However, after the case was retried, as ordered by the Supreme Court of Virginia, and Atkins was found worthy of the death penalty a second time, the U.S. Supreme Court accepted the case and found Atkins ineligible for capital punishment because of his mental state. Like Atkins, Wood has also been found to be mentally ill. Unlike Atkins, Wood did not kill anyone. However, due to both physical and emotional abuse as a child, Wood has a history of being “vulnerable to aggressive behavior from others” (McCann). For this reason, one may conclude that this vulnerability drove Wood to be complicit with Reneau during the robbery. Reneau, holding him at gunpoint, threatened not only Wood’s life, but also the lives of his family members. Despite Wood’s documented mental history, the Texas Courts denied him a medical mental evaluation and proper representation during a competency hearing (McKinley 12A).<sup>[3]</sup> This unjust move on behalf of the Texas legal system could alone grant Wood an unfair verdict.

Notably, this lack of providing proper representation to a defendant is an apparent flaw in the Texas legal system. Because Texas lacks a public defender system, defendants who are unable to pay for representation have to resort to a court-appointed lawyer, often one who lacks experience in capital defense matters (Walpin). One case in particular, *The Texas Department of Community Affairs v. Burdine*, serves as a prime example. Calvin Burdine was sentenced to the death penalty in 1984 for the murder of his gay lover, despite the fact that his defense lawyer fell asleep in court ten times during his trial. Burdine came within ten minutes of being executed before a reprieve, a delay of punishment, was ordered by the court (Walpin). Burdine was almost executed because his lawyer decided to take a catnap! In 1999, Burdine was appointed a new lawyer, Robert McGlasson, who summed up Burdine’s past trial experience perfectly: “a sleeping attorney is the same as no attorney and a death penalty trial conducted under these circumstances violates basic notions of fairness and decency” (Walpin). Like Burdine, Wood too had been denied equity when asked to argue his mental incompetence due to his lack of adequate representation. As a result, federal judge Orlando Garcia ordered a stay of execution,<sup>[4]</sup> giving Wood more time to prepare a proper defense. According to Garcia, “a system that requires an insane person to first make ‘a substantial showing’ of his own lack of mental capacity without the assistance of counsel or a mental health expert, in order to obtain such assistance is, by definition, an insane system” (“More”).

Within the government, a fine line exists between concurring with public opinion and, as a leader, following one’s own wisdom. For that reason, the United States government has been divided into three branches, of which the judiciary branch is the least democratic. A judge, a government official who juggles the concepts of constitutionality, legality, and justice, should not have to fret about maintaining his reputation so that he remains in office. However, in Texas, the judges of the United States Court of Appeals of the Fifth Circuit are elected by the public, as opposed to being appointed by the governor. As a result, the judges within this appellate court often become “‘more deferential to the popular will’ that is strongly pro-death penalty and create few legal obstacles to execution within [their] jurisdiction” (Walpin). This need to defend one’s

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<sup>[3]</sup> Competency - The ability of the defendant to comprehend his current legal situation and properly defend himself with the help of a lawyer. This issue is often tested when any indication of mental instability of the defendant is noted (Winik).

<sup>[4]</sup> Stay of execution - A court ordered delay of a set execution date.

professional position suggests that the judges of the Fifth Circuit may be potentially biased in their verdicts and warrants the public's doubt that perhaps not all of those convicted are deserving of the charge.

The death penalty is most rightly intended for those who commit premeditated, first-degree murder. Not only was the murder of Kris Keeran not premeditated, it wasn't even committed by the man currently being charged for his shooting. Jeffery Wood simply drove the car. And now, because of the imposition of an unconstitutional law, he may face lethal injection. Wood did not kill anyone, nor does he fall under the qualifications set for the death penalty. In August, Danny Wood, Wood's father, asked Texas Governor Rick Perry, to "recognize the injustices in the Texas [Law of Parties] that cause somebody to take the chance of dying for circumstances that they have no control of" (stop executions). Amanda Smith, Keeran's cousin, even states, "it's insane to kill another person who did not kill Kris" (melyssamachelle). The Law of Parties has not only permitted, but has also enforced injustice. And the only solution that can resolve the unconstitutionality of this law lies in the reformation of the Texas legal system. For if Wood does receive lethal injection, no restriction will exist that will limit the effectiveness of this law. A criminal will be responsible not only for his own actions, but also for those of his partner, and this includes unplanned, irrational actions. It can only be hoped, for the sake of the citizens of Texas, that this absurd law will be eliminated so that no unnecessary execution, no murder, will occur.

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