



# The Balance

Young Lawyers Dedicated To Fair Death Penalty Trials

SUMMER 2005

## FAIR TRIAL INITIATIVE

## BUILDING A CASE FOR LIFE:

### FTI CONTRIBUTORS NOV 2004 — AUGUST 2005

### FTI's Work With the Jerry Lynn Stuart Defense Team

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FTI fellows Mani Carpenter and Elsie Miller celebrated a victory this May when their work on the capital case of Jerry Lynn Stuart resulted in a life sentence. Their assistance to defense attorneys Kirk Osborn and Amos Tyndall proved vital in building a case for life.

a needed continuance in the case. Elsie's creative investigative work was crucial in developing a coherent case for life, providing the basis for a defense based on lack of premeditation that was completely consistent with evidence put before the jury in mitigation during the sentencing phase. Both were instrumental in providing feedback and support for the defense team throughout the trial.

#### PARTNERSHIP WITH FAIRNESS

An Alamance County jury found Mr. Stuart guilty of the first-degree murder of his girlfriend, April Greer, despite the defense's evidence that the murder was not premeditated. The evidence showed that Mr. Stuart, in a moment of rage, had stabbed his pregnant girlfriend to death before dismembering her body. In the sentencing phase of the trial, the defense emphasized that Stuart had otherwise lived a decent life and that his crime, while terrible, did not warrant the death penalty. The defense team also challenged the basis of the state's only aggravating circumstance, at least one of which must be found by the jury in order to sentence someone to death. The jury agreed, rejecting the state's contention that the killing was especially heinous, atrocious or cruel, sentencing Mr. Stuart to life imprisonment after less than three hours of deliberation. However, a life sentence was not a foregone conclusion in Stuart's case. The facts of the crime garnered a tremendous amount of local media attention and the district attorney fought vigorously for a death sentence in this case.

Amos Tyndall remarked that, when preparing a capital case for trial, "you rely on every resource you have, and Mani and Elsie were incredible resources." He added that "Mani and Elsie helped to keep us focused and always insisted that we talk to just one more witness or expert."

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David and Mollie Neal  
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Mani and Elsie each contributed to Mr. Stuart's defense in a number of ways. Mani was a valuable resource for arranging exhibits, putting information about the case into an easily accessible database, and arranging meetings with experts and witnesses. Elsie's work focused on fact investigation, motion drafting, and appellate issues, including a successful petition to the North Carolina Supreme Court to force

**“ FTI lawyers Elise and Mani were in on virtually every important decision made in the case. Their advice was invaluable – we could not have gotten a life verdict**

**without their efforts. ”**

—J. Kirk Osborn, attorney for Jerry Lynn Stuart, after winning a life verdict

Both Kirk and Amos were fantastic. They're not only great attorneys, but also great mentors, and they welcomed our input," said Mani. Mr. Stuart's case was Mani's first capital trial. The experience gave her a way to incorporate what she's been learning in her training sessions while discovering what works best in practice. For Elsie, in what was her second capital case, the trial reinforced the importance of preparing to dispute legal issues for future appeals.

#### ASSOCIATES (\$1,000)

Anonymous  
Janet Ward Black  
Kirk Osborn

#### JUNIOR ASSOCIATES (\$500)

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James Coleman  
Annaliese Soros  
Gene Nichol  
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Jennifer Kinsley  
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Bradley Smith  
Ann Anderson  
Ted & Joanne Frazer  
William Bondurant

#### OTHER CONTRIBUTORS

Barbara Dunn  
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Sharon Weston  
Allison Belan  
Ronald Allan  
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Frank Goldsmith  
Barbara Sorenson  
Wilford Drake  
Kathleen Tanner  
Tammy Bouchelle  
Kenneth Broun

Kirk Osborn, who along with Amos has worked with FTI since its inception, praised the contributions of the FTI fellows. After the jury came back with life, he said that "FTI lawyers Elise and Mani were in on virtually every important decision made in the case. Their advice was invaluable – we could not have gotten a life verdict without their efforts."

**Through the FTI Law Fellows Program, we hope to continue assisting capital attorneys while training young lawyers to become the next generation of leaders in this specialized area of the law. In order to do so, we'll need your continued generous support!**



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—Justice Thurgood Marshall  
*the quality of representation at the trial stage?*

*We must do something to improve  
we simply cannot accept this state of affairs.  
“Whatever your views about the death penalty,*



## Listening to the Family Members of Murder Victims: FTI’s Defense-Based Victim Outreach

### The Balance

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Addressing the loss of victims’ family members has traditionally been unfamiliar territory for criminal defense attorneys.

Defense teams have often felt a very natural anxiety about approaching the other side of the aisle to discuss the profound repercussions of their clients’ actions.

FTI’s Sarah Anthony, however, has found a way to reconcile working alongside the defense with attentive listening to families and friends of the victim. Through defense-based victim outreach, Sarah is exploring ways to work together with victims’ families and defendants in order to respond to their needs.

“Victim outreach allows for bridge building between the victims’ families and the defense,” said Sarah. “It lets the family articulate their needs, be heard about particular suffering, formulate their own questions for the defense team, and design the way in which they would like those questions answered.”

The philosophy behind victim outreach comes from the restorative justice movement, which emphasizes dialogue in criminal cases. This conversation involves inviting families to speak to their suffering, clarifying who is accountable for their loss, and listening to what they need.

By opening the lines of communication, defense-based victim outreach can help eliminate the false assumptions that lead to additional pain, trauma, and separation. Through outreach workers, family members can gain access to information they seek. Sometimes, families want to learn their loved one’s last words or whether or not they experienced pain. In other circumstances, families need to tell the defense team who their loved one was. In other instances, families want information about the judicial process. As Sarah emphasizes, “they are the ones in charge of saying what matters to them and we ought not presume that we already know.”

Defense-based victim outreach also can create opportunities for family members to express their feelings to defendants. Messages from the outreach worker, letters, and sometimes even direct meetings can help both family members and defendants deal with the complex and powerful emotions that accompany these tragedies.

The idea that victims and their families can benefit from dialogue with defense teams has spurred a push for more victim outreach workers across the country. In Virginia, Sarah Anthony was appointed by the court to do victim outreach work for the Manning case in December of 2004. As far as we know, this was the first instance of a state court endorsing defense-based victim outreach in Virginia. Sarah hopes that it will lead to more victim outreach work in the future. “When we guess what is needed by surviving family members, we do a disservice. We should dare to ask and listen. We can never imagine what will surface from this process.”

The agency that has spearheaded defense-based victim outreach work nationally is JustBridges, based in Harrisonburg, VA (website: <http://www.emu.edu/ctp/justbridges.html>) You can call them for referrals and other support: 877-290-8865 They offer an intensive, nine day training each summer at Eastern Mennonite University, titled “Working with Survivors of Capital Crimes: Defense-Based Victim Outreach.” You can learn more about this competitive training opportunity on this summer’s training site: <http://www.emu.edu/ctp/rj/victimtraining.html>