

Crime victims blast Tennessee Supreme Court justice

By Chris Butler / July 28, 2014 / 9 Comments

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By Chris Butler | Tennessee Watchdog

NASHVILLE — Don't wear your emotions on your sleeve in a Tennessee courtroom. Members of Tennessee's Supreme Court, like "Dragnet's" Joe Friday, just want the facts.

Two Nashville crime-victim advocates, Verna Wyatt and Kathleen Starnes, told Tennessee Watchdog they and other crime victims are furious at the court, particularly Justice Connie Clark.

Wyatt, [who maintains a Facebook page about the justices](#), said she lost a family member in 1991 to a violent sexual assault and murder.

"In the middle of our grief we found out that victims don't really have any rights," Wyatt said. "It's all about the offender. And prosecutors have to be careful not to even say the victim's name."

Wyatt said it took years of work for her and others to have the right to give what is known as a victim impact statement during the sentencing phase of a person convicted of a capital crime.

She takes issue with what Clark wrote in a 2006 opinion affirming the death sentence of Leonard Young, convicted of killing a University of Memphis graduate student in Memphis in 1999.

[In her opinion, Clark faulted the lower court for allowing the graduate student's professor to discuss the impact of the victim's death on the school.](#)

"He testified that the department 'ground to a halt,'" Clark wrote in her opinion. "Students were unable to complete their work and professors unable to teach their classes. He went so far as to claim that the murder threatened the career aspirations of some of the students."

The jury, Clark wrote, shouldn't have heard this type of victim-impact testimony.

Did the supposedly unfair testimony unnecessarily impact the sentencing? Evidently not, Clark admitted.



Justice Connie Clark

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“We are therefore convinced beyond a reasonable doubt that the jury would have sentenced defendant to death even had it not heard the improperly admitted testimony,” Clark wrote.

Clark’s comments, Wyatt told Tennessee Watchdog, were overkill and have had a negative impact statewide.

“She laid the groundwork for reversing a sentence when appeals come in that claim the victims’ impact statement was too emotional,” Wyatt said.

“This is a huge problem.”

Victims of violent crime now tell Wyatt that lower court judges are sanitizing victims’ impact statements as a result.

“They are told ‘Do not cry,’” Wyatt said. “They are told not to show emotion. That’s torture for someone in that situation.”

Tennessee Watchdog reached out to Clark’s campaign staff, as well as members of Keep Tennessee’s Supreme Court Fair for comment, but no one returned calls by late Friday afternoon.

However, court spokeswoman Michele Wojciechowski told Tennessee Watchdog on Friday that Clark was citing established law in her opinion.

“Every case that goes before a court is very fact-specific. You have to consider everything in the context of the facts presented in the case,” Wojciechowski said.

“This is a complex, 31-page opinion. The entire opinion, along with the facts of the case, the laws and other opinions it cites, as well as the ultimate ruling of the court that affirmed the guilt and upheld the sentence of death, are the context to consider for an accurate representation of what happened.”

Meanwhile, Starnes, who survived a 1985 rape, told Tennessee Watchdog court officials need to tilt justice back in favor of victims.

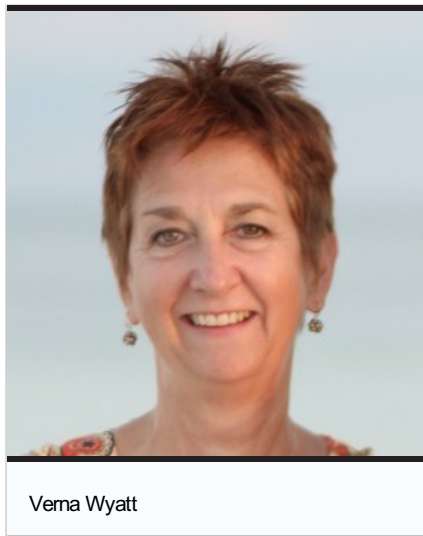
“Unless you’ve walked in our shoes you have no idea what it’s like,” Starnes said. “If Justice Clark is indicating that these impact statements are so emotional then she needs to be on the other side and learn why they are so emotional.”

Contact Christopher Butler at chris@tennesseewatchdog.org or follow him and submit story ideas on [his official Facebook page](#).

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Chris Butler

Chris Butler is the Tennessee bureau reporter for Watchdog.org. Chris has previously worked at newspapers in Florida, Texas and his home state of Louisiana and has awards from the Louisiana-Mississippi Associated Press as well as the Louisiana Press Association. He earned his bachelor's degree from Louisiana Tech University and his master's degree from the University of Louisiana at Monroe.

chris@tennesseewatchdog.org



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Precioso · 12 hours ago

What happens when a Judge goes crazy, or gets too technical, so as to forget why the accusation was made in the first place?

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F_This · 16 hours ago

This is what you get when you have liberals running things. Of course they don't want the accused punished to severely, it's not their fault, it is always someone else's fault. Beside, the longer the criminals remain in jail, the longer they can't vote for liberals.

5 ^  · Reply · Share >



Dennis Smith · 16 hours ago

No, I do not know what it is like to be affected so personally by a heinous crime. But criminal acts are defined by objective criteria, and guilt is based on evidence, not feelings. Hate crimes are also a pox on our justice system, and subject to manipulation.

^  · Reply · Share >



RealityObserver → Dennis Smith · 10 hours ago

Facts are important - to determine whether they committed a crime beyond a reasonable doubt. They should be the only thing allowed in the trial.

The effect of the crime on its victims is important to determining the punishment - and, other than observing the relevant limits under the law, should be the only thing allowed in the punishment phase.

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Barry · a day ago

This is silly. And wildly outdated. Even the Facebook link is broken.

^  · Reply · Share >



eztalk → Barry · 14 hours ago

Neither one that I tried is broken. Try again. Not silly at all.

1 ^  · Reply · Share >



Beasleyhillman · a day ago

Our justice system has gone way off track. If someone is guilty of murder or rape, he should be put to death. "Touchy feely" stuff should never enter the picture. When laws are weakened by applying emotional elements, the purpose of the laws is

...and the possibility of applying punishment to them, the purpose of the law is avoided. Laws were originally designed to make justice swift, cold, impartial, effective, and final. Now they are merely guidelines to be manipulated by dishonest lawyers who have political bias.

2 ^ | v | • Reply • Share >



Precioso → Beasleyhillman • 11 hours ago

put to death, if guilty of rape? Are you kidding? That's the best way to make sure rapists kill their victims so there's no evidence the rape even occurred. Bad idea.

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RealityObserver → Precioso • 10 hours ago

So they'll commit murder - to avoid being convicted of rape.

Uh-huh. Such insightful logic.

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