

THE INTERNATIONAL JUSTICE PROJECT

No reprints without the express permission of the director of the International Justice Project

RING v. ARIZONA, 122 S.Ct. 2428 (2002)

SUMMARY

HOLDING

The US Supreme Court held in a 7-2 vote that only juries, not judges, can determine the presence of ‘aggravating factors’ to be weighed in the capital sentencing process; thus, re-establishing the original meaning of the Sixth Amendment of the US Constitution ensuring the right to a fair trial. Although judges may still unilaterally *reduce* sentences, the Court held that a defendant may not be exposed to a penalty *exceeding* the maximum he would receive if punished according to the facts reflected in the jury verdict alone.

DECISION OVERVIEW

On June 24th, 2002, the Court reconciled two logically inconsistent previous decisions: *Walton v. Arizona*, 497 U.S. 639 (1990),¹ and *Apprendi v. New Jersey*, 530 U.S. 466 (2000).² Deciding that the Sixth Amendment³ applied to both cases, Justice Ruth Bader Ginsburg, who wrote the majority opinion, stated:

*The right to trial by jury guaranteed by the Sixth Amendment would be senselessly diminished if it encompassed the fact-finding necessary to increase a defendant’s sentence by two years, but not the fact-finding necessary to put him to death.*⁴

Given that an increased sentence was imposed by the judge without the jury’s advice, *Ring*’s tightly delineated claim⁵ challenged the “manifest tension” between *Walton* and *Apprendi*. Specifically over-ruling *Walton* in relevant-part, the Court’s *Ring* instruction resolves the question of whether the trial judge⁶ can unilaterally determine the presence or absence of the aggravating factors required by law for imposition of the death penalty, and, subsequently, *increase* a defendant’s sentence accordingly. *Ring* holds that the trial judge, sitting alone, may no longer determine if sufficient "aggravating factors" are

¹ *Walton v. Arizona* (1990) held that additional facts found by the judge qualified as sentencing considerations, not as “element[s] of the offence of capital murder” which must be found by a jury. In sum, the Court majority found Arizona’s sentencing procedure (in which a judge may impose the death penalty based on aggravating and mitigating circumstances) to be constitutional.

² In contrast, *Apprendi v. New Jersey* (2000) held that a judge may not “expose [the defendant] ... to a penalty *exceeding* the maximum he would receive if punished according to the facts reflected in the jury verdict alone”. In sum, the jury must decide upon all questions of evidentiary-based sentence increases.

³ Amendment VI (1791): “In all criminal prosecutions, the accused shall enjoy the right to a ... trial, by an impartial jury”

⁴ *Ring*, 122 S.Ct. at 2443.

⁵ *Ring* only involves the right of a judge to determine aggravating factors (which in turn could increase a sentence). The claim did not challenge whether prior convictions could rightly impact aggravating factor determination, nor any requirement of jury-determination of mitigating factors, nor requiring jury-imposition of capital punishment.

⁶ Following a jury’s adjudication of a defendant’s guilt of first-degree murder.

THE INTERNATIONAL JUSTICE PROJECT

No reprints without the express permission of the director of the International Justice Project

present to warrant the death penalty. Recalling that the “the guarantees of a jury trial ... reflect a profound judgment about the way in which law should be enforced and justice administered,” the Court stated that the jury must determine the presence of “aggravating factors,” if the result of the determination could *increase* the sentence.⁷

Consequently, the *Ring* instruction could cast doubt on the validity of nearly 700 death-row inmates’ sentences in nine states,⁸ not to mention numerous offenders already executed. This question of retroactivity was, unfortunately, not usefully addressed by the *Ring* instruction, leaving uncertain the potentially enormous workload increase for an already overburdened judiciary.⁹ Despite this future uncertainty, the majority opinion strongly affirmed the principle of trial by jury, specifically with respect to sentence *increases*:

*Capital defendants, no less than non-capital defendants, we conclude, are entitled to a jury determination of any fact on which the legislature conditions an increase in their maximum punishment.*¹⁰

DECISION CONTEXT

Timothy Stuart Ring was convicted of a 1994-murder committed during the robbery of an armoured car. Although his jury did agree that Ring was guilty of ‘murder committed during a felony,’ it could not agree as to whether Ring was guilty of the premeditated murder of one of the armoured car guards. In keeping with 1976 Court instructions, a bifurcated trial first determines Ring’s guilt, and then imposes his sentence. Accordingly, since (during the trial’s guilt-phase) the jury’s disagreement resulted in them finding only ‘felony murder,’ Ring should have been saved from receiving capital punishment (during the trial’s sentencing-phase).¹¹ However, after the jury’s guilt-trial verdict and before the sentencing-trial, the judge determined (in his role as fact-finder) that Ring was guilty and imposed the death penalty based on an accomplice’s plea bargain. The judge found two ‘aggravating factors’ to support Ring’s death sentence: ‘murder for financial gain’ and ‘murder in especially heinous manner.’¹²

DISSENTING OPINION - DAY O’CONNOR,

Ring’s only dissenting voice was that of Justice Day O’Connor, whose argument was based on circumstance rather than principle. Following her similar circumstantial dissent

⁷ *Ring*, 122 S.Ct. at 2443.

⁸ 168 prisoners on death row in Arizona, Colorado, Idaho, Montana, and Nebraska (with unconstitutional Judge-sentencing processes), plus 529 prisoners on death row in Alabama, Delaware, Florida, and Indiana (with hybrid Judge/Jury-sentencing schemes)

⁹ As highlighted below in Day O’Connor’s dissenting opinion

¹⁰ *Ring*, 122 S.Ct. at 2432.

¹¹ “Based solely on the jury’s verdict finding Ring guilty of first-degree felony murder, the maximum punishment he could have received was life imprisonment.” *Id.* at 2437.

¹² “In Arizona, a ‘death sentence may not legally be imposed ... unless at least one aggravating factor is found to exist beyond a reasonable doubt.’” *Id.*

THE INTERNATIONAL JUSTICE PROJECT

No reprints without the express permission of the director of the International Justice Project

to *Apprendi*, Day O'Connor claimed that *Ring* will overburden the justice system in the nine remaining jurisdictions which generally commit sentencing decisions to juries.¹³ As previously noted, five states give judges wide discretion in sentencing after a jury has found a defendant guilty, by reserving both capital sentencing fact-finding and the ultimate sentencing decision entirely to judges.¹⁴ Furthermore, four states have hybrid systems, in which the jury renders an advisory verdict, but the judge makes the ultimate sentencing determinations.¹⁵ In her dissent, she warned that the courts will be beseeched by appeals, directly affecting five states that call for judicial sentencing in capital cases and, perhaps, the hybrid judge-jury decision-making processes. Thus, potentially seven hundred death row inmates could file appeals, depending on the stage of their appeal. Offering the only comment on retroactivity, she noted:

*I believe many of these challenges will ultimately be unsuccessful, either because the prisoners will be unable to satisfy the standards of harmless error or plain error review, or because, having completed their direct appeals, they will be barred from taking advantage of today's holding on federal collateral review.*¹⁶

In opposition to her opinion, however, an editorial in the *Arizona Daily Star* states, "The Bill of Rights ... was never meant to guarantee a cheap or unburdened government. Justice isn't cheap. Or convenient."

¹³ 29 of the 38 retentionist US states employ Jury-sentencing: Arkansas, California, Connecticut, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, & Wyoming.

¹⁴ Arizona, Colorado, Idaho, Montana and Nebraska

¹⁵ Alabama, Delaware, Florida, Indiana

¹⁶ *Ring*, 122 at 2449.