

NEWS RELEASE

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FOR IMMEDIATE RELEASE

March 21, 2016

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AG STRANGE SAYS U.S. SUPREME COURT DENIAL OF CERT IN ALABAMA DEATH PENALTY APPEAL DEMONSTRATES STATE LAW IS CONSTITUTIONAL

(MONTGOMERY) – Today the U.S. Supreme Court denied a petition for certiorari in *Clayton Shanklin v. Alabama*, in which a convicted murderer argued that Alabama’s capital sentencing scheme was unconstitutional under the Court’s recent decision in *Hurst v. Florida*. This was the first Alabama death penalty appeal to reach the Supreme Court on this issue since *Hurst* was decided on January 12, 2016.

Attorney General Luther Strange said, “The Supreme Court’s decision to deny this petition establishes, yet again, that Alabama capital sentencing system is constitutional. As I have previously explained, the Court’s decision about Florida law in *Hurst* has no bearing on the constitutionality of Alabama’s materially different capital sentencing system. It is time for criminal defense lawyers to stop making specious arguments and for public officials to recognize that Alabama’s capital sentencing is constitutional under current U.S. Supreme Court precedent.”

In the Florida case, the holding is that a jury must find the aggravating factor in order to make someone eligible for the death penalty. Alabama’s system already requires the jury to do just that. The jury must unanimously find an aggravating factor at either the guilt or sentencing phase – such as when the murder was committed during a robbery, a rape, or a kidnapping.

Shanklin was convicted of capital murder and attempted murder, which he committed during a home-invasion robbery in 2009 in Cordova. A jury in Walker County Circuit Court recommended that Shanklin be sentenced to life-without-parole. But, under Alabama law, the judge sentenced Shanklin to death because of his long criminal history and the nature and circumstances of his crime.

There were no noted dissents to the Court’s single sentence order denying the petition.

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