



George Stinney, 14, in police photos taken when he was arrested in 1944

South Carolina Department of Archives and History/AP Photo

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Exonerated, 70 Years Too Late

A South Carolina court throws out the murder conviction of a black teenager executed in 1944

BY PATRICIA SMITH

On June 16, 1944, George Stinney Jr., a black 14-year-old, was executed for the murder of two white girls in rural South Carolina. More than 70 years after Stinney became the youngest person to be executed in the United States in the 20th century, a South Carolina court has exonerated him.

Calling it a "great and fundamental injustice," Judge Carmen T. Mullen of Circuit Court vacated Stinney's murder conviction last month. Judge Mullen found that the prosecution had failed to safeguard Stinney's constitutional rights, from the time he was taken into custody until his death by electrocution (see full story in *Upfront's* Jan. 12, 2015 issue).

An all-white jury in the Jim Crow-era South couldn't be considered a jury of the teenager's peers, Judge Mullen ruled, and his court-appointed attorney did "little to nothing" to defend him. His confession was most likely coerced and unreliable, she added, "due to the power differential between his position as a 14-year-old black male apprehended and questioned by white, uniformed law enforcement in a small, segregated mill town in South Carolina."

Stinney's family, who have long claimed he was innocent, were thrilled by the ruling. "I threw my hands up and said, 'Thank you, Jesus!'" Stinney's sister Katherine Robinson, now 80, told NBC News. "Someone had to be listening. It's what we wanted for all these years."

The judge's order was a rare application of *coram nobis*, a legal remedy that can be used only when a conviction was based on an error of fact or unfairly obtained in a fundamental way and when all other remedies have been exhausted.

"I am not aware of any case where someone who was convicted has had the trial conviction and sentence vacated after they'd been executed," said Miller W. Shealy Jr., a professor at the Charleston School of Law and one of the lawyers who worked on behalf of the Stinney family to have the conviction thrown out.

At a hearing last January, Stinney's two sisters testified, and a videotaped deposition from his brother was played. They spoke of the morning in March 1944 when the two girls, Betty June Binnicker, 11, and Mary Emma Thames, 7, were seen riding bicycles by the pastures in rural Alcolu, South Carolina. The girls' bodies were found the next morning in a ditch, their skulls crushed. Stinney was taken into custody within hours, and confessed to the murders that day, the police said at the time.

Some of the problems of due process highlighted in the ruling were not rare in the Jim Crow era. Still, Shealy argued that this case was exceptional, due in part to Stinney's age. Judge Mullen also emphasized that it shouldn't become a standard resort for families grieving over decades-old injustices.

"The extraordinary circumstances discussed herein," she wrote, "simply do not apply in most cases."

With reporting by Campbell Robertson of *The New York Times*.

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