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THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Groups Claim Alabama's "Judicial Override" Violates Constitution

WASHINGTON, D.C. -- Three veterans' organizations have joined The Constitution Project in asking the U.S. Supreme Court to consider the case of Courtney Lockhart, an Iraq war veteran suffering from severe post-traumatic stress disorder who is currently on Alabama's death row.

Lockhart was convicted for the 2008 murder of an Auburn University student. During sentencing, all 12 members of the jury recommended that Lockhart be spared the death penalty and serve a sentence of life in prison without the possibility of parole, but the judge overrode that recommendation and sentenced Lockhart to death instead.

In a "[friend of the court](#)" brief filed with the Supreme Court late yesterday, the groups argued that such a judicial override violates Lockhart's constitutional rights. "Properly understood, the Sixth Amendment requires that juries make all findings -- moral, circumstantial, factual, whatever -- that authorize an increased sentence," the groups said in their brief.

"Permitting judges to unilaterally impose death sentences over a jury's contrary findings flouts the Sixth Amendment's basic rationale. It is difficult to imagine a more flagrant constitutional violation than 'a single employee of the State' imposing the ultimate punishment on a person whom a jury has unanimously found ineligible for that punishment," the groups wrote.

Alabama is the only state in which judges routinely override jury decisions not to impose the death penalty. In fact, the groups' brief notes, more than 100 of the inmates under a death sentence in Alabama are there because of a judge's decision to override a jury's recommendation of life and to instead impose death.

Lockhart was part of a brigade deployed to the city of Ramadi in the Sunni Triangle in 2004, where he saw some of the worst fighting in the Iraq War, including witnessing the death of his best friend and mentor.

At his trial, the jurors gave careful consideration to Lockhart's military service and psychological impact of his intense combat experience. However, the judge determined Lockhart's alleged involvement in a string of nearby robberies -- information prosecutors elected not to present at trial -- and other factors not presented to the jury outweighed the circumstances mitigating against capital punishment.

The National Association of Black Veterans, Swords to Plowshares and the Veterans Defense Project joined The Constitution Project in filing the brief.

The Constitution Project Death Penalty Committee condemned judicial overrides in a [comprehensive report](#) on the administration of capital punishment in America released last year.

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[About The Constitution Project ®](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.

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