

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Recusal Required in Pennsylvania Death Penalty Case, Supreme Court Rules

"Significant, personal involvement" in a case as a prosecutor creates "impermissible risk of actual bias" as a judge.

WASHINGTON, D.C. -- Virginia Sloan, president of The Constitution Project, a bipartisan legal watchdog group, offered the following comment on the U.S. Supreme Court's decision issued earlier today in the case of Williams v. Pennsylvania:

"Our democracy requires that our court system function fairly and impartially. The Supreme Court's ruling in Williams will go a long way toward ensuring that future defendants do not have their cases decided by the very person who sought to prosecute them in the first instance."

On a vote of 5 to 3, the [justices ruled](#) that a state Supreme Court judge's failure to recuse himself in the case violated Williams' constitutional right to due process, even though his vote was not the dispositive vote.

Terrance Williams was convicted of the 1984 murder of a Philadelphia man, Amos Norwood. Williams alleged that former Pennsylvania Chief Justice Ronald Castille should have recused himself from the 2014 Pennsylvania Supreme Court hearing on Williams' appeal because he had served as the local district attorney at the time of Williams' initial conviction, and had subsequently sought and won election to the court by championing his record of sending 45 people to death row, including Williams.

In 2012, a lower court vacated Williams' sentence because it found that Castille's office had violated its ethical and constitutional obligations to disclose potentially exculpatory evidence, and played "fast and loose" with the facts in order to secure Williams' first degree murder conviction and death penalty sentence. Included among the lower court's findings was that trial prosecutors under Castille's supervision had illegally suppressed evidence regarding the fact that Williams had been raped repeatedly by Norwood over a period of 5 years. The state Supreme Court, with Castille's full participation, unanimously reversed the lower court decision.

Today's ground-breaking ruling held that there is an impermissible risk of actual bias when a judge

previously had a "significant, personal involvement as a prosecutor in a critical decision regarding the defendant's case." In such cases, as in Williams,' the Due Process clause compels recusal. The majority's ruling further held that it did not matter whether the disqualified judge's vote was "necessary to the disposition of the case" -- in fact, it may only mean that the judge persuaded others to join his view of the case. Williams, the court concluded, is entitled to "present his claims to a court unburdened by any 'possible temptation...not to hold the balance nice, clear, and true between the state and the accused.'"

TCP organized two separate friend-of-the-court briefs in support of Williams' claim - one from seven distinguished [former appellate judges](#), the other from 16 [former prosecutors](#) who subsequently became judges - that were submitted to the Supreme Court in December.

The case is [Terrance Williams v. Commonwealth of Pennsylvania](#), U.S. Supreme Court, No. 15-5040.

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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.