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Demonstrators in Washington rally against the death penalty outside the U.S. Supreme Court building Oct. 13, 2021. (CNS photo/Jonathan Ernst, Reuters)

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The Supreme Court's last case of the year Dec. 9 looked at when death-row inmates can raise claims that they were given ineffective counsel.

The justices examined combined cases of Arizona death-row inmates who want to submit new evidence in federal court hearings about ineffective counsel they say received.

Arizona wants to block submission of new evidence based on interpretation of a federal law.

Although inmates can challenge their sentences under the Constitution, the Antiterrorism and Effective Death Penalty Act of 1996 says they can only use evidence previously produced in state court proceedings.

The justices, who heard the cases of inmates David Ramirez and Barry Jones, have to determine if the Supreme Court's 2012 decision in Martinez v. Ryan applies to them. This ruling gave an opening for inmates to show evidence found after the state court record proceedings.

The two men were convicted of murder and sentenced to death. Ramirez was convicted on two counts of first-degree murder for the 1989 stabbing deaths of his girlfriend and her 15-year-old daughter. Jones was convicted of murder, sexual assault and child abuse in the 1994 for the death of his girlfriend's 4-year-old daughter.

In separate rulings last year, the 9th U.S. Circuit Court of Appeals ordered new hearings for both men, citing the Supreme Court's Martinez decision.

Arizona Solicitor General Brunn Roysden III argued Dec. 9 that the court's Martinez decision should be reversed based on the federal law.

Robert Loeb, the inmates' lawyer, said: "There is a right to have trial counsel here, and there was never a fair trial for Mr. Ramirez or for Mr. Jones. And the fact that they give a Hail Mary opportunity for relief at the end of the day, or can give a pardon to Mr. Jones, that does not mean the right to effective trial counsel is being vindicated here."

Christina Swarns, executive director of the Innocence Project, wrote a Dec. 3 opinion piece in The New York Times about this case, pointing out that since 1989, almost 3,000 people have been wrongfully convicted of crimes in the United States. And since 1973, 186 people condemned to death have been exonerated.

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"Bad lawyering — including poor preparation, inadequate investigation and intrinsic bias — was a leading cause. This sobering number, surely an undercount, should compel careful and thorough judicial scrutiny of the cases in which a lawyer clearly failed to properly represent a client, especially where there is substantial evidence of innocence," she said.

Swarns added that the "path to proving wrongful conviction remains convoluted, invariably involving twists and turns and numerous obstacles. It shouldn't be that way. But Arizona is urging the Supreme Court to make this already difficult road all but impassable."

Hours after the oral arguments, Sister Helen Prejean, a Sister of St. Joseph of Medaille, who is a longtime opponent of the death penalty, expressed her views on social media.

In a long Twitter thread, she said: "Ramirez was represented at trial by an appointed lawyer who had never handled a death penalty case. The trial lawyer later admitted that he was not prepared and not qualified. David Ramirez's trial lawyer failed to present evidence that Ramirez is intellectually disabled and had suffered significant brain damage. The lawyer chalked his failures up to inexperience."

She also said Jones' trial lawyer "failed to investigate or present evidence suggesting that he is actually innocent. Helpful medical and forensic evidence was never shown to the jury. Multiple other viable suspects were not investigated."

Sister Prejean said Arizona's argument that "neither Ramirez nor Jones should have been allowed to present new evidence after their state appeals ended ... is based on the idea that a lawyer's actions are also the actions of their client. So, if a lawyer fails to raise an argument, then their client also failed to raise that argument," something that she said "doesn't make common sense."

She called it unreasonable for Arizona officials to say that Ramirez, "who has severe mental impairments, is somehow responsible for the inadequacies of his appointed lawyers." She also said the case is "especially stark" for Jones, who she said has "significant evidence of innocence."

In her "closing argument" on Twitter, Sister Prejean said that during oral arguments the attorney representing Arizona repeatedly said: "innocence is not enough."

"All of this goes to show that the death penalty is not reserved for the worst of the worst crimes, but instead for the people who had the worst of the worst lawyers," she said.

A decision on this case is expected by the end of next June.