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CLBB News

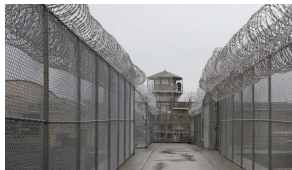
A newsletter from the Center for Law, Brain & Behavior

February 3, 2021

Special Edition: Recent Cases in Law & Neuroscience

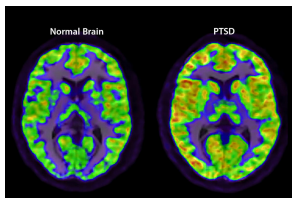
This special edition of the CLBB News is part of an ongoing Center for Law Brain & Behavior series tracking the latest law and neuroscience cases. [Click here](#) to see previous posts about recent cases. To see updates on legal scholarship, see the [Neurolaw News](#), hosted by the MacArthur Foundation Research Network on Law and Neuroscience. This project is made possible through support of the [Dana Foundation](#).

Follow [this link](#) to read about each of the cases in more detail.



[Prisoner's 152-Month Sentence Upheld Despite Claims That He Had an Underdeveloped Brain Due to Traumatic Childhood](#)

After defendant Jaarso Ahmed Abdi's petition for post-conviction relief was denied in July 2017, he filed a petition challenging his 152-month sentence on the grounds that his counsel was ineffective by failing to present mitigating evidence related to Abdi's youth and brain development during his initial sentencing.



[Defendant's Death Sentence Upheld After Ohio Supreme Court Questions Validity of Conclusions Drawn From Brain Scans](#)

On August 18, 2020, the Ohio Supreme Court upheld defendant Anthony Kirkland's death sentence after the court ruled that despite Kirkland's primary mitigating factors cited in his appeal - which included evidence of brain damage and trauma - the aggravating circumstances outweighed the mitigating factors in his case.



[California Appellate Court Orders Lower Court to Consider Mental Health Facility Recommendation in Defendant's Motion for Early Release](#)

Defendant Jacob Kirkendall, who suffered severe brain damage from an electrocution accident several years prior to being charged with attempted murder, filed a writ of habeas corpus after the Monterey Superior Court denied him early release from a mental health facility. On June 12, 2020 California Court of Appeals for the Sixth District issued a writ of mandamus, commanding the superior court to either vacate their previous ruling, or to conduct a new hearing that takes into account the mental health facility's recommendation.

[California Court of Appeals Denies Appeal of Man Diagnosed With Schizophrenia and Possible Frontal Lobe Damage](#)



Keith Brown pled guilty to second degree murder when he was 16 years old. Thirty-two years later, with MRI evidence suggesting brain damage to his frontal lobe, Brown filed a request for post-conviction relief to vacate his murder conviction. The trial court denied the request in 2019, and on July 30, 2020, the California Court of Appeal Second District affirmed that denial.



[Fourth Circuit Denies Defendant's Ineffective Assistance of Counsel Claim, Despite Neuroimaging Revealing Brain Abnormalities](#)

On July 22, 2020, the United States Court of Appeals for the Fourth Circuit denied defendant Freddie Owens's appeal of his death sentence for crimes he committed when he was 20 years old, despite experts concluding that Owens's MRI and PET scans showed "'abnormalities indicating brain damage' in the regions of the brain 'important for regulating emotions and behavior.'"



[Illinois Appellate Court Vacates 60-year Prison Sentence Given to 16-year-old and Remands Case For New Sentencing Hearing That Complies With Miller](#)

In an appeal that made significant reference to adolescent brain science, on September 25, 2020, the Appellate Court of Illinois First District vacated Roberto Haynie's 60-year prison sentence and remanded his case to the lower court for a "new sentencing hearing that complies with *Miller* and *Holman*."

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