

CLBB News

A newsletter from the Center for Law, Brain & Behavior

October 30, 2020

Special Edition: Recent Cases in Law & Neuroscience

This post 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 each of the cases in more detail!



[Execution Proceeds Despite Evidence Citing Alzheimer's disease, Schizophrenia, and Brain Damage](#)

On July 16, 2020, Wesley Ira Purkey, aged 68 and diagnosed with Alzheimer's disease and schizophrenia, was put to death by lethal injection in Terre Haute, Indiana after the U.S. Supreme Court vacated a previous stay of his execution.



[Massachusetts Supreme Judicial Court Addresses Constitutionality of Sentencing Young Adults to LWOP](#)

On June 4, 2020, the Massachusetts Supreme Judicial Court, which had previously refused to extend to those age 18 and above its earlier holding preventing the imposition of life sentences for juveniles, ruled that "[a]s research in this area has progressed [since its 2013 holding] ... it likely is time for us to revisit the boundary between defendants who are seventeen years old and thus shielded from the most severe sentence of life without the possibility of parole, and those who are eighteen years old and therefore exposed to it."



[WWE Wrestlers' Concussion Class Action Lawsuit is Dismissed in Court](#)

On September 9, 2020 a class action, brought by over 50 former World Wrestling Entertainment ("WWE") wrestlers who claim that "they are either suffering from symptoms of permanent degenerative neurological conditions resulting from traumatic brain injuries sustained during their employment as wrestlers for WWE or are at increased risk of developing such conditions," was dismissed in the U.S. Court of Appeals for the Second Circuit for failure to meet the statute of limitations.

[5th Circuit Denies Petition for Ineffective Assistance of Counsel Based on Failure to Present Evidence of Brain Damage in Death Penalty Case](#)



On July 22, 2020, the U.S. Court of Appeals for the Fifth Circuit denied Erica Sheppard's petition for relief, in which Sheppard argued for ineffective assistance. Sheppard claimed that her attorneys failed to present certain mitigating evidence to the jury during the sentencing phase of her trial, specifically evidence related to Shepard's "significant mental and psychological impairments," however, the court ruled that this evidence was "merely cumulative."



[Defendant is Executed Despite Expert Testimony Citing Possible Brain Damage](#)

Christopher Vialva, who was 19 years old at the time he committed the crimes for which he was convicted of, was executed on September 24, 2020 in Terre Haute, Indiana, despite appeals that included evidence of possible brain damage.



[Court Orders New Parole Hearing for Defendant in Light of Cognitive Impairments](#)

On July 23, 2020, the 1st District Court of Appeal in California ruled that Andrew Dave Shelton, should receive a new parole suitability hearing, stating in the opinion that "the record suggests Shelton's cognitive condition will never allow him to achieve and demonstrate the kind of insight the panels have been demanding."



[Intellectually Disabled Man Denied Miller hearing by Illinois Supreme Court](#)

On June 4, 2020, the Illinois Supreme Court rejected William Coty's appeal in which Coty argued that his life sentence was unconstitutional due to his intellectual disability.

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