

CASE BRIEFING ---

Student's Name

Institution of Learning



Essays-Leader.com
Your excellence is our duty



Case Identification: *Taylor v. Commonwealth*

Facts: September, 29, 1984, Victor Devine Tailor with his co-defendant George Wade met two students, who were going to football match and got lost. For the purpose of robbery they forcibly put victims Richard Stephenson and Scott Nelson into the car. The prosecutor assumed that men kidnapped the boys and then Victor Tailor killed them because of fear to be identified by them. George Wade approved the reason of murder in his evidence but denied to be a witness in the court regarding the Fifth Amendment. However the court took into consideration his statement. Tailor appealed to the Kentucky Supreme Court with denial of fair trial.

Issue: Was the act of kidnapping, robbery and further homicide equivalent to the one which deserves death penalty according to the federal law? Could the fact of indirect evidence in the court influence the cancelation of sentence?

Holding/Decision: Yes, the death sentence may be the result of a case for performing the double murder, robbery and kidnapping. The absence of direct evidence in a court could be substituted by confession of a witness to police and acknowledgement of it by other witnesses, so it cannot be counted as violation of constitutional rights and lead to statement of innocence.

Reasoning: The court decided that petition of Tailor should be rejected due to the following facts:

Fifth Amendment privilege gave an opportunity to Wade legally refuse from being a witness in a court hall. Meanwhile the statement of Wade including all the key facts could not be untruthful as it contradicted to his

own interests and was made by him personally without any engagement from the state. Five different people avowed his evidence. Such cases as *Chambers v. Mississippi*, 410 U.S. 284, 93 S.Ct. 1038, 35 L.Ed.2d 297, 93 S.Ct. 1038, 35 L.Ed.2d 297 helped to Kentucky Supreme Court to establish main factors of trustworthiness to Wade's statements.

The possibility of admitting his confession has been proved also by Cf. *Commonwealth v. Vanover*, Ky., 689 S.W.2d 11 (1985). Combination of *Bourjaily v. United States*, 483 U.S. 171, 107 S.Ct. 2775, 97 L.Ed.2d 144, 107 S.Ct. 2775, 97 L.Ed.2d 144 (1987) and *Bruton v. United States*, 391 U.S. 123, 88 S.Ct. 1620, 20 L.Ed.2d 476, 88 S.Ct. 1620, 20 L.Ed.2d 476 (1968) was a proof of trial's verdict that unreliable isolated statement can be probative in a case of endorsement by third parties (*VICTOR DEWAYNE TAYLOR, Petitioner, v. THOMAS SIMPSON, Warden*, 2014). It means that decision was appropriate and petition of Tailor had been fairly denied.

References

VICTOR DEWAYNE TAYLOR, Petitioner, v. THOMAS SIMPSON, Warden, Respondent. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY, CENTRAL DIVISION. (2014, September 30) retrieved from: http://ky.findacase.com/research/wfrmDocViewer.aspx/xq/fac.20140930_0000738.eky.htm/qx