

## **JIMMY CALLAHAN**

Jimmy Callahan was arrested in February 1982 and interrogated by law enforcement officers for more than two days. On the second day, Circuit Court Judge Samuel Monk entered the interrogation room and began questioning Mr. Callahan about his constitutional rights. The same judge presided over Mr. Callahan's trial where incriminating statements obtained during the interrogation comprised the prosecution's most critical evidence.

At the sentencing phase that followed Mr. Callahan's capital murder conviction, his defense lawyer presented no evidence to persuade the jury and judge to sentence Mr. Callahan to life without parole instead of death. The entire sentencing proceeding took less than one hour. Defense counsel actually asked the jurors to have mercy on him rather than on his client: "I hope you don't think I'm foolish in speaking on behalf of him that he not be sentenced to the electric chair. It may be that you disagree about that. That's all right. . . ." The jury recommended a death sentence after only 33 minutes of deliberation. When the trial judge later conducted a sentencing hearing and asked counsel if he had anything to present that would support a sentence of life without parole, Mr. Callahan's lawyer responded: "Judge, I have no comments."

The federal district court found on appeal that Mr. Callahan's constitutional rights were violated and he deserved a new trial because of the trial judge's participation in the interrogation and his lawyer's ineffectiveness, but the Eleventh Circuit Court of Appeal reversed and denied relief.