

Dwight Dexter Questions

1. How did Morgan Livingston help in the investigation?
2. Did police abide by the Fourth Amendment when they stopped Dexter's car? Why or Why not?
3. What did Randolph Stone say that Dwight Dexter had confessed to?
4. What did the ballistics expert say about the gun that Randolph Stone had retrieved?
5. What additional information did you learn about Dwight Dexter from the police booking report?
6. Did police abide by the Fifth Amendment when they arrested and Booked Dexter? Why or why not?
7. During which stage of the jury selections were all blacks struck from the jury pool?
8. According to the defense, was the striking of blacks from the jury pool uncommon in Eaton in 1982?

9. According to the prosecution, how did it abide by the Sixth Amendment's guarantee of an impartial jury?
10. Did the defense provide adequate counsel as guaranteed by the Sixth Amendment? Why or why not?
11. What evidence did the prosecution suppress during the trial and sentencing phases?
12. In how many courts was Dexter's case heard?
13. Which court or courts overturned Dexter's death sentence?
14. What did Randolph Stone and Morgan Livingstone admit to in 1999?
15. What evidence did the prosecution suppress in the Dexter trial?

The Prosecution's Theory of Guilt

Following is the prosecution's theory of how Dexter Dwight killed Floyd Babb.

- Dwight Dexter and Floyd Babb lived in Eaton, Michigan, and worked together at McDonald's. The two ran into each other on July 17, 1982, after a dance at a community center.
- Dexter hitched a ride from the community center with Babb and his girlfriend Deborah Sneed. After dropping Deborah off at her home, they bought some beer and drove to a nearby park.
- At 4 A.M., Dexter shot Babb two times, stole his car, and drove to Detroit, 80 miles away.
- At 8:30 A.M., Dexter drove up to the house of Randolph Stone in the stolen car and asked Stone for help in finding a place to stay. Stone offered to let Dexter stay with him. Dexter stayed for the weekend.
- During the weekend, Dexter bragged about killing a boy in Eaton and asked Stone to dispose of the murder weapon. Stone sold the gun to his neighbor for \$25.
- Babb's body was found on Monday, July 19.
- Stone later retrieved the gun from his neighbor's house and gave it to the police. Ballistics evidence matched the gun to the bullets in Babb's body.
- Sneed identified Dexter as the last person with Babb on the night of the murder.
- Forensics experts estimated the time of death to be around 4 A.M. Dexter has no alibi until 8:30 A.M.

Individuals involved in events relating to the murder of Floyd Babb:

Dwight Dexter: murderer

Floyd Babb: victim

Deborah Sneed: girlfriend of victim

Randolph Stone: friend to whom Dwight Dexter confessed and who disposed of the murder weapon

Documents Relating to the Case of Dwight Dexter

Exhibit A, Document 1

The Investigation into the Murder of Floyd Babb

Notes from Sheriff Dodd: July 20 – July 30, 1982, Eaton, Michigan

July 20 I approached Morgan Livingston, an informant that we have used in the past, and told him I would pay him \$200 to help us find the murder weapon. I told Livingston that we were fairly confident that Dwight Dexter deposited the murder weapon at the Detroit home of his friend Randolph Stone. Livingston assured us he could get the .25 caliber pistol used in the crime.

July 23 11 P.M.: Morgan Livingston called to tell me that Dexter agreed to drive Livingston to Detroit to buy a gun from his friend Randolph Stone.

July 24 1 A.M.: I followed Morgan Livingston's car to Detroit and watched Dexter enter a house. After Dexter returned to his car, I pulled the car over and searched it (I didn't have time to get a search warrant). I found a .22 caliber pistol in the car, but not the .25 caliber gun used in the murder. I then sent Dexter back to the station with another officer.

3 A.M.: We returned to Randolph Stone's house and spoke with him. I told Stone that if he didn't come up with the murder weapon, I would see to it that he was imprisoned for the rest of his life. Stone finally went next door and returned with a .25 caliber gun. We then took Stone down to the police station in Detroit, where he made this statement:

I, Randolph Stone, met Dwight Dexter for the first time on Sunday, July 18, at 8:30 A.M. Dwight Dexter pulled up in a blue Chevy and asked for help. He ended up staying the weekend at my house. During that time, he told me that he killed a white boy in Eaton and that he still had the gun. On Monday, Dwight Dexter returned to Eaton by bus but left the gun and car with me. I ended up selling the gun to a neighbor and abandoning the car in south Detroit.

We now have what we need to charge Dwight Dexter in the murder of Floyd Babb.

July 30 I have a ballistics expert who will testify that the gun Randolph Stone retrieved on 7/24 was the same gun used in the murder of Floyd Babb. I also advised the prosecutor to begin coaching Randolph Stone and Morgan Livingston for the upcoming trial.

Exhibit A, Document 2

Police Booking Report of Dwight Dexter

ARREST NUMBER		RECORD OF ARREST				COUNTY	STATE
011266						MACON	MICHIGAN
LAST NAME		FIRST NAME		MIDDLE NAME			
DEXTER		DWIGHT		JAKE			
RACE/ETHNICITY		GENDER	AGE	DATE OF BIRTH		PLACE OF BIRTH	
AFRICAN AMERICAN		MALE	21	JUNE 7, 1961		DETROIT, MI	
HEIGHT	WEIGHT	EYES	HAIR	SOCIAL SECURITY NUMBER			
5'6"	150	BROWN	BROWN	111-22-3333			
ADDRESS		CITY		STATE	ZIPCODE		
1893 WOODSON DR.		EATON		MI	48775		
OCCUPATION			SCARS, MARKS, AND TATTOOS				
CASHIER AT MCDONALDS			NONE				
TIME OF ARREST	DATE OF ARREST	ARRESTING OFFICER		PLACE OF ARREST	DATE OF OFFENCE		
1:45 AM	JULY 24, 1982	SHERIFF LAMOND DODD		DETROIT, MI	JULY 18, 1982		
BOOKING CHARGE							
CAPITAL MURDER							
SUMMARY OF ARREST							
Dexter was arrested on 7/24/82 and charged with the murder of Floyd Babb, who was shot twice in the head in Eaton, MI. Upon arrest, Dexter was read his Miranda rights and told the reason for his arrest. He was booked in the Eaton jailhouse and stripped of his personal belongings. He made two phone calls. He awaits trial.							

Exhibit B, Document 1**Jury Selection in the Trial of Dwight Dexter****Original Jury Pool**

WF	WF	AAF	WM	WM	AAF	WM	WM	WF	WM	WF	WF	WF	WF
WM	WM	WM	WM	WM	WM	WF	WM	WM	WM	WF	WM	WF	
WM	AAM	WM	WM	WF	WF	WM	WM	AAM	WM	WF	WF	WF	

WM: white male WF: white female AAM: African American male AAF: African American female

Final Jury

WM	WF	WM	WM	WF	WM
WM	WM	WM	WF	WM	WF

Jurors Struck Peremptory by Prosecution

AAM	WM	WF	AAM	AAF
AAF	WM	WF	WF	WF

Objections raised in 2001 by the defense about the use of peremptory strikes by the prosecution:

- The prosecution had a history of using peremptory strikes to eliminate African Americans from the jury pool.
- In 1981–1982, 14 of the 16 juries were all white or contained only one black juror.
- In 1981–1982, 75 out of 83 black jurors were struck peremptory.

Reasons the prosecution gave for striking African Americans from the jury pool:

- AAF: taught victim in grade school
- AAF: not strong on death penalty
- AAM: answered in a defiant way
- AAM: hesitant to impose death penalty

Exhibit B, Document 2

The Trial of Dwight Dexter

Reporter's Notes Taken During the Trial of Dwight Dexter
Macon County District Court: Eaton, Michigan: Sep. 6 – Sep. 12, 1982

PRETRIAL

9/6: Defense attorney tells judge that he has not been to the crime scene, or viewed the crime scene photographs, or seen the ballistics report. He also states that he has not viewed the prosecution's witness list. Judge responds that all of these materials have been available to the defense for several weeks.

TRIAL

9/7: Prosecution and defense make opening statements.

9/8–9/10: Prosecution calls witnesses:

- Deborah Sneed testifies that Floyd Babb and Dwight Dexter drove her home on the night of Babb's murder. Sneed identifies Dexter as the last person with Babb on Saturday evening, July 17.
- Randolph Stone testifies that on the morning of July 18, Dexter arrived at his home in a blue Chevy and asked for a place to stay. Dexter claimed he had killed "a white boy" and asked Stone to dispose of the murder weapon and car. Stone sold the gun to a neighbor and abandoned the car in south Detroit. *On cross-examination, defense asks Stone if the prosecution had ever coached him. Stone replies no.*
- Ballistics expert testifies that bullets from the gun retrieved by Stone matched the bullets in Babb's body.

Defense calls no witnesses.

- 9/11: Prosecution and defense make closing statements. Jury deliberates for 6 hours. Guilty verdict is delivered at 11 P.M.

SENTENCING

9/12: Prosecution calls witnesses who claim that Dexter is a threat to society and should be sentenced to death:

- Damon Trace testifies that Dexter is a violent man who beat him with a pistol the week before the murder.
- Morgan Livingston testifies that on the day of his arrest, Dexter drove to Detroit to get a gun so he could commit armed robbery and kill anyone in his way. *On cross-examination, Livingston is asked if he is a paid informant for the state. Livingston answers no.*

Defense calls Dexter, Dexter's parents, and two of Dexter's friends. All attest to Dexter's good moral character. Defense attorney admits that he has not prepared any of the witnesses to testify.

Jury deliberates for 1 hour. Death sentence is delivered at 6 P.M.

Exhibit C, Document 1

The Appeals Process in the Case of Dwight Dexter

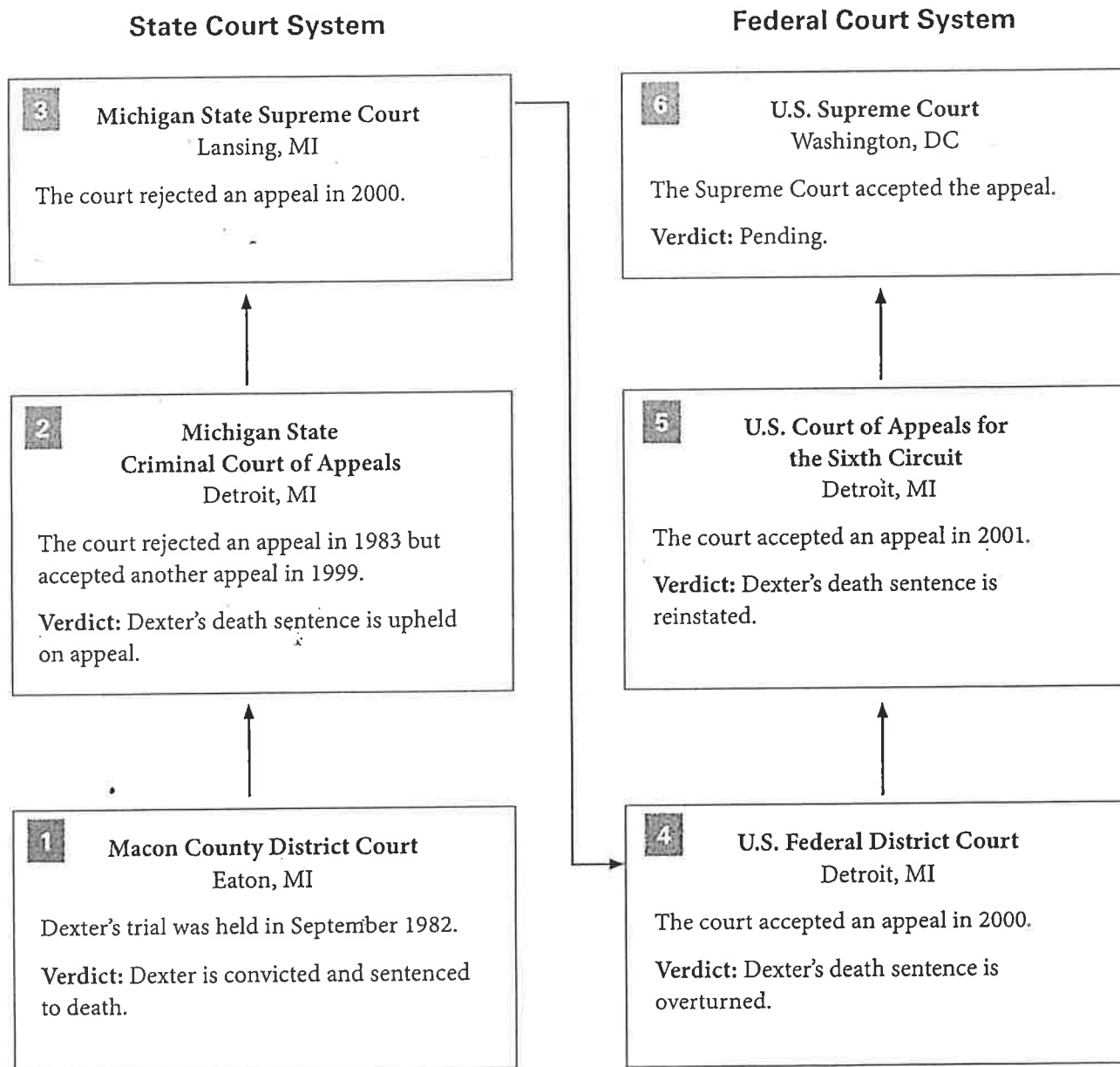


Exhibit C, Document 2

The Supreme Court Agrees to Hear the Case of Dwight Dexter

High Court to Hear Dexter Case

Washington Press

District of Columbia At 11:50 p.m. last night, Dwight Dexter was strapped into the electric chair awaiting execution. At the last minute, the Supreme Court issued him a stay of execution and a last chance to appeal his case. Dexter has been scheduled to die 12 times over the past two decades.

Supreme Court justices will review Dexter's case and consider whether his constitutional rights were upheld at each stage of the criminal justice system. Additionally, they will consider whether recent admissions of perjury by two key witnesses necessitate a retrial.

One of the witnesses, Randolph Stone, admitted in 1999 that he falsely testified at Dexter's trial.



The Supreme Court Building

Stone stated that while Dexter had shown up at his house on July 18, 1982, he was on foot and without a weapon; furthermore, Dexter did not confess to any crime. Defense lawyers have since recovered a lengthy transcript of a pretrial rehearsal meeting with Stone,

during which Stone was repeatedly coached. The prosecution had suppressed the transcript and allowed Stone to lie about it during the trial.

The second key witness, Morgan Livingston, admitted in 1999 that he was a paid informant by the state and had lured Dexter to Detroit in an attempt to frame him. He also testified that he lied during the sentencing phase about Mr. Dexter's intention to commit other crimes.

The Supreme Court has heard cases dealing with the rights of the accused before. Lawyers for both sides undoubtedly will refer to the following Court precedents when they argue their case: *Brady v. Maryland*, *Strickland v. Washington*, and *Batson v. Kentucky*.

