

DIANE SYKES ON THE RIGHTS OF CRIMINAL DEFENDANTS

Highlights:

- Diane Sykes ruled against the rights of criminal defendants.
 - Sykes upheld a confession that had been previously thrown out by a lower court due to police coercion.
 - Sykes wrote a dissent where she argued a conviction should not be overturned because a juror did not understand English.

Sykes Ruled Against The Rights Of Criminal Defendants

SYKES UPHELD A CONFESSION THAT HAD BEEN PREVIOUSLY THROWN OUT BY A LOWER COURT DUE TO POLICE COERCION

2017: Sykes Voted To Uphold A Confession In The “Making A Murderer” Case That Had Previously Been Thrown Out For Being The Product Of Police Coercion. According to the Milwaukee Journal Sentinel, “A federal appeals court on Friday ruled 4-3 that Brendan Dassey's conviction in what became known as the ‘Making A Murderer’ case shouldn't be thrown out after all. The Chicago-based U.S. Seventh Circuit Court of Appeals decision reinstates Dassey's conviction and sharply reduces his chances of getting out of prison, as his lawyers would have to get the U.S. Supreme Court to hear and reverse Friday's decision. Judge David Hamilton wrote the majority opinion, joined by Judges Diane Sykes, Michael Kanne and Frank Easterbrook. They found that despite Dassey's age (he was 16 at the time), his lower intellect and suggestibility, his confession that he helped his uncle, Steven Avery, kill Teresa Halbach at the family's Manitowoc junkyard in 2005 was not coerced. [...] A federal magistrate judge in Milwaukee had granted Dassey's petition for release or a new trial, finding his confession had been unlawfully obtained and used against him. The state appealed, and a three-judge panel of the Seventh Circuit affirmed, 2-1, prompting prosecutors to seek review by the full Seventh Circuit court.” [Milwaukee Journal Sentinel, [12/8/17](#)]

2016: A Federal Judge Previously Overturned Brendan Dassey's Murder Conviction After Concluding That His Confession Was Involuntary Due To “Repeated False Promises” From Prosecutors, His Age, And His “Intellectual Deficits.” According to the Milwaukee County Sentinel, “Brendan Dassey, who was convicted along with his uncle, Steven Avery, in the murder of Teresa Halbach, had that conviction overturned Friday by a federal magistrate judge in Milwaukee. The shocking ruling, in a case made famous in the Netflix series ‘Making A Murderer,’ could result in Dassey getting a new trial or being freed from prison. It gives prosecutors 90 days to decide whether to retry Dassey, although an appeal could extend the proceedings. In his 91-page decision, U.S. Magistrate Judge William Duffin was highly critical of investigators, Dassey's pretrial attorney and the state courts on how they handled the case, concluding that Dassey's constitutional rights were violated. He found that the prosecutor's investigators made false promises to Dassey during multiple interrogations. ‘These repeated false promises, when considered in conjunction with all relevant factors, most especially Dassey's age, intellectual deficits, and the absence of a supportive adult, rendered Dassey's confession involuntary under the Fifth and Fourteenth amendments,’ Duffin wrote.” [Milwaukee Journal Sentinel, [8/12/16](#)]

The Supreme Court Denied Cert

June 2018: The Supreme Court Denied Cert. According to SCOTUSblog, the Supreme Court denied a writ of certiorari on June 25, 2018. [SCOTUSblog, viewed [6/24/24](#)]

SYKES WROTE A DISSENT WHERE SHE ARGUED A CONVICTION SHOULD NOT BE OVERTURNED BECAUSE A JUROR DID NOT UNDERSTAND ENGLISH

May 2003: Sykes Dissented From A Decision Where A Conviction Was Invalidated Because A Juror Indicated He Could Not Understand English. According to the Northwestern University Law Review, “While serving on the Wisconsin Supreme Court, then-Justice Sykes dissented from a decision invalidating a conviction because one of the jurors indicated he

could not understand English. Justice Sykes reasoned that impaneling the juror was harmless error.” [Northwestern University Law Review, viewed [6/24/24](#)]