CRIMINAL LAW AND PUBLIC POLICY

We have seen throughout this chapter that a crime requires the concurrence of a criminal act and a criminal intent. In 2014, Vonte Skinner was convicted of attempted murder and aggravated assault for allegedly attempting to carry out a contract killing of a narcotics dealer who had withheld the proceeds from narcotics sales from a drug gang. A search of the defendant's car led to the seizure of three notebooks filled with rap lyrics authored by Skinner. A number of the lyrics are described as "violent" and were written under the moniker "Real Threat." Skinner has the word *Threat* tattooed on his arm.

The jury was unable to reach a verdict at Skinner's first trial. He was convicted at a second trial in which a detective testifying for the state of New Jersey read excerpts from the defendant's lyrics, testimony that ran for thirteen pages in the **trial transcript**. The prosecution successfully argued that although none of the lyrics mentioned the victim by name and that all of the lyrics had been composed prior to the shooting, the lyrics provided evidence of the defendant's criminal motive and intent and capacity for violence. Several of the lyrics are reprinted below.

> On the block, I can box you down or straight razor ox you down, run in your crib with a four pound and pop your crown. Checkmate, put your face in the ground. I'll drop your queen and pawn, f–k–f–k wastin' around. They don't call me Threat for nothin'.
>
> You pricks goin' to listen to Threat tonight. 'Cause feel when I pump this P-89 into your head like lice. Slugs will pass ya' D, like Montana and rice, that's five hammers, 16 shots to damage your life, leave you f—s all bloody.
>
> After you die, I'll go to your Mom's house and f–k her until tomorrow and make ya' little brother watch with his face full of sorrow.
>
> So get them answers right. Where's the case and stash of white. I got ya' wife tied to the bed and at her throat a knife.

An appellate court reversed Skinner's conviction and expressed doubt whether the jurors would have found the defendant guilty if they had not listened to an "extended reading" of these lyrics.

The New Jersey Supreme Court found that there was no connection between the various crimes with which Skinner was charged and the bad acts recounted in the lyrics. "We reject the proposition that probative evidence about a charged offense can be found in an individual's artistic endeavors absent a strong nexus between specific details of the artistic composition and the circumstances of the offense for which the evidence is being adduced." The Supreme Court also noted the risk that the introduction of the lyrics had prejudiced the jury against the defendant.

In other cases, courts have found a strong connection between rap lyrics and a defendant's mental determination to kill. In *Bryant v. State*, 802 N.E.2d 486 (Ind. Ct. App. 2004), the defendant was convicted of the murder of his stepmother. His lyrics were admitted to establish his motive to kill because the lyrics closely resembled the crime with which the defendant was charged. "'Cuz the 5-0 won't even know who you are when they pull yo ugly ass out of the trunk of my car." In the South Carolina trial of Gonzales Wardlaw (Snoop), the defendant's lyrics were introduced as an admission of guilt to a murder, and in a Pittsburgh case, two men were sentenced to prison after posting a rap video that threatened to harm two police officers who had arrested them.

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