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Jeffco death sentences highest since '76 -- 7 cond

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Jeffco death sentences highest since '76 -- 7 condemned since last June;
Alabama leads nation in per-capita death penalties

Jefferson County judges have condemned seven killers in the last 9 months, equaling the county's largest concentration of death sentences since capital sentencing resumed in Alabama in 1976, records show.

The latest was Brandon Washington, who was sentenced to death on March 27 for a robbery and murder. Judges also imposed 7 death sentences between June 1997 and March 1998.

Bryan Stevenson, a death penalty critic, said the latest trend shouldn't be a surprise in a state that leads the nation in per-capita death sentences, where jury sentence verdicts can be less than unanimous and judges may override the jury's wish.

"There is no question in my mind," said Stevenson, executive director of the Montgomery-based Equal Justice Initiative. "Alabama has one of the most expansive death penalty statutes in the country."

The number of death sentences in Jefferson County ebbs and flows. Some years no death sentences are imposed.

But death sentences have increased in the county since the Legislature expanded the death penalty to include drive-by shootings. The county averaged one death sentence a year before those laws took effect in 1993, and four a year since.

The number of death sentences nationally and elsewhere in Alabama has dropped since 1998, statistics show. Jefferson County has bucked that trend. It accounted for nearly 1/2 of Alabama's death sentences in 2005 and 2006.

One explanation may be the volume of capital murder cases in Jefferson County, said David Barber, Jefferson County's district attorney.

Jefferson County and its cities had 143 homicides last year, resulting in 97 murder warrants. More than 1/2 of those defendants face charges of capital murder, which carries a potential death sentence.

"Maybe we've just had more of them lately," Barber said. "It could be that we've had stronger cases lately. Or maybe jurors are fed up with violent crime. There's no way to study it because it's not a science. All you can do is guess until the cows come home."

Heinous crimes:

The circumstances of the murders may be a factor, said Barber and Dan Filler, a law professor at the University of Alabama who leads capital defense seminars.

5 of the killers condemned since last June committed multiple murders. In the other 2, the victim was under age 21.

In every trial, jurors are the X factor, Barber said. The chemistry among jurors, their experiences and subconscious biases all can affect their votes on conviction and sentencing.

"When you take 12 total strangers and lock them up in a pressure cooker, you never know what will come out," he said.

Take, for example, the cases of condemned killers Kerry Spencer and Nathaniel Woods, who were sentenced to death last year in the 2003 murders

of 3 Birmingham police officers. Spencer was the triggerman, while Woods never fired a shot.

But their 2 juries had starkly different reactions. Spencer's jury recommended life without parole, while Woods' jury voted for death.

"If we had Spencer's jury for Woods, who knows if they even would have convicted him," Barber said. "You just never know how it will shake out." Easier sentence:

Alabama makes it easier for trials to shake out in favor of a death sentence, Stevenson said.

Jurors only recommend sentences, and it only takes 10 votes to recommend death. Almost two-thirds of the 38 states that allow capital punishment require unanimous sentencing verdicts.

Kenneth Eugene Billips is the only recent condemned killer in Jefferson County with a unanimous jury verdict for death.

Alabama is the only state that allows judges to override juries when the majority calls for the lesser sentence, Stevenson said.

2 of the 7 recent death sentences in Jefferson County, including Spencer's, involved judges overriding jury votes for life without parole.

"Judicial override is responsible for 20 to 25 % of the death sentences in Alabama," Stevenson said.

Alabama, which is 23rd in population nationally, has the 6th-largest death row in the country, with 194 condemned killers, state and federal figures show.

Alabama also leads the nation in per-capita death sentences, with 1 for every 24,000 people, federal figures show.

"Alabama has 1/2 the population of Georgia, but routinely sentences 4 times more people to death," Stevenson said. "It always will be good politics to say I'm all about more death sentences and more executions."

(source: Birmingham News)