

OUR VIEW: Alabama law lets executions take place against a jury's wishes

Posted by

[bblalock](#) May 11, 2009 02:01AM

Jefferson County Circuit Judge Teresa Petelos last week refused to go over a jury's head and sentence Bobby Ray Sims to death.

Instead, Petelos accepted the jury's recommendation, which was that Sims should spend the rest of his life in prison, with no chance for parole, for killing Vernon and Teresa Florence of Alliance in 2007.

Petelos made the right choice. It's not that Sims' crime wasn't awful and senseless and worthy of death under Alabama's laws. It's that a jury of regular people who looked at all the evidence didn't believe the ultimate punishment was called for.

That should be what counts in these serious cases, and in most states, it would be. Alabama is one of the few states where judges are free to impose a death sentence against a jury's wishes, and it is the only state where the awesome power is so liberally used. The override power in Alabama accounts for more than 20 percent of the people on Death Row.

Just this week, Alabama is scheduled to execute a man a jury didn't believe should be put to death. Think about that. Jurors didn't believe Willie McNair should be put to death for the 1990 robbery/murder of Ella Foy Riley. A single judge decided otherwise, and McNair is to be executed Thursday.

That's frightening. Granted, The News' editorial board opposes the death penalty in all cases. But at the very least, the decision to execute a person should not be the sole province of an elected judge who might be worried about losing his job if he appears soft on crime.

State legislation was introduced again this year to strip judges of this single-handed power. But the session is entering its final stretch, and the bill has no chance of passing. What a shame. Although there are many bad bills that deserve to die, this is not one of them. It's one of the most critical measures the Legislature could consider.

Alabamians who so often delight in their distrust of government should not be so expansive when it comes to letting our government exercise the biggest power of all -- that is, the power to take life.

A judge this week refused to take that power in her own hands. A judge 16 years ago went the other way, and next week, the people of Alabama are expected to carry out his deadly decision.

It's a choice we strongly feel neither judge should have been asked to make.

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johnfrombama says...

Christians believe that judges nor juries are qualified to sentence a human being to death. Nor are they qualified to carry out the death penalty.

JOHN 8:7 'Let anyone among you who is without sin be the first to throw a stone at her.'

Posted on 05/11/09 at 7:54AM

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