



OUR VIEW: If a jury's vote had been heeded, as it should have been, an inmate scheduled to be executed today would not have gotten the death penalty at all

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N Birmingham News editorial board

Unless courts intervene, John Forrest Parker will be put to death today by the state of Alabama.

Maybe you think that is just as well. Parker was sentenced to death for killing Elizabeth Dorlene Sennett in 1988 at the behest of her husband, the Rev. Charles Sennett. Murder for hire is one of the offenses deemed worthy of the death penalty in Alabama.

But the jury that heard the evidence against Parker and found him guilty beyond a reasonable doubt did not believe, in this particular case, the death penalty was warranted. In most states, that would have been the last word, and Parker would not be facing execution today.

In Alabama, it's a different story. Judges here are given the power to disregard the jury's recommendation and impose a death sentence anyway. Parker is, at least for now, living proof.

Jurors on a 10-2 vote recommended Parker be sentenced to life in prison without parole for killing Mrs. Sennett. Colbert County Judge Inge Johnson, who is now a federal judge, sidestepped the jury's wishes and said Parker should die for his crime.

Parker's lawyers have attempted a last-minute appeal, arguing that Johnson did not follow proper procedures in overruling the jury. State prosecutors argue otherwise, and they contend Parker waited too long to raise the issue anyway.

In our view, the bigger problem is not how Johnson disregarded the jury's opinion but that she was free to do so in the first place. In most cases, it might be fine for judges to have the last word on punishment. But as courts have rightly recognized, death is different.

This newspaper opposes the death penalty regardless. But we understand others disagree, and that some families of victims have particularly strong opinions on this subject. But even those who support capital punishment ought to be troubled that judges can order someone's death when jurors don't think it's appropriate.

A few other states grant judges similar power of life and death, but it is restricted and rarely used. In Alabama, judges have used this power liberally, accounting for a fifth of the state's Death Row population.

Also noteworthy is the fact Alabama judges are elected and often feel pressure to be tough on crime. Remember: Judges also can disregard juries that recommend death sentences and order life in prison instead, but it almost never happens. How can

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juries almost always be right when they recommend death, but so often be wrong when they recommend life?

We don't know why the jury that convicted Parker decided death was not a fitting punishment. Perhaps it had something to do with the fact the victim's husband, who instigated the crime, committed suicide a week later and was not around to answer for his role. But we're pretty sure jurors didn't make the call in Parker's case based on any worries about an upcoming election.

When juries say a death sentence isn't fitting, that ought to matter. In Alabama, it doesn't. As a result, the state today is preparing to execute a man a jury didn't believe should get the death penalty at all.

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