



## **OUR VIEW: Most of the jurors who convicted Leroy White of killing his wife in 1988 did not think he should be executed for the crime, and that should be enough to keep him from being put to death**

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**N** By **Birmingham News editorial board**

Unless Leroy White gets a reprieve, he will be executed today for killing his wife. It's a reprieve he should not need.

By a 9-3 vote, jurors who convicted White recommended he be sentenced to life in prison without parole for his crime. The judge opted for death anyway, as he was permitted to do under Alabama law. The judge, Daniel Banks, said White merited the death penalty because his actions were "heinous and atrocious compared to other capital offenses."

We're not saying that White's actions weren't heinous and atrocious. White gunned down his wife, Ruby White, because she had filed for divorce. He shot open her front door, shot and wounded her sister, went to his car and reloaded his shotgun, went back in the house, and shot his wife as she ran out the door. He reloaded his shotgun again and shot his wife where she lay in the yard.

It was a terrible crime. And yet, the jury that found him guilty did not believe he should be executed for what he did. That should matter.

It is worth noting that White could not have been convicted at all if even one of those jurors had believed prosecutors hadn't presented a convincing case against him. But, under Alabama law, he can be executed even though nine jurors didn't believe a case for death had been made. It would have made no difference even if 12 jurors had voted against death.

That is wrong.

The News has concluded Alabama should stop using the death penalty because of the haphazard and unfair manner it is carried out. Incidentally, the assistant district attorney who prosecuted White has reached the same conclusion, according to a story in The Huntsville Times. Bruce Gardner said it was his idea to seek the death penalty against White, but that he since had a change of heart about capital punishment altogether

because of disparities in its application and the possibility of executing the wrong person. "I have come to think of it as a ridiculous institution," Gardner told The Times.

We agree. But at the very least, this punishment should not be used when juries of regular people don't think it is fitting.

Lawyers are trying to get courts to stop the execution, saying White missed a round of appeals because his previous attorneys caused him to miss a deadline. So far, courts have refused.

In our view, White should never have been sentenced to death in the first place. Not because he didn't commit a grievous crime. But the jury spoke. The judge should have listened then. And we, as Alabamians, should listen now.



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