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A LARGER PROBLEM: ALABAMA JUDGES DON'T NEED LIFE-AND-DEATH POWER

Taurus Carroll is not a free man, not by any stretch. But he is no longer a condemned man.

Jefferson County Circuit Judge Alfred Bahakel changed Carroll's sentence - from death to life in prison without parole - at the direction of the Alabama Supreme Court.

Carroll had been sentenced to die for killing Bettie Long in 1995 during a robbery at her Kingston laundry. Carroll was 17 at the time.

A jury voted 10-2 for a life sentence; Bahakel sentenced him to death. The Supreme Court said the judge failed to give adequate weight to the jury's recommendation. It also said a death sentence was "excessive and disproportionate."

One thing that made the sentence unusual was that the judge disregarded the wishes of the victim's husband and mother, who both asked Bahakel to spare Carroll's life. Sadly, the fact that the judge imposed the death penalty, over the advice of the jury, is not uncommon in Alabama.

About one in five of our Death Row inmates were condemned because our judges have the incredible power to sidestep a jury and inflict the government's ultimate punishment.

This is dangerous territory. Since Alabama's judges are elected, they are subject to political pressure. It defies common sense to put the power of life and death into the singular hands of an elected official who cannot afford to be labeled soft on crime.

As much as judges may strive to rise above their political interest, its subtle influence is evident. Remember, judge override power goes both ways in Alabama - that is, judges can disregard a jury's recommendation of death and go with life in prison instead. It almost never happens - literally, about a half-dozen times in 20 years. By contrast, judges have disregarded merciful juries and imposed death sentences more than 10 times as often as the other way around.

Alabama's system has been called into further question by a recent U.S. Supreme Court decision. The justices ruled in that case that Arizona juries, not judges, should hand down the death penalty. While Arizona's system is not identical to Alabama's, there are enough similarities to raise questions about the constitutionality of our judicial override law.

Fixing Carroll's case doesn't fix the real problem: No single judge should have the power of life and death.

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