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Decision should stand

THE ISSUE A jury heard all the reasons John Ashley should be put to death for killing two teenagers, but recommended a life-without-parole sentence instead.

No question about it, John Ashley is a killer. Though he disputed the prosecutors' explanation of his motives, Ashley admitted shooting Tyler Carter, 19, and Alexander Lee, 18, taking their lives and leaving their loved ones to grieve forever.

A jury that heard the evidence against Ashley convicted him of capital murder in the teenagers' 2005 deaths. But after hearing everything, including the anguish of the victims' parents, the same jury recommended Ashley be spared the death penalty.

By a 9-3 vote, jurors said they believed Ashley should be allowed to live out his life, albeit behind bars without any chance, ever, for release.

That should be the end of it. In most states, it would be. Alabama is one of the only states in which judges can disregard juries that don't recommend the death penalty. It's the only state where such awesome power is used liberally and regularly.

This is one of the most troubling features of capital punishment in Alabama. Although we're confident most judges strive to keep politics out of their decisions, the fact is they must run for office, and some have been openly pressured in cases like these to overrule a jury and impose a death sentence.

Also, the disturbing truth is the power goes both ways, but it is almost never used to spare a defendant's life. So juries that recommend death are virtually always right, it seems, while juries that recommend life routinely get it wrong. How can that be?

In our view, the Legislature should change the law that gives judges the power to impose a death sentence if a jury recommends against it. Bills to do just that are introduced every year but typically go nowhere, which is a shame. Lawmakers don't have to be opposed to the death penalty to be uncomfortable with this unique and much-criticized aspect of Alabama law.

Since it remains on the books, Jefferson County Circuit Teresa Pulliam can set aside the jury's conclusions and sentence Ashley to death anyway when he comes back before her Oct. 16.

But in our view, she shouldn't. And she doesn't have to. It's not as if a life-without-parole sentence is a slap on the wrist. Ashley was 19 at the time he killed Carter and Lee; he is only 22 now. If he has a normal lifespan, he stands to spend many, many years in a place most of us wouldn't want to spend one day. Carter's mother, Debbie Peterson, noted that could be a

fate worse than death, and she's right.

No sentence changes the fact Carter and Lee are dead. While Ashley must be punished for taking their lives, most jurors who listened to all the options believed life without parole would be the appropriate penalty for him.

Their decision should stand.

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