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Judge honors jury's advice

THE ISSUE Jefferson County Circuit Judge Teresa Pulliam rightly accepted the jury's conclusions and rejected a death sentence for a convicted killer.

The murders of Tyler Carter and Alex Lee in 2005 were senseless, horrific and, under Alabama law, worthy of the death penalty.

But after hearing all the reasons the killer should be put to death, and all the reasons he should be spared, a Jefferson County jury came down on the side of life.

The jury voted 9-3 that John Ashley should be sentenced to life in prison with no hope, ever, for release. Last week, Jefferson County Circuit Judge Teresa Pulliam followed the jury's wishes, even though she wasn't required to by law.

Co-defendant Carley Taylor, who could have been sentenced from 20 years to life, got a 20-year sentence with the understanding she will serve only a fourth of that.

The families of the teenage victims were disappointed in Pulliam's actions. They wanted the maximum punishment for Taylor and death for Ashley. Lee's parents said they would work to defeat Pulliam when she comes up for reelection in 2012.

How unfortunate.

Not because grieving parents want the harshest punishment possible for those who killed their children. Though some of us like to imagine we might feel differently in their shoes, the truth is, most of us don't know how we would feel in such a dreadful circumstance, and we don't want to find out. This editorial page doesn't intend to judge the families of victims or tell them what they should think.

But this page has and will continue to argue it's wrong to let judges impose a death sentence when a jury doesn't believe it's appropriate. Alabama is one of just a few states giving judges such power, and it's the only state

where the authority is used so liberally and routinely. About one Death Row inmate in five is there because a judge disregarded a jury's decision on sentencing.

The fact our judges are elected and subject to political pressures is a big part of what makes this provision of our law so troubling. Clearly, if Pulliam felt any political pressure to disregard the jury's recommendation and impose a death sentence, she didn't act on it. The hope is that no judge would. But there's reason to fear otherwise.

Judges' power to overrule juries on death sentences cuts both ways - that is, a jury can recommend death, and the judge can

opt for a life-without-parole sentence instead. But it has almost never happened that way. It begs the question: How can juries so often be wrong when they recommend life, and almost always right when they recommend death?

At the very least, the perception is that political considerations are at play, and that's simply unacceptable when it comes to the life-and-death decisions made in our court system.

In issuing the life sentence in this case, Pulliam told Ashley she would "show you more mercy than you showed Tyler Carter and Alex Lee." And it's true: Pulliam did show mercy. Unlike his victims, Ashley will be able to live out his natural days, even if they are to be spent entirely behind prison walls and fences.

But this decision was not so much about mercy as it was about humility. The same jurors who convicted Ashley of these terrible killings felt he should not be put to death for his crime. In our view, that ought to count in our court system.

And in Pulliam's court, it did.

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