

7/31/02 Birmingham News (AL) 8
2002 WLNR 13163430

Birmingham News (AL)
Copyright © 2002 Birmingham News

July 31, 2002

Volume 115
Section: Editorial
Section: 120

OVERRIDING CONCERNS: STATE SUPREME COURT OVERTURNS DEATH SENTENCE

The Alabama Supreme Court took a bold, appropriate step in reversing a Birmingham teenager's death sentence. Bold, because it is politically popular to uphold death sentences. Appropriate, because the death sentence ran contrary to a jury's advice - and even against the expressed wishes of the victim's family.

The Supreme Court ruled Friday that the death sentence against Taurus Carroll was "excessive and disproportionate" and should be reduced to life in prison without parole. That's the sentence a Jefferson County jury recommended. But Jefferson Circuit Judge Alfred Bahakel gave "insufficient weight to the jury's recommendation," particularly in light of the victim's family's wishes, the defendant's youth and his lack of significant criminal history, the court ruled.

Carroll was 17 in 1995 when he and Mack Dailey, 15, robbed a Kingston laundry. He shot and killed owner Bettie Long in front of her teenage daughter. Carroll claimed the gun went off by accident because he got nervous - which is, of course, no excuse and no consolation to grieving survivors.

But in a breathtaking show of mercy, Mrs. Long's husband and mother asked the judge to spare the young defendant's life. Raymond Long and Katie Wright said they wanted Carroll punished, not put to death. "It's the life that I live, and the God that I serve will not let me hate this young man," Mrs. Wright said.

The family's qualms at least partly stemmed from Carroll's age. Indeed, in many corners of the world, Carroll could not face the death penalty at all. Virtually every country outside the United States has signed a United Nations treaty against executing offenders for crimes they committed as minors.

But in Alabama, the main issue at hand is not so much Carroll's age as the power of judges to impose death sentences even when a jury concludes a life-without-parole sentence is fitting. Such life-or-death power shouldn't be vested in a single judge, particularly an elected judge subject to political pressures.

Unfortunately, Attorney General Bill Pryor's office defends the practice, insists the judge in Carroll's case was right to override the jury and plans to ask the Supreme Court to reconsider its ruling.

Pryor, like other state leaders, should concede that little is right about Alabama's judicial override law. It is currently under a particular cloud: The U.S. Supreme Court recently ruled in an Arizona case that it is unconstitutional for judges to hand down death sentences instead of juries. Our state's approach is different, but it could still be affected by the ruling.

In fact, Chief Justice Roy Moore cited the Arizona ruling in a concurring opinion in the Carroll case.

No one can say how the federal ruling, or the more recent ruling in Alabama, will affect more than 30 Death Row inmates here who were also condemned by judges over a jury's advice. But let's hope that the Carroll ruling indicates the state

Supreme Court intends to go back and look at each of these override cases carefully. This is one instance where backing up isn't necessarily going in the wrong direction.

---- **Index References** ----

News Subject: (Legal (1LE33); Judicial (1JU36); Economics & Trade (1EC26))

Region: (USA (1US73); Americas (1AM92); Alabama (1AL90); North America (1NO39))

Language: EN

Other Indexing: (ALABAMA; ALABAMA SUPREME COURT; ARIZONA; SUPREME COURT; US SUPREME COURT; UNITED NATIONS) (Alfred Bahakel; Bill Pryor; Carroll; Katie Wright; Long; Mack Dailey; OVERRIDING CONCERNS; Pryor; Raymond Long; Taurus Carroll; Virtually; Wright)

Keywords: TAURUS CARROLL DEATH SENTENCE

Word Count: 616

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

NewsRoom