

N.C. House panel considers fairness of capital punishment

By Steve Hartsoe
THE ASSOCIATED PRESS

RALEIGH — North Carolina's death penalty system is racially unfair, too broad, and too costly, witnesses told state lawmakers on Monday.

Others, testifying before a House study committee, said the system is as fair as is humanly possible.

In the coming months, the 20-member House Select Study Committee on Capital Punishment will sort through these and other issues related to the "accuracy and fairness" of North Carolina's death penalty. This includes prosecutorial misconduct and whether any innocent people may be on death row.

"If the goal is to have a perfect system when humans are involved, I don't think you're going to meet that goal," C. Branson Vickory III, president of the N.C. Conference of District Attorneys, told the committee on Monday during its first meeting.

He said changes to the death penalty system over the past decade have helped cut in half the annual number of capital cases. These changes include giving district attorneys more discretion on whether to seek the death penalty, prohibiting the execution of mentally retarded defendants, and more disclosure of evidence between attorneys.

"Our role is not to convict but to see that justice is done," said Vickory, who represents Wayne, Greene, and Lenoir counties.

Others said the system appears to place a disproportionate number of minorities on death row. While whites make up about 70 percent of the state's general population, blacks represent nearly 13 percent, according to the 2000 U.S. Census. But about 55 percent of death row inmates are black while whites account for 35 percent of some 170 people on North Carolina's death row.

Vickory said the racial makeup of death row inmates is close to the overall makeup of the prison population. He said a lack of education and poverty are to blame for the imbalance.

Rep. Mickey Michaux, D-Durham, said he was "bothered" that district attorneys have the authority to decide whether to seek the death penalty. He suggested that power could be contributing to the racial disparity on death row.

Experts said juries can differ greatly in their sentencing, even when the facts of a murder trial are similar.

Superior Court Judge Narley Cashwell told the panel that he's presided over nearly identical murder trials that ended with different sentences. In a Johnston County trial, white defendants were sentenced to death. In Cumberland County, black defendants got life in prison.

"I don't have an explanation," Cashwell said. Several speakers said North Carolina should consider narrowing the scope of its death penalty statute, which would further reduce the number of capital trials that often are later changed to lesser penalties.

Committee members said they want more information on several issues, including the reversal rate of the U.S. 4th Circuit Court of Appeals — which includes North Carolina — in death penalty cases; how many people have been convicted of murder over the past 10-15 years; and the jury makeup in the state's capital cases.

House Speaker Jim Black, D-Mecklenburg, created the committee when a bill seeking a two-year moratorium on carrying out executions during a death penalty study failed to reach a vote.

Experts said they welcome the scrutiny the committee will provide.

"Most debate has been on whether to have a death penalty or not instead of how to improve it," said Malcom Ray "Tye" Hunter Jr., executive director of the state's Indigent Defense Services, which provides legal representation to poor defendants.

The General Assembly will take up the panel's recommendations next year.



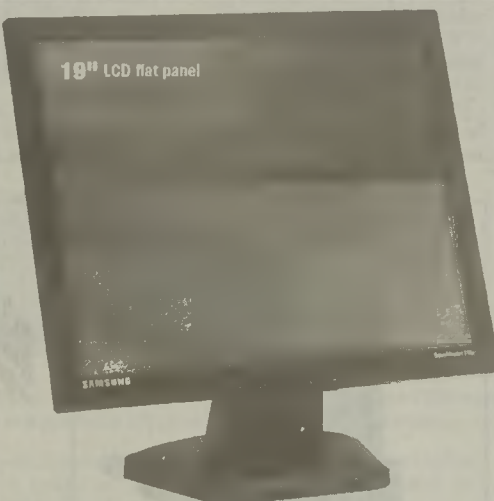
Black



Michaux

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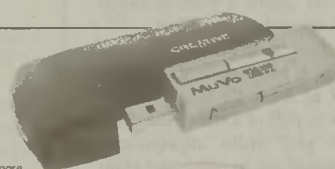
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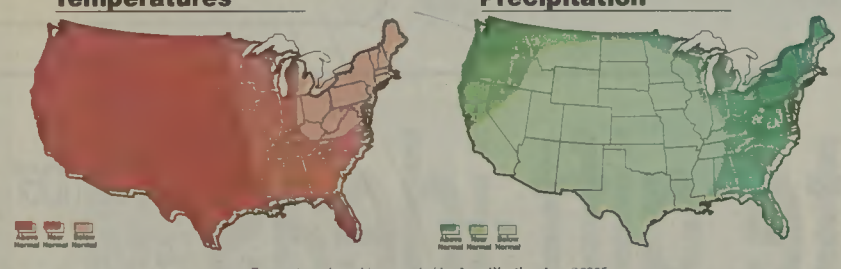
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Mostly sunny	Mainly clear and cold	Sunshine	Sunshine and some clouds	A shower possible	Partial sunshine	Rain and ice possible	Clouds and sunshine
54°	28°	58° 32°	60° 38°	54° 32°	52° 30°	49° 26°	46° 25°
RealFeel 58°	RealFeel 27°	RealFeel 53° 29°	RealFeel 55° 36°	RealFeel 47° 27°	RealFeel 48° 36°	RealFeel 41° 19°	RealFeel 44° 39°

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WEATHER TRENDS THIS WEEK



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IN THE SKY

Sun		Moon		Moon Phases					
	Rise	Set		Rise	Set	Last	New	First	Full
Thursday	7:29 a.m.	5:16 p.m.	Thursday	11:50 p.m.	11:57 a.m.				
Friday	7:29 a.m.	5:17 p.m.	Friday	none	12:20 p.m.				
Saturday	7:30 a.m.	5:17 p.m.	Saturday	12:47 a.m.	12:42 p.m.				
Sunday	7:30 a.m.	5:18 p.m.	Sunday	1:45 a.m.	1:07 p.m.				
Monday	7:31 a.m.	5:18 p.m.	Monday	2:47 a.m.	1:35 p.m.				
Tuesday	7:31 a.m.	5:19 p.m.	Tuesday	3:52 a.m.	2:08 p.m.				
Wednesday	7:31 a.m.	5:20 p.m.	Wednesday	5:01 a.m.	2:50 p.m.				

REGIONAL CITIES

City	Thursday				Friday				Saturday				Sunday			
	Hi	Lo	W	P	Hi	Lo	W	P	Hi	Lo	W	P	Hi	Lo	W	P
Aiken, SC	57	24	s		61	31	s		60	37	pc		59	35	sh	
Augusta, GA	58	26	s		62	32	s		64	38	pc		60	34	sh	
Charleston, SC	58	32	pc		62	39	s		64	42	s		62	41	sh	
Columbia, SC	56	28	s		63	34	s		63	38	pc		59	36	sh	
Durham, NC	49	28	s		58	36	s		58	38	pc		53	33	sh	
Greensboro, NC	51	30	s		56	36	s		55	37	pc		53	34	sh	
Greenville, SC	55	31	s		57	35	s		56	39	pc		54	37	sh	
Knoxville, TN	51	29	s		54	33	s		51	37	sh		49	33	sh	
Lynchburg, VA	44	23	s		54	29	s		52	33	pc		48	30	r	

U.S. CITIES

City	Thursday				Friday				Saturday				Sunday			
	Hi	Lo	W	P	Hi	Lo	W	P	Hi	Lo	W	P	Hi	Lo	W	P
Atlanta	55	37	s		58	40	s		56	41	sh		54	39	sh	
Boston	32	22	s		42	32	s		46	34	s		43	32	s	
Chicago	38	28	pc		42	30	sh		38	28	sf		38	28	sf	
Cleveland	36	28	pc		42	32	sh		42	32	sh		40	30	c	
Dallas	64	47	s		64	44	pc		62	42	pc		62	42	s	
Denver	60	32	pc		58	30	pc		58	30	s		58	28	s	
Detroit	34	26	pc		40	30	sh		38	28	sn		36	28	pc	
Houston	64	46	s		68	52	sh		70	48	sh		68	44	s	
Kansas City	54	35	s		56	31	pc		47	29	r		50	31	pc	
Los Angeles	70	52	pc		74	54	s		76	54	s		78	54	s	

WORLD CITIES

City	Thursday				Friday				Saturday				Sunday			
	Hi	Lo	W	P	Hi	Lo	W	P	Hi	Lo	W	P	Hi	Lo	W	P
Amsterdam	46	41	pc		48	43	sh		48	41	pc		42	40	pc	
Berlin	39	37	sf		41	39	sf		43	35	pc		36	23	sn	
Buenos Aires	82	66	pc		76	67	pc		80	73	s		83	71	s	
Caracas	82	47	pc		62	49	pc		59	47	pc		57	44	pc	
Jerusalem	53	42	pc		54	45	pc		51	45	sh		46	40	r	
Johannesburg	73	56	pc		81	56	s		75	57	pc		74	56	pc	
London	48	41	c		50	39	pc		46	32	sh		43	32	c	
Mexico City	66	41	r		70	38	pc		71	36	pc		71	38	pc	
Moscow	14	9	sn		13	13	pc		14	13	sf		25	9	pc	

Weather (W) w-sunny, pc-partly cloudy, c-cloudy, sh-shower, f-thunderstorm, r-rain, sf-snow flurries, sn-snow, h-ice

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