

Hutchins' execution rescheduled

The Associated Press

COLUMBUS, N.C. — A Superior Court judge Monday set a March 16 execution date for convicted police-killer James W. Hutchins — the earliest possible date the state can execute him.

Judge William Freeman of Winston-Salem said the warden of Central Prison in Raleigh would set the time Hutchins will die by lethal injection.

Hutchins was not present at the hearing. The Rutherford County man was sentenced to death in 1979 for the murders of a Rutherford County sheriff's deputy and a state Highway Patrol trooper on May 31, 1979. He was sentenced to life in prison for killing another Rutherford County deputy.

Monday's hearing was the first legal step taken in Hutchins' case since the state Supreme Court blocked his execution 40 minutes before the deadline for putting him to death on Friday.

The court acted minutes after the U.S. Supreme Court had lifted an earlier stay of execution, and the state Supreme Court said a new execution date had to be set in 60 to 90 days.

Defense attorney Tom Manning argued that the state hadn't given defense lawyers enough time to prepare their objections for Monday's hearing in Polk County Superior Court. He said they weren't notified that a hearing had been called for Monday until about 1 p.m. Saturday.

"We're not in any position at this point to bring all our objections that we had in this case to bear," said Manning, a member of the firm of Joseph Cheshire V of Raleigh.

But Deputy State Attorney General Jean Benoy said the state believes Hutchins should be executed as soon as possible. He said Hutchins has already shot four people in North Carolina, one of whom was wounded.

"Any police officer who gets within 50 yards of Mr. Hutchins is in danger for his life," Benoy said. "We should do it (execute him) before he has a chance to murder another law enforcement officer in this state."

Freeman said the case has been "thoroughly litigated through the courts of this state and this country."

"I think the citizens of North Carolina favor the death penalty and have some rights in this case because of it," Freeman said during the 30-minute hearing.

Manning also said the state attorney general's office had no authority to call

the hearing in Polk County Superior Court. He said it should have been calendared by the area's district attorney at least a week before the next session of court. But Benoy said his office has the authority to appear in any court in the state in which the state has an interest.

Manning has said that lawyers would seek stays of execution in both the state Supreme Court and U.S. District Court if a new execution date were set.

In addition, the U.S. Supreme Court has not ruled on whether opponents of the death penalty should be routinely excluded from juries that determine guilt or innocence in death penalty cases.

Manning said an appeal would be filed in the state Supreme Court based on U.S. District Judge James McMillan's favorable ruling late Thursday on the juror issue in an unrelated case.

Klan

regarding various court hearings and activities held before the start of the actual trial.

Flannery said there were many good reasons to have prospective jurors ques-

tioned in secret this time and said he had done so to ensure the Klan and Nazi defendants a fair trial.

"The potential jurors will be more can-

did in their responses if they do not have to worry about what the public's opinion of those responses might be," the judge wrote, adding some might fear retaliation from groups involved in the trial.

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