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Monday, Dec. 11**



Governor opposes prisoner's release

By JENNIFER BLACKWELL
Staff Writer

The N.C. Parole Commission has come under heavy public criticism for its decision to parole a man convicted of shooting a police officer during a drug raid.

John Excell McCombs, convicted in 1976 of second degree murder and three drug offenses, was sentenced to 60 years in prison. He was released on intensive parole Saturday after serving 13 years of his sentence.

"(The commission) feels he's an eligible parole candidate," said Sam Boyd, parole administrator. "He has the ability to become a productive member of society."

The governor and lieutenant governor disagree with the commission's decision.

By law, the governor is not permitted to intervene in the decisions of the commission, although he does appoint its members. "For that reason, there is nothing I as governor can do to rectify the mistake that I feel was made by the commission in the case of John Excell McCombs except to express my deep embarrassment that a commission appointed by me would reach a decision so contrary to what I feel to be in

the best interests of the state of North Carolina," Gov. Jim Martin said in a press statement.

It is "very rare" for the governor to comment on individual decisions of the commission, said David Prather, deputy director of communications for the governor's office. "The decision was so deplorable he felt the need to speak out."

Martin will recommend to the 1990 General Assembly that criminal statutes be amended to "see to it that this does not happen again," Martin stated. He will recommend legislation providing for full sentences, without parole or probation, for anyone convicted of being a drug dealer, performing a drug related murder or performing the murder of a law enforcement officer.

The governor has not made any statement about reappointing the commission. "That has not been discussed," Prather said.

Lt. Governor Jim Gardner also opposes the decision.

"I still strongly believe that serving only 13 years in prison for gunning down a police officer in the line of duty is a disgrace," Gardner stated in a press release.

He requested and received a 72-hour

stay in order to meet with the head of the commission, Louis Colombo, on Friday. Gardner submitted a packet of information to the commissioners in hopes that they would reconsider the decision to parole McCombs before his official parole began.

Gardner had several extensive conversations with the presiding judge in the McCombs case and also enclosed a letter from the prosecuting attorney.

One point he emphasized in the meeting was the fact that the jury "clearly understood that McCombs knew without a shadow of a doubt that he was killing a police officer."

In assaulting a police officer, "you are committing a direct affront to the law itself and the standards of the community," Gardner said.

For this reason, McCombs' crime was not within the guidelines of the Parole Commission for the prisoner to be released on parole at this time, he said.

After reviewing the letters and petitions from hundreds of citizens protesting the parole of McCombs, the Commission decided to proceed with the parole.

The decision reaffirmed Gardner's belief "that there must be changes in our state laws to prevent this from happening again."

McCombs was held at the Charlotte Correctional Center and now works at a management position at the Windows on Trade Restaurant, where he is on a work-release program.

When considering whether to parole prisoners who are eligible by law, the Commission takes into consideration all of the known facts surrounding the

prisoner such as the motive and circumstances of the case, previous record, accomplishments and good behavior, said Boyd. "Each case is judged on its own merit — no two cases are alike."

McCombs was convicted of murdering Larry Bullock, a Durham police officer, while he was attempting to execute a search warrant on McCombs' premises for narcotic drugs.

Linwood Bullock, the officer's brother, said he thought the situation was "really pathetic."

"My fight is not with John McCombs ... (but) with the system," he said. He spoke with the governor last week when Martin told him that even though he thought the commission was making a mistake, he could not politically interfere.

"I can't believe a person could hire somebody and not have any authority over them," Bullock said, in reference to the Governor's appointment of the commission. When six people have the authority to rule against the wishes of the governor, lieutenant governor and the citizens of North Carolina, "something is wrong," he said.

He said the best thing to do in a situation like this would be to sue the state, but he declined to say whether he was planning to do so.

"The system is going to have to pay," he said.

William Spann, the bartender at the restaurant where McCombs works, said he enjoyed working with McCombs.

"I think he should be paroled ... he's served enough time for the crime he did," he said.

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