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Death sentence by jury that discussed Bible thrown out

DENVER, Colorado (AP) -- Ruling that juries cannot turn to the Bible for advice during deliberations, a divided Colorado Supreme Court threw out the death penalty for a convicted murderer because jurors discussed Bible verses.

In a 3-2 vote on Monday, justices ordered Robert Harlan to serve life without parole for kidnapping Rhonda Maloney and raping her at gunpoint for two hours before fatally shooting her.

Authorities said Maloney, a 25-year-old cocktail waitress, was on her way home from work at a casino. Harlan later admitted killing her, but said he was addled by cocaine, alcohol and rage.

Harlan was sentenced to death in 1995, but defense lawyers learned that five jurors had looked up such Bible verses as "eye for eye, tooth for tooth," copied them and discussed them while deliberating behind closed doors.

Defense attorney Kathleen Lord, arguing before the state Supreme Court last month, said the jurors had gone outside the law. "They went to the Bible to find out God's position on capital punishment," she said.

Prosecutors countered, saying jurors should be allowed to refer to the Bible or other religious texts during deliberations.

Monday's ruling said the Bible and other religious writings are considered "codes of law by many" in Colorado. But noting that it takes a unanimous jury to impose a death sentence here, the court said "at least one juror in this case could have been influenced by these authoritative passages ... when he or she may otherwise have voted for a life sentence."

In their dissent, Justices Nancy Rice and Rebecca Love Kourlis said the evidence did not show biblical passages influenced jurors. "It is important to note that the concept of extraneous information does not include the general knowledge a juror brings to court," Rice wrote.

Gov. Bill Owens said Monday's ruling was "demeaning to people of faith and prevents justice from being served."

Prosecutors were reviewing the decision and could ask the state Supreme Court to reconsider or could appeal to the U.S. Supreme Court.

Jay Horowitz, a former assistant U.S. attorney and former University of Denver law professor, said the law bars jurors from considering evidence not presented at trial.

But he noted it was unreasonable to expect them to set aside moral standards when they step into a jury room, though there must be limits. "In fact, people do bring their background and thoughts and impressions, and you can't separate from that, and shouldn't try to," he said.

The conservative Christian group, Focus on the Family, had sharp criticism for the court.

"Today's ruling further confirms that the judicial branch of our government is nearly bereft of any moral foundation," said Tom Minnery, the group's vice president for government and public policy.

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