

THE ARIZONA REPUBLIC

July 18, 2007

[Jobs](#) | [Cars](#) | [Homes](#) | [Classified](#) | [Yellow pages](#) | [Log In](#) | [Register](#)

User Name / E-mail:

Password:

[Forgot password?](#)

NEWS online print edition



Landmark death-row case comes full circle

Michael Kiefer

The Arizona Republic

Jul. 18, 2007 12:00 AM

In 2002, the U.S. Supreme Court overturned an Arizona death sentence with orders that juries, not judges, should decide whether there are circumstances that compel a murderer to be sentenced to death.

On Tuesday, the man at the center of that landmark ruling waived his right to a retrial before a jury.

Timothy Ring, whose very name became a legal term because of the decision, was sentenced to life in prison with no chance of parole.

Ring was one of 27 Arizona defendants whose death sentences were re-evaluated in the wake of the court's 2002 Ring decision.

The Arizona death penalty statute was rewritten. And although defense attorneys originally believed that juries would be more lenient than judges, the opposite proved true.

Juries, unaccustomed to the horrors of a murder trial, send defendants to death row more than three times as frequently as judges do.

Precedent-setting case

Ring, 42, a former bounty hunter, was one of three men charged in the 1994 murder of an armored-car driver during a robbery at a northwest Phoenix shopping mall. Although investigators found some of the stolen money in his garage, Ring claimed that he was framed by his co-defendants, who received lesser sentences.

Nonetheless, Judge Gregory Martin of Maricopa County Superior Court sentenced him to death in 1997.

Early in this decade, however, the U.S. Supreme Court was reinventing the way that sentences were imposed with a pair of rulings saying that juries, not judges, should determine whether a defendant deserved a harsher, or

"aggravated," sentence. Prosecutors and defense attorneys across the country waited for the right case to test how that theory would be applied to capital cases.

In January 2002, the high court agreed to hear Ring's case. That June, the justices issued their ruling in the case. Ring's conviction was upheld, but his sentence was returned to the Superior Court to be considered by a jury. In so doing, the court ruled that juries should decide whether there were aggravating factors to warrant execution.

Arizona went one step further in rewriting its death penalty statute so that juries not only determined aggravating factors but also imposed the sentence.

The Ring decision affected five states that did not have jury determination in death penalty trials: Arizona, Nebraska, Colorado, Montana and Idaho.

Of the 27 Arizona death penalty cases that were affected by Ring, two were upheld on re-examination by the Arizona Supreme Court.

Four defendants, including Ring, were allowed to stipulate life sentences. One pleaded guilty to a lesser charge and received a 25-year sentence; and 10 went back to trial to split results: five death sentences and five life sentences. Ten cases have yet to be resolved.

More death sentences

Defense attorneys at the time of the decision believed that juries would be more lenient with defendants, but the opposite has proved to be true.

Before the Ring decision, Arizona judges imposed death sentences in about 20 percent of cases, according to Kent Cattani of the Arizona Attorney General's Office.

Since Ring, juries have imposed death sentences in about 65 percent of cases.

The death penalty is supposed to be reserved for those first-degree murder convictions that are "above the norm," said county Superior Court Judge Roland Steinle, who has also been a capital defense attorney.

"When the judge does the sentencing, the judge has the ability to go back and research cases where the Supreme Court affirmed or overturned death sentences," he said.

Jurors, on the other hand, are likely to be appalled at any murder. "How does a jury ever understand what's above the norm?" Steinle asked.

But Ken Murray, an assistant federal public defender, said that as attorneys gain more experience with the new rules, they will bring back more life sentences.

Hope for new trial

The Maricopa County Attorney's Office on Tuesday did not explain why it was willing to let Ring stipulate a life sentence, nor why the Maricopa County judicial bench invited Judge Robert Duber II to come from Gila County to hear the case.

Ring, who sported a mullet and jailhouse stripes, strained to sign the agreement because his hands were cuffed to a belly chain.

Ironically, he not only waived his right to a jury verdict, he also agreed to some of the very same aggravating factors

determined by Martin and set aside by the Supreme Court in its decision.

When Duber asked him for a statement, he responded, "My sole motivation in entering into this agreement is to proceed directly to Rule 32 without any further delay."

"Rule 32" is the first step in the appeals process in which defendants request post-conviction relief. There, Ring said, he would earn a new trial and prove that government corruption put him behind bars in the first place.

Deputy County Attorney Vince Imbordino told the court that the agreement would be void if Ring was awarded a new trial. Then, he said, prosecutors would be free to seek the death penalty again.

What do you think?

Registered users can post comments on this article

azcentral.com login required

- [sign in to post a comment](#) »
- [click here to register for a free account](#) »

- [Mitchell4520 | Profile](#)
- Posted: Jul 18, 2007 at 3:50 AM
- [Report a violation](#)

If I was on trial there is no way I want the people of Arizona deciding my guilt or innocents or my sentence. Have you ever went to jury duty in this state? These are the dumbest people in the country!!! They can be talked into anything I was picked for a case and the guy was CLEARLY innocent and all but two of us wanted to just find the guy Guilty so we could just go home that was more important than if he was guilty or innocent. This is a TRUE story!!!

- SUZANNE
- Posted: Jul 18, 2007 at 4:08 AM
- [Report a violation](#)

IVE DONE LITIGATION RESEARCH QUITE A FEW TIMES AND HAVE WONDERED WHY I STILL HAVENT BEEN CALLED TO JURY DUTY. MY HUSBAND HAS AND MY EX, AND JUST ABOUT EVERYONE IVE TALKED TO HAS. BUT STILL NOT ME. AND WHEN IT COMES TO HANDING DOWN A VERDICT, DONT EVER LET YOURSELF BE PUSHED INTO AN ANSWER YOU FEEL ISNT THE RIGHT ONE. SOMEONES LIFE MY HANG IN THE BALANCE.. LITERALLY.

- [AnthonyV7451 | Profile](#)
- Posted: Jul 18, 2007 at 4:10 AM
- [Report a violation](#)

Dear Dum-Bos in the Supreme Court, I agree with Mitch. You are not supposed to effect in your rulings, the creation of a new law. That is why we have a legislator. So they can propose new laws and, the people can vote for them, or against them. Also that's why we call the guys judges, and the group of lazy, in a hurry to go home losers, JURIES. I have had the same experience and, i just voted not guilty time after time to hang it and keep those losers from going home. I did not even listen to anything, anyone had to say. Just because they were screwing the person AV 7451

- [olddevilfan | Profile](#)
- Posted: Jul 18, 2007 at 5:40 AM
- [Report a violation](#)

Mitchell those dumb people in Arizona are not from Ariaona. If you check it out, about 90 percent of the people living in Arizona are from some where else orionally. Not many of us Natives around.

- CHICAGOB0B40
- Posted: Jul 18, 2007 at 6:29 AM
- [Report a violation](#)

i just want to know when can we start executing these killers

Your Comment:

You must be logged in to post comments.
[Log In](#) | [Register](#)