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Justice Sotomayor faults Ala. death sentences

Supreme Court Justice Sonia Sotomayor said Monday that partisan political elections for the Alabama courts appear to be driving judges' decisions to impose death sentences, overruling juries that have voted to send defendants to prison for life.

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WASHINGTON —

Supreme Court Justice Sonia Sotomayor said Monday that partisan political elections for the Alabama courts appear to be driving judges' decisions to impose death sentences, overruling juries that have voted to send defendants to prison for life.

Sotomayor made her comments about Alabama in an unusual dissent after she and Justice Stephen Breyer were the only two justices who voted to hear an appeal from a death row inmate who was convicted of killing a Montgomery, Ala., police officer. It takes the votes of four of the nine justices to hear a case.

Alabama, Delaware and Florida are the only states that allow trial judges to override jury sentencing decisions in capital-punishment cases. And since 2000, Alabama accounts for 26 of the 27 defendants who have been sentenced to death despite a jury's vote for life in prison, Sotomayor said. The other case was in Delaware. In that case, the state Supreme Court changed the trial judge's death sentence to a life prison term.

No Florida court has sought to sentence a defendant to death in the face of a jury vote for life in prison since 1999, Sotomayor said.

The Supreme Court upheld the Alabama override law in 1995 in an opinion joined by Breyer and Justice Ruth Bader Ginsburg. Eighteen years later, Sotomayor said, "the time has come for us to reconsider that decision."

Not only has the practice become rare outside Alabama since 1995, but the Supreme Court also has limited the discretion of judges to add to a defendant's punishment beyond what juries have decided, she said.

And the 59-year-old New Yorker said she also is troubled by the apparent reason for judges' actions in Alabama, where she said crime is no more heinous and juries no more lenient than elsewhere.

"Alabama judges, who are elected in partisan proceedings, appear to have succumbed to electoral pressures," she wrote. Sotomayor noted that one judge who has overridden jury votes six times also has run campaign ads voicing support for capital punishment.

The high court in recent years has highlighted what it views as shortcomings in the Alabama legal system.

In 2012, the justices ordered a new hearing for death row inmate Cory Maples after they found Maples was abandoned by his appellate lawyers. Ginsburg's opinion for the court also criticized Alabama for using inexperienced lawyers and paying them poorly to represent defendants in death-penalty cases.

A few months later, the justices ruled in another Alabama case that people who were younger than 18 when they committed a crime could not receive mandatory sentences of life in prison with no chance of parole.

In Monday's case, the court rejected an appeal from defendant Mario Woodward, who was convicted of shooting Montgomery officer Keith Houts several times during a traffic stop on Sept. 26, 2006. Houts died two days later.

The jury voted 8-4 to send Woodward to prison for life. The trial judge sentenced him to death instead.

Since 1982, Woodward is among 95 defendants sentenced to death in Alabama despite a jury's vote for life in prison, Sotomayor said. In 12 instances, the jury vote for a life term was unanimous.

Of those 95 people, at least 30 have since had their death sentences lifted. At least another 38 remain on death row, according to the state Department of Corrections website.

Ten of the 95 have been executed, according to the Death Penalty Information Center database of all U.S. executions.