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Op-Ed: Jim Davis - Anti-death penalty activism behind Racial Justice Act

By Jim Davis

The Cumberland County Courthouse just concluded hosting the latest hearing dealing with the Racial Justice Act.

Those on the left politically would have you believe the act is all about racial bias in North Carolina's juror selection process. What they don't say is that this is another attempt to rid the state of the death penalty. It is a con on the residents of North Carolina.

They are determined, motivated and well-funded. They are also backed by political heavyweights.

I am also convinced that some members of our court system are aiding and abetting their cause. I believe it is called judicial activism.

I offer the following to support my allegation. In February, our local Chief Superior Court Judge Greg Weeks presided over a Racial Justice Act hearing - the case of convicted murderer Marcus Raymond Robinson. It was the first in our state under the Democratic version of the act that passed in 2009. That version was so watered down and favored plaintiffs so much that no district attorney could mount a credible defense. Judge Weeks ruled for the plaintiff, and a killer was removed from death row. To be fair to Judge Weeks, under the 2009 act it was probably the only ruling that could be made.

This is where I have major concerns. After the Robinson ruling the legislature passed a more restrictive version. As expected, Gov. Bev Purdue vetoed it but Republicans were able to override her veto. Their act became law in 2012.

The hearing that just concluded involved three defendants. All were convicted of first-degree murder. This included the murder of three law enforcement officers.

Judge Weeks assigned himself to the hearing. At the pre-hearing, the state asked him to recuse himself, since he had ruled just 10 months earlier on the Robinson case. Judge Weeks refused.

A reasonable person may ask if Judge Weeks has an incentive to validate his prior decision. I contend that should have named a replacement. That judge may very well have ruled the same way as in the Robinson case. At least the perception of bias would have been removed.

A separate request by the state dealt with the issue of severability. This was again rejected by Judge Weeks. This decision puzzles me because each case was tried on its own circumstances. Obviously, jury selection would have been unique to each case, with different jury pools and racial makeups. Since juror selection is the heart of the plaintiffs' contentions, shouldn't each case have been heard individually? It makes me wonder if Judge Weeks' agenda includes clearing the docket of all Cumberland County cases since he is retiring in December.

I attended the hearing each day and felt throughout that it was a waste of time and money, as I believe the decision was already etched in stone.

And then there is the most troubling aspect of all - one that all North Carolina residents need to think long and hard about. We now have a situation where, in a capital murder case, a single Superior Court judge has absolute power over a life-and-death decision that previously belonged to a 12-person jury.

Call me old-fashioned, but didn't our forefathers set up our system to avoid what is now taking place?

Politicians and pundits often talk about unintended consequences. What this act does is to effectively rule a jury's decision null and void. It has already happened in the Robinson case. Could it happen in any or all of the most notorious trials in the history of Cumberland County? Don't bet against it.

Speaking as a taxpayer, I am outraged by the millions of dollars that have been wasted on three trials, two pre-hearings, and two hearings.

I will give the Republicans credit for attempting to add teeth to the original act. But it should be repealed. It's very hard to add enough perfume to a carcass that has been rotting for three years.

My family and I have waited over 15 years for justice. Some say patience will be rewarded. You may count me as a non-believer.

I am proud to have called N.C. Highway Patrol Trooper Ed Lowry a neighbor, friend and brother-in-law.

Jim Davis lives in Hope Mills.

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