District attorney, capital defender dive into importance of negotiations, ineffectiveness of the death penalty

BY MAX SENG
mseng@hickoryrecord.com

NEWTON
North Carolina’s 100 counties are represented by 44 prosecutorial districts, complete with 44 district attorneys.

Of those 100 counties and 44 districts, 31 counties contain public defender offices located in 17 districts. Catawba, Caldwell and Burke counties make up the 25th prosecutorial district and are represented by District Attorney David Learner.

The 25th district does not have an assigned public defender, which means a local private attorney is appointed to all defendants in the district if they request court-appointed counsel at all.

More than 80 percent (68.3 percent) of public defendants, 35.7 percent assigned counsel, of whom about half were represented by publicly financed attorneys in 1996, according to a U.S. Department of Justice Bureau of Justice Statistics Special Report.

Defender Robert E. Sharpe Jr. in the Catawba, Caldwell and Burke counties, who each fall under N.C. Capital Defender Office.

In murder trials, or capital cases, a capital defender is appointed to a defendant who requested court-appointed counsel at all.

More than 80 percent (88.3 percent) public defender, 35.7 percent assigned counsel, of whom about half were represented by publicly financed attorneys in 1996, according to a U.S. Department of Justice Bureau of Justice Statistics Special Report.

Defender Robert E. Sharpe Jr. in the Catawba, Caldwell and Burke counties, who each fall under N.C. Capital Defender Office.

More than 65 percent of defendants in U.S. District Courts had publicly-financed attorneys in 1996, according to the report.

Learner raised the importance of having a public defender’s office in each of the district attorney’s office.

“Every court-appointed lawyer would be available for court, and we could expedite the handling of smaller cases,” he added.

In murder trials, or capital cases, resources are spread even thinner.

North Carolina houses five regional capital defender offices comprised of 16 assistant capital defenders, who seek bail under N.C. Capital Defender Office.

District Attorney David Learner (left) confers with Assistant District Attorney Chad Smith in court.

District attorney, capital defender dive into importance of negotiations, ineffectiveness of the death penalty

BY KEVIN GRIFFIN

HICKORY — The three candidates vying for the Ward 5 council seat sat down Thursday night to discuss their views at a forum hosted by the Hickory Daily Record.

Editor’s note: This is the first in a two-part series outlining the views and positions Ward 5 candidates expressed during a forum held by the Hickory Daily Record on Thursday.

BY KEVIN GRIFFIN

HICKORY — The three candidates vying for the Ward 5 council seat sat down Thursday night to discuss their views at a forum hosted by the Hickory Daily Record.

Editor’s note: This is the first in a two-part series outlining the views and positions Ward 5 candidates expressed during a forum held by the Hickory Daily Record on Thursday.

By Kevin Griffin
Assistant Capital Defender Victoria Jayne, from the Buncombe County regional office, said her cases span the entire western part of the state.

"There's sort of a rule. (The capital defenders' office) really doesn't want us to have more than eight or nine cases at a time," Jayne said.

Death by natural causes

Thirty-one states, including North Carolina, only use the death penalty as a possible punishment for murder committed after a pre-existing aggravating factor, according to the Death Penalty Information Center (DPIC). North Carolina’s 145 death row inmates place the state ninth in the nation as of April 1, according to DPIC.

The state ranks ninth in the nation with 45 executions since 1972, when the death penalty was re-implemented after a 10-year hiatus caused by the United States Supreme Court case, Gregg v. Georgia.

North Carolina’s last execution was in 1993, according to the North Carolina Department of Public Safety (NCPS). The number of death sentences in the United States has decreased consistently over the last 18 years, from 295 in 1998 to 31 in 2015.

Four death penalty verdicts were never returned in the last five years in North Carolina, and 15 were returned in the last 10 years, according to the NCPS. Learner emphasized the difficulty of prosecuting a death verdict.

"It's extraordinarily difficult to get a death verdict," Learner said. "These are two-part trials. The first part, the jury is selecting and they are death qualified, or in other words, that, you know, the possibility of a death verdict.

The last person to receive a death verdict from Carolina County was Glason Chapman, convicted Nov. 13, 1995, by Superior Court Judge Rob-

er E. Learner, and levied Chapman to receive a new trial of his death sentence, according to the NCPS.

Chapman’s two murder charges were dismissed April 2, 2008, and he was released the same day.

Three men were convi-
cuted of murder and sen-
tenced to death in 1993. Ronald W. Frye was convicted Nov. 15, 1993, and executed Aug. 31, 2001; and Nathaniel William House were convicted and sentenced to the death penalty Feb. 5, 1993, and remain on death row 24 years later.

Learner said he has per-
sonally tried two cases with

the death penalty eligible as a possible punishment, with one re-
sulting in a second-degree murder verdict and the other first-degree murder with life in prison without parole.

"When you have expert-
ise of trying them, ob-
taining them, and looking at cases, you come to realize it's very difficult to get a jury seized in that box, you need to sell it for that reason," Learner said.

Assistant Capital De-
fe
der Jayne shared simi-
lar sentiments when ad-

dressing the difficulty of trying them, ob-
taining them, and looking

for the death penalty.

"There's a huge difference between someone sitting on death row or someone who was sentenced to life without parole," Jayne said.

"I mean, it also emphasized the importance of negotia-
tions with clients and their families, in addition to the district attorney's office.

"A lot of times, it's just a person who has taken a wrong turn, and we have to try and work things out.

"The absolute horrifying thing to me is that we have people sitting on death row or in prison because of faulty DNA or testing, or because of mistakes in the court system," Jayne said.

Between someone sitting on death row or in prison because of faulty DNA or testing, or because of mistakes in the court system, it’s not happening," Learner said. "I think that’s a huge problem that most people have not thought about.

"But there are cases where you know what happened, but you don’t know why it happened," Jayne said. "And that’s where you get into the client’s mental health, preoccupation, and in many times, those are the kind of cases you hope to be able to resolve without going to trial.

"That thing about, ‘we need to execute him, this is the actual mechanism of the court system, it’s not hap-pening,’" Learner said. "I think that should be surprising to North Carolina even if they had a moratorium or completely dismantled the death penalty."

Importance of negotiations

A death penalty verdict cannot be achieved with-out going to trial. However, a conviction of murder of the first or second degree can be reached through a guilty plea, which does not require a trial if the delin-quent agrees to plead guilty.

"You have cases where you know what happened, but you don’t know why it happened," Jayne said. "And that’s where you get into the client’s mental health, preoccupation, and in many times, those are the kind of cases you hope to be able to resolve without going to trial.

"That thing about, ‘we need to execute him, this is the actual mechanism of the court system, it’s not hap-pening,’" Learner said. "I think that should be surprising to North Carolina even if they had a moratorium or completely dismantled the death penalty.

Financial, f.s.b. For con-
sumer use only. No down payment required. 0% APR for 60 months only. Other special rates and terms may be available, including installment payments. Offers valid from August 1, 2017, through October 27, 2017. Get $500 off an XUV825i Utility Vehicle. Get $300 off an XUV590i Utility Vehicle. Offers, prices and savings are in U.S. dollars and available in the U.S. only. Ask your dealer for details.

"And I haven’t seen any decrease in clients’ attor-
dies pursuing the death penalty," Learner said.

"This thing about, ‘we need to execute him, this is the actual mechanism of the court system, it’s not hap-pening,’" Learner said. "I think that should be surprising to North Carolina even if they had a moratorium or completely dismantled the death penalty."

The absolute horrifying thing to me is that we have people sitting on death row or in prison because of faulty DNA or testing, or because of mistakes in the court system, it’s not happening," Learner said. "I think that’s a huge problem that most people have not thought about.

"But there are cases where you know what happened, but you don’t know why it happened," Jayne said. "And that’s where you get into the client’s mental health, preoccupation, and in many times, those are the kind of cases you hope to be able to resolve without going to trial.

"That thing about, ‘we need to execute him, this is the actual mechanism of the court system, it’s not hap-pening,’" Learner said. "I think that should be surprising to North Carolina even if they had a moratorium or completely dismantled the death penalty."

Importance of negotiations

A death penalty verdict cannot be achieved with-out going to trial. However, a conviction of murder of the first or second degree can be reached through a guilty plea, which does not require a trial if the delin-quent agrees to plead guilty.

"You have cases where you know what happened, but you don’t know why it happened," Jayne said. "And that’s where you get into the client’s mental health, preoccupation, and in many times, those are the kind of cases you hope to be able to resolve without going to trial.

"That thing about, ‘we need to execute him, this is the actual mechanism of the court system, it’s not hap-pening,’" Learner said. "I think that should be surprising to North Carolina even if they had a moratorium or completely dismantled the death penalty.

Financial, f.s.b. For con-
sumer use only. No down payment required. 0% APR for 60 months only. Other special rates and terms may be available, including installment payments. Offers valid from August 1, 2017, through October 27, 2017. Get $500 off an XUV825i Utility Vehicle. Get $300 off an XUV590i Utility Vehicle. Offers, prices and savings are in U.S. dollars and available in the U.S. only. Ask your dealer for details.

"And I haven’t seen any decrease in clients’ attor-
dies pursuing the death penalty," Learner said.

"This thing about, ‘we need to execute him, this is the actual mechanism of the court system, it’s not hap-pening,’" Learner said. "I think that should be surprising to North Carolina even if they had a moratorium or completely dismantled the death penalty."

Financial, f.s.b. For con-
sumer use only. No down payment required. 0% APR for 60 months only. Other special rates and terms may be available, including installment payments. Offers valid from August 1, 2017, through October 27, 2017. Get $500 off an XUV825i Utility Vehicle. Get $300 off an XUV590i Utility Vehicle. Offers, prices and savings are in U.S. dollars and available in the U.S. only. Ask your dealer for details.

"And I haven’t seen any decrease in clients’ attor-
dies pursuing the death penalty," Learner said.
The Associated Press
MEXICO CITY — A strong new earthquake shook Mexico on Saturday, killing at least one person, injuring 282 and damaging a bridge in the southeast of the country, the USGS said.

Humanitarian crisis, death toll still growing
Hurricane Maria
Yet another quake shakes jittery Mexico

It was among thousands of aftershocks following last Saturday's 8.2 magnitude quake, which was the most powerful to hit Mexico in 32 years and killed at least 282 people. The USGS said that one of its most damaging aftershocks was a 6.5 magnitude tremor that hit near the town of Tonala, in the southern state of Chiapas, which was also hard hit by Hurricane Willa, that was one of the strongest to hit the coast since 1997. "Since it is not stopped shaking," Hernandez said.

The USGS Geophysical Laboratory said that the tremors were a "broad-based shaking" in Mexico City on Saturday.

Four people were injured in Juchitán, Oaxaca, but none of their lives were in danger. Two people were killed and two homes damaged and a bridge in Apatzingán collapsed. The USGS said the bridge already had been declared "unfit for traffic." 

"None of the homes fell in the southern state of Oaxaca, which was also hit by Hurricane Willa, but the stongest aftertrembers to hit the state since 1997. "Since it is not stopped shaking," Hernandez said.

Several hotels and two churches were closed due to damage after the Sept. 7 quake.

Rescue workers and volunteers stand in the middle of the street after an earthquake in Mexico City on Saturday. Rescue workers and volunteers stand in the middle of the street after an earthquake in Mexico City on Saturday. Rescue workers and volunteers stand in the middle of the street after an earthquake in Mexico City on Saturday. Rescue workers and volunteers stand in the middle of the street after an earthquake in Mexico City on Saturday.

The Associated Press

MEXICO CITY — A strong new earthquake shook Mexico on Saturday, killing at least one person, injuring 282 and damaging a bridge in the southeast of the country, the USGS said.

Humanitarian crisis, death toll still growing
Hurricane Maria
Yet another quake shakes jittery Mexico

It was among thousands of aftershocks following last Saturday's 8.2 magnitude quake, which was the most powerful to hit Mexico in 32 years and killed at least 282 people. The USGS said that one of its most damaging aftershocks was a 6.5 magnitude tremor that hit near the town of Tonala, in the southern state of Chiapas, which was also hard hit by Hurricane Willa, that was one of the strongest to hit the coast since 1997. "Since it is not stopped shaking," Hernandez said.

The USGS Geophysical Laboratory said that the tremors were a "broad-based shaking" in Mexico City on Saturday.

Four people were injured in Juchitán, Oaxaca, but none of their lives were in danger. Two people were killed and two homes damaged and a bridge in Apatzingán collapsed. The USGS said the bridge already had been declared "unfit for traffic." 

"None of the homes fell in the southern state of Oaxaca, which was also hit by Hurricane Willa, but the stongest aftertrembers to hit the state since 1997. "Since it is not stopped shaking," Hernandez said.

The USGS Geophysical Laboratory said that the tremors were a "broad-based shaking" in Mexico City on Saturday.

Four people were injured in Juchitán, Oaxaca, but none of their lives were in danger. Two people were killed and two homes damaged and a bridge in Apatzingán collapsed. The USGS said the bridge already had been declared "unfit for traffic." 

"None of the homes fell in the southern state of Oaxaca, which was also hit by Hurricane Willa, but the stongest aftertrembers to hit the state since 1997. "Since it is not stopped shaking," Hernandez said.

The USGS Geophysical Laboratory said that the tremors were a "broad-based shaking" in Mexico City on Saturday.

Four people were injured in Juchitán, Oaxaca, but none of their lives were in danger. Two people were killed and two homes damaged and a bridge in Apatzingán collapsed. The USGS said the bridge already had been declared "unfit for traffic." 

"None of the homes fell in the southern state of Oaxaca, which was also hit by Hurricane Willa, but the stongest aftertrembers to hit the state since 1997. "Since it is not stopped shaking," Hernandez said.

The USGS Geophysical Laboratory said that the tremors were a "broad-based shaking" in Mexico City on Saturday.