

9th Circuit vacates death sentences in West

SAN FRANCISCO (AP) - More than 100 condemned prisoners had their sentences overturned by a federal court that ruled only juries — not judges alone — can choose between life and death.

The 9th U.S. Circuit Court of Appeals on Tuesday extended a 2002 decision by the U.S. Supreme Court that found nonjury sentences unconstitutional. The appeals court applied the ruling retroactively to death row inmates in Arizona, Idaho and Montana.

The decision affects only those three states — all under the 9th Circuit's jurisdiction — but death penalty opponents hoped it might be extended to Nebraska and Colo-

rado, two states with similar laws but under different jurisdiction.

Michael Donahoe, a federal public defender with a client among those condemned inmates, called the decision groundbreaking and predicted it would spark a host of death-row appeals. "It's going to apply and everybody's going to have a right to argue it," he said.

Federal prosecutors said they doubt the ruling would stand.

"We are disappointed. We are going to appeal," said Kent Cattani, chief counsel for the attorney general in Arizona, where the latest decision affects 89 cases.

Montana Attorney Gen-

eral Mike McGrath said the issue is almost certain to go back to the nation's high court since the 11th U.S. Circuit Court of Appeal in Florida ruled that the Supreme Court's decision should not be applied retroactively in some death penalty cases.

Tuesday's ruling applies to a fraction of the people awaiting execution in the United States. As of December 2002, over 3,700 men and women were on death rows across the country, according to Amnesty International.

The Death Penalty Infor-

mation Center, which compiles statistics on capital punishment, calculated that since 1976, those five states have executed 29 people under laws allowing nonjury sentencing.

In Florida, Alabama, Indiana and Delaware, juries recommend a life or death sentence but judges are allowed to give the death penalty against the jury's wishes.

The latest ruling is expected to alter the sentences of at least 15 of 21 convicted killers on Iowa's death row. Montana officials were re-

viewing the decision to determine whether its five condemned inmates were affected.

If the decision stands, Arizona, Idaho and Montana prosecutors might hold new penalty trials, convening juries to decide between life and death, said state prosecutor John Pressley Todd, a lawyer with the Arizona Attorney General's office.

Only the appropriate sentence would be at issue, not the defendant's guilt, because the original jury's verdict remains in effect, Arizona At-

torney General Terry Goddard said.

"It may have major ramifications for individual defendants," Goddard said.

The ruling stems from a 2002 decision by the U.S. Supreme Court, which found that juries, not judges, must render death sentences. By an 8-3 vote Tuesday, the 9th U.S. Circuit Court of Appeals said all condemned inmates sentenced by a judge should have their sentences commuted to life terms.

"By deciding that judges (See Sentences, Page 12)

NAACP is opposed to Thurmond memorial

By J. Zamgba Browne
Special to Sentinel-Voice

NEW YORK (NNPA)—An aggressive movement in Congress to name the planned Visitor's Center in Washington for the late Sen. Strom Thurmond is being vehemently opposed by the nation's leading civil rights organization, the NAACP.

Congressman Gershon Barrett (R-S.C.) has already introduced a bill in the House of Representatives and one is expected soon in the Senate to be introduced by Sen. Lindsey Graham (R-S.C.). Construction of the center may cost as much as \$400 million, according to the NAACP, which opposes the bestowing of this high honor upon the late senator.

Thurmond, who died earlier this year, served in the U.S. Senate longer than any other member. But the NAACP said it is unfortunate that his 48 years on Capitol Hill were marked by a "bigoted and segregationist" philosophy. During his tenure, "Thurmond was well known for giving exclusive representation to his White constituents, often at the expense of his constituents of color," according to the NAACP. The civil rights organization has asked its members to write to their respective representatives in Congress asking them to vote against naming the Visitor's Center for Thurmond, citing the following reasons:

- He holds a dubious record for the longest filibuster in congressional history, 24 hours and 18 minutes, in his attempt to derail passage of the 1957 Civil Rights Act.

- In 1948, as a U.S. presidential candidate, Thurmond ran on a platform of states' rights to preserve the "prerogatives of the people of a sovereign state to deal exclusively with domestic problems such as voting, qualifications for voting, segregation, law enforcement and private employment."

- It was during this campaign that he reportedly told a group of supporters, "There's not enough troops in the U.S. Army to force the Southern people to break down segregation and admit the nigger race into our theaters, into our swimming pools, into our homes and into our churches."

The NAACP declared that the "U.S. Capitol is meant to be a building of people, all the people of the United States, and to name its visitors center after a man who fought so hard for exclusion and division is insulting to American citizens as well as the building itself."

Thurmond's record, the NAACP continued, "is one that should by no means be celebrated or commemorated; rather it should be studied in the history books as a lesson of hurt, hatred and divisiveness."

J. Zamgba Browne writes for *The Amsterdam News*.

Blacks in Dallas miffed by police chief's firing

By Gordon Jackson
Special to Sentinel-Voice

DALLAS (NNPA)—He faced the media and audience flashing his well-known smile. He stood before them in strong stature, dressed in full uniform. He spoke with his usual class and dignity.

But it was in fact the end for Dallas Police Chief Terrell Bolton. One day after celebrating his 25th anniversary as a police officer, he was terminated as Dallas' police chief last week by City Manager Ted Benavides, in what many considered to be a surprise move, despite a string of highly publicized cases of alleged poor management.

Bolton was given no direct answer for his dismissal by Benavides.

"I guess the strange part for me today was that I didn't know why I got fired," Bolton

said with a smile. "So I'm still trying to work that out. You all pray with me as I go through that."

The formal letter of termination, simply stated, "I hereby discharge you from employment with the City of Dallas effective at the close of business on Tuesday, August 26, 2003."

Benavides told reporters, "After four years of Chief Bolton's leadership, I just thought it was time to go in a new direction. I lost some confidence that we were going in the right direction."

At his press conference, Bolton thanked fellow officers and citizens who had supported him.

"You know, today I leave with no regrets," said Bolton. "I think that I've given Dallas everything that I could give within the resources that

I had. I think we're a better place to live because I've had a little bit to do with it."

He countered the controversies that had plagued him with many of his accomplishments while he was chief. He cited that the number of homicides was at less than 200 this past year, much lower than the 500 in 1991. He also spoke of a 21 percent cost-of-living increase for officers since he started in 1999. He also dramatically increased the number of officers of color, as well as female officers and has hired a total of 600 new officers.

"You know I work very hard with the police officers to try to make sure that they had a way to make a living here and that they had a fair day's pay for a fair day's work," said Bolton. "We've been able to accomplish some

of the things—they're not where they need to be—but let me tell you a little bit about what we've been able to accomplish together."

Bolton also had a string of controversies follow him through his tenure as Dallas' first Black police chief, hired by Benavides in August 1999. In his first month in office, he demoted several top commanders in a reorganizing effort. They, however, turned around to sue the police department, resulting in the city settling for a total of \$6 million.

Perhaps Bolton's biggest embarrassment was the sheet rock scandal that was revealed to the public in December 2001. It was discovered that several police officers allegedly made false arrests of citizens by planting

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