

Death penalty critics: Killers should get life with no parole

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TRENTON — The death penalty forces victims' loved ones to relive their pain for decades while appeals drag on, a special panel looking into alternative punishments was told Wednesday.

And with the death penalty — as opposed to life without parole — victims' families dread the prospect of a killer succeeding in an appeal and returning to society.

Richard Pompelio, director of a group called Legal Advocates Protecting the Rights of Crime Victims, cited the case of Robert O. Marshall, the Dover Township man who spent 20 years on death row after a jury convicted him of arranging to have his wife murdered by a hired gunman on the Garden State Parkway in 1984.

"Marshall not only has escaped the death penalty, but he will probably see freedom in time to enjoy it. And his wife, Maria, is just a painful memory in the hearts of her sons," said Pompelio, urging that life without parole replace execution.

After judges ruled that his defense was inadequate during the penalty phase of his trial, Marshall was resentenced this summer to life, but could be eligible for parole in 2014, when he would be 75.

"Our family was forced to relive the nightmare three times," testified Joanne Barlieb of Atco, whose mother was shot three times and killed in 1985 when assaulted by a man attempting to rob the convenience store where the woman worked.

"I cringe to hear you say that," Barlieb said when asked if she feared the day when the killer, who won an appeal to get off death row, may walk free in another 14 years.

A parade of witnesses, including some well-known state lawmakers, spoke out against the state's death penalty law, adopted in 1982. No one has been lethally injected since it went into effect. The Legislature voted for a moratorium in December.

The Death Penalty Study Commission, drawn from a broad spectrum of citizens, is conducting hearings on whether to recommend changes to the Legislature.

"The death penalty in New Jersey is unworkable," said state Sen. Robert Martin, R-Morris, citing how defenders are often not up to the job against potentially overly vigorous prosecutors in front of ill-equipped judges and juries.

He said years of trying to fine-tune the death penalty have always failed. "It has erected a nightmare for many of the victims' families. It should be abolished," Martin said.

Lesniak: "I was wrong"

"In 1982, I voted to reinstate the death penalty in New Jersey. I was wrong," said state Sen. Raymond Lesniak, D-Union. "We now have an opportunity to right the wrong. . . . The death penalty should be replaced by a life sentence without parole."

Lesniak said the death penalty is not a deterrent to murder, costs too much and that "there is no way to create a foolproof system to prevent the execution of an innocent person."

"It is not morally acceptable for a civilized society to kill," said former state Attorney General Robert Del Tufo, who echoed others' concerns.

Del Tufo noted 80 percent of death-penalty decisions over the past 20 years have been reversed.

It was not clear when the commission will make its suggestions to lawmakers.

Gov. Corzine has said he opposes the death penalty.