



The Star-Ledger

Death penalty foes call for end to law, say life in prison is option To victims' kin, justice is served by execution

Thursday, July 20, 2006

BY ROBERT SCHWANEBERG
Star-Ledger Staff

Opponents of capital punishment yesterday dominated the first public hearing by a commission studying whether New Jersey should continue to have a death penalty.

Even though the state hasn't executed anyone since reinstating the death penalty in 1982, all but two of 14 witnesses who testified at yesterday's two-hour hearing in Trenton called for an end to the capital punishment law. They said the death penalty offends modern notions of decency and risks executing someone who is innocent. Several proposed life without parole as an alternative.

Support for capital punishment came from a woman whose parents were murdered by death row inmate Brian Wakefield and the prosecutor who tried John Martini, whose final bid to avoid execution is being considered by the state Supreme Court. Both witnesses said carrying out those death sentences would provide justice to the victims and their families.

Much of the testimony focused on the risk of executing someone who is innocent. Barry Scheck, co-director of the Innocence Project, said nationwide DNA testing has exonerated 182 defendants, 14 of whom were on death row.

Larry Peterson of Pemberton came close to being one of them. Spared a death sentence by a jury that convicted him of rape-murder, he spent 18 years in New Jersey prisons until DNA testing proved his innocence. He was freed last August.

"If you take a life, you can't turn around and correct the wrong," Peterson told the commission.

Earlier in the day, Sandra Manning, a lawyer and chairwoman of New Jerseyans for Alternatives to the Death Penalty, released her report detailing 25 cases of wrongful convictions in the state.

"In each and every case, the state was absolutely certain of the defendant's guilt, and in each and every case the state was wrong," Manning said.

Sharon Hazard-Johnson of Mays Landing, whose parents, Richard and Shirley Hazard, were murdered in their Pleasantville home by Wakefield, said his execution "will be a sad day," but one he has brought on himself.

"Our position is that our parents' murderer must be executed by the State of New Jersey," Hazard-Johnson, testifying for herself and her siblings, said. "It's the law."

Trenton Bishop John M. Smith, testifying for the state's seven Catholic bishops, told the 13 members of the study commission, "The death penalty in our view is not consistent with evolving standards of decency.

"The death penalty diminishes all of us," Smith said. "We cannot teach respect for life by taking life."

Rabbi Gerald Zelizer of Metuchen, past president of the International Rabbinical Assembly, and the Rev. Jack Johnson of Trenton, testifying for the New Jersey Council of Churches, also opposed the death penalty.

Marilyn Zdobinski, a retired assistant Bergen County prosecutor who tried Martini for the kidnapping and murder of Fair Lawn businessman Irving Flax, urged the commission to consider his widow.

"Marilyn Flax went through what no other person should have to go through," Zdobinski said, describing how Flax delivered \$25,000 ransom only to learn her husband was later killed with three shots to the head. "She's been waiting for justice for, now, 17 years."

Edith Frank, a director of the League of Women Voters of New Jersey, said it favors replacing capital punishment with life imprisonment without parole. A better name for such punishment "might be death by incarceration, because these people are sentenced to die in prison," Robert Johnson, a professor at American University in Washington, D.C., added.

Peterson assured the commissioners that "life in prison is hell, every day."

The commission is expected to schedule additional hearings before issuing its recommendations to the governor and Legislature.

© 2006 The Star Ledger

© 2006 NJ.com All Rights Reserved.