

Georgia carries out its ninth execution of 2016

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William Sallie, a 50-year-old US army veteran was executed by lethal injection Tuesday night at the Georgia Diagnostic and Classification State Prison in Jackson.

Just about 10 minutes after the US Supreme Court rejected his plea for a stay of execution, the state led Sallie to the death chamber and strapped him to the gurney at 9:38 p.m. He was pronounced dead at 10:05 p.m.

It was the ninth execution this year by the state of Georgia. The state has now put to death more prisoners this year than Texas, which has executed seven inmates. Texas has put to death 538 prisoners since 1982. Over half, 279, were executed during the 2001-2014 tenure of Republican Governor Rick Perry.

According to the Death Penalty Information Center there have been 19 executions in the US so far in 2016. Currently California has the most inmates on death row, 741, followed by Florida 396 and Texas 254.

Sallie had made multiple appeals to both the state court and federal court systems for a retrial on the grounds that one of the jurors in his second 2001 trial repeatedly lied under oath during jury selection and hence his conviction by that jury was invalid. This elementary plea for due-process rights guaranteed by the US constitution was repeatedly denied by both the state and federal court system.

So egregious were the violations of Sallie's constitutional right to a fair trial that even the former chief justice of the Georgia Supreme Court, Norman Fletcher, in a November 5 column in the *New York Times*, condemned the state's haste in proceeding with the execution.

When Sallie was put to death he had exhausted all of his appeals. On Monday, the Georgia Board of Paroles and Pardons, whose members are appointed by the governor for a seven-year term and nominally "confirmed" by the Georgia Senate, rejected his

clemency plea.

After that the Georgia Supreme court on Tuesday afternoon unanimously denied a stay of execution filed by Sallie's lawyers. On November 22, a federal judge in Macon had also refused to reopen Sallie's case.

Sallie was convicted of killing his father-in-law, John Lee Moore, aged 41, in 1989. At that time, Sallie was embroiled in a highly contentious custody battle for his two-year old son with his divorced wife Robin and her parents, John and Linda Moore.

According to the record of his court case, Sallie joined the US military at the young age of 19 and moved to Fort Stewart in South Georgia. During this time Sallie was undoubtedly exposed to the violence that is part of the basic training of soldiers.

While at the army base, Sallie met and married Robin Moore, who was from the small town of Alma with a population of about 3,500. However, Robin subsequently filed for a divorce alleging physical abuse in December 1989 and then moved, along with her two-year old son Ryan, to live with her parents in rural Bacon County whose seat is in Alma.

Sallie subsequently took his two-year old son with him to his home in Illinois, but Robin was able to obtain temporary custody of Ryan from an Illinois court. The divorced mother then brought her young son back to Georgia in February 1990. The following month Sallie moved to Georgia and rented a mobile home in nearby Liberty County.

According to court records, in the early morning hours of March 29, 1990, Sallie entered the home of his in-laws, John and Linda Moore, where his wife and infant son were staying. He shot John Moore fatally and grievously wounded his wife Linda. He then forcibly took Robin and her sister April, handcuffing them to his trailer, but released them unharmed that night.

Sallie was arraigned and indicted by a Bacon County

Grand Jury on July 10, 1990, for murder and various other charges including kidnapping. The case was tried in late March 1991 and the jury, while acquitting him of several other serious charges, found him guilty of murder. He was convicted and sentenced to death.

However, the Georgia Supreme Court overturned his conviction in 1998 on the grounds that Sallie's court appointed defense attorney had a conflict of interest and hence could not have represented the accused without prejudice. The attorney, it was discovered, was also a paid law clerk for the judges in the same district where Sallie's 1991 trial was held.

Subsequently Sallie obtained a second trial, which was held in 2001. However, one of the female jurors reportedly lied repeatedly under oath during jury selection. She claimed she had never experienced a conflict-ridden custody case despite having gone through several contentious divorces. This fact alone, if known, would have disqualifed her as a juror. This same juror also loudly proclaimed that she would follow "biblical law" rather than Georgia law.

Further, the judge who sentenced Sallie to death in 2001 had himself presided over extremely acrimonious scenes during several divorce and custody cases with this same female juror. Yet the judge did not take the elementary legal step to disqualify the juror, let alone call for a new trial for Sallie.

Not having an attorney in time, Sallie missed a deadline for federal review of his case by eight days. The state of Georgia, shockingly, does not grant prisoners such as Sallie the right to an attorney. As former Georgia Supreme Court chief justice Fletcher, who himself has sanctioned the death penalty, points out in his column:

"Fundamental fairness, due process and the prohibition against cruel and unusual punishment require the courts to provide an attorney throughout the entire legal process to review a death sentence. Virtually every capital-punishment state has this safeguard. Georgia is an outlier."

According to the Staff Report of the House Judiciary Subcommittee on Civil & Constitutional Rights and the Death Penalty Information Center, there have been more than 150 exonerations of death row inmates based on evidence that demonstrated their innocence since 1973.



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