

Connecticut

Connecticut Supreme Court Won't Reconsider Abolishing Death Penalty

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Connecticut Supreme Court won't reconsider death penalty decision

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HARTFORD — The Connecticut Supreme Court on Thursday stood by its decision to eliminate the state's death penalty, but the fate of capital punishment in the Constitution State technically remains unsettled.

The state's highest court rejected a request by prosecutors to reconsider its landmark August ruling, but prosecutors have filed a motion in another case to make the arguments they would have made if the court had granted the reconsideration motion.

Lawyers who have argued before the court say it would be highly unusual and surprising for the court to reverse itself on such an important issue in a short period of time, but they say it is possible because the makeup of the court is different. Justice Flemming Norcott Jr., who was in the 4-3 majority to abolish the death penalty, reached the mandatory retirement age of 70 and was succeeded by Justice Richard Robinson.

In the August decision, the court ruled that a 2012 state law abolishing capital punishment for future crimes must be applied to the 11 men who still faced execution for killings committed before the law took effect. The decision came in the case of Eduardo Santiago, who was facing the possibility of lethal injection for a 2000 murder-for-hire killing in West Hartford.

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The 2012 ban had been passed prospectively because many lawmakers refused to vote for a bill that would spare the death penalty for Joshua Komisarjevsky and Steven Hayes, who were convicted of killing a mother and her two daughters in a highly publicized 2007 home invasion in Cheshire.

The state's high court said the death penalty violated the state constitution, "no longer comports with contemporary standards of decency," and didn't serve any "legitimate penological purpose." The majority included Norcott and Justices Richard Palmer, Dennis Eveleigh and Andrew McDonald, the same four justices that rejected the prosecution's reconsideration request Thursday.

Chief Justice Chase Rogers and Justices Peter Zarella and Carmen Espinosa bashed the majority in the Santiago case, accusing the other four justices of tailoring their ruling based on personal beliefs. The three dissenting justices also were in favor of the prosecution's motion to reconsider.

Chief State's Attorney Kevin Kane had said the majority justices unfairly considered concerns that had not been raised during Santiago's appeal and denied prosecutors the chance to address those concerns. He said prosecutors have filed briefs in the still-pending death penalty appeal of Russell Peeler Jr., raising the same issues they did in the motion for reconsideration in the Santiago case.

Peeler was sentenced to death for ordering the 1999 killings of 8-year-old Leroy "B.J." Brown Jr. and his mother, Karen Clarke, in their Bridgeport duplex. The boy was expected to be the key witness against Peeler in the fatal shooting of Clarke's boyfriend.

The court heard arguments last year in Peeler's appeal, which claims the state's death penalty amounted to unconstitutional cruel and unusual punishment. Peeler's appeal appeared to be moot because of the Santiago ruling, but the new prosecution motions changed that.

Mark Rademacher, a public defender for both Peeler and Santiago, believes prosecutors have little chance of succeeding in the Peeler case.

"No court has ever reversed themselves in a matter of months on an issue of such importance," Rademacher said.

Proloy Das, an attorney with Murtha Cullina in Hartford who wasn't involved in the death penalty cases, said it is possible that the court could reinstate the death penalty for Peeler, but it would be surprising given how important the issue is and how recently the Santiago decision was made.
