

Bible spares convict from death row

Prosecutors in Colorado say they're looking into appealing a decision by the state supreme court that threw out a death sentence because some of the jurors brought a Bible into the jury room. NBC's Pete Williams reports.

March 29, 2005, 4:02 PM MST

By Pete Williams

Robert Harlan's savage crimes began one winter night near Denver in 1994, when he ran a 25-year-old cocktail waitress, Rhonda Maloney, off the road and raped her. She managed to get away, and another driver who came along, Jacquie Creazzo, picked her up. But Harlan followed them and shot up their car. Jacquie Creazzo was left paralyzed. Rhonda Maloney's body was found under a bridge a week later.

Jurors convicted Harlan and during deliberations on the sentence, some of them brought Bibles into the jury room, consulting the passage from Leviticus about an "eye for an eye," that says: "He who kills a man shall be put to death."

"We the jury unanimously find beyond a reasonable doubt that death is the appropriate punishment in this case," said Adams County District Court Judge John Vigil in 1995 as he handed down the sentence.

Now, the Colorado Supreme Court has ruled 3-2 that bringing in Bibles was improper. It overturned the jury's verdict, sparing Harlan the death penalty and leaving him to serve life in prison.

The man who prosecuted Harlan says that's a huge mistake.

"What does the people's will and the jury's will mean?" asks former district attorney Bob Grant. "Those things are all feelings that boil up inside of me after 11 years of living with this."

But the Colorado court said state law bars juries from considering outside materials. They can certainly discuss their religious views, it said, but bringing in the Bible went too far because the written word conveys the ring of authority and could have influenced some jurors.

Ayesha Khan, of Americans United for Separation of Church and State, praises the ruling.

"It's a well established rule that jurors are not to consider extraneous sources, outside materials, in making their decisions — whether it's the Bible or the Da Vinci Code," she says.

But Colorado's governor, Bill Owens, said the decision is demeaning to people of faith, and that a debate about moral values can be an important part of a jury's deliberations.

Colorado courts have ruled before it was wrong for jurors to consult the dictionary and the Internet, but prosecutors say this time, they may appeal.