



JOE OWENS

Steaming Cup of Joe blog and column for The Express-Times

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Capital punishment is a raging issue, but Ali Elijah Davis case seems to cry out for it

By **Joseph P. Owens**
 January 27, 2010, 1:01PM



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Ali Davis is led from an arraignment after appearing in front of District Judge Michael Koury in March 2008.

Mitigating vs. **aggravating circumstances.**

That is the core issue in Pennsylvania when jurors are asked to consider the death penalty. For those of us not present for the testimony in the trial of **Ali Elijah Davis**, it is difficult for us to fairly judge the outcome in the 2007 triple-murder case in Easton.

We can draw conclusions based on what we've seen and heard, **but only those present for all the argument, testimony and presentation of evidence can fairly come to a determination.**

Still, we all have opinions, and it would seem this case can be clearly argued as a death-penalty case. Among the aggravating circumstances included in Pennsylvania's capital punishment outline is a case that involves multiple victims, which is obviously the situation here.

The defendant has been convicted of another murder committed in any jurisdiction and committed either before or at the time of the offense at issue.

A mitigating circumstance in this case, it could be argued, would be the age of Davis. Also, perhaps the influence of criminal gang activity?

The defendant acted under extreme duress, although not such duress as to constitute a defense to prosecution under 18 Pa.C.S. § 309 (relating to duress), or acted under the substantial domination of another person.

The pro vs. con of the death penalty can be vehemently argued and supported in all directions. **The seriousness of the responsibility of the jury is without question.**

But whether you like it or not, the cold-blooded killing of three people seems to fall within the guideline of Pennsylvania's capital punishment laws.

It's the law of the land.

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Posted by **sbeltfan**
January 28, 2010, 7:14AM

A jury of his peers decided this and that has to be the bottom line. There is no mandatory sentencing law in effect during penalty phase. Jury discretion rules here and I think they did the right thing and showed the public that mercy is an option. What he deserves is between him and God now. Only they know the truth of the matter. At least now there's room for error if one was made in this case. No room for error if you invoke a death penalty! You want to pull the switch Joe?

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Posted by **mamoo60**
January 28, 2010, 7:24AM

Three people? Just one person killed should fall within the guideline of capital punishment laws.

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Posted by **Donald Dal Maso**
January 28, 2010, 7:33AM

I wonder what Justice Holmes would say about this: "Better 1000 guilty murderers be sentenced to life in prison without hope of parole, than that one innocent man be executed by the state." Just asking.

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Posted by **jpowens**
January 28, 2010, 10:28AM

No, I don't want to pull the switch, sbeltfan. I've written previously that I do not advocate capital punishment.

<http://www.lehighvalleylive.com/joe-owens/index.ssf?/base/columns-0/1234674395309700.xml&coll=3>

I previously supported the death penalty, but have changed my view on it. However, as long as it is the law, I believe the law should be followed.

It's true, Don, about the potential for innocence, although I don't see that as an issue in this case.

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Posted by **Donald Dal Maso**
January 28, 2010, 10:40AM

Joe, this case would be one of the 1000 jail sentences which would protect that one innocent person theoretically condemned to death. Again, theory. Frankly, were I in this man's shoes I would prefer death to incarceration. Admittedly I'm much older than this criminal but living for the rest of my life in a prison is not an option as far as I'm concerned. Guess it's a good thing I'm so law-abiding, Ha Ha!

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Posted by **jpowens**
January 28, 2010, 10:46AM

I get your point on the 1,000.

When this issue comes up, I always think of Timothy McVeigh. I think he got off too easy.

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Posted by **Donald Dal Maso**
January 28, 2010, 11:31AM

Ironically, Joe, you're right! McVeigh directed that all appeals stop because he was sick of incarceration and wanted to die. To truly punish him he would have been kept healthy for many, many years--behind bars. Since the law only allows a "merciful" execution McVeigh got away with ease.

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Posted by **saxon2**
January 28, 2010, 3:14PM

I've always been a proponent of capital punishment, but I have to admit that with technology improving and being utilized to clear wrongfully convicted people, my opinion is beginning to change. But I would stipulate that those people convicted of these types of murders should do life in prison that includes hard labor. Prison is no picnic, but for those who face life in prison, the punitive aspect of the imprisonment lessons in time as they grow more acclimated to daily prison life. Prisoners that are convicted of these types of murders should go to bed every night knowing that the next day is going to be filled with sweat and fatigue. They should wake up every morning dreading the day. There shouldn't be any comaraderie with other inmates, or recreational outlets for convictions involving the killing of another human being.

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Posted by **Donald Dal Maso**
January 28, 2010, 3:51PM

Hello saxon2--interesting as always to hear you. The prospect of hard work would actually make me want to stay ALIVE as a lifetime prisoner. By work you take something and make it better: you create For example I can get happily lost for hours digging in the earth. I am also, some of time, a true redneck--you get the red from working hard out in the sun.

One thing prison does, I understand, is to subject prisoners to countless rules, often meaningless; so the prisoners gradually become meaningless to themselves. They read, they write countless letters, but mostly they stare at the walls. I have just enough courage to read Kafka, but none to really live in the worlds that he writes about. A few moments of discomfort followed by oblivion would be far preferable to life without purpose or meaning.

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