

Court: Jurors erred by consulting Bible in death penalty case: No "extraneous texts" allowed

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Colorado's highest court has overturned a death sentence in a rape-and-murder trial after jurors in the case consulted the Bible on whether the defendant deserved to die for his crimes.

The court ruled 3-2 on March 28 to uphold a lower court ruling and instead sentenced Robert Harlan to life in prison without parole. The court said the jury was wrong to consult the book of Leviticus and its call for "an eye for an eye, and a tooth for a tooth."

"Jurors must deliberate in that atmosphere without the aid or distraction of extraneous texts," the justices ruled.

Harlan was convicted in 1995 of murdering a Denver cocktail waitress, Rhonda Maloney, and permanently injuring Jaquie Creazzo, who tried to help her, reported the *New York Times*.

The high court said "at least one juror in this case could have been influenced by these authoritative passages to vote for the death penalty when he or she may otherwise have voted for a life sentence."

The two dissenting judges, however, said the biblical texts fit within Colorado's specific law that requires jurors to make an "individual moral assessment" beyond the narrow wording of the law.

"The biblical passages the jurors discussed constituted either a part of the jurors' moral and religious precepts or their general knowledge, and thus were relevant to their court-sanctioned moral assessment," Justices Nancy Rice and Rebecca Kourlis wrote in their dissent.

The decision was condemned by Colorado Springs-based Focus on the Family, a conservative Christian organization, as well as by Governor Bill Owens.

“Today’s decision is demeaning to people of faith and prevents justice from being served,” Owens said in a statement. “The death penalty in a heinous crime has been overturned by a highly subjective ruling that truly splits hairs.” -*Religion News Service*