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VIEW ON TIMESMACHINE

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African-American on a jury in Columbus, Ga., that was deciding whether to impose the death penalty on a man named William Henry Hance.

Mr. Hance, a black soldier from Fort Benning, had, in separate incidents in 1978, beaten two black prostitutes to death. The victims were named Gail Faison and Irene Thirkield.

There does not seem to be much doubt that Mr. Hance was seriously mentally disturbed, but he was not found to be psychotic. His mental state was so poor, however, that a clinical psychologist who examined him said he did not feel that Mr. Hance was capable of assisting "in an appropriate, rational way" in his own defense.

Not only was that judgment disregarded, but the court allowed Mr.

Hance to act as his own co-counsel. That was madness, a move

comparable to placing a blind man on the shoulder of a

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Ten years ago Gayle Lewis Daniels, then 26 years old, was the only

problems; we are continuing to work to improve these archived versions.

superhighway and telling him to walk to the other side. Mr. Hance was convicted in state court of murdering Ms. Faison and, in a separate proceeding, was condemned to death. **ADVERTISEMENT** Ads by Google

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Last week Ms. Daniels prepared a sworn affidavit in which she said, "I believe that the death penalty is right for people who commit murder when they are in their right mind, but I did not vote for the death penalty in Mr. Hance's case because I did not believe that he knew what he was doing at the time of his crimes." She went on to provide a harrowing account of the haphazard way

in which a jury arrived at the profound decision to put someone to

"However, the prosecutor had talked about how Mr. Hance might

be dangerous in the future, and we were concerned that he might

The jurors sent a note to the judge asking what a "life sentence"

meant. The judge declined to answer. Ms. Daniels said the jurors

death. "We were all inclined to give a life sentence," she said.

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The death penalty verdict was reversed because of prosecutorial

misconduct. A new sentencing trial was ordered, and Ms. Daniels

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was a juror at that trial.

morning. Get it sent to your inbox.

get out of jail in just a few years."

were frustrated and a number of them "began advocating for a death penalty" as the only way to insure that Mr. Hance would never be released. Several secret votes were taken and each time there were fewer votes for a life sentence. But Ms. Daniels did not change her mind. The other jurors reminded her that she had sworn in court that she "could" impose the death penalty "and implied that I could get in

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punishment like the death penalty, which is a kind of infinite and perfect punishment." He finds the death penalty indefensible

"I was scared to death," Ms. Daniels said.

exclude prejudice and ugly biases." There are not many in the criminal justice system who are moved by such concerns. Mr. Hance is to be electrocuted on Thursday at 7 P.M. A version of this article appears in print on March 27, 1994, Section 4, Page 17 of the National edition with the headline: In America; Mr. Hance's 'Perfect Punishment'. Order Reprints | Today's Paper | Subscribe Share full article

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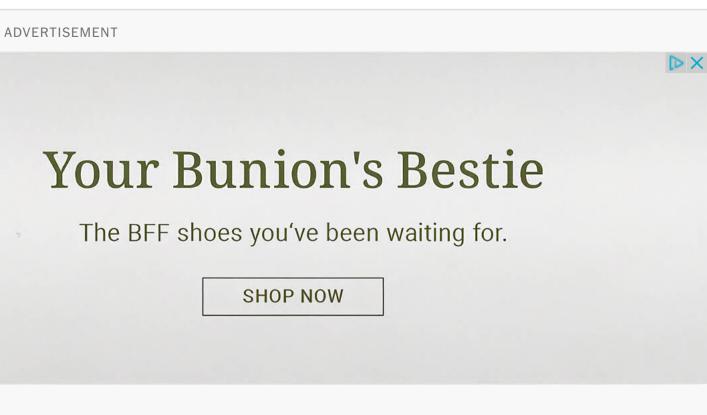
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trouble if I continued to hold out. One of the jurors said that we needed to go ahead and get it over with because the next day was Mother's Day."

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As the pressure against her mounted, Ms. Daniels stood up and said, "You do what you have to do, but I won't vote for a death sentence." She refused to participate in further votes.

The remaining jurors then came up with an astounding solution to

jurors decided to go and tell the judge that we had voted for a death

sentence. The foreman told a bailiff that we had reached a verdict."

All of the jurors, including Ms. Daniels, filed into the courtroom.

Afraid that she could be charged with perjury for having said that

she could vote for a death sentence, and afraid that she would get

the apparent deadlock. According to Ms. Daniels: "The other

in trouble for not participating in the jury's final votes, Ms. Daniels said yes -- "just like all the others" -- when the jurors were polled on their verdict. That was how Mr. Hance was sentenced to death. George Kendall of the NAACP Legal Defense and Educational Fund has said, "We are far too imperfect to administer a

because of the unbridgeable gap between the awesomeness and permanence of death and "our ability to be fair, to be rational, to

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