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Not every murder is a death penalty case

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In Latah County, 25-year-old Silas B. Parks faces two counts of first-degree murder and one count of first-degree arson in the death of his 28-year-old wife Sarah Parks and her unborn daughter.

Sarah was suffocated or strangled before her duplex was set afire.

Silas has a history of domestic violence.

Now he faces the death penalty until Latah County Prosecutor Bill Thompson concludes otherwise, and Thompson has several weeks to decide.

Idaho has a lousy record on capital punishment. The last thing it needs is another death penalty case.

Thirty-nine men and women have been sentenced to die. Only one, Keith Eugene Wells, was executed in 1994, and that was because Wells dropped his appeals.

New evidence exonerated two, Donald Paradis and Charles Fain. A third, Thomas Henry Gibson, had his sentence amended and was released after 22 1/2 years.

Three died in prison. Three have had their sentences overturned and are awaiting the outcome. Twelve eventually were resentenced to life in prison, while yet another has been resentenced to serve 25 years to life.

That leaves 16 still condemned to die. Of those, seven have been on death row more than 20 years. Another six have been awaiting execution for more than a decade.

Pursuing a death penalty will cost plenty. More scrutiny means additional lawyers, expert witnesses and DNA evidence, all paid by the taxpayer. By one measure, seeking the death penalty makes a murder trial eight times more expensive.

Keeping someone locked up 23 hours a day isn't cheap either. California's Commission on the Fair Administration of Justice estimated it costs \$90,000 a year to house each of that state's 670 condemned prisoners. That's four times more than housing an inmate in general confinement.

Appeals burn through millions in legal fees. The Urban Institute concluded that Maryland taxpayers spent \$186 million on their death penalty system since 1978. In that time, the state executed five people - which equals \$37.2 million per execution.

Following up on a Duke University study that concluded each capital punishment case cost \$2.16 million extra, New Mexico abolished its capital punishment system. Other states are contemplating doing the same.

If a defendant committed serial homicide, killed for hire, represented a continuing threat to society or murdered a cop, a prosecutor or a judge, Idaho's capital punishment law is clear. Here, Thompson would have to persuade a jury that murdering a pregnant woman rises to the level of being "especially heinous, atrocious or cruel, manifesting exceptional depravity" or "utter disregard for human life."

Not every murder is a capital case. In his career, Thompson has sought the death penalty just once - during the 2001 trial of Dale Shackelford.

Should he try again - and prevail - Thompson would leave the victim's family in emotional limbo for a decade or more of appeals.

Wouldn't the time and money be better used expanding domestic violence programs for the other Sarahs of this world? - M.T.