



Paper: Naples Daily News (FL)

Title: On a scale of 1-10, which murderers should die? - Researchers want residents to develop new standard for applying death penalty to cases

Date: June 5, 2006

Researchers want residents to ask themselves a question: What makes a murderer especially depraved?

Not as simple a question as some would think.

But a team of researchers with The Forensic Panel in New York are asking that very question of Floridians and other U.S. residents. They want people in each state to help them try to craft a new standard for applying the **death penalty** to cases - tailor-made to each state based on its residents' responses.

"I believe in the Founding Fathers' principles that we're founded upon: an eye for an eye and a tooth for a tooth," said Bonita Springs resident David Piper, whose sister, Jill, was fatally shot in his family's home in August 1976. "But then you get these bleeding hearts involved."

For Piper, a former Bonita Springs city councilman, asking residents what types of actions they think should qualify someone for the ultimate punishment isn't a good idea.

"We're asking the blind to make decisions for the blind," he said.

Researchers headed by Michael Welner, a New York University School of Medicine forensic psychiatrist, are trying to take a system of inconsistently applied factors and eliminate the arbitrariness behind who receives a death sentence, said Melissa Marotta, project manager for The Forensic Panel. They call it the Depravity Scale.

Residents may take the survey at [www.depravityscale.org](http://www.depravityscale.org)

Just beginning the third phase of the study, researchers want people to register on their site and answer a series of questions pitting murder-for-hires against a child's rape and murder, and a kidnapping victim's repeated ritualistic torture and death.

By ranking them, and actions such as falsely accusing others of the killing and trying to maximize the amount of destruction or number of people killed, Marotta said they hope to create new **death penalty** laws reflecting the attitudes and beliefs of each state's residents.

They've received more than 1,500 responses so far for the depravity scale, Marotta said. About 100 of these are from Florida residents.

"But we need more," she said. "We are shooting for 250 per state."

There is no deadline yet for residents to be surveyed, but Marotta said they should reach 12,500 residents across the country within several years.

"The average citizen should have a voice in shaping these standards," she said. "These are the people sitting on that jury being asked to make that decision. This will make the difference in life and death."

And that's what David Piper says he's afraid of.

"The more we became the melting pot, we brought in more religions and enlightenment," he said. "I'm for a society by the people, but you gotta be careful because you get this society more depraved from truth and morality. Now, our society's getting darker. Now we're getting so far away from God."

Jill Piper's boyfriend, Bonita Springs resident Harold Gene Lucas, pumped five rounds from a shotgun into her a week after they'd reportedly had a fight. He shot two of her friends, and they survived. Lucas remains on Florida's **death row**, convicted in Lee County on Feb. 9, 1977, of premeditated first-degree murder.

In April 2004, Lucas exhausted his round of state appeals. He now is on to his federal court appeals. A message was left for Lucas' appellate attorney, Robert Strain, but he was unavailable for comment.

Marotta said each state's legislature would have to approve the proposed **death penalty** rating scale before adoption. Almost 20 years ago, the landmark U.S. Supreme Court decision *Gregg vs. Georgia* upheld the "heinous, atrocious and cruel" standard for applying a death sentence.

One case it wouldn't apply to, if passed, is that of Bonita Springs resident Fred D. Cooper Jr., 27. Cooper is charged with two counts of first-degree murder in connection with the deaths of Steven and Michelle Andrews in their Gateway home.

Cooper, 28263 Jeneva Way, is accused of killing the couple, both of whom were 28, in a love triangle where investigators say he was the jilted boyfriend. The couple was found dead in their second-floor bedroom on Dec. 27. Cooper also is charged with one count of burglary while armed.

Messages were left for Russell and Barbara Andrews and Daniel and Linda Kokora, but they were unavailable for comment about the depravity scale.

"Obviously as a research tool that's fine and they can glean from it what they're seeking or what they find," said Chief Assistant State Attorney Randy McGruther, one of two prosecutors on Cooper's case. "Ultimately it's up to the Legislature."

He declined to comment on whether he thought legislators would approve a remodeled **death penalty** standard almost 20 years after Florida's existing law was affirmed.

"I don't know if it'll solve the problems. It may raise new ones," said Ken Garber, a deputy public defender in Lee County who's defending Cooper.

Abraham J. Bonowitz, co-founder and director of Floridians for Alternatives to the **Death Penalty**, said he's been participating in the study, and thinks it may help serve as a guide to juries considering whether to recommend death. It could help foster discussion, he explained.

But he said he isn't sure how it may improve the criminal justice system.

"If it's your loved one who is murdered, it doesn't really matter if they were tortured for two weeks or never saw the bullet coming," he said. "They're still dead."

Copyright (c) 2006 Naples Daily News

*Author: Kristen Zambo*

*Section: Police*

*Copyright (c) 2006 Naples Daily News*