

No death penalty for Wesley Williams // Read the order

December 03, 2009 07:50:00 PM

[S. BRADY CALHOUN / News Herald Writer](#)

MARIANNA – Judge William Wright has thrown out the possibility of a death sentence for Wesley Williams. Wright's ruling on the death penalty was handed down Thursday morning and leaves only one option left — life in prison without the possibility of probation.

Williams was convicted Oct. 2 of four counts of first-degree murder in the deaths of Danielle Baker, 19, and three of her children, Amad, 3, Amarion, 1, and Aaron, 3 weeks. Baker was shot to death inside her Cottondale Village apartment on March 17, 2005. The three boys suffocated after being bound with duct tape.

Williams fathered two of the boys.

His sentencing date has not yet been scheduled according to the Jackson County Clerk of Courts.

In his ruling Wright said the prosecution proved that Williams had been present at the scene of the murder but had not proved the extent of his culpability in the crime. The sentence of death requires that "the defendant's level of participation must be directly established to a very high level," Wright wrote.

"Judge Wright obviously has done an exceptional job in analyzing the case that was presented to him and the law that applies to that case. I think the judge recognized that (assistant state attorney) Larry Basford did an excellent job of presenting every bit of evidence," said State Attorney Glenn Hess.

Hess agreed that prosecutors proved that Williams was present at the scene of the murder and that there was another, unknown person, also at the scene.

"The jury may well have found in their deliberations that Mr. Williams was a principal but not the main actor," Hess said, he added that his office has no intention of appealing the death penalty ruling.

Williams' attorney, Deputy Public Defender Walter Smith, said that his client won a battle but may have lost the war. Smith said he had hoped the case would go before Florida's Supreme Court where it had a better chance of being overturned. The case will now go to Florida First District Court of Appeals.

At trial Smith tried to prove that Williams was not present during the murder and that others were responsible for the slayings.

Williams was linked to the crimes by a single limb hair found on the tape used to bind Amarion that was matched to him by mitochondrial DNA, a less unique form of DNA that is shared by Williams' relatives and others. Two sets of nuclear DNA, which is exclusive to an individual, from unknown men were found on the tape as well.

Investigators also found that Williams' cell phone made a call from the Marianna area shortly before the killings, at a time when Williams says he was home in Sneads. Three witnesses said Williams told them he was connected to the crime.

Donald Allen, a longtime friend of Williams', said Williams confessed to doing the killings himself. Bay County Sheriff Frank McKeithen and Lt. Joe Smiley said Williams told them he was present for the killings but didn't participate.

"You can tell the judge is really conflicted by the evidence and the applicability of the death penalty," Smith said. "I have to assume that Judge Wright has a reasonable doubt about his guilt."