

EDITORIALS

Random justice

Death Row inmate found not guilty in third trial

Wesley Quick spent six years on Death Row for two murders a jury now says he didn't commit. The victims' families are understandably heartbroken.

Yet it's not particularly constructive to second-guess the jurors who heard the entire trial, saw all of the legal evidence and reached this decision. It's clear there were conflicting stories; for whatever reason, the jury did not find that the prosecutors proved their version of the story beyond a reasonable doubt. When that happens, it is a jury's duty to acquit just as surely as it's duty-bound to convict when convinced of guilt.

What's unsettling in this case — and others like it — is how different outcomes can be from one jury to another, even in cases where there should be no room for error.

For sure, Quick's story had changed. He had testified before that he was high on LSD and couldn't remember shooting two 18-year-olds at Turkey Creek Falls in Pinson. At this week's trial, he recalled his friend committing the murders.

Beyond that, Quick's trial didn't reveal stunning new evidence. He was granted a third trial — the first

ended in mistrial, the second in conviction — on what some would consider a technicality. The judge at the second trial denied Quick a free copy of the transcript from the first trial.

That's an example of Alabama's slipshod approach to capital cases. When someone's facing the ultimate punishment, the state should go above and beyond to make sure a defendant gets an adequate defense. But too many prosecutors and judges don't meet even the minimum requirements of fairness — for instance, by refusing to provide a past trial transcript that's clearly crucial to any subsequent defense.

Back in court for the third time, Quick also had the advantage of aggressive defense lawyers Charles Salvagio of Birmingham and Thomas Mesereau Jr. of Los Angeles. As much as Quick's acquittal grieves the victims' families, he deserved the most zealous of defenses, as do others who are facing the death penalty. But there's ample reason to suspect that's not always the case.

Indeed, the differing verdicts for Quick suggest precisely how random justice can be.

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Man on Death Row for murder acquitted

By **CHANDA TEMPLE**
News staff writer

Wesley Quick, who appealed a 1997 capital murder conviction from Death Row in the deaths of two at Turkey Creek, was acquitted Monday of the crimes following a week-long trial.

Relatives of the victims were left stunned in the courtroom, while Quick supporters attempted to muffle their outbursts as the Jefferson County foreman read the verdict.

Afterwards, several jurors refused to answer a reporter's questions about their deliberations, which lasted most of Monday and about 40 minutes Friday following a trial where testimony addressed the defendant's drug use history and how he "dabbled" in devil worship prior to the deaths.

Birmingham defense lawyer Charles Salvagio, who handled the case with Los Angeles lawyer Thomas Mesereau Jr., said Quick, 26, should have never been on Death Row and that justice was done Monday because the "truth came out."

He and Mesereau, who is also representing former "Baretta" television show star Robert Blake in the 2001 killing of Blake's wife, portrayed a state's star witness as the gunman and not Quick.

"I believe an innocent man was properly treated by the jury," said Mesereau, who later said Blake is innocent and the truth will come out.

Monday's verdict marked the end of the third trial for Quick in the Oct. 26, 1995, shooting deaths of John Hughes and Nathan King, both 18, at Turkey Creek Falls in Pinson.

Quick's first trial ended in a mistrial in May 1997 because of juror misconduct. Then Quick, who had different lawyers at the time, was convicted in September 1997 and sent to Death Row.

The Alabama Court of Criminal Appeals in May 2001 ordered a third trial for Quick, saying the judge in Quick's September 1997 trial was wrong to deny Quick a free copy of the transcript from the previous mistrial because of Quick's indigent status. Circuit Judge Gloria Bahakel heard the recent trial.

Quick was accused of shooting the men in front of female acquaintance Shellie Kitchen, and then picking up his friend, Jason Beninati, to take him to the scene to prove that Quick had killed the men. Beninati and several other witnesses last week

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The Birmingham News

METROSTATE

QUICK: Jury acquits man in 1997 murders

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testified Quick had talked about wanting to kill people.

At a previous trial, Quick testified he was high on drugs and couldn't remember the murders. But at his latest trial, Quick testified he was high on LSD but remembered Beninati was with him and Kitchen, and he said Beninati killed the men. Quick, who first told police he had no knowledge of the killings, said he never told authorities about Beninati because Beninati threatened to kill Kitchen, who pleaded guilty in 1998 to conspiracy to commit murder.

Prosecutors argued it would have been ridiculous for Quick to have feared Beninati, given Beninati was out of state and Kitchen was in the county jail.

Two witnesses said Beninati was not at the scene during the killings, and Beninati said Quick picked him up after the deaths. Defense lawyers, however, said Beninati's testimony was not credible and said he knew too many things about the crime without being at the crime scene. They also said Beninati disposed of the murder weapon.

Prosecutor Teresa McClendon, who handled the case with Alan Baty, said that while she respects the jury's verdict, she

strongly disagreed with it and was deeply disappointed. King's sister said the jury "let a murderer go," and accused Quick's family of getting a "big-shot" lawyer to help on the case and confuse jurors.

"I've been on (Mesereau's) Web site — he gets murderers off all the time," Monica Tidmore said, adding that Mesereau and Salvagio secured a capital murder acquittal in 2001 of a Birmingham homeless man accused of killing and robbing Brittney Temples on the Southside in 2000.

The Quick and Temples cases are two of four high-profile capital murder cases Salvagio and Mesereau have worked on in Jefferson County.

Quick's mother retained Salvagio, and Mesereau came to Birmingham on "his own dime as a friend to me" to assist in the case, Salvagio said. "We work well together."

It was unclear when Quick will be released from jail. He still faces three burglary charges, including one charge in which he's accused of stealing the 9 mm pistol that was used in the 1995 killings, according to testimony. Salvagio said he was working on filing papers to get a bond for Quick.

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