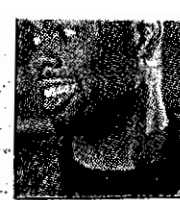




Mike Skinner

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Mahatha sentenced to life in prison

Jury rejects death penalty because of man's mental condition

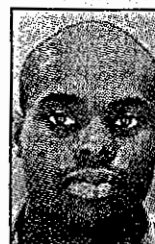
By **GARY L. WRIGHT**
Staff Writer

For 2½ years, Stephanie Stancil has waited for justice. She was four months pregnant when her husband, Mecklenburg Sheriff's Capt. Anthony Stancil, was shot to death outside a grocery store after confronting a shoplifter.

As jurors deliberated Thursday, Stephanie Stancil sat quietly in the courtroom, hoping they would sentence her husband's killer, Samuel Mahatha, to death.

"I want to see him get the death penalty," she said. "But if they give him life in prison without parole, that's fine. As long as he can't get out and hurt anyone else. Either way, it's justice."

Anthony Stancil's mother, Veronica, felt the same. "He deserves the death penalty. He has shown no remorse. Either way, he's off the street."



Mahatha



Stancil

Jurors spared Mahatha's life.

After deliberating 1½ hours, the jury of eight men and four women recommended that Mahatha, 26, spend his life in prison for the Sept. 29, 1998, murder of Anthony Stancil.

U.S. Magistrate Judge Carl Horn, the jury's foreman, told The Observer, "The jury rejected defense arguments that Mahatha lacked mental capacity to be held responsible for his crimes."

"But when it came to sentencing, we concluded that the execution of a borderline retarded, emotionally disturbed person was not a proper punishment."

"In reaching our decision, we all felt utmost sympathy for the Stancil family and drew comfort in the fact that Samuel Mahatha will remain incarcerated for the rest of his life."

Defense attorney James Wyatt cried, relieved that Mahatha wouldn't be executed. Mahatha, as he had throughout the capital murder trial, showed no emotion.

"Our ultimate goal in this case was to save his life," Wyatt told reporters. "But in this type of case, there are no winners."

"This case is a tragedy for everybody. We're grateful for the jury's verdict. But our hearts go out to the Stancil family."

Mahatha shot Anthony Stancil

in the head after the deputy stopped him outside a Harris Teeter grocery store in Charlotte and accused him of trying to steal \$11 worth of crab legs. In addition to a pregnant wife, the 35-year-old deputy, who was working an off-duty security shift at the store, had two children, one from a previous marriage.

On Thursday, Mahatha was handcuffed before Superior Court Judge Richard Doughton sentenced him to life in prison without parole. The judge also sentenced the convicted killer to at least another eight years in prison for armed robbery.

Defense lawyers announced that Mahatha would appeal.

Outside the courthouse following the sentencing, Stephanie Stancil told reporters: "I'm glad

Please see **MURDER** / page 14A



PATRICK SCHNEIDER/Staff

Anthony Stancil's mother, Veronica Stancil, (left) and wife, Stephanie Stancil, are comforted by Mecklenburg County Sheriff Jim Pendergraph after a small press conference Thursday.

Mahatha given life sentence

MURDER from 1A

this is finally over ... It's been a very long, tiring road.

"Justice has been served. At least he won't get to walk the streets and hurt someone else."

She praised prosecutors. And she talked about her husband's killer. "He has no remorse," she said. "He doesn't care."

She talked about the impact of her husband's murder on her family, including her 2-year-old daughter, Antoinette, and 5-year-old son, Malik.

"My daughter is fine," she said. "It's just my son who hasn't forgotten his daddy. He misses his daddy. I let him know we were going to court because the man who killed his daddy had to be punished."

Stancil's murder outraged the community and touched off an extraordinary outpouring of public support. Impromptu fund drives and other contributions brought \$500,000 for the support of Stancil's widow and education of his children.

During closing arguments Thursday, Mecklenburg Assistant District Attorneys Carla Archie and Marsha Goodenow urged jurors to impose the death sentence on the killer they portrayed as cold, callous and remorseless.

"Duty called, and Capt. Stancil answered that call," Archie told jurors. "For that, his life was taken."

Archie told jurors that if they sentenced Mahatha to life in prison, he would continue to pose a

danger to inmates and guards.

The prosecutor said Mahatha's mental condition isn't a reason for murder.

"Mental retardation isn't an excuse to go out and shoot someone," she said. "How does his low IQ explain what he did out there and make him less deserving of the death penalty?"

"There are mean people out there who do things that don't make sense to us."

Goodenow told jurors that Mahatha had executed Stancil, shooting him in the left eye. She asked them not to be swayed by the defense's pleas for mercy.

"As you think about the pleas for mercy, think about the mercy that was shown Anthony Stancil," she said.

Then Goodenow reminded jurors how Stancil had called his wife from the grocery store about 1 a.m. "He thought he was going home," she said. "At 1:14 he was dead."

As Goodenow argued, one juror wept.

"The death penalty will not bring Anthony Stancil back," she said. "The death penalty in this case will bring to Anthony Stancil the only thing we have left to bring to him. And that's justice."

Defense lawyers Harold Bender and Wyatt, who had portrayed Mahatha as mentally retarded with a third-grader's mind, pleaded with jurors not to impose

the death penalty.

Since 1988, the federal government, along with about a dozen of the 38 states that have the death penalty, have banned the execution of those with low IQs. But 25 states, including the Carolinas, still allow the execution of mentally retarded criminals. An IQ of 70 to 75 is considered retarded; school records indicated Mahatha's is 68 to 74.

Wyatt questioned jurors about whether "the only measure of justice you have is to kill a third-grader."

The defense lawyer told jurors about Mahatha's life, pointing out that his mother abandoned him and that he lived in an abandoned house and in the streets with drugs, stealing and murder.

"You can decide whether you're going to kill him or let him live ...," Wyatt said. "You'll have to decide whether to assume the power of death."

Bender told jurors that if they imposed a life sentence Mahatha could function in the prison's restrictive environment without posing a danger.

"He'll never get out," the defense lawyer said.

Bender reminded jurors about Mahatha's great-grandmother, a religious woman who raised Mahatha. The grandmother didn't believe in getting medical treatment and died of breast cancer.

"If she were here today, she'd tell you God decides when you die. Not man," Bender said.

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Goodenow

Republic

BUSH from 1A

publicans would fall in vote for Bush's tax bill - just as they did in 1994. The bill has a unanimous GOP support, but a controversial nomination of John Ashcroft as attorney general.

"This is not the beginning of a crack," Senate Majority Leader Trent Lott, R-Miss., said. "The time comes, there will be more votes than enough there."

Other Republicans are less sanguine. Senate Budget Committee Chairman Pete Domenici, R-N.M., said he told Bush at a White House meeting Thursday that the bill now lacks sufficient support.

Before the meeting, congressional leaders, knowledgeable: "I've got work to do" in selling the plan.

At the least, the early defections are a sign that party unity on taxes is prove harder than on a croft vote.

And in a Senate split between the parties, losing from just Jeffords and others could cause trouble for a tax plan, given that one Democrat, Sen. Zell Miller of Georgia, has announced his support for it.

Carruth in interview: 'I feel guilty about none of it'

RAE from 1A

Chancellor Adams, by emergency Caesarean. Now 15 months old, Chancellor suffers from severe developmental problems.

Asked Thursday to comment on the transcript, Adams' father, Jeffrey Moonie said, "Basically, the only thing I have to say is that Rae Carruth is a liar. He's a liar."

Adams' mother Sandra Adams declined to comment, saying she wanted to reserve judgment until the interview aired. "I want to see it for myself," she said.

"I was not there. I didn't see the shooting. I didn't hear any shots. I can't testify to anything that happened to Cherica on Rea Road."

RAE CARRUTH

Carruth repeatedly stated he was not present when Kennedy, driving a Nissan Maxima, pulled alongside Adams' BMW and Watkins shot her. Watkins and Kennedy both testified that Carruth

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