

Habitual Offender Laws to Get Review In Supreme Court

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The Supreme Court has decided to examine one method used by prosecutors in some states to let juries know that an accused has a criminal record.

In three cases from Texas, prisoners claim that the State's habitual offender laws were invoked at their trials to deprive them of an unbiased verdict. The Court agreed to hear the cases after arguments next fall.

Texas and 25 other states allow juries to hear of a defendant's prior record, as part of the prosecution's principal case, to help the jurors decide whether to increase the punishment if they find him guilty. Nineteen states, including Maryland and Virginia, invoke habitual offender laws only after the accused has been found guilty.

More Skeptical

In recent years the Court has shown increased skepticism about the ability of jurors to concentrate on guilt or innocence when they are exposed to other harmful information. A 1964 decision called it "psychological wizardry" for jurors to decide a man's guilt at the same time that it passed on the voluntariness of a confession.

In each case before the Court, Texas claims that the prior offenses of Leon Spen-

cer, Robert A. Bell Jr. and William E. Reed were essential elements of the crime of being a habitual offender.

Spencer was convicted of murdering his wife and sentenced to death by a jury that heard he had been convicted of murdering a previous wife. Bell got a life sentence for robbery from a jury that was told he had been given probation for the same crime. Reed, convicted of burglary, got a life sentence as a three-time loser.

None Took Stand

None of the three took the witness stand, a move which would have allowed the prosecutor to ask them about former crimes on cross-examination. Lawyers for the men told the Court that the Texas law is another way to accomplish the same purpose.