

1 a store, and to rob it and have the clerk grab for your
2 gun, or you try to run away, and you shoot and kill him, and
3 you decide to kill him in a single instant is one thing; but
4 Miss Owens and Mr. Porterfield planned...in Miss Owens' case
5 for months...to get this done...worked at it for months...
6 wouldn't give up on it. Think about that.

7 Mr. Porterfield went there and struck this man
8 twenty-one times imprinting the carpet on him, driving him
9 into the floor, and took this man...this fine-looking young
10 man...in the prime of his life...and turned him into that
11 cold piece of meat on a table. The crime!

12 One other thing I think we have to consider is
13 deterrents. That's one reason we have the Death Penalty.

14 BY MR. STEIN: Your Honor, I'm going to object
15 to any statment along those lines. It's not proof in the
16 record. I think our appellate courts say that you've got to
17 have proof of it in the record.

18 BY THE COURT: Overruled.

19 BY MR. STROTHER: If it takes the execution of
20 ten Sidney Porterfields and Marsha Gaile Owens, who would
21 cooly and deliberately plot and design the death of a Ron-
22 ald Owens...if it takes ten of their deaths in the electric
23 chair to make only one potential Sidney Porterfield or
24 Marsha Gaile Owens say, "No, I will not kill that innocent
25 man, because I might get electricuted for it," it's worth it.

1 But the important point is, and the only meaning-
2 ful point is, that I submit to you that each and every one
3 of you promised me, not as an individual, but promised
4 the State of Tennessee that you would have the courage
5 to look at this case, and if we proved, beyond a reasonable
6 doubt and to a moral certainty, the aggravating circum-
7 stances, and you found there to be no mitigation, which
8 I submit to you is certainly the case here, that you would
9 follow the law; just as it is every citizens' sacred duty
10 to follow that law; and I simply call upon you, now, to
11 keep that promise to the State of Tennessee. Let us earn
12 the respect for the Court system that it deserves, and
13 bring back...not the verdict that I say is appropriate,
14 but the verdict that, in this case, is the only verdict
15 that truth dictates and justice demands.

16 (Whereupon the Court's charge immediately follow-
17 ed, and was not transcribed as part of this record.)

18 BY THE COURT: Are there any requests for any
19 special instructions?

20 BY MR. MARTY: No, Your Honor.

21 BY MR. JONES: No.

22 BY THE COURT: Take the case, consider all the
23 evidence fairly and impartially, and report your verdict
24 to the Court. These forms are attached to the charge.
25 I'm going to allow you to go to lunch before you commence