

Court hears over 100 motions from Reaves' attorneys

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By Aisha I. Jefferson

Rodney Reaves occasionally took notes as he sat quietly, handcuffed in a green prison jumper, watching representatives of the legal profession make decisions that will ultimately decide his fate.

On Monday visiting Senior Judge William Smith from the Chattahoochee Judicial Circuit heard all but two of the 130 motions Rodney Reaves' attorneys filed.

The Henry Superior Courtroom where the motions hearing took place was fairly empty, with the exception of three Henry County Sheriff's deputies, Flint Judicial Circuit District Attorney's office staff and Rodney Reaves' mother.

Rodney Reaves, 37, is charged with murder and cruelty to children, and faces the death penalty if convicted of the 2003 death of his 11-year-old daughter. His wife, Charlott Reaves, 38, was charged with the same crimes and faces the same fate. The two, who remain jailed, will be tried separately.

Joella Reaves, a sixth-grader at Eagle's Landing Middle School, was found Dec. 1, 2003 in the upstairs bedroom of her father and stepmother's home in Carriage Lake subdivision in Stockbridge. Police say over the week of Thanksgiving, Joella was tied up in the family's garage and beaten by Rodney and Charlott Reaves.

The Reaves' cases are the latest waiting to be tried in Henry County where the death penalty is sought.

Since 1999 when the Flint Judicial Circuit split to only include Henry County, Flint Judicial Circuit District Attorney Tommy Floyd said he only tried one case that sought the death penalty.

That case was tried in 2001 and dealt with Mustafa Raheem, a 21-year-old Riverdale man convicted of killing an Ellenwood woman and her son in 1999. A jury found Raheem guilty of nine counts, including malice and murder, felony murder, armed robbery and burglary, relating to the shooting deaths of Miriam Diane Hollis, 46, and her son, Brandon Jamal Hollis, 19. Raheem, now 27, is now on death row.

The decision to seek capital punishment is made only after a lot of factors are taken into consideration.

Floyd said first a case has to legally qualify, explaining that it has to be one in which the victim died. It also has to be a death in which one of 10 aggravated circumstances, such as, the fact that a killing was committed during the commission of a burglary or committed for the purpose of profit.

But the decision to seek the death penalty ultimately lies with the district attorney, Floyd said.

In the cases of Rodney and Charlott Reaves, Floyd said he is seeking the death penalty because "the murder was outrageously wantonly vile, horrible and inhuman in that it involved torture to the victim and aggravated battery to the victim."

If found guilty of murder when the death penalty is sought, there are three possible sentences that can be handed down. Floyd said the three sentence choices are life with the possibility of parole, life without the possibility of parole or death by lethal injection.

As of August 2005, there are 107 people on death row in Georgia, according to the state Department of Corrections. From 1924 to 2004, there have been 454 executions in Georgia, four for crimes committed in Henry County, according to the state Office of Planning and Analysis' Web site.

Henry County's record of death penalty cases pales in comparison to some other counties.

Since Fulton County District Attorney Paul Howard took office in 1997, his office disposed of 11 death penalty cases either by plea or by trial, and have eight that are pending, according to Erik Friedly, spokesman for the Fulton County District Attorney's office.

Although Georgia has counted hangings and electrocution as methods of execution, lethal injection is the form currently used.

Trying capital punishment cases can be “much more expensive than the average felony trial,” Floyd said.

Floyd said a death penalty case costs can climb beyond \$100,000, and said expenses include paying to sequester the jury which involves hotel and food accommodations, and possible overtime for deputies, all of which the county foots.

In comparison, a “normal case” may last a week, where jurors aren't sequestered and there isn't any overtime for deputies, Floyd said. However, the case is different for death penalty cases which can last several weeks. Floyd said he's tried such cases that lasted anywhere from two to four weeks.

And, as of this year, in death penalty cases where the defendant's attorneys are court-appointed, as in the case of Rodney Reaves, the state pays for their fees and any investigative costs.

All around, capital punishment cases often require more work.

“These cases are very intense on both sides,” Floyd said, adding that everyone involved tries to be careful.

Floyd said Smith will hear two more motions in Rodney Reaves' case on Dec. 2, and said a motions hearing will be held for Charlott Reaves with Henry County Chief Superior Court Judge Hal Craig on Nov. 29 and 30.

Floyd said he anticipates the cases of Rodney and Charlott Reaves will be scheduled for trial early next year.