



## *Newport News death penalty case bucks trend of fewer capital prosecutions*

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NEWPORT NEWS — John Moses Ragin will stand trial beginning this week, charged with the stabbing deaths of his wife and three stepchildren in the family's Denbigh apartment nearly three years ago.

If convicted of the four killings — including three counts of capital murder — the question of life or death will be before jurors.

That question is rarely asked these days of jurors and judges in Hampton Roads, in Virginia, or across the country. There are currently eight men sitting on Virginia's death row. In 1998, there were five times as many.

The Ragin case is the first death penalty prosecution in Newport News Circuit Court since Kent Jermaine Jackson's conviction 11 years ago.

It has been nearly five years since the last death sentence was handed down in Hampton Roads. That came in 2009 with the federal prosecution of David A. Runyon, the hired hit man in the Newport News slaying of Navy officer Cory Alan Voss.

Ragin, 38, is charged in the stabbing deaths of his wife, Crystal Ragin, a 32-year-old Army sergeant at Fort Eustis, and her three children — Sierra, 15; La'Kwan, 10; and Rasheed, 6.

Police say they were killed overnight between Aug. 18 and 19, 2011, before their apartment on Old Courthouse Way was set on fire. Their bodies were found Aug. 19, all with multiple stab wounds and burned in some way. Sierra was burned beyond recognition.

Ragin's trial will begin Monday in Newport News Circuit Court and is estimated to last up to five weeks. Jury selection alone is expected to take at least three days.

### **An uncommon punishment**

Virginia is one of 32 states that have the death penalty, with six states — including Illinois, Maryland and New York — having done away with it since 2007. According to a February poll from Pew Research Center, 55 percent of the public now supports the death penalty, down from 78 percent in 1996.

And the states that have the death penalty impose it more rarely.

Nationally, there were more than 300 death sentences handed down annually in the mid-1990s. There were 78 death sentences in 2012 — the lowest number since a national moratorium was lifted 38 years ago — and 80 in 2013.

In Virginia, for example, there were 10 death sentences handed down in both 1994 and 1998, including federal cases. That's about the same number as have been issued over the past eight years combined.

"Twenty years or even 10 years ago, prosecutors sought the death penalty much more often than they do (now), and juries imposed it much more often," said Adam Gershowitz, a professor at the College of William and Mary's law school. "What you see are prosecutors reserving it now for cases that they really can't explain to people why they wouldn't seek death."

Putting someone to death has become more difficult for jurors in Virginia, experts say.

Part of the reason for the growing reluctance, those experts say, is a change in juror demographics, as well as high-profile national death-penalty cases that have later been overturned due to new evidence.

"A jury may be willing to convict, but are also aware that there may be some information they don't know that might not come out for 10 years — and by then the person might be executed," said Richard Dieter, executive director of the Death Penalty Information Center in Washington, D.C.

In Virginia, the only man ever to be exonerated from death row was Earl Washington Jr. In 2001, Washington came within days of being executed for a crime he didn't commit. Though the mentally challenged Washington had confessed to a murder and rape in Culpeper County, the DNA proved otherwise, and then-Gov. Jim Gilmore granted him clemency.

Dieter also speculated that the state abolishing parole for convicted criminals in 1995 has swayed jurors from voting to end someone's life, opting instead to issue a life sentence, knowing the person will never walk free.

"It's a different group of people who are voters," Dieter said. "Potential jurors who sit on these cases all come from a changing Virginia. I think that's reflected in the gubernatorial races and senate races. Virginia was a leading death penalty state for many years almost in the entire history of the country. ... Now the death penalty is harder to get in Virginia. The jurors are more skeptical, which is representative of a changing America as well."

Doug Ramseur, the Southeast Virginia Capital Defender with the Virginia Indigent Defense Commission, a state agency, called the trend "an acknowledgment that the system doesn't always serve everyone's best interest with executions."

With the lengthy time and high costs of putting people to death, he said, people increasingly see life without parole as a better and more sensible option. That can sometimes include victims' families, who often don't want to wait years for closure.

"People are realizing that the United States is exceedingly good at locking people up," Ramseur said. "That's a cost-effective option and a really good option to control people. And it's a really viable alternative."

Aside from death sentences, executions themselves have also dipped significantly — from almost 100 executions a year nationwide in the 1990s to 39 last year, Dieter said.

In Virginia, executions averaged around eight a year in the late 1990s, compared with one to three in recent years. Thirteen people from the Peninsula have been put to death since 1982, five of them since 2000.

Virginia inmates sit on death row for an average for seven years, a significantly shorter time than the 15-year national average.

Jerry Jackson, who was executed in August 2011, was the last person from the Peninsula to be put to death. Jackson, of James City County, was convicted in the 2001 rape and murder of 88-year-old Ruth Phillips, of Williamsburg.

### **The case at hand**

Now, John Moses Ragin — if found guilty on the capital charges — faces the possibility of the ultimate consequence.

John and Crystal Ragin married in 2006 in Newport News. It was a small ceremony in a house with just the children, John Ragin said. He said they both wanted a simple wedding. They wore T-shirts, jeans and Timberland boots.

After they married, they had tattoos of their wedding date, 6-16-06, etched on their right arms.

They had met in a South Carolina prison in 2003, while Ragin was serving a manslaughter conviction for killing his childhood best friend, Kelvin Lamont Billups. Ragin, who pleaded guilty to voluntary manslaughter, shot the 16-year-old Billups in the chest and head on Thanksgiving morning in 1990. Ragin, who was 15 at the time of the shooting, served 15 years for the crime.

A day before Crystal Ragin was found dead in 2011, she had taken out a protective order against her husband. It was not served before she was killed. The Newport News Sheriff's Office has since revised the process to ensure that warrants are served immediately.

Ragin was arrested in Manning, S.C., on Aug. 20, 2011, the day after the four bodies were discovered in Newport News. Ragin, who had been named as a suspect by police, called police the morning of Aug. 20 to say he was in Manning.

In a jailhouse interview with the Daily Press in October 2011, Ragin denied killing his family.

"I know I'm innocent," Ragin said from Hampton Roads Regional Jail. "It doesn't matter what's in everyone else's head. I know where I was. I know I didn't do anything."

Ragin said he was in South Carolina when police found his family slain. He said he left Newport News with his 5-year-old son the evening of Aug. 18 to visit family and a female friend in Manning. The boy was found with Ragin's parents in South Carolina. The 5-year-old was the only biological child the couple had together.

Cellphone records indicate Ragin was in the Newport News area during the time his family was killed, according to police.

"I can't be in South Carolina and Newport News at the same time," Ragin said. "It's impossible for my phone records to be in Newport News if I'm in South Carolina. That's self-evident."

But according to police, La'Kwan's blood was found on one of Ragin's shoes when they were retrieved from his parents' home in South Carolina.

Ragin is charged with three counts of capital murder, one count of first-degree murder, four counts of unlawful stabbing in the commission of a felony and arson. The capital murder charges — each punishable by execution — pertain to the deaths of the children.

## Other local capital cases

There are 15 kinds of cases that qualify for the death penalty under Virginia law.

Those include "the willful, deliberate, and premeditated killing of more than one person as a part of the same act or transaction" and "the willful, deliberate, and premeditated killing of a person under the age of 14 by a person age 21 or older."

There are several other pending death penalty cases in Hampton Roads, including the following:

- In Virginia Beach, Raymond Lewis Perry is charged with capital murder in the slaying of a Norfolk police officer, Victor Decker, who was found shot to death outside of a strip club on Oceana Boulevard in October 2010.
- Jamiel D. Graves is charged with killing his ex-girlfriend in Virginia Beach and his neighbor in Norfolk. He faces prosecutions in both cities.
- Cory Abshire, a Navy sailor and Florida native, is charged with capital murder, accused of hiring a hit man to kill his estranged wife, Rachel Abshire, a 26-year-old mother of two, at her Chesapeake apartment.
- Then there's the case of Oswaldo Elias Martinez, a deaf and mute illegal immigrant charged in the January 2005 rape, sodomy and killing of 16-year-old Brittany Binger in James City County. After nine years, the case still hasn't made it to trial, with experts still attempting to restore Martinez to competency, but unsure if that will ever happen.

In recent years, there have been several capital murder defendants who have avoided the death sentence by pleading guilty to the crime before the trial. That includes at least one defendant in Virginia Beach and two others in Norfolk.

Of Virginia's eight remaining death row inmates, two are from Hampton Roads — Thomas A. Porter, convicted in 2007 of killing Norfolk police officer Stanley Reaves, and Anthony Juniper, convicted in 2004.

The Juniper case is similar to the Ragin case in the number of people killed and the kind of victims. Juniper was found guilty in Norfolk of killing four people — his former girlfriend, her brother and her two small children.

The last death penalty case prosecuted in Newport News Circuit Court was Kent Jermaine Jackson, who was charged with killing 79-year-old Beulah Mae Kaiser of Newport News.

Jackson and a friend, Joseph Marquis Dorsett, lived across the hall from Kaiser when they killed her in April 2000. When her body was found, she had been stabbed five times in her head and neck, sexually assaulted with her cane, with two black eyes and a fractured skull.

Jackson was executed in 2008.

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