

Behind the death of Ron Lafferty, Utah's most infamous death row inmate

'It's over,' victim's sister says after hearing news

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Updated Nov 11, 2019, 1:04pm MST

<https://www.deseret.com/utah/2019/11/11/20862797/utah-killer-ron-lafferty-dies-in-prison-utah-death-row-capital-punishment>



Convicted murderer and death row inmate Ron Lafferty is handcuffed after his court hearing in a courtroom in Provo on Oct. 6, 2005. A judge denied an appeal from Lafferty, who argued that his sentence of death by firing squad is cruel and unusual punishment. U.S. District Judge Dee Benson said in a ruling that the U.S. Supreme Court has never declared a state's chosen method of execution cruel and unusual. *George Frey, Associated Press*

SALT LAKE CITY — Sharon Wright Weeks sometimes struggled with what should become of the condemned man who killed her sister and niece in one of Utah's most infamous murders. Weeks didn't disagree with the jury's decision to execute Ronald Watson Lafferty. But in watching his case crawl through seemingly endless appeals in court, she no longer saw execution as an effective means of punishment.

"I can see both sides of this whole issue. I really can. But I can't handle that emotional part of it because to me it shouldn't be emotional. We're emotional about the people that we lost. For me, that cannot cross over into what we do now with the person who committed such a heinous crime," Weeks told the Deseret News in an interview over the summer.

Weeks wished Lafferty would just die peacefully in his sleep.

Lafferty, 78, died of natural causes Monday at the Utah State Prison after apparently being ill for some time.

“It’s over,” Weeks said Monday from her home in St. George. “I just feel a huge amount of relief.”

Though Lafferty won’t face a firing squad, issues surrounding capital punishment will continue to be debated in Utah and across the country.

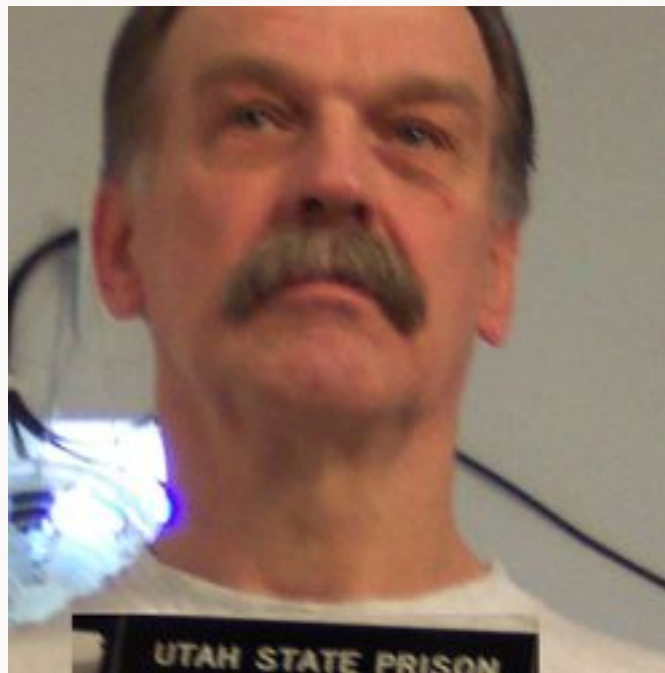
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After years in the prison’s maximum security unit, prison officials moved Lafferty to the medium security Wasatch facility, the oldest building on the complex and the one that contains the infirmary. The state’s other seven death-row inmates are housed at Uinta, according to the Utah Department of Corrections website.

In his most recent prison photo, he had his head on a pillow in a bed. Rather than the standard issue orange prison jumpsuit, he was wearing what appears to be a hospital gown. He had dark circles around his eyes, a bushy gray beard and brownish gray hair.

GRID VIEW



10 of 10

Ron Lafferty is pictured in 2007 in a handout photo from the Utah State Prison in Draper.

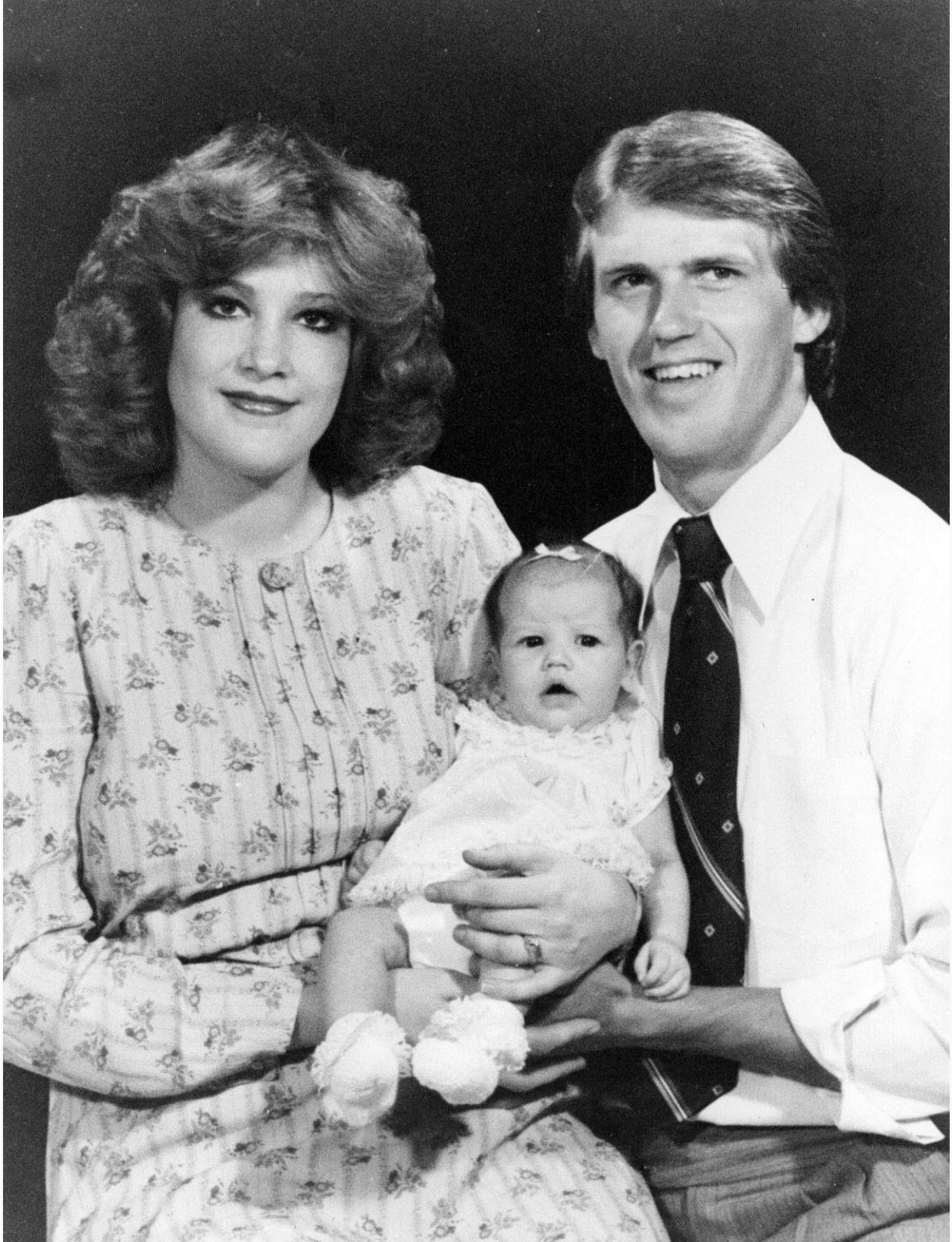
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Prison officials would not comment on Lafferty's health when asked about it recently. They also for "security and safety reasons" do not share information on when and where an offender is moved, said Kaitlin Felsted, Utah Department of Corrections spokeswoman.

Brutal murder

One-time members of The Church of Jesus Christ of Latter-day Saints, Ron and Dan Lafferty became disenchanted with the faith and joined a group called the School of the Prophets. They disapproved of their sister-in-law because they believed she was the reason Ron Lafferty's wife left him after refusing to allow him to marry a second wife.



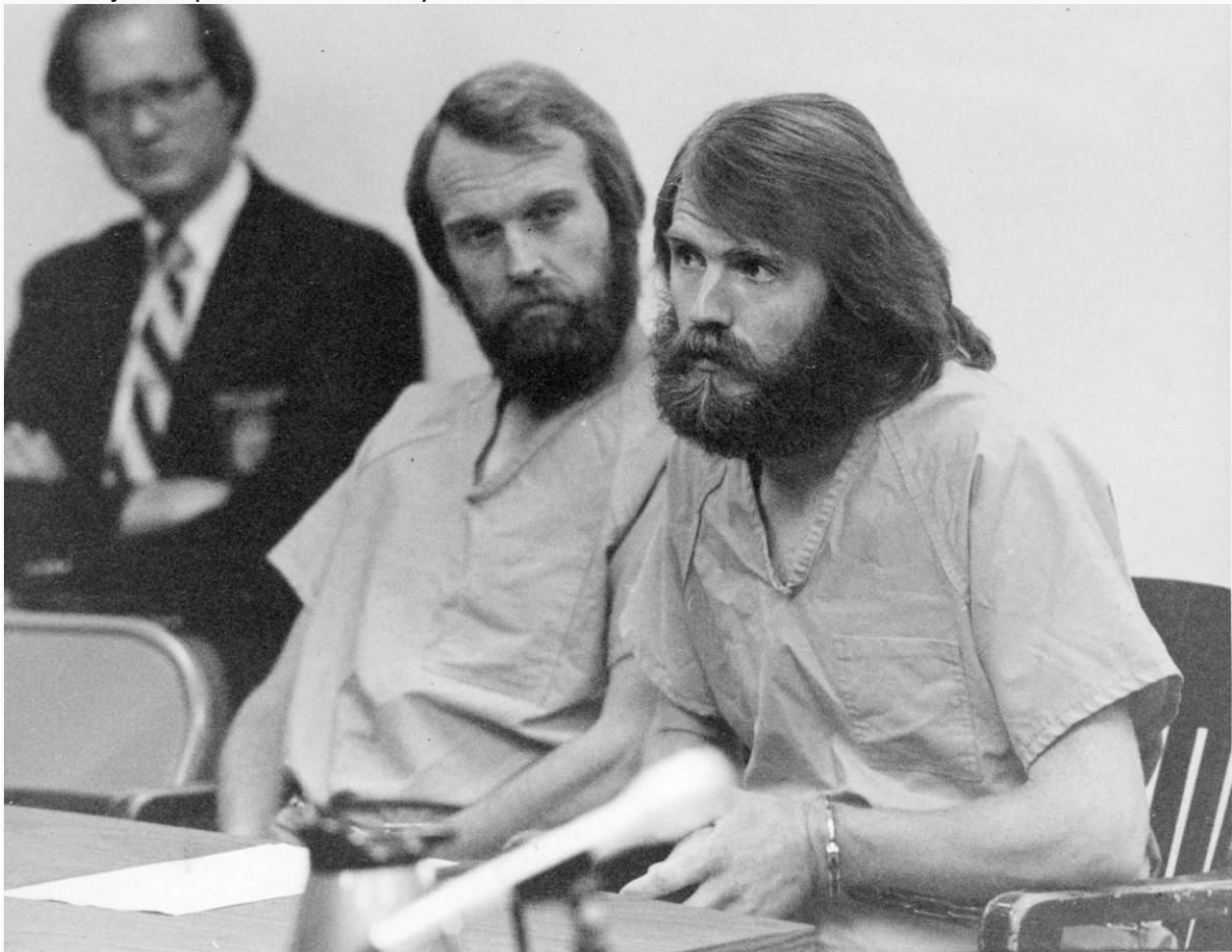
Brenda, Erica and Allen Lafferty pictured in this family photo distributed to the media July 21,1985. Brenda Wright Lafferty, 24, and her daughter Erica, 15 months, were found in their

American Fork apartment with their throats slashed. Ron and Dan Lafferty were both convicted of the deaths in separate trials in 1985. *Lafferty family photo*

Claiming a revelation from God, they slashed the throats of Brenda Lafferty and her 15-month-old daughter, Erica, nearly decapitating the toddler, in her American Fork home. The killings took place on July 24, 1984, the day commemorating Latter-day Saint pioneers' arrival in the Salt Lake Valley. Ron Lafferty said the revelation told him to "remove" the two, along with two of Brenda Lafferty's friends, to keep them from "obstructing God's work."

The brothers, along with two drifters, then went to the first friend's house, but no one was home so they broke in and left. They planned to stop at the house of another of her friends but got lost. FBI agents later arrested them in Reno, Nevada.

The Laffertys were to go on trial together until Ron Lafferty tried to hang himself to death in jail as well as attempted to kill his brother. Both were convicted in separate trials in 1985. A lone holdout juror spared Dan Lafferty a death sentence.



Brothers Ron, left, and Dan Lafferty appear in this file photo taken Aug 21, 1984. *David Siddoway*

Ron Lafferty's conviction was overturned on appeal and he went on trial again in 1996. A jury again convicted him and sentenced him to die. He chose to be executed by firing squad.

One of the longest-serving condemned inmates in the country, Lafferty had sat on death row for 34 years.

Justice served?

Weeks earlier told the Deseret News she was conflicted over what to do with the man who took her 24-year-old sister's life. The state, she said, never asked her. It asked a jury.

"When you go through something like this, in your mind you feel like justice is what you are told justice is," Weeks said.

On one hand, she accepted the decision of the jurors who twice condemned Lafferty to die after two trials, and would never second-guess their decisions. She said she told the state years ago to have the same courage and determination to carry out the sentence as the Laffertys had in killing her sister and niece.

On the other hand, she is an advocate for abolishing the death penalty. She said it doesn't work because it takes too long to carry out. Being on death row for decades wondering when and if you're going to be killed is torture in and of itself, she said.

"And torture for everybody that's chained to the person on death row. I've been chained to Ron Lafferty because every single time he has a hearing, I'm notified," Weeks said.



Dan Lafferty smiles at brother Ron as Ron waves to Dan in the mid-1990s. The Lafferty's had not seen each other for 11 years after being convicted in 1985 for the murder of their sister-in-law and baby niece. *Stuart Johnson, Deseret News*

Weeks also offered condolences to the Lafferty family.

"I don't forget for one minute that they lost a family member today," she said. "It's hard for them, too. It's hard for everybody."

Utah Attorney General Sean Reyes said in statement Monday that the state has labored for decades to provide justice for Brenda and Erica Lafferty after the Lafferty brothers brutally murdered them.

“That the wheels of justice turn so slowly in cases like this is cruel and tragic. Now that Mr. Lafferty is facing his Maker, perhaps ultimate justice will be realized and there will finally be some closure for the family of the victims,” he said.

Final appeal

Lafferty had one last chance to avoid the executioner’s bullet before he died Monday. After the Denver-based 10th Circuit Court of Appeals denied Lafferty’s request to make an appeal in another court this past summer, his only option was persuading the U.S. Supreme Court to take his case.

Lafferty’s federal public defender, Therese Day, argued in court documents that there were “substantial” constitutional questions and that a Supreme Court petition would not be “frivolous or filed merely for delay.”

Day contended that the state court used an unconstitutional standard to find Lafferty competent to stand trial in 1996. She also maintained that Lafferty’s attorneys failed to properly present mitigating mental health evidence at his sentencing hearing.

“Evidence of this type would have weighed heavily against imposing the death penalty,” she wrote.

Utah assistant solicitor general Andrew Peterson said in a recent interview Lafferty argued “mundane” issues and there is no split in the lower courts that would attract the Supreme Court’s attention. He said the chances of the high court reviewing the case were “virtually nil.” “There’s nothing in this case that’s worth the Supreme Court’s time,” he said.

Peterson said Lafferty was psychologically evaluated “more times than just about anybody else in history. I think we have a pretty good handle on his mental state.”

Day said in an email Monday that Lafferty was a mentally ill man whose competence was first questioned by the state before he ever stood trial. During his incarceration on death row, the state had him committed to a psychiatric hospital for over a year based on his mental illness and incompetence to stand trial.

Lafferty believed his incarceration and conviction were the result of a conspiracy between the state, the church, and unseen spiritual forces, including the spirit of the trial judge’s deceased father, among others, she said. He believed that all of his attorneys were working against him, and that one attorney was his reincarnated sister who later became possessed by an evil spirit. “A person suffering from this level of mental illness and delusional thinking is not competent to assist his counsel throughout his legal proceedings,” Day said.

Through it all Lafferty, himself, never believed that he was mentally ill or incompetent, she said. One expert said that if he was guilty of faking anything, he was guilty of pretending to be normal when he was not.

“Mr. Lafferty, like other mentally ill prisoners, was not treated for his mental illness as he should have been,” Day said.

‘I’ll take the firing squad’

Expecting that the Supreme Court would not take Lafferty’s case, state officials were planning for his execution late next summer.

Utah was the first state to execute someone after a U.S. Supreme Court ruling reinstated capital punishment in 1976. Since a firing squad shot Gary Gilmore in 1977, the state has executed six men — two by firing squad and four by lethal injection.

Lafferty was the last condemned killer in Utah given the choice of firing squad or lethal injection after his 1996 trial.

In a final attempt at gamesmanship that filled the trial, Lafferty tried to force the judge to decide for him how he should die.

"Do you have a preference?" 4th District Judge Steven L. Hansen asked Lafferty, who was shackled and wearing an orange prison jumpsuit.

"Preference? Do you ask me which I least prefer? No, I certainly do not have a preference," Lafferty replied. "I least prefer your lethal injection."

Lafferty then launched into a tirade against the judicial system, called the judge a "political punk" and an "idiot" and told him to do what he had to do.

Hansen imposed lethal injection as Utah law bound him to do, only to have Lafferty blurt out that he'd already had a lethal injection of Mormonism and that he'd like to try something different.

"Oh, I'll take the firing squad," Lafferty said emphatically. "How's that? Is that clear enough?"

The Utah Legislature removed the firing squad as an option in 2004 but did not apply the law retroactively. Lawmakers, however, restored it as a means of execution in 2015 only if a court determines the state doesn't have the drugs for lethal injection. Pharmaceutical companies' reluctance to see their drugs used to execute people led to a shortage of the commonly used lethal injection drugs.

Oklahoma and Mississippi are the only two other states that allow use of the firing squad if drugs for lethal injection aren't available. Four death-row inmates in Tennessee sued the state in federal court last November to be executed by firing squad, arguing lethal injection was inhumane. Two of them have since died in the electric chair.

Crazy like a fox?

Provo attorney Mike Esplin, who represented Lafferty in his 1996 trial, recalled Lafferty trying to decide between lethal injection and the firing squad, and telling co-counsel Linda Anderson that he didn't like needles.

But either way, Esplin said, it didn't matter much to Lafferty. He said Lafferty considered himself Jesus Christ, and those who raised rifles against him would be destroyed and he'd be on a beach somewhere.

"He believed once he's executed, that's the end of the world," Esplin said in an interview this summer. "The whole thing will go kaboom."

Psychiatrist Michael First testified in a 2013 hearing that a lack of oxygen to Lafferty's brain when he hung himself in a jail cell in December 1984 — five months after the killings — caused cognitive and psychotic disorders that led to hallucinations and delusions. Another psychiatrist, Noel Gardner, testified that Lafferty has a narcissistic personality and extreme religious and political views but wasn't delusional or psychotic.

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Despite the opinions of various psychiatrists and psychologists over the years, Esplin never thought Lafferty had a rational or factual understanding of what was going on in the courtroom. Lafferty came to court one day in the 1996 trial with the words "exit only" written on a washcloth hanging from his rear end to keep evil spirits or "travelers" out. He was disappointed that the attorneys wouldn't wear them, too.



Ron Lafferty pictured at his sentencing hearing from retrial on April 16, 1996. *Stuart Johnson, Deseret News*

Lafferty also stuffed a towel under the door of a jail cell, prompting a jailer to ask him if it was there to keep the “travelers” out.

“No, that’s a bunch of (expletive),” he said Lafferty replied. “The only people that believe that is the doctors.”

Esplin also represented Gilmore. He described Gilmore as a cold-blooded killer who once told him he would kill again. Gilmore, he said, was a psychopath. He didn’t need a reason to kill. Lafferty was mentally ill, Esplin said. He might have delusional reasons to kill but wasn’t out to kill everybody.

“I don’t think Ron’s a cold-blooded killer. I think he’s a misguided, crazy guy,” Esplin said.

Esplin doesn’t believe in capital punishment, though he allows that Gilmore made a good candidate. He has a problem with a jury making the decision. Whether someone gets the death penalty depends to a large degree on who is in the jury box. One holdout juror stopped Lafferty’s brother from landing on death row, he said.

“I would say this, if God’s making the decision, I’m for it. Because he knows the heart. If you’re on a jury, you don’t know,” Esplin said.

Also, he said the punishment isn’t based on where the state in which the offender lives because not all states have the death penalty. Esplin said it’s not a deterrent and there’s always the possibility of a wrongful conviction. Government, he said, shouldn’t become like the person it’s trying to put away.

In sickness or health

Lafferty would have been the first person in the country to die by firing squad since Utah executed Ronnie Lee Gardner in 2010. There have been three executions by firing squad in the U.S. since 1960 — all in Utah.

As bloody as it seems, some say the firing squad might be the most sure way for the government to take a person's life. Lethal injections have gone awry around the country. U.S. Supreme Court Justice Sonia Sotomayor argued in an Alabama case that though some might find it regressive, "in addition to being near instant, death by shooting may also be comparatively painless. And historically, the firing squad has yielded significantly fewer botched executions."

According to the Death Penalty Information Center, 7% of lethal injections were botched in the United States through 2010, more than any other method including hanging, lethal gas and electrocution. No fire squad executions went wrong, according to the center, though one in Utah could qualify as botched.

In 1951, Eliseo Mares was executed by firing squad, becoming the first person executed at the state prison's current location at the Point of the Mountain. The execution, however, didn't go exactly as planned. According to a Salt Lake Tribune article, the five gunmen — positioned about 15 feet away — missed twice, hitting Mares in the stomach and hip. He did not die for several minutes.

In Lafferty's case, some might have felt wheeling an old man in failing health to the death chamber to shoot him wouldn't reflect well on Utah. There is no provision in state law that would stop an execution based on an offender's physical health.

Marina Lowe, ACLU of Utah legislative and policy counsel, said last week that kind of visual helps make the ACLU's case against how "ridiculous" capital punishment is and whether it serves anyone's interest where such a scene is the end result.

State Rep. Paul Ray wasn't worried about the optics. He believes Lafferty should have been executed years ago.

"He's taken lives," the Clearfield Republican said in an interview in the summer.

Ray, who has sponsored legislation to expand the crimes that qualify for capital punishment, said what he sees is a process that takes way too long, and that government needs to revamp it. The state passed a law in 2011 to speed up the appeals process, but it has not been tested because no one has received the death penalty since then.

Ray says lethal injection has endless problems with getting the drugs from especially European pharmaceutical companies, and any new drug cocktail would face a court challenge. He prefers the state going exclusively to the firing squad, which he says is more basic and more effective. Had Lafferty lived and not won a reprieve, five volunteer police marksmen — four with live rounds, one with a blank cartridge or wax bullet — would have aimed .30-caliber rifles at his heart and pulled the triggers.

Though Utah law doesn't spare a sick or dying person from execution, physical health could be grounds for an argument before the Utah Board of Pardons and Parole, which has the power to commute a death sentence.

The U.S. Supreme Court, however, didn't find illness enough of a reason to change the method of execution let alone stay the death sentence in a recent case.

The court this year rejected a condemned Missouri man's request to die by lethal gas rather than lethal injection because of a rare medical condition. Russell Bucklew argued that lethal injection might cause him undue pain by rupturing blood-filled tumors on his face, head, neck and throat caused by a congenital condition called cavernous hemangioma.

Justice Neil Gorsuch wrote in the majority opinion that the Eighth Amendment barring cruel and unusual punishment does not guarantee a prisoner a "painless death." Missouri executed Bucklew by lethal injection in October.

Since Lafferty's first death sentence in May 1985, 1,467 people have been executed in the United States, the most recent last Wednesday in Texas. The number per year peaked at 98 in 1999 before starting a downward trend that continues today. Currently, 29 states, the federal government and the U.S. military allow capital punishment, according to the Death Penalty Information Center.

As of April, there were 2,673 people on death row across the country.