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3 siblings ask Easley for clemency for McHone

A half brother says that he deserves to die for killings

By David Ingram

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Family members and former prosecutors offered competing views to Gov. Mike Easley yesterday in a clemency hearing for Steven McHone, the Surry County man scheduled to be executed next week for the killings of his mother and stepfather in 1990.

Three siblings, several friends and the district attorney who oversaw the case asked Easley to grant clemency to McHone. They argued that the death penalty is too harsh in his case, and the siblings said they've forgiven him.

A fourth sibling said he's forgiven nothing. He and an assistant district attorney said that the penalty is fitting and they urged Easley to deny clemency.

McHone, 35, was convicted in Surry Superior Court in 1991 on two counts of first-degree murder. He does not claim that he is innocent, but his petition for clemency asks that he be given life in prison without the possibility of parole.

The petition could hinge on the competency of McHone's trial attorneys, on whether the shootings could have been premeditated given testimony that McHone was intoxicated at the time and on the appeals from a divided family.

"Steve and I have reconciled. I love him," Randy Adams, McHone's half brother, said in an affidavit. "I have forgiven him for killing my mom and dad. How can you forgive someone and want them to die?"

Tina Walker, McHone's stepsister, and Cheryl McMillian, a half sister, also said that they've forgiven McHone. They say that his death would only add to their tragedy and they want other relatives to know him.

"We need more time as a family to come together once more," Walker said in an affidavit. "I want you to know I don't make excuses for what he did, but he belongs in our family, and I can understand why it has not been easy for him to see that as so."

Another half brother, Wesley Adams Jr., is opposing McHone's request for clemency. He said that McHone deserves to die.

"He has shown that, during that morning and later on, he has no interest about my family," Adams said. "In fact, he has made threats to my family. Brutality was not even a question. I still have nightmares about it."

The prosecutors from the case are also divided. Assistant District Attorney Jimmy Yeatts, who led the prosecution, met with Easley yesterday and said afterward that McHone had a solid defense

given the circumstances.

"The defendant made a statement about his intent to kill," Yeatts said. "What can a defense (attorney) do at that point in time other than to try to ask a jury to have some feeling or some other reason to look some way other than at his acts?"

Yeatts' former boss, James Dellinger, is supporting clemency. Dellinger was the district attorney during McHone's trial, and he signed an affidavit last week saying that he regrets pursuing the death penalty.

"In the early nineties, capital law was evolving a great deal. We didn't have the option of life without parole," Dellinger said in the affidavit. "We also didn't have Indigent Defense Services at that time, and so every lawyer in the district was handling capital cases, whether they had the capability or not."

He continued: "If I had had the ability to pursue life without parole as an option today in the McHone case, I probably would have done that."

Dellinger resigned as district attorney in 1995 after being charged with forgery and filing a false expense report.

The clemency petition also notes the legal troubles of one of McHone's attorneys, Terry L. Collins, who was later disbarred for an unrelated scheme to help clients get driver's licenses illegally. Collins was also the subject of a drug investigation before McHone's trial, which defense attorneys say might have been a conflict of interest.

The petition also describes McHone's history of alcoholism and drug abuse, as well as testimony that McHone was intoxicated at the time of the shootings and did not receive adequate treatment for his problems. That contradicts theories that the shootings were premeditated, the petition says.

In an affidavit, paramedic Teresa Durham said that the last words of Mildred Adams, McHone's mother, were: "He didn't mean to do it; don't hurt him."

Kenneth Rose, one of McHone's attorneys, said that he plans to use that statement to ask for a new trial. He said that he hopes to file a motion in the next week.

Easley is expected to consider the petition for clemency and issue a decision before the scheduled execution Nov. 11. He has considered 22 petitions since taking office in 2001, and he has granted two.

Easley's office declined to comment on McHone's case.

"The governor's gathering information, and he's listening to everyone," said Sherri Johnson, a spokeswoman for Easley.

- David Ingram can be reached in Raleigh at (919) 833-9916 or at dingram@wsjournal.com
- The Associated Press contributed to this story.

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