

## Is Utah's death penalty on death row? This family's story of being 'shackled' to a killer has state 'on the cusp' of repeal

The Utah Legislature has struck down a capital punishment repeal twice before. What's different this time?

By Katie McKellar@KatieMcKellar1 Oct 4, 2021, 10:00pm MDT

<https://www.deseret.com/2021/10/4/22672848/utah-death-penalty-on-death-row-familys-story-shackled-to-ron-lafferty-repeal-capital-punishment>

Sharon Wright Weeks' face darkened and her eyes brimmed with tears when she began to describe a bone-chilling sound that haunts her every time she hears the name Ron Lafferty.

"I've never heard anything like it before, and I haven't heard anything like it since," she said.

It was three months before her 16th birthday, the morning that she found out her 24-year-old sister, Brenda Lafferty, and her niece, Brenda Lafferty's 15-month-old daughter, Erica, had been murdered.

Weeks said her mother broke the news to her in her bedroom in the basement of their house. The unrecognizable sound, she said, came from upstairs. It was so jolting, she said, it halted her tears.

"I found out after investigating that it was my dad," Weeks said, her voice straining with emotion. "And he was screaming and crying at the same time."

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She paused.

"Every time I heard Ron Lafferty's name," she said, "I felt the same feeling that I had when I heard my dad."

For 35 years, his name and that feeling tormented her. With each court date, with each appeal hearing, she said it never seemed to end.

Ronald Watson Lafferty, convicted for the brutal killing, was supposed to die by execution on or around July 19, 1996 — what would have been Brenda Lafferty's 36th birthday, Weeks said. For years, Weeks wanted him to die by execution to give her family justice and relief for his horrific crimes.

But that didn't happen.



Brenda Lafferty holds her daughter, Erica Lafferty, on Sunday, June 5, 1983, about one year before their murder. That day, Erica was blessed by her father, Allen Lafferty. *Weeks family photo*  
Now, Weeks has positioned herself as one of the state of Utah's most powerful voices against the death penalty. And she has some allies on Utah's Capitol Hill, including a pair of influential conservative Republicans.

She knows what happens to families of victims in the years — decades — after a convicted killer is sentenced to die. That’s why she said she wants to give a “gift” to other future victims’ families by taking the death penalty off the table.

“I don’t want another human to suffer what I know will be their suffering,” she said. “If a death sentence is given, it will start the process of their own personal hell.”

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So Weeks is gearing up for what she knows will be a very public battle next January: an effort to repeal and replace Utah’s death penalty statute once and for all.

She has two veteran Republican lawmakers who say they’ve searched their souls and changed their minds about whether capital punishment should be on Utah’s books. The American Civil Liberties Union and the Utah-based libertarian think tank Libertas Institute are also behind her and the bill the pair of GOP lawmakers have drafted.

The legislation would not only repeal Utah’s death penalty, but replace it with a new law — one that, as currently drafted, would give prosecutors a new bargaining chip in its place in their pursuit of plea deals: a sentence for aggravated murder of 45 years to life in prison.

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It’s Weeks’ story — and how it’s coalesced even staunch conservatives around the effort — that’s feeding momentum the state has never seen before, said a national death penalty expert, Robert Dunham, executive director of the Death Penalty Information Center.

That’s putting Utah “on the cusp” of being one of the next Western states to repeal, he said, calling it a “very strong possibility.”

Dunham said he doesn’t make predictions. “But I can tell you that the stars are lining up,” he said. “There is a clear momentum here.”



Dan Lafferty smiles at brother Ron as Ron waves to Dan in the mid-1990s. The Laffertys 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*

**'Shackled' to a killer for 35 years**

Ron Lafferty and his brother, Dan Lafferty, were convicted in a brutal murder that remains one of Utah's most infamous. While Dan Lafferty, in a separate trial, was convicted and sentenced to life in prison, eventually to fade into obscurity, Ron Lafferty's name is one that continues to live in infamy.

Claiming a revelation from God, the two brothers slashed the throats of Brenda Lafferty and her 15-month-old daughter, Erica, nearly decapitating the toddler, in their American Fork home on July 24, 1984.

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Sensationalized by the drama of the death penalty, Ron Lafferty's name hit headline after headline as his case inched its way through the court system for more than three decades.

Weeks described it as a "horrendous" situation for the family — "being shackled to the person who so brutally took your family members and drug through the appellate process along with them, being revictimized over and over and over again."



Brenda and Erica Lafferty's grave in Twin Falls, Idaho, is pictured on Monday, May 31, 2021. Brenda and Erica Lafferty were laid to rest together, with Erica laying in the crook of Brenda Lafferty's right arm. *Weeks family photo*

Consider this saga of the Ron Lafferty's case:

- Ron Lafferty was tried in 1985, convicted and sentenced to die.
- In 1988, the Utah Supreme Court found Lafferty's claims for appeal to be without merit and affirmed his convictions and sentences.
- In 1989, a U.S. District Court judge denied Lafferty's request for a writ of habeas corpus.

- In 1991, the Denver-based 10th Circuit Court of Appeals overturned his verdict and reversed it, ruling the state court had applied the wrong legal standard to determine whether Lafferty was competent to stand trial.
- Lafferty was charged again. In November 1992, another competency hearing was held. The 4th District Court in Provo found he was not competent to stand trial because of mental illness, and he was sent back to the Utah State Hospital for treatment.
- In 1994, the court determined Lafferty was competent to stand trial, but the trial was delayed by Lafferty filing several motions.
- In 1996, Lafferty went on trial again. He was found guilty and sentenced to die.
- Lafferty filed another appeal to the Utah Supreme Court. In 2001, the court again affirmed his conviction and sentence.
- In November 2001, the U.S. Supreme Court refused to hear Lafferty's appeal.
- In 2007, the Utah Supreme Court denied Lafferty's request for a new trial.
- In 2010, Lafferty sought another mental competency evaluation in U.S. District Court.
- In 2014, a U.S. District Court judge concluded Lafferty was competent to take part in the federal review.
- In 2017, A U.S. District Court judge denied Lafferty's petition to vacate his convictions and sentence.
- In 2019, the 10th Circuit Court of Appeals refused to hear his case by a unanimous decision.
- One of his last options was to persuade the U.S. Supreme Court to take his case.

Lafferty was slated to be executed by firing squad, an option he chose before Utah changed its law to use the firing squad only as a backup method if lethal injection drugs aren't available.

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Ron Lafferty, one of the longest-serving condemned inmates in the country, sat on Utah's death row for 34 years until he died in 2019, just months after his last appeal was denied. But it wasn't by firing squad. Instead, Ron Lafferty died in prison at age 78 of natural causes.

After he died, Weeks said it felt as if "our family needed another funeral because we could finally let Brenda and Erica rest."

"Their names had been in the media, ongoing, the entire time. And I was relieved that we were done."



Sharon Weeks clasps her hands tightly while speaking about the killing of her sister and niece to journalists at the Capitol in Salt Lake City on Wednesday, Sept. 15, 2021. Weeks' sister, Brenda Lafferty, and Brenda's 15-month-old daughter, Erica, were killed by brothers Ron and Dan Lafferty, Brenda's brothers-in-law, in 1984. *Spenser Heaps, Deseret News*

#### **'A counterfeit promise'**

Weeks has spoken before to the Deseret News about how she didn't disagree with the jury's decision to execute Ron Lafferty. But as she watched his case crawl through years of appeals, she said she no longer sees the death penalty as effective. She got to a point where she just wished her sister and niece's killer would die peacefully in his sleep.

Since then, her resolve against the death penalty has grown only stronger.

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"Justice is supposed to be swift," Weeks said. "It was promised to us by the state of Utah, once in 1985 and again in 1996."

Now, Weeks said it's a lie. She said Creighton Horton, a prosecutor who worked on Ron Lafferty's case, has since apologized to her and said the death penalty, for victims' families, is "a counterfeit promise." Weeks said she's still a proponent for the idea of the death penalty, but, she said, "I just know it's not viable. ... It isn't a real thing. It does not exist. It is a life sentence with a lot of publicity."

Weeks said she spent 25 years of her life trying to figure out how to fix it, but she said it's simply "the system" and "a human rights issue." In the end, "nothing is worth the cost of executing innocent people," she said.

Since 1973, 185 death row inmates have been exonerated in the U.S., according to the Death Penalty Information Center, a national nonprofit that provides data and analysis on capital punishment. "There's

no way to tell how many of the 1,534 people executed since 1976 may also have been innocent,” the organization says on its website, noting “courts do not generally entertain claims of innocence when the defendant is dead.”

Weeks added that she understands the feeling of wanting your loved one’s killer to be put to death.





Sharon

Weeks poses for a portrait at the Capitol in Salt Lake City on Wednesday, Sept. 15, 2021. Weeks' sister, Brenda Lafferty, and Brenda's 15-month-old daughter, Erica, were killed by brothers Ron and Dan Lafferty, Brenda's brothers-in-law, in 1984. *Spenser Heaps, Deseret News*

"In the beginning, you want them to hang," she said. "You want to hold onto their leg and tug a little bit. You really do. ... There is that feeling of an eye for an eye, absolutely."

But the reality is, she said, "we have advanced as a society past the point of trusting our government with killing inmates." And even beyond that, the toll on families is just too high, she said.

Having lived it for more than three decades, Weeks said she has "nothing to gain" in the upcoming debate in the Legislature, even though it will continue to remind her of the pain and suffering she and her family has been through.

"I just don't want it to happen to anybody else. I would love to give a gift to the next family that they don't even know they're getting."

#### **Utah has shot down a repeal effort twice before. What's different now?**

In 2017, two years before Ron Lafferty's death, Weeks said she brought her story to Rep. Lowry Snow, R-Santa Clara, and asked him if lawmakers were "aware of what our family is going through, and other families, after having a promise from the state of Utah of what justice is and then never (receiving) justice."

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Snow — who has voted before, along with many of his other Republican colleagues, against previous Utah death penalty repeal efforts — said he was "moved" by Weeks' story. As they stayed in touch, in the years before and after Ron Lafferty's death, Snow said his feelings about capital punishment have changed.

He called it a "spiritual journey." Describing himself as someone who is "very much pro-life" Snow said as he's gotten older, "the more I believe that God, or a higher power, is in the details of life and death, both. And I think when we as mortals get involved, especially in a legal capacity ... we interfere with that process."

"Allowing that person to die in prison, leaving that up to his maker or her maker, and not having to publicize that person and inflict emotional trauma on family is a better approach," he said.

The financial cost is also a big factor that's swayed some Utah conservatives before, and is likely to again next year. The Utah Commission on Criminal and Juvenile Justice recently completed a study that concluded state and local governments spent roughly \$40 million over 20 years on death penalty cases. That figure funded only two sentences.

It took him several years, but Snow said he felt 2022 was the right year to move forward with a repeal and replace effort.

"I felt different this year. I don't know how to describe it except that some things fell into place," Snow said, adding Weeks' strong commitment to come forward publicly made him feel like "this was the right time."



Sharon Weeks poses for a portrait at the Capitol in Salt Lake City on Wednesday, Sept. 15, 2021. Weeks' sister, Brenda Lafferty, and Brenda's 15-month-old daughter, Erica, were killed by brothers Ron and Dan Lafferty, Brenda's brothers-in-law, in 1984. *Spenser Heaps, Deseret News*

Sen. [Dan McCay, R-Riverton](#) — another conservative who said he's changed his mind about the law — has signed on to sponsor the bill in the Senate, where previous iterations of a Utah death penalty repeal have been narrowly successful. In [2016, the Utah Senate voted 15-13 to approve SB189](#), sponsored by now former Sen. Stephen Urquhart, R-St. George.

But the 2016 bill stalled in the House, even though then-House Speaker Greg Hughes, R-Draper, supported it. In 2018, a late-to-surface bill also failed to muster the votes needed to pass the House, and its sponsor, [Rep. Gage Froerer, R-Huntsville](#), pulled it from consideration.

So it's likely the Utah House will be the true linchpin of whether the 2022 bill passes or fails.

And it will be put to the test early. Snow is the chief sponsor of the bill, meaning the bill will start in the House.

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"Nothing is going to be easy," Snow said. "But I think if it can get past the House and pick up momentum there, I'm hopeful it will move that way in the Senate, too."

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### **Is the death penalty dead in Utah?**

#### **'We'll give it a stay of execution for another year'**

An ardent supporter of Utah's death penalty, Rep. Paul Ray, R-Clearfield, is extremely skeptical Snow's bill will survive the 2022 Utah Legislative session. He said he doubts it will make it out of the House alive. "We've shot it down like three times now," he said. "You know, they say you can't beat a dead horse but apparently you can."

Ray, who in [2015 successfully championed a bill to legalize the firing squad](#) in Utah if lethal injection drugs aren't available, believes the death penalty should remain on the books for the most hardened and deserving of criminals.

"There are certain crimes that are so heinous you should have to sacrifice your life," Ray said.

Ray said the case of Dave Noriega, a KSL radio talk show host whose grandmother and aunt were brutally murdered in their Summit County cabin, is a "great example" of a victim's family member who supports the death penalty.

To [Noriega, it's not about revenge or deterrence, but about justice](#). Noriega in a 2018 committee hearing told lawmakers "you will be depriving our family" of justice if they abolish the state's death penalty.

Ray said he's confident there are still enough conservative lawmakers in the House who think the same as him.

"I think we tie it up in the House again. I just haven't seen enough of a change in philosophy in the House. I mean, they weren't even close on getting their votes in the House (in 2018) ... So I don't see the votes changing a whole lot."

Ray said if lawmakers "really want to do something," they should put the question on the ballot for voters to decide. He pointed out [polls generally show most Utahns support](#) the death penalty.

So, no, Ray doesn't think Utah's death penalty is on death row this year.

"No, we'll give it a stay of execution for another year," he said.

A [2010 Deseret News-KSL poll showed 79% of Utahns](#) either strongly or somewhat favored the death penalty. However, in 2018, a study by the state's Commission on Criminal and Juvenile Justice suggested [Utahns' support of the death penalty could be waning](#).

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**[79 percent of Utahns support death penalty, poll finds](#)**

**Counting votes**

Despite Ray's doubts, Marina Lowe, who is representing both the ACLU of Utah and the Libertas Institute on the repeal effort, said there are plenty of reasons to be more confident this time around.

While legislative outcomes are difficult to predict, she said they're confident the votes can align.

"My intelligence shows me that we have pretty solid vote counts," she said. "But we'll have to see where that goes. People's minds, I think, are still open to being changed one way or the other."

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What is "indisputable," she said, is there is "more momentum around this issue this year than we have ever seen before. More than even in 2016 when we came just one floor vote away from passing a repeal all together."

Connor Boyack, president of the Libertas Institute, said Ray's hardline prediction is misinformed.

"This bill has never been shot down in the House. This is a different bill. It's a different sponsor. It's a different group behind it. It's a different Legislature. And Rep. Ray has not been in the many conversations that we have," Boyack said.

"I think his calculus is off on this ... and he's just projecting a desired outcome for him, which is status quo. He's not up to speed on all the different dynamics that are involved in this particular effort."

Those dynamics include kick-starting the effort extremely early, roughly five months before the January general session is slated to begin. Additionally, soon after announcing the bill, [top prosecutors from four Utah counties](#) announced they were backing the repeal. They called it "a false hope" for victims and a "big lie" and a "fraud."

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**[4 county attorneys in Utah call for end to death penalty](#)**

Boyack also noted Snow has “significant respect” among his legislative colleagues, “and he’s not a person who backs down from taking on a complex criminal justice issue.”

Snow, when asked about Ray’s comments, said he has a “tremendous amount of respect” for Ray. “But public policy on these issues rests with the Legislature. And I think it’s an issue worthy of us hearing and having fair debate on it. That’s all I ask.”

Snow declined to predict an outcome, but he believes “there are enough of my colleagues that feel inclined to allow this to be heard and to be debated.”

Utah’s legislative leaders are shying away from taking positions on Snow’s bill this early. Both House Speaker Brad Wilson, R-Kaysville, and Senate President Stuart Adams, R-Layton, in interviews with the Deseret News declined to say whether they supported it. But they both said it’s an issue worthy of discussion.

“It’s an emotional issue and I think we as a Senate will consider it, but I don’t want to predict the outcome right now,” Adams said.

“We’re just going to let the process be the process and let people see where they come down on it,” Wilson said, “and I’m probably going to keep my opinions to myself for a while on this one.”

Asked for his stance on the issue, Utah Attorney General Sean Reyes’ office said the state’s top prosecutor is staying neutral on the issue.

Gov. Spencer Cox, even though he’s been a past supporter of Utah’s death penalty, has left the door open for the repeal and replace legislation.

Asked during his monthly PBS Utah news conference Thursday about whether he would sign the bill if it passes, the governor said he hasn’t “made a final decision,” but he’s had “occasion to reevaluate my feelings about the death penalty.”

“I’m anxious to have this conversation and to listen to all sides, and then we’ll make the right decision,” he said.

### **The West’s ‘frontier’ movement away from the death penalty**

Dunham, who for the Death Penalty Information Center monitors what states across the nation are doing regarding capital punishment, said there are plenty of factors that are making Utah a particularly interesting state to watch in the coming months.

“People who are looking at the United States and are interested in the death penalty believe that Utah is one of the states that may well abolish very soon,” Dunham said.

Nevada, he said, is “also on the cusp of abolition.” Zoom out even farther, and that movement “is particularly strong in the western United States.”

There’s a moratorium on executions in Oregon and California. Colorado abolished its death penalty last year. Wyoming, also a heavily Republican state, came close to abolishing it earlier this year, he noted.

“There hasn’t been an execution west of Texas in six years,” Dunham said. “And the number of new death sentences imposed west of Texas has been at a record low over the last three years. So we’re seeing all sorts of movements away.”

Why is the West making this move? Dunham said it’s a curious phenomenon.

“There’s a regional dimension to capital punishment,” he said. “It’s hard to explain exactly what it is, but it’s a combination of culture and politics.”

The West has a “kind of frontier personality,” he said, “especially in the Mountain West, where there is a distrust of government interference in day-to-day life.”

“One line I heard was, ‘If we don’t trust the government to fix potholes and regulate shoelaces, why would we trust it with capital punishment?’” Dunham said. “And so that kind of mentality favors limited government.”

It’s not as though it’s “sweeping the country,” he said, “but it’s a steady movement away. And the question is when do you reach that critical point?”

In Utah, the stars seem to be aligning, he said. A family member who's been personally affected willing to be very public with her story. Well-respected, conservative lawmakers changing their minds and throwing their support behind it. A coalition of prosecutors taking a strong stance against it. "Utah is ripe for a serious abolition effort," Dunham said. While it's "too soon to say what the outcome is going to be, nobody would be surprised if Utah were to abolish it."