

C. Guy Cutler

I want to explain to you that I do not believe in confining a man in prison for a **life** time, there to be held so that revenge may be had upon him. I consider that the most brutal and inhuman conduct that civilized men can do, one to another. I do not think that a really civilized person should demand such unusual punishment. I consider it much more human and civilized to kindly and expeditiously destroy a man, than it is to keep him cooped up so that the state may continue to punish him for years. That idea is brutal. It is the judgment of a brutal people. It is much kinder to take a life than it is to confine that life and over the years punish and brutalize it. On the other hand if confinement is not severe, if it is but gesture then the whole effect is lost upon society. Furthermore, there is always this chance; that a killer may escape or be paroled or pardoned by some generous hearted but dumb minded governor or tribunal, and other good citizen's killed or have their lives endangered. The purpose of removing a killer from society is to protect society and the best way to protect society from such is to take no chance and destroy him. A human killer is no less dangerous than a mad dog, the mad dog cannot help his condition, but we destroy him as a matter of safety. That is my idea of the proper manner of dealing with killers, whether they be dogs or men. I wouldnt keep a mad dog **tigd up** for its life time, in a dark place, with inadequate food, or beat him. I would consider that the very depths of human cruelty and brutality. Netther am I inclined to do that for a human killer. For one who deliberately destroys the life of a good man, a dutiful officer who is at that time in discharge of his duties, there is no place in this life, not even in prison.

Why, if you were sent to prison for life, then your mother would constantly have in her mind and memory the fact that you were confined there, that you were being punished there, perhaps in solitary confinement, the most bruther and cruel punishment known to man,. That would be a constant care upon her mind, that would be a constant and continuous PUNISHMENT of your mother. You dontwant that. I wouldnt want to do that. Then she would have with her the constant desire to get you out, she would use such means as comes to hand to get you out. You shouldnt ever be out; you are a dangerous killer. But if you were kindly and quickly destroyed, her peace of mind would soon be restored; there would be no hope, to devil her, about getting you out to the sunshine of day. She would soon become reconciled and again have peace. You have punished her enough, it is not my judgment that you should be allowed the chance to punish her further or society either. My conscience would never feel right if I contributed in any manner to bring trouble and anxiety to your mother that she wouldnt be subject to in her ordinary, natural life. I dont want to be ~~in~~ the same boat that you are; your life has been a nightmare to her; that nightmare should be brushed aside.

Then society has no place in it for the likes of you; not even the society of desperate men. The officer you butchered was discharging a duty that he owed to protect society; good men and women in society or bad men and women in society, it was his duty to propect and he was courageously doing it when his life was snuffed out. My sympathy goes out to his family for the loss of a kind husband, a loving father; and to society for the loss of a good citizen and a dutiful officer. I cannot forget them while I, in heartfelt truth, pity you. Blood thirsty citizens riding around in cars with deadly guns in their laps should be exterminated; that is the only correct solution of a problem that is growing and becoming more and more vexacious. I dont want to be harsh with you. I am not and would not say these things to hurt your feelings, but I say them as an explanation of my condition of mind, so that in all fairness you may be advised as to the judgment of this court. It would give me no satisfaction, rather it would be exceedingly painful, for me to visit upon you the death sentence. But I do believe that to be the only just judgment in such cases as this.

This charge against you is murder. You admit the charge. You ask mercy. How can you ask that which you would not grant?

You coldly and basely murdered a courageous officer of the law. One of the most dependable officers in this state. He came to you thinking you were two unruly boys, who in some drunken orgy had taken the car you were riding in away from the garage. You met him with swift death. He had no chance. You gave him none, now you ask for mercy.

There are tears in your eyes now, but those tears are not wholly of ~~xxx~~ repentance, they are more of fear- of self pity. You are think of yourselves, not of the deed you committed. Contrition of heart will not return Cris Whitson to the bosom of his family. The agony of your very souls cannot replace the dead with the living. You suffer now, but is it of remorse or fear? You know it is not repentance for the thing you did but the consequence of that act which you dread. The sigh of remorse will not quicken into life the body of one of the best officers of the state.

He was your protector, your friend; the friend of your families, the friend and protector of every righteous citizen of this county; yet you stuck him down without giving him a chance. You probably bragged to each other as you drove off after this fearful murder. That was your frame of mind then; that was the way you felt when there was chance of escape. You feel different now; you ask for mercy.

It is my belief that there is no sacrifice you can make sufficient to atone for your base and foul misdeed. The law is gracious; it affords to such as you more protection than is probably justified. Were there any mitigating circumstance for your crime the judgment of the courts and the sentence of the law must and would take that into consideration. Had there been a brawl; a struggle (even though it in fact was no justification for your fiendish act) you would have been given all the advantage of it.

Now you ask for mercy. There are certain of our kind who, in misguided sentiment, believe it wrong to destroy such as you. They prat of diseased minds and cells where mentally deficient should be housed, fed and protected. What for? Cris Whitson would be just as dead at the hands of a maniac as if killed in cool judgment. It is their belief that it is less cruel to keep you cooped up for the rest of your life so that punishment may be visited upon you rather than kindly and expeditiously destroy you now, so that more sorrow and anguish cannot be brought by you upon some other worthwhile citizen and his kindred. You have brought grief and anxiety upon your parents, your kindred and your friends. You would probably do it again if the chance were given. By cooping you up in some penitentiary there would remain the hope on the part of indulgent parents that you could be gotten out; they would lend their efforts and their pitiful finances to accomplish that end. As long as you were there imprisoned no peace would be possible for the hearts of your mothers or your fathers. But kindly and expeditiously destroyed, nature will soon heal the wound; the scar will remain but it will not render pain. That is the best. By seeming to be cruel in the extermination of such as you the fact remains that, after all, it is kindness. A kindness that reaches in many directions; not only to you but to others.

Only savage people would keep you cooped up in order to reek revenge upon you. That is not the philosophy of civilized-truly civilized people. That is the philosophy of the savage man.

"Whoever shedeth man's blood, by man shall his blood be shed", those are injunctions of the Bible which we are led to believe is the word of the Great Creator. It is founded in reason and justice; so, in accordance with that Devine command, it is the judgment and the sentence of this court that you be taken to the state penitentiary, ^{within ten days} there held until the 30 day of Oct, 1936, a Friday, at which time you are to be executed according to the laws and the provisions of the statute of this state made and provided.

This duty that I perform is a sad one; it is not one that any man would like. But the duty falls upon me as the one chosen by the people to administer the law and I would be less than degenerate if I shirked that duty. Believing as I do in the principles and the philosophy I have given I would be shirking a duty if I did not pronounce the sentence that I honestly felt was for the best for yourselves, your parents and for society. It does not stop here, this record will be properly certified to the Governor of this state, he will transmit it to the highest criminal court of the land to examine into. Those are protective measures that the law throws around such as you in case I should be making a mistake here. It is not ~~me~~ that visits this judgment upon you; it is your own fould act and the law of the state.