

# Jury

30 AUG 1991

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In addition to the murder charge, the jury convicted Davis on Wednesday of obstructing MacPhail in the performance of his official duties and possession of a firearm during the commission of a felony.

The jurors also convicted Davis on charges of aggravated assault in the shooting of Michael Cooper in Cloverdale about an hour before the MacPhail slaying and aggravated assault by pistol-whipping Larry Young in the parking lot of the Burger King restaurant where MacPhail was slain.

Head, who will be bound by the jury's sentence recommendation on the murder charge, will impose sentence on all remaining charges.

In other testimony Thursday, Davis' mother fought back tears as she begged for her son's life.

"Please, please, I beg you, spare my son's life because we need him," Mrs. Davis said. "Ladies and gentlemen of the jury, Troy (Anthony) Davis, he is not a bad person, the way it

looks. He was a good person, he was a good son and provider for his family," Mrs. Davis said.

Her daughter, Martina Correia, cried as she too urged jurors to spare Davis' life.

"I'm asking the jury to spare my brother's life, because if you take my brother's life it will be like taking my whole family. He is the foundation," she said.

Anticipated testimony for the state by MacPhail's widow, Joan MacPhail, was blocked before court Thursday by defense lawyers.

The U.S. Supreme Court recently approved use of victim impact statements in death penalty cases, but relied upon individual states for use of the statement. Defense Lawyer Robert Barker argued Thursday that while Georgia allows victim statements for use during trial, it does not allow them in capital cases.

Head barred prosecutors from using Mrs. McPhail's testimony.

If the jurors recommend death for Davis, the case will automatically be appealed to the Georgia Supreme Court. Defense lawyers are expected to appeal the verdict if life imprisonment is recommended.