



# Answering the...

# HARD QUESTIONS

## INNOCENCE

Because human beings administer the **death penalty system**, and because human beings are fallible, **innocent people may have been executed in the past and will continue to be executed in the future.**

Since 1973 **more than 120 people in 25 States** have been released from death rows across the USA after evidence of their wrongful convictions emerged.

In April 2002, Ray Krone became the **100th prisoner to be released from death row** since 1973. Mr. Krone spent 10 years in prison in Arizona, including time on death row, for a murder he did not commit. DNA testing finally proved his innocence.

The exoneration of 13 Illinois death row inmates led Governor George Ryan to **declare a moratorium on executions in the State of Illinois**. Calling the death penalty process "arbitrary and capricious, and therefore immoral," Gov. George Ryan cleared Illinois' death row in January 2003, commuting 167 condemned inmates' sentences to life in prison.

In December 2003 the **Tennessee Supreme Court** refused to act in the case of Paul Gregory House (Union County) despite DNA evidence that cleared House of the rape that the prosecutor used as the motive for the murder of Carolyn Muncey. Other evidence that could clear House has never been presented before a court.

**If statistics are any indication, the system may well be allowing some innocent defendants to be executed.**

*- Justice Sandra Day O'Connor*

Erskine Johnson, an African-American was sentenced to death in **Tennessee** in 1985. The all-white jury dismissed the testimony of more than five alibi witnesses who testified Erskine was 300 miles away in St. Louis, Missouri at the time of the crime. Furthermore, the state illegally withheld from the defense critical evidence which pointed to a different group of suspects. His sentence was overturned in 2004 and his current legal team is working to win him a new trial where the evidence of his innocence can be heard.

Unfortunately, the *Anti-Terrorism and Effective Death Penalty Act of 1996* seals the fate of some innocent defendants who will be executed despite evidence of innocence which would be troubling to any reasonable juror.

### Factors leading to wrongful convictions include:

- Inadequate defense
- Police and Prosecutorial misconduct
- Perjured testimony and mistaken eyewitness testimony
- Racial Prejudice
- Tainted jailhouse testimony
- Suppression of mitigating evidence and misinterpretation of evidence
- Death qualified juries
- Lack of *or* unreliable eyewitness testimony