

Innocent Lives in the Balance

The real risk of executing the innocent

Since 1973, more than 150 people in the U.S. have been freed from death row after evidence revealed that they were sentenced to die for crimes they did not commit. Innocent people languish in prison while tax dollars are spent seeking their death and the real killers remain at large.

It can and does happen in Indiana

Here in Indiana, two men who were sentenced to death were later acquitted at new trials.

- Larry Hicks was convicted of murder and sentenced to death in Lake County in 1978 for the murder of two men at a party. On retrial, the two witnesses who had testified against him at his prior trial told jurors that they had lied because they were afraid of the real killer, whom they named.
- Charles Smith was convicted of murder and sentenced to death in Allen County in 1983 for the murder of a woman during a robbery. In 1989, the Indiana Supreme Court reversed his conviction and sentence due to the poor quality of representation he received from his trial and appellate lawyers. On retrial, Smith's lawyers presented evidence that another man had confessed to the killing and bragged that he had framed Smith.

"Despite the court's efforts to fashion a death penalty scheme that is just, fair and reliable, the system is not working. Innocent people are being sentenced to death....It is no answer to say that we are doing the best that we can. If this is the best our state can do, we have no business sending people to their deaths."

- *Moses Harrison, Illinois Supreme Court Justice*

What we have learned about wrongful convictions

- Groups like the Innocence Project and the Center on Wrongful Convictions have found common problems that lead to wrongful convictions. The newly created National Registry of Exonerations issued a 2012 report discussing over 2000 exonerations in all kinds of criminal cases throughout the country, and found that the most common causes of wrongful convictions are perjury and false accusations,

mistaken eye witness identifications, official misconduct such as prosecutors hiding evidence, false or misleading forensic evidence, and coerced false confessions. Misconduct, lying witnesses, even innocently mistaken witnesses – these are not the hallmarks of a criminal justice system we can trust with life or death decisions. Even with the best of intentions, mistakes are made.

And these are just the ones we know about

- Contrary to popular belief, the appeals process is not designed to catch many of these mistakes. Many exonerations have come only because of the extraordinary efforts of people working outside the system – pro bono lawyers, family members, journalists and even students. And even then, our appellate system often refuses to consider evidence of innocence. One-hundred and fifty death row exonerations are not proof that the system works – they are a troubling indication of just how flawed our system is.

Innocent men executed?

- Carlos DeLuna was executed in Texas in 1989 for the murder of Wanda Lopez. In 2012, the results of an exhaustive investigation of the case were published in the Columbia University Human Rights Law Review, meticulously documenting that Lopez was murdered by Carlos Hernandez, who made multiple confessions to the crime and who went on to victimize other people.
- Cameron Todd Willingham was executed in Texas in 2004 for setting fire to his home, killing his three young daughters. Experts now say that the theories used in the arson investigation are scientifically invalid. Willingham was executed for a fire that appears to have started accidentally.
- In 2011, the state of Georgia executed Troy Davis for the murder of a young police officer, despite serious doubts about his guilt that led a former president, former FBI chief, and millions around the world to call for clemency.

We know that innocent people are sentenced to die, and that death is a punishment that cannot be undone. It's time to stop risking innocent lives and abolish the death penalty.



For more information, please go to our website at www.indianaabolition.org