

## FACT SHEET: THE MATTER OF INNOCENCE

“Perhaps the bleakest fact of all is that the death penalty is imposed not only in a freakish and discriminatory manner, but also in some cases upon defendants who are actually innocent.” Supreme Court Justice William J. Brennan Jr. 1994

### **Innocent People Are On Death Row & May Have Been Executed**

- 123 people have been exonerated from death row since 1973. With approximately 1,050 executions during that same time period, for every 9 executions, 1 innocent person is freed from death row in the United States. (Death Penalty Information Center)
- In the past two years, three major U.S. newspapers – the *Chicago Tribune*, the *Houston Chronicle* and the *St. Louis Post-Dispatch* – have reported that four executed inmates in all probability were innocent. Their names are Ruben Cantu of Texas, Carlos De Luna of Texas, Larry Griffin of Missouri and Todd Cameron Willingham of Texas.

### **Death Penalty Cases Involve a Heightened Risk of Error**

- Factors leading to wrongful convictions: Inadequate legal representation, Police and prosecutorial misconduct, Perjured testimony and mistaken eyewitness testimony, Racial prejudice, Jailhouse “snitch” testimony, Suppression and/or misinterpretation of mitigating evidence, Community/political pressure to solve a case (Amnesty International on-line Fact Sheet)
- During the jury selection process, any person opposed to capital punishment is dismissed by the prosecutors. Not only do these “death-qualified” juries exclude an extremely large proportion of the population, but they are also more likely to convict during the guilt/innocence phase of the trial. (S. Gross, “The Risks of Death: Why Erroneous Convictions are Common in Capital Cases,” 1996)
- Due to the scarce resources of a criminal defendant’s attorneys, they often must decide whether it would be better to risk the client's conviction, yet save his life, by spending more time preparing for the sentencing phase. If this preparation occurs at the expense of an investigation that could yield evidence that would produce an acquittal, it heightens the risk of a wrongful conviction. (R. Dieter, “Innocence and the Death Penalty: The Increasing Danger of Execution the Innocent,” Death Penalty Information Center, 1997)

### **States with the death penalty have more cases of wrongful conviction than states without the death penalty.**

- In Texas, Chris Ochoa confessed to a crime he did not commit to avoid a certain death sentence. Chris served 12 years of a life sentence before law students at the University of Wisconsin Innocence Project helped prove his innocence. In May 2006, Chris graduated from the law school that helped free him. (Innocence Project)