

THE DEATH PENALTY RISKS THE EXECUTION OF INNOCENT PEOPLE

Since 1973, more than 200 people have been freed after evidence revealed that they were sentenced to die for crimes they did not commit. That's approximately one innocent person exonerated for every eight who have been executed.

WHAT WE'VE LEARNED FROM WRONGFUL CONVICTIONS

- Hundreds of DNA exonerations from a variety of cases reveal how wrongful convictions happen. They are frequently the result of mistaken eyewitnesses, bad lawyers, shoddy forensics, unreliable jailhouse snitches, or coerced confessions.
- DNA cannot solve these problems or prevent all wrongful convictions– it can only tell us how bad they are. DNA evidence exists in just 5-10% of criminal cases – far fewer than one would think from TV crime shows.
- Some forensic evidence used in cases is now known to be based on junk science. The FBI announced that experts exaggerated the value of hair analysis in hundreds of cases, 32 of which resulted in a death sentence. Defendants in nine of those cases have been executed. Outdated finger print, bite mark, ballistics, and fire pattern analyses have also lost credibility.
- In cases where DNA evidence is available, courts can block access to testing, even when it could exonerate someone. Furthermore, scientific evidence is only as good as the people testing it. Crime labs from Baltimore to Oklahoma City have come under fire for errors and even fraud in their forensics labs.

HUMAN ERROR IS UNAVOIDABLE

- The risk of executing an innocent person is not limited to those cases where lawyers sleep through trials. Despite the best efforts of police, prosecutors, judges, juries, witnesses, and defense attorneys, mistakes can and will happen.

- Contrary to popular belief, the appeals process is not designed to catch many of these mistakes. Most exonerations come only because of the extraordinary efforts of people working *outside* the system – journalists, pro bono lawyers, family members, even students.
- Innocent people have spent decades awaiting execution, or come within hours of execution, before the truth came to light. Any effort to speed up the death penalty or cut appeals only increases the risk that an innocent person will be executed.
- One of the most extensive state death penalty studies recommended 85 reforms that were essential to decrease the risk of wrongful executions. Not a single state has implemented even a majority of those reforms.

INNOCENT PEOPLE TRAPPED IN A FLAWED SYSTEM

- ***Cameron Todd Willingham*** was executed in Texas in 2004 for setting fire to his home, killing his three children. Experts now say that the arson theories used in the investigation are scientifically invalid. Willingham may very well have been executed for an accidental fire
- ***Henry McCollum*** and ***Leon Brown*** were sentenced to death in 1983 for murdering an 11-year old girl in North Carolina. Though no physical evidence linked them to the crime, officials coerced false confessions from McCollum and Brown, both teenagers with intellectual disabilities. Before DNA evidence eventually exonerated them, Supreme Court Justice Antonin Scalia held up the case as justification for capital punishment.
- ***Frank Lee Smith*** was sentenced to death in Florida on the testimony of a single witness. No physical evidence tied him to the crime. Four years later, the same witness saw a photo of a different man and realized she had made a mistake. DNA tests later confirmed that Smith was innocent, but it was too late. He had died of pancreatic cancer in prison.
- ***Troy Davis*** was executed in Georgia in 2011 for the murder of police officer Mark Allen MacPhail. No physical evidence ever tied him to the crime. His conviction was based on the testimony of nine witnesses – seven of whom later recanted or changed their testimony.

We've learned a lot about the death penalty in the last 40 years. We now know that innocent people are sentenced to die. When a life is on the line, one mistake is one too many. **Learn more at enddeathpenalty.org.**