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FORMER DEATH ROW INMATE ALAN GELL ACQUITTED NORTH CAROLINA NEEDS A MORATORIUM ON EXECUTIONS NOW

WINDSOR, NC – Today's acquittal of Alan Gell is the latest powerful evidence that North Carolina needs a moratorium on executions, say North Carolina citizens and legal experts. Gell was wrongfully convicted of the 1995 murder of Alan Ray Jenkins and imprisoned for nine years, five of which were on death row.

Gell was awarded a new trial in December of 2002 because the NC Attorney General's Office withheld crucial evidence that clearly pointed to his innocence. Despite that evidence that meant Gell could not have committed the murder and despite the lack of any new scientific evidence after the SBI conducted another investigation, the Attorney General's office decided to retry Gell for first degree, non-capital murder.

Gell's acquittal comes twelve days after the exoneration of Darryl Hunt, who spent 18 years in prison for a rape and murder he did not commit. North Carolina cannot afford to continue to convict innocent people, especially when the punishment is death.

"Alan Gell and Darryl Hunt were both convicted of murder, and Alan Gell was sentenced to death because avoidable mistakes were made. If the Attorney General's Office had had its way, Gell would be dead now," says Rich Rosen, UNC Law Professor and advisor to the school's Innocence Project. "This case surely shakes the confidence of the people of North Carolina, both in the state's capital punishment system, and in the people who administer it."

"We have no choice but to suspend executions while we address these flaws and assure victims' family members and defendants that we are doing absolutely everything in our power to pursue justice and fairness, and not simply convictions," says Rosen.

The human costs to Alan Gell and his family and to the victim's family, and the economic costs to citizens of North Carolina are enormous.

"The emotional and physical toll a travesty of justice like this must take on Mr. Jenkins' family and on Mr. Gell and his family is impossible to quantify," says David Neal, a spokesperson for the North Carolina Coalition for a Moratorium, a statewide group of organizations and individuals who support a temporary suspension of executions while we study our capital punishment system. "This is exactly why we need to take a step back, temporarily halt executions, and figure out what is going wrong in these cases."

Last year the North Carolina Senate passed a moratorium bill and the State House will consider the bill in the upcoming session.

Gell is one of a growing number of men wrongfully convicted and sentenced to death in North Carolina. Jerry Hamilton was recently awarded a new trial because the state withheld evidence that points to his innocence. Charles Munsey was also awarded a new trial because prosecutors withheld evidence of his innocence; another man who confessed to acting alone was later convicted of the murder. Alfred Rivera and Tim Hennis were both sentenced to death, and like Gell, acquitted in retrials.

Twenty-one local governments, more than 1000 businesses, congregations, civic groups and organizations, and more than 40,000 North Carolinians have signed moratorium petitions. Every major newspaper in North Carolina and numerous smaller papers have endorsed a moratorium. Nine former North Carolina Supreme Court Justices have endorsed the moratorium, joining many other prominent North Carolinians such as Dean Smith, Herb Sendek, James F. Goodmon, Charles A. Sanders, and L.M. "Bud" Baker.

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