

Incompetent Defense Lawyers and the Death Penalty

One of the fundamental guarantees of our criminal justice system is that everyone has the right to a fair trial. That guarantee cannot be met unless defendants have competent attorneys. But many of the men and women currently on death row in North Carolina were convicted and sentenced to death after being represented by unqualified lawyers. More than one in six death row inmates in North Carolina had trial attorneys who have been disbarred or disciplined, while fewer than one percent of all lawyers in North Carolina are ever disciplined.

Defendants Facing the Death Penalty Can't Afford to Hire a Lawyer

Almost every person on death row was too poor to afford a lawyer and was represented at trial by a court appointed attorney or a public defender. Many lawyers for current death row prisoners had little training or experience in death penalty cases, which are highly specialized, complicated, and require months of intense preparation and weeks of trial. In addition, many death row inmates had lawyers who had enormous caseloads and therefore did not have the time required to prepare for and try a capital case. Although new laws requiring higher standards for lawyers who defend capital cases are now taking effect, there are not enough attorneys in the state who will take on the burden and expense of representing someone on trial for his or her life.

Kenneth Neal: Jurors Knew Neal's Lawyer Was Jailed for Child Pornography

Kenneth Neal was sentenced to death in 1996. The lawyer assigned to represent him at his trial had been convicted of possession of child pornography and served time in federal prison. His law license was suspended for five years. Immediately after his release from prison, his license was reinstated, and he was assigned to represent Neal. Jurors have since admitted they were aware of the lawyer's child pornography conviction, that they discussed it during deliberations, and that they held it against him. The same lawyer was later reprimanded by the Bar for "forgetting" to enter an appeal for another client, thereby forfeiting the client's right to appeal. Neal is still on death row.

Russell Tucker: Lawyer Admits to Sabotaging His Case

Russell Tucker was sentenced to death in 1996. The lawyer appointed to defend him thought Tucker should die, so he intentionally missed a filing deadline. Because nothing was filed, an execution date was set. The lawyer admitted he tried to "sabotage" his client's case and was disciplined by the State Bar. Tucker's appeals were reinstated and he is still on death row.

Ronald Frye: Lawyer Admits to Heavy Drinking During Trial

Ronald Frye was sentenced to death in 1993. The lawyer appointed to defend him was an alcoholic and admitted to drinking 12 shots of rum every night during Frye's trial. Frye's lawyer did not investigate and present to the jury evidence of Frye's horrendous and tragic childhood. Thus, jurors never saw pictures of Frye's scarred nine-year-old body that were used by local police in trainings on child abuse. Jurors later said they would not have sentenced Frye to death had they known about his childhood abuse. Frye was executed on August 31, 2001. The lawyer was later removed from another capital case and entered a detoxification facility. Two other inmates currently on death row were represented by the same attorney.