

# WHY NC NEEDS A MORATORIUM ON EXECUTIONS

*A moratorium is a temporary suspension of executions while a legislative study commission examines our death penalty system. Death penalty trials and appeals would not be suspended during the study, only executions.*

## **An innocent person may be executed**

At least five innocent people have already been sentenced to death. A judge threw out death row inmate Alan Gell's conviction after learning that the Attorney General's Office had withheld evidence of his innocence. Gell was exonerated after a second trial. Jerry Hamilton was recently awarded a new trial because the state withheld evidence that points to his innocence. A new trial was ordered for Charles Munsey for the same reason; another man who confessed to acting alone was later convicted of the murder. Alfred Rivera and Tim Hennis were both sentenced to death but acquitted in retrials.

## **One in six death row inmates had an attorney disciplined by the State Bar**

Fewer than one percent of all lawyers in the state are ever disciplined. North Carolina recently enacted standards for trial attorneys, but they do not apply to the lawyers who represented the people currently on death row. The lawyer assigned to represent Kenny Neal in his capital trial had just been released from prison after serving time for possession of child pornography. Jurors knew about it and admit they held it against him. Neal is still on death row.

## **Racial bias taints our capital punishment system**

A comprehensive study in North Carolina found that the odds of getting a death sentence increased three and a half times if the victim was white. Kenneth Rouse, a black man, is on death row for the attempted rape and murder of a white woman. One of the jurors in his trial later admitted that "bigotry" influenced his vote for death and that "black men rape white women so they can brag to their friends." He repeatedly referred to African-Americans as "n-----s."

## **A broad cross-section of North Carolinians supports a moratorium**

Twenty-one local governments, more than 1,000 businesses, congregations, civic groups and organizations, and more than 40,000 North Carolinians have signed moratorium petitions. Every major newspaper in North Carolina and many smaller papers have endorsed a moratorium. Nine former North Carolina Supreme Court Justices have endorsed it, joining many other prominent North Carolinians - Republicans and Democrats - such as James F. Goodmon, Charles A. Sanders, L.M. "Bud" Baker, Dean Smith, and Herb Sendek.

## **The death penalty as it is currently administered is arbitrary**

Less than two percent of homicides in North Carolina result in sentences of death. There is no effective mechanism to ensure that only the worst of the worst murderers receive the death penalty. As a result, multiple murderers have received life sentences and first-time robbers, lacking any intent to kill, have received the death penalty. Death sentencing also varies dramatically by jurisdiction within the state. Unlike some jurisdictions, North Carolina lacks a central decision maker who decides, in the interest of fairness and justice, whether a death sentence should be sought in a particular case.