

AN IN-DEPTH LOOK

OHIO'S DEATH PENALTY



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PREFACE

Introduction

Founded in 1987, Ohioans to Stop Executions (OTSE) is a statewide organization with local chapters and affiliates covering every major region of the state and a diverse array of statewide partners including the Ohio Catholic Conference, the Ohio League of Women Voters, the Ohio ACLU, and others. OTSE and its partners have joined together to call for a moratorium on executions in Ohio while a comprehensive study is conducted to address any flaws and inaccuracies in Ohio's death penalty system.

There are no more critical issues facing our society than issues of life and death. This briefing book is intended to provide the reader with a comprehensive overview of Ohio's death penalty and the growing movement within our State to suspend executions while a study is conducted and problems are addressed.

Background

We know far more today than we did when the death penalty was reinstated in Ohio in 1981. At least 123 men and women have been exonerated and released from our nation's death rows after spending years facing execution for crimes they did not commit, including five from Ohio. Hundreds more innocent people have been wrongly convicted of murder and rape as well – by the very same system that sentences people to death. Ohio studies have revealed racial and geographic disparities in the application of the death penalty, and evidence suggests that the defendants receive lawyers who are either incompetent or grossly under-resourced to provide them with their fair day in court.

Meanwhile, polls show majority support for a moratorium on executions nationally, as new technology such as DNA and other advances in the criminal justice system continue to expose many of these inaccuracies and failures. We now know that Ohio's death penalty system is unfair, unjust, risky, and expensive.

Despite national and state trends away from capital punishment, however, several executions are coming up in Ohio in the next few months. Ohio ranks second only behind Texas for the number of executions in 2006, and our state has nearly 199 people still on death row. The time is ripe to halt executions in Ohio while a study is conducted:

- In 2004, the Ohio House of Representatives passed legislation with a bipartisan vote of 64-30 that would create a commission to conduct an in-depth study of the problems with Ohio's death penalty. It was supported by both death penalty opponents and proponents;

- Shortly before taking office, Ohio Attorney General Marc Dann told the Associated Press that he supports conducting such a study;
- Many – though not all – Ohio executions are currently on hold pending the outcome of lethal injections before the US District Court, Southern District of Ohio. A decision is expected sometime this year, either paving the way for a backlog of executions or, as in other states, forcing the state to begin a potentially lengthy process to revise the protocols. This case provides a window of opportunity to allow serious consideration of a moratorium on executions without the distraction of a flurry of executions.
- In April 2006, Ohio death row inmate John Spirko will face his sixth execution date in Ohio. The high profile case has been delayed five times while questions surrounding doubts about his guilt are reconsidered;
- In Spring 2007, the American Bar Association will release a report on Ohio's death penalty conducted by a blue-ribbon panel of legal experts in our state.
- Last year, death sentences nationally continued their six-year decline and fell to the lowest level since the United States Supreme Court reinstated the penalty in 1976, as public concerns about the system's failures continued to raise doubts. Death sentences in Ohio are also on the decline;
- Last year, New Jersey enacted a moratorium on executions and has since released a report finding gross flaws in the state's system. Illinois remains under a moratorium for the seventh straight year. New York legislators again rejected a bill that would have reinstated capital punishment in that State. And seven other states have executions on hold over lethal injection concerns;

Should you have any questions or need additional information, please contact Ohioans to Stop Executions, 9 E Long St., Suite 201, Columbus, Ohio 43215. 614-560-0654. www.otse.org.