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OHIO BISHOPS STATEMENT ON SHORTENING DEATH PENALTY APPEAL PROCEDURES

June 7, 1994

On November 8, 1994, voters will be asked to change the procedure for appeals of cases in which the death penalty is imposed. Currently, a case in which the death penalty is imposed is reviewed by a district court of appeals consisting of at least three judges. If the death penalty is upheld, by the district court of appeals, the case is then reviewed by the Ohio Supreme Court.

If Issue 1 is approved, the review of death penalty cases by a district court of appeals will be eliminated and these cases be reviewed directly the Ohio Supreme Court.

At their Board of Directors meeting on June 7, 1994, the Catholic Bishops of Ohio issued the following statement encouraging voters to vote NO on Issue 1.

We have consistently opposed the use of the death penalty in the state of Ohio. It does not rehabilitate; it is no more effective as a deterrent to violence than other less dire penalties; and as a form of retribution it adds to the confusion in our society about the sacredness of life.

We believe that as long as the death penalty remains, there will always be a conflict over appeal time and procedures. The death penalty is unlike any other penalty. Because the result is death, mistakes in the imposition of the death penalty cannot be remedied. Swiftmess in the administration of punishment is frequently at odds with certainty that such punishment is appropriate. Mistakes do occur, which have resulted in both the sentencing and execution of innocent persons. Eliminating one level of appellate review, as proposed by this amendment, will only enhance the possibility of executing an innocent or undeserving person in Ohio.

We believe this amendment raises serious questions of due process and equal protection. Under this proposal, a person not sentenced to death would have more appeal opportunities in state courts than a person sentenced to death. The state should apply the maximum due process and equal protection to persons sentenced to death, not the minimum.

Voter approval of Issue 1 will raise the expectations of the public higher than our justice system can deliver. We believe capital punishment has become a "false symbol of hope" for many people. While many people want to believe that swifter use of the death penalty will address fears of public safety and moral outrage, experiences within other states and countries do not support such a conclusion.

We encourage citizens to prayerfully consider their position on this difficult issue. May God bless us.