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DEATH PENALTY INFORMATION CENTER

For immediate release: March 7, 2017
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Statement of Robert Dunham, Executive Director of the Death Penalty Information Center, on the release of the National Registry of Exonerations' reports *Exonerations in 2016* and *Race and Wrongful Convictions in the United States*:

The National Registry of Exonerations' report on *Exonerations in 2016* provides yet additional evidence of the frightening risks the wrongful use or threat of the death penalty poses to innocent Americans.

The Registry reports that there were a record 166 exonerations in 2016, and a record number of exonerations involving police or prosecutorial misconduct. Its report on *Race and Wrongful Convictions in the United States* found that black defendants have disproportionally been victimized by false murder accusations and disproportionately borne the brunt of official misconduct. The race report found that black prisoners convicted of murder are about 50 percent more likely to be innocent than others convicted of murders. It also found that police officers were more likely to have committed misconduct in the cases in which black defendants were exonerated of murder than in exonerations of white murder defendants and that justice was delayed in exonerations of black murder defendants, who, on average, waited three years longer than whites before being released from prison.

The Death Penalty Information Center has reviewed the Registry's data for the 2016 exonerations and our own death-penalty exoneration database and found disturbing risks of wrongful conviction in death penalty cases. Our review of the 2016 data reveals that the death penalty played a role in nearly a quarter of the 54 homicide exonerations last year. In at least six of the wrongful homicide convictions, prosecutors had sought the death penalty at trial; in another, an innocent defendant had pled guilty to avoid the death penalty; and at least six additional exonerations were the product of witnesses having falsely implicated innocent defendants after police had threatened the witness or a loved one with the death penalty unless the witness cooperated with the investigation

Our analysis of the DPIC death-row exoneration database corroborates the National Registry's conclusions about official misconduct and the disproportionate effects on innocent African Americans. Our data shows that police or prosecutorial misconduct has been the primary cause of 16 of the last 18 death-row exonerations (88.9%). We also found

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that in 18 of the last 25 misconduct-related death-row exonerations (72.0%), the wrongly capitally prosecuted defendant was black.

Black death-row prisoners also appear to experience disproportionate delays in winning their freedom and exoneration. Our review of the DPIC exoneration database shows that, while most wrongly convicted black death-row exonerees (57.3%) waited 11 or more years to be exonerated by the judicial system, more than two-thirds (68.8%) of wrongly convicted non-black death-row exonerees were exonerated in 10 years or less. And in 11 of the 13 cases in which death-row exonerations took more quarter-century or more (84.6%), the exoneree whose justice was unconscionably delayed was black.

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The Death Penalty Information Center is a national non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment. DPIC was founded in 1990 and prepares in-depth reports, issues press releases, conducts briefings for the media, and serves as a resource to those working on this issue.

For more information on Innocence and the Death Penalty, see
http://www.deathpenaltyinfo.org/innocence-and-death-penalty

The 2016 data from the National Registry for Exonerations includes evidence of at least 13 casdes involving wrongful use of the death penalty.

There were at least six wrongful capital prosecutions in which prosecutors sought death, but juries imposed life:

1. Eddie Bolden, IL
https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4871

2. Keith Harward, VA
https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4869

3. Mark Maxon, IL
https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4990

4. Charles Palmer, IL
https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5037

5. Kevin Siehl, PA
https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5007

6. Anthony Wright, PA
https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4970

There was at least one case in which the wrongful threat of the death penalty caused an innocent defendant to plead guilty to avoid the death penalty:

Paul Gatling, NY
https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4881

There were at least three other cases, involving five people exonerated in 2016, in which the wrongful conviction was procured by threatening witnesses that they or their loved ones would face the death penalty unless the witness cooperated:

Carl Dukes, NY
https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4936

Lavell Jones, NY
https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4937

Norfolk 4:
Joseph Dick
https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5055

Derek Tice
https://www.law.umich.edu/special/exoneration/pages/casedetail.aspx?caseid=3820
Danial Williams
https://www.law.umich.edu/special/exoneration/pages/casedetail.aspx?caseid=5054

Johnny Small, NC
https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4983