

**Statement from Amy Gershenfeld Donnella, Attorney for Abelardo Arboleda Ortiz,  
in Response to President Obama's Commutation Announcement**

“We are incredibly grateful to President Obama for commuting Abelardo Arboleda Ortiz’s sentence from death to life in prison without the possibility of parole. Because Mr. Arboleda Ortiz is only one of many federal death row prisoners whose case is marked by serious problems, we hope this is only the first capital clemency grant the President will make before he leaves office. Other people with intellectual disability remain under federal death sentence, even though executing people with intellectual disability is unconstitutional, and there are others on federal death row who did not themselves kill anyone. The claim by some that the federal death penalty represents the “gold standard” of death sentencing is misinformed and mistaken. Mr. Arboleda Ortiz’s case highlights several of the glaring problems that plague the federal system no less than state systems: dreadful lawyering by defense counsel; disproportionate sentencing even among co-defendants; significant racial, economic and geographic disparities in the choice of those who will be tried capitally; and procedural constraints that make it virtually impossible to correct a conviction or sentence imposed, even in violation of the Constitution, when new evidence comes to light. The federal death penalty is also an expensive government program that has never been proven effective at deterring violent crime.

“Mr. Arboleda Ortiz’s case epitomizes the broken federal death penalty system. He is an intellectually disabled person of color with an IQ of 54 who was never able to learn to read, write, or do simple arithmetic, and could not even tie his shoes until he was ten years old, as noted by the government’s own expert. Even though both the United States Constitution and federal law prohibit execution of persons who are intellectually disabled, his trial lawyer never investigated his intellectual disability. Thus, while we do not condone Mr. Arboleda Ortiz’s conduct and extend our deepest sympathies to the victim’s family, a sentence of life in prison without parole is the most severe legal sentence the United States government can impose. It is also a more appropriately proportionate sentence for Mr. Arboleda Ortiz, who was not even on the same floor of the house when the victim in this tragic event was shot and killed. Even the man who ordered and oversaw the killing received a life sentence, not death, because *his* lawyers made the constitutionally required effort to humanize him to jurors. Mr. Arboleda Ortiz’s lawyers made *no* such effort, failing to tell the jurors about his intellectual impairments or his disadvantaged life, so that these twelve people, burdened with the decision whether to impose life or death, made their decision in a complete vacuum.”

*-Amy Gershenfeld Donnella, attorney for Abelardo Arboleda Ortiz,  
January 17, 2017*

More information about Mr. Arboleda Ortiz’s case is available here: <http://bit.ly/2j0Cilu>

The amici curiae briefs filed by the AAIDD and The ARC, addressing issues surrounding the mistreatment of the intellectually disabled in the criminal justice system and common

misperceptions about people with intellectual disability is available here: <http://bit.ly/2jBDMn5>, <http://bit.ly/2iDI12V>

The amicus brief filed by the Republic of Colombia, addressing the United States' failure to comply with Mr. Arboleda Ortiz's rights under the Vienna Convention and concerns about the standards used to determine intellectual disability in individuals born outside the United States, is available here: <http://bit.ly/2iu0Bfp>

The brief of the United States acknowledging Mr. Arboleda Ortiz's intellectual disability, filed today, is available here: <http://bit.ly/2j6p3Qr>

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