

DEATH PENALTY INFORMATION CENTER

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SUPREME COURT SAYS TEXAS DEATH ROW INMATE WHO CAME WITHIN MINUTES OF EXECUTION WAS DENIED RIGHT TO A FAIR TRIAL

***7-2 Ruling in Banks v Dretke overturns death sentence
as national concerns about fairness and innocence persist***

WASHINGTON, DC -- In a 7-2 decision in *Banks v. Dretke*, the Supreme Court today overturned the death sentence of Delma Banks Jr., concluding that he was denied a fair trial because prosecutors in Texas failed to disclose key information. Last year, Banks was just minutes from his scheduled execution in Texas when the Supreme Court intervened. Today's decision remands the case back to a lower court so that new evidence may be considered.

"The public is rightly shocked at a system in which a person's life rests on the fortuitous intervention of the High Court at the very last minute," said Richard Dieter, Executive Director of the Death Penalty Information Center. "The death penalty system is clearly broken and even innocent lives are at risk."

Today's decision comes less than one week after the acquittal of the nation's 113th death row exoneree, Alan Gell of North Carolina, whose case was also infected with the same sort of misconduct. Writing for the majority in *Banks*, Justice Ruth Ginsburg noted, "When police or prosecutors conceal significant exculpatory or impeaching material in the State's possession, it is ordinarily incumbent on the State to set the record straight." Over 20 years after Banks' original trial, the record may finally be corrected. Similar concerns were previously raised in an amicus curiae brief filed on behalf of Banks by former FBI Director William S. Sessions, U.S. Court of Appeals Judge John J. Gibbons, and others. Their brief noted that Banks' trial was tainted by "uncured unconstitutional errors" that are "typical of those that have undermined public confidence in the fairness of our capital punishment system."

For more information about this case, please contact Banks' attorney, George Kendall, at 202-457-7187.

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