

CITY OF CHARLOTTESVILLE

City Council

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RESOLUTION FOR MORATORIUM ON EXECUTIONS IN VIRGINIA

WHEREAS the Commonwealth of Virginia has executed more people per capita than any other state with populations over one million, and is second only to the state of Texas in the total number of executions carried out since reinstatement of the death penalty in 1976.

WHEREAS the Commonwealth of Virginia denies those convicted of capital crimes full exercise of due process by implementing the following procedural rules:

The "21-Day Rule," which does not permit a court to review any newly discovered evidence of innocence after 21 days have elapsed from the time of sentencing.

The "Contemporaneous Objection Rule," which does not permit objections to be made in appeals if they were not made in the original trial.

WHEREAS the Commonwealth of Virginia does not require that evidence be preserved so that it may be presented in appeal proceedings.

WHEREAS prisoner appeals have been severely curtailed, increasing the risk of imprisonment and execution of innocent people.

In a series of rulings since 1991, the Supreme Court has drastically restricted the rights of death row prisoners to appeal their convictions and death sentences in federal courts, even in cases where prisoners present compelling evidence of innocence. In 1996, new legislation drastically limited federal court review of death penalty appeals and eliminated public funding of legal aid services for death row prisoners.

WHEREAS Virginia has the lowest reversal rate of death sentences on direct appeal in the country (6 percent). The Virginia Supreme Court has never reversed a death sentence under its mandatory review for proportionality. This review requires that it compare the nature of the murder with similar cases resulting in a life sentence.

The Virginia Supreme Court has never granted a petition for a writ of habeas corpus- a constitutional safeguard which allows for a challenge to the legitimacy (lawfulness) of a conviction or death sentence. Nationally, 40% of persons condemned to death receive reversals.

WHEREAS the Commonwealth of Virginia has executed those who were diagnosed as mentally ill or retarded and those who were under the age of 18 at the time of their offenses.

WHEREAS there is ample evidence that the death penalty is applied in a racist manner: