

ACTION

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Isiah Leggett, Derick Berlage, Blair Ewing and
Marilyn Praisner

SUBJECT: MORATORIUM ON EXECUTIONS IN MARYLAND

Background

1. 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 have compelling new evidence of innocence.
2. In 1996, new legislation drastically limited federal court review of death penalty appeals and significantly reduced public funding of legal aid services for death row prisoners. This action severely curtailed prisoner appeals and increased the risk of imprisonment and execution of innocent people.
3. No state, including Maryland, has met standards developed by the American Bar Association (ABA) for appointment, performance and compensation of counsel for indigent prisoners.
4. About 90% of those persons facing capital charges cannot afford their own attorney, indicating that the death sentences are disproportionately reserved for the poor.
5. Court-appointed lawyers representing death row inmates are more likely to be disbarred or disciplined than other lawyers according to a recent study of the American Civil Liberties Union.
6. In the 24 years since the resumption of executions under Supreme Court guidelines, about 620 have occurred, but 87 condemned persons-- one for every seven executed--had their convictions vacated by exonerating evidence. In eight of these cases, and in many more exonerations not involving death row inmates, evidence that overturned the decision came from DNA test results.

7. Medical examiner negligence and improper forensic investigations have led to many convictions of innocent defendants in capital cases.
8. Mistaken identifications by eyewitnesses or victims contribute to 84 percent of the convictions overturned by the Innocence Projects DNA exoneration's.
9. The American Bar Association has concluded that administration of the death penalty is "a haphazard maze of unfair practices with no internal consistency" and has called for a moratorium on executions.
10. Governor Parris Glendening's 1996 Task Force on the Fair Imposition of Capital Punishment recommended "a future study be directed by the Court of Appeals with collaboration of the Governor, Legislature, State Bar and the public with specific focus on obtaining quantitative, and anecdotal data about potential racial disparity in the imposition of capital punishment in Maryland."
11. Maryland has on its death row one of the largest percentages of African Americans (over 70%) of any state in the U.S.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The Council calls on Governor Glendening and our representatives to the Maryland Senate and House of Delegates, to enact and adopt legislation imposing a moratorium on executions at least until policies and procedures are implemented. These policies must 1) ensure that death penalty cases are administered fairly and impartially, in accordance with basic due process, 2) minimize the risk that innocent persons may be executed, and 3) prevent the execution of mentally retarded persons and persons who were under the age of 18 at the time of their offenses.

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk of the Council