

## **THE DEATH PENALTY IN ALABAMA**

*Equal Justice Initiative - December 2007*

### ***Alabama's Death Row***

- # There are 200 people currently sentenced to death in Alabama.
- # In the last several years, Alabama has sentenced more people to death per capita than any other state in the United States.
- # In 2005, Alabama sentenced more people to death than the neighboring states of Georgia, Mississippi, Louisiana and Tennessee combined.
- # At a time when the number of death sentences nationwide is steadily declining, in 2006 the number of people sentenced to death in Alabama increased 16.6%.

### ***Judicial Override and Elected Judges***

- # Alabama is the only state in the country that permits judges to override jury verdicts of life without parole and impose death sentences without limitation. Approximately 22% of Alabama's death row received life verdicts that were overridden by elected trial judges.
- # In 2006, an election year, the number of death sentences in Alabama imposed by judge override increased to 28%. One man was sentenced to death despite an unanimous verdict for life from the jury.
- # Almost all of Alabama's elected state appellate court judges campaign on their strong support for the death penalty and may promise to facilitate and expedite executions to get votes.
- # Alabama is infamous for spending and fund-raising practices on judicial campaigns. Since 1993, candidates vying for seats on Alabama's Supreme Court spent over \$54 million on campaigns, insurmountably exceeding judicial campaign spending in any other state. In 2006, one candidate for chief justice spent \$7.7 million, placing second for most costly judicial campaigns in United States history.
- # One sitting Alabama Supreme Court justice has pledged to resist compliance with the US Supreme Court's recent ban on executing juveniles and has referred to the Court's invocation of international law on this issue as "ridiculous" and "judicial tyranny."

### ***Counsel for the Condemned***

- # Over half of Alabama's death row prisoners were represented by appointed attorneys at trial who, under state law, could only be paid \$1000 for the time they spent preparing the case for trial.

- # Alabama is the only state in the country that refuses to provide legal assistance to death row prisoners who seek to challenge wrongful convictions and death sentences in post-conviction proceedings. There are nearly a dozen death row prisoners who currently have no legal representation.
- # Many death row prisoners were represented by attorneys who have subsequently been disbarred, suspended or disciplined for misconduct. In some cases lawyers were found to have been intoxicated or impaired during the trial.

### ***Race and the Death Penalty***

- # Despite the fact that each year 65% of all homicide victims in Alabama are black, nearly 80% of the people on Alabama's death row have been condemned for crimes involving victims who are white.
- # In two dozen death penalty cases, courts have found that Alabama prosecutors have illegally excluded African Americans from jury service through racially discriminatory jury selection procedures.
- # Nearly half of Alabama's death row is black and over 60% of those executed in the modern era have been African American. 84% of people executed by Alabama since capital punishment began in this state have been black.

### ***Wrongful Convictions***

- # In the United States, there have been 127 exonerations of innocent people who were sent to death row. For every eight people executed, one innocent person has been exonerated. There have been seven people exonerated in Alabama.

### ***Cruel and Unusual Methods of Execution***

- # Federal courts refused to stay three executions in Alabama during the spring and summer of 2007 despite numerous requests to review lethal injection procedures due to serious concerns that lethal injection is torturous to condemned prisoners.
- # It was not until September 25, 2007 that the United States Supreme Court agreed to address whether lethal injection methods violate the Eighth Amendment's cruel and unusual punishment clause in *Baze et al. v. Rees et al.*, No. 07-5439 . Since then, the United States Supreme Court has stayed executions around the country.
- # 42 people who had the same issue were executed earlier in the year in the United States.