

The Washington Post

An inmate shouldn't die because of his lawyers' error

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UNLESS THE SUPREME Court intervenes, a mailroom error may cost an Alabama death row inmate his last, best chance to challenge his sentence.

The inmate, Cory Maples, was convicted of murdering two people in Alabama in 1995. His legal defense was pitiful. One of his lawyers told the jury: "[W]hat we have here is [Mr. Maples] walking out to the car and in an instantaneous rush killing two people." At another point, a defense lawyer asserted that "there was a loss of life caused intentionally at the hand of" Mr. Maples. The lawyers failed to introduce evidence that Mr. Maples was highly intoxicated the night of the murders -- a fact that could have undercut the case for capital punishment. By a vote of 10 to 2 -- the minimum required by Alabama law -- a jury sentenced Mr. Maples to death.

Alabama appeals courts upheld Mr. Maples's convictions. A judge's order denying the last of Mr. Maples's state appeals was mailed to Mr. Maples's two appellate lawyers in New York, but the letters were sent back unopened and stamped "return to sender" because the lawyers had left the law firm but failed to inform the Alabama court. An Alabama lawyer acting as local counsel received the same letter but disregarded it, assuming that the New York lawyers would continue to take the lead.

The court's clerks office also did nothing. As a result, a deadline for filing a federal challenge passed. Mr. Maples immediately took action when he learned of the series of errors, but the U.S. Court of Appeals for the 11th Circuit denied his request to proceed, essentially concluding that he had to pay the consequences for his lawyers' mistakes.

Mr. Maples has appealed to the Supreme Court, which should take up the case to correct this egregious injustice. We oppose capital punishment, but if it is to be carried out, it must be done with legal protections strictly observed. It is just wrong to strip a person facing execution of his legal right to a federal challenge because someone else was irresponsible. Alabama and many other states have laws that purport to give defendants a second chance when another's error thwarts due process. This safety net was not applied fairly in this instance. The court should use

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the Maples case to put states on alert that they must conscientiously apply such provisions.

Four years ago, the justices decided a case in which a state intended to sell a piece of private property to satisfy the owner's unpaid taxes; the notice of the impending sale was returned unopened. The court concluded in an opinion by Chief Justice John G. Roberts Jr. that the state could not take or sell the property before it made additional efforts to alert the owner. The standard should be no lower when the state seeks to take a life.

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