

PRESS RELEASE

For Immediate Release:
August 30, 2010

For more information contact:
Carol Turowski, WFU School of Law Innocence and Justice Clinic 336-758-6111
Jennifer Thompson, Co-author of *Picking Cotton* 336-413-8760
Kristin Parks, Attorney for Melvin White 919-451-2324

THE NC RACIAL JUSTICE ACT AND THE SBI AUDIT: THE RISK OF EXECUTING THE INNOCENT

RALEIGH, NC – Levon Jones was freed from North Carolina’s death row after the lead witness in his case admitted to being paid for false testimony.

Glen Edward Chapman was exonerated after a detective’s false testimony helped send him to death row.

Melvin White was sentenced to death based on questionable science linking bullet casings at the crime scene to ones found on a street-corner in Arizona. This forensic evidence was offered by the same state-run lab that was recently found to have committed misconduct in over 200 cases. Despite evidence that the investigation in his case violated professional standards, White remains on death row.

A disturbing pattern emerges from these cases. Jones, Chapman and White are all black, and all of their death sentences were based on highly questionable or false evidence.

What is more, Jones, Chapman and White were all sentenced to death by overwhelmingly white juries that had only one black person. In fact, over 40% of North Carolina’s death row inmates received their death sentences from all-white juries or juries with only one person of color.

This is the state of life-and-death justice in North Carolina.

Today, criminal defense attorneys, respected academics, crime victims and several of the wrongly convicted gathered in downtown Raleigh to ask that North Carolina reexamine the way death sentences are handed down.

“In light of what we’ve learned about the unreliable work at the State Bureau of Investigation, along with new studies showing evidence of racial bias in our courtrooms, the least we can do is take another look at these death sentences,” said Kristin Parks, attorney for Melvin White. “We want to know how many innocent people are sitting on death row in North Carolina.”

The advocates also announced the filing today of a friend of the court, or “amicus curiae,” brief in support of inmates with legitimate claims of innocence who are asking to have their death sentences reconsidered under the N.C. Racial Justice Act — a trailblazing law crafted to stamp out racial bias in courtrooms.

Those who win their claims under the Racial Justice Act, proving that racial bias played a part in their convictions, will have their sentences converted to life in prison without parole.

Several of those attending the press conference have signed onto the brief, whose main author is Carol Turowski, a professor at Wake Forest University's School of Law and co-director of the school's Innocence and Justice Clinic.

"The cases we've seen in the past few years reveal egregious abuses of power, and they make clear that race still plays a role in wrongful convictions in North Carolina," Turowski said.

Since 2007, three of North Carolina's death row inmates have been exonerated — all of them black men.

In two cases, no physical evidence linked the men to the crimes, and prosecutors relied on the testimony of one witness who later admitted perjury. In the other case, evidence was withheld, documents were lost, misplaced or destroyed, and a detective lied on the witness stand.

Since 1973, six of seven exonerated death row inmates were minorities.

"The majority of people freed from death row are black men accused of killing white victims," said Turowski. "Across the South, blacks are more likely to be wrongfully convicted than any other group of people. We should be deeply troubled by these facts."

The brief filed today lays out three factors that make minorities more likely to receive death sentences, despite weak evidence and shoddy investigations:

- **Racial stereotyping:** The image of blacks as "prone to violence" persists, and it infects juries, many of which have few or no black members. This stereotype also taints law enforcement investigations and prosecutors' decisions. These negative images of blacks create a cycle of injustice.
- **Eyewitness misidentification:** Studies have documented that witnesses are more likely to misidentify someone of another race, even if they hold no conscious prejudices. At trial, juries tend to see eyewitness accounts as infallible, even when warned that they are frequently wrong.
- **Minorities make "easy targets":** Afflictions of minority communities, such as poverty and lack of education, make them easy targets for law enforcement and prosecutors. The wrongly accused often don't have the resources to adequately defend themselves, and they are more frequently fingered by snitches seeking rewards from police.

"Wrongful convictions undermine our justice system and our state's moral standards," said Parks. "The only thing worse is a wrongful death sentence. As a justice-seeking society, we cannot allow these flawed prosecutions to continue."

###