



Delaware's Death Penalty  
Supplemental Information

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## Introduction

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Like you, everyone we know wants to be safe from those who would do us harm. Like you, everyone wants dangerous criminals to be held accountable, severely punished, and held apart from the society whose laws have been broken. Life in prison with no possibility of parole is the most fair, accurate, ethical and cost-effective way to achieve those ends.

Research and over 30 years of experience with the modern-day death penalty has taught us a lot, so we ask you to set aside the high emotions surrounding the death penalty concept and look carefully at the practice. Purely as a matter of public policy, does the death penalty keep us safer than life without the possibility of parole? Is it fairly applied? Is it cost effective? Does it shield the family members of homicide victims from additional trauma? Does it prevent murder? Can we achieve safety, security and accountability without capital punishment? Do we risk making an irreversible mistake?

The Delaware Repeal Project represents dozens of organizations and tens of thousands of Delaware citizens. We offer you, our senators and representatives, this up-to-date, detailed, and referenced brief. We simply ask you to consider all of the facts with an open mind, fresh eyes, and a view toward creating the best possible public policy for all of us.

Thank you.

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# Part I

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# The Death Penalty in Delaware

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- Per capita, Delaware ranks 3<sup>rd</sup> in executions among states behind Oklahoma and Texas.
- Since 1992, Delaware has conducted 16 executions. Comparatively, California has executed only 13 men despite having the largest death row in the country. Pennsylvania, with a death row of nearly 200, has only executed 3 men in the last 20 years. In February 2015, citing ongoing concerns with fairness issues and a pending study commission report, Pennsylvania Governor Wolf declared a moratorium on executions in that state.
- Of the 15 men on Delaware's death row (as of March 1, 2015), 4 are white (27%), 8 black (53%), and 3 are Hispanic (20%). This means that 73% of the death row population is comprised of minorities.<sup>1</sup>
- Delaware's death row has a far greater racial disparity when compared to the rest of the country. Nationally, 43% of death row inmates are white, 42% are black, and 13% are Hispanic (55% minority).<sup>2</sup>
- A white person has not been sentenced to death in Delaware since 2003.
- The majority of murder victims in Delaware are black, yet 70% of the death sentences imposed here involved cases when the murder victim was white.
- Compared to all other states with the death penalty, the Delaware statute governing the death penalty is the broadest. Virtually any murder could be tried as a capital murder here.
- Convicted accomplices to a murder can be sentenced to death in Delaware even when they have not actually killed anyone.
- In Delaware, Florida and Alabama, the jury makes a non-unanimous recommendation to a judge, who makes the final decision about life or death.
- Delaware is one of only three states where a judge can overrule a jury's decision not to impose a death sentence.



# What Your Constituents Want You to Know

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**We urge our elected officials to seek ways to achieve true healing for those who suffer because of violent crime. A good start is taking the death penalty off the table.**

Rev. Lawrence Livingston  
for IMAC

**After the murder of my brother I learned that tying the value of his life to the fate of his killer was a dangerous bet. With life without parole, we could focus more on my brother's life and not always on his murder or the fate of his killer for years to come.**

Kristin Froehlich, DCODP

**We were the jury. Twelve regular, untrained citizens assumed the burden of determining whether or not James Cooke would die for this crime...We, the jury, responded: "We will kill him if you say so." Thus, we did. And thus, I became a killer, too. For weeks I was unable to stop reliving that singular moment when I wrote "death" on a tiny slip of paper. For months I awoke every night from unrelenting and vivid dreams of James Cooke's execution. I submit that those with no personal experience in this process fail to recognize the inconceivable burden that we place on the innocent participants in capital trials.**

Stewart Dotts, HS Chemistry Teacher & Juror

**Jesus knows firsthand the unfairness of the death penalty.**

Rev. Ron Schatz  
Millsboro, DE

**"When we recognize the value in all human life, we cannot condone state-sponsored homicide. If all lives matter, that unequivocally includes black lives which are disproportionately affected by this arbitrary law."**

Rev. Dr. Donald Morton  
Complexities of Color Agenda



# Delaware Repeal Project Coalition Partners

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- American Civil Liberties Union of Delaware
- Americans for Democratic Action
- Amnesty International, USA
- Catholic Diocese of Wilmington
- Catholic Mobilizing Network
- Coalition of Black Trade Unionists – Delaware Chapter
- Coalition to Dismantle the New Jim Crow
- Complexities of Color Agenda
- Delaware AFL-CIO
- Delaware Alliance for Community Advancement
- Delaware Center for Justice
- Delaware Citizens Opposed to the Death Penalty
- Delaware-Maryland Synod of the Evangelical Lutheran Church in America
- Equal Justice Initiative
- Equal Justice USA
- Episcopal Diocese of Delaware
- Friends Committee on Delaware Legislation
- H.A.R.P. (Homeless people Are Real People, too)
- Latino Initiative on Restorative Justice, Inc.
- League of Women Voters
- Murder Victims' Families for Human Rights
- Murder Victims' Families for Reconciliation
- National Association of Social Workers – Delaware
- National Coalition to Abolish the Death Penalty
- New Castle Presbytery of the Presbyterian Church
- Occupy Delaware
- Pacem in Terris
- Progressive Democrats for Delaware
- Progressive Democrats of Sussex
- Social Justice Committee, Unitarian Universalists of Central Delaware
- Social Justice Committee, Unitarian Universalists of Southern Delaware
- Wilmington HOPE Commission
- Witness to Innocence





# A Call for Full Repeal of the Death Penalty

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February 2, 2015

Esteemed members of the 148<sup>th</sup> General Assembly,

We, the undersigned Delaware Repeal coalition partners, call for full repeal of Delaware's death penalty before the General Assembly adjourns in July 2015. Together, we represent tens of thousands of Delawareans who believe that the death penalty is the wrong public policy choice for our great state.

Some of us oppose the death penalty for moral reasons. We believe killing is wrong in all circumstances and that the state should not have the power to take a life. Others of us aren't opposed to the death penalty in theory, but recognize that the system is broken beyond repair. We cannot tolerate the risk of executing even one innocent person when life in prison allows for correction if a mistake is made.

It has been suggested that Delaware should replace the death penalty with life without parole, but carve out an exception for law enforcement. This is not repeal. To reserve the use of capital punishment for crimes perpetrated against any select group—indicating that some lives are more worthy of the ultimate punishment than all others—is a solution that only amplifies the inherent racism, classism and arbitrary nature of the system.

We believe that our criminal justice system should treat all people equally regardless of how much money they make, where they live, or the color of their skin. In reality, that's not how the death penalty works. The death penalty is applied unevenly and unfairly, even for similar crimes. We all recognize that the criminal justice system has problems with racial bias. Here in Delaware, 73% of the men on death row are African American or Hispanic. The vast majority of people sentenced to die in Delaware could not afford a private defense attorney. There should not be one system of justice for the middle class and wealthy, and another for the poor.

We must also face the financial fact that the death penalty costs the state millions of taxpayer dollars to implement. Approximately 44% of the death sentences handed down in Delaware have been later reduced to life without parole. But that occurs after the money has already been wasted in pursuit of a death sentence. Brendan O'Neill, Delaware's Public Defender, has calculated that his office spends more than \$2 million each year on capital cases alone. The Attorney General's Office, the courts and the Department of Corrections combined spend millions more. Your constituents would receive more value by diverting those funds into services for families who have lost a loved one to murder, programs that deter crime, and additional resources for law enforcement.

Public opinion supports repeal. 64% of Delawareans polled in February 2012, before the statewide dialogue on repeal of the death penalty even began, believed the appropriate



punishment for murder was some form of life without parole. Only 28% percent supported the death penalty when given alternatives. We stand with our fellow Delawareans and reaffirm our opposition to the death penalty in all cases.

For all of these reasons, anything less than full repeal of the death penalty would be bad public policy. This issue holds financial, moral, and ethical implications for the citizens you are sworn to serve. We call for a full debate and vote—in both the House of Representatives and the Senate—on repeal of the death penalty in Delaware. Your constituents deserve nothing less.

Sincerely,

Ti Hall, Campaign Manager  
The Delaware Repeal Project

***on behalf of our Coalition Partners, Faith Leaders and the Delawareans they represent***



# Voices of Delaware Religious Leaders

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We, the undersigned clergy and religious leaders, reflecting the rich diversity of faith traditions in Delaware, call for the repeal of the state's death penalty. Because we represent such a wide spectrum of belief and practice, we approach public policies, such as the death penalty, in as varied ways as we approach spiritual matters. However, we share the values of respecting the sacredness of all human life and in the human capacity for change.

As leaders within our communities, the public often seeks our guidance on issues that require thoughtful consideration. We have concluded that the death penalty fails us. We join many in Delaware who question capital punishment due to its record as an ineffective, unfair and fallible response to violence. The death penalty applies disproportionately to the poor and minorities and puts innocent lives at risk of execution. Since 1973, 150 individuals sentenced to death were later exonerated of their crimes. When a human life is at stake, there is simply no room for error.

As religious leaders, we often serve as a resource to victims' families in the aftermath of murder. Given this responsibility, we have a special interest in advocating for policies that serve their needs and promote healing and well-being. There is growing evidence that the death penalty does the opposite: it prolongs victims' pain and delays healing while retrials, appeals, and reversals force families to relive their trauma.

Finally, we cannot ignore the millions of dollars it costs to administer the death penalty system. In light of the serious economic challenges facing our state and the nation, the valuable resources expended on the death penalty would be better invested in programs to prevent crime and meet the needs of victims' families.

As people of faith, we reaffirm our opposition to the death penalty in all cases and our belief in the sacredness of human life. We urge you, our elected officials, to examine the reality of Delaware's death penalty and seek ways to achieve true healing for those who suffer because of violent crime. Please support repeal of the death penalty. It is time for Delaware to move beyond this broken and harmful system.

Bishop Wolfgang Herz-Lane, DE-MD Synod of the Evangelical Lutheran Church of America, Baltimore, MD

Bishop Peggy A. Johnson, Philadelphia Area United Methodist Church, Dover, DE

The Most Reverend Francis Malooly, Bishop, Catholic Diocese of Wilmington, Wilmington, DE

The Right Reverend Wayne P. Wright, Bishop of Delaware, Episcopal Diocese of Delaware, Wilmington, DE

Bishop Aretha E. Morton, Tabernacle Full Gospel Baptist Cathedral, Wilmington, DE

Bishop Boston Ford Jr., Outreach Holy Word Christian Church, Wilmington, DE



Reverend David Andrews, Rector, The Episcopal Church of Saints Andrew and Matthew,  
Wilmington, DE

Reverend Joseph Archie, III, Marshallton United Methodist Church, Wilmington, DE

Reverend Elaine Ayres, New Zion United Methodist Church, Laurel, DE

Pastor Jane Ayers, Asbury United Methodist Church, Millington, MD

Reverend Dr. Jonathan Baker, Former Senior Pastor, Epworth United Methodist Church,  
Rehoboth Beach, DE

Pastor John Barton, St. John the Baptist Episcopal Church, Milton, DE

Reverend Harry Baxter, Wesley United Methodist Church, Dover, DE

Rabbi Michael Beals, Congregation Beth Shalom, Wilmington, DE

Reverend Silvester S. Beaman, Bethel African Methodist Episcopal Church, Wilmington,  
DE

Jeannie Bennett-Fleming, Director of Religious Education, St. Ann Catholic Church,  
Bethany Beach, DE

The Reverend James Bimbi, Rector, St. James' Episcopal Church, Wilmington, DE

The Reverend Russell Bohner, Christ Church Christiana Hundred, Wilmington, DE

Sister Barbara Jean Brown, Interfaith Resource Center, Wilmington, DE

Reverend Dale Brown, Asbury United Methodist Church, Smyrna, DE

Monseigneur Charles L. Brown, III, Vicar for Retired Priests, Catholic Diocese of  
Wilmington, Wilmington, DE

Reverend Mary Browne, Holly Oak Calvary United Methodist Church, Wilmington, DE

Reverend C. David Buchanan, Summit United Methodist Church, Middletown, DE

Reverend Dr. Christopher Bullock, Canaan Baptist Church, New Castle, DE

The Very Reverend Norman Carroll, St. Elizabeth Roman Catholic Church, Wilmington,  
DE

The Reverend Canon Lloyd S. Casson, The Episcopal Church of Saints Andrew and  
Matthew, Wilmington, DE

Reverend Grege Chute, Unitarian Universalists of Central Delaware, Newark, DE

Abbess Barbara Clare Conrory, Anamchara Fellowship, Newark, DE

Reverend Gergory Corrigan, Resurrection Parish, Wilmington, DE

Reverend Celeste Cox, Retired, Episcopal Diocese of Delaware, Smyrna, DE

Reverend Thomas C. Davis, Retired, New Castle Presbytery, P.C.U.S.A, Wilmington, DE

The Reverend David P. DeSalvo, Chaplain, St. Andrew's Episcopal School, Middletown,  
DE

Reverend Karen L. DeWerth-Wamester, Evangelical Lutheran Church in America,  
Bridgeville, DE

Father Roger DiBuo, St. Elizabeth Ann Seton Catholic Church, Bear, DE

Patrick Donovan, Executive Director of Youth Ministries, Catholic Diocese of Wilmington,  
Wilmington, DE

The Reverend Patricia Downing, Rector, Trinity Episcopal Parish, Wilmington, DE

Stephen Dutton, Chaplain, Wilmington Friends Meeting, Wilmington, DE

Reverend Alice Ervin, Whatcoat United Methodist Church, Dover, DE

Reverend Linda Eshelman, Pastor, Woodland United Methodist Church, Seaford, DE



Reverend Edwin R. Estevez, Convening Minister, FIRST New Worshipping Community,  
New Castle Presbytery, P.C.U.S.A, Newark, DE

The Reverend Eric W. Evers, Reformation Lutheran Church, Milford, DE

Kathy Farmer, Hope United Methodist Church, Dover, DE

Reverend John C. Frambes, O.F.M., Saint Joseph Catholic Church, Wilmington, DE

Reverend Dr. John Gabage, St. Elizabeth's Catholic Church, Wilmington, DE

The Reverend Paul W. Gennett, Jr., St. Thomas Episcopal Church, Newark, DE

Reverend Juan V. George, Associate Rector, Trinity Episcopal Parish, Wilmington, DE

Reverend Ronald Gerber, Christ Episcopal Church, Dover, DE

Reverend Dr. Douglas D. Gerdts, Pastor, First & Central Presbyterian Church,  
Wilmington, DE

Reverend Bruce P. Gillette, Co-Pastor, Limestone Presbyterian Church, Wilmington, DE

Reverend Carolyn P. Gillette, Co-Pastor, Limestone Presbyterian Church, Wilmington, DE

Reverend Steven Giuliano, St. Peter Catholic Church, New Castle, DE

The Reverend Edward Godden, Church of the Ascension, claymont, DE

Reverend Dr. Vicki Gordy-Stith, Dover District Superintendent, Peninsula-Delaware  
Conference of the United Methodst Church, Dover, DE

Reverend Patrick Boman Gordy-Stith, Asbury United Methodist Church, New Castle, DE

Linda Grabowski, Treasurer, Avenue United Methodist Church, Milford, DE

Apostle John Graham, Pastor, Temple United Church, Inc., Wilmington, DE

Reverend William F. Graney, Pastor, Resurrection Parish, Wilmington, DE

Reverend Robert B. Gray, Clergy, The United Methodist Church, Harrington, DE

The Revered H. Sterling Green, Retired, Peninsula-Delaware Conference of the United  
Methodst Church, Rehoboth Beach, DE

Reverend Wesley Hamlin, Hope Evangelical Lutheran Church, New Castle, DE

The Reverend Nanese A. Hawthorne, Diocese of Easton EFM, Rehoboth Beach, DE

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The Reverend Brad Hinton, Rector, St. David's Episcopal Church, Wilmington, DE

Pastor John F. Holden, Mt. Salem in Rockford Park United Methodist Church,  
Wilmington, DE

Sister Carol Ann Holder, Holy Child Catholic Church, Wilmington, DE

Monseigneur John P. Hopkins, Pastor, St Margaret of Scotland Roman Catholic Church,  
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The Reverend Louise Howlett, Priest Associate, St. James' Episcopal Church-Millcreek,  
Wilmington, DE

The Reverend Peter B. Huiner, Episcopal Church of St. Andrew & Matthew, Wilmington,  
DE

The Very Reverend Steven P. Hurley, V.G., STL, Vicar General, Moderator of the Curia,  
Catholic Diocese of Wilmington, Wilmington, DE

Keith Illidge, Clergy, Bethel African Methodist Episcopal Church, Wilmington, DE

Pastor James Jackson, Associate Pastor, St. Elizabeth Ann Seton Catholic Church, New  
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Reverend Andy Jacob, Hanover Presbyterian Church, Wilmington, DE

Reverend Thomas Jewett, Retired, Catholic Diocese of Wilmington, Wilmington, DE



Elder Tyrone C. Johnson, Sr, Interdenominational Ministers Action Council, Wilmington, DE

Reverend Lester N. Justice, Pastor, Simpson United Methodist Church, Wilmington, DE

Reverend Edward N. Kay, Assistant to the Bishop, DE-MD Synod of the Evangelical Lutheran Church of America, Baltimore, MD

The Reverend Gregory T. Knepp, St. Peter's Lutheran Church, Ocean City, MD

Reverend Dr. Karl Kraft, Kenton United Methodist, Clayton, DE

Reverend Steven LaMotte, Hope United Methodist Church, Dover, DE

The Very Reverend William B. Lane, Episcopal Diocese of Delaware, Hockessin, DE

Pastor Karen E. Larson, Grace Lutheran Church, Easton, MD

The Reverend Timothy A. Leitzke, Tree of Life Lutheran Church, Odessa, DE

The Reverend Emily Hollars Leitzke, DE-MD Synod of the Evangelical Lutheran Church of America, Odessa, DE

Kathy Lessard, Head of Church Council/Lay leader, Church of the Holy Cross, Dover, DE

Reverend Julie Lewis, Trinity United Methodist Church, Laurel, DE

Reverend Dr. Lawrence M. Livingston, Senior Pastor, Mother African Union Church, Wilmington, DE

The Reverend Dianne Loufman, St. Stephen's Evangelical Lutheran Church, Wilmington, DE

Reverend Paul C. Lundmark, Pastor, Grace Lutheran Church, Hockessin, DE

Reverend Betty Jo Magee, Grace United Methodist Church, Georgetown, DE

Reverend Paula A. Maiorano, Unitarian Universalist, Wilmington, DE

The Very Reverend Dr. Ian Markham, President of Virginia Theological Seminary, Alexandria, VA

The Reverend Dennis Marshall, Pastor, Chippey African United Methodist Church, Hockessin, DE

The Reverend Elizabeth Masterson, St. Nicholas' Episcopal Parish, Newark, DE

Reverend Scot McClymont, Director of Young People's Ministry, Peninsula-Delaware Conference of the United Methodist Church, Dover, DE

Monseigneur Daniel McGlynn, Holy Cross Catholic Church, Dover, DE

Sister Teresa E. McMurrin, Holy Spirit Chapel, Dover, DE

Reverend Joseph McQuaide, Church of the Holy Cross, Dover, DE

Reverend Fred Melton, Pastor, St. Mark's Lutheran Church, Wilmington, DE

Sally Milbury-Steen, Co-Clerk, Newark Friends Meeting, Newark, DE

Father Thomas Morrison, Woodside United Methodist Church, Woodside, DE

Reverend Dr. Donald Morton, Tabernacle Full Gospel Baptist Cathedral, Wilmington, DE

Reverend James L. Moseley, Executive Presbyter, New Castle Presbytery, P.C.U.S.A, Newark, DE

Elaine Murphy, Education Chairperson, Hillcrest Bellefonte United Methodist Church, Wilmington, DE

The Reverend Rita B. Nelson, St. Peters Episcopal Church, Lewes, DE

LaVaida Owens-White, Faith Community Nurse, Christ Our King Roman Catholic Church, Wilmington, DE

Reverend Dr. David Palmer, Newark United Methodist Church, Newark, DE



Reverend Tom Pasmore, Lead Pastor, Avenue United Methodist Church, Milford, DE  
 Reverend Clarence E. Pettit, Spirit of Life Lutheran Church, Wilmington, DE  
 Deacon Susan Phillips, The Episcopal Parish of All Saints' Church and St. George's Chapel,  
 Rehoboth Beach, DE  
 Reverend Neta Pringle, Pilgrimage Ministries, Wilmington, DE  
 Reverend Anne Pruett-Barnett, Senior Pastor, Grace United Methodist Church,  
 Wilmington, DE  
 Deacon Kenneth Pulliam, St. Elizabeth's Catholic Church, Wilmington, DE  
 Elder Janesta Ray, Tabernacle Full Gospel Baptist Cathedral, Wilmington, DE  
 Reverend Dr. Samuel Richardson, New Mt. Bethel Baptist Church, Wilmington, DE  
 Reverend Francis J. Rinaldi, OSFS, St. Anthony's of Padua Parish, wilmington, DE  
 Rabbi Yair Robinson, Congregation Beth Emeth, Wilmington, DE  
 The Reverend Timothy Rodden, Director of Pastoral Services, Christiana Care, Newark,  
 DE  
 Reverend Myrtle Rodgers, Wilmington, DE  
 The Reverend Jeffrey Ross, Rector, Saint Peter's Episcopal Church, Lewes, DE  
 Robin Ryan, Hockessin United Methodist Church, Hockessin, DE  
 Reverend Ronald Schatz, Stevenson United Methodist Church, Millsboro, DE  
 Brother William Schatzabel, All Saints' Episcopal Church, Milton, DE  
 Reverend Kris Schonewolf, Pastor, Ewell's St. Paul United Methodist Church, Clayton, DE  
 Reverend Donald Schuler, Bethesda United Methodist Church, Middletown, DE  
 Ruth Sheaffer, Women's Ministry Leader, St. Matthews By-The-Sea United Methodist  
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 Reverend Paul Sherwood, Union United Methodist Church, Bridgeville, DE  
 Reverend Dr. Thomas Short, The United Methodist Church, Hockessin, DE  
 Reverend D. Michael Smith, Unitarian Universalists of Southern Delaware, Lewes, DE  
 Reverend Dr. Joshua Snyder, First Unitarian Church of Wilmington, Wilmington, DE  
 Reverend Vicky Starnes, Senior Pastor, Epworth United Methodist Church, Rehoboth  
 Beach, DE  
 Evangelist Sharon Stokes, Interdenominational Ministers Action Council, Wilmington, DE  
 Reverend Jane Day Stover, Pastor, Elsmere Presbyterian Church, PCUSA, Wilmington, DE  
 Reverend Daniel Swanson, Pastor, Hope Lutheran Church, New Castle, DE  
 Pastor Robert M. Undercuffler, Head of Christiana Presbyterian Church, Newark, DE  
 Reverend Blake H. Wamester, Retired, New England Synod of the Evangelical Lutheran  
 Church in America, Bridgeville, DE  
 Reverend Andrew Weber, Unitarian Universalist Fellowship of Newark, Newark, DE  
 Apostle Thomas Wesley Weeks, Pastor, New Destiny Fellowship, Wilmington, DE  
 Reverend Roderick Welles Jr., Priest Associate, Episcopal Church of St. Andrew &  
 Matthew, Wilmington, DE  
 The Reverend Max J. Wolf, Rector, All Saints' Church & St. George's Chapel, Rehoboth  
 Beach, DE  
 Father John Wright, St. Stephen's Episcopal Church, Harrington, DE  
 Reverend Amy Yarnall, Senior Pastor, Wesley United Methodist Church, Dover, DE





# Open Letter From Jewish Leaders

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Dear Legislators,

Jewish tradition both supports and opposes imposing the death penalty on murderers. Biblical and Rabbinic writings cite strong positions on both sides of the issue. Yet, evolving tradition makes it virtually impossible for a person found guilty of a capital crime to be executed. Why this seeming contradiction? Competing values frame the issue:

- Sanctity of all human life
- Just retribution
- Compassion
- Importance (and difficulty) of discerning the truth

How shall we choose between compelling virtues?

The sanctity of human life is the governing principle of the Bible and vigorously extolled by our Talmudic Sages. Whoever sheds the blood of a person, by a person shall his blood be shed (Genesis 9:6), meaning, whosoever commits murder will pay with his life. No exceptions are permitted based on social status because every victim is a sacred person. For its time, this was a progressive attitude reflecting the evolving idea of the sanctity of every human life.

While the Bible permits the death penalty, the Talmud, in tractate Sanhedrin, imposes severe limits on the administration of execution even where the death sentence is mandated for murder.

- Circumstantial evidence is inadmissible.
- Two eyewitnesses must provide corresponding testimony and must have forewarned the murderer that such an act is punishable by execution.
- Judgment by a large Sanhedrin (rabbinical court) is required to afford the defendant every benefit of the doubt.
- Following conviction, the witnesses themselves must initiate the execution.
- Witnesses are held responsible not only for the death of the defendant but also for the souls of all his would-be progeny.

Sanhedrin remarks: “A court that executes a murderer once in 70 years is a bloody court.” It is evident that our Rabbis found the application of capital punishment abhorrent. Still, they worried that overturning the death penalty might be dangerous to society.

We note that the State of Israel follows the example of the Sages and does not impose the death penalty even on terrorist-murderers. The only ground for imposing capital punishment in





Israel's legal code is "crimes against humanity," and Israel has conducted only one execution in its history to-date.

Today, even those supporting the death penalty recognize the extreme inequity in its application. We sadly observe that the ideal of "Equal Justice Under Law" is not a reality of the legal system in Delaware or in the United States.

Moreover, since 1973, 150 innocent people have been exonerated and released from death row; DNA evidence played a substantial role in only 21 cases.

We cannot avoid the question: How many innocent people have been executed in our name? Problems of coerced confessions, false witnesses, mishandled physical evidence, and questionable testimony abound—compromising truth and justice. Even if more stringent rules of evidence were put into place, the possibility for error remains. The only safeguard against mistaken executions is no executions.

We are deeply sympathetic to the families of murder victims; yet, we note that execution of the murderer does not bring closure to their tragedy. As rabbis, we are committed to doing our utmost to help those touched by violence and tragedy to survive the trauma inflicted on them. We will bring all of our resources and skills to bear in an effort to promote healing and justice. At the same time, we are cognizant that the sanctity of life, already violated by a murder, is not enhanced by the death penalty. Such sanctity must be modern society's supreme value.

Therefore, the undersigned Rabbis, Cantors & Leaders support the ABOLITION OF THE DEATH PENALTY IN DELAWARE.

Rabbi Michael Beals, Congregation Beth Shalom, Wilmington, DE  
Rabbi Micha Becker-Klein, Temple Beth-El,  
Rabbi Peggy Berman de Prophetis, Congregation Beth Shalom, Dover, DE  
Rabbi Ellen Bernhardt, Jewish Federation of Delaware  
Beth Cohen, Religious Leader, Seaside Jewish Community, Rehoboth, DE  
Rabbi Peter H. Grumbacher, Rabbi Emeritus Congregation Beth Emeth, Wilmington, DE  
Rabbi Michael L. Kramer, Hockessin, DE  
Rabbi Douglas E. Krantz, Townsend, DE  
Rabbi Yair Robinson, Congregation Beth Emeth, Wilmington, DE  
Cantor Mark Stanton, Congregation Beth Emeth, Wilmington, DE  
Rabbi Jeremy Winaker, University of Delaware, Newark, DE



# History of Delaware's Death Penalty

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**1958** – On April 2, Governor J. Caleb Boggs signed a bill into law which made Delaware the second state in the nation to abolish the death penalty.<sup>3</sup>

**1961** – Delaware's General Assembly passed legislation overturning the 1958 law. The death penalty was reinstated on December 18, overriding the veto of Governor Elbert N. Carvel.

**1972** – The U.S. Supreme Court ruled in *Furman v. Georgia* that the death penalty violated the Eighth Amendment's ban on cruel and unusual punishment. Based on the *Furman* decision, Delaware's capital punishment statute was deemed unconstitutional.

**1974** – By interpreting *Furman* as forbidding "the uncontrolled discretion of juries and judges in imposing the death penalty," the 1974 Delaware statute called for mandatory death sentences for anyone convicted of first degree murder. Over the next two years, the state added a record nine people to its death row under the mandatory sentencing law.

**1976** – The U.S. Supreme Court held in *Woodson v. North Carolina* and *Roberts v. Louisiana* that mandatory capital sentencing violated the Eighth Amendment. Delaware's highest court then concluded that the state's 1974 statute was also unconstitutional. All nine men, previously condemned to death, were resentenced to life in prison without parole.

**1977** – The legislature enacted a new law that required a two-part trial with separate conviction and penalty phases and also allowed for the presentation of aggravating and mitigating factors in the penalty phase.<sup>4</sup>

**1986** – Legislation was enacted that made lethal injection the mode of execution in Delaware. The law also stipulated that persons sentenced to death prior to this revision would choose between execution either by hanging or lethal injection.<sup>5</sup>

**1991** – Legislation was passed that gave trial judges power to override a jury's difficult recommendation for a life sentence.

**2002** – Delaware judges retain ultimate sentencing power but must give appropriate consideration to the jury's assessment of whether aggravation factors outweigh mitigating factors.<sup>6</sup>

**2003** – Delaware dismantled its gallows when the last person eligible for hanging as a method of execution won a new trial that resulted in conviction and a sentence of life in prison without parole.<sup>7</sup>

**2012**— In January, Gov. Jack Markell extended clemency to Robert Gattis in the week preceding the date of his scheduled execution. Finding merit in Gattis' claims of mistreatment suffered as a child, The Delaware Board of Pardons recommended a reduction in the sentence by a vote of



4-1. Gattis' sentence was subsequently commuted to life in prison. No prior Delaware governor had ever commuted a death sentence.

**2014** – Jermaine Wright, Delaware's longest-serving death row inmate, was granted a new trial in May. "Wright is not entitled to a perfect trial, but he is entitled to a fair one" read Justice Henry duPont Ridgely's opinion, noting the state improperly withheld potentially exculpatory evidence.<sup>8</sup> Lower court judge, John A. Parkins, Jr., subsequently tossed out Wright's video-taped confession citing several problems with the way it was obtained. The Attorney General's office has appealed to Delaware's Supreme Court for use of the confession.<sup>9</sup>

**2015** – On January 20, specifying prosecutorial misconduct, the Supreme Court of the State of Delaware ruled to reverse the conviction and death sentence of Isaiah McCoy. We await further details.



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## Part II

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# Innocent Lives at Risk

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- Since 1973, 150<sup>10</sup> people have been exonerated and released from death row after evidence of their **innocence** was uncovered.
- In 2014, 7 men were exonerated. It took an average of 30 years to discover their innocence.
- Race exacerbates the risk of executing an innocent person. Eyewitness identification, the leading cause of wrongful conviction, is even less reliable when the witness is identifying someone of a different race.
- Nationally, one person is exonerated for every 9 who are executed. The leading factors of wrongful convictions include: <sup>11</sup>
  1. Eyewitness Error
  2. Junk Science
  3. Jailhouse-Snitch Testimony
  4. False Confession
  5. Government Misconduct
- The problem of innocent people being sentenced to death is not isolated to a few states or a particular timeperiod. Death row exonerations have occurred in 26 different states, with well over 50% occurring since 1993.
- A 2009 Gallup poll revealed that 59% of the respondents believed innocent individuals have been executed in the last five years.<sup>12</sup>
- In 2004, a University of Michigan study found that death row inmates represent one quarter of one percent of the prison population but 22% of the exonerated.<sup>13</sup>

## DNA and Forensic Evidence Do Not Solve the Problem

While DNA has uncovered many of the flaws in our nation's death penalty – including incompetent lawyers, misconduct, and more – DNA can't, by itself, solve those problems. Thanks to DNA, we now know that evidence we once thought was reliable can often be wrong, including eyewitness identification, confessions, jailhouse informants, and other forensics.

- DNA testing is possible in just five to ten percent of criminal cases.
- Only 20 of the 150 death row exonerations had DNA as a factor in the case.



- The National Academy of Sciences (NAS), the nation’s premier institution of scientific advisors, declared that most of the common categories of forensic evidence - including fingerprints, bite marks, hair, and ballistics – are unreliable in connecting crime scene evidence to specific people.



# Profiles of Wrongful Convictions

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## Ricky Jackson, Wiley Bridgeman, and Kwame Ajamu Exonerated in 2014<sup>14</sup>

Jackson, Bridgeman, and Ajamu were convicted of the 1975 murder of Harold Franks based on the testimony of a 12-year-old boy who later recanted his testimony. Several people confirmed the boy was on a school bus at the time of the crime. No other evidence linked the men to the murder. A gun and car seen at the crime scene were associated with a man who was arrested in 1978 for another murder, but he was never charged in Franks' murder. In dropping the charges against Jackson, who was exonerated prior to Bridgeman and Ajuman, Cuyahoga County Prosecutor Timothy McGinty said, "The state is conceding the obvious."

Upon his release, Jackson said, "The English language doesn't even fit what I'm feeling. I'm on an emotional high. You sit in prison for so long and think about this day but when it actually comes you don't know what you're going to do, you just want to do something."

## Ronald Kitchen Exonerated in 2009<sup>15</sup>

Kitchen was exonerated and released from Illinois prison after 21 years in prison, including thirteen on death row. His death sentence had been commuted to life without parole by former Illinois Governor George Ryan in 2003 as part of a blanket clemency grant.

Kitchen and a co-defendant were found guilty of the murders of two women and three children in 1988. His conviction was based primarily on a confession he gave to detectives under the command of discredited former Police Commander Jon Burge after hours of beatings and



threats by police. Prosecutors also relied on the testimony of a friend of the defendants who was in prison for burglary. This witness later recanted his testimony, and the prosecutors withheld from the defense that they released this witness from prison early in return for his testimony.

The Attorney General's office reported that they could not sustain the burden of proof and noted, "In this case it became extraordinarily clear that justice required the release of these two men."

Kitchen was reunited with his sons, one of whom was born while he was in prison, and his family. He was represented by attorneys from the Bluhm Legal Clinic at Northwestern University School of Law.

## **Kirk Bloodsworth Exonerated in 1993<sup>16</sup>**

Bloodsworth, a Maryland resident and former Marine, was charged with the rape and murder of nine-year-old Dawn Hamilton. Based on eyewitness testimony from two young children, he was sentenced to death.

Throughout his trials and imprisonment, Bloodsworth fought to prove his innocence. After nine years in prison, DNA evidence proved he was completely innocent. Kirk Bloodsworth was the first man in the country to be proven innocent through DNA evidence. "If it could happen to me, it could happen to anybody," Bloodsworth said.



# The Death Penalty is Arbitrarily Applied

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*“We have a system of justice in the US that treats you much better if you're rich and guilty than if you're poor and innocent. **Wealth, not culpability, shapes outcomes.**”*

-Bryan Stevenson, Delaware native

Founder and Executive Director of The Equal Justice Initiative

*“Twenty years have passed since this Court declared that the death penalty must be imposed fairly, and with reasonable consistency, or not all...and, **despite the efforts of the States and courts** to devise legal formulas and procedural rules to meet this daunting challenge, **the death penalty remains fraught with arbitrariness, discrimination, caprice, and mistake.**”*

-Harry Blackman, former Supreme Court Justice, Callins V Collins (1994)

Across the country, both federal and state governments have examined the unfair application of the death penalty and attempted reforms. Each reform makes a complicated system more complicated and expensive, while creating a new wave of problems in application. Best faith efforts are not enough when a human life is at stake.

## The Worst of the Worst?

How do we decide who lives and dies? Are we truly selecting the "worst of the worst" – or simply those with the worst lawyers, the wrong geographic location, or the wrong skin color?

- Many of the nation’s most **high-profile murderers or serial killers don’t get the death penalty** because they have better lawyers who negotiate deals.
- Poorer defendants are executed for robberies “gone wrong” or other **murders that were not premeditated.**
- **Accomplices that have not killed anyone** have been executed in cases where the actual killer got life.
- The death penalty is disproportionately applied to already marginalized populations: people of color, poor communities, and those with mental illness.

## Poverty—Not Justice—Determines Life or Death

We all expect justice to be blind; otherwise it’s not justice at all. Strikingly, poverty remains a contributing factor in life or death.

- The vast majority of defendants in capital cases cannot afford their own attorneys. Quality representation is one of the most important factors in determining whether a defendant will receive a death sentence.
- The appointed attorneys are regularly overworked, underpaid, or –most egregiously– lacking the trial experience required for capital punishment cases.



## Mental Illness

- Dozens of prisoners have been executed despite suffering from serious mental illness.
- The National Alliance on Mental Illness estimates that as many as 10% of those on death row have serious mental illness.
- Studies suggest that defendants with severe mental illnesses who commit capital crimes are more likely to be sentenced to death than those without mental illnesses convicted of similar crimes.<sup>17</sup>
- Over 95% of death row prisoners who volunteer to be executed have a history of mental illness.



# Capital Punishment is Racially Biased

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## Racial Disparities on Delaware's Death Row

Across the county, people of color are disproportionately represented on death row when compared to the nation's population. These disparities are even more evident in Delaware.

- **73% of the death row population is comprised of minorities.**<sup>18</sup> Of the 15 men on Delaware's death row (as of March 1, 2015), 4 are white (27%), 8 black (53%), and 3 are Hispanic (20%).
- In contrast, national figures show 43% of death row inmates are white, 42% are black, and 13% are Hispanic. **This is a minority death row population of 55%.**<sup>19</sup>
- **A white person has not been sentenced to death in Delaware since 2003.**

## White Victim Cases are Most Likely to Get a Death Sentence

The race of the victim has a profound effect on which crimes receive the death penalty, particularly in Delaware.

- **70% of people murdered in Delaware are people of color**<sup>20</sup>. Yet, only 31% of people executed were for cases where the victim was also a person of color<sup>21</sup>.
- This means that the **victims in 69% of Delaware death penalty cases leading to conviction were white.**
- A study by Cornell Law School on Delaware's system of capital punishment found that black defendants who killed white victims were **6 times more likely**<sup>22</sup> to get the death penalty than black defendants who killed black victims.
- Delaware, again, displays more racial bias in its approach to capital punishment when compared to other states. Studies in states as diverse as California, Maryland, Ohio, and Georgia have found that people convicted of murdering a white victim were **4.5 times more likely**<sup>23</sup> to get sentenced to death than those who killed African Americans or Latinos.

## Do Black Lives Matter in Delaware's Death Penalty?

Throughout the country, race impacts how people of color are treated when they are suspected or convicted of a crime and how they are treated when they are the victims of crime. Delaware is not immune to this crisis. Delaware's death penalty is a stark example of how these disparities devalue African American lives in our collective response to violence.



In Delaware, African Americans represent:

- 20% of the general population.
- 42% of those arrested for criminal offenses.
- 44% of those executed.
- 59% of those on death row.

When the public sees these levels of disparity in the death penalty, it compromises the integrity of the entire criminal justice system. It sends the message that some lives are more valuable than others.

## Death Penalty is the Sibling of Lynching

Delaware native Bryan Stevenson, founder and executive director of the Equal Justice Initiative, identifies capital punishment as the evolution of public lynching. According to a 2015 report from the Equal Justice Initiative *Lynching in America: Confronting the Legacy of Racial Terror*, “the decline of lynching in the studied states relied heavily on the increased use of capital punishment imposed by court order following an often accelerated trial. That the death penalty’s roots are sunk deep in the legacy of lynching is evidenced by the fact that public executions to mollify the mob continued after the practice was legally banned.”<sup>24</sup>

From *Lynching in America*:

- In 96 percent of states where researchers have completed studies examining the relationship between race and the death penalty, results reveal a pattern of discrimination based on the race of the victim, the race of the defendant, or both.
- Capital trials today remain proceedings with little racial diversity; the accused is often the only person of color in the courtroom and illegal racial discrimination in jury selection is widespread.
- As contemporary proponents of the American death penalty focus on form rather than substance by tinkering with the aesthetics of lethal punishment to improve procedures and methods, capital punishment remains rooted in racial terror—“a direct descendant of lynching.”



# Harmful to Victims' Family Members

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*"By focusing on the death penalty as a solution for victims, the state fails to address the real needs of victims' families. What victims' families like mine need in the wake of a terrible tragedy is respect, support, and honesty. We need time and energy to grieve and heal. Some of us need professional counseling help. Some need financial assistance. We all want to feel safe in our communities. We need guidance toward resources that can help us regain our power, not sacrifice it to a death penalty system that may never reach its goal."*

-Kristin Froehlich, lost her brother to murder

*"A society that uses the death penalty in response to murder becomes exactly what it hopes to defeat."*

-Rev. Dennis Marshall, Pastor

Chippey African United Methodist Church, Hockessin, DE

Regardless of their views on the death penalty, victims' advocates and trauma experts conclude that the death penalty harms surviving family members. Families are denied their opportunity to grieve and to heal because they are continuously subjected to prolonged trials, lengthy appeals, reversals, and the media coverage that is common in capital cases.

## The Death Penalty's Negative Effects on Victims' Families

### Inflicts Trauma

- To be meaningful, justice should be swift and sure. The death penalty is neither. It prolongs pain for victims' families, dragging them through an agonizing and lengthy process that holds out the promise of an execution at the beginning but often results in a different sentence in the end.
- By its very nature, capital murder trials are offender-centered. The resulting media attention exacerbates the trauma families suffer with continuous photos and stories of the defendant's horrible deeds.
- Dr. Gail Canzano, a clinical psychologist whose brother-in-law was murdered, speaks to this problem: "I have many years of experience treating individuals suffering from the effects of trauma. From a professional standpoint, there is simply no doubt that the death penalty is injurious to the family members of murder victims. It forces people to continually re-live the murder of their loved one for years. In keeping the traumatic event 'front and center,' the judicial system re-traumatizes and re-victimizes the very people it seeks to assist."
- Differing views on the death penalty have been known to split families apart. The



system forces families of murder victims to engage in polarizing debates in times when they need each other most.

### Diverts Resources from Victims' Families and Law Enforcement

- Capital punishment's complex and faulty process diverts millions of dollars and attention from critical services needed by families of homicide victims.
- In most states, services for specialized grief counseling and financial assistance are limited at best and end when the initial trial is complete.
- With the resources saved by repealing the death penalty, ongoing services for the families of murder victims can be bolstered.
- Families of unsolved murders face the added pain of never learning what happened to their loved ones. The people responsible remain undetected while countless law enforcement hours are spent chasing a handful of extremely expensive executions instead of using those resources to solve more cases.

### Creates a Hierarchy of Victims

- The death penalty is supposedly reserved for "the most heinous murders." This approach fails to recognize there are no "ordinary" murders for the grieving families left behind.
- Kristin Froehlich, whose brother David was murdered in 1995, writes: "The death penalty necessarily divides victims between those who are 'worthy' of a death-penalty case and those who are not. These distinctions are incredibly disrespectful to victims' families and a source of great pain. And since the vast majority of murderers will not face the death penalty, it is inaccurate and hurtful to act as if the death penalty is a real solution for murder victims' families."

### No Certainty

When prosecutors seek the death penalty, odds are that the sentence will never be carried out. It also is no guarantee that a jury will return a death sentence in a capital case.

- Between 1973 and 1995, only 5% of death sentences were carried out.
- 68% of death sentence in that same period were overturned.



# Voices of Delaware

MURDER VICTIMS' FAMILIES SPEAK OUT AGAINST THE DEATH PENALTY

## Kristin Froehlich, David's Sister

*Wilmington, DE*

In 1995, my 22-year-old brother David and four of his friends were murdered in Connecticut. I was traumatized and depressed. I lost my beliefs that life was predictable and that people were trustworthy.

Initially a capital case, preparation for the trial of my brother's killer took several years. I started to pin my hopes on the trial to resolve some of my feelings. The delays were confusing and frustrating. Fortunately, a friend in my grief support group helped me understand that the trial was a separate process from the grieving and healing I needed to do. She explained that the legal process is designed to punish an offender, but not to heal victims. Her words freed me from false hope. Eventually, the state abandoned seeking the death penalty and the killer was given life without parole.

Had I waited for an execution to heal my pain, I would have been cruelly disappointed. I likely would have waited years for an execution that may never have come. During appeals, the horrible details of the crime would have been paraded over and over in the media and in court. Having been freed from that expectation, I was able to get on with the necessary grieving and healing. I got to mourn my brother's death and to celebrate his life free from the overwhelming burden of endless criminal proceedings.

**Over the years many have pronounced that an execution is the way that survivors of murder will be healed. They say, "The death penalty is for the victims." That is not my experience. Grieving and healing are lifelong processes with no shortcuts.**



Kristin Froehlich is a Licensed Clinical Social Worker. She is Board President for Delaware Citizens Opposed to the Death Penalty and on the Advisory Committee for the Delaware Repeal Project. She is also a member of Murder Victims' Families for Reconciliation.

Kristin Froehlich



For more information or to become a member or donor of Murder Victims' Families for Reconciliation: contact Horace Knight Jr. at [hknight@mvfr.org](mailto:hknight@mvfr.org) or 809-792-2147 or visit [www.mvfr.org](http://www.mvfr.org)  
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**The Delaware Repeal Project**

[www.derepeal.org](http://www.derepeal.org) | 302-654-5326 x100



# Voices of Delaware

MURDER VICTIMS' FAMILIES SPEAK OUT AGAINST THE DEATH PENALTY

## Rev. Dennis Marshall, Dejuan's Cousin

### *Hockessin*

In January of 2013, just two months before his 30th birthday, my cousin, Dejuan was kidnapped and brutally murdered. It was the kind of murder that might be described as heinous and deserving of the maximum sentence allowable. Still, I do not support the death penalty.

As a person, I wonder how this tragedy could have been prevented. As a pastor I look to my faith. The Bible explains that life is "Here for a brief moment then vanishes" [James 4:14]. Dejuan was taken from his son, his parents, his siblings, and from me.

We know that millions of dollars are put into a broken capital punishment system that does not deter crime. We also know that law enforcement and crime prevention programs are in desperate need of more resources – I believe investment like this would have done far more to prevent the senseless death of my cousin and the immense pain our family is facing for years to come.

I had been told that my view on the death penalty would change when the person murdered was a member of my own family. Sadly, I have been faced with the need to examine the validity of that statement and I have found it is not true. A member of my family was brutally murdered and I am still supportive of death penalty repeal because another death does not restore lost life.

Rev. Dennis Marshall



**A society that uses the death penalty in response to murder becomes exactly what it hopes to defeat.**

*Rev. Dennis Marshall is pastor of Chippey AUM Church of Hockessin, DE.*

For more information or to become a member or donor of Murder Victims' Families for Reconciliation:  
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# Harmful to Jurors and State Employees

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*“And thus, I became a killer, too. It was legal and it was my duty. But I felt sick. For days I was unable to joke with friends or sleep at night. For weeks I was unable to stop reliving that singular moment when I wrote ‘death’ on a tiny slip of paper. For months I awoke every night from unrelenting and vivid dreams of his execution. I followed and still follow every element of his appeal. I will never be the same. And even though I know that I did nothing wrong, I will always carry the stain of one who has killed a fellow human.”*

Stewart Dotts, Delaware Citizen  
A juror in the 2007 James Cooke case

*“Sometimes I wonder whether people really understand what goes on down here and the effect it has on us. Killing people, even people you know are heinous criminals, is a gruesome business, and it takes a harsh toll ... I have no doubt it’s disturbing for all of us. You don’t ever get used to it.”*

Jim Willet, former Texas warden who oversaw 89 executions

## Lasting Trauma for Corrections Officials, Jurors and Civilians

Abstract debates about the death penalty can lose sight of the sobering reality of an execution. If the state chooses to have the death penalty, it also must train individuals to plan and carry out the execution of another human being.

People at every level of the system must play a part in implementing the death penalty. These include jurors, judges, court staff, law enforcement investigators, the staff of the Attorney General and a wide range of personnel who work for the Department of Corrections.

- A 1993 study found that jurors who serve on death penalty trials are likely to endure prolonged distress as a result of determining whether someone should live or die.<sup>25</sup>
- Studies have found symptoms of anxiety, nausea, and nightmares among journalists who witnessed an execution.<sup>26</sup>

Despite attempts to make executions more humane, the reality is that they remain incredibly stressful events that can go horribly wrong.

- Dr. Allen Ault, Dean of the College of Justice and Public Safety at Eastern Connecticut University and former warden in Georgia, where he oversaw many executions: **“We were giving psychological help to all the staff that participated in executions ... Then I realized I was suffering pretty badly about it. Because you have to understand that it is the most premeditated murder.”**<sup>27</sup>
- Ron McAndrew, warden of Florida State Prison, oversaw three executions that haunt



him to this day: “The flames that consumed Pedro Medina’s head when the execution went seriously awry, the smoke, the putrid odor, and his death by the inferno is deeply embedded in my brain. The memory of telling the executioner to continue with the killing, despite the malfunctioning electric chair, and being at a point of no-return, plagues me still.”<sup>28</sup> **Although Delaware enforces execution through lethal injection, there have been recent notable problems with this practice, too.**



# Death Penalty Doesn't Deter Crime

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*"The view that the death penalty deters is still the product of belief, not evidence ... on balance, the evidence suggests that the death penalty may increase the murder rate ... in light of this evidence, is it wise to spend millions on a process with no demonstrated value that creates at least some risk of executing innocents when other proven crime-fighting measures exist?"*

-John Donohue (Yale University) and Justin Wolfers (University of Pennsylvania)

"The Death Penalty: No Evidence for Deterrence"

We've learned a lot about the death penalty in the last 30 years. It does not deter crime. It actually makes us less safe by siphoning resources from programs that do reduce crime. Moreover, a growing number of law enforcement officials now believe in better ways to keep us safe.

## Capital Punishment Can Hold No Deterrent Value

- At its core, murder is a crime of passion. One does not consider the consequence of the death penalty while in the midst of a violent crime.
- Most murders occur under the influence of drugs or alcohol, further revealing that the consequence of the death penalty can have no deterrent effect.
- The National Research Council reviewed more than three decades of research and **found no credible evidence that the death penalty deters crime.**<sup>29</sup>
- A 2009 study found that 88% of the nation's top criminologists believe the death penalty is not a deterrent.<sup>30</sup> Nearly two-thirds of the American people agree, according to recent polling.

## Data Shows the Death Penalty Does Not Lower Murder Rates

- The majority of studies find that the death penalty has no deterrent effect above the alternative sentence of life in prison without release. The studies that do find a deterrent effect have not stood up to peer review, and suffer from faulty measurement, missing data, failure to account for key variables, or other statistical flaws.<sup>31</sup>
- A simple comparison reveals that states without the death penalty actually have lower murder rates than those with the death penalty. The murder rate in states with the death penalty is 4.7, while the murder rate drops to 3.1 in states with the death penalty.<sup>32</sup>
- **Homicide rates of law enforcement officers killed in the line of duty are lower in states without the death penalty.** None of the six states which have recently ended their use



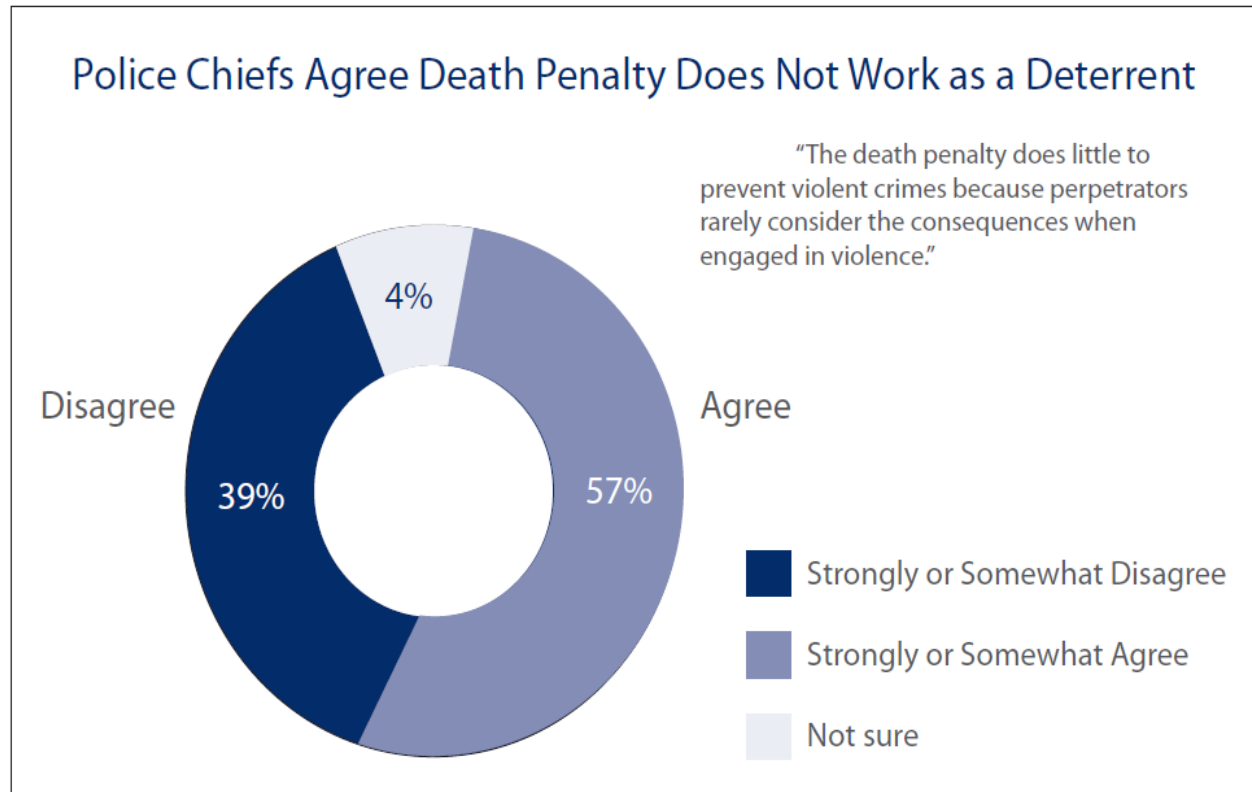
of the death penalty have seen an increase in murders of law enforcement officers.

- The experience of individual states confirms the data. The murder rate in Manhattan dropped steadily for ten years even though the District Attorney there opposed the death penalty and refused to seek it. Chicago’s murder rate dropped by nearly a third during the first seven years the state suspended executions.<sup>33</sup>

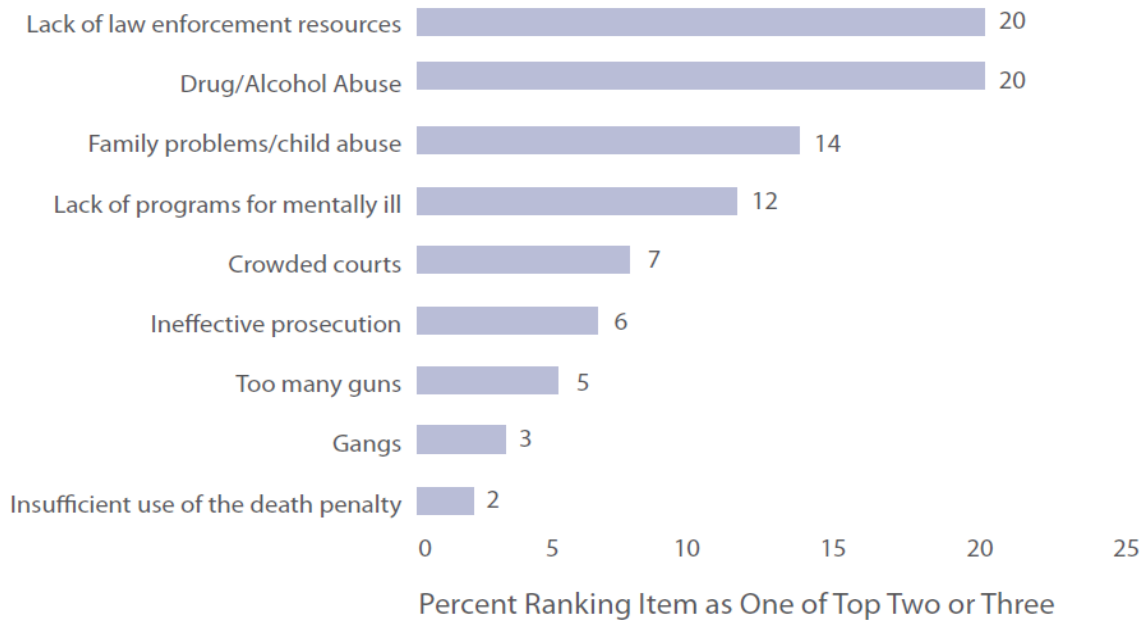
## What Police Chiefs Say

Even police officers do not believe the death penalty is an effective deterrent.

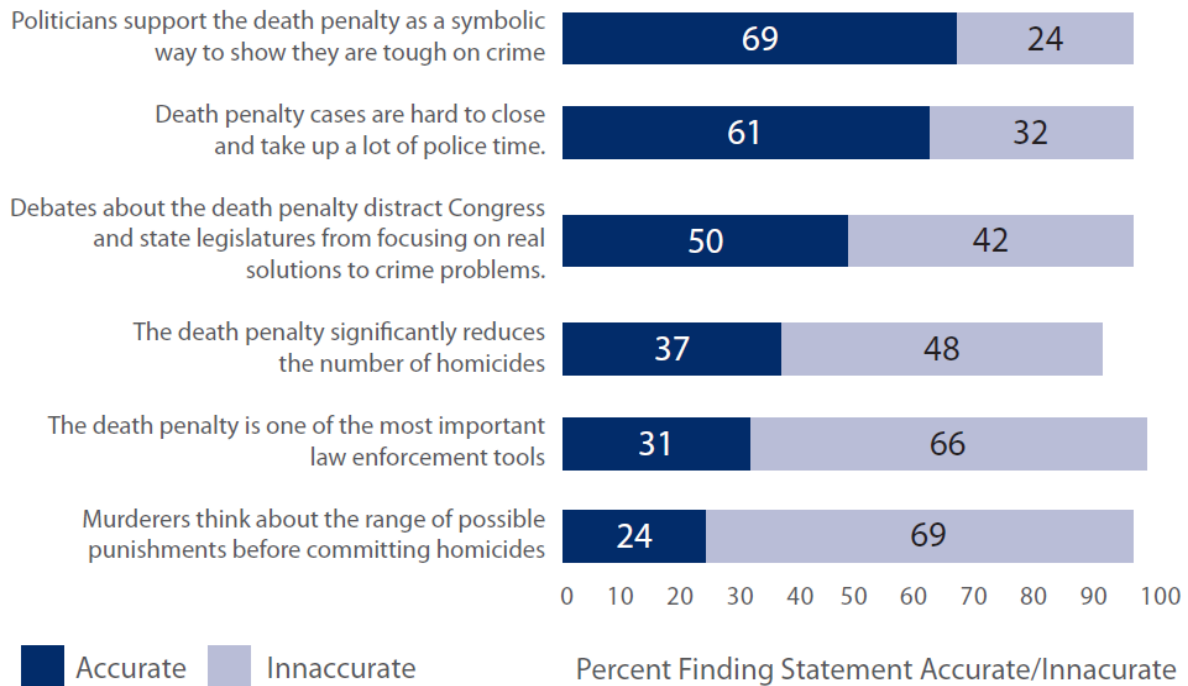
- In a national survey, police chiefs ranked the death penalty last among effective ways to reduce violent crime. The financial costs associated with the death penalty siphons resources from effective tools that actually prevent violent crimes.
- 99% of respondents said that other changes such as reducing drug abuse or improving the economy were more important than expanding the death penalty in reducing violent crime.<sup>34</sup>
- Many law enforcement officers say the death penalty is a distraction from their goal of public safety.



## What Interferes with Effective Law Enforcement?



## Police Chiefs' Views

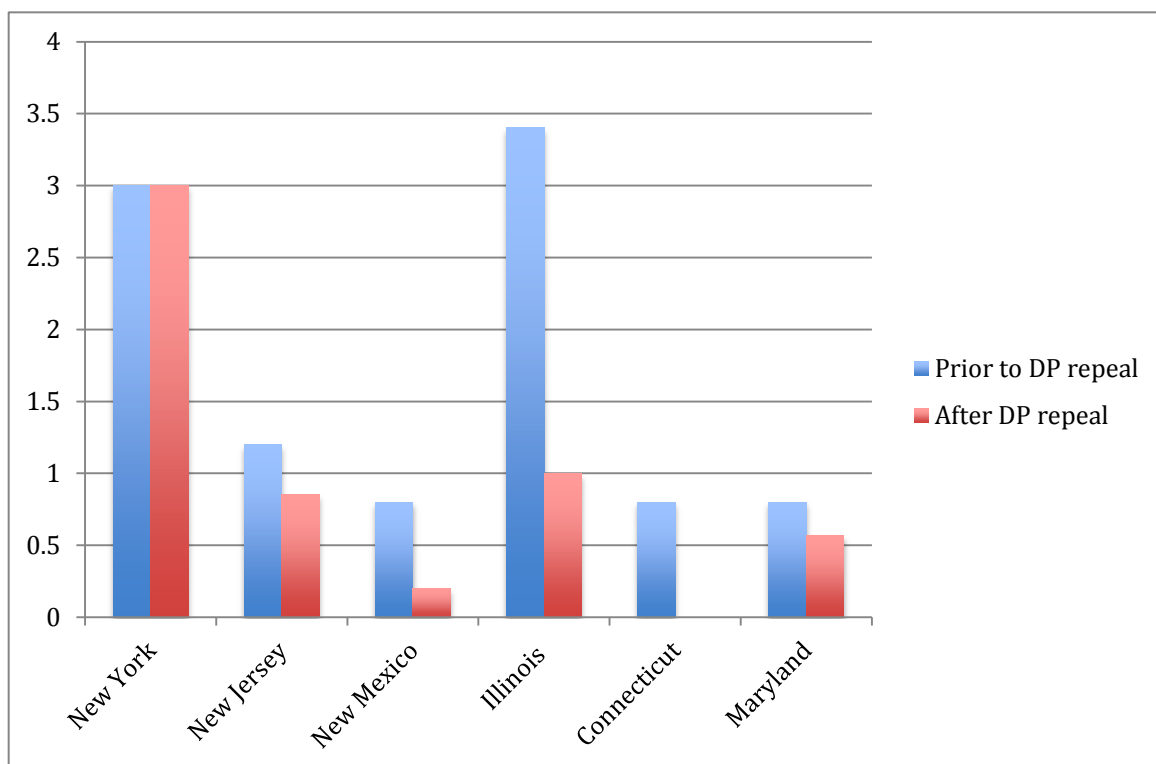


# Police Are Not Safer With Death Penalty

States that have ended the death penalty tend to have fewer law enforcement deaths by homicide *after* repeal, confirming that the death penalty is not an effective method for protecting law enforcement officers from being killed.

- **The deadliest states for law enforcement officers in recent years are all states that actively use the death penalty.** This includes the busiest death states like Texas and Florida.
- The 32 states with the death penalty account for approximately 83% of all law enforcement officer deaths by homicide in the U.S. from 2010-2014.
- The murder rate in non-death penalty states has remained consistently lower than the rate in states with the death penalty, and the gap has grown since 1990.

**Average Number of Law Enforcement Officers' Deaths Per Year  
Pre- and Post-Repeal of the Death Penalty**



## Deadliest States for Law Enforcement Officers

Between 2010 and 2014, the **highest rates of homicides of law enforcement officers were all states with the death penalty.**

- Arizona – 11
- California – 25
- Florida – 23
- Georgia – 16
- Mississippi- 8
- Texas – 28

Methodology: Raw numbers of all law enforcement officer deaths in the line of duty were gathered from five or six calendar years prior to the repeal date until the present. Accidental and non-homicidal deaths were not counted. Only deaths by gunfire, assault, stabbing and vehicular assault are indicated. Source: **Officer Down Memorial Page** – [www.odmp.org](http://www.odmp.org)

### Talk to an Expert

Dr. George F. Kain and Associate Professor Terrence P. Dwyer, Esq., have researched trends in law enforcement deaths by homicide and provided the national statistics shown on this fact sheet. Both are available to comment.

**George F. Kain, Ph.D.**

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# Corrections Professionals Favor Repeal

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TO: Esteemed Members of the Delaware State Legislature

FROM: Concerned Corrections Professionals

SUBJ: We Support Death Penalty Repeal

We write to you as former correctional professionals including directors, wardens, and executioners who have had direct involvement in carrying out the death penalty. Like few others in this country, we understand exactly what is being asked of public employees whose jobs include carrying out the lawful orders of the judiciary. We also understand, from our own personal experiences, the potential awful and lifelong repercussions that come from participating in the execution of prisoners.

While most of the prisoners whose executions we participated in accepted responsibility for the crimes for which they were punished, some of us have also executed prisoners who maintained their innocence until the end. Those cases are the most concerning to the aforementioned corrections personnel and, despite all efforts to prevent such, the risk of executing the innocent can only be avoided by not executing prisoners at all.

Some of us with more intimate, hands-on participation in the process live with nightmares—particularly where an execution on our supervision did not go smoothly. No one has the right to ask a public servant to take on a lifelong sentence of nagging doubt, shame or guilt. Should our justice system be put in a position to cause so much harm to public employees, not to mention the families of murder victims and also the families of the executed?

We fully understand the challenge of managing dangerous prisoners. We respectfully submit that executions do no more to protect prison employees and other prisoners than appropriate prison management procedures, including proper evaluation of prisoners, training of corrections employees, and resourcing your corrections department. In fact, there are documented instances where having the death penalty available has served as an invitation to prisoners, tired of life in prison, to threaten to kill a fellow prisoner or a prison employee. It was their way achieving an early death and averting the harsh sentence of life in prison until natural death. In a few instances that we are aware of, such murders and subsequent executions have been carried out.

We urge you to seize the opportunity to relieve employees of the Delaware Department of Correction of such burdens by passing legislation that repeals the death penalty and changes the sentences of those currently on death row to the alternative sentence in Delaware: Life in prison with no consideration of parole.



You have an opportunity to take a step forward in the field of corrections and do a great service to your corrections employees by repealing capital punishment. If we may be of assistance to you moving forward, please do not hesitate to call upon any of us.

Respectfully,

Allen Ault  
Retired Warden & Commissioner, Georgia

Terry Collins  
Retired Director, Ohio Department of Rehabilitation and Correction

Jerry Givens  
Retired Executioner (conducted 62 electrocutions), Virginia Department of Correction

Ron McAndrew  
Retired Warden, Florida State Prison

Dennis O'Neill  
Retired Warden, Union Correctional Institution, Florida.

Frank Thompson  
Retired Assistant Director of Institutions and Superintendent of Prisons, State of Oregon

Reginald Wilkinson  
Retired Director, Ohio Department of Rehabilitation and Correction

Jeanne S. Woodford  
Retired Warden, San Quentin State Prison



# Death Penalty Too Expensive to Sustain

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More than a dozen states have found that **death penalty cases cost up to 10 times more than comparable non-death penalty cases**. The most rigorous cost study in the country found that *a single death sentence in Maryland costs almost \$2 million more than a comparable non-death penalty case*.

- The death penalty costs more than just dollars. In fact, the majority of the death penalty's costs never appear as line items in any budget. Instead they are buried in thicket of legal proceedings and hours spent by judges, clerks, prosecutors, and other law enforcement agencies. In the time it takes to pursue one capital case, law enforcement could investigate, prosecute, solve, and prevent scores of other crimes.

## Greatest Costs Incurred Before and During Capital Trials

It is well known that appeals are extremely costly; however, Amnesty International reports that “the greatest costs associated with the death penalty occur prior to and during trial, not in post-conviction proceedings. **Even if all post-conviction proceedings (appeals) were abolished, the death penalty would still be more expensive than alternative sentences.**”<sup>35</sup>

- Trials in which the prosecutor is seeking a death sentence have two separate and distinct phases: conviction (guilt/innocence) and sentencing. Special motions and extra time for jury selection typically precede such trials.
- More investigative costs are generally incurred in capital cases, particularly by the prosecution.
- Death penalty law is more complex than many other areas of law, requiring special legal expertise, more time for trials, more money for experts, and more lawyers.
- It takes longer to find a jury to sit on a capital case than a non-capital case because the law says that only those willing to send someone to death are qualified to serve. This fact also raises questions about the presumed predisposition of juries to recommend death for a defendant.
- When death penalty trials result in a verdict less than death or are reversed, taxpayers first incur all the extra costs of capital pretrial and trial proceedings and must then also pay either for the cost of incarcerating the prisoner for life or the costs of a retrial (which often leads to a life sentence). A study by Cornell Law School found that 33% of all defendants sentenced to death in Delaware were resentenced to life in prison in subsequent proceedings.<sup>36</sup>



## Appeals and Retrials Further Contribute to Cost

- Every death penalty verdict is automatically appealed, which adds further cost. Those sentenced to death are also provided with more opportunities for post-conviction relief than those sentenced to life in prison.
- Many death penalty trials are found to be significantly flawed and must be repeated, sometimes more than once.

## State's Studies Consistently Show Capital Punishment's High Cost

- **California:** The death penalty costs taxpayers \$137.7 million a year, a price tag that would drop to \$11.5 million if replaced by life without parole.<sup>37</sup>
- **Florida:** The state would save \$51 million each year by punishing all first-degree murderers with life in prison without parole, according to a 2000 estimate by the *Palm Beach Post*.<sup>38</sup>
- **Kansas:** A 2003 audit estimated the cost of the median death penalty case through to execution to be \$1.26 million. By contrast, the median non-death penalty case followed by lifetime incarceration incurs an estimated cost of \$740,000. Trial costs specifically are 16 times greater in death penalty cases (\$508,000 compared to \$32,000).<sup>39</sup>
- **Maryland:** A capital-eligible case resulting in a death sentence costs taxpayers \$1.9 million more than a capital-eligible case where the death penalty is not sought. Since 1978, the death penalty has cost the state at least \$186 million.<sup>40</sup>
- **Nevada:** A 2014 study commissioned by the **Nevada** legislature found that the average death penalty case costs a half million dollars more than a case in which the death penalty is not sought. The Legislative Auditor estimated the cost of a murder trial in which the death penalty was sought cost \$1.03 to \$1.3 million, whereas cases without the death penalty cost \$775,000. The auditor summarized the study's findings, saying, "Adjudicating death penalty cases takes more time and resources compared to murder cases where the death penalty sentence is not pursued as an option. These cases are more costly because there are procedural safeguards in place to ensure the sentence is just and free from error." The study noted that the extra costs of a death penalty trial were still incurred even in cases where a jury chose a lesser sentence, with those cases costing \$1.2 million.<sup>41</sup>
- **New Jersey:** Before repealing the death penalty in 2007, the state spent \$11 million annually on it, despite never executing anyone since its reinstatement in 1982. The money New Jersey spent on capital punishment each year could have put 160 police officers on the street or provided counseling to over 850 victims of violent crime.<sup>42</sup>



- **New York:** Between 1995 and 2003, the state spent approximately \$160 million on capital punishment without executing anyone.<sup>43</sup>
- **North Carolina:** One of the country's most comprehensive death penalty cost studies found that the death penalty costs the state nearly \$11 million more per year than replacing it with life imprisonment without parole.<sup>44</sup>
- **Washington:** A 2015 Seattle University study examining the costs of the death penalty found that each death penalty case cost an average of \$1 million more than a similar case where the death penalty was not sought (\$3.07 million, versus \$2.01 million). Defense costs were about three times as high in death penalty cases and prosecution costs were as much as four times higher than for non-death penalty cases.<sup>45</sup>



# Lethal Injection is Inhumane

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*"I had just watched a man be tortured to death."*

-Florida Death Row Chaplain Dale Recinella after Angel Diaz's Execution

Throughout the history of capital punishment, there have been attempts to develop a humane form of execution. Hanging, the guillotine, the electric chair, the gas chamber, and lethal injection were all seen, at one time, as humane advancements. It has become clear that even lethal injection presents a real risk of severe pain to the condemned man or woman – and trauma to individuals carrying them out.

## The Supply of Lethal Injection Drugs in Delaware

- As has been standard practice in most states that carry out lethal injection protocols, Delaware law currently requires a three-drug protocol. **The state's supply of these medications has expired.**<sup>46</sup>
- **The EU and other producers of lethal injection drugs have halted production** citing the inhumanity and barbaric nature of the death penalty.
- There is now **no legal means of obtaining the medications required by Delaware law.**

## Alternative Combinations Invite Botched Lethal Injections

Since the death penalty returned to the United States in 1982, there have been at least 44 documented instances of botched lethal injections.

Recently, Ohio, Oklahoma, and Arizona deviated from protocol and sought alternative drug combinations, with horrific results. These combinations were, essentially, "tested" on death row inmates in executions administered in 2014. In each case, the states made national news as the deaths of these condemned men amounted to cruel and unusual punishment.

- Jan. 16, 2014. Ohio. **Dennis McGuire.** Lethal Injection. McGuire gasped for air for some 25 minutes while the drugs used in the execution, hydromorphone and midazolam, slowly took effect. **Witnesses reported that after the drugs were injected, McGuire was struggling, his stomach heaving and fist clenched, making "horrible" snorting and choking sounds.** His family has since filed suit against the state.<sup>47</sup>
- April 29, 2014. Oklahoma. **Clayton D. Lockett.** An hour before the execution began, the governor was notified that the executioner (a "phlebotomist") was having problems finding a usable vein, but she did not intervene. After an hour, a vein was finally found in Mr. Lockett's "groin area," and the execution went forward. Ten minutes after the administration of the first drug, a sedative, the physician supervising the process (whose



very presence violated ethical standards of several medical organizations) announced that the inmate was unconscious, and therefore ready to receive the other two drugs that would actually kill him. Those two drugs were known to cause excruciating pain if the recipient was conscious. However, Mr. Lockett was not unconscious. Three minutes after the latter two drugs were injected, **“Lockett began breathing heavily, writhing on the gurney, clenching his teeth and straining to lift his head off the pillow.”** Officials then lowered the blinds to prohibit witnesses from seeing what was going on, and 15 minutes later the witnesses were ordered to leave the room. Twenty minutes after the first drugs were administered, **the Director the Oklahoma Department of Corrections halted the execution, and issued a two-week stay (later extended by extensive litigation) for the execution of Mr. Warner. Mr. Lockett died 43 minutes after the execution began, of a heart attack, while still in the execution chamber.**<sup>48</sup>

- July 23, 2014. Arizona. **Joseph R. Wood.** Mr. Wood repeatedly gasped for one hour and 40 minutes before death was pronounced. A spokesperson for the Arizona Attorney General’s office claimed that Mr. Wood was asleep and was simply snoring. In the days before the execution, defense attorneys won a stay from the U.S. Court of Appeals for the Ninth Circuit on their motion to compel the state to reveal the source of the drugs and the training of the executioners. This stay was later overturned by the Supreme Court. **Michael Kiefer, a reporter for the Arizona Republic who witnessed the execution, said that he counted 640 gasps from Wood before he finally died.**<sup>49</sup>



# Faith Traditions Seek End to Death Penalty

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*“It is impossible to imagine that states today cannot make use of another means than capital punishment to defend peoples’ lives from an unjust aggressor ... All Christians and people of good will are thus called today to struggle not only for abolition of the death penalty, whether it be legal or illegal and in all its forms, but also to improve prison conditions, out of respect for the human dignity of persons deprived of their liberty.”*

-Pope Francis, International Association of Criminal Law address, 10/24/2014

Members of diverse faiths have officially voiced their opposition to the death penalty and call for its repeal because of their belief in the sanctity of all human life. Life imprisonment without the possibility of parole is viewed as the appropriate punishment for persons found guilty of homicide.

A wide range of faith traditions have rallied around the same conclusions:

## **The death penalty denies the power of God to “redeem, restore, and transform” all human beings.**

- The United Methodist Church is deeply concerned about crime throughout the world and the value of any life taken by a murder or homicide. When governments implement the death penalty the life of the convicted person is devalued and all possibility of change in that person's life ends. We believe in the resurrection of Jesus Christ and that the possibility of reconciliation with Christ comes through repentance. This gift of reconciliation is offered to all individuals without exception and gives all life new dignity and sacredness.<sup>50</sup>

## **The death penalty applies disproportionately to the poor and minorities and puts innocent lives at risk of execution.**

- Indeed, the Episcopal Church cites among its reasons for opposition of the death penalty, “The inequity as applied to minorities, the poor and those who cannot afford adequate legal representation.”<sup>51</sup>
- Leaders of the United Church of Christ have called for the abolition of the death penalty because, “Study after study demonstrates a clear racial and economic bias in applying the death penalty and this arbitrary administration of the death penalty contradicts its use as an instrument of justice.”<sup>52</sup>





- Within its statement against the death penalty, the Unitarian Universalist Association resolves that, “Capital punishment has not always been used impartially among all economic and racial groups in America.”<sup>53</sup>

## **The death penalty is an ineffective, unfair and fallible response to violence.**

- According to the Central Conference of American Rabbis, “Both in concept and in practice, Jewish tradition found capital punishment repugnant ... no evidence has been marshaled to indicate with any persuasiveness that capital punishment serves as a deterrent to crime.”<sup>54</sup>
- According to Buddhist beliefs, “If capital punishment is administered it will have compromising effects on the souls of both offender and the punisher in future incarnations ... inhumane treatment of an offender does not solve their misdeeds or those of humanity in general - the best approach to an offender is reformatory rather than punitive.”<sup>55</sup>

## **The death penalty prolongs victims’ pain and delays healing while retrials, appeals and reversals force families to relive their trauma.**

- According to the United States Conference of Catholic Bishops, “For many left behind, a death sentence offers the illusion of closure and vindication. No act, even an execution, can bring back a loved one or heal terrible wounds. The pain and loss of one death cannot be wiped away by another death.”<sup>56</sup>

## **The death penalty costs Delaware millions of dollars to administer; resources which would be better invested in programs to prevent crime and meet the needs of victims’ families.**

- According to the United Church of Christ, “There is no conclusive evidence that the death penalty brings about real healing for victims' families and, in fact, public opinion strongly supports life imprisonment without parole along with some form of restitution for victims' families as a more meaningful gesture toward healing ... the financial cost to society of implementing the death penalty is significantly higher than the cost of lifetime incarceration.”<sup>57</sup>



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# Appendix

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# Voices of Delaware

MURDER VICTIMS' FAMILIES SPEAK OUT AGAINST THE DEATH PENALTY

## Richard Kiger, Carvel's Son

*Wilmington*



Richard Kiger

**...our efforts as a society would be better spent helping the victims deal with their pain and the problems that come with that pain...**

My father's name was Carvel D. Kiger. He was murdered on Tuesday, April 28, 1970. The police said this was a botched robbery. To this day no one has been held accountable. My mother's life was shattered by my father's death. On top of the pain and fear following my father's death, there were concerns about what would happen to our family afterwards.

I was nineteen when my father died. I could not deal with his death and did not for nearly ten years. When I finally did start to deal with it, it was with anger and depression. The depression has never fully lifted. Regardless of one's age when a parent is lost, the loss is hard to accept, and teenagers lack the life skills that come with age and experience that can help in the healing process.

I oppose the death penalty for many reasons. The execution of the unknown person(s) who killed my father would not bring him back or restore me and my loved ones to the persons we were before April 29, 1970. I cannot imagine an execution would lessen my grief or pain or in any way improve my life or would have improved the lives of my family. Rather than concentrating on putting someone to death, our efforts as a society would be better spent helping the victims deal with their pain and the problems that come with that pain, such as substance abuse, mental illness and difficulty holding a job. It is also important to put more effort into solving crime and preventing crime. That would be possible with reallocation of resources.

My anger and my pain remain no matter what is done to others. I will not add to that pain by supporting a punishment that is not applied fairly. My support goes instead to helping the survivors of murder victims and to genuine crime deterrence.

For more information or to become a member or donor of Murder Victims' Families for Reconciliation:  
contact Horace Knight Jr. at [hknight@mvfr.org](mailto:hknight@mvfr.org) or 609-792-2147 or find us online  
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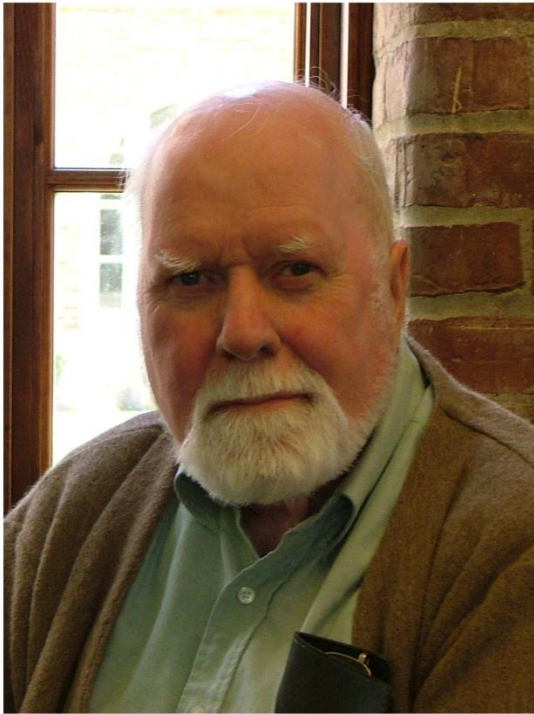
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# Voices of Delaware

MURDER VICTIMS' FAMILIES SPEAK OUT AGAINST THE DEATH PENALTY

Walt Everett



## Walt Everett, Scott's Dad *Slaughter Beach*

My 24 year-old son, Scott, was shot and killed in Bridgeport, Connecticut on July 26, 1987, by a man named Mike. My journey of grief took me through many usual stages, compounded by anger and bewilderment over the senselessness of one human being killing another. As I moved from rage to depression, I found it difficult to even go through the motions of my work as pastor of a United Methodist Church. Eventually, I came to recognize I needed to move beyond my anger, and found healing through forgiveness. Trusting in God, I was finally able to offer forgiveness, which I believe is not a feeling, but an act of will. Thus began the process of healing that led me to testify before the parole board on Mike's behalf.

**My journey of grief took me through many usual stages, compounded by anger and bewilderment over the senselessness of one human being killing another.**

*Walt is now retired and spends his time speaking about the harms of the death penalty for families of murder victims, families of those convicted of murder, and our communities. He is a member of both MVFR and our sister organization Murder Victims' Families for Human Rights (MVFHR.) Walt is married to the former Nancy Bellmeyer who grew up in Dover. They have recently built a home in Slaughter Beach, DE, which Nancy describes as "coming home."*

For more information or to become a member or donor of Murder Victims' Families for Reconciliation:  
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# Voices of Delaware

MURDER VICTIMS' FAMILIES SPEAK OUT AGAINST THE DEATH PENALTY

## Anne Coleman, Frances' Mom

### *Dover*

My daughter, Frances, was shot to death in her car while driving through South Central Los Angeles; it was September 1985. As a victim of violent crime, I believe in accountability. I believe you have to be responsible for your actions. I also oppose the death penalty.

After my daughter was taken by a murderer who was never caught I lost my son, Daniel, to severe depression and obsessive thoughts of revenge that eventually killed him. Although the death certificate says, "cause undetermined," in my heart I know that he took an overdose of antidepressants deliberately. Two of my children were taken by the same bullet.

Had there been adequate resources for law enforcement perhaps my daughter's murderer would have been arrested and required to take responsibility for his violent crime. More importantly, had there been adequate services and resources for my son after Frances' murder perhaps Daniel would be alive today. If Daniel had received support in dealing with his pain he would have had a chance to heal some of that pain and move forward instead of being caught in a downward spiral. The money freed up by repealing the death penalty could provide a tremendous amount of needed support for families like mine.

Finally, I know the pain a mother feels burying a child – I have done it twice – and I never want to be responsible for causing another mother, or any member of her family, that kind of pain. That is why the execution of Frances' killer would not be healing or supportive; it would not help me or my family as victims. It would only create more victims and the last thing we need as a community is the state creating more victims.



Anne Coleman

**I know the pain a mother feels burying a child – I have done it twice – and I never want to be responsible for causing another mother, or any member of her family, that kind of pain.**

*Anne was born during England's finest hour, 1941. At the age of 9, after growing up in post WWII England, Anne was sent to live in Germany. Discovering that Germans did not fit the image Anne was raised with had a profound impact on her thinking; she learned that prejudice had no place in her life.*

*Returning to Britain on July 15 1953, the day John Christie was executed, made her an abolitionist at the age of 12. Anne has long challenged wrong doing even by high authority.*

*Anne and her husband Claude Coleman have a son, Timothy and daughter Summer, who they adopted after the death of Frances. They have 5 grandsons and expect their first grand daughter in April.*

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# Delaware State News

The State Capital Daily

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- To operate this newspaper as a public trust.
- To help our community become a better place to live and work, through our dedication to conscientious journalism.
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- To use our opinion pages to facilitate community debate, not to dominate it with our own opinions.
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- To correct our errors and to give each correction the prominence it deserves.
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# Public Forum

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Wednesday, December 24, 2014

## Abolishing death penalty the greatest gift

As the holidays approach, I've been thinking a lot about a gift I'm hoping my state legislature will give me in the new year. When Delaware's lawmakers return to work in January, I hope they will finally pass a bill to end the death penalty.

I often hear, "I would want the death penalty if it happened to my child" or "If someone kills my loved one, they deserve to die." Swift and sure, right? Wrong. I know something about the death penalty, and it isn't the gift to victims' families that many believe it to be.

My younger brother, David, was 22 and living in Connecticut when he and four of his friends were brutally murdered by his landlord, who burnt down the house to hide the evidence. David was identified by dental records. Prosecutors sought the death penalty. The families had no say in that decision.

If I had to invent something that would inflict the most pain on victims' family members, it would be the death penalty. Imagine having to wait, sidelined, voiceless, while the killer receives undeserved attention in countless media stories. Imagine sitting just yards from the killer during the trial, sentencing, and years of appeals without being able to speak or express emotion. Imagine having to be immersed in the excruciating details of the murder re-

peatedly for years.

Family members receive a false promise that an execution will heal their pain. They can wait for years for a day that often doesn't come. Other needs are ignored or postponed; needs like grieving privately, achieving legal finality, getting help to begin healing, and finding ways to put their lives back together. During those years, family members' lives are bound to the killer's, the person who hurt them and their loved one the most.

Delaware's death penalty is neither swift nor sure. The wheels turn very slowly and there is no guarantee that they will arrive at the destination you expect. More than half of Delaware's death row inmates have been on death row for over a decade. More than one-third of death sentences given since Delaware's death penalty was reinstated in 1976 have been reduced during post-conviction proceedings to life without parole, life, or a term of years. A failure rate higher than 33 percent is not worth the torture inflicted on family members.

My family waited three torturous years for the trial to begin. Meanwhile, the killer took center stage. As in many Delaware cases, the death penalty was eventually dropped and my brother's killer received life without parole. I learned first-hand that

the death penalty is a false promise. It increased the pain and helplessness our families felt.

Now, I consider myself lucky that my brother's killer's received life without parole because that meant that his sentence began immediately and we got the legal finality we so desperately needed. By then, I knew I didn't want the death penalty. I didn't want my brother's killer to take my life, to take the focus of my heart and mind for years, able to inflict even more pain on me and my family. I was able to turn my attention to honoring my brother's life and healing my own.

I know some will say, "Get rid of the appeals." I just can't stomach that. In the U.S., over 150 men and women have been wrongfully convicted and later exonerated from death row, many after decades. Knowing an innocent person could be executed is a burden too great to bear. The only way to avoid executing an innocent person is to end the death penalty.

Punish killers with prison. Give murder victims' family members the legal finality they need to break free of the killer and to move forward with their lives. End Delaware's death penalty.

**Kristin Froelich**  
Wilmington

## LETTER TO THE EDITOR





## **Police officers support repeal of death penalty**

Delaware Repeal Project rallies support to end capital punishment

By Chris Flood | Dec 09, 2014

Lewes — John Breckinridge, a retired police officer from Manchester, N.H., hasn't always been against the death penalty.

In the months and years after he witnessed his partner slain in the line of duty, Breckinridge was as staunch a supporter of the death penalty as there could be.

“I was pretty hardcore on board,” he said. “I wanted this guy dead.”

Breckinridge was in Delaware as part of Death Penalty Awareness Days put on by the Delaware Repeal Project, a group attempting to repeal the death penalty in Delaware.

Breckinridge, along with Chief James Abbott of the West Orange Police Department in New Jersey and former investigator with the New York State Police Terrence Dwyer, spoke at a number of town hall meetings in Kent and New Castle counties Nov. 18-20.

Abraham J. Bonowitz, project consultant, said the former police officers were brought to Delaware to show the public police officers do support the repeal of the death penalty.

Senate Bill 19, repealing capital punishment in Delaware, made it through the Senate in March 2013 by an 11 to 10 vote, but it was tabled in the House Judiciary Committee and never saw the House floor for discussion.

Bonowitz said a new bill will have to be introduced; he hoped the recent meetings would rally support before the beginning of a new legislative session.

During a visit to the Cape Gazette offices Nov. 20, Breckinridge described his partner's death and how it affected his life.

He and partner Michael Briggs were on patrol when a call came through about a domestic dispute. Breckinridge said the dispute involved two guys who had recently risen to the top of the Manchester police department's list of bad guys, so they knew there was a potential for trouble.

(more)



Fortunately, nothing happened. The men handled the situation, and went on their way – 15 minutes from finishing their shift at 3 a.m.

Breckinridge said he wanted to go back to the department, finish the paperwork associated with the dispute, and go home. Briggs wanted to check something else out, so Breckinridge went with him because that's what good partners do.

The officers came across the two men from the domestic dispute. As they approached, one pulled a gun out of the front pocket of a sweatshirt and shot Briggs in the head.

Breckinridge doesn't remember much of the immediate aftermath. He knows he fired off four shots, but they all missed. He knows he wishes he hadn't missed.

"I beat myself up a lot about that," he said.

Breckinridge said Briggs was the type of guy who could have dated his sister and he would have been OK with it.

The killer was found in Boston, convicted for the murder in 2008 and put on death row in New Hampshire. The man is the only person on New Hampshire's death row.

Breckinridge said there's video out there of him being asked how he felt after the conviction. It has him saying he thought it was the right thing to do.

"I was just so damn angry," he said.

Breckinridge said he began to change his opinion of the death penalty when it nearly ruined his marriage. It was close enough, he said, that when the couple went to a counselor it was to figure out what to do with the kids, not to try and work things out.

He said he was drinking heavily. He was the guy who would stay on a friend's couch until he was kicked out.

His first step in make amends with his family was retiring from his job in 2010. He had been on the force for 22 years. He said retiring helped because the anger began to die down when he was not around the other officers everyday.

Being a police officer is like being a member of a fraternity, said Breckinridge. "There's a lot of pressure to think alike."

Then he started going back to church, which made him begin to question the morality of wanting another human dead.

(more)



Breckinridge also began reading research and discovered it's more expensive to use the death penalty than to put someone in prison for life. He said estimates show that annually it costs about \$30,000 to house an inmate. He said the state of New Hampshire has spent nearly \$5 million on just this case because of all the appeals associated with a capital punishment case. Additionally, the state doesn't have a place to actually carry out an execution. He said it would cost about \$1 million to build that facility.

Finally, Breckinridge spoke with people who had been wrongly convicted of a crime, put on death row and then exonerated because advances in science proved they were innocent. One of the guys he spoke with, Kirk Bloodsworth, was in Delaware in February with the Delaware Repeal Project pushing for SB19 to be voted on. Bloodsworth spent nine years in jail, two of them on death row, before a DNA test proved his innocence.

Nearly a decade after his partner's slaying, Breckinridge said, there are still side effects from the incident. He's got a "weird twitch" that didn't exist beforehand. He'll dream about the shooting and wake up in a bad mood, which, he said, his wife calls "waking up bad." Without warning, the shooting will pop into his head.

"There's no real trigger," he said. "It just replays in my head."

Breckinridge said the message he wanted get across during his visit was more about trying to get people to think for themselves. Most people don't think about the death penalty until they're faced with a situation that forces them to, he said.





## Time to end death penalty

March 30, 2014 by The Rev. Lawrence Michael Livingston

As leaders in the faith community, and particularly in the African-American community, the Interdenominational Ministers Action Council stands with 27 other organizations to call for the repeal of Delaware's death penalty law.

We want to place ourselves on record in support of Senate Bill 19, a bill to repeal Delaware's death penalty which passed in the Senate last year and which is currently tabled in the House Judiciary committee. IMAC believes this is an important issue in our community, and democracy demands that the bill be debated by the House with an up or down vote.

The death penalty, after years of study, has been found to be unjust and perhaps even racist in the way and manner it is carried out. Although the majority of murder victims in Delaware are black, 70 percent of the death sentences imposed are in cases with white victims.

We are not calling for a rise in death penalty cases because nothing will level the playing field when it comes to the value of our loved ones. However, the fact that Delaware's legal system puts more value, as least where punishment is concerned, on the lives of one race of people over others cannot be allowed to stand. The record shows that in our state, black defendants who kill white victims are seven times more likely to get the death penalty than those who kill black victims.

The solution is not to increase the numbers so more black defendants (or white defendants for that matter), who kill blacks are put on death row and executed. We urge that the death penalty be removed as a sentencing option so that the only ultimate punishment used in Delaware is that which the vast majority of killers already receive: life imprisonment without the possibility of parole. Life imprisonment keeps us safe, it is severe punishment, and if we find that we have made a mistake, we can release an innocent person. One cannot release someone from a grave.

We also express concern with the idea that the death penalty should be reserved for when the victim is a member of the law enforcement community. But why stop there, why not keep it for killers of clergy, or teachers, doctors and nurses, or some other profession? While the death of any person, and certainly police officers, is egregious, how can we enforce a law when it is clear the system puts more value on the lives of some more than others?

Further, we are concerned that the numbers of people on Delaware's death row are skewed. Of the 17 men currently under sentence of death in Delaware, four are white (23 percent), 10 are black (59 percent), and three are Hispanic (18 percent), which equals 77 percent minority population on death row. According to the NAACP Legal Defense Fund, this is the highest in the country. While we feel no one should be killed on behalf of the citizens of the state, we certainly would not agree with higher chances of being on death row because a defendant is a minority.

(more)



As religious leaders, we often serve as resources to victims' families in the aftermath of murder. Given this responsibility, we have a special interest in advocating for policies that serve their needs and promote healing and well-being. There is growing evidence that the death penalty does the opposite: it prolongs victims' pain and delays healing while retrials, appeals, and reversals force families to relive their trauma.

Finally, it is morally wrong. Our doctrine teaches that taking the life of another human being, guilty of a crime or not, is reprehensible and morally indefensible.

Our theology does not change because the entity carrying out the homicide is the state government.

As leaders of faith, we reaffirm our opposition to the death penalty and belief in the sacredness of human life. We urge our elected officials to seek ways to achieve true healing for those who suffer because of violent crime. A good start is taking the death penalty off the table now by passing SB-19.

Delaware can repeal its death penalty before Easter. We urge that it do so.

The Rev. Lawrence Michael Livingston is chairman of the Social Action Committee of the Interdenominational Ministers Action Council in Wilmington.





## Costs of imposing death penalty outweigh benefits

April 24, 2013 by Retired Superior Court Norman Judge Barron

At one time in my career, I was referred to as "the hanging judge" due to my willingness to impose death sentences in capital murder cases. I sentenced five defendants to death in Delaware, and two thus far have been executed. (A third had his death sentence reduced on the eve of execution to life in prison without possibility of release based upon a curious recommendation of the Board of Pardons.) I have no doubt these murderers committed the crimes for which they were convicted and that they deserved the sentences which I imposed based upon the law, the evidence and the sentencing recommendation of the jury. Nevertheless, having personally observed the exercise of the death penalty statute over the past two decades, I now conclude that the process under that law is flawed.

I believe the application of the death penalty is quirky and capricious. In other words, it is impossible to justify why some murderers receive the death penalty while others, whose crimes are arguably worse in degree or savagery, do not. Beyond the hit-or-miss reality of the death penalty, an even stronger reason exists, in my mind, for my opposition to its application.

Strictly on a cost-benefit analysis, the costs of imposition of the death penalty far outweigh the benefits of its application. Recent studies in California, Kansas and Maryland have all confirmed that the death penalty costs much more than life imprisonment. These studies are not talking about how much it costs for the actual execution. It's the legal process that, by its very nature, must be long and involved.

When the state seeks death, the additional resources expended are copious. Hundreds of thousands of taxpayer dollars are spent seeking and opposing its imposition. From personal experience, I can say that the time given by judges and attorneys to these cases is staggering, and I am not merely talking about

the trial phase and the penalty phase. They just begin the process. Appeal follows appeal and years of briefing, arguing and opinion-writing follow in its wake. No leaf goes unturned in analyzing the trial court's decisions and the tactics of trial counsel. Yet this careful appellate review results in at least two undesirable effects.

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First, there is no timely closure. Eighteen to 20 years will have elapsed before the case approaches its resolution. During the ensuing years since the sentence was imposed, the lives of the victim's family have no doubt changed. Some might have died, or some might have moved far away. Others might have even lost interest in the case over the frustrations of waiting for a definitive result. What value can executions be for victims' families when they must wait so long in limbo for "justice" to prevail, and for some, to begin their process of healing and closure?

Second, with such a huge gap, measured in years, between the time of sentence and its imposition, it is difficult to imagine that the death penalty provides even one iota of deterrence.

It is rather pathetic that in our state the death penalty works only for those defendants who opt to forgo all appeals and "volunteer" to be executed. In such cases, the state aids and abets the defendant's desires by assisting in his suicide. This hardly justifies maintaining the current system.

There are other reasons which one might suggest for abolishing the death penalty, not the least of which is the possibility of executing an innocent person. Parenthetically, the more time one scrutinizes a death penalty case for errors, the chances of executing an innocent person lessens, at least theoretically. Conversely, the less time one scrutinizes a death penalty case for errors, the chances of executing an innocent person increases. Thus, and so as to avoid a miscarriage of justice, the lengthier multiyear appellate process will always take precedence. As a result, one of my major objections to its application can never be rectified.

In Delaware, if a convicted murderer in a capital case does not receive a death sentence, he receives an automatic sentence of life imprisonment without the possibility of parole or any type of early release. Such a sentence ensures that the defendant is locked away in a state prison until he dies. There is nothing incompatible with this type of life sentence and being a law-and-order conservative on matters of crime and punishment, which I still consider myself to be.

In this age of shrinking budgets and increased costs, the time has come, in my view, to adopt a more enlightened approach to criminal justice. Therefore, I urge the general assembly to consider favorably the death penalty repeal bill now before it and for the governor to sign it into law this year.

Retired Superior Court Judge Norman Barron left the bench in 2001, after serving for 13 years.





## A Voice of Experience from the Cop Next Door

March 25, 2013, Chief James Abbot

In 2007, New Jersey's legislature and governor replaced the death penalty with a sentence of life in prison without parole. No state had legislatively abolished its death penalty in more than 40 years, but since then New Mexico, Illinois and Connecticut followed suit. Our close neighbor Maryland just passed legislation to abandon its death penalty. Now I hear that Delaware is considering a bill to end capital punishment as well.

I want to share the view from where I sit: I am the police chief of West Orange, N.J., an older suburban town adjacent to Newark, where we see our share of violent crime. I am a proud Republican who has long supported the death penalty. I have dedicated my life to protecting the public and making our streets safer. And I put my life on the line every time I go to work. Believe me, sympathy for killers is nowhere in my vocabulary.

In 2006, the New Jersey Legislature set up a study commission to decide what to do with the death penalty. The capital punishment system was broken; some people wanted to fix it, while others wanted to abolish it. I was asked to join the commission and help decide what to do. I pledged to keep an open mind, but I always supported the death penalty, and I didn't expect that to change. If there were fixes we could recommend to make it work better, I figured I could support that.

I was wrong.

I no longer believe that you can fix the death penalty. Six months of study opened my eyes to its shocking reality. I learned that the death penalty throws millions of dollars down the drain -- money that I could be putting directly to work fighting crime every day -- while dragging victims' families through a long and torturous process that only exacerbates their pain. I want to share what I learned from the families whose loved ones were lost, because I believe their untold stories are the shameful, hidden secret of the death penalty.

One by one they came before me -- mothers, fathers, children and spouses. Their cries of pain were devastating.

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The judicial process sentences victims' families to an indeterminate time in legal limbo, waiting, waiting, waiting, for the day that the punishment will be carried out. For most of them, it never will be. The death penalty was supposed to help families like these, but virtually everything I heard told me that the process was tearing them apart. If I learned one thing listening to their stories, it was this: Should I be killed in the line of duty, I would not want my killer to face the death penalty. Why? Because I now understand what my family would have to go through, and it's just not worth it.

Meanwhile, maintaining this charade of a system had cost New Jersey almost a quarter billion dollars -- money that could have been providing these victims with crucial services to help them heal, or funding law enforcement and preventing the crimes in the first place. The prosecutors who sat on the commission with me confirmed through direct experience that capital cases deplete their resources more than any other type of case. Studies in other states found the same thing -- I am sure Delaware is no different.

As a police chief, I find this use of state resources offensive. The death penalty is supposed to help me fight crime, but it doesn't. I say: Give a law enforcement professional like me the money that's being wasted on the death penalty and I'll show you how to reduce crime. The death penalty isn't anywhere on my list. The problems we found are not unique to New Jersey, which is why I feel comfortable offering my experience from across the border. And most people, even in law enforcement, have not had the opportunity to examine the issue as thoroughly as I have. In my heart, I still believe that capital punishment is justified in some cases. But I also know that in real-life, there is no perfect death penalty, and in practice, it does more harm than good. Life in prison without parole is the better alternative, and it is what the vast majority of convicted killers get in this country. It is harsh, it ensures public safety, and it puts victims' families first.

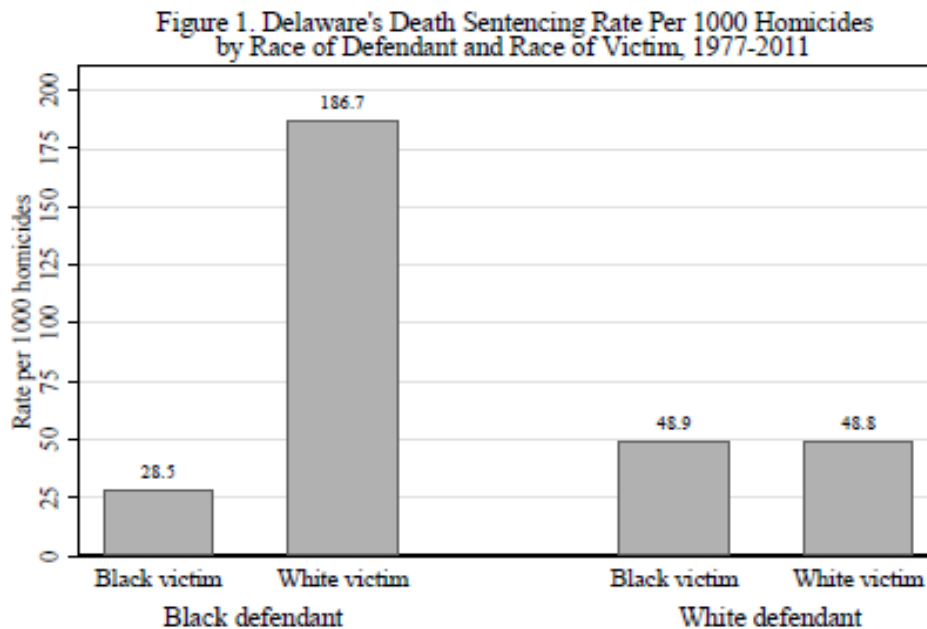
*James Abbott is the chief of police in West Orange, N.J. He was a member of the New Jersey Death Penalty Study Commission.*





## 2012 Cornell Law School Study - Racial Disparities in Delaware's Death Penalty:<sup>58</sup>

- The majority of murder victims in Delaware are black, yet 70% of the death sentences imposed are for cases with white victims.
- In Delaware, black defendants who kill white victims are seven times more likely to receive the death penalty than black defendants who kill black victims.



Note. Data for Delaware cover those sentenced to death from 1977 to 2011 and homicides from 1976 through 2008.

- Black defendants who kill white victims are more than three times more likely to receive a death sentence in Delaware than white defendants who kill white victims.
- Of the 49 persons sentenced to death in Delaware,
  - 39% were white (19 men),
  - 53% were black (26 men), and
  - 8% were Hispanic or Native American (4 men).
  - In contrast, Delaware's population was 69% white, 21% black, and 8% Hispanic.



- Out of the 17 men on death row in 2011, 4 were white (23%), 10 were black (59%), and 3 were Hispanic (18%), equaling 77% minority population on death row. This has a far greater racial disparity compared nationally, where 43% of death row inmates are white, 42% are black, and 12% are Hispanic, equaling 54% minority.
- 11 of the 15 modern-era executions were men sentenced to death for killing white victims (73%), and 4 were executed for killing one or more Black victims (27%).
- Out of the 17 men on death row in 2011, 10 were convicted of murdering white victims (59%) and 7 were convicted of murdering black victims (41%).



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