



# THE DEATH PENALTY IN ALABAMA

- = 200 people currently are sentenced to death in Alabama.
- = The death sentencing rate in Alabama is more than eight times greater than in Texas. Last year, Alabama – with a population of 4 million – sentenced more people to death than Texas – with a population of 23 million.
- = Alabama has the highest death sentencing rate in the country. Last year, more people were sentenced to death in Alabama than in Georgia, Tennessee, Virginia, South Carolina, Kentucky, and Mississippi combined.
- = Alabama executed six people in 2009 – the most in a single year since 1946. Alabama executed more people per capita this year than any other state in the country.

## **JUDICIAL OVERRIDE AND ELECTED JUDGES**

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- = Alabama is the only state in the country that permits judges, without meaningful limitation, to override a jury verdict of life without parole and impose a death sentence.
- = More than a quarter of Alabama's death row prisoners were condemned to death by an elected judge after the jury decided that life was the appropriate sentence. In 2008, an election year, 30% of the death sentences were imposed by judicial override of jury life verdicts.
- = Almost all of Alabama's elected state appellate court judges campaign on their strong support for the death penalty and many promise to facilitate and expedite executions in order to win votes.
- = Alabama is infamous for spending and fund-raising practices on judicial campaigns. Recent reports document that, since 1993, candidates vying for a seat on the Alabama Supreme Court have spent over \$54 million on campaigns – an amount that far exceeds judicial campaign spending in any other state.

## **COUNSEL FOR THE CONDEMNED**

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- = Alabama has no state-wide public defender program and over half of the state's death row prisoners were represented at trial by appointed lawyers whose compensation for out-of-court preparation was capped at \$1000.

- = Lawyers appointed to represent death row inmates on appeal in Alabama are limited to only \$1000 for work in each appellate court – a cap that is woefully inadequate to compensate lawyers responsible for raising in the state appellate courts every error that happened at trial. In some cases, lawyers have actually abandoned their clients without notice in the middle of an appeal, causing death row prisoners to miss appeal deadlines and forfeit their constitutional rights.
- = Alabama is the only state in the country without a state-funded program to provide legal assistance to death row prisoners to challenge wrongful convictions and death sentences in state postconviction proceedings. This can prevent an inmate from getting any court to review whether his trial lawyer was adequate or whether the prosecutor hid exculpatory evidence.
- = Many death row prisoners were represented by attorneys who have since been disbarred, suspended, or disciplined for misconduct. Some lawyers were found to have been intoxicated or impaired during the capital trial.

## **RACE AND THE DEATH PENALTY**

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- = In Alabama, 80% of all death sentences are imposed in cases with white victims even though 65% of all murder victims in the state are African American.
- = None of Alabama's 19 appellate court judges is black and only one of the 42 elected district attorneys is black.
- = In a state with a population that is 27% black, nearly half of Alabama's death row is black and fully 83% of the 752 people executed by Alabama since capital punishment began in this state have been black.

## **WRONGFUL CONVICTIONS**

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- = In the United States, 139 people have been exonerated and released from death row. For every eight people executed, one innocent person has been exonerated. Eight people have been exonerated in Alabama.

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