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FOR IMMEDIATE RELEASE:

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**KY Public Advocate and Louisville Metro Chief Public Defender Endorse the
Call for a Moratorium on Executions and the
Expeditious Implementation of the Reforms recommended by the ABA
Assessment of the Kentucky Death Penalty**

(Frankfort, Kentucky, December 7, 2011) Kentucky Public Advocate Ed Monahan and Louisville Metro Chief Public Defender Dan Goyette echoed today's call by the American Bar association and the Kentucky Death Penalty Assessment Team for a suspension of executions in Kentucky until the recommendations in its December 7, 2011 report are fully implemented. Over the last two years, the Kentucky Death Penalty Assessment Team objectively reviewed the fairness, accuracy and reliability of Kentucky's system for administering the death penalty. The review is thorough and scholarly. It was conducted by experienced, highly respected Kentucky criminal justice experts. It is a fact-based analysis supported by comprehensive, detailed evidence. It found major deficiencies that undermine the integrity of the system.

Today, Goyette and Monahan sent a request to the Governor asking that he not sign any execution warrants until the study's reforms are put into effect. A similar request was submitted to the Attorney General asking that he not seek any execution warrants until the Kentucky Death Penalty Assessment Team recommendations are enacted.

Public Defenders are appointed to represent the vast majority of those who are currently imprisoned on Kentucky's death row. Defenders play a critical role in ensuring full due process of law is accorded to their clients. Yet, there are individuals on death row who are severely mentally ill; several had lawyers that were ineffective; while others had trials in which serious errors occurred that went uncorrected.

"There are serious questions about the reliability of the convictions and sentences of a number of inmates facing execution, particularly in those cases that were tried years ago by unqualified lawyers lacking adequate resources, such as in the case of Gregory Wilson," Dan Goyette said. "We should not proceed with executions until the sound, sensible and fair-

mindful recommendations of this impartial, independent evaluation are assured in every case. To do otherwise would cast significant doubt on our justice system and the propriety of imposing the ultimate punishment. We have a fundamental responsibility to avoid at all costs the possibility of making an unjust and irreversible mistake.”

Since 1967, Kentucky has executed three people, two of whom were volunteers. During that same period of time, three Kentucky Governors granted clemency to five people sentenced to death. The ABA report found a disturbing error rate of approximately 60%.

“The error rate in Kentucky capital cases over the last 35 years is not acceptable,” said Ed Monahan. “The errors are pervasive. They compel a conclusion that our system is broken. This stunningly high rate of error shows that the system cannot get it right. None of us would put our child on an airplane that returned to the airport over 60% of the time because of defective equipment. A moratorium is necessary to prevent the execution of a person whose conviction and death sentence were imposed unfairly.”

The report’s recommendations are in line with the views of Kentuckians prefer. “Widespread support for capital punishment no longer exists” in Kentucky. See Gennaro F. Vito, *Attitudes Toward the Death Penalty in Kentucky: A Comparison of results – 1989, 1997, 1999*, Kentucky Justice and Public Safety Bulletin, Volume 3, No. 1 (September 2001) p 3.

For the last 14 years, Public Defender leaders have sought adequate resources, the implementation of national standards of practice in capital cases, and a moratorium pending reforms. Defenders issued a call for a moratorium in June 1997 based on the experience in Kentucky and the ABA Call for a Moratorium, Resolution No. 107 (February 1997). Defenders have repeatedly renewed the call for a moratorium. See *The Advocate* Volume 19, No. 4 (July 1997) p. 9-14; Volume 23, No. 1 (January 2001) pp. 52, 53; *The Death Penalty in Kentucky: the System is Broken* KBA Bench and Bar (November 2003) pp. 8-13; DPA Press Release November 2009.

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