

## **RESOLUTION**

**WHEREAS**, in September 1995, New York reinstated the death penalty as a potential punishment for certain homicide crimes; and

**WHEREAS**, since that time many groups have identified serious flaws and omissions in fairness and consistency, finding that the system is not without risk to the innocent, and many other groups have called for the abolition of the death penalty; and

**WHEREAS**, events subsequent to the enactment of New York's death penalty law, including developments in DNA testing which have called into question evidence used to convict defendants sentenced to death, have demonstrated clearly that the death penalty has been imposed on innocent people, minors, the developmentally disabled, and mentally ill individuals in other states; and

**WHEREAS**, in June 2000, a study entitled "A Broken System: Error Rates in Capital Cases 1973-1995," authored by James S. Liebman, Jeffrey Fagan and Valerie West, determined that appellate review of death sentences had found reversible error in 68 percent of these sentences, that in 82 percent of the cases retried after reversal a death sentence was not issued, and that in 7 percent of the retried cases, the defendant was found not guilty; and

**WHEREAS**, a September 12, 2000, United States Department of Justice report entitled "The Federal Death Penalty System – A Statistical Survey (1998-2000)" determined that 72 percent of the defendants against whom the Attorney General approved the seeking of a death sentence were non-white, and that 79 percent of the federal defendants sentenced to death were non-white; and

**WHEREAS**, on January 31, 2000, the State of Illinois suspended executions because 13 people on death row were found to be actually innocent of the crimes for which they were convicted due, in part, to recent developments in DNA testing; and

**WHEREAS**, on March 25, 2001, the Maryland House of Delegates voted to impose a two-year moratorium on executions while the State completed a study on whether the death penalty was fairly imposed in Maryland; and

**WHEREAS**, on March 31, 2001, the New York State Bar Association House of Delegates – the governing body of the State Bar, whose delegates reside throughout this state – approved a moratorium on executions pending further study of the processes by which the death penalty is implemented in New York and across the country,

**IT IS HEREBY RESOLVED THAT** the New York State Defenders Association calls upon the executive and legislative branches of New York State government to enact and adopt legislation imposing a moratorium on executions.

**ADOPTED UNANIMOUSLY BY THE BOARD OF DIRECTORS OF THE NEW YORK STATE DEFENDERS ASSOCIATION.**

July 25, 2002  
Niagara Falls, NY