

Scandal Grows Over False and Hidden Evidence

Written by Westside ID182

Sunday, 10 October 2004 20:19 -

The death penalty in the United States has come under intense scrutiny in the last few years--and for good reason. The number of people who have been exonerated and freed from death rows across the country now stands at 116.

Collectively, they spent over 1,000 years locked up for crimes they did not commit.

More than one-half of these exonerations occurred in the South, the region that accounts for most executions in the United States. Sixty-one per cent of those exonerated were people of color.

As the pace of executions has increased in recent years, death sentences around the country have dropped by 50 percent. Public opinion is almost evenly split between life without parole and the death penalty.

But innocence is not the only reason the death penalty is wrong.

On March 31, the International Court of Justice ruled in favor of Mexico, finding that the United States violated the rights of most of the 51 Mexican citizens on U.S. death rows. The Vienna convention on consular relations, which the United States has ratified, says that foreign citizens have the right to speak with diplomatic officials upon arrest.

The ICJ said the United States must review the convictions and sentences in each case.

The death penalty is used against juveniles in defiance of international laws. It is used against the mentally disabled, who desperately need health care and not lethal injection. It is racist.

Those who kill whites are six times more likely to get the death penalty than those who kill African Americans or Latinos.

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In the landmark Atkins case in 2002, the U.S. Supreme Court outlawed the executions of people with mental disabilities. On Oct. 13, the court will hear oral arguments in Roper vs. Williams, a case that could eliminate the execution of those who were juveniles at the time of the crime.

The cops and the courts that arrest and try working-class people and people of color are racist. They are absolutely biased against the poor. The cops and prosecutors lie, conspire, conceal evidence, and allow witnesses to lie--all in order to get a conviction.

The Houston Police Crime Lab is now notorious for presenting totally false evidence in court that sent innocent people to prison.

In 2002, an audit of the lab turned up so many irregularities that countless convictions are now in doubt. The DNA and blood division was shut down.

Josiah Sutton was released last year after spending over four years in prison. An African American, he was arrested at age 16 for a rape it is now proven he did not commit.

Now, in another case with questionable scientific evidence, George Rodriguez, a Houston man who has served 17 years for rape, moved a step closer to freedom after Harris County District Attorney Chuck Rosenthal said new tests showed that another suspect had been improperly ruled out by "unfounded and inaccurate testimony." The district attorney is not opposing bail for Rodriguez, but has said he might still retry him.

165 on death row in just one county!

There are 165 persons from Harris County on death row in Texas. Execution dates have been set for nine of them.

Houston Police Chief Harold Hurtt, two state senators and a former Texas governor have signed a letter to George W. Bush's successor, Texas Gov. Rick Perry, asking him to halt

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executions of all prisoners from Harris County until the Houston Police Department can examine evidence recently found in a storage room that could be connected to death penalty cases.

Perry has rejected all calls for a delay of executions.

A month ago, the police chief announced that investigators had found almost 300 boxes of lost evidence, including a fetus and body parts, involving as many as 8,000 Houston cases. The boxes were mislabeled and improperly stored.

Activists with the Texas Death Penalty Abolition Movement have issued a news release stating in part: "We agree with the chief on his call for a halt of Harris County executions, but we also call for an independent investigation of all 165 cases of those from Houston currently on death row. We know of cases where police witnesses have either presented false testimony in court or have lied in court. No one knows how many from Harris County have been sent to death row based on flawed police lab work."

Two cases the Abolition Movement has called attention to are those of Nanon Williams and Johnnie Bernal. Both were sentenced to death based on the testimony of the Crime Lab's ballistics examiner, Robert Baldwin. Both were also juveniles when arrested.

In each of the two cases, Baldwin used methods that other experts say are unsound. In Williams' case, the lab's initial ballistics findings were later retracted by Baldwin himself.

Robert Rosenberg, an appeals lawyer for Johnnie Bernal, says: "In these cases we have an examiner who is not following any recognized set of standards, and he didn't have any problem taking the stand to get convictions. Why should we trust him or anyone else in the department who is reviewing his work?"

Other firearms examiners have said these cases suggest more than just DNA problems at the HPD Crime Lab. Attorney Morris Moon, who represents Williams, has filed an appeal in the Federal District Court in Houston and hopes to have an evidentiary hearing soon.

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The Abolition Movement also questions the Houston Police Department examination of clothing worn by Frances Newton, who was sentenced to death for killing her husband and children. Newton is scheduled to be killed on Dec. 1. The Texas Innocence Network at the University of Houston Law School is working on her appeal.

"There are just too many questions about the veracity of the HPD Crime Lab's testimony in death row cases. Everyone on death row from Harris County should have their cases re-examined," activist Njeri Shakur said. "The scandal of the Houston Police Crime Lab is just one more reason the death penalty should be abolished.

"There is now one person released from U.S. death rows for every eight executed. With this high percentage of wrongful convictions, we must determine that capital punishment is too fraught with error to be continued.

"On Oct. 30 the Abolition Movement will be participating in the Fifth Annual March to Stop Executions, in Austin. We will raise all these issues about the crimes of the Houston Police Crime Lab, about innocence, about juveniles.

"We will not forget Shaka Sankofa and Kamau Wilkerson. The world must know that in the U.S. the death penalty is only used against the poor. It is racist and must be abolished immediately," Shakur said.

Source: [WorkersWorld](#)