



COMMONWEALTH OF KENTUCKY

DEPARTMENT OF PUBLIC ADVOCACY

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FOR IMMEDIATE RELEASE

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Public Advocate and Louisville Metro Chief Public Defender Call for Moratorium on Executions while ABA Reviews Administration of Death Penalty in KY

(Frankfort, Kentucky, November 23, 2009) Public Advocate Ed Monahan and Louisville Metro Chief Public Defender Dan Goyette call for a moratorium on executions in Kentucky until the American Bar Association (ABA) objectively reviews the fairness, accuracy and reliability of Kentucky's system for imposing and administering the death penalty. Today, Goyette and Monahan sent a request to the Governor asking that he not sign any execution warrant while the study is being conducted and a similar request to the Attorney General asking that he withdraw his three requests for execution warrants he made today until the review is completed and the ABA Assessment Team issues its report.

Public Defenders are appointed to represent the vast majority of those who are currently on Kentucky's death row. Defenders play a critical role in ensuring full due process of law for their clients. There are individuals on death row who are severely mentally ill, who had lawyers that were ineffective, and who had trials in which serious errors occurred that remain uncorrected.

"There are serious and disturbing questions about the convictions of a number of inmates facing execution, particularly in those cases that were tried years ago by unqualified lawyers lacking adequate resources," Dan Goyette said. "We should not proceed with executions until this independent evaluation is completed and we are assured that due process has been fully and properly provided in each and every case. To do otherwise would cast significant doubt on the fairness and propriety of imposing the ultimate punishment. We all 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 were volunteers) and three KY Governors have granted clemency to five people sentenced to death. Since 1976, 92 death sentences have been returned in Kentucky state courts. Currently, there are 35 people on KY's death row. Of the 50 KY capital cases that have exhausted review by the Kentucky Supreme Court and the Sixth Circuit Court of Appeals, 42 have been reversed.

"The error rate in KY capital cases over the last 33 years is stunning and unacceptably high," said Ed Monahan. "It is compelling evidence that indicates the system is broken. This excessive rate of error shows that the system cannot get it right. A moratorium will prevent the execution of an individual whose conviction and death sentence has been imposed by an unfair and arbitrary system."

The ABA Assessment Team has begun the process of reviewing the way the death penalty in Kentucky has been administered in light of established national standards. A number of other respected Kentucky lawyers have today also called for a moratorium while this study is underway.

Information about capital cases in Kentucky is available at: <http://dpa.ky.gov/>

The Department of Public Advocacy is Kentucky's statewide public defender program providing full-time representation to indigent defendants in all 120 counties in over 147,000 cases a year.