

The Carolina Justice Policy Center supports reforms to North Carolina's Death Penalty system and understands that a moratorium, or cooling off period, is needed while reforms are enacted. Since more death penalty reforms are still necessary for an error-free death penalty system and in light of recent exonerations both nationally and statewide, a moratorium on executions is needed while the following areas of concern are evaluated and adequately reformed:

Areas of Death Penalty Reform:

- (1) **The adequacy of counsel in all stages of capital cases and the sufficiency of guidelines for the appointment and performance of such counsel appointed prior to the enactment of current guidelines and qualifications.**

In 2001, the Office of Indigent Defense Services (IDS) was established to provide more effective counsel to defendants in all stages of their capital cases. Prior to the creation of IDS, the majority of the defendants on death row had inadequate counsel. These inmates need to have their cases reviewed to determine if they would have still received the death penalty if they had better attorneys when they were initially sentenced to death.

- (2) **The process for judicial review of the merits of constitutional claims in State post-conviction and federal habeas corpus proceedings.**

Currently, counsel for death row inmates have limits on what can be brought up on appeal. These limits need to be evaluated and expanded.

- (3) **Any disproportionate racial impact from any aspect of capital case processing.**

Racial bias continued to blanket the death penalty system at all stages. Every effort must be taken to eliminate discrimination in sentencing and the death penalty process in North Carolina.

- (3) **Whether there is discrimination in capital sentencing on the basis of the victim's or the defendant's race.**

A study entitled "Race and the Death Penalty in NC" by Dr. Isaac Unah and Attorney Jack Boger, faculty at the University of North Carolina at Chapel Hill, found that African Americans are 3 and 1/2 times more likely to receive a death sentence if their victim is white. Cases of discrimination continue to arise in North Carolina's capital sentencing. Reforms must be considered to address discrimination in capital sentencing.

- (5) **Prosecutorial misconduct as a factor in the imposition of the death penalty.**

Reforms must be considered to address prosecutors that cheat or misbehave during any state of a capital case.

- (6) **The presence of innocent persons on death row.**

An innocent person on death row affects everyone. Reforms must be considered that will address the possibility of innocence, mental health services and retirement benefits to exonerated death row inmates, matters of safety that arise when an innocent person is convicted and the true offender remains free in society, etc.

- (7) **Whether the felony murder rule should be applied in capital cases.**

The felony murder rule widens the area of offenses for which a person can be tried capitally in North Carolina. The application of the felony murder rule in capital cases should be studied and the offenses for which an offender can receive the death penalty should be limited.

- (8) **Any other appropriate or relevant subject.**