

NEWS RELEASE

Luther Strange

Alabama Attorney General



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AG STRANGE PUSHES MAJOR CRIMINAL JUSTICE REFORMS

LEGISLATIVE PACKAGE FOCUSES ON STREAMLINING DEATH PENALTY APPEALS; EXPANDING CAPITAL OFFENSES TO INCLUDE SCHOOL KILLINGS

(MONTGOMERY) – Attorney General Luther Strange today announced major criminal justice reforms that he will advocate for in the upcoming session of the Alabama Legislature. Standing with prosecutors, law enforcement officers and state legislators at news conferences held around the state, Attorney General Strange is asking legislators to strengthen the death penalty appeals process and to provide better investigative tools to fight crime.

“During my time as Attorney General, I have observed the dedication of law enforcement and prosecutors, and their determination to protect the citizens of Alabama. I have listened to their concerns for changes that are needed to give them better tools and to make the criminal justice process stronger and more effective,” said Attorney General Strange.

“Death penalty appeals in Alabama seem endless, with excessive delays that serve only to prolong pain and postpone justice for the victims of these heinous crimes. We are proposing fair and sensible changes to make the system work better for everyone. We also send a clear message that we will not tolerate the slaughter of our children at schools, with changes in the law that specify it is a capital crime to murder them and others who are particularly vulnerable.”

The Fair Justice Act offered by Attorney General Strange and the Alabama District Attorneys Association would amend two parts of Alabama’s death penalty law. This legislation is sponsored by Rep. Lynn Greer and Sen. Bill Holtzclaw.

- The first bill addresses the cumbersome and inefficient appeals process. Following a capital conviction, there is a period of “direct appeals” in which the defendant may seek to overturn the conviction and death sentence. Afterward, the defendant may file a “Rule 32” petition for post-conviction relief to challenge the conviction and death sentence. Currently, defendants may wait until one year after the conclusion of direct appeals to their convictions and sentences before even beginning Rule 32 appeals of their sentences. The Fair Justice Act requires capital defendants to file Rule 32 petitions within 180 days of filing their first direct appeal. Capital defendants would receive better representation by having their claims considered



earlier in the process, and indigent defendants would be appointed counsel for the Rule 32 petition within 30 days of being sentenced. Finally, the Fair Justice Act calls for a final decision by the circuit court on the Rule 32 petition within 180 days after the direct appeal is completed. This act will make the appellate process more efficient while both maintaining the same opportunities for court review and enhancing representation currently provided to death row defendants.

- The second bill provides important protections for schoolchildren and certain others who are particularly vulnerable by expanding classifications for killings that may be prosecuted as capital offenses. These offenses would now include the murder of any person on a school campus, any person in a day care or child care facility, anyone who is covered by a “protection from abuse” order when the murder was committed for intimidation or retaliation for the order, and any family member of law enforcement or a public official when the murder was intended for intimidation or retaliation against the officer or official. The Fair Justice Act also makes it an aggravating circumstance – a factor to be considered in determining whether to impose the death penalty – to murder a law enforcement officer when the officer is acting in the line of duty.

“The Fair Justice Act takes a comprehensive approach to streamlining the appeals process in death penalty cases so that family members of victims will not have to suffer for decades awaiting justice to be done,” said St. Clair District Attorney Richard J. Minor, who is President of the Alabama District Attorneys Association. “The bill requires that direct and collateral appeals proceed simultaneously, while ensuring that those defendants sentenced by the court to death will have their rights protected at all stages of the process. This approach will significantly cut down the appeals process from what is currently a 16-year odyssey and increasing.”

Madison County District Attorney Rob Broussard, who is Vice President of the Alabama District Attorneys Association, said, “I believe we are long overdue in the State of Alabama for legislation such as this. I am tired of seeing victims’ families being re-victimized by the system. For them to be back in court 20 years after the trial to litigate baseless appellate issues is a travesty. This legislation should rectify this problem, and work to the advantage of the defendant also in that his appeals will be timely.”

Two additional bills included in the Attorney General’s legislative package emerged from the Attorney General’s Special Prosecutions Alliance, a partnership of state agencies that Attorney General Strange brought together in 2012 in a major cooperative initiative to better fight public corruption. The Child Protection and Safe Streets Act of 2014 is sponsored by Rep. Allen Treadaway. The Alabama Witness Safe Harbor Act is sponsored by Rep. Mike Ball.



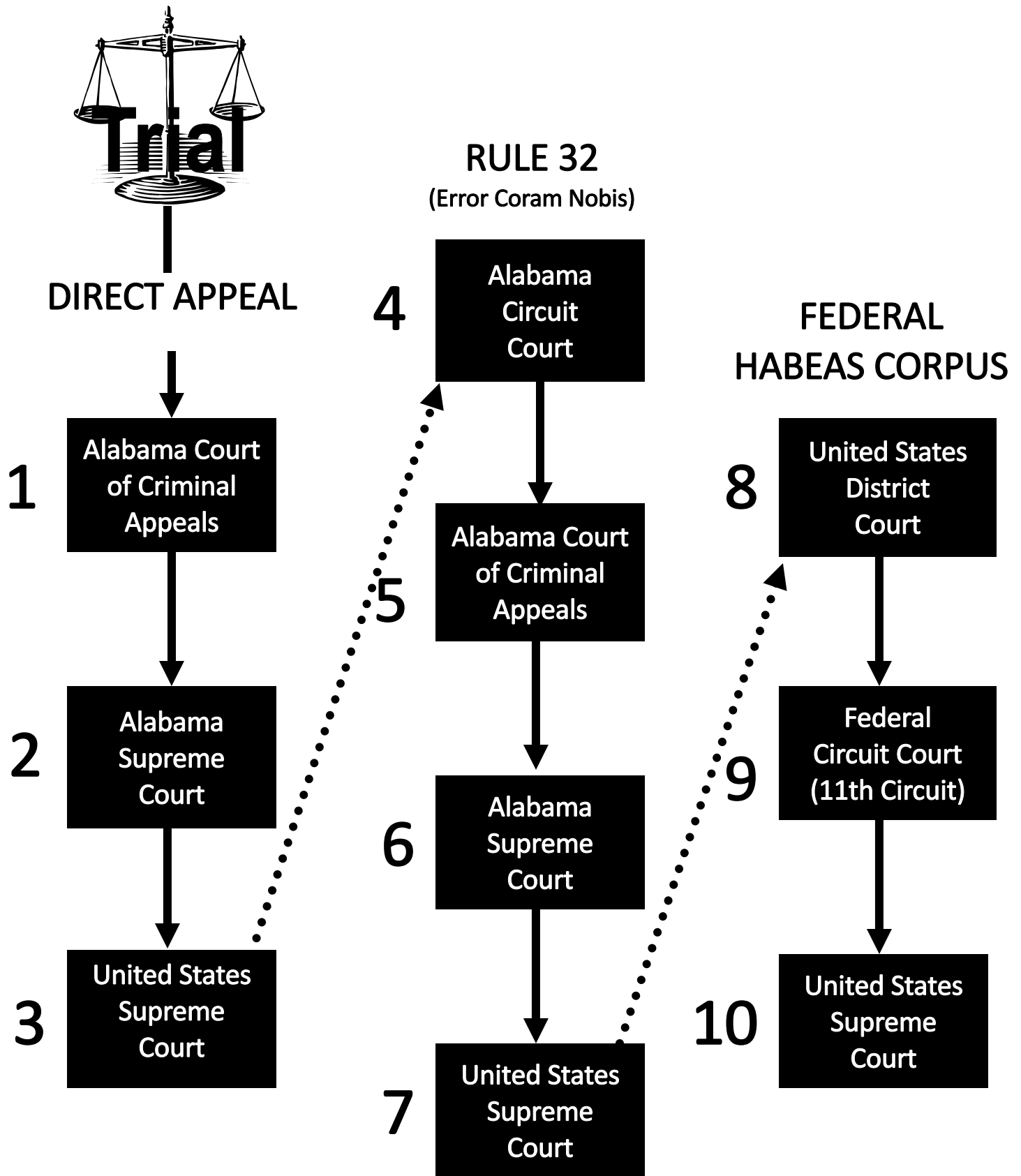
- The Child Protection and Safe Streets Act of 2014 would enable law enforcement to monitor phone communications among criminals to gather evidence that may include admissions of guilt and even information about future crimes that might be prevented. Although wiretapping can be a valuable and effective tool in combating crime, current state law prohibits its use, even by law enforcement. Yet 43 other states and the federal government recognize the necessity and allow for appropriate wiretapping with the safeguard of a court order. Court orders for wiretaps would last only for 30 days, but could be extended for another 30 days. Wiretaps would only be used for crimes of murder, kidnapping, child pornography, human trafficking, sex offenses involving children under 12, and felony drug offenses.
- The Alabama Witness Safe Harbor Act repairs a deficiency in current state law regarding immunity from prosecution for witnesses. Citizens have the right not to testify if doing so might incriminate them, so valuable testimony may be acquired by granting such persons immunity from prosecution. Yet in Alabama, there is a cumbersome procedure that requires the witness to agree to accept immunity, instead of the prosecutor granting immunity and being able to compel testimony. Alabama is the only state that allows the witness to decline immunity and thus to withhold testimony.

“As they currently stand, Alabama’s laws regarding wiretapping and witness immunity serve to tie the hands of law enforcement personnel and prosecutors, and may actually work for the benefit of criminals,” said Attorney General Strange. “This is simply wrong. We owe it to our law enforcement and prosecutors to give them the tools they need to be able to fulfill their duty to protect the people of Alabama and to fight those who would harm us.”

Additional information about the Attorney General’s legislative package will be provided upon its introduction and progress through the Alabama Legislature.



CURRENT - Death Penalty Appeals Process in Alabama



PROPOSED - Death Penalty Appeals Process in Alabama



DIRECT APPEAL

RULE 32
(Error Coram Nobis)

Alabama Court
of Criminal
Appeals

Alabama
Circuit
Court

Alabama
Supreme
Court

Alabama Court
of Criminal
Appeals

United States
Supreme
Court

Alabama
Supreme
Court

United States
Supreme
Court

**FEDERAL
HABEAS CORPUS**

United States
District
Court

Federal
Circuit Court
(11th Circuit)

United States
Supreme
Court



SIMULTANEOUSLY

SIMULTANEOUSLY

