



**ATTORNEY GENERAL STRANGE OPPOSES SENATE BILL TO ESTABLISH
INNOCENCE INQUIRY COMMISSION**

***FLAWED BILL DELAYS JUSTICE FOR CRIME VICTIMS WHILE MAKING IT MORE DIFFICULT TO
CARRY OUT EXECUTIONS***

(MONTGOMERY) – Attorney General Luther Strange voiced opposition to SB 237, legislation introduced in the Senate to establish an Innocence Inquiry Commission to review death penalty cases. The flawed legislation would effectively delay justice for crime victims while making it more difficult to carry out executions in Alabama.

“Senate Bill 237, if passed into law, would only serve to hinder the delivery of justice in capital murder cases,” said Attorney General Strange. “While well intentioned, SB 237 would place a unilateral moratorium on the death penalty in Alabama until June 2017, regardless if there is overwhelming evidence of guilt in a case. In a system where death row inmates already wait for decades before their sentences are carried out, SB 237 would only create further delays by encouraging the filing of frivolous, last-minute challenges.

“Senate Bill 237 is unnecessary as death row inmates already have access to a process to establish innocence under the Rules of Criminal Procedure. Furthermore, the bill would supplant the role of the current judicial system by creating a ‘fourth layer of appeals’ outside of the review already provided by the circuit courts, Court of Criminal Appeals, and the Alabama Supreme Court.

“Senate Bill 237 takes the final determination of guilt or innocence away from juries and courts and gives it to a commission of appointed officials and a super-judicial three-judge panel. The decision of the commission and the three-judge panel would be unchecked, with no provision for appellate review of their findings.

“For many reasons, SB 237 is a bad bill, but the biggest losers under SB 237 are the victims of violent crimes who would be prevented from seeking justice and closure in the death of a loved one. Under SB 237, crime victims could be forced to go through essentially two more re-trials of their case despite years of appeals.

“I invite members of the Senate to join me and the victims of violent crime in standing on the side of justice and oppose this bill,” said Attorney General Strange.

Attorney General Memo on SB 237 Attached

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M E M O R A N D U M

Innocence Inquiry Commission - SB237 (Brewbaker)

1. Delays justice for victims of crime.

- Prevents victims of crime from seeking justice and closure on serious cases.
- Could require victims of crime to go through essentially two more re-trials of case, despite years of appeals.

2. No time limit on when convicted felon could request inquiry.

- Will encourage inmates to game system by prolonging cases and delaying justice for victims, no matter how long the felon knew about the information, or the age of the case.

3. Would make Alabama an extreme outlier from its sister States.

- No other State has a comparable law except North Carolina.
- In contrast, Texas's Commission does not create new system, but only studies decisions made by courts, and the Commission expires December 1, 2016.

4. Convicted felons already have access to a process to establish innocence under the Rules of Criminal Procedure.

- Rule 32.1(e) of the Rules of Criminal Procedure already provides a procedure for a defendant to obtain relief when "the facts establish that the petitioner is innocent."
- SB 237 would unnecessarily create a whole new process where one already exists.

5. Unnecessarily creates a new quasi-judicial system.

- Would supplant the role of the current judicial system by creating a "fourth layer of appeals" outside of the review already provided in circuit courts, Court of Criminal Appeals, and the Alabama Supreme Court.
- Takes final determination of guilt/innocence away from juries and courts and gives to a commission of appointed officials.
- Felons could subvert court system by filing claim with appointed commission, not courts.
- The majority of commission members could be non-lawyers and non-judges.
- Creates a super-judicial, three-judge panel that is required to conduct essentially a retrial of the case regardless of what other courts have held or found, if directed by the commission.

6. Places a unilateral moratorium on the death penalty until June 2017, regardless of whether there is overwhelming evidence of guilt in the case.

- This is unnecessary and delays justice for victims of crime and the citizens of this State, even when there is no dispute of the death-row inmate's guilt.

7. Will make it more difficult to carry out executions.

- Creates an incentive for death-row inmates to file frivolous, last-minute challenges to the commission in an effort to delay execution.

8. No mechanism for appellate review.

- The decision of the commission and three-judge panel would be unchecked, with no provision for appellate review of findings of the commission and three-judge panel.

9. Purports to grant immunity for certain witnesses during the commission proceedings.

- Could prevent prosecution of crimes and the individuals involved in the crime the commission is reviewing.

10. Provides commission power to compel testimony of any witness during proceedings.

- Could infringe on Fifth Amendment rights of witnesses before the commission.