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Page 1 of 1

Attorney General Marshall Urges DOJ to Restore States Authority for Swift Justice for the Most Heinous Crimes

(Montgomery, Ala) – Alabama Attorney General Steve Marshall filed a 16-state coalition letter supporting a rule proposed by the U.S. Department of Justice (DOJ) to help streamline federal review of state capital murder convictions. In support of the rule, DOJ observes that the average time spent on death row is 21 years. In Alabama, the time it takes to conclude a capital murder case can be even longer, and federal judicial review is a significant impediment to swift justice.

DOJ's rulemaking pertains to a provision in the Antiterrorism and Effective Death Penalty Act of 1996. States are not required to provide free counsel to indigent inmates beyond their first appeal. But if States provide counsel for state post-conviction proceedings, Congress created a set of procedures that would expedite federal review by imposing strict deadlines and limiting avenues for further appeal. No State has taken advantage of these special procedures, however, in part because of DOJ's past regulations. Attorney General Marshall's coalition letter fully endorses DOJ's proposed deregulation, which may result in a speedier justice system for many States.

"Behind every one of these cases is a family that has already waited decades for a resolution that the law promised them. Even when we win, the manufactured procedural delay can make legal victories feel like a wound reopened. These families deserve finality, and I'm hopeful DOJ's new rule will help deliver it," Attorney General Marshall said. "Delay in capital cases benefits no one except those determined to use the courts as an instrument of obstruction. When proceedings stretch by decades, grieving families are not protected, they are punished."

Attorney General Marshall has long fought to defend capital convictions, with several recent death-row cases dating back over three decades. To address procedural obstruction by death-penalty abolition groups, Alabama adopted the nation's first use of nitrogen hypoxia as an execution method, giving the state additional options to fulfill its duty to enforce the law. The method has since been put to use by fellow state as well. Further addressing the frustrating backlog of federal habeas cases, Marshall successfully petitioned the Eleventh Circuit Court of Appeals to compel rulings by federal district courts on cases dating as far back as 2010. The office also recently championed the Speedy Trial legislation, which has provided local prosecutors with a critical tool to expeditiously prosecute cases despite limited resources.

States joining the Alabama-led brief include attorneys general from Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, South Carolina, South Dakota, and Texas.

The letter to USDOJ can be [read here](#).

