

Jerry J. Cox
President

President

Jerry J. Cox Mount Vernon, KY

President-Elect

Theodore Simon Philadelphia, PA

First Vice President

E. G. Morris Austin, TX

Second Vice President

Barry J. Pollack Washington, DC

Treasurer

John Wesley Hall Little Rock, AR

Secretary

Rick Jones New York, NY

Immediate Past President

Steven D. Benjamin Richmond, VA

Parliamentarian

George H. Newman Philadelphia, PA

Directors

Christopher W. Adams Charleston, SC

Brian H. Bieber Coral Gables, FL

Andrew S. Birrell Minneapolis, MN

Susan K. Bozorgi Miami, FL

Ellen C. Brotman Philadelphia, PA

William H. Buckman Moorestown, NJ

Alexander Bunin Houston, TX

Jean-Jacques Cabou Phoenix, AZ

Maureen A. Cain Denver, CO

Anthony Cotton Waukesha, WI

Aric M. Cramer St. George, UT

Candace Crouse Cincinnati, OH

Ramon de la Cabada Miami, FL

Paul B. DeWolfe Baltimore, MD

Drew Findling Atlanta, GA

Richard K. Gilbert Washington, DC

Nina J. Ginsberg Alexandria, VA

Elissa B. Heinrichs Newtown, PA

Michael P. Heiskell Fort Worth, TX

Paula Henderson Knoxville, TN

Bonnie Hoffman Leesburg, VA

Stephen Ross Johnson Knoxville, TN

Ashish S. Joshi Ann Arbor, MI

Elizabeth Kelley Spokane, WA

Nellie L. King West Palm Beach, FL

Benjamin R. LaBranche Baton Rouge, LA

Tracy A. Miner Boston, MA

Tyrone C. Moncriffe Houston, TX

Norman R. Mueller Denver, CO

Melinda M. Sarafa New York, NY

David B. Smith Alexandria, VA

Kristina W. Supler Cleveland, OH

Jeffrey E. Thoma Fairfield, CA

CeCelia Valentine Phoenix, AZ

Geneva Vanderhorst Washington, DC

Christopher A. Wellborn Rock Hill, SC

Steven M. Wells Anchorage, AK

Christie N. Williams Austin, TX

William P. Wolf Chicago, IL

Executive Director

Norman L. Reimer Washington, DC

Dear Senate Minority Leader Sylvia Larsen:

The National Association of Criminal Defense Lawyers (NACDL) writes to express support for HB1170, an act to repeal the death penalty in New Hampshire, and to thank you for your ongoing attention to this deeply important issue. State legislatures, religious groups, political leaders, and citizens throughout the nation are increasingly questioning and rejecting capital punishment. As the preeminent organization for criminal defense lawyers in the United States, NACDL has been an outspoken critic of the death penalty system, which countless studies have shown to be arbitrary, discriminatory, costly, and fraught with error. Because we believe that no amount of tinkering will save the death penalty from its inherent flaws, NACDL supports abolition.

The fallibility of the death penalty system is beyond question. As pointed out by Former Supreme Court Justice Sandra Day O'Connor, "If statistics are any indication, the system may well be allowing some innocent defendants to be executed." These statistics indicate that, since reinstatement of the death penalty in 1973, 141 individuals sentenced to death have been exonerated after serving years on death row. Many others have had their sentences commuted to life imprisonment because of serious doubts about their guilt. Tragically, some have been executed despite serious questions concerning their innocence.

The death penalty is also applied in a racially and economically discriminatory manner. Studies in a number of states have found irrefutably-flawed practices implicating race and economic bias in death sentencing, as well as jurisdictional disparities and significant cost concerns. After its careful study of the death penalty in the United States, the United Nations

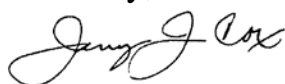
Commission on Human Rights in 1998 issued a report which rightly concludes: “Race, ethnic origin and economic status appear to be key determinants of who will, and who will not, receive a sentence of death.”

Leading criminologists overwhelmingly agree there is no evidence that capital punishment deters violent crimes, yet each death penalty case leads to significantly higher costs to the criminal justice system and years of litigation, and holds out a false promise of closure to the family members of murder victims. The New Hampshire Commission to Study the Death Penalty was informed in December of 2013 by Deputy Attorney General Orville Fitch that his office spent \$1.6 million while prosecuting Michael Addison, who was ultimately sentenced to death and is the sole inmate on New Hampshire’s death row. The state spent an additional \$1.2 million for the public defender who represented Addison, a large sum when compared to the \$70,000-\$100,000 it costs to defend a typical non-capital first-degree case. It is estimated that Michael Addison’s appeals will cost New Hampshire an additional half million dollars a year until either his sentence is overturned or commuted to life in prison, or until he is executed.

According to a recent study, the mere availability of the death penalty as a charging option results in significant costs that drain resources from public safety, crime prevention, and victim services (Petersen, N. and Lynch, M., Prosecutorial Discretion, Hidden Costs, and the Death Penalty: The Case of Los Angeles County). Undoubtedly, maintaining the death penalty (as opposed to life without the possibility of parole) also stifles adequate funding for education, health care, jobs programs, and other initiatives that desperately need funding for the people of the State of New Hampshire.

The death penalty is unjust, uncivilized, and inconsistent with the fallibility of our justice system. New Hampshire Governor Maggie Hassan supports the proposal and has committed to signing the legislation that would make New Hampshire the 19th state to abolish the death penalty. NACDL urges you to stand with us, the New Hampshire Association of Criminal Defense Lawyers, the New Hampshire Coalition to Abolish the Death Penalty, and the growing number of other organizations and concerned New Hampshire citizens by supporting HB1170.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Cox".

Jerry Cox
NACDL President