

## **Testimony by Stefanie Faucher of Death Penalty Focus**

### **March 28, 2008 Hearing of the California Commission on the Fair Administration of Justice**

Good morning Commissioners. Thank you for allowing me to address you. My name is Stefanie Faucher. I am Program Director for Death Penalty Focus, a non-profit organization dedicated to educating the public about the death penalty and its alternatives, with more than 10,000 members in California. Today, we submit to you a report titled [Wrongful Convictions in Capital Cases](#).

Since the reintroduction of the death penalty in California in 1977, more than 800 men and women have been sentenced to death. Over 650 of these men and women currently sit on death row – more than any other state in the country.

An in-depth investigation by *San Francisco* magazine in 2004 revealed that California has wrongfully convicted over two hundred men and women of serious crimes, including capital murder, just since 1989 – again, more than any other state.

These facts raise the question: how many innocent men and women has California convicted and sentenced to death?

In our report, we detail the cases of thirteen men and one woman who were convicted of first degree murder in California and later freed after a court concluded that they had been wrongfully convicted.

Seven of these individuals spent time on death row.

The individuals in this report spent an average of 15 years behind bars and cumulatively spent 211 years in prison.

These cases demonstrate two fundamental points:

- 1) that if the pace of executions in California over the last thirty years had been faster, there is a substantial likelihood that innocent people could have been executed;

and 2) despite the immense suffering they endured, the individuals described in this report are actually the lucky ones—for their innocence was ultimately uncovered. For every one of the wrongful conviction cases we know about, there is every reason to believe that there are others who have not been lucky enough to have their innocence uncovered. Not every innocent defendant is fortunate enough to have a snitch recant his testimony or to have the real killer come forward, or even to have the district attorney reinvestigate the case.

Instead of denying the undeniable – that wrongful convictions do happen and that our criminal justice system, administered by humans, is fallible – we should urgently commit to making our justice system more just, fair and accurate.

Knowing that we can never completely eliminate the possibility of convicting and executing the innocent, despite our best efforts, we must ask ourselves what is the acceptable margin of error when it comes to the ultimate punishment?

Death Penalty Focus maintains emphatically that no such fatal margin of error is tolerable in a society dedicated to the rule of law and the sanctity of human life. We urge you to carefully consider our report.