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Now is the Time for Maryland to Kill its Death Machine **The Color of Law** **By David A. Love, JD** **BC Executive Editor**

With the death penalty a hot topic of discussion in Maryland these days, lawmakers in that state have a golden opportunity to repeal an outdated, cruel and unjust practice.

Death penalty repeal is in the air. At the urging of the NAACP, [Maryland CASE](#) and others, Gov. Martin O'Malley and state lawmakers are paving the way for a repeal vote in the legislature. When it comes to government-sponsored executions, Annapolis needs to let it go, and apparently is about to do so. And the reasons why they should are clear.

In the U.S., the death penalty is on the decline, though it is very much alive and well. Although 33 states have a death penalty on the books, [only nine states](#) made use of it in 2012. According to the [Death Penalty Information Center](#), four states - Texas, Arizona, Mississippi and Oklahoma - accounted for three-quarters of the 43 executions in the U.S. in 2012. And Florida, California, Texas and Alabama accounted for nearly two-thirds of the 78 death sentences issued last year - a [20-year low](#) for such sentences nationwide.

And four states with a long death penalty history - Indiana, North Carolina, South Carolina and Virginia - [executed no one last year](#). That is a good thing, as Americans must divest themselves of a practice fraught with racial bias, corruption, incompetence and error. Since 1973, 142 innocent men and women were freed from death row, three of them this past year. According to the [National Registry of Exonerations, the most common factors associated with murder](#)

[exonerations](#) are perjury and false accusations, followed by official misconduct, mistaken witness identification, false confessions and false and misleading forensic evidence.

[Joe D'Ambrosio](#), the 140th person exonerated from death row in America and the sixth from Ohio, spent over 20 years on death row for a murder he did not commit. The prosecutors in his case [withheld evidence](#) that would have cleared his name, and they called him a liar on the stand.

A Louisiana death row survivor, [Damon Thibodeaux](#) became the 141st person exonerated from death row in 40 years. In addition, he was the [300th wrongfully convicted person](#) exonerated through DNA evidence, and the 18th death row inmate freed through DNA. He had falsely confessed after a nine-hour interrogation, and subsequently recanted on the ground he was coerced.

"They look for vulnerable points where they can manipulate you, and if you're sleep deprived or panicked...it makes it that much easier to accomplish what they want to accomplish," Thibodeaux said. "I was willing to tell them anything they wanted me to tell them if it would get me out of that interrogation room," he added.

Meanwhile, [Seth Penalver](#) was released on December 21 after spending 18 years, nearly half his life, on Florida's death row - all for a triple murder someone else committed. Penalver had been tried twice for the murders, and sentenced to death once. Now, he is the 142nd death row exonerate, and the 24th from Florida.

With the death penalty, the stakes are high and the innocent are killed. And the families of the victims do not receive justice.

In 1993 [Kirk Bloodsworth](#), a former marine from Maryland, became the first death row inmate released as a result of DNA evidence. He spent eight years in a Maryland penitentiary, including two on death row, for the brutal rape and murder of a 9-year old girl. The real killer was serving time for another crime in a cell block one floor beneath Bloodsworth. Now Bloodsworth is fighting against the death penalty in his native state and throughout the country as the advocacy director of [Witness to Innocence](#), the national organization of exonerated death row survivors.

Maryland is not the only state considering death penalty repeal. Five states - Connecticut, Illinois, New Jersey, New Mexico and New York -

have abolished the practice in as many years. California came very close to ending executions in a 2012 ballot initiative. And [efforts to repeal or reform the death penalty](#) are being considered in Alabama, Colorado, [Delaware](#), Kentucky, New Hampshire, Oregon and Texas.

As we prepare to celebrate the birthday of Martin Luther King, we must remember that the civil rights leader and human rights giant spoke out against the death penalty. "I do not think that God approves the death penalty for any crime, rape and murder included," King said. "Capital punishment is against the better judgment of modern criminology, and, above all, against the highest expression of love in the nature of God."

Coretta Scott King agreed: "As one whose husband and mother-in-law have died the victims of murder and assassination, I stand firmly and unequivocally opposed to the death penalty for those convicted of capital offenses," she said. "An evil deed is not redeemed by an evil deed of retaliation. Justice is never advanced in the taking of a human life. Morality is never upheld by a legalized murder."

There is no better way for Maryland to celebrate King Day this month than to repeal the death penalty now.

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