

## **WHY THE EXECUTION OF TROY DAVIS WAS A TREVSITY OF JUSTICE, AND REQUIRES A HIGHER STANDARD IN CAPITAL MURDER CASES**

In 2007, the Georgia Board of Pardons and Paroles, the body which has the final say on whether executions should go ahead, made a solemn promise to Troy Davis. The Board stated on the record that he would never be put to death unless there was "no doubt" about his guilt. Mr. Davis was executed by lethal injection on September 21, 2011. He went to his death still proclaiming his innocence of the 1989 murder of a Savannah, Ga., police officer.

Here are reasons why the board failed to deliver on its promise and why a man, who may have even had been innocent was executed:

- 1.** Of the nine (9) witnesses who appeared at Davis's 1991 trial who said they had seen Davis beating up a homeless man in a dispute over a bottle of beer and then shooting to death an off duty police officer, Mark MacPhail, who was acting as a good Samaritan, seven (7) have since recanted their evidence;
- 2.** One of those who recanted, Antoine Williams, even revealed they had no idea who shot the officer and that they were illiterate – meaning they could not read the police statements that they had signed at the time of the murder in 1989. Others said they had falsely testified that they had overheard Davis confess to the murder;
- 3.** Many of those who retracted their evidence said that they had been cajoled by police into testifying against Davis. Some said they had been threatened with being put on trial themselves if they did not co-operate;
- 4.** Of the two (2) of the nine (9) remaining key witnesses who have not changed their story publicly, one has kept silent for the past 20 years and refuses to talk. The other is Sylvester Coles. Coles was the man who first came forward to the police the very next day (with his Attorney) and implicated Davis as the killer. But over the past 20 years evidence has grown that Coles himself may be the gunman and that he was fingering Davis to save his own skin;
- 5.** In total, nine (9) people have come forward with evidence that implicates Coles. Most recently, on Monday the George Board of Pardons and Paroles heard from Quiana Glover who told the panel that in June 2009 she had heard Coles, who had been drinking heavily, confess to the murder of Officer MacPhail;
- 6.** Apart from the witness evidence, most of which has since been cast into doubt, there was no forensic evidence gathered (such as finger prints, ect.) that links Davis to the killing.
- 7.** In particular, there is no DNA evidence of any sort. The Constitution Project points out that 75% of those prisoners who have been exonerated and declared innocent in the US were convicted at least in part on the basis of faulty eyewitness testimony.

**8.** No gun was ever found connected to the murder. Coles (not Troy Davis) later admitted that he owned the same type of .38-calibre gun that had delivered the fatal bullets, but that he had given it away to another man earlier on the night of the shooting.

**9.** Higher courts in the US have repeatedly refused to grant Davis a retrial on the grounds that he had failed to "prove his innocence". His supporters counter that where the ultimate penalty is at stake; it should be for the courts to be beyond any "reasonable doubt" of his guilt.

**10.** Steven Sanders and Coles are the only non-police trial witnesses who did not recant. Sanders told police two years before he testified that he would not know the shooter again if he saw him, but identified Davis at trial. Nine people have signed affidavits implicating Coles, including one man who says he saw Coles shoot MacPhail; and,

**11.** If there is even a doubt that Troy Davis is innocent, we may possibly have a cop killer walking the streets.

Further, the voices opposed to Davis' execution were numerous and widespread. Other than more than 660,000 petitions, and "1 Million Tweets for Troy", there also included:

- \* Larry D. Thompson, former U.S. Attorney General;
- \* William Sessions, former director, FBI;
- \* Norman Fletcher, former Chief Justice, Georgia Supreme Court;
- \* Stefan Trechsel, International Criminal Court judge;
- \* Rep. John Lewis; and,
- \* Mark White, former governor of Texas.

There at least needs to be a higher standard in capital murder cases other than simply eye witness testimony. Multiple studies have concluded that such evidence is highly unreliable. Before utilizing the death penalty, there also needs to be corroborating (such as forensic) evidence.