



Young Lawyers Dedicated To Fair Death Penalty Trials VOL. 2 FALL 2004

FAIR TRIAL INITIATIVE

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FTI welcomes four new law fellows and two new mitigation fellows (see below for an update on the mitigation program and check out www.fairtrial.org for more information about the two mitigation fellows, Zach Rowles and Jasmine Teter). This promising and dedicated group of young lawyers will prove an invaluable resource to the movement to ensure greater fairness and representation to the most disadvantaged of the criminal justice system.



Onise Silas

EDUCATION: University of Rochester, New York (BA); University Of Tulsa College of Law(JD)
EXPERIENCE: Before law school, Onise worked for The Boston Foundation, a community foundation committed to improving the lives of underprivileged individuals. While in law school she interned in the Tulsa Juvenile Bureau Public Defender and participated in the inaugural class of theUniversity of Tulsa /Muscogee (Creek) Nation Boesche Legal Clinic where she assisted Muscogee (Creek) Native Americans in the area of family law and a variety of civil law matters.



Mani Carpenter

EDUCATION: Central Texas College's Pacific Far East campus in Seoul, Korea (Associate's Degree in law enforcement); California State University, San Bernardino (BA); Harvard Law School (JD).
EXPERIENCE: While an undergrad, Mani participated in the Army ROTC and National Guard. Before attending law school, she worked in a public school in Montgomery, Alabama and worked at the Federal Trade Commission in Chicago. During law school, she completed internships at the U.S. Attorney's Office and participated in a clinical program that allowed her to defend clients in Dorchester and Roxbury district courts.



Emily Marroquin

EDUCATION: Michigan State University (BA); Indiana University (MA in Philanthropic Studies); Duke University Law School (JD),
EXPERIENCE: While getting her Master's Degree, Emily helped launch a statewide anti-death penalty grassroots organization. At Duke Law, she spent a semester in Mexico City at the Instituto Tecnológico Autónomo de México's Department of Law, volunteered with the Innocence Project, organized an exposition of art by individuals on death row, and worked at the Public Defender Service in Washington, D.C.



Melissa Hamilton

EDUCATION: Texas A&M University (BA); University of Texas School of Law (JD)
EXPERIENCE: While in law school, Melissa participated in the Capital Punishment Clinic, interned at the Southern Center for Human Rights as a Texas Law Fellow, served as the Manuscript Editor on the Texas Journal of Civil Liberties and Civil Rights, and was awarded theUniversity of Texas Co-op Public Interest Award.

FTI ALUMNI UPDATE

After completing their FTI fellowships, Terrica Redfield has joined the staff of the Southern Center for Human Rights in Atlanta where she continues to fight for clients facing the death penalty, and Jenny Mellon has joined Kim Stevens and Robyn Withrow in Winston-Salem, NC, where she works on capital post-conviction cases.

From the Mitigation Program

The FTI Mitigation Program is now in its sixth month in Virginia and North Carolina. Well before the U.S. Supreme Court made clear in Wiggins v. Smith (2003) that lawyers have a duty to conduct a full background investigation of their clients in capital cases, FTI was brainstorming different ways to solve the problem of how to identify, recruit, train, supervise new mitigation investigators. As we reported in our July 2003 edition of The Balance, there are not nearly enough qualified mitigation specialists to carry out the indispensable work of investigating the tragic life histories of the hundreds of people potentially facing the death penalty in North Carolina each year. The problem is even more starkly drawn in Virginia, where the newly formed Capital Defender Offices were not able to find anybody in the state with capital mitigation experience to join

their staffs. After consulting with national leaders in the death penalty defense community, we launched our pilot fellowship program in June of this year. Our mitigation fellows are provided with top-notch training and supervision at the beginning of their year-long fellowship while assisting with discrete investigative tasks on capital post-conviction cases. Cynthia Ayres has been doing an outstanding job mentoring Jasmine Teter in Virginia, creating an FTI mitigation program from scratch in Virginia. After setting up shop in FTI's new Virginia office, located in a beautiful, historic area of Richmond, Jasmine and Cynthia have jumped into work on the case of Darryl Atkins with Dick Burr, Mark Olive, and the folks at the Tidewater Region Capital Defender Office. It was Atkins' case that the Supreme Court reviewed when ruling that it is unconstitu-

tional to execute the mentally retarded—yet the authorities in Virginia continue to fight for his execution. FTI has financially supported Cynthia's work on the case so far, and we have been getting great reviews from the defense team on FTI's work. Meanwhile, Cynthia has helped to mentor the new mitigation investigator on staff at the Norfolk Capital Defender Office and has plans to improve the standard of practice for mitigation in the Commonwealth of Virginia. Meanwhile, in North Carolina, Stephanie Moore has been coaching Zach Rowles. He has had the opportunity to work with several different defense teams at the Center for Death Penalty Litigation and FTI and has already been appointed to his first post-conviction case, where he will continue to receive close supervision from Stephanie. For this program to expand in the future, we will need your generous support!



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*“Whatever your views about the death penalty,
we simply cannot accept this state of affairs.
We must do something to improve
the quality of representation at the trial stage.”*
—Justice THURGOOD MARSHALL

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FTI's Presence in North Carolina
FTI is involved with over 80 cases around the state. The bulk of FTI's program continues to be based in NC, where there continues to be an unusually high number of capital prosecutions and where we have a more reliable funding base.



The Balance

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- Cynthia Ayres (VA)
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- Zachary Rowles (NC)

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- Mani Carpenter
- Kelley DeAngelus
- Emily Marroquin
- Elsie Miller

- Yvonne Nix
- Onise Silas

FTI LAW FELLOWS (VA)

- Will Hendricks

FTI LAW FELLOWS (TX)

- Melissa Hamilton

Message from the Executive Director, David Neal

FTI's education efforts will again focus on the endeavor to pass a moratorium on executions in the North Carolina General Assembly. When the 2004 short legislative session came to an end, it appeared that we had enough votes to pass the bill, but the co-speakers of the state House of Representatives could not agree on whether to bring it to the floor for a vote. It appears that the Democrats won enough seats this November to avoid the need for a coalition government, and, because Speaker Jim Black has consistently voiced his support for the moratorium bill, we are optimistic for our chances in 2005. The passage of this bill provides the single best opportunity for meaningful reform of the death penalty in a generation.

While the number of people sentenced to death each year continues to decline in North Carolina and nationwide, there continue to be disturbing patterns regarding who is sentenced and who is executed. For example, it came to light

that race was likely a deciding factor in the decision to pursue a death sentence in the Paul Cummings case that resulted in a death verdict in Wilmington earlier this year. According to the Wilmington Star, in a motion filed after the jury's verdict, witnesses reported hearing the prosecutor in the case "talk about the need to be perceived as being fair by prosecuting Paul Cummings, who looks white, so that he could capitally prosecute Curtis Dixon, who is black." Statistically, it has been proven that race has a serious impact on who receives death and who does not. All other things being equal, a person's odds of getting a death sentence increase 3.5 times if the victim in the case is white.

Meanwhile, Frank Chandler was executed in the early morning hours of November 12. Outside of the cases of complete, actual innocence, like Alan Gell and Darryl Hunt, Mr. Chandler's case is an alarming illustration of the urgent need for a halt to executions. There are many disturbing aspects of Frank Chandler's

case: the killing was not premeditated; the state withheld evidence about a sweet heart deal with its star witness; and there was no real evidence to support the lone aggravating circumstance that supported a death sentence.

Most shocking was the legal representation that Frank Chandler received. He was represented by a lawyer who was later disbarred and convicted of forgery, and who regularly neglected his capital clients. He used the same closing argument for Chandler's case that he had used on four prior occasions, and made little effort to investigate the case. He also had used illegal drugs with the state's star witness, compromising his ability to do a full cross examination.

We cannot continue to let the quality of one's court appointed counsel determine whether someone lives or dies. FTI will continue to fight for a moratorium on executions to allow for a more thorough review of these continuing travesties of justice.

The Fair Trial Initiative's Board of Directors

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