

Time to re-evaluate death penalty

By Emily Tate

In a cold, gray chamber, a dozen or so chairs fill the otherwise empty room. Several chairs are occupied with similarly colorless people, all facing the glass window ahead. They are present for different reasons, displaying different reactions. Someone is crying, another folding and unfolding the tissue in her hands, a third staring blankly toward the glass.

This crowd could be observing an impressive medical procedure. They could be watching a dramatic film. They could be evaluating a museum exhibit. Hell, it could be god and all his friends looking proudly upon their creation.

But these people are witnessing an execution. They are there to watch a man die at the hands of the state.

Historically, this has been a highly polarized issue, but lately, the solution has become pretty clear: fix the death penalty, or end it altogether. That's what Ohioans to Stop Executions is vying for, since the abolition of capital punishment altogether doesn't seem to be getting anywhere in the state.

But despite Ohio and other states' movements to fix the death penalty, much of the rest of the world sees the system itself — "fixed" or not — as barbaric. In fact, the United States is among just a handful of countries that still executes prisoners, and it is not in good company.

Others on the short list (22 countries total) — and the only countries reporting higher numbers of executions than the United States, according to Amnesty International — include China, Iran, Saudi Arabia and Iraq. Further down the list are Sudan, Yemen, Egypt and Somalia, all countries recognized internationally for their weak democracies, poor governance and oppressed minority groups.

In carrying out the death penalty, the United States is an outlier among its usual circle of friends. It's the only country in the Americas to enforce the death penalty, and the only among G7 countries (the other being Canada, Great Britain, France, Italy, Germany and Japan). And, according to the European Union's website and policy outline, a state's entrance into the EU is

conditional on abolition of the death penalty, on the grounds that it violates a basic human right by being cruel and inhuman. The EU is actually the "leading institutional actor and largest donor" in the movement to end capital punishment.

With nearly every developed, industrialized country across the globe having abandoned the death penalty long ago, the United States' stance on this is perplexing. Execution as a means to enforce punishment is heinous and antiquated, and it's not helping the United States appear like the progressive, heroic state it projects on the rest of the world.

Instead, it is backtracking. Although lethal injection is the most widely used method in the country, some states still use hanging, electrocution, gas chambers and firing squads to carry out their executions, according to the Death Penalty Information Center (DPIC).

And why? Why does the state feel like it has the power or right to determine when someone's life should end? By that mentality, it is no different than a high-powered, overblown vigilante seeking "justice" through vengeance.

And, like any man-made system, it is flawed. It has holes. It fails.

Since 1973, hundreds of inmates sentenced to Death Row in the United States have been exonerated, according to the DPIC — the most recent of which was just a month ago, on April 3, marking the second exoneration of 2015.

The DPIC reported that, altogether, the 152 exonerated prisoners served an average 11.2 years behind bars. Of the nine cases in 2014 and 2015, the prisoners served an average of 29.4 years, three of whom were Ohio men exonerated after 39 years of prison time. By that count, the United States is not improving or becoming more consistent. Technology is not eliminating human error, and science is not supplementing proper evidence.

This system is flawed, its rationale unsubstantiated. The United States is best suited to look to its ally countries — with whom we share so much else in common — and act accordingly.

Exonerations reveal flawed system

By Emily Tate

Joe D'Ambrosio

Joe D'Ambrosio, then 26, was charged with the murder of 19-year-old Anthony (Tony) Klann on Feb. 21, 1989, in Cuyahoga County, Ohio, according to Maurice Possley's report for the National Registry of Exonerations (NRE). At trial, D'Ambrosio was convicted and sentenced to death for stabbing Klann three times in the chest and slitting his throat.

However, after maintaining his innocence for over a decade, D'Ambrosio sought the wisdom of a Catholic priest, Neil Kookoothe, who, in 2000, found valuable evidence for D'Ambrosio's lawyers. In 2002, the case was reopened and the district judge asked to see all information relevant to the case. An evidentiary hearing was held in 2004, where significant and previously withheld evidence was presented to the court. The evidence included grass patterns where the body was found, audio recordings and two outside testimonies that revealed another suspect's ("Stoney" Lewis) motive to murder Klann.

From there, the case against D'Ambrosio collapsed. He was released from custody in 2009, Possley reported, and in 2012 the U.S. Supreme Court denied the state an appeal for retrial, according to the Death Penalty Information Center (DPIC). After serving 23 years in prison, D'Ambrosio became the 140th U.S. citizen and sixth Ohioan to be exonerated from a death sentence. Today, he is pursuing a lawsuit against the state of Ohio, accusing the prosecutors in his case with attempted murder.

Derrick Jamison

Derrick Jamison, then 23, was convicted of murder and sentenced to death in March 1985, seven months after Gary Mitchell was beaten to death at the Central Bar in Cincinnati, where Mitchell worked as a bartender. The case against Jamison was built around the testimony of Charles Howell, a co-defendant who claimed to be an accomplice in the murder and sought a lesser sentence for his account of Jamison's involvement, as well as some shaky evidence regarding a shoe print, according to a report by Alexandra Gross in the NRE.

Jamison filed two appeals, in 1988 and 1992, both of which were denied. However, the DPIC reported that after 17 years on Death Row, "Jamison was granted a new trial in 2002, when a court ruled that the prosecution had withheld critical eyewitness statements and other evidence from the defense." The witnesses' accounts did not align with Howell's testimony — specifically, the heights of the two men fleeing the bar and the use of a brass pipe to beat Mitchell. As a result, Jamison was eventually exonerated in 2005, after serving 20 years in prison, 17 of which were spent on Death Row.

Today, he lives in Middletown, Ohio, where he receives financial aid from a local non-profit and speaks to churches about his experience in prison. He plans to finish his book and find a stable job.

Dale Johnston

Dale Johnston, then 49, was convicted of the murders of Annette Cooper Johnston, his 18-year-old stepdaughter, and Todd Schultz, her fiancé, in January 1984, and sentenced to death that March. Johnston was a prime suspect in the case due to known conflict with his stepdaughter, according to Maurice Possley of the NRE. Supposedly, Johnston did not want her to marry Schultz.

The couple was found in October 1982, with their dismembered body parts scattered across a river and in an adjacent cornfield. The case hinged on information from a hypnotized witness and a footprint analysis, which the court found unreliable in 1986 when it overturned Johnston's conviction. The prosecution on the case was also found to have withheld exculpatory evidence, according to the DPIC. Jamison was freed in 1990, after serving four years on Death Row and six years in prison, making him the 42nd American exonerated from a death sentence.

Chester McKnight has since confessed to and been charged with the murders, with Kenny Linscott as his accomplice. Johnston, now over 80 years old, lives in Columbus with his wife.