

STATEMENT OF BRIAN STULL

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The Impact of Race and Poverty

Bo Jones – poor and African-American – was at a higher risk of joining the group of the wrongfully convicted.

Quality of Counsel

We know in this country that the poor receive appointed lawyers – who are all too often overworked, underfunded, and unprepared for capital work. This case was no different.

Bo Jones' trial lawyers devoted their attention to trying to persuade Bo Jones to plead guilty. They were so utterly unprepared for the capital trial, that even the prosecutor Dewey Hudson announced on Friday his agreement that Bo Jones received ineffective counsel. They failed to get any of Lovely Lorden's prior statements – statements which would have provided powerful impeachment evidence at the trial. Their total failure to investigate meant the jury heard only a one-sided presentation.

For poor people charged with capital crimes, it is the lottery of assigned counsel that determines whether they live or die. This problem extends well beyond this case. Here in North Carolina, the odds of getting quality counsel have increased with the adoptions of standards for lawyers and the creation of the Indigent Defense Services. Regrettably North Carolina's death row is full of men sentenced to death before this reform took place. Outside of North Carolina, there are many states where the odds of getting a poor, untrained, and inexperienced capital attorney remain unacceptably high.

Racially Discriminatory

Unfortunately, racial discrimination may have been another factor in Jones' wrongful convictions. Bo Jones, an African-American man was sentenced to death for the death of a white man. We know from a study of North Carolina in 1993-1997 – the very time of Bo Jones was prosecuted – that juries in North Carolina were over three times more likely to return death verdicts if the victim was white than if the victim was a person of color. The same study – like numerous other studies – found that a black defendant accused of murdering a white victim is far more likely to receive the death penalty than any other defendant and victim race combination. Simply because of his race, Bo Jones, an innocent man, was at a higher risk for the death penalty.

Before deciding to charge Bo Jones, the police investigated another suspect. The police learned that this suspect had gone twice to Mr. Grady's home the night he was shot, that he owed Mr. Grady money, that he robbed Mr. Grady the night of his death, that he lied to the police about the events that night, that he asked another man to lie, that he had a

reputation for violence, and that he fled the county the next day. This man, whom the police never charged, was a white man.

North Carolina today has a pending racial justice act. If passed, this act would allow defendants to introduce evidence of racial bias. Had this been the law when Bo Jones was tried, he could have used it to show that the case was racially discriminatory and prevented the death penalty from applying.

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