

## **STATEMENT BY CASSANDRA STUBBS**

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### **The Meaning of Innocence for the Capital Punishment System**

An execution date was set for Bo Jones in 1997 and he came within two months of being executed. The fact that an innocent man was almost executed is evidence of a fundamental crisis with the death penalty. Here in North Carolina alone three men have been exonerated from death row in the last six months. Nationally, five men have been exonerated from death row in the last eleven months – bringing the national total of wrongful capital convictions to 129. A system that is so broken that it can't protect the innocent from conviction should not be trusted with life and death decisions.

For the last seven months, there was a halt in executions while the Supreme Court decided the lethal injection challenge in *Baze v. Kentucky*. Now that the Court has ruled, states are faced with the decision whether they should return to executions.

This is an opportunity for us to examine as a country whether we want to go forward with executions. The high number of innocent exonerees is a powerful answer that we should not.

### **The Importance of State Withheld Evidence and Snitch Witnesses**

The last three exonerations before this one in North Carolina were cases in which the State withheld from defense lawyers important evidence of the accused's innocence, including evidence undermining the State's case. This case is no different.

At Bo Jones' trial the jury was lead to believe that Lovely Lorden told her story to the police simply because she wanted to do the right thing. In fact, Lovely Lorden was a career snitch who was paid \$4,000 for her testimony in the Bo Jones case.

Lovely Lorden has been paid for years by the police. We learned through our investigation – not through the prosecutor – that Lovely Lorden has worked for numerous local police departments. One officer told us that she worked for his department alone somewhere between 20 and 40 times. She turned in her brother, her son, and her ex-boyfriends – all for money.

We also learned through our investigation - and not from the prosecutor – that Lovely Lorden was rewarded for her lifetime of police cooperation with a "get out of jail free" card. Although Lorden had over twenty convictions for writing worthless checks, when she was sentenced to jail, the police intervened on her behalf to keep her out.

The fact that the truth was for sale – and that Lovely Lorden was paid thousands of dollars for her story – is information that a jury must know in order to fairly evaluate her

credibility. The fact that the State didn't turn over the evidence of Lorden's financial bias, her convictions, or her reduced jail sentence meant he was a deprived of a fair trial.

According to the Innocence Project, testimony of snitches – witnesses who have incentives to lie – is the leading cause of wrongful convictions of individuals on death row. Over 50 innocent men have been sentenced to death based on snitch testimony.

Even this year, when preparing for the retrial, and even with broader reforms requiring open access to the District Attorney's file, the State failed to disclose all of the evidence of Lorden's snitch history. It is just more evidence of a broken system that can't be trusted with life and death decisions.

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