

## Our Most Haunting Fear: Executing an Innocent Person

Wrongful convictions mean victims' families suffer while the real killers remain at large and tax dollars are wasted. These cases represent much that is failing in our justice system.

"The most haunting fear for a prosecutor is that the system could make a mistake, sending an innocent person to death."

*Brent M. Bloom, former chief deputy Douglas County prosecutor  
Testimony to the Nebraska Judiciary Committee, January 29, 2009*

### Just the Facts

- ◆ Since the 1970s, at least 150 men and women have walked off our nation's death rows after evidence of actual innocence revealed that they were sentenced to die for crimes they did not commit. Collectively, they spent over 1,545 years on death row.
- ◆ In 1993, the United States Supreme Court ruled that it is constitutional to execute an innocent person as long as that person had a "fair" trial.
- ◆ More than one innocent person has been exonerated from death row for every ten who have been executed. That's an error rate of more than 10 percent. More than 300 others, including 6 in Nebraska, have been exonerated from long prison sentences as a result of dramatic advances in DNA testing.

- ◆ In April 2006, in Cass County, Matthew Livers, then 28, confessed, after more than 11 hours of questioning, to the murder of his uncle and aunt, and implicated his cousin, Nicholas Sampson, in the murders. Livers, like the Beatrice Six, was threatened with the electric chair. The problem – he didn't do it, and neither did his cousin. The real murderers are now serving life sentences.
- ◆ Contrary to the belief of some, the appeals process is not designed to catch mistakes. The vast majority of exonerations have come about only because of the extraordinary efforts of people working outside the system – pro bono lawyers, family members, and former jurors, even students.

“Humans inherently make errors, yet society expects judges and law enforcement officers to be perfect. Such expectations have placed an unfair burden on them to determine whether or not a person should be sentenced to death.”

*Curtis McCarty, exonerated death row inmate  
Testimony before the Nebraska Judiciary Committee, March 13, 2013*

“Although I have no moral qualms about the death penalty, I feel it is subject to human error. One has only to refer to the recent exonerations of six men and women from...Beatrice.”

*James M. Murphy, Retired District Court Judge & former Douglas County Prosecutor  
Testimony to the Nebraska Judiciary Committee, January 29, 2009*