

WASHINGTON, DC – Yesterday, House Judiciary Committee Ranking Member John Conyers, Jr. (D-Mich.), Crime, Terrorism and Homeland Security Subcommittee Ranking Member Bobby Scott (D-Va.), and House Judiciary Committee Member Hank Johnson (D-Ga.) wrote a letter to the Georgia State Board of Pardons and Paroles urging them to reconsider the decision to conclude Troy Davis' death penalty clemency hearing. Mr. Davis' defense team was unable to finish presenting evidence in support of his request for clemency. Specifically, Mr. Davis' defense team wished to present the testimony of an expert on eyewitness identifications, a critical aspect of Mr. Davis' request which turned on the fact that several eye witnesses at his trial had since recanted their testimony.

"Since 1973, more than 135 individuals on death row have been exonerated based on their innocence." Conyers said. "There is overwhelming evidence that casts doubt on Troy Davis's conviction. Before Mr. Davis is executed, the Georgia State Board of Pardons and Paroles should consider re-opening Mr. Davis' clemency hearing because the defense team was unable to present all evidence establishing his innocence."

"Under the Antiterrorism and Effective Death Penalty Act, the burden is on the defendant to prove actual innocence by 'clear and convincing evidence,'" Scott said. "This standard is more stringent than preponderance of the evidence and so a defendant demonstrating that he is probably innocent will not meet this burden. Lack of evidence of guilt is not affirmative evidence of innocence. Despite the fact that Troy Davis demonstrated that the evidence against him left substantial reasonable doubt of his guilt, the District Court found that he was unable to prove with clear and convincing evidence that a jury would not convict him, based on the available evidence. Similarly, the Georgia Board of Pardons and Paroles did not find the evidence compelling enough to grant clemency, even though they did not hear all of the evidence. There is something fundamentally wrong with our system when someone may be put to death when the evidence we have available today casts serious doubt about his guilt."

"As a criminal defense attorney, judge and member of the House Judiciary Committee, it disturbs me to my core that an unnecessary and unjust killing may take place," Johnson said. "If we execute a man despite new evidence that casts doubt on his guilt, it shakes the public's faith in the integrity of justice in Georgia."

Previously, Representatives Conyers, Scott, and Johnson wrote Chatham County District Attorney Larry Chisolm urging him to drop the death warrant against Mr. Davis and support his appeal for clemency in light of the substantial doubt surrounding his guilt. A copy of this letter can be found at the following link: <http://democrats.judiciary.house.gov/sites/democrats.judiciary.house.gov/files/JudMembers4Davis110916.pdf>

The letter to the Georgia State Board of Pardons and Paroles follows below.

Chairman James E. Donald

Georgia State Board of Pardons & Paroles
2 Martin Luther King, Jr. Drive, SE
Suite 458, Balcony Level, East Tower
Atlanta, Georgia 30334

RE: Troy Anthony Davis Pending Execution Scheduled for September 21, 2011

Dear Chairman Donald and Members of the Georgia Board of Pardons and Paroles:

We are writing to urge you to reconsider your decision to conclude Troy Davis' clemency hearing on September 19, 2011. It is our understanding that Mr. Davis' defense team was unable to finish presenting its evidence in support his request for clemency.

We understand that, due to time constraints, the Board was unable to hear from Dr. Jennifer E. Dysart, an expert on eyewitness identifications. We attach the letter written by the Innocence Project, which elaborates the myriad reasons that Dr. Dysart's testimony is critical. As you are well aware, the only evidence linking Mr. Davis to the crime is eyewitness testimony. Given the gravitas of the task with which you were charged, and what the research tells us about this type of evidence, we urge you to give new consideration to concluding Mr. Davis' hearing without hearing from this critical expert.

Sincerely,

John Conyers, Jr., Ranking Member

Robert C. "Bobby" Scott, Ranking Member, Subcommittee on Crime, Terrorism, and Homeland Security

Hank Johnson, Member

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