

CAPITAL CASES

I practiced criminal defense from 1972 to 1996. During that time, I represented approximately thirty people charged with homicide. In two of the cases, I was hired to handle the appeal after the client had been sentenced to life in prison for Murder. At that time, Oregon did not have the death penalty. If the death penalty had been in existence when my innocent clients were convicted, I am pretty certain one of them would have been sentenced to death as the crime was horrific.

When I looked into the cases, I discovered that both clients were completely innocent. They had no connection to the murder for which they had been sentenced to prison. I was able to get both cases reversed on appeal. In one case, the jury acquitted at a retrial. In the other, the case was dismissed after pretrial motions. What frightened me was the math. If I am one attorney and two out of my thirty homicide clients were factually not guilty, what percentage of convicted murderers have no connection to the murder for which they are serving time.

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