

# The death of the death penalty at hand?

Asheville Citizen-Times

Frank Baumgartner OPINION • September 16, 2010

Across North Carolina, newspapers, defense lawyers, crime victims, even prosecutors, are calling for a moratorium on the death penalty.

In light of revelations that the State Bureau of Investigation offered false or misleading evidence in hundreds of cases, a moratorium isn't enough. All 159 of North Carolina's death row inmates should have their sentences commuted to life in prison without parole.

It's the only solution that makes sense in the wake of a scandal so messy it may never be fully sorted out.

It's also a solution that would save North Carolina millions of dollars that could go to schools, social services — or cleaning up the SBI's crime lab.

A moratorium won't change that. A study this year found that, even though North Carolina has not executed a prisoner since 2006, the death penalty costs the state \$11 million a year. Analyzing the role of the crime lab in each of these cases will likely add tens of millions of dollars to this cost and few people currently on death row will ever be executed.

Even if we don't care about money, we should care about the truth.

A new state-commissioned audit shows that the SBI offered flawed evidence in seven capital cases. Three of those defendants have already been executed, and another four remain on death row.

Now, North Carolina must grapple with the possibility that innocent men were executed because of false evidence from state investigators. It is hard to imagine anything more abhorrent in a justice-seeking society.

And those seven cases are likely only the beginning.

The audit looked only at the SBI's blood unit. Its five other units, which examine fingerprints, DNA evidence, ballistics and more have not gotten similar scrutiny. Recent newspaper reports suggest that those units may be just as deeply flawed.

Forensic evidence is key to capital murder cases. All 159 men and women awaiting their court-ordered deaths have been touched by this scandal.

Many of them were convicted years, even decades, ago. Evidence in their cases has been lost or destroyed, witnesses have died, memories have faded. The truth in their cases can never be fully uncovered.

A moratorium is a temporary measure that could be lifted at any time, a stop-gap fix for a permanent and fatal problem.

Let's convert their sentences to life in prison so we never again have to wonder whether an innocent man has been wheeled from the execution chamber.

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