

The Abolitionist

Coloradans Against the Death Penalty

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Former Illinois Governor and Exonerated Death Row Inmate Coming to Colorado

This month, Coloradans have the opportunity to hear about the death penalty from two unique and very different perspectives – that of a man whose controversial decision spared the lives of 167 death row inmates, and that of a man who spent 17 years on death row for a crime he didn't commit:



Gov. George Ryan

In January 2003, Illinois Governor George Ryan made history by granting a blanket clemency to all 167 people on death row in that state, commuting their sentences to life in prison without parole. Filmmakers Katy Chevigny and Kirsten Johnson bring us directly into the emotional and legal contro-

versy surrounding Ryan's decision in their documentary film *Deadline*, which premiered at the 2004 Sundance Film Festival.

The following events will feature a screening of *Deadline*, introduced by Gov. Ryan and the filmmakers, and followed by a panel discussion:

TUESDAY, SEPTEMBER 21

7:00 pm, Starz FilmCenter, Denver

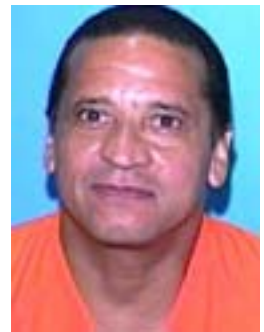
First in a four-part series of death penalty films. Seating is limited. For ticket prices or for more information, go to www.starzfilmcenter.com.

WEDNESDAY, SEPTEMBER 22

7:00 pm, Muenzinger Auditorium, CU, Boulder

Free and open to the public. Sponsored by the CU Athenaeum. For more information, contact cwaathen@colorado.edu.

CIADP is pleased to be sponsoring the Colorado appearances of Juan Melendez, the 99th innocent person to be freed from death row since 1973.



Juan Melendez

On January 3, 2002, prosecutors dropped all charges against Mr. Melendez after Judge Barbara Fleischer of the Thirteenth Circuit Court in Florida overturned his conviction. Mr. Melendez had spent more than 17 years on Florida's death row.

Judge Fleischer overturned Mr. Melendez's conviction after determining that prosecutors in his original trial withheld critical evidence, thereby undermining confidence in the verdict. In her 72-page opinion, she noted that no physical evidence linked Mr. Melendez to the crime. The conviction was based on the testimony of two witnesses whose credibility was later challenged. In addition, newly discovered evidence pointed to another man as the real killer.

Mr. Melendez will be sharing his story at the following free and open-to-the-public events:

MONDAY, SEPTEMBER 27

6:00 - 8:00 pm, DU Law School, Forum

For more info, contact donbounds@earthlink.net.

WEDNESDAY, SEPTEMBER 29

3:30 - 5:00 pm, Regis University, Denver Science Amphitheater

For more info, contact bplumley@regis.edu.



Colorado Death Row Update

by Randy Canney

Colorado currently has three individuals on death row, and post-conviction proceedings are pending in all three cases:

ROBERT HARLAN was convicted and sentenced to death in 1995 for the murder of a casino waitress and attempted murder of a woman who came to her aid. Although his conviction was affirmed on direct appeal, Kathleen Lord and Sharlene Reynolds of the Colorado State Public Defenders Office did an incredible job in having Judge Vigil of the Adams County District Court vacate the death sentence because of juror misconduct. Jurors in that case improperly brought Bibles into the jury room and wrote down and quoted passages from the Old Testament. Such reliance on outside sources is strictly forbidden and jurors are instructed are instructed accordingly. However, the State of Colorado has appealed that decision and the matter is now before the Colorado Supreme Court, where Kathleen Lord continues to represent Mr. Harlan.

NATHAN DUNLAP was convicted and sentenced to death in 1996 for the murder of four employees at an Aurora Chuck E. Cheese's restaurant. His direct appeal was unsuccessful. Attorneys Phil Cherner, Colleen Scissors, and Michael Heher recently finished litigating a massively complicated post-conviction attack in Mr. Dunlap's case that involved raising over 100 issues, includ-

ing matters relating to jury selection and ineffective assistance of trial counsel. Unfortunately, Judge Leopold of the Arapahoe County District Court denied relief, and the case now proceeds on appeal to the Colorado Supreme Court, where Mr. Cherner and Mr. Heher continue the fight.

EDWARD MONTOUR represented himself and pled guilty in 2003 for the murder of a correctional officer. He continued to represent himself in the penalty phase, presented no mitigation, and was sentenced to death by Judge King of the Douglas County District Court. Continuing *pro se*, Mr. Montour then waived any post-conviction challenges and now seeks to waive any appeal other than the mandatory review by the Colorado Supreme Court. The Supreme Court has remanded the case to the District Court for determination of Mr. Montour's competency to waive his appeal, and counsel has now been appointed over Mr. Montour's objection to litigate the issue of competency. This case highlights the problem of so called "volunteers," or defendants who refuse both legal representation and fail to present any defense or mitigation. Although individuals have the right to represent themselves, if we have a death penalty, our system must find a way to see that mitigating information is brought before the court lest we simply have suicide via the State in such cases.



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Where the Candidates Stand

BUSH vs. KERRY

Information on George W. Bush taken from the Death Penalty Information Center website (www.deathpenaltyinfo.org); information on John Kerry taken from CNN.com:

George W. Bush strongly favors the death penalty. Bush was governor of Texas during a record 152 executions, more than in any other state in all of the previous 24 years since the death penalty was reinstated. And it is not only the sheer number of executions: during those years, Texas went vigorously forward with executions of juvenile offenders, the mentally retarded, foreign nationals not informed of their rights under international treaties, defendants with sleeping lawyers, and others with serious doubts about their guilt.

During his 2000 Presidential campaign, Bush first found himself being scrutinized on the death penalty when he reportedly mocked the final entreaty of Karla Faye Tucker before she was executed, imitating her saying: "Please, don't kill me."

But the issue of innocence has been the one most often raised. When asked about the many executions under his watch, Bush refused to acknowledge the growing skepticism around the country about the reliability of the death penalty system: "All I can tell you," Bush said, "is that for the four years I've been governor, I am confident we have not executed an innocent person, and I'm confident that the system has worked to make sure there is full access to the courts."

Sen. John Kerry opposes the death penalty, except in cases of terrorism. In a Feb. 2004 debate, moderator Larry King asked Kerry if a person who kills a 5-year-old should live. "My instinct is to want to strangle that person with my own hands," Kerry said. "But we have 111 people who have been now released from death row ... because of . . . evidence that showed they didn't commit the crime of which they were convicted. Our system has made mistakes, and it's been applied in a way that I think is wrong," he said, adding that the death penalty also compromised America's "civility" as a nation.

COORS vs. SALAZAR

The following was excerpted from "Hopefuls Sidestep Religion," by Eric Gorski, *The Denver Post*, August 16, 2004:

Ken Salazar grew up in the cradle of Colorado Catholicism, studied for the priesthood as a teen and keeps a Bible at his bedside. He has long talked about the importance of faith in shaping his values.

Pete Coors is a convert to Catholicism, a former Episcopalian who adopted the faith of his wife after a process that began with accompanying his family to Mass and culminated at World Youth Day in Denver 11 years ago. Now, explaining his faith in the public square for the first time, the

rookie politician says he can't find much about Catholic teaching he disagrees with.

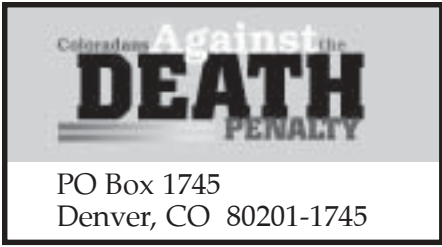
In a year in which the personal faith of candidates has assumed an unusually high profile, both men in Colorado's nationally significant U.S. Senate race will likely confront the risks and rewards of explaining how their shared faith influences their positions.

Salazar departs from church teachings by backing the death penalty. It's a position Salazar said he developed after working on heinous murder trials such as that of Gary Davis, who was convicted of abducting, sexually torturing and killing Virginia May

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of Byers. Davis' 1997 execution was the first in Colorado in 30 years.

Coors opposes the death penalty, which puts him in conflict with most Republicans. Coors said his positions on abortion and the death penalty have remained constant. "In terms of my attitudes, I don't think they've changed markedly over the course of my life," he said. "But when I became a Catholic, I solidified my opinions on both issues."



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*Benefactor level includes an additional three free memberships and Corporate level an additional five. Please submit the names and addresses of those whom you would like included in the membership.

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