

# The Abolitionist

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## Our Mission

The mission of Coloradans for Alternatives to the Death Penalty (CADP) is to make our justice system more effective by establishing smart alternatives that abolish capital punishment. CADP will do this through religious, educational, advocacy, and victims rights efforts.

## Innocence and Death Penalty

BY SURAJ CHAUDARY

When George Ryan commuted the death sentence for all 176 death row inmates in Illinois in 2003, he gave a clear explanation for his unprecedented decision: “Our system is haunted by the demon of error – error in determining guilt, and error in determining who among the guilty deserves to die.” Ryan’s claims about systemic errors that led to wrongful convictions were supported by 13 exonerations since 1977, but also by a three-year study, “Report of the Governor’s Commission on Capital Punishment” that found many problems with the fairness of death sentencing.

Catastrophic failures in distinguishing the innocent from the guilty, which Ryan attributed to the Illinois death penalty system, also plague other states where capital punishment is still practiced.

The number of people executed in the country since 1976 (1221) and the number of people exonerated in the same period (130), gives an indication of the high degree of error that undermines any hope for justice sought through the death penalty; 10% of people sentenced to death may be innocent.

For those who believe that capital punishment serves as a deterrent against such heinous crimes as murder and rape, it should be apparent that there couldn’t be any better encouragement for these criminals than execution of the innocent. When an innocent person is executed for a crime, the case is closed forever - there have been no cases of posthumous exoneration in the United States - effectively freeing the actual perpetrator from any potential punishment.

A bigger contradiction looms for those who believe the death penalty serves as retribution for those who commit murder, taking from them what they have taken away from others. By executing a possibly innocent person, society exercises the same cruelty and inhumane behavior of which it accuses the murderer. Instead of enabling retribution, society commits an irrevocable criminal act.

Pursuing that logic, shouldn’t those who support capital punishment demand the death penalty for those who supported the execution of an innocent person? In the last three decades we find at least a dozen cases of executions where the defendant was factually innocent, according to an article in Crime and Delinquency journal. What is the punishment for society committing murders of innocent people in the name of the death penalty?

There is no way society can make up for taking an innocent life, just as there is no way a murder can give back the life of a victim. In the case of a criminal, we can ensure that no one else suffers a similar fate by not allowing the criminal to go back into society. In the case of society taking an innocent life, all we can do to ensure a similar murder doesn’t happen again is to abolish the death penalty. As long as the facts show that there are wrongful convictions, there cannot be any justification for the practice of death penalty in Colorado and elsewhere.

*Suraj Chaudary is a 2010 CSU graduate majoring in English and Philosophy.*

## FROM THE EXECUTIVE DIRECTOR:

Coloradans for Alternatives to the Death Penalty has had a busy and productive season organizing a number of exciting and educational events this autumn.

In September and October, Witness to Innocence has agreed to partner with us to sponsor two "Exoneree Tours". Please help us welcome three wrongfully convicted men to Colorado for these events. These individuals, Derrick Jamison, Randy Steidl and Shabaka WaQlimi will visit a number of religious and educational facilities, sharing their unbelievable stories and leading discussions about the faults in the American criminal justice system. This newsletter introduces you to each exoneree and his shocking experience on death row. Please use these articles to become familiar with their cases and join us to hear their stories in person this fall. The schedule of these tours is on Page 8 of this newsletter or go to [www.coadp.org](http://www.coadp.org) for more information.

Also this September is CADP's annual Abolition Awards Dinner. Please join me in congratulating this year's award winners: Michael Root is Abolitionist of the Year, Representative Ed Vigil receives the Spirit of Courage Award, and Philip Tobias is Volunteer of the Year.

Sister Helen Prejean will be our Keynote Speaker. Internationally acclaimed writer and activist, Sister Helen is best known as the author of *Dead Man Walking* and *The Death of Innocents*. She has dedicated more than three decades to the abolition movement. Her work began as a spiritual advisor to death row inmates and Sister Helen now travels the world raising awareness about capital punishment.

We hope to see you there - Lisa Cisneros

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## Shabaka WaQlimi Visiting Colorado

BY AARON D. GRAFF



shabaka Waqlimi

Shabaka WaQlimi will visit Colorado in October to discuss his time on death row, his eventual release after evidence was overturned and to spark dialogue regarding capital punishment in Colorado and across the nation. He intends to reveal personal aspects of capital punishment, and he believes that discussions with people who have been in his situation bring the debate to life.

WaQlimi spent 13 years on death row in Florida for crimes he didn't commit. He never waived from his claim of innocence, even to the point of refusing to order his last meal, and to this day he believes the state of Florida executed innocent men while he was there. Asked why he was wrongfully convicted, he cites race as a factor: "I had a white, court-appointed attorney, the DA was white, the judge and jury were white, and I was referred to as a nigger by a member of the jury."

WaQlimi says racism is a reason the death penalty persists today: "An apartheid system still exists. We still judge people based on the color of their skin. If we really followed the words of Martin Luther King, we wouldn't have the death penalty, and we wouldn't have this economy." His anger towards the American justice system stems not only from his wrongful conviction and the loss of years he can never reclaim, but also from the lack of repercussions for a system that "deliberately and intentionally convicted me."

Shabaka WaQlimi now shares his story to prevent others from suffering the same injustice he endured, and to let people know the government has executed innocent people. When people ask him what he would think of capital punishment if his mother was murdered, he replies, "What if it was your mother that killed my mother? Would you still be in favor of the death penalty? When it's personal, we take time, hesitate and pause, and think about it."

# 2010 ABOLITION DINNER

## KEYNOTE SPEAKER



Sister Helen Prejean

Sister Helen Prejean has been instrumental in sparking national dialogue on the death penalty and helping to shape the Catholic Church's newly vigorous opposition to state executions. She travels around the world giving talks about her ministry. She considers herself a southern storyteller.

Join us for a VIP Reception with Sister Helen and our Annual Awards Dinner honoring those at the forefront of the Colorado abolition movement.

Attorney Michael Root is our Abolitionist of the Year, in recognition of his extraordinary dedication in defending capital punishment cases.

Representative Ed Vigil wins CADP's Spirit of Courage Award for his courageous vote in favor of HB09-1274 to repeal the death penalty in 2009.

Phil Tobias is CADP's Volunteer of the Year Award for a decade of work volunteering his time as CADP's webmaster and e-mail list moderator.

### **Location**

Arvada Center for Arts and Humanities  
6901 Wadsworth Boulevard  
Arvada, CO 80003-3499

### **Date and Time**

Saturday, September 11, 2010  
VIP Reception: 6:00 p.m.  
Dinner and Awards: 7:00 p.m.

### **Tickets**

\$100 - Annual Dinner and Program  
\$75 - Young professional (35 and under)  
\$50 - Students/Senior  
*Add \$25 per person for the VIP reception*

Tickets can be purchased online with PayPal at  
[www.coadp.org](http://www.coadp.org) or by check:  
CADP, PO Box 46123, Denver, CO 80201

# ONE HOUR TO DEATH: The Derrick Jamison Story

**BY LUKE TURF**

Derrick Jamison refused to sign for his last meal and he refused to sign his death certificate.

For that matter, Jamison said, he refused to sign anything that the state of Ohio presented him with in order to facilitate his own death by lethal injection.

Jamison said that he doesn't know if the needle would've gone into his left arm or his right arm, but as the death clock ticked down from months to weeks to days to hours-- to the final hour, Jamison almost found out.

Ohio's death row housed 186 inmates when Jamison received his sentence on October 25, 1985. He befriended many and knew of other defendants through the media. As he got older during the two decades that he spent on the row, the fresh faces grew younger and younger, Jamison said. He is one of six of those faces who have been exonerated in Ohio. He said that he saw 30 men die on death row in the meantime, some of whom he said he knows were innocent.

"It's like you'd be around someone for a decade, next door for 24 hours a day, talking and watching TV. and you become good friends," Jamison said. "And then they kill your buddy, if they killed one of your best friends, that's how you would feel. It was so scary watching them kill guys, it broke my heart, a young guy who should be in college on his way to death."

Sometimes the state killed inmates. Sometimes they hung themselves or overdosed on prescription meds. Sometimes,



Derrick Jamison: "There ain't nothing hard aabout being free"

Jamison said, they killed themselves inadvertently by accepting prescription drugs that seemed to render inmates incapable of assisting with their own defense. "I think a lot of them were taking it to get away from what they were experiencing and it backfired on them," Jamison said.

Jamison said that the feeling among death row inmates is that they are going to hell, even though they also feel that they are already there. He describes death row as "suffering beyond imagination." He said that the guards, the media, courts and lawyers all serve as constant reminders of your impending execution.

During the two decades following Jamison's wrongful conviction,

he lost a lot of friends and family on the outside too. He lost a niece. He lost his mother. He lost his father.

And as he came closer to his own demise, he cut off the rest of the world, unable to cope.

Then exactly twenty years to the date of Jamison's sentencing, he was set free by the state of Ohio. Jamison said that he never received any compensation. He said that the district attorney and the police officers who withheld evidence expressed some regret in the media but that they never apologized personally, nor did the lying witness who got a deal in exchange for his testimony.

But Jamison isn't dwelling on the past. He's moving on, fighting the death penalty and coming to Colorado as the five-year anniversary of his redemption approaches.

"There ain't nothing hard about being free," Jamison said, "I been on death row for two decades so everything now is beautiful, I see things different now. And that just breaks my heart knowing that they have killed innocent people. Basically, what they did is kidnap that person off of the street and murder them, there's innocence on death row, killing of innocent men."

*Luke Turf is a criminal investigator and is a former Westword writer.*

# **RANDY STEIDL – A Long Fight Against Injustice and Death Penalty**

**BY SURAJ CHAUDARY**

Randy Steidl was wrongfully convicted of the murder of two people in Paris, Ill., and sentenced to death in 1987; he spent more than 17 years in prison before being exonerated in 2004. It is difficult to understand the injustice experienced by a person when we read “wrongfully convicted” in a death penalty case. We may get the idea the exoneree was a victim of mistakes, expected in any man-made system, unless we look at the kinds of mistakes made in a particular case and the kinds of attempts made at correcting the situation once mistakes were discovered. In these details we can more fully understand injustice.

Steidl, with co-defendant Herbert Whitlock, was convicted of murdering Dyke and Karen Rhoads based on two eyewitness accounts, that of Deborah Reinholt and Darrell Herrington. According to the Supreme Court of Illinois description of the case in 1997, Reinholt testified that she was a drug addict and an alcoholic, and had smoked marijuana just before encountering Steidl the night the crime took place. She admitted to confusion about the scene where she allegedly saw Steidl murder the victims. Herrington testified he, too, was an alcoholic and on the day of the murders drank continuously from noon to midnight, shortly before the murders took place. Each version contradicted the other.

In 1988 Herrington recanted his testimony before a court reporter. Reinholt recanted hers in a signed affidavit in 1989. Both reverted to their original statements in a hearing before a judge later in 1989. In 1990, Steidl was denied post-judgment relief which would have allowed a retrial based on recantation of recantations. These two were trusted regardless of being drunk and drugged; they were trusted even after recanting their testimonies.

According to the Illinois Supreme Court report from 1997, additional investigation of the crime scene, carried out after Steidl’s death sentence, found many areas in which Steidl’s lawyer, S. John Muller, failed to provide adequate assistance during the trial and sentence hearing. For

example, Muller never met Steidl’s alibi witness or called him to testify; he never subpoenaed any of the three people who made statements or signed affidavits that disputed the testimony given by Reinholt, the first eyewitness to the murder; he did not pay attention to crime scene evidence that contradicted Reinholt’s and Herrington’s testimony; and he never tried to dispute Reinholt’s testimony though she made three inconsistent statements to police before the trial.

After presenting problems regarding his lawyer’s competency, Steidl’s petition for a retrial was rejected in 1995. Paul Komada, the judge who denied the petition for retrial or a hearing in which new evidence could be presented, was an acquaintance of Muller. In denying the petition, he wrote the lawyer had been competent in the past, disregarding evidence showing Muller was incompetent. The Illinois Supreme Court noted this aspect of Komada’s decision two years later in 1997; in relying on personal knowledge about Muller, Komada “considered information outside the record, which is prejudicial error.” Though Komada was removed from the case, Steidl’s imprisonment continued.

Although problems related to Steidl’s trial were noted by the Illinois Supreme Court in 1997, including that Reinholt had again recanted her testimony and recanted this recantation for a second time in 1996, he would not be released from prison for many years. A circuit judge wouldn’t allow a retrial even after compelling evidence was presented in an evidentiary hearing in 1998. However, in 1999, his sentence was reduced to life imprisonment without parole, which was a far harsher punishment than the death penalty, according to Steidl. Petitions for a retrial were repeatedly rejected in 2000 and 2001.

After 16 years in prison, Steidl was granted a trial in 2003 and was released in 2004 after the state dropped all charges. What happened to Randy Steidl was more than a series of mistakes. Had he not persevered, he would have been murdered by the state for having done nothing. In allowing the death penalty, a state also allows for a possible mistake which cannot be redressed; as he said in testimony before the Colorado legislature last year, “An innocent man ... cannot be released from the grave.”

## Interview with Randy Steidl

BY SURAJ CHAUDARY

Randy Steidl, from Paris, Ill., spent more than 17 years in jail for murders he did not commit. He was exonerated in 2004 and has advocated against death penalty ever since.

How long were you on the death row and why?

I was incarcerated 17 1/2 years and 12 of those years were on death row for a double murder of a young newlywed couple in 1986 that I did not commit.

What was it like knowing for more than 12 years you were going to die for nothing you had done?

Well, when you lose every state appeal in the state courts, it is just an exercise in futility. When you have mounting evidence of your actual innocence being ignored by state courts and then you end up with first execution date and then four years later you end up with another execution date. The only relief I ever got in state court was that after 12 years they rendered my trial attorney ineffective at sentencing only and instead of re-sentencing me to death they gave me life without parole. So all the hard work my attorney did for almost 14 was to no avail until I finally reached federal court, and after that it took an additional 3.5 years to gain release. And all on the word of a town drunk and a drug-addict woman.

Do you think your sentence was reduced to life because they realized that you were innocent but didn't want to acknowledge it?

I think the reason they reduced my sentence is because of all the publicity I had and the corruption involved in my case. They were hoping that I would get a life sentence and I would lose my good attorneys and the news media would fade away. But they all stuck with me; they believed in my innocence because there was no physical evidence tying me to the crime and I had a corroborated alibi.

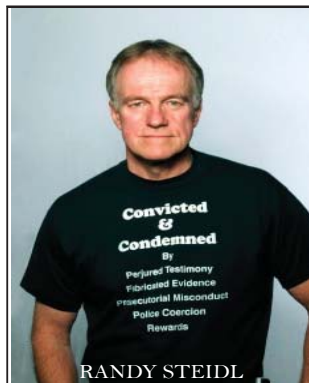
What about your defense attorney who never even used your alibi?

Yes, he didn't, and he didn't attack the prosecution's witnesses. My at-

torney was so ineffective he didn't use expert witnesses, he didn't cross examine [eyewitnesses]; every story they told contradicted everybody else. But thank God we have federal courts, because the federal judge after all those years released me because he said my attorney was ineffective and had he used the evidence available to him I would have been found not guilty.

Do you see a problem in the system as such in this kind of ineffective counsel and overall corruption?

Again, there is no accountability for ineffective defense attorneys or



corrupt prosecutors. [Even] when you are dealing with life and death, they do not have a gatekeeper that sees to it in the form of a real judge of state court, who will limit what the prosecution can put on and who will bring the defense attorney to task for not doing his job.

Has your view of our justice system changed?

It is no different today than it was 17 1/2 years ago. If you don't have accountability, checks and balances, when it comes to prosecutorial misconduct and known use of perjured testimony, and [if we don't] prosecute these prosecutors and these state judges who knowingly and intentionally allow that to occur in a state court, it's going to continue to happen. These people think that they are absolutely immune for anything they do, because there are perjury statutes on the books and they are never used.

So you are saying it is a problem with the system?

I think it is partly the system that allows it to occur. I believe we have the best system in the world, but it's the people that are working within the system; the system is

only as good as the people who administer it. And if it's "win at all cost," truth and justice have nothing to do with the outcome of the trial, it's all about winning.

You got a chance to prove yourself innocent, but you could easily have been executed given that you were on death row for 12 years.

Exactly, you can release a man from prison but you cannot release him from the grave. That is why this country has no business administering capital cases and handing out death sentences because if you are not a 1000% sure, then how can you believe in a system that takes a human life. We know that we have executed innocent people, there are 139 cases of exonerations in this country. How many weren't as fortunate as the 139, but yet they continue to hand out death sentences in this country because politicians believe that death penalty saves lives. And you know what, they are right, it saves their lives.

What alternatives do you suggest to death penalty?

I believe that there should not be any death sentences handed out when you have imperfect people who have agendas and want to win at all costs. I believe it should be if you are convicted of murder, it should be an automatic life without parole. At least you know that you are going to be able to stay alive in order to fight and prove your innocence.

A lot of money is spent on death penalty cases. How instead could we use this money to change the system?

They spent \$3.5 million in almost 12 years trying to execute me of taxpayers money. I believe that the money could be better spent for victim's family members, it could be better spent for better law enforcement training, for better prosecutorial training rather than have a death sentence. Illinois spent over \$100 million over the last 15 years defending capital cases, but yet there's not been but 12 executions in the last 30 some years in this state.

## Pardoning Joe Arridy,

BY AARON D. GRAFF

Among the many arguments that citizens make opposing capital punishment, the possibility of executing an innocent person looms as one of the most prevalent and disheartening arguments one can make. When confronted about this possibility in 2006, United States Supreme Court Justice Antonin Scalia adamantly stated that an innocent person had never been wrongly convicted and executed. If an innocent person had been executed, Scalia said, "the innocent's name would be shouted from the rooftops."

Opponents of capital punishment in Colorado are not only shouting the name Joe Arridy from their rooftops, but are seeking a posthumous pardon of the Colorado man executed on January 6, 1939.

Arridy's execution rarely gets mentioned, but in the late 1930s, the story captivated the residents of Pueblo. After the brutal murder and rape of 15 year old Dorothy Drain, along with the beating of her younger sister Barbara, citizens of Pueblo begged for justice. A few leads gave a brief description of the murderer, and news of the story stretched up and down the Rocky Mountains. This led to the arrest of Arridy in a Cheyenne railroad yard for vagrancy, and he eventually admitted to the crime.

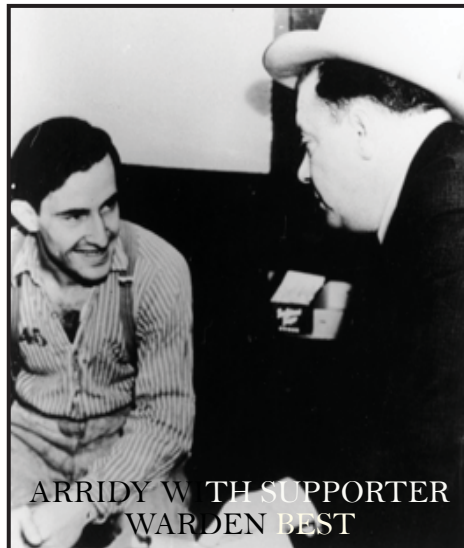
Through the sudden excitement of possibly solving the case, the reality of Arridy's mental state failed to cause much reservation in prosecuting him. He had been kicked out of school after two years, labeled mentally deficient, and housed in the Colorado State Home and Training School for Mental Defectives in Grand Junction. Medical experts adamantly and continuously defended Arridy's inability to understand right from wrong, and testified that he would be willing to admit to anything.

State law officials ignored all of these signs, and continued with their prosecution. The state also ignored a signed statement from Frank Aguilar in which Aguilar admitted to

the murder himself. The eventual execution of Aguilar didn't satisfy the prosecutors, and they worked to convict Arridy and sentence him to execution.

It wasn't until Arridy's stay at the Colorado State Penitentiary that he became more than a wandering 'imbecile'. Warden Roy Best took a liking to Arridy, calling him the happiest man on death row. Arridy found comfort and safety while awaiting his execution, and a motorized car and train more than kept him happily busy. Other inmates on death row didn't shy away from humoring Arridy, winding up the toys and sending them back, though they expressed frustration at not being able to get him to understand why he was in prison.

Prominent Colorado attorney Gail Ireland took up the case on Arridy's behalf, and was able to get a stay of execution 9 times, but much to the dismay of Ireland and Roy Best, the Colorado Supreme Court voted 4-3 that Arridy didn't deserve another sanity trial. His last meal consisted of Best's wife's homemade ice cream. His mother shrieking cries of sorrow, and the prison chaplain's calming hand were the last moments of Arridy's life. Ireland said of Arridy's execution, "Believe me when I say that if he is gassed, it will take a long time for the State of Colorado to live down the disgrace."



ARRIDY WITH SUPPORTER  
WARDEN BEST

Thanks to Robert Perske, whose extensive research and continued devotion to Arridy's story can be read in *Deadly Innocence?*, Arridy may be partially vindicated by a posthumous pardon that attorney David Martinez plans to submit to Governor Ritter this fall. Perske asks that people send letters in support of Arridy's pardon to him via US Mail to Perske, 159 Hollow Tree Ridge Road, Darien CT 06620. With the help of supporters, capital punishment in Colorado may soon be abolished, and Colorado will never have the death of an innocent person on their hands again.

*Aaron Graff is currently a paralegal working for Philip Cherner. He graduated from George Washington University in 2009.*

## UPCOMING EXONEREE TOUR

### SEPTEMBER

Sunday, September 19, Glennon Height Mennonite Church, 11a.m.-12p.m.

Monday, September 20, Regis University Chapel, 7-9p.m.

Tuesday, September 21, Northeastern Junior College, Sterling, 7-9 p.m.

Wednesday, September 22, Colorado Cure, ACLU Offices, Denver, 7-8:30p.m.

Wednesday, September 22, Saint Michael the Archangel Church, Aurora 7:30-9:30p.m.

### OCTOBER

Sunday, October 17, Parkview Church, Aurora, 9:30-11a.m.

Monday, October 18, Naropa University, Boulder, 12-1:30p.m.

Monday, October 18, Northern Colorado-CURE (Fort Collins) 7:00-8:30p.m.

Tuesday, October 19, Regis University Chapel, 7-9p.m.

Thursday, October 21, Bookery Nook, 4280 Tennyson Street Denver, 7-9p.m.

Please check out our website: [www.coadp.org](http://www.coadp.org) for more events to be announced.

Coloradans for Alternatives to the Death Penalty

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