

Introduced

Bill as

HB 455-FN - AS INTRODUCED

2019 SESSION

19-0185
04/05

HOUSE BILL ***455-FN***

AN ACT relative to the penalty for capital murder.

SPONSORS: Rep. Cushing, Rock. 21; Rep. Danielson, Hills. 7; Rep. McGuire, Merr. 29; Rep. O'Connor, Rock. 6; Rep. Pantelakos, Rock. 25; Rep. Harriott-Gathright, Hills. 36; Rep. Welch, Rock. 13; Rep. Wallner, Merr. 10; Rep. Berch, Ches. 1; Sen. Giuda, Dist 2; Sen. Fuller Clark, Dist 21; Sen. Reagan, Dist 17

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill changes the penalty for capital murder to life imprisonment without the possibility for parole.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to the penalty for capital murder.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Homicide; Capital Murder. Amend RSA 630:1, III to read as follows:

2 III. A person convicted of a capital murder [~~may be punished by death~~] ***shall be sentenced***
3 ***to imprisonment for life without the possibility for parole.***

4 2 Applicability. Section 1 of this act shall apply to persons convicted of capital murder on or
5 after the effective date of this act.

6 3 Effective Date. This act shall take effect upon its passage.

Committee Report

REGULAR CALENDAR

February 20, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety to
which was referred HB 455-FN,**

AN ACT relative to the penalty for capital murder.

**Having considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. David Welch

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 455-FN
Title:	relative to the penalty for capital murder.
Date:	February 20, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill repeals our death penalty and replaces it with "life without the possibility of parole." New Hampshire is one of the safest states in our union and we have not had an execution in 80 years. With the passage of this bill there is no possibility of a fatal mistake by our judicial system. There is no proof that the death penalty serves as a deterrent.

Vote 11-6.

Rep. David Welch
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 455-FN, relative to the penalty for capital murder. **OUGHT TO PASS.**

Rep. David Welch for Criminal Justice and Public Safety. This bill repeals our death penalty and replaces it with "life without the possibility of parole." New Hampshire is one of the safest states in our union and we have not had an execution in 80 years. With the passage of this bill there is no possibility of a fatal mistake by our judicial system. There is no proof that the death penalty serves as a deterrent. **Vote 11-6.**

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 455-FN
Title:	relative to the penalty for capital murder.
Date:	February 20, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS <<Amendment #>>

STATEMENT OF INTENT

This bill repeals our death penalty and replaces it with "life without the possibility of parole." New Hampshire is one of the safest states in our union and we have not had an execution in 80 years. With the passage of this bill there is no possibility of a fatal mistake by our judicial system. There is no proof that the death penalty serves as a deterrent.

Vote 11-6.

Rep. David Welch
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Criminal Justice & Public Safety

BILL NUMBER: HB 455

TITLE: Repeal of death penalty

DATE: Feb 20, 2019 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

This bill repeals our death penalty and replaces it with "life without the possibility of parole."
New Hampshire is one of the safest states in our union and we have not had an execution in 80 years. With the passage of this bill there is no possibility of a fatal mistake by our judicial system. There is no proof that the death penalty serves as a deterrent.

COMMITTEE VOTE: 11-6

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. David Welch
For the Committee

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 455-FN

BILL TITLE: relative to the penalty for capital murder.

DATE: February 21, 2019

LOB ROOM: 204

MOTIONS: OUGHT TO PASS

Moved by Rep. Welch

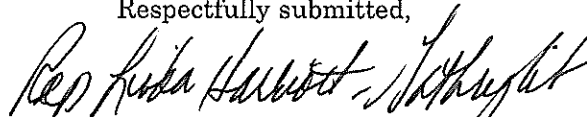
Seconded by Rep. Rodd

Vote: 11-6

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep Linda Harriott-Gathright, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 455-FN

BILL TITLE: relative to the penalty for capital murder.

DATE:

1000AM

LOB ROOM: 204

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. Wales Seconded by Rep. Redd Vote: 11/6

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: [Signature]
Rep Linda Harriott-Gathright, Clerk



1/14/2019 3:15:39 PM
 Roll Call Committee Registers
 Report

2019 SESSION

Criminal Justice and Public Safety

Bill #: HB 455 Motion: OTP AM #: 10:00 Exec Session Date: 2/20/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Cushing, Robert Renny Chairman	✓		
Rodd, Beth Vice Chairman	✓		
Pantelakos, Laura C.	✓		
O'Hearne, Andrew S.		✓	
Harriott-Gathright, Linda C. Clerk	✓		
Opderbecke, Linn	✓		
Bordenet, John	✓		
Meuse, David	✓		
Murphy, Nancy A.	✓		
Newman, Ray E.	✓		
Radhakrishnan, Julie			✓
Swinburne, Sandy L.	✓		
Welch, David A.	✓		
Fields, Dennis H.		✓	
Burt, John A.			✓
Green, Dennis E.		✓	
McNally, Jody L.		✓	
Testerman, Dave		✓	
Wallace, Scott			✓
Abbas, Daryl A.		✓	
TOTAL VOTE:	11	6	3

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 455-FN

BILL TITLE: relative to the penalty for capital murder.

DATE: February 19, 2019

LOB ROOM: 204 Time Public Hearing Called to Order: 10:06

Time Adjourned: 3:50

Committee Members: Reps. Cushing, Rodd, Harriott-Gathright, O'Hearne, Opderbecke, Bordenet, Meuse, Murphy, R. Newman, Radhakrishman, Swinburne, Welch, Fields, Green, McNally, Testerman, Wallace and Abbas

Bill Sponsors:

Rep. Cushing
Rep. O'Connor
Rep. Welch
Sen. Giuda

Rep. Danielson
Rep. Pantelakos
Rep. Wallner
Sen. Fuller Clark

Rep. McGuire
Rep. Harriott-Gathright
Rep. Berch
Sen. Reagan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Renny Cushing, Sponsor - 185 years asking to abolish. Governors time has come.

Richard O'Leary, Former Deputy in Chief, Support - Willingham killed in death penalty. Deters murders. Death penalty does not deter anyone. Death protects public safety. It allows for redemptions.

Kelly Ayotte, Atty Gen., Oppose - 1939 knowing capital police order Oct. 16, 2006
Several Violent Crimes - Officer Briggs life

Philip McLaughlin, Former Atty. Gen., Support - Equitable and balanced

Kirk Bloodscot, ED Witness to Innocence, Support - Hon. discharged Marine 1984 this happened. 9year old girl.

Rep Jeanine Notter - Hills 21, Oppose

Hon Betty Lasky, Support - Former Senator Nashua Truly rename it NH

Anne Lyazek, Support - my family

Christine Rockefeller, Victim, Support - 2 family members murdered by police & military

Wendy Berthiaume, Self & Dover friends - Catholic Jesus belief

Diane Guinlan, Support - Father Walter Murphy 2009-2010 Take off the books this year

Shannon McGinley, Self & little son

Karen Zurherde - Self, Support

Rep David Welch, Rockingham 13, Support - Everyone has a family. When the state puts the family member to death it causes another family to become a victim. . It just does not seem right to create more victims.

Rev Jonathan Hopkins, Support - Self

Mark Sisty, Support -

Susan Feffe, Self, Support - Years ago young man abuse by father execution.

John Sawyer Presbyterian of Northern New England Economic & Moral - God never gives you Capital Vindictive Church of Marc -

Rev Patrick McLaughlin, Support - Unitarian Universalist, Church of Marc - and barbarian.

Dr. Jeffrey Fetter, Support, Chief Med Office, SNU - Private pain - nightmares see victims mothers face. Death penalty cuts off hope and redemption.

Sherry Young, Support, Atty, Concord serve by appointment Rath, Young & Pignatelli. No eye for eye or tooth for tooth. We don't send

Kevin Avard, Support, former Senator, Innocent people can die. We do get it wrong, DNA can get it wrong.

*Robert Dunham, Death Penalty Info Center - 3 decades of homicide data all but 1 had a murder rate above the national average. Dispositional murdered in those that have death penalty. Who do we want to be? What do you want your image to be?

*Andrea LeBlanc, Support, Submitted testimony

Hannah Cox, Support, Conservatives concerned about the death penalty. Manan Baker Quarters

Phil Ruayon, Support, 8 Circuit Court 27 years those not getting death penalty-sometimes will plea guilty.

Chief Mark Chase, Oppose, President, NH Chiefs of Police, Last case in 1939

Grace Matler, Self, Support - Utah, Texas, and Minnesota 2012 20 family affected, tax death penalty, Minnesota researchers

Arthur Brennan Former Judge Retired Superior Court, Support

Gregory Smith, Self, Support

Michael Leuchtenberger, Support, Unitarian Universal Church Eye for an eye

Rep Werner D. Horn, Merr 2, Oppose He feels they should die

Fr Constantine Newman, Support, Greek Orthodox Metropolitan of Boston - most Christians no longer believe in Capital punishment

Katherine Cooper, NHACDL, Support - Govt program, fiscal irresponsible, cause harm to others

Emily Burr, Support - UU Congregation of Franklin

Carol Backus, Support

Rev. Lyn Marshall, Self, Support

Eleanor Haegen, Support - Death penalty is immortal and irrational.

Brachett Scheffy, Retired Circuit Court Judge - Chip away at the Judicial system. - supports

Ray Krone, Support - Witness to Innocence exoneree.

Rev. Rebecca Girelli, Support, United Methodist Church - Father was warden in VT. Must have the power to change - Denies the power of Christ.

Bess Klassen-Landis, Support, Hanover Friends Mtg. - Mother raped & beaten to death. 50 years ago by DNA. DP physical manifestation of hate.

Dr Leonard Karn, Support, 45 years psych. Portsmouth - Medical cant support the death penalty, its against their oath.

Raymond Dodge, Support, Law Enforcement, PD Chief - Best Training equipment, ways to best help the police department

Michael Iacopino, Criminal Defense NH & National NHACDL - Criminal Justice is flawed, does not deter; Money; Great disparity people of color, definitely qualified with poor. Women, minority, poor.

Dan Passen, Support, Self-Young Republican - Christian God would never murder one of his children, pro-life.

Pul Lut, NHCADP, Support - Pastoral care & Counseling St. Paul in Berlin; NH Council of Church Lt PD, Derry.

The Rev. Carlos; Gail Avery

Robin Davis, MCAO, Support - Community puts people in the situation of acting out. We need to help our neighbors and support our neighbors.

Sara McNeil, Support, LWV

Gerri King, Support

Elizabeth Cushing, Support - Death Penalty brings more victims.

Dr. Joe Hannon, Self, Support - We all are accomplices in death penalty.

Rep. Latha Manguipudi, Support - Faith does not give me the comfort to say do the same to those who commit the crime.

*Darryl Perry, Support, Liberty LLC - Written testimony only

KC Lang, MD, Support

Carol Stamatakis, Support, Lempster MA Self - Father greek furniture store owner 20 years cold cases NH 126 unsolved cases.

*Jane Olliner, Support, Written testimony

Susan Sielke, St. James Episcopal Church & Social Justice

Rep. Timothy Horrigan, Support, Strafford

Lucy Crichton, Concord, Support

Bridget Hansily, Support, St. James Social Justice, Death Penalty Coalition, NHDJ -John Brooks, Michael Addison0

Anna Brown, No position, Citizens count, over 200 oppose this bill

Emily Kilheenev, Self, Support,

Amanda Merrill, Self, Support NH CADP

Sally Embley, Webster, LWVNH - Webster, LWVNH - David Kaseski, Death penalty deterrent to families that may want to turn family member in.

Jim Peale, Support, N. Swanzey, Retired Atty, NH Superior Court System

Sara Smith, Support, Quaker

Katherine-Kito Tunney, Support, Self, Concord - Think of a loved one, that says they didn't do it; Think about them being killed and all of the people that have been found innocent.

Kevin Woalley, Self, Support - Fitzwilliam

Charlie Gibson - Not justice outside what God would have us to do

Phil Rondeau, Self, Keene - Stop Killing for vengeance

Alan Cronheim, Support

Palana Belken, Rochester, Self

Raleigh Ormerod, Keene St. James Episcopal

Gregory Heath, Canterbury Support

Susan Wiley, Support, Hamilton

Zoe Picard, Concord, Support - Concord citizen since 1994; Care about victims, Death penalty barbarian & medieval.

Jason Wells ED, NH Council of Churches

Ann Wright, Support

Henry Klementowitz, Self, Support

Bob Ehlers, Support

Robert Clegg, Support, Left before speaking

Ken Grossman, Support

Haley Grossman, Support

Melissa Hinebranch, Self, Support

Deborah Demoalpred, Support

Sarah Blodgett, Support

Will Thomas, Support

Pat Hortdoerfer, Support

Mindi Messmer, Support

Rep Kris Schultz, Support

Martha Hunt, Support

Hon. Eileen Ehlers, Support, NHCADP, former Rep

Tony Coreaty, Support, Kairos Prison Ministry - Redemption is powerful and annul able for everyone

Raymond Bilodeau, NHCADP, Support, Sadness more lost

John Tobin, Support, Self - Sister murdered at 29, Perpetrator was executed - closure is none did not provide peace another person dead what about their family.

Martin Toe, AFSC 8th Amendment constitution

Jeane Hruska, Support, ACLU NH Political Director, DNA always advancing

Barbara Keshen, NHCADP, Support

Steve Merrill, Chair of NHCADP

Respectfully Submitted,

Rep. Linda Harriott-Gathright

Rep. Linda Harriott-Gathright, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 455-FN

BILL TITLE: relative to the penalty for capital murder.

DATE:

ROOM: 204

Time Public Hearing Called to Order: 10:06 AM

Time Adjourned: 3:50 PM

(please circle if present)

Committee Members: Reps. Cushing, Rodd, Harriott-Gathright, Pantelakos, O'Hearne, Opderbecke, Bordenet, Meuse, Murphy, R. Newman, Radhakrishman, Swinburne, Welch, Fields, Burt, Green, McNally, Testerman, Wallace and Abbas

Bill Sponsors:

Rep. Cushing

Rep. O'Connor

Rep. Welch

Rep. Berch

Sen. Reagan

Rep. Danielson

Rep. Pantelakos

Rep. Wallner

Sen. Giuda

Rep. McGuire

Rep. Harriott-Gathright

Rep. Le

Sen. Fuller Clark

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 455

①

2/19/19

~~Top on Wholesale~~

Support
Sponsor

Lemuel Gushing

185 yr ask to abolish

~~murders~~

Time has come

Support

Richard O'Leary Former Deputy Chief
Willingham killed in death penalty

Deters murders. Death penalty does not
deter anyone. Death protects public safety.
It allows for redemption. 7M

Oppose
①

Hon Kelly Ayotter - Atty Gen 2

1939 knowing capital police order Oct 16, 2006

Several violent crimes - officer Briggs - Life

Support
~~Oppose~~

Bill Mc Philip Mc Laughlin

6 yr Former Atty General

Equitable and balanced

Support

* Kirk Bloodsot ED Witness to Innocence

Hon. discharged Marine 1984 this happened

9 yr. old girl

Oppose
②

* Rep Jeanine Nutter Hills 21

Hon Betty Lasky - former Sen Nashua

Support

Truly Humane in NH

HB155

(2)

Support (3) Anne Lypzsek my family

Support Christine Lockefeller victims
2 family members murdered by police + military

Support Wendy Berthiaume - self + dog + friends
Cathy Catholic Jesus belief

Support Diane Guinan
Father Walter Murphy 2009-2010
Take off the books this year

Support Shannon Mc Lirley - self + little son

Support Karen Zurherde - self

opposition * Al Baldasaro

* David Welch Rockingham 13

Support Everyone has a family the state put the
family. It just does not seem right to
create more victims

support (4) Rev John^{son} Hopkins - self

~~Oppose~~ Support Mark Sisty

Support Susan Ferri self
Years ago young man abuse by father - execution by

HB455

(3)

Support

John Sawyer, Minister of Northern New England
Economic + moral - God never gives up. Capital
is vengeance. Redemption is more powerful.

Support (5)

Rev. Patrick McLaughlin, Unitarian Universalist
Church of Ware
Vindictive
Earl Barbarian

Support

Dr. Jeffrey Fetter, Chief Med Officer ^{SNO} Private
Pain - night mares - ^{see victims} ~~see victims~~ mother's face.
Death penalty cuts off hope and redemption

Support

Sherry Young, Atty. Concord ^{Self} serve by appointment
Kath, Young + Pignatelli
No eye for eye, or tooth for tooth
we don't send

Support

~~Kevin~~ ^{Kevin} ~~former~~ ^{former} Senator
Innocence people condia. We do get it wrong.
DNT can get it wrong.

Supplemental
Testimony (6)

Robert Durham, Death Penalty Info Center
3 decades of homicide data -> all but 2 had
a murder rate above the national average
Disproportionate murdered in those that have death penalty
- Who do we want to be? What do you want your
image to be?

HB455

(4)

support (1) Andrea LeBlanc gave testimony

(12) support Hannah Cox conservatives concerned about the death penalty
Maman Baker Quakers

support (8) Phil Runyon 8 circuit court 27 yrs
those not getting death penalty - sometimes will plea guilty

opposition (9) Chief Mark Chase President of NA Chief's Assoc
last case in 1939

support Grace Matten self
UTX + minn 2012 20 family
tax death penalty minn
researchers

support (10) Arthur Brennan Former Judge ^{superior} retired court

support (11) Gregory Smith self

support Michael Leuchtenberger Unitarian Unio Ch
Eye for eye

~~support~~ Rep Werner D. Horn Merr 2
Opposition He feels they should die.

HB 455

(5)

support

Fr. Constantine Newman Greek Orthodox
Most Christian Metropolitan of Boston
No longer believe in capital punishment.

support
(11)

Katherine Cooper NHACDC
Govt program, fiscal irresponsible, cause harm
to others.

support

Emily Burr in cong of Franklin

12pm

104pm
support (13)

Carol Backus

support

Rev Lyn Marshall self

support

Eleanor Haegen

Death Penalty is immoral, unjust

oppose
support

Brackett Scheffy Federal Circuit
~~Dist~~ Court judge
chip away at the judicial system

support

Ray Greene witness to innocence
Prisoner of exonerated

support

Rev. Rebecca Girdle United Methodist Church
Father was murdered in VT - must have the opportunity to
change Jesus the son of Christ

HB 455

(6)

support Bess Klassen - Landis Hanover Friends Mtg.
Mother raped, beaten to death 50 yrs ago by DNA
DP physical manifestation of hate

support (14) Dr Leonard Korn 45 yrs physch from
Medical cert support the DP its against Portsmouth
their work.

support Raymond Dodge Law Enforcement PD Chief
Best Training, Equipment See NHCADP
Ways to best help the police department

support Michael Jacobus Criminal Defense. NH + National
Criminal Justice is flawed NHACDL
Does not deter. Now against they are
Money. Richer
Great disparity people of color women, minority,
Definitely dearly grieved with the poor poor

support ~~Dan Passen~~ Dan Passen Self young republican
Christian God would never murder one of His children
Pro-Life

support (8) Paul Lutz Matt 6 NHCADP,
Pastoral care + Counseling St Paul in Berlin
NH Council of Church
Lt PD Derry

11/14/05

(1)

support

Julien Cour
Steve Arney
Robin Doran

MEMO

Community puts people in the position of asking
out. We need to help our neighbors + support our
neighbors.

support (16) Sammie McRae

LIV

(17) Steve King

~~support~~ Elizabeth Cushing
D. D. Group Home Veterans

support ~~from~~ Di Joe Kannon
sof

There are approximately 100

support lap further after Mangruputi

fact does not make me the expert to say do the
same to those who come from the

support (18) Davy Ray
written early
fibrosity leby lie

support ke fang, MD

support (19) Anne Stamatidis
Dementia MT say
other great furniture store over 30 yrs cold cases

All the unsolved cases

(19) Steve Weiner
testimony

support Susan Siske

st gins epis Clark + Soc Justice

support Pop Tinkley/Hansen
stratna

support Jung Chuchon
Lemond

HB455

(8)

support

Budget Hansely

St James Soc Justice
DP Coalition

Technical
Advice

Sean Locke

NHDTJ

John Brooks

Michael Addison

No
position

Anna Brown

Citizens Court

324 over 200 oppose bill

support (21)

Emily Kieheaney

self

support

Eranda Merrill

self / NH CADP

support (23)

Sally Embrey

webster

LWVNH

David ~~W~~beski^{DP} - deterrent to families who may want to turn family members in.

support

Jim Pealo

N. Swazey Retired Atty NH
Superior Court System

support

Sara Smith

Quaker

support

Katherine-Kito Tunney self Concord

Think of, I grew on that says I did not do it
think about them being killed, think of all
the persons that found out they were innocent.

support (24)

Kevin Woolley

Fitzwilliam self

support

Charlie Gibson - not justice outside what God would
have us do

support (25)

Phil Rendeau

self Keene

Stop killing for vengeance

support

Alan Cronheim

support (26)

Palana Becker

Rochester self

support

Raleigh Ormrod

Keene St James Episcopal

Alan Gregory Heath

Conterbury

support

Susan Wiley

Humanity

9

support You friend 'Concord' of victims - DP tabular material
concord DP tabular material

support Ken Miller ED nff cases of character

support Ann Wright Henry Remembrance
self

support Bob Evans

support Robert Weger left by speaking

support Ken Grossman
support Abby Grossman

support Marisa Hunkeler, self

support Deborah DeMenthorpe
support Marisa Hunkeler

support Pat Hunkeler
support over Hunkeler
left by speaking

support Mary Hunkeler

support Rob Ann Schultz
support Mary Hunkeler

support Ken Ellen Evans
support Jennifer Hunkeler

support Tony Conarty
support Ken Ellen Evans
support Jennifer Hunkeler

support Raymond Bilocca
support Jennifer Hunkeler
support Tony Conarty

support John Tobin self
support Jennifer Hunkeler

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support Jennifer Hunkeler

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Testimony



32

**Statement by Jeanne Hruska, ACLU-NH Political Director
House Criminal Justice and Public Safety Committee
House Bill 455
February 19, 2019**

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (ACLU)—a non-partisan, non-profit organization working to protect civil liberties throughout New Hampshire for over fifty years. I am grateful for the opportunity to testify today in support of repealing the death penalty in New Hampshire. The ACLU believes the death penalty inherently violates the constitutional ban against cruel and unusual punishment and the guarantees of due process of law and of equal protection under the law. Put simply, a state's intentional and premeditated execution of one of its own people is uncivilized in theory, and unfair and inequitable in practice.

Capital punishment is cruel and unusual. It is cruel because it is a relic of the earliest days of penology, when slavery, branding, and other corporal punishments were commonplace. Like those barbaric practices, executions have no place in a civilized society. It is unusual because only the United States of all the western industrialized nations engages in this punishment. It is also unusual because only a random sampling of convicted murderers in the United States, including in New Hampshire, receive a sentence of death.

The various methods of execution are cruel and unusual in their own right. In New Hampshire, the two methods of execution are lethal injection and hanging. Death on the gallows is easily bungled. If the drop is too short, there will be a slow and agonizing death by strangulation. If the drop is too long, the head will be torn off.

It is easy to overstate the humaneness and efficacy of lethal injection; one cannot know whether lethal injection is really painless and there is evidence that it is not. As the U.S. Court of Appeals observed, there is "substantial and uncontroverted evidence... that execution by lethal injection poses a serious risk of cruel, protracted death.... Even a slight error in dosage or administration can leave a prisoner conscious but paralyzed while dying, a sentient witness of his or her own asphyxiation." (*Chaney v. Heckler*, 718 F.2d 1174, 1983).

Regardless of whether states use one or three drugs for an execution, all of the major lethal injection drugs are in short supply due to manufacturers' efforts to prevent the use of their products for executions and due to European Union restrictions on the exportation of drugs that may be used to kill. As a result, some state executioners have pursued questionable means of obtaining the deadly chemicals from other states and foreign companies, including a pharmaceutical wholesaler operating out of the back of a London driving school.

Capital punishment denies due process of law. Its imposition is often arbitrary and always irrevocable – forever depriving an individual of the opportunity to benefit from new evidence or new laws that might warrant the reversal of a conviction, or the setting aside of a death sentence.

The evolution of technology enabling better use of DNA evidence has contributed to a number of death row exonerations across the country. We cannot predict what the next development will be in forensic science, or how many people it will exonerate.

The death penalty violates the constitutional guarantee of equal protection. It is applied randomly – and discriminatorily. It is imposed disproportionately upon those whose victims are white, offenders who are people of color, and on those who are poor and uneducated.

Discretion in the criminal justice system is unavoidable. The history of capital punishment in America clearly demonstrates the social desire to mitigate the harshness of the death penalty by narrowing the scope of its application. Whether or not explicitly authorized by statutes, sentencing discretion has been the main vehicle to this end. But when sentencing discretion is used – as it too often has been – to doom the poor, the friendless, the uneducated, racial minorities, and the despised, it becomes injustice.

The death penalty is not a viable form of crime control. When police chiefs across the country were asked to rank the factors that, in their judgment, reduce the rate of violent crime, they mentioned curbing drug use and putting more officers on the street, longer sentences, and gun control.¹ They ranked the death penalty as least effective.

Deterrence is a function not only of a punishment's severity, but also of its certainty and frequency. The argument most often cited in support of capital punishment is that the threat of execution influences criminal behavior more effectively than imprisonment does. As plausible as this claim may sound, in actuality the death penalty fails as a deterrent for several reasons.

A punishment can be an effective deterrent only if it is consistently and promptly employed. Capital punishment cannot be administered to meet these conditions. The proportion of first-degree murderers who are sentenced to death is small, and of this group, an even smaller proportion of people are executed. On the flip side, mandatory death sentencing is unconstitutional. The possibility of increasing the number of convicted murderers sentenced to death and executed by enacting mandatory death penalty laws was ruled unconstitutional in 1976 (*Woodson v. North Carolina*, 428 U.S. 280).

In terms of promptness, we can reduce delay and costs only by abandoning the procedural safeguards and constitutional rights of suspects, defendants, and convicts – with the attendant high risk of convicting the wrong person and executing the innocent. This is not a realistic prospect: our legal system will never reverse itself to deny defendants the right to counsel, or the right to an appeal.

Those who preach the desirability of executions as a method of crime control deceive their audience and mask our state's own failure to identify and confront the true causes of crime.

Capital punishment wastes limited resources. It squanders the time and energy of courts, prosecuting attorneys, defense counsel, juries, and law enforcement. It unduly burdens the criminal justice system, and it is thus counterproductive as an instrument for society's control of

¹ <https://deathpenaltyinfo.org/law-enforcement-views-deterrence>

violent crime. Limited funds that could be used to prevent and solve crime (and provide education and jobs) are spent on a mere handful of capital cases – or even on a single case.

Opposing the death penalty does not indicate a lack of sympathy for murder victims. On the contrary, state-sanctioned murder demonstrates a lack of respect for human life. Because life is precious and death irrevocable, murder is abhorrent, and a policy of state-authorized killings is immoral. It epitomizes the tragic inefficacy and brutality of violence, rather than reason, as the solution to difficult social problems. Many murder victim family members do not support state-sanctioned violence to avenge the death of their loved one. Sadly, these victims have often been marginalized by politicians and prosecutors who would rather publicize the opinions of pro-death penalty family members.

A society that respects life does not deliberately kill human beings. An execution is a violent spectacle of state-sanctioned homicide, and one that endorses killing to solve social problems – the worst possible example to set for the citizenry, and especially children. Governments worldwide have often attempted to justify their lethal fury by extolling the purported benefits that such killing would bring to the rest of society. The benefits of capital punishment are illusory, but the bloodshed and the resulting destruction of community decency are real.

Capital punishment is an intolerable denial of civil liberties and is inconsistent with the fundamental values of our democratic system. The ACLU-NH respectfully urges the members of this committee to vote *ought to pass* on HB455.

"Whatever else might be said for the use of death as a punishment, one lesson is clear from experience: this is a power that we cannot exercise fairly and without discrimination." Gross and Mauro, *Death and Discrimination* 1989.

31

Testimony in favor of House Bill 455 FN

I urge the Criminal Justice and Public Safety Committee to vote House Bill 455 FN out of committee and to the full House of Representatives as "OTP".

My name is Raymond Bilodeau, I am resident of Barrington, NH. I have been a Probation Office, Administrator with the Division for Children Youth and Families and was the Clinical Director for the NH Drug Courts, for Family and District Courts. I have been a Community Organizer for the New Hampshire Coalition to Abolish the Death Penalty and I am presently a Bereavement Minister at my local parish of St. Thomas More in Durham, NH.

I have studied the issue of the use the death penalty since my college days at UNH when I had Professor Emeritus Stuart Palmer, a prominent Criminologist as my Department Head. I learned early on that death penalty was not a clear deterrent to stop people killing people. I have studied the death penalty from the faith perspective and found that there is no indication that the Bible supports the American practice of the use the death penalty. Looking at the death penalty as it affects the NH State Budget, the cost of the death penalty is much more expensive than the use of incarceration for life.

This committee has heard from members of Law Enforcement, the faith community, murdered victim family members, Correction Officials, and individuals who have been wrongly convicted. I am here in the perspective of working with family members whose loved ones have died. The loss, the saddest, the hole that is left in the individual and their family is real and painful. It is as individualized as there are citizens in the State of NH. There is no one model for their feelings. The one thing that will not help families or individuals with their anger, their feeling of loss or their sadness is the State of NH killing another individual in the sense of justice or retribution. When it is over you have just created more sadness, loss and anger. The criminal who has murdered and is placed behind bars can be controlled, and confined so no further harm will be done to society. If we are a society that respects life, then we should not be a society that promotes State sanctioned murder.

Thank you.

Raymond Bilodeau
2/19/19



MCLANE MIDDLETON

GREGORY H. SMITH ✓
Direct Dial: 603-230-4401
Email: greg.smith@mclane.com
Admitted in NH

February 19, 2019

The Honorable Robert Renny Cushing, Chairman
Criminal Justice and Public Safety Committee
New Hampshire House of Representatives
State House
Concord, NH 03301

**Re: HB 455-FN
Relative to the penalty for capital murder**

Dear Chairman Cushing and the Honorable Members of the Committee:

I have had the great privilege to serve as the New Hampshire Attorney General from 1980 to 1984 and a homicide prosecutor in that office from 1973 and 1980. For over 11 years, I had authority, and responsibility for criminal prosecutions, including capital cases. I was responsible for enforcing the criminal law of this State for many years, and it is my judgment that the death penalty does not add to public safety or protection. Accordingly, I write to urge you to pass HB 1170-FN, repealing the death penalty in New Hampshire, because I believe it is the right thing to do.

In the nearly 35 years since I left office I have learned more about our evolving understanding of the prosecution of capital murder cases in the United States and in New Hampshire. It seems clear to me the great weight of evidence supports the following conclusions:

1. Despite the best efforts of those working within the system, we are unable to prosecute capital cases with the level of confidence that we can do so with the justice and fairness, that those cases certainly require.

2. We cannot do so with confidence that all defendants receive justice because we know that in at least approximately 150 + cases the innocent have been convicted in such cases. And by the very nature of these cases, the procedures upon which we rely to correct errors are unavailing to innocent executed prisoners.

3. We cannot be assured that such cases are handled fairly because of the compelling evidence that the sequence of decisions by police, prosecutors, and juries produces a clearly disparate imposition of this penalty on certain racial and ethnic groups, as well as the economically disadvantaged in our society.

4. The selective nature of the imposition of this penalty is demonstrated by the fact that we have not executed anyone in a capital case in New Hampshire since 1939, although there have been several cases that qualified for prosecution as capital cases under our law.

5. The fact that for the better part of a century we have not prosecuted and executed anyone for capital murder makes this punishment by any definition "unusual". There are approximately 15,000 murders committed in the United States each year. Of those, only about 100 are charged with capital murder, and only a small percentage are convicted and sentenced to death. To say the death penalty is arbitrarily applied is truly an understatement. I estimate there have been between 1000 and 1500 murder cases since 1939, and in only one of these cases was the death penalty imposed.

6. It is unusual in another way. It is the only penalty imposed by a jury, and not by a judge. But the jury asked to impose a death penalty has never been called upon to sentence anyone in such a case before. And while the sentence can be reviewed, it can only be reviewed as to whether the aggravating circumstances have been satisfied, and not whether there has been equal justice under law.

7. There is yet another reason for us to know that the death penalty will be imposed arbitrarily. At the very least, in New Hampshire public opinion is sharply divided. Any New Hampshire jury will be made up of people with differing views. Given the disagreement over the wisdom of the death penalty, one defendant may be sentenced to death simply because he or she draws a jury favorably disposed to the death penalty. An equally culpable defendant may be spared because he or she draws a jury made up of those who think the penalty unwise. The death penalty will likely be applied unfairly. when support for it at best is sharply divided

8. Moreover, the decision to charge the death penalty in the first place may depend upon the personal views of the Attorney General in office when a crime occurs, and equally culpable people may face different penalties based on the views of the prosecutor.

These factors make it clear to us that it is not possible to have a death penalty which is applied in a fair way.

There are some who say that by the imposition of the death penalty we show honor and respect for our law enforcement officers. I have served with dedicated law enforcement officers and have the highest regard for, and honor their sacrifice and service. I do not believe that we show our deep respect for law enforcement officers or the rule of law, by putting our prisoners to death.

We can see clearly in the broad sweep of history that we in this great American Republic, stand squarely in the Judeo-Christian, Greco-Roman traditions of Western civilization in the value we place on human rights and human dignity. For our commitment to these political ideals, we have been described as the "last best hope of humanity".

We can see in the advancing maturing process of civilization, a steady move away from and abolition of the death penalty in western societies and American States.

Today we stand alone among the Western democracies in continuing to use the power of the State to put our prisoners to death. In doing so, we place ourselves in the uncomfortable company of an Iran, Saudi Arabia, China and North Korea. Company, I submit, in which we should not belong.

The purposes of sentencing in the criminal justice system are; rehabilitation, reform, protection of society, and deterrence. But the weight of the evidence is compelling; the possibility of a death sentence offers no greater deterrent effect than a maximum sentence of life without parole. And in New Hampshire the sentence of life without parole means just that. Those who receive it without exception spend the rest of their lives in prison. There is not one single case in New Hampshire of a person receiving life without parole who has been released. And there are some who believe, as I do, that life without parole is as severe, or more so, than the death penalty in its enduring effect on the convicted prisoner.

The death penalty indisputably serves none of these purposes of criminal sentencing beyond protection of society. Yet the sentence of life without parole fully meets this objective.

While I think we would not make this decision on the basis of cost alone, it is also inescapably true that the enormous costs of death penalty prosecutions far outweigh the costs of life without parole, consuming scarce public resources that could be much better put to the benefit of our society.

I realize this is a judgment that is placed in your hands, but it seems to me that the time has come for New Hampshire to join the increasing number of States that are moving away from any use of the death penalty. I urge you to abolish the death penalty New Hampshire.

And I would be glad to try to answer any questions you may have now, or anytime later while you have this legislation under consideration.

29

I am Martha Hunt, known as Marti. I live in Sutton New Hampshire. I have been on the Board of the NH Coalition to Abolish the Death Penalty since 2008. I have been the lay representative from the Episcopal Church of New Hampshire to the Coalition since 2010.

I am committed to death penalty repeal fundamentally due to my religious understandings. And I believe it is a deeply flawed and ineffective public policy.

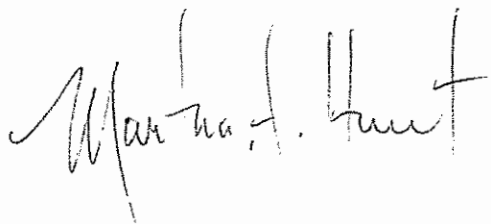
Quite a number of years ago I happened to be clicking through the TV channels when I landed on a memorial service at Riverside Church in New York City for Dominique Green who was executed by the state of Texas on October 26, 2004. Dominique Green is the subject of a book, A Saint on Death Row by Thomas Cahill a prominent best-selling author.

Bishop Desmond Tutu spoke at the memorial service. He had developed a personal relationship with Green and had visited him in prison. Bishop Tutu was fairly frail at this time, but his presence was spiritually powerful. In referencing the death penalty, he said at least four times, don't do this to yourselves, don't do this to yourselves, and then, it brutalizes you.

Immediately, I realized at a deep level that the Bishop had named how I feel about the death penalty. It brutalizes me. And this haunts me.

I urge you to vote HB455 Ought to Pass.

Written testimony in favor of HB455
Criminal Justice and Public Safety Committee
2-19-19

A handwritten signature in cursive script that reads "Martha A. Hunt". The signature is written in dark ink and is positioned at the bottom of the page.

28

**Statement by Henry Klementowicz, Portsmouth
House Criminal Justice and Public Safety Committee
House Bill 455
February 19, 2019**

I submit this testimony regarding House Bill 455, a bill which would repeal the death penalty in New Hampshire. I respectfully urge the committee vote House Bill 455 *ought to pass*.

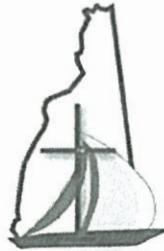
The death penalty is cruel, inhumane, and not consistent with the values we want to promote in New Hampshire. There is a certain level of irony in, on the one hand, the State telling people not to kill while on the other hand, killing itself. The fact that the violence is done in the name of the government makes the death penalty no less inhumane and cruel. As the saying goes, an eye for an eye makes the whole world blind.

We also know that the death penalty is expensive, ineffective, and arbitrary. As recently as 2018, the Washington Supreme Court struck down the death penalty in that state because it was "imposed in an arbitrary and racially biased manner." In 2015, US Supreme Court justice called the death penalty "capricious, random, indeed, arbitrary," and suggested that for those sentenced to death it was "the equivalent of being struck by lightning." *Glossip v. Gross*, 576 U.S. ____ (2015) (Breyer, J., dissenting). I submit that when the death penalty is applied so infrequently and seemingly at random, it can never act as an effective deterrent, nor can we ever be satisfied that it is not being applied on the basis of race, geography, or other animus.

(21)

New Hampshire Council of Churches

Furthering Christian unity, life, and action in New Hampshire



Testimony and Official Statements from Our Member Denominations

American Baptist Churches of Vermont and New Hampshire

Catholic Diocese of Manchester

Episcopal Diocese of New Hampshire

Greek Orthodox Metropolis of Boston

Evangelical Lutheran Church in America, New England Synod

Presbyterian Church (USA), Presbytery of Northern New England

Religious Society of Friends, New England Yearly Meeting

Unitarian Universalist Association, New England Region

United Church of Christ, New Hampshire Conference

United Methodist Church, New England Conference

Prepared for the House Committee on Criminal Justice and Public Safety

Tuesday, February 19, 2019

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Introduction

Dear Representative,

In this packet you will find three things:

- 1) A one-page statement supporting repeal from the ten member denominations of the Council, approved unanimously in 2010.
- 2) Summaries of each denomination's official teaching in support of death penalty repeal, with links to full statements on the Internet.
- 3) For most denominations, current testimony from clergy and lay people living in New Hampshire.

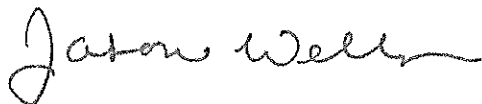
The New Hampshire Council of Churches comprises the ten denominations named in this packet. Together, these denominations have about 475 congregations and an estimated 500,000 members throughout the Granite State.

This means that you represent members of these churches who live in your districts. They want to communicate to you their faith-based support of death penalty repeal.

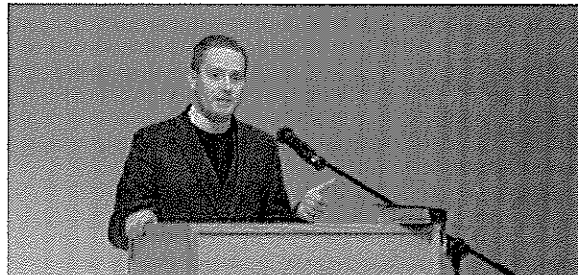
We have published further resources in support of death penalty repeal from a Christian perspective on our website at <http://www.nhchurches.org/repeal2019>.

If you would like to have further conversation about Christian opposition to the death penalty, please reach out to me at (603) 219-0889 or jason@nhchurches.org and I will make an appointment to meet with you.

Yours faithfully,



Rev. Jason Wells, Executive Director



Joint Statement of the Council

Adopted by the Board of Directors May 20, 2010

The New Hampshire Council of Churches, an ecumenical Christian body of ten diverse denominations including Protestant, Anglican, Roman Catholic and Orthodox Christian traditions, regard the use of capital punishment as problematic and unacceptable. As Christians we believe that every human being is created in the image and likeness of God (Gen 1:26). In our human condition sin tarnishes this image; nevertheless, we believe that the promise of redemption is offered to all through repentance. Thus, each of us is called to respect the life and dignity of every person, even when that person denies the dignity of others. We must still recognize that their dignity is a gift from God and is not something that is earned or lost through their behavior. Respect for life applies to all, even the perpetrators of terrible acts.

Scripture cautions us: "Do not repay anyone evil for evil, but take thought for what is noble in the sight of all" (Romans 12:17). From this Christian perspective we are led to conclude that the death penalty does not provide justice. Instead the death penalty perpetuates inhumane retribution, fosters feelings of revenge, and exacerbates a cycle of violence upon the perpetrators and victims without regard for that which is noble. These responses dehumanize society and blind us to God's image in all; perpetrators and victims, rich and poor, young and old, Christian and non-Christian, no matter what color their skin may be. The use of capital punishment does not restore a broken society; it perpetuates the violence and injustice instead of condemning such intolerable acts.

Therefore, we, the undersigned, condemn the expansion of capital punishment and call for the abolishment of its use in the State of New Hampshire, asking all to seek that which is noble.

Member Denominations: American Baptist, Episcopal, Evangelical Lutheran Church of America, Friends, Greek Orthodox, Presbyterian Church/USA, Roman Catholic, United Church of Christ, United Methodist, Unitarian Universalist

Testimony from the Executive Director

Dear Members of the House Committee on Criminal Justice and Public Safety:

The New Hampshire Council of Churches is an ecumenical Christian body of ten diverse denominations: American Baptist, Catholic, Episcopal, Evangelical Lutheran Church of America, Society of Friends (Quaker), Greek Orthodox, Presbyterian Church (USA), United Church of Christ, United Methodist and Unitarian Universalist. All ten of these denominations unanimously regard the use of capital punishment as unacceptable and support its repeal.

To summarize their faith, I'll offer three core Christian beliefs: the sacredness of life, that all are created equal, and redemption.

First, in Genesis 1:26, we read that "God said, 'Let us make [the human race] in our image, after our likeness.'" Christians believe that every human life is sacred, even when that person denies the dignity of others. We recognize that the sacredness of life is a gift from God, neither earned through good behavior nor lost through terrible acts.

Second, that sacred dignity is found equally in every person since all people have the same divine Creator. Statistics on the death penalty reveal that the United States applies the death penalty unequally as to race, class and other categories. This violates the equality with which God has imbued the human race in creation.

We want to believe that these shortcomings do not apply to us and that we serve justice more impartially than in other parts of the nation. Unfortunately Christians know that human beings are fallible and make poor decisions. We know that we will apply laws unequally. When it comes to capital punishment, we cannot trust our fallible selves to choose between life and death impartially or justly.

Finally, God can redeem any person, no matter their past, and bring them to the forgiveness and mercy. The death penalty closes off the possibility of God's redemption through our presumption that we know better than God.

For these reasons: the sacredness of life, human equality and redemption, I urge you all to support House Bill 455 and repeal New Hampshire's death penalty.

American Baptist Churches

The American Baptist Churches of Vermont and New Hampshire is represented by 96 congregations in the State of New Hampshire.

Resolution on Capital Punishment, 8064:3/82

As Christians living and participating in our society, we reaffirm and are acutely aware of:

- a. the sacredness of life and the obligation to “overcome evil with good” as taught in the Scriptures;
- b. the hope and possibility of all to come under the redeeming and transforming action of God;
- c. the fallibility of human agencies and legal justice;
- d. the immorality and injustice of capital punishment for persons later proven innocent;
- e. some inexcusable inequities before the law, enabling many persons of higher status and resources to avoid the death penalty while some persons without these resources are unable to avoid the penalty. The majority of those on death row are poor, powerless, and educationally deprived. Almost 50% come from minority groups....
- f. the lack of clear support through the available evidence that capital punishment has a deterrent effect;
- g. the conviction that the emphasis in penology should be upon the process of creative, redemptive rehabilitation, rather than on primitive retribution.

Therefore, the General Board of the American Baptist Churches recommends the abolition of capital punishment in those states which still practice it and urges churches and members of our American Baptist constituency to support groups and agencies working for the abolition of capital punishment in those governmental jurisdictions of the U.S. where it is still authorized by law.

Source: <http://www.abc-usa.org/wp-content/uploads/2012/06/Capital-Punishment.pdf>

Roman Catholic Church

The Catholic Diocese of Manchester is represented by 96 congregations in the State of New Hampshire.

Catechism of the Catholic Church, Paragraph 2267, revised 2018

Assuming that the guilty party's identity and responsibility have been fully determined, the traditional teaching of the Church does not exclude recourse to the death penalty, if this is the only possible way of effectively defending human lives against the unjust aggressor.

If, however, non-lethal means are sufficient to defend and protect people's safety from the aggressor, authority will limit itself to such means, as these are more in keeping with the concrete conditions of the common good and more in conformity to the dignity of the human person.

Today, in fact, as a consequence of the possibilities which the state has for effectively preventing crime, by rendering one who has committed an offense incapable of doing harm — without definitely taking away from him the possibility of redeeming himself — the cases in which the execution of the offender is an absolute necessity "are very rare, if not practically nonexistent."

Source: http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a5.htm

Episcopal Church

The Episcopal Diocese of New Hampshire is represented by 46 congregations in the State of New Hampshire.

Resolution 2015-D025

Resolved, That the 78th General Convention of The Episcopal Church reaffirm its longstanding call to put an end to the death penalty in recognition that the death penalty remains legal in thirty-one states and in federal jurisdictions with over 3,000 persons awaiting execution; and that the death penalty is disproportionately applied to the poor and to minorities and is in direct opposition to the witness of Jesus; and be it further

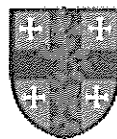
Resolved, That this resolution be forwarded to governors in all states where the death penalty is legal, encouraging them to submit and support legislation in their respective states to abolish the death penalty; and be it further

Resolved, That this resolution be forwarded to the bishops in all states where the death penalty is legal, encouraging them to appoint task forces of clergy and lay persons to develop a witness to eliminate the death penalty, and requesting that these bishops report back on their actions to the Standing Commission on Justice and Public Policy prior to the 79th General Convention.

Source: https://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2015-D025

Bishop A. Robert Hirschfeld, Episcopal Church of New Hampshire, 2019

Please see following page.



EPISCOPAL
CHURCH OF NH

February 18, 2019

Dear Members of the House Committee on Criminal Justice:

I write you in support of House Bill 455 to repeal the Death Penalty in New Hampshire.

The Death Penalty is morally repugnant because it makes us all complicit in homicide. The Death Penalty is ineffective as a deterrent to capital crimes. The Death Penalty is an obscene waste of public resources that could otherwise advance more wholesome duties of good government; for instance, in addressing the ever-growing gap in educational opportunity in the Granite State or enhancing our response to mental illness and our continuing opioid crisis.

Though as a Christian bishop, I am careful to apply pastoral theology or scriptural teaching to a public political process, I am led to do so because of the distortion of Christian teaching put forward by supporters of the Death Penalty. I have heard legislators in these halls tell me that Jesus' own execution at the hands of the state serves as sufficient justification for the state's perpetuation of this inhumane practice. "Just look at all the good that came out of the crucifixion," I have been told. Such reasoning defies logic and reflects a toxic perversion of the Gospel message, the clear heart of which is that violence and hatred are not overcome, conquered or transformed by more acts of violence, but by the power of mercy.

When we put to death, even criminals who have committed heinous and contemptable acts, we do little but show how evil has succeeded in ensnaring us and in drawing us deeper into pernicious web of increasing malice, hatred and violence. We move closer to committing the very heinous and contemptable atrocities that those who have been convicted for the very inhumanity we condemn.

Alternatively, it is the hard work and high calling of good and sound government to prevent and protect society from being contaminated by this lethal dynamic. I urge, hope and pray that this legislature will not shirk its obligation to this hard, moral work and high calling and will finally Repeal the Death Penalty in our Great State of New Hampshire. Please put our money to more wholesome purposes. Much more importantly, save our consciences from the high and brutal cost of the moral injury capital punishment inflicts on us all.

Respectfully Yours,

A handwritten signature in cursive script that reads "A. Robert Hirschfeld".

Bishop of the Episcopal Church in New Hampshire

Evangelical Lutheran Church in America

The New England Synod of the Evangelical Lutheran Church of America is represented by 14 congregations in the State of New Hampshire.

“The Death Penalty” Social Statement Summary, 1991

We begin by assuming that government plays a God-given, protective role. “God entrusts the state with power to take human life when failure to do so constitutes a clear danger to society” (p. 2). This view is qualified, though: “[T]his does not mean that governments have an unlimited right to take life” or “must punish crime by death” (p. 2). The text quickly questions whether it is even possible to administer the death penalty justly. By the end, the social statement concludes that it is not.

Citing Scripture, the statement supports the Christian calling to “respond to violent crime in the restorative way taught by Jesus and shown by his actions” (p. 2). Restorative justice involves “addressing the hurt of each person whose life has been touched by violent crime” (p.3). Such an approach “makes the community safer for all” (p. 3).

Three reasons are given to oppose capital punishment:

- 1) executions represent an unacceptable, non-restorative approach to violent crime;
- 2) executions can reinforce social injustice; and
- 3) the death penalty cannot possibly be administered justly.

... The social statement sums up its opposition: “The practice of the death penalty undermines any possible moral message we might want to ‘send.’ It is not fair and fails to make society better or safer. The message conveyed by an execution, reflected in the attention it receives from the public, is one of brutality and violence” (p. 4).

Source: <https://www.elca.org/en/Faith/Faith-and-Society/Social-Statements/Death-Penalty>

Greek Orthodox

The Greek Orthodox Metropolis of Boston oversees 12 congregations in the State of New Hampshire.

From His All-Holiness Ecumenical Patriarch Bartholomew, 2013

Beloved friends, when the Lord comes in glory to judge the world, we are taught that He will seek the reflection of His person in each one of us. So we ask: How is it possible for the humble and meek Jesus to recognize Himself in those who hate and persecute their fellow human beings, especially when He spent His earthly life loving and healing all people? How can He support the death penalty for people's wrongdoings, especially when He came to save the lost, and desires "that all may be saved and come to the knowledge of truth"? How can life possibly embrace death? Violence and hatred, then, against other people, are only a perversion; they do not express the divine will.

Source: https://www.patriarchate.org/address-1/-/asset_publisher/GPnAluVWyyMt/content/homilia-tes-a-th-panagiotetos-tou-oikoumenikou-patriarchou-k-k-bartholomaiou-kata-ten-oikoumeniken-synantesin-en-toi-loutheranikoi-kathedrikoi-naoi-to

Father Constantine Newman, Holy Trinity Greek Orthodox Church, 2019

The Orthodox Christian faith and tradition centers on life. Our weekly celebration of the Resurrection of our Lord reminds us that God has given us life and is preparing us to enjoy eternal life. Because of this emphasis, the Orthodox Church sees the taking of that life by another human being as a great evil.

There can also be no distinction between an innocent or a guilty victim; that life, rather, belongs to a person made in the image of God. The witness of the theologians and elders of the Church is clear and unanimous: we must never confuse the person, made in the image of God, with the evil he or she performs. If, on a personal level, we dare not condemn a person for his or her actions, how can we do that then on a societal level.

There are two major problems with the death penalty. The first is its inequality in application. As the Greek Orthodox Archdiocese statement on the death penalty

points out: "With more information available to us today about the consequences of capital punishment, many Christians are of the opinion that it no longer serves as a deterrent to crime. Statistics of the United States show that the existence of capital punishment in some states and its absence in other states seems to have no measurable effect on the rate of various capital crimes. For a long time now, persons accused of capital crimes who can afford the legal expertise nearly always escape capital punishment. Generally speaking, only the weak, the poor, the friendless have been executed in most recent years." If escaping the death penalty depends primarily on wealth, how can it be just?

But more importantly, the death penalty, because of its finality, stands in the way of repentance. Not only does the death penalty not serve as a deterrent to crime, it also often hardens the heart of the criminal, instead of bringing it around to a true change of mind, since the death penalty is motivated mainly by a spirit of vengeance rather than a call to repentance. St. Ambrose of Milan put it best: "The person who hasn't spared the life of a sinner has begrudged him the opportunity for the remission of sins and deprived him of all hope. He will, in fact, be subject in equal measure to divine justice."

Although theological arguments cannot determine the laws of the state, the state should still be governed by moral principles in its decision making. In the case of the death penalty, the sanctity of life should be the guiding principle. As Patriarch Bartholomew of Constantinople has said, "How can life possibly embrace death?"

Presbyterian Church (USA)

The Presbytery of Northern New England of the Synod of the Northeast is represented by 10 congregations in the State of New Hampshire.

219th General Assembly, 2010

The Presbytery of Greater Atlanta respectfully urges the 219th General Assembly (2010) of the Presbyterian Church (U.S.A.) to:

1. Affirm the positions of the 171st (1959), 177th (1965), and the 189th (1977) General Assemblies of the United Presbyterian Church in the United States of America, the 106th General Assembly (1966) of the Presbyterian Church in the United States, and the 197th General Assembly (1985) and 212th General Assembly (2000) of the Presbyterian Church (U.S.A.) on capital punishment, and declare its continuing opposition to capital punishment.
2. Call for an immediate moratorium on all executions in all jurisdictions that impose capital punishment. ...

Rationale

As Christians, we recognize God as sovereign in all spheres of human life, including the political sphere. We declare that God's law: "Thou shall not kill," is still good law. We follow a Lord who taught us to go beyond "an eye for an eye." We believe that human individuals and institutions are sinful and make mistakes. However, as humans we lack any power to correct our errors if we wrongly execute.

Source: <https://www.pc-biz.org/#/search/3431>

Rev. John Sawyer, Bedford Presbyterian Church, 2019

I come to speak in favor of death penalty repeal – not just from an economic standpoint (which study after study proves), but from a moral standpoint (which story after story proves). I want to share one such story. . .

Josh and Sarah were classmates in the sixth grade in Georgia. Sarah might have known that Josh came from a broken home, but did not know much else about his life outside school. She did not know that Josh was the victim of abuse and that he would later learn how to numb the pain in his life with drugs and alcohol. She also did not know that at the age of nineteen Josh, in a drug-fueled haze, would participate in two murders.¹ Josh did not pull the trigger or wield the knife in either crime, but he was there when it happened, he was guilty, and he was sentenced to death. It is not uncommon that most people who receive the death penalty are consistently the “least of these:” victims of abuse, battling addiction, poor, people of color, often mentally disabled or mentally ill.

From before the moment of his arrest, Josh never stopped showing remorse for his crimes. The person he became in prison bore little comparison to the teenager whose life was defined by the dismal circumstances of his birth. Josh became a kind, humble, and compassionate human being who was a shining example of someone whose life could be transformed from loss and addiction to one of meaning, purpose, and hope.² This is the Josh that Sarah came to know, years later, when she became his lawyer, working for a clemency ruling that, alas, never came. After Josh was killed by the state of Georgia, Sarah wrote: “[Josh’s] continued concern for the suffering of others while he faced the ultimate penalty showed that the evil the state wanted to stamp out was not there [anymore], and all that was lost was the potential of a redeemed soul to do good.”³

I tell this story, not just because Sarah is one of my oldest friends and the loss of her friend Josh was heartbreaking. I tell this story because I believe in God’s

¹ Which included the murder of a man who claimed to have abused Josh’s mother.

² <https://georgiabulletin.org/news/2016/04/joshua-bishop-executed-march-31-powerful-witness-forgiveness/>.

³ <http://opendoorcommunity.org/wp-content/uploads/2008/02/April2016-web.pdf>.

power to work for good in every person – even those guilty of a heinous crime. If God never gives up on them, then why should we?

The stance of the Presbyterian Church (USA), is that “...capital punishment is an expression of vengeance which contradicts the justice of God on the cross...[and, that the task of Christians is to] seek the redemption of evil doers and not their death...”⁴ Redemption is more powerful than vengeance. We see it in the person of Jesus Christ, in our own lives, and in the least of these.

This afternoon, I will drive home to Manchester and pick my nearly-two-year-old son up from daycare. As I look at my son and his classmates, I have no idea who they will grow up to become. I hope they will all grow up to do good things – like Sarah, and, like Josh, who in the end, was not defined by the worst thing he ever did, but by who he became, with God’s help.

Repeal the death penalty in New Hampshire and make our state more just and whole.

⁴ <https://www.presbyterianmission.org/what-we-believe/capital-punishment/>.

Religious Society of Friends (Quaker)

The New England Yearly Meeting of the Religious Society of Friends is represented by 16 congregations in the State of New Hampshire.

Minute 1956-69

The Committee on Peace and Social Concerns presented two recommendations. The Meeting approved referral to the Permanent Board of the proposed revision of Faith and Practice in regard to capital punishment. The Yearly Meeting also approved the following statement: "The New England Yearly Meeting of Friends believes that there is no crime for which the death penalty should be imposed. We hold life, given us by our father, to be sacred and hence not to be taken from any of us by the judgment of man."

Source: <https://neym.org/minutes/library/capital-punishment-0>

Faith and Practice of New England Yearly Meeting of Friends, 1985

...Their testimony against capital punishment is based on the belief that it is a violate of the sacredness of human personality, that is disregards the fundamental capacity of all persons to respond to right influences, and that it gives no opportunity to reform the offender. ...

The real security of human life is to be found in a reverence for it. If the law regarded it as inviolable, then the people would begin also so to regard it. A deep reverence for human life is worth more than a thousand executions in the prevention of murder; and is, in fact, the great security for human life. The law of capital punishment while pretending to support this reverence, does in fact tend to destroy it. ...

Source: pp. 199-200

Marian Baker, recorded minister, Weare Monthly Meeting, 2019

I am a life-long Quaker in New Hampshire. The State House where we meet was originally a Quaker meetinghouse until the State bought it, so I hope you will listen to this brief testimony.

I have been testifying in this chamber against the death penalty since the time many years ago that you were considering changing the method of execution from hanging to lethal injection, more than 30 years ago.

I oppose the death penalty due to the following reasons:

1. Many are executed who are not guilty of any crime. Back in 1660, our neighboring state hung to death Mary Dyer for being a Quaker. Now there is a statue in front of their statehouse claiming her as a martyr for religious liberty. These days, most of those mistakenly executed are men of color, not whites or women.
2. Any person can change and we believe it is better to spend taxpayer money to rehabilitate the people in jail than to just lock them up or put them to death. All of us have made mistakes in life, but God can help people turn around and become useful citizens. Those of you who are Trump supporters would be interested to know that I recently heard, while in Africa doing humanitarian ministry, a video of President Trump introducing and praising a violent criminal who in jail became a Christian and is now helping many others to not go to jail.
3. The costs of putting someone on death row and its ensuing legal fees is extremely expensive. It is far cheaper to keep people, who for any reason cannot be changed, in jail for life rather than putting them to death.

Thus, I urge you all to stop the death penalty in our state.

Unitarian Universalist Association

The New England Region of the Unitarian Universalist Association is represented by 21 congregations in the State of New Hampshire.

General Resolution on the Death Penalty, 1979

WHEREAS, General Assemblies of the Unitarian Universalist Association have opposed capital punishment by resolutions in 1961, 1966, and 1974; and

WHEREAS, the aforementioned resolutions have urged complete abolition of capital punishment as inconsistent with respect for human life; for its retributive, discriminatory, and non-deterrent character; and opposed its restoration or continuance in any form; and

WHEREAS, the State of Florida has declared its intent to proceed with the executions of those under the capital sentence in Florida prisons, numbering more than one hundred, and having begun with the execution of John Spengelink on May 25, 1979; and

WHEREAS, the Florida example may become precedent for a new wave of capital punishment in numerous other states;

BE IT RESOLVED: That the 1979 General Assembly of the Unitarian Universalist Association urges the Governor of the State of Florida to commute all existing death sentences; and

BE IT FURTHER RESOLVED: That the General Assembly urges Governors of all other states similarly to commute death sentences and to prevent the restoration or continuance of capital punishment in any form.

Source: <https://www.uua.org/action/statements/capital-punishment-1>

Rev. Emily Burr, Unitarian Universalist Congregation of Franklin, 2019

I am speaking to you today from my Unitarian Universalist faith perspective and my heart. My Unitarian Universalist Faith includes my strong belief in and avid affirmation of our seven Principles.

Our First Principle is a belief in the inherent worth and dignity of every person. In 1967, Martin Luther King, Jr. said, "I do not think that God approves the death penalty for any crime, rape and murder included. Capital punishment is against the better judgment of modern criminology, and, above all, against the highest expression of love in the nature of God."

Because of Unitarian Universalism's Second Principle, I support Justice, Equity and Compassion in human relations and cannot support a process that is riddled with injustice, inequity and, without doubt, lacks compassion. Thus, I cannot support the use of the Death Penalty under any circumstances.

Our Seventh Principle speaks to us about respect for interdependent web of existence of which we are a part. Any person put to death in our state is part of that web as are you.

However, the simplest explanation for my opposition to the Death Penalty is that deep in my Unitarian Universalist heart I know it is just plain wrong.

I want the laws in my country and state to reflect the values expressed in our Principles. You, our legislators, are charged with fulfilling the will of the people you represent as you make laws that help create the culture we all live with. I understand that you can't do that if we don't let you know what our will is.

I want you to know that as a citizen of the State of New Hampshire, I do not want my state to impose the death penalty.

I cannot be silent! So I say to you with all my heart and faith, "Not in my name!" I urge you to repeal the Death Penalty in New Hampshire this year.

United Church of Christ

The New Hampshire Conference of the United Church of Christ is represented by 133 congregations in the State of New Hampshire.

Call for the Abolition of the Death Penalty, General Synod 22, 1999

...THEREFORE, BE IT RESOLVED that the United Church of Christ...continue advocacy efforts to address the racial and economic biases in the administration and continuation of the death penalty, including efforts to reverse the trend toward limiting access to legal counsel and recourse;

BE IT FURTHER RESOLVED that the United Church of Christ...work with legislators to introduce a “moratorium on execution” legislation in the state and federal legislative bodies;

BE IT FURTHER RESOLVED that the Twenty-second General Synod calls upon...conferences, associations and congregations to speak out in opposition to the death penalty and work for its abolition, with an immediate focus on abolishing the death penalty for juvenile offenders, the mentally retarded and the mentally ill;

BE IT FURTHER RESOLVED that the United Church of Christ...engage in renewed education efforts with United Church of Christ conferences, associations and congregations throughout the United States and Puerto Rico regarding the issue of capital punishment; ...

BE IT FINALLY RESOLVED that the Twenty-second General Synod of the United Church of Christ reaffirms the long-standing opposition within the United Church of Christ to the death penalty and urges the abolition of capital punishment as a means of working for justice and maintaining a faithful witness to remember “the least of these” our sisters and brothers.

Source: <https://deathpenaltyinfo.org/files/pdf/1999uccgs22abolishdeathpen.pdf>

United Methodist Church

The New Hampshire Conference of the United Methodist Church is represented by 53 congregations in the State of New Hampshire.

Book of Discipline, Social Principles, 2016

We believe the death penalty denies the power of Christ to redeem, restore and transform all human beings. The United Methodist Church is deeply concerned about crime throughout the world and the value of any life taken by a murder or homicide. We believe all human life is sacred and created by God and therefore, we must see all human life as significant and valuable. When governments implement the death penalty (capital punishment), then the life of the convicted person is devalued and all possibility of change in that person's life ends. We believe in the resurrection of Jesus Christ and that the possibility of reconciliation with Christ comes through repentance. This gift of reconciliation is offered to all individuals without exception and gives all life new dignity and sacredness. For this reason, we oppose the death penalty (capital punishment) and urge its elimination from all criminal codes.

Source: <http://www.umc.org/what-we-believe/political-community#death-penalty>

Rev. Becca Girrell, Lebanon United Methodist Church, 2019

My name is Reverend Rebecca Girrell. I am an ordained clergy person in The United Methodist Church. In that capacity, I have served with four congregations and on denominational Boards in New York, Vermont, and New Hampshire; I presently serve in Lebanon, NH. I am also the daughter of a retired correctional facility superintendent (more commonly, a warden), who served for 28 years in the Vermont Department of Corrections. I have stood against the death penalty since I was a child.

My mother's commitment to, and care for, the men incarcerated in her correctional facility was always evident. She taught me that everyone deserves humane treatment, and that anyone—no matter how shocking or brutal their crime—must have the opportunity to learn, to change, to take responsibility for their actions, and to seek to make amends.

Both my faith and my mother's vocation teach me that all people are an intricate mixture of "good" and "bad;" perhaps even these categories are too binary to capture the complexity of human experience. Beloved by our Creator, our parents, our friends, our partners, our children, we are capable of profound kindness and profound harm, and possess tremendous capacity for repentance, forgiveness, healing, and transformation. It is not only those who have offended who rely on this capacity; often healing for victims and their families is enhanced if the perpetrator can come to express remorse and offer some form of restitution. This is because our lives are bound to one another, for better or worse, and only death can sever those bonds and put an end to our capacity to seek and give forgiveness, to seek or see redemption.

My faith tradition, the United Methodist Church, says this: "We believe the death penalty denies the power of Christ to redeem, restore and transform all human beings." And later, "When governments implement the death penalty (capital punishment), then the life of the convicted person is devalued and all possibility of change in that person's life ends" (United Methodist Social Principles, paragraph 164.G).

Because healing and repentance are so closely tied together, because transformation is always possible, because human beings must not exercise the power to cut short opportunity for healing or redemption—thereby denying the power of God to bring these about—I encourage your support of HB 455, repealing the death penalty in the State of New Hampshire.

Rev. James McPhee, Superintendent, Tri-State District, 2019

I serve as Tri-State District Superintendent in the New England Conference of the United Methodist Church. In my district, I work closely with 24 United Methodist congregations in southern New Hampshire.

The United Methodist Church unequivocally opposes the death penalty.

We understand that this ultimate sanction does not serve as a deterrent but is irrevocable retribution which we understand to be contrary to Christian

understandings of sin, accountability, and the restoration that God seeks with all of us.

This portion of the United Methodist Church's Social Principles quoted above summarizes our view.

We are all aware of many occasions in recent years when persons condemned to be executed have been exonerated by advancements in genetic screening and by additional evidence. Our applications of the death penalty are far from perfect. This ultimate sanction does not serve the cause of justice among us but can be the vehicle for ultimate injustice in our society.

The elimination of capital punishment in New Hampshire would be a move to more fully reflect our values in our criminal justice system. That is, as we affirm the horrors of the taking of any life by homicide, our society likewise must not itself perpetuate violence and retribution. May this be so for all the citizens of New Hampshire.



Hello Chairperson Cushing and members of the Criminal Justice and Public Safety Committee,

My name is Palana Belken of Rochester, NH and I urge you to vote OTP on HB455.

The state has not executed a person in almost 80 years, and does not even have the means to do so now. This alone should prove that New Hampshire has clearly already moved on from this unfortunate relic of a flawed criminal justice system.

Defending a broken system should not be what standing up for New Hampshire values looks like.

Standing for New Hampshire values, in the Live Free or Die state, should look like opposing a government being able to execute its people. It looks like not dragging innocent people through the trauma of having participated in an execution.

The Death Penalty is an unfortunate relic of a flawed criminal justice system and must go.

I am also submitting the testimony of two friends, The Rev Jane Van Zandt and Andrea Pirkey, who could not attend the hearing today.

I urge the committee to vote OTP on HB455.

Palana Belken
4 Old Dover Rd
Rochester NH 03867
508 815 7076
palanaaaaa@gmail.com

Abolish the Death Penalty

My name is The Rev Jane W Van Zandt, Chester NH, and I am a priest in the Episcopal Church of New Hampshire. As a committed follower of Christ, I believe that state-sanctioned pre-meditated murder is wrong. Seeking revenge by taking another life solves nothing. Everyone with a conscience, who is involved in killing an inmate, will suffer for the rest of their lives – those employed in the prison system, medical personnel, the governor, and those who support the death penalty. I do not want my tax dollars to fund a homicide. Therefore, I urge you to vote in favor of abolishing the death penalty. Thank you.

The Rev Jane W Van Zandt
58 Hanson Rd, Chester NH 03036
603-895-4583 / episrev@comcast.net

Jane Olivier, 554 Beauty Hill Rd. Barrington

As a volunteer chaplain at the Strafford House of Correction for 21 years, I have seen people change for the better.

HB455 includes life imprisonment for murder. A person could change and face their life and make amends.

*Thank you!
Please vote for HB 455
Jane Olivier*

My name is Andrea Pirkey. I am a New Hampshire native and I live and work in Concord. I am writing to ask this committee to vote 'ought to pass' on HB455 to repeal the death penalty in New Hampshire. I work in the criminal defense field am very concerned about the integrity and reliability of our justice system. Over 165 people have been exonerated from death row across the country. These numbers are alarming and suggest our courts need reform to safeguard defendants from wrongful convictions. In addition, New Hampshire has over 170 law enforcement officers on the "Laurie List," which is an internal list of officers with credibility issues kept by the New Hampshire Attorney General. If New Hampshire defense attorneys don't have access to all exculpatory evidence, such as a police officer who may not be a credible witness, this list alone could increase the likelihood of a wrongful conviction. I encourage this committee to focus on criminal justice reform and reducing the likelihood of wrongful convictions, and part of that process requires acknowledging that the death penalty has no place in New Hampshire. I ask that you vote 'ought to pass' on HB455 and repeal the death penalty in New Hampshire.

Andrea Pirkey
Concord, NH
andrealpirkey@gmail.com

①

P my name is 25

and i support
reopening the
Death Penalty in

~~To Kill or Not to Kill~~

I ask that you please support and not

~~LET ME START BY GIVING MY APOLOGIES IF THIS~~
TITLE OFFENDS ANYONE. YES ITS GRAPHIC, AND YES IT IS
~~COLD AND CONSIDERABLY STARK.~~ BUT IT IS ALSO NO LESS
ACCURATE. IF WE ARE GOING TO DEBATE THE EFFICACY OF
THE DEATH PENALTY, THEN WE MUST CALL IT WHAT IT IS.
FOR WE LIVE IN A TIME WHEN WE NO LONGER HAVE THE
LUXURY OF NICETIES OR ~~POLITE AND POLITICALLY CORRECT~~
~~LANGUAGE.~~ WE ALL MUST UNDERSTAND ONE THING TODAY:
THE DEATH PENALTY IS NOT A PENALTY AT ALL, BUT THE
KILLING OF ~~ANOTHER~~ HUMAN BEING'S

~~NOW SOME MAY CRINE AT THE NOTION OF KILLING.~~

HOWEVER, WE MUST BE CLEAR, THE WORD PENALTY IS DEFINED
AS FOLLOWS: A PUNISHMENT IMPOSED FOR BREAKING A LAW,
RULE, OR CONTRACT, A DISADVANTAGE OR UNPLEASANT
EXPERIENCE SUFFERED AS THE RESULT OF AN ACTION OR
CIRCUMSTANCE. PUNISHMENT IS FURTHER DEFINED AS:
THE INFLECTION OR IMPOSITION OF A PENALTY AS RETRIBUTION
FOR AN OFFENSE. FURTHER MORE, RETRIBUTION IS DEFINED AS:
PUNISHMENT INFLECTED ON SOME | AS VENGEANCE FOR A WRONG
OR CRIMINAL ACT.

②

②

AGAIN, WE MUST BE CLEAR. WE PUT AN INFIRMED ANIMAL TO DEATH, ^{but we} WE KILL HUMAN BEINGS. THIS IS AN ACT THAT IS NEITHER PRETTY NOR SIMPLE AS WELL, IT IS NEITHER HUMANE NOR ACCEPTABLE, IF WE ARE TO BE CONSIDERED AN ADVANCED SOCIETY, THEN WE ^{should} STOP KILLING ^{Americans Human Beings} ~~OUR FELLOW~~ ^{criminals} ~~WOMEN & MEN~~ IN THE NAME OF VENGEANCE. IF WE ARE TO CONSIDER THIS ADJUDICATED OPTION, THEN WE MUST UNDERSTAND THAT ~~IT~~ IS, AS INCONVENIENT AND UNPLEASANT AS IT MIGHT BE, KILLING FOR ^a VENGEFUL PURPOSE.

~~WE LIVE IN A TIME OF MARVEL LADIES & GENTLEMEN, THE~~
WORLD IS QUITE LITTERLY, AT OUR FINGER TIPS. HOWEVER, IN SPITE OF OUR ABILITY TO MOVE FORWARD IN ^{advancement in advances in science} TECHNOLOGICAL ~~WISDOM~~, WE REMAIN FIRMLY ENTRENCHED IN AN ANTIQUATED SYSTEM OF JUDICIAL PUNISHMENT. I WILL SPARE YOU ~~THE~~ ^{at the} ~~EVERYTHING~~ ^{to believe} ~~IS WRONG~~ WITH OUR CURRENT JUSTICE SYSTEM ~~LITANY OF ILLS WITHIN OUR SYSTEM~~ AND FOCUS ON ONLY ^{issue} ONE; THE KILLING OF CRIMINALS. AT THIS POINT IT WOULD BE SIMPLE FOR ME TO SAY THAT A PUNISHMENT OF LIFE IN PRISONMENT WITHOUT THE POSSIBILITY OF PAROLE IS EASILY A FATE WORSE THAN DEATH. TO BE CONFINED FOREVER WITH ONLY YOUR THOUGHTS AND MEMORIES IS PERHAPS, IN AND OF ITSELF, UNTHINKABLE, CERTAINLY IT IS ^{far more} FAR MORE PAINFUL THAN AN EXPEDIENT AND PAINLESS DEATH. BUT THAT IS OBVIOUS.

HS 455

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3

WHAT THIS ISSUE COMES DOWN TO IS SIMPLE AS WELL,
 TO US, AS A SOCIETY OF ^{CIVILISED} HUMAN BEINGS, WANT TO
 REVERT TO OUR MOST ^{BASIC} BASE INSTINCTS AND RESORT
 TO KILLING ^{HUMAN BEINGS} OUR FELLOW MEN & WOMEN FOR REVENGE?

back

APPLYING DEATH AS A PENALTY DOES NOT MOVE US FARTHER
 AHEAD ON THE EVOLUTIONARY SCALE, BUT RATHER THRUSTS
 US BACKWARD TO A TIME WHEN WE BURNED WOMEN AT
 THE STAKE FOR BEING WITCHES.

PLEASE I EMPLORE YOU, DON'T LET US SLIDE BACK TO THEM
 BUT RATHER LET US TAKE A MORAL AND ETHICAL STAND
 AGAINST THOSE WHO BELIEVE IN AN EYE FOR AN EYE OR
 THE CUTTING OFF OF HANDS FOR STEALING.

IT IS OUR DUTY TO LEAD BY EXAMPLE, ^{rather than} NOT FOLLOW BY
 IGNORANCE. ^{in this country}

I ask that you please support
 and vote ^{yes} on this Bill to repeal
 the death penalty in NH

the Bill HB 455

I ask that you please support and
 vote yes on the Bill HB 455 to
 repeal the death penalty

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February 19, 2019

Dear Criminal Justice and Public Safety Committee Members,

I speaking today in support of HB455

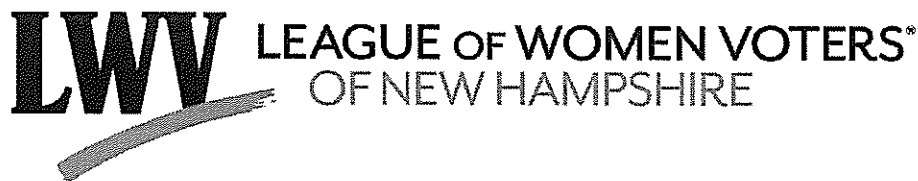
My beliefs about the death penalty today were very different twenty years ago. The knowledge I had of the death penalty was based on other people opinions until I decided to further my education.

During the studies for a degree I researched the death penalty which caused my beliefs to change. I learned during this time that being sentenced to the death penalty depends on a person's race and economic status. I read the studies and statistics, some will of which you will hear or have heard today, that the death penalty is not a deterrent.

Later on in life I spent four years in a program studying the bible with a small group. Through reading and discussions of the bible my belief against the death penalty became even stronger. I believe in the New Testament message against retribution and violence. Because my academic and religious educations I now firmly believe the death penalty should be repealed.

I will closed my testimony with a part of minute from the 1956 New England Yearly Meeting of Friends which speaks to my beliefs "... there is no crime for which the death penalty should be imposed. We hold life, given us by our father, to be sacred and hence not to be taken from any of us by the judgment of man"

Thank you,
Kevin Woolley
17 NH Route 119E
Fitzwilliam, NH



4 Park St Room 200
Concord, NH 03301

www.LWVNH.org

February 19, 2019

To: House Criminal Justice and Public Safety Committee

From: Sally Ebley, board member, League of Women Voters NH. Webster resident.
Email: LWVNewHamshire@gmail.com

Re HB 455, to abolish the death penalty for capital murder

My thanks to the Committee for hearing all our views on this bill.

My name is Sally Ebley, I live in Webster, and. I am currently on the Board of the New Hampshire League of Women Voters. From our founding 99 years ago, the League has been determinedly nonpartisan, but we do take positions and lobby on issues on which the membership as a whole has reached agreement. Since 2006, the League of Women Voters has had a position supporting abolition of the death penalty. That decision was reached at National Convention in concurrence with a position adopted by the State League of Illinois (home to the Ryan Commission) and supported by local Leagues that had been studying this issue throughout the country.

In 2002, as president of the Schenectady League of Women Voters, I hosted a public forum on the topic, "The Death Penalty: Are Attitudes Changing?" One of our three panelists was the executive director of New Yorkers Against the Death Penalty, who happened to be a Schenectady resident. The name of that presenter may be familiar to you. David Kaczynski became a vocal opponent of the death penalty after leading the FBI to his brother, Unabomber Ted Kaczynski, and then working to make sure his schizophrenic brother avoided execution. From this unique perspective, he described the death penalty -- not as a deterrent to crime but as a deterrent to families who may want to turn a relative over to the authorities.

Geographical and racial bias in sentencing and the pervasive problem of inadequate legal representation are widely recognized as factors undermining our criminal justice system. New Hampshire has the rare opportunity to take the death penalty off the books as punishment for capital murder. We should join all the other New England states in outlawing this practice.



HB 455
AN ACT relative to the penalty for capital murder
NH House Criminal Justice and Public Safety Committee
February 19, 2019

Testimony of Carol Stamatakis, Lempster, NH

My name is Carol Stamatakis. I live in Lempster New Hampshire. I am speaking today as a private citizen, and as a daughter of a murder victim.

My father was murdered in 1997 in Ohio. He was shot and bludgeoned at his place of work, a furniture store that he had owned and operated for over 30 years. He was a hardworking Greek immigrant and beloved member of the community with no known enemies. He was killed in an apparent robbery at around noon on a beautiful day in late May, the Thursday before the Memorial Day weekend. There were never any arrests, and his case is still unsolved.

I learned that my family is not alone. The number of unsolved homicides is staggering. According to FBI statistics for 2016, 40.6% of homicides are unsolved or "uncleared." "Uncleared" means that there was no arrest. Statistics for our region have been fairly consistent. When I first learned this, I was shocked and horrified that the number could be so high. The percentage of uncleared homicides has, surprisingly, risen steadily for decades. In 1965 91% of cases were cleared and that rate has decreased steadily over the last few decades down to the current rates. In some cities the rate of uncleared homicides is well above 50%. I have attached statistics from the FBI documenting this downward trend and explanatory materials from the Department of Justice explaining what clearance means.

This disturbing trend is a reflection of how our criminal justice dollars are being spent, as lack of adequate resources is always cited as a reason for the large number of uncleared or cold cases. In New Hampshire, the Attorney General's web site reports 126 unsolved cases. I have testified before this legislature in the past advocating for resources for cold cases. These figures raise compelling questions about unintended consequences from the manner in which we have allocated our criminal justice resources. The death penalty, and the extreme sums of money directed to a very small number of cases at the expense of many others, has not made our communities safer. I have been told that the prosecution and defense costs for the Addison case exceed 3 million dollars.

The same week in the same neighborhood where my father was killed, a 90-year-old shopkeeper was killed under similar circumstances. I wondered if the killer might be the same person. His case, like my father's, remains on the cold case list. There are implications for the safety of all of us when such a high number of murders are unsolved and the killers are among us.

I am struck by how often people in my situation, families of victims, are invoked as a reason to support the death penalty. I do not doubt that for many this sentiment is sincere. But if we want to support the family of a victim, it is important to understand what family members experience and the different ways that our criminal justice system is or is not meeting their needs.

One of the most compelling needs that my family and other families I have met have is the need for information about what happened to our loved one. Shortly after my father was found a reporter talked to my mother and quoted her in the newspaper as saying that she wanted

to know "who did this and why." Sadly, she would never get an answer to that question. My family received very little information about details of my father's death. I remember waiting through that long Memorial Day weekend for some will piece of information, thinking that perhaps it was because of the holiday that we were not hearing anything. Unfortunately, that waiting never ended as the days turned to weeks and then months. Families of victims in unsolved homicides often describe the psychological burden they live with from not knowing.

At some point, my father's case became a cold case. No one tells the family when this happens. It is essentially an administrative decision that no more time or resources can be spent on a particular case due to the passage of time. The amount of time varies depending on location, available resources and the applicable policies and practices of the law enforcement agencies involved. Even though I am an attorney and had worked with police prosecuting child protection cases, I did not understand what it meant. I never really understood it until I happened to read an article about it and did my own research to better understand what my family had experienced.

Victim's families need support. Programs that provide support to victims and help them understand and cope with the criminal justice system can be very beneficial.

Another important way to support victims in to assure that police have the resources to properly investigate in terms of training, financial resources, technology, and enough investigators to be able to devote time to cases, so they don't declare they are "cold" too soon and so that they can respond in cold case situations when promising new evidence emerges.

I think we should all reflect on what we could do with that amount to make our communities safer and healthier. We could provide more resources for much-needed substance abuse treatment, mental health services, assistance to families in crisis, resources for investigation, including cold cases, training, and meaningful support to all victims and families.

In my father's situation there was little gathering of physical evidence. It was clear that police hoped that someone who was picked up on another crime would know something and be willing to provide information in exchange for some deal for themselves. As time went on, I became more ambivalent about the police making an arrest. Given the nature of the investigation, I wondered how they could get a conviction or maintain it through appeals. How could we feel confident they had the right person?

I have never had fantasies of vengeance. I wonder about what might have happened the day my father was killed. If I had a chance to meet and talk to the person who did it, I would want to do that.

My daughter as a teenager used to love to watch shows on TV that were reenactments of real murders and how they are solved. It seemed these cases were always solved by police with the highest standards, with all the time in the world, using sophisticated forensic technology that was always readily available.

These shows are entertaining but they are not reality. I worry that when the death penalty is considered, all too often there is an assumption that life is a game of cops and robbers where good guys always win. This is not the experience of those of us living with cold cases nor is it true for death row inmates or their families or victims where genuine questions of innocence exist.

It is important that we be brave enough to be willing to look at our world as it really is, and with all of its imperfections. As our understanding of effective criminal justice evolves, we have to be willing to revisit past assumptions and focus on what really works and what will really keep us and our communities safer. We have to be willing to own our human limitations but do the best we can despite them. But because of our human limitations and our collective human frailties and the inevitability of error, the death penalty can never be justified.

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Dear committee members,

My name is Emily Kilheaney, and I live in Manchester. I am here to urge you to support HB455 and repeal the death penalty here in New Hampshire. Over 165 people have been exonerated from death row across the country-- that's 165 lives who were taken, 165 innocent human beings who are no longer here because they were falsely convicted of a crime. Nationally, at least one person is exonerated for every 10 that are executed. Any one of us in this room could fall victim to a justice system that cannot possibly be infallible, and pay the ultimate price.

Additionally, the death penalty is discriminatory. A death sentence for a defendant often raises questions about why someone in similar circumstances, sentenced by a different jury, received life without parole instead. It is not often not based on the crime committed, but on the quality of defense, geography, and on the race of the defendant and victim. A study at Columbia University found that 68% of all death penalty cases were reversed on appeal, with inadequate defense as one of the main reasons requiring reversal. One study published examined more than 2,000 homicides and found that black defendants were 1.7 times more likely to receive the death penalty than white defendants and that murderers of white victims were 4.3 times more likely to be sentenced to death than those who killed people of color. Nationwide, black and white people are victims of homicide in roughly equal numbers, yet 80 percent of those executed had murdered white people. How can we continue a practice so clearly rife with discrimination? I ask that you vote in support of HB455 to repeal the death penalty here in New Hampshire, because to keep this practice on the books is an intolerable denial of civil liberties and is inconsistent with the fundamental values of our democratic system.

Thank you.



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Citizens Count[®]

Inspiring NH Citizens to Make a Difference

CITIZEN VOICES[®]: "Should New Hampshire repeal its death penalty?"

This report of citizen testimony is presented to members of the House Criminal Justice and Public Safety Committee at the public hearing on HB 455.

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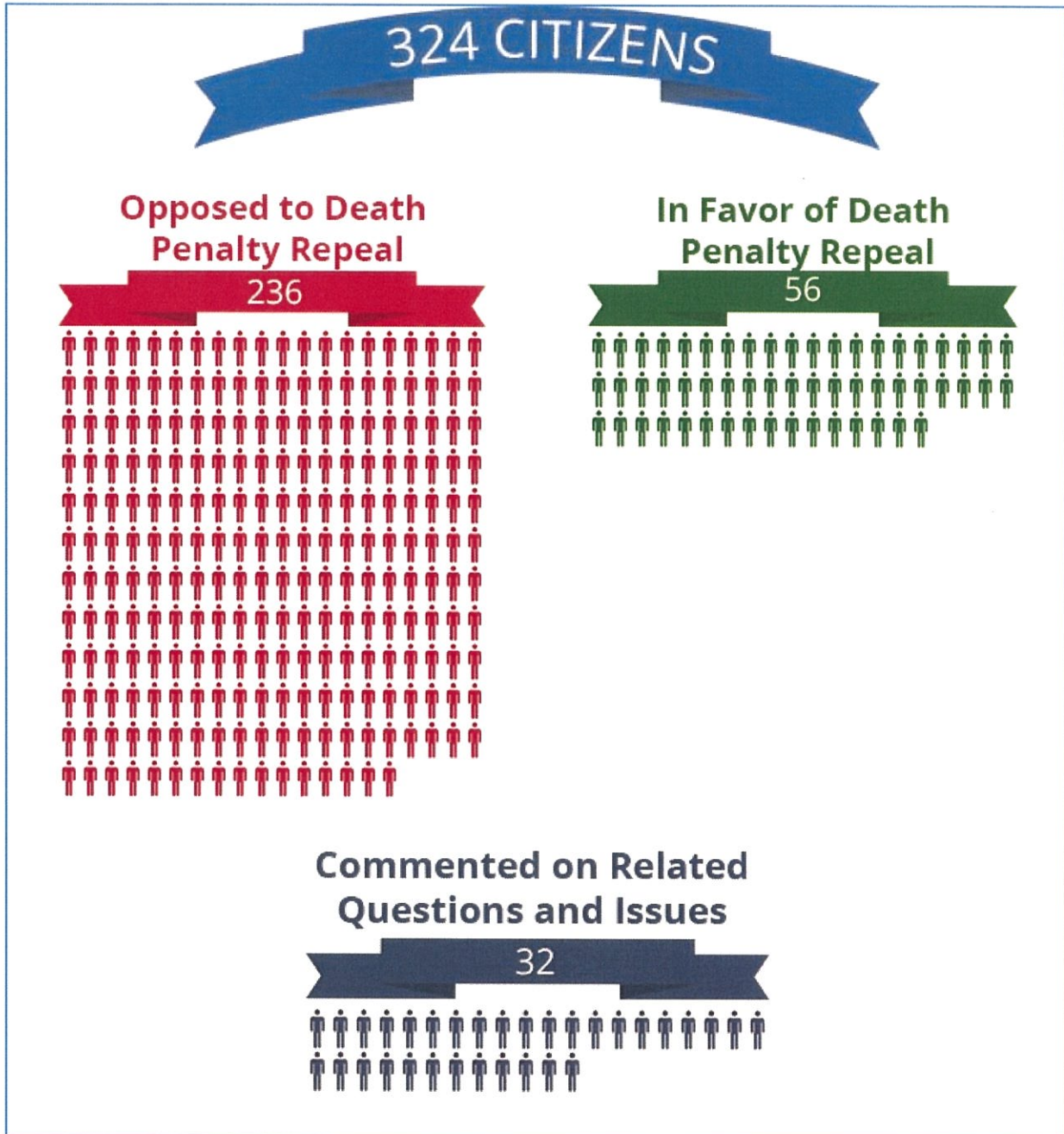
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CITIZEN VOICES REPORT: HB 455

“Should New Hampshire repeal its death penalty?”

Discussion held on Citizens Count website and Facebook page January 15, 2019



WHAT PARTICIPANTS SAID

No: 236 people were opposed to repealing the death penalty.

- “Not only should it not be repealed, it should be used more often and actually carried out in a timely manner.”
- “Some crimes are so heinous that the death penalty is warranted.”
- “I am pro-life and have no problem with the death penalty for heinous (and proven) criminal behavior. They aren't in conflict because one is to protect the life of the innocent, while the other is to punish the guilty.”

Yes: 56 people were in favor of repealing the death penalty.

- “Death penalty is more expensive than life in prison because of the processes of mandatory appeals. In many cases it becomes life in prison, and the inmate dies before they are executed. This process does not give victim's families closure, as they are dragged through the appeals process for decades. Shut it down and save money.”
- “The state cannot be trusted with this responsibility, as has been proven by the list of wrongfully executed people, and it's more expensive than lifetime imprisonment, making it both morally wrong and pragmatically wrong.”
- “It's not a deterrent; it's too expensive and mistakes can't be corrected.”

Other: 32 people commented on related questions and issues instead.

These included:

- Death penalty is rarely used: “When was the last person put to death in NH? 1938?”
- It's all politics: “It would be a cold day in hell for NH to ever use it anyway... NH keeps it on the books to keep the Republicans happy, and they refuse to enforce it to keep the Democrats happier. That's what you call a 'Swing

State’.”

- Some states perform more executions: “It may be a law but they don’t use it. At least Texas does!”

**Editor selection of actual participant quotes.*

Citizen Voices - HB 455 Complete NH Responses

Opposed to HB 455, repealing the death penalty

Aaron Fowler	Repeal, NO ... start using it, ABSOLUTELY, starting w/ cop killers... front of the line !!
Al Carlson	Absolutely do not repeal. You are slowly making NH a county of MA
Alan- Skip Davis	The death penalty should be imposed and carried out for ANYONE who willfully takes a life under the definition of 1st degree murder.
Alex Czerwinski	No, in fact it should be used more often on all murderers and child molesters
Alexandra Shannon MacLeod	NO! IF ONLY WE USED IT! #NH resident
Amanda Morasse	No it should not be repealed! However, it should be rewritten. As is it does cost alot of money. So they should once sentenced with the Death penalty to enact the sentence immediately. It would cost far less if they did, plus it would cost tax payers far less for housing the condemned in prison as well. They should also expand the death penalty to include child pedofiles as well. They cannot be 'cured' and what they do to a child physically and mentally deserves death. Rope and bullets are cheaper just an idea and my personal opinions when it comes to yhose guilty and awaiting their executions. #nhresident
Andy Blodgett Jr.	No. There has to be a " terminal" punishment for those that take another's life .
Andy Brown	NO....matter of fact how about we ACTUALLY use it?!...
Annette Carey Preece	No.Start using it and maybe people would think twice before committing a murder
Arthur Avann	Absobloodfrigginglelutely not!
Artie Holmes	No...keep the death penalty...there needs to be a deterrent
Barbara McClory	#NO #NHresident
Barbara Ricker	Yes we should keep it..an use it more often.
Betsy Budesky	If it ain't broke....don't fix it.
Bil Martineau	.. KEEP IT...!! It's the ONLY deterrent against some violent crimes. It also makes damed sure that they will never do it again
Bill Croteau	#NO repeal. NH resident. It's fair punishment for the worst offenses
Bill Keniston	No way! They should use it more often....
Bill McKay	Keep the death penalty for assholes like the one in Michigan that guy doesn't deserve to spend the rest of his life in jail
Bill Washok	No should be used more often for killers of police officers and children and any other murderer who pleads guilty or is found guilty without any doubt save the taxpayers money by not keeping them in jail for years and paying for it
Bob Coffill	#no
Bob Cosmo	No
Bob Farewell Jr.	No
Bob LaFrambois	#NO next thing you know, you have some liberal sympathetic politician letting them out...
Bob Reed	#No, NH resident.

Brandon Corcoran	#no f*** to the no. I don't want my taxes to pay for murders staying alive. Much cheaper to bury them. Can we also kill pedophiles?
Bri Dee	#NO #NHResident and #Democrat As part of #MeToo we should allow the Death Penalty For rape of a person aged 16 or younger #FirstOffense!
Brian Paquette	No! Use it more!
Bruce McPhee	No way. If the crime is that serious there should be no reprieve.
Bubba LeDuc	#NO! #NH RESIDENT
Buddy Bullerwell	#NO NHResident
Bustah Cee	NO ! Also a NH resident.
Calvin Hahn IV	#NO NH Resident
Carl Vitello	No. It's why we have low murder rate
Charlie Lord	No
Cheryl Rouleau	No
Chris Boneyard Mau	I think if we have it in place then use it
Chuck Flahive	Keep it and let's carry out cop killer Michael Addison's death sentence soon.
Clinton Peabody	Keep it death. Life for a life. The life imprisonment just makes more of a burden on the tax payers. The ones who don't kill people...
Craig Bunner	no enforce what we have
Craig Messier	Don't waste our money housing these criminals get rid of them they made their choice now need to deal with the consequences
Dan Gaudiosi	Absolutely not! More scumbags should be put to death via DNA
Dan Grimes	Eye for an eye ... make use of it ...don't say it's inhuman. ... you kill a police officer ... you die plain and simple. . Kill a person you die .
Daniel Millett	No
Darlene Nardone	NO! But I also think they shouldn't have so many appeals. Maybe rewrite it. If you know beyond a shadow of a doubt and that there is no question that someone murder someone then the death penalty should be applied. The murderers have too many rights more than the victims in this day and age!
Darrin Stewart	Absolutely not other New England States need to impose the death penalty.
Dave Gardner	leave it alone.
David A. Dustin	Some crimes are so heinous that the death penalty is warranted. I feel strongly about this and I live in NH.
David Beauregard	Get rid of them I don't want to pay to keep them alive... f*** that I need money for my family not these pieces of shit so don't deserve life
David Bottai	#no NH resident!
David Campbell	No, but it should stop voting for morons that want to
David Gurney	NO. We should use it more often. And not impose it only one people that initiate violence on law enforcement. The badge doesn't make their life any more valuable than any other persons life. Time to get back to an eye for an eye, a life for a life judicial system.
David Hamilton	No,and if you say "it costs to much money" then I defy you to tell me how it would be cheaper to house humans for 5 decades rather than execute them

David McMurray	The death penalty for your local heroine dealer. If they are willing to allow chemicals to kill our fellow citizens, then they them selves should be killed with chemicals.
Dawn Richardson Brown	Bill Lord I am pro-life and have no problem with the death penalty for heinous (and proven) criminal behavior. They aren't in conflict because one is to protect the life of the innocent, while the other is to punish the guilty.
Denise Hamilton	Maybe they should use it and then some will think twice before doing the crime!!!!
Deon Ellis	Nh resident. If they deserve it....string them up publicly
Dick Mitchell	I do not believe in repealing the death penalty.In too many cases, it shouldn't be overlooked, as a form of punishment. I am a lifelong resident of New Hampshire.
Don Merchand	Seeing how New Hampshire hasn't used the death penalty in my lifetime and I'm 52 years old let's just keep it in place And maybe we should use it once in a while
Doug Murray	NH resident - NO Prisoners give up their civil rights by committing crimes. There should be no recreational areas, no educational services, no electronics, no visits from anyone other than immediate family.
Ed Murphy	#no. Not only should it not be repealed, it should be used more often and actually carried out in a timely manner.
Edison Cowing	No!!!
Eric Cunningham	No repeal, the death penalty until recently in NH used to be hanging..
Evelyn Logan	#NO. NH resident.
Gary Vitello	#No NH Resident
George Preston	I am from NH and live there. And I say fry them
Gerald Haney	Leave the Death penalty law just like it is
Ginger Hatton	No
Glen LaPoint	No
Greg Pearce	NO WAY IN HELL - NH resident.
Greg Sager	Even when they have a chance to kill cancer they want to choose not to WTF now you want tax payers to pay for these scumbags for the rest of their lives that's bullshit
Gregary Bryar	Death penalty needs to remain on the books.... in fact every state in our country needs it. No punishment imposed will act as a "deterrent" because bad people do bad things. Murder and rape should be fast tracked to the imposition of the death penalty.... there is no reason to waste the courts time, money and resources on years and years of legal appeals. Why should these people have the relative luxury of a life of incarceration? I've spent most of my life as in law enforcement including corrections so I know what I'm talking about... yes prison sucks, but getting free meals, clothing, housing, education, cable television, telephone, library, visitors, and sometimes internet access is far more than any inmate deserves... much less those that commit the most heinous of crimes! Our legal system has to be restructured and streamlined to minimize potential wrongful conviction and swiftly carry out the properly imposed sentence. Can you imagine the savings to the state so money can be put to much better uses?

Gregory A Mattson	No
Grove Marcy	No repeal.
Harry Bennett	#NO NH Resident. That said, with exception of children and the elderly, I do not think that there should be 'special classes' of people that 'trigger' capital punishment. The act should be the trigger, not the victim. I am not a big fan of the death penalty. However I do feel that those that have committed certain heinous acts have declared themselves unfit to share our air. To me it is worth the added expense to make that happen.
Henry Tardiff	No! All states should have this law. Death for cop killers. It is a deterrent that works.
Ida Harman	No'
Irving Glater	Absolutely no! That is, until it can be shown conclusively that fear of the death penalty has NO deterrent effect on a potential murderer. #nhresident
James Francis	No!
James JB	#no
James Marshall	Nope...I vote STAY with death penalty! In fact! Let's start today...put it to USE!
James Nicoll	An EYE FOR AN EYE
James Willett	No
Janay Nadeau	If there is no doubt, they were caught red handed? Buh bye! No appeals either.
Jason Devlin	No
Jason M DeFosses	NO!
Jay Cooper	No
Jean Lavallee	Do not repeal. A cop killer deserves to die.
Jeff Daly	#No
Jeff Goodreau	#NO #NHRESIDENT We should be using it more often for drug dealers, rapists, skimmers, and murders!
Jeff Hrycuna	No there should be more including rapists and pedophiles
Jeff Lamoureux	it's pretty obvious that criminals no longer fear being caught. we need capital punishments. prisons are not what they used to be. need medical services? don't have insurance or the money? hell just commit a crime that would sentence you to prison and you get it all. so you don't get to travel, but you get everything else. free meals, medical dental, hell in some cases you even get your sex change.
Jennifer Watson	#NO. 03077
Jeremiah Perkins	no
Jerry Leslie Graves	Public hangings
Jerry Webb	No resident.
Jim Leslie	Keep the death penalty,we will save money.
Jim Newell	That's bullshit they should be frying these bastards. Take away what's wrong with these people if you murder you should be murdered an eye for an eye wake up people.
Jim Thomson Sr	NO
Jo-anne Harvey Poore	No

Joe Nelson	Hell no fry the f***ers!!!! Do a pay per view and make some cash!!!!
Joe Pandolfo	Keep the death penalty. Expand it for drug traffickers, and child sex crimes.
John Corrigan	No, NH Resident: The narrow scope of crimes that the death penalty covers is reasonable considering the seriousness of these types of murders
John Farrelly	NO FRIGGIN WAY !!
John Gibson	No.
John Hill	No way . I wish they would actually follow through with it. It cost more money to house and feed for 10 yrs. If you're convicted then it should be carried out in a year. From Manchester
John Manningham	Jan Marie Marcotte abortion kills innocent babies...the death penalty kills guilty evil 1st degree murderous thugs. No. Keep the death penalty.
John Neveux	#no, eye for an eye
John Wenetta	Kill , pay per view
John Young	No and need to bring back the gallows and start using it.
Jon Vinciguerra	Expand the death penalty to child sex offenders, illegal opioid dealers and homicide in the first degree. Use of the firing squad should be brought back along with public hangings.
Jon Westland	Bring back firing squads Hangings. Guillotine.
Joseph Tibbetts	#no
Joshua Leduc	#NO 03060
Joyce Elliott	NO
Jude Larmie	I don;t want to support them all their lives.
Justin Normand	No
Karen Tarr	Leave it alone. N.H. resident.
Katherine Merwin Shea	Keep it and actually use it.
Keith Brown	Eye for an eye tooth for a tooth simple as that
Keith Hoyt	NO - Fry'em !
Ken McMullen	Needs to be used more often.
Kenneth Avery	Hell NO !
Kevin Luce	No and eye for an eye.
Kevin Manning	I support the death penalty.
Kevin Waldron	Don't repeal it, use it. No automatic appeal. You kill someone without provocation and you die.
Kristin Thompson	No... NH resident
Laurel Stevens	No!
Laurence Nash	Keep death penalty! Why pay for keeping scum of the earth alive?
Lenny Andrews	NO (NH) leave it alone. Don't pamper them in jail for life
Leo Robichaud	No
Lilita Macarthur	No not a good decision Ya got enough crime and drug dealers and people who kill others should get the sane
Linn Stevenson	Considering there hasn't been an execution in NH in about 80 years and the only way someone can get the death penalty is for 1st degree murder of a police officer, I'd say no. Even if it were repealed, it wouldn't affect the only inmate currently on death row.

Lori Cuanelli	Absolutely not! The number of heinous crimes we're experiencing warrants a harsh punishment. With law enforcement officers being killed, Toddlers being raped and murdered, and the absolute grumesomenes of some of these crimes.. Its not enough to just jail these perpetrators. Nor should we support them.
Louis J Stivali	NO.
Luke Botting	Nope, if anything the process needs to be streamlined
Manny Cabral	No . We should be putting more to death instead of paying for them.
Margaret Kris	No we need it more than ever and stop wasting the taxpayers money exhausting numerous appeals death sentences should be carried out much more quickly.
Marilyn Pelletier	No. NH is becoming nothing but a suburb of Massachusetts. We don't need all their craziness up here thank you just the same.
Mark Bryant	Hell no..
Mark Hoss Lockwood	No do not repeal!! NH resident here also. You take a life you sacrifice yours. PERIOD!!
Mark Saint Laurent	Enough with death row.. start putting sentenced to death.
Matt Lake	#no
Meem Japigi	Keep it
Megan Hardwick Puzzo	Keep the death penalty. An eye for an eye !!!!
Michael Culpon	Not enough getting excicuted
Michael Jones	NO!!
Michael Kalukiewicz	#no it should be expanded to include heroin dealers and pedophiles.
Michael Mgrdichian	The death penalty should be nation wide, life in prison is not cost effective for American citizens, life in prison is about money period, if you take a life you loose yours plain and simple
Michael Vaillancourt	Totally agree with John Farrelly I find it amazing that Liberal's have NO ISSUES WITH MURDERING THE UNBORN but somehow the Scumbags that commit 1st Degree Murder, Terrorists, Pedophiles, Human Traffickers, etc.. are somehow Off Limits !! Just another example for why Liberalism truly is a SEVERE MENTAL DEFECT! Not to mention what it cost to provide, heat, AC, 3 meals a day a bed, etc...
Michelle Green	No
Mike Burlingame	Eye for an eye
Mike Dillon	KEEP NH's DEATH PENALTY!
Mike Dudley	No
Mike Robb	No
Mimi Iannillo	In cases like Addison's when there's not a shred of doubt, fry him. Life without parole is bull shit. So many get parole anyway. The justice system isn't just. And yes, the family should be compensated. This maggot turd took the life of a man that nothing but his job.
Nancy Broadley	Kill em
Nathan Lambert	Bring back public hangings... people may think twice.
NHdan Rides	No keep it every indication is that offenders are more violent and blue lives dont matter. We need the death penalty

Owen Wellington	I'm from NH and we should keep the death penalty and expedite the appeals process the idea of keeping someone on death row for twenty years defeats the purpose.
Pat Levasseur	No.
Patrick Maloney	No needs to be used more pedophiles need it too
Paul Cusson	Keep it in place, and, shorten the turn around time between conviction and execution. Appeals are a lawyers game used to enhance their incomes. Limit those also.
Paul Durant	No keep it
Paul MacFawn	No friggin way...if someone is deserving a capital charge and found guilty of said capital charges, then by all means, let the death penalty be used...but, should the victims family object to death for them, then life with no parole should be used instead...the victims family should have more say in the final situation...to many of the families are often allowed only impact statements, give them more say and power on the killers final fate...
Pete Lacasse	NO. It's time it was used more often.
Peter Andritsakis	#NO !! NH Resident.
Peter James Miller	No, New Hampshire should not repeal the Death Penalty as a possible punishment for criminal activity. While New Hampshire has not sentenced anyone to death for a very, very long time, the threat of seeking the death penalty gives Prosecutors a powerful tool to obtain plea bargains from criminals who commit the worst of crimes in our state, saving the state enormous amounts of money in criminal prosecutions. Over the past 40 years, every individual faced with the possibility of a criminal conviction with the death penalty, has plead guilty to the charges on the condition that the state agree not to seek the death penalty. For that reason alone, the state should keep the threat of seeking the Death Penalty on the books.
Phil Clohecy	No! Actually put more crimes into the punishment, ie; drug dealers that are caught and sold drugs to someone that overdosed!, drink drivers one a second or more accident that causes a death! and finally anyone that murders someone...not just police officers!! Registered voter in Barrington, NH
Pidge McDevitt	Any one who kills a first responder should face the death penalty
Randall Kelley	ABSOLUTELY NOT !! Quit the pussification !!
Randy Scott McNally	No !! Liberals have no problems killing innocent babies but they don't want to kill some murderous scumbag who deserves to die funny !! N.H RESIDENT
Ray Butch Boulanger	Definatly NOT
Ray Collins	Leave it in place we need strong deterrents for crime
Ray Theriault	Hell No
Ray Ziakas	We dont do shit.. Theres cop killers sitting in a warm jail cell.. Wrong box they need to be in..

Raymond Labonte	# no NH resident it should be a faster process the only person on death row right now has been there for 14 years that is way too long
Raymond Le Floch	no ! and in instances where there is zero doubt put them to death within 3 days tops ! no appeals for 20 years bull
Rebecca Savage	NH resident - No
Reneau Labrie	Speed up the process of death penalty to save more money.
Richard Buswell	Oh, and animal cruelty where harm was intentional. Dead, as soon as possible in the town square.
Richard Cote	Depending on the crime. I know it's extreme but I personally think they should bring back public hangings for pedophiles and sex offenders
Richard F Fellows	No. Kill the rest
Rick Bentley	#NO NH resident. I dont get it. If you want all the crime and taxes of Massachusetts, you just have to drive south for 45 minutes. You don't have to implement their failing shlt policies here. You commit a capital crime, you deserve capital punishment.
Rink Chickie Savage	They should keep it and make it a point of not letting it goe on for years before doing it !NH
Rob Goodbout	No hang them high the bastards have more rights than their victims
Robert Belanger	No way,
Robert Collins	No
Robert Schlemmer	Hang the bastards.
Robert Siebert	No way. Stay with the death penalty.
Rodd Ward	NO.
Roger Packard	NO, and maybe if it was used more often , it would be a deterrent.
Ron Booth	NO. Should be kept on the books for especially heinous crimes
Ron Couch	I think we should put in an express line and save taxpayers money....
Ron Soupy Sayles	No. Kill once, but not twice. Execute after 1st murder, and there won't be a second murder.
Ronald Filipowich	Leave it the way it is don't touch it.
Ryan Johnson	No
Sandra Catania	No, leave it alone
Scott Hutch	F*** that We should make it mandatory for child rape and murder convictions in all 50 states
Scott Partridge	#No NH resident.
Sharon Nadon	I so in favor of the death penalty. Should be used more often. Bible says eye for an eye.
Shaun Hickey	Keep it, when was the last time it was even used?
Shawn Hojaboom	No to repeal!
Stan Cooper	No
Stephen Boyd	NO
Stephen Casano	Nope
Steve Allison	I think they should start using the death penalty
Steve Connors	NH must impose the death penalty for all illegal drug dealers if we are ever going to be serious at stopping the drug problem.
Steve Miller	Absolutely not.
Steven Charles	NO ☹us COP KILLERS EXECUTED ON SITE!!
Steven Hall	Keep the death penalty!

Steven Tousignant	I would have to say NO to repeal. My understanding is the ONLY time the death penalty can be used in NH is when the suspect / convicted has committed murder on a person in law enforcement i.e. Police Officer, DA, Judge, or a Corrections. If they go after people who protect society, ensure a fair trial, or watch over their sentences, then YOU have to ask yourself what are they doing to society?
Stevie Balint	#No NH resident.
Susana Rodriguez	#NO
Terry Neary	Yeah when ? A daughter and her boyfriend kill the mother . Premeditated murder she got 38 years and he got life that isn't death !! Both should of been put down like the dogs they are !! That's not Justice ! She'll be getting out in ten year's and to this day has not one bit of remorse !! So blow it up your ass !!
Theresa Nelson	No!
Thomas A. Welman	Keep it.
Thomas Bogan	Keep it, use it. You've retried Micheal Briggs 3 times and can't get a different result. It's time to give him the needle.
Thomas Carr	NO NH RESIDENT
Thomas Christopher	A tooth for a tooth. The death penalty should be reinstated nation wide.
Thomas Hoisington	No no no all states should have the death penalty.. And used as often as they can. Save use tax payers trillions of dollers
Thomas Landry	No we should start using the death penalty I think we should start the old hanging in public hanging like the older days why life in prison if you take a life why should the taxpayers have to babysit you for life it cost to much money I think if your a illegal immigrants and you kill an police office or American citizens you shouldn't not have a rights to put to death because they invaded our country os they are a terrorist
Thomas Page	NO-and yes I'm a NH Resident
Thomas Wilson-Frascone	No NH resident
Tim Nile	hang em high
Timothy Rose	NO ...NH RESIDENT
Timothy Russell	No in fact it should be expanded for other heinous crimes. If a person is found sane and premeditation can be proved they deserve the death penalty. Life in prison is not an easy life but come on every Sunday they get to turn on their television and watch football and other shows. They get to read as many books as you and I. They eat 3 meals a day, sleep in a warm dry place and are even provided free clothing. They can regularly visit with their families. Their victims will never again have any of these opportunities. There is no such thing as hard labor so that is not happening. These murderers did not make a bad decision they purposely ended a life or lives. NH resident.
Todd Wheeler	People who oppose the death penalty have no argument . 98% of them are a bunch of bed - wetting liberals who all favor abortion on demand - go figure . . . Kill the innocent and grant a reprieve to the guilty . . .
Tom Geno	keep it and use it!
Tony L Taylor	#NO. NH Resident.
Tyler Porter	#no

Vern Hoover	No and why isn't it used more often?
Vic Chiasson	Keep it and enhance it. Wether the victim is a cop or civilian, the death penalty should apply. Killing a killer is the most finite deterrent available.
Walt Costa	NO!!! NH Resident
Walter Rosen	#no. NH Resident. Bring back public hangings.
Wayne Kreiensieck	No.
Wes Allen	No, NH resident!

In favor of HB 455, repealing the death penalty

Aaron Corrow	#yes and if repealed it should change Addison's sentence. Cops aren't more important than the rest of society. If you don't sentence someone to death for murdering a regular citizen then there's no point in doing it for murdering a cop.
Amanda Russell Parenteau	Daria Christine While an innocent person may be wrongfully executed, every aborted child suffers the same fate. No one should lose their life for something they didn't do, not even if the "crime" is being conceived.
Andrew Gregory	#yes,#nhresident. Don't trust the government with this type of power.
Bernard Edgar Allard Dauphinais	#Yes.
Bill Lord	As someone who is pro life, I am obviously against the death penalty....supporting abortion but being against the death penalty and being pro life but in favor of the death penalty seem to be the 2 prevailing camps...both are illogical. I support real life imprisonments with hard, manual labor, bland food, no tv, no law library, no conjugal visits, no parole....
Bob Robertson	#Yes #NHResident The state should not have the power to kill in cold blood. How many death-row inmates exonerated by better forensics does it require to admit innocent people have been killed this way? If a thug is killed by his intended victim, that is a public service
Brian Whitaker	#NHresident #yes and while we're at it, let's work on repealing AEDPA.
Christopher Scandalis	Agreed, Bob. A lot of people foolishly assume that not wanting the death penalty is equal to being sympathetic to those who have done horrible things, but that's really not true. I'm simply not ok with the government deciding who lives or dies. As you wrote, they've sent many innocent people to the grave, and even if they hadn't I don't believe it's their place to make such decisions.
Chuck Malias	How about 26 years of history that shows states w/o a death penalty have *lower* murder rates than states with a death penalty? https://deathpenaltyinfo.org/deterrence-states-without-death-penalty-hav...
Cotten J. Smith	#Yes (NH resident). I can understand those who support it for especially egregious homicides. But I don't believe it is a deterrent, and as a punishment it won't bring back the victims. Eliminating it, though, strengthens society's message of the sanctity of life. Finally, nationwide DNA testing has shown too many errors, and it falls disproportionately on minorities and the poor.

Dan Tinkham	When he was convicted, I predicted that NH would never execute Michael Addison. There are many reasons why NH will never execute him. If we as a State are going to cower over some cop killer, we'll never put anyone to death. Michael Addison is very worthy of execution but unfortunately, he will live his pathetic life in a comfortable setting paid for by the residents of NH. Repeal it if you're not going to utilize it. (Life-long NH resident)
Daniel J. Labrie	#Yes between wrongful convictions and the money saved, there's no use for it.
Denis Goddard	#yes #nhresident End the death penalty
Dylan Cohen	#yes #nhresident End the death penalty It's not a deterrent; it's too expensive and mistakes can't be corrected. It's also not much of a punishment compared to languishing in prison dying slowly and forgotten about. The DP, like prison suicides is an easy way out.
Emmanuel Labrie	yes
Eric Zale	Death penalty is more expensive than life in prison because of the processes of mandatory appeals. In many cases it becomes life in prison, and the inmate dies before they are executed. This process does not give victims families closure, as they are dragged through the appeals process for decades. Shut it down and save money.
Forrest Roark	Yes, NH resident. The state cannot be trusted with this responsibility, as has been proven by the list of wrongfully executed people, and it's more expensive than lifetime imprisonment, making it both morally wrong and pragmatically wrong.
George Pratt	The death penalty is like the Drug War, and the proposed wall. It doesn't work as a deterrent.
Ian Hancock	#yes #nhresident more expensive than life in prison, does not deter crime, no good reason for the state to kill people
Jake Towle	NH resident, Yes. Peoples' gut reaction is that it's fair to kill a killer, but making decisions on gut reactions is a poor basis for governance. The facts are that DP cases are more costly than life imprisonment, not less. That there is no evidence that it is effective as a deterrent. That when DNA evidence became admissible, dozens of innocent men were taken off death row. And that the history of the death penalty is fraught with the killing of innocent men. The justice system has not shown us that it has the competency to be trusted with life and death. And for those that feel pedophiles should face the dp, which they may deserve at a strictly moral grounds, the majority of child sexual abuse is perpetrated by a close family member, and less children will report if they fear for the death of people in their family. It would lead to even less reporting, and more pedophiles escaping prosecution.
James Dorr	#YES Absolutely. The state has no business putting people to death. There have been many mistakes in the past in a lot of states.
James E DeGazio	Yes.yes 03820

James Mason	Capital punishment makes us LESS SAFE - NOT MORE. Why? Because the resources used to persue every last appeal and detail - which are routine in capital matters - could be more usefully applied to investigation and prosecution of defendants who are still at large. The choice is never simply shall we or shall we not. The choice is always what do we prioritize. Do you prioritize completing all the appeals in a capital case - so that the defendant gets their day on a gurney, while plee bargaining a repeat drug dealer from a felony to a misdemeanor because you don't have the time - or do you declare that you're finished when someone is locked away for keeps, so that you can hang a felony on a dangerous offender who still threatens the community? Capital punishment may be unethical for any number of reasons - but I see it as mostly unethical because it means putting vengence in one case ahead of community safety in others.
James Matthew	NH resident, Yes.
Jamie Cox	Yes. Repeal. Abolish. Look at the world, at which countries execute people. Is this the kind of company we want to be in? NH Resident.
Jan Marie Marcotte	#yes NH resident
Janet Ellis	#yes #NH RESIDENT
Jennifer Saeger	With all the untested DNA samples, all the wrongful convictions, its better to have life in prison than wrongly kill an innocent person. One day with better science maybe this won't be an issue but we're not there yet...
Jim Tiberio	Yes !!!
Joel Folliard	#YES NH RESIDENT It's cheaper to keep an inmate imprisoned for life than execution. Mistakes can and do occur Deaths do result Thou shalt no kill does not come with qualifiers It means don't kill Period That includes by the state
Karen Michelle	#yes NH resident end death penalty and concentrate on less privileges including no TV/newspaper . Let them live their lives out miserable with nothing, just like they left the victim's families with nothing.
Len Campbell	Yes! It does not prevent crimes and NH is just as safer without it. Murder doesn't prevent nor justify murder.
Lynn Wyatt	Forensics are much better than they were. I don't think anyone currently subjected to death sentence would be found innocent in the future. However, I'm still not sure I can back the death penalty, unless there is a confession.
Marice Nelson	yes, it is not that some dont deserve to die, it is that sometimes they execute the innocent
Mathew Butka	Yes, NH resident... All human life has value.

Matt Deloge	Yes. IMO the death penalty is a step too far. Life in prison. Hell, life in solitary. Not death.
Maureen Turgeon	Yes eliminate the death penalty. Life in prison is a worse punishment.
Michael Dowe	#yes It is one of the silly macho measures that we hang onto in the United States to look tough. It's really unnecessary and primitive and contributes to the culture of redemptive violence which people claim not to like especially when there are mass shootings
Michael Finley	#yes. Waste of money to have a death penalty. Plus you may have noticed the courts often conflict a person who has committed no crime.
Michael Rogers	#yes
Mike Letorus	#yes. But put pedophiles on that list.
Patty Queques	#yes #nhresident the government runs a monopoly judicial system (every country does this). Its amazing that monopolies are bad, unless we put them in charge of one of the most important things ever... derp. Basically, they mess up... A LOT. Other times, they intentionally use their ability to kill with impunity to shut up or disappear people. This is not something the G men should be allowed to do. #SeparationOfAdjudicationAndState
Peter Freeman	It costs much more to go through the entire appeals process than it does to put someone in prison for life. The last person convicted of the death penalty in New Hampshire is still in the appeals process and his prosecutor has gone on to be a U.S. senator and has since retired.
Phyllis Drouin	What a waste of money time and resources. This punishment hasn't been used in over 50 years. Why not work on fixing real problems in our state instead of trying to fix what isn't broken. NH resident. Live free or die if Concord says it's okay.
Rick Riggero	Life in prison is a sufficient 'deterrent ', if there is actually any deterrence at all. It is REAL punishment. Yes to repeal; Salem, NH
Robin Schnell	Far too many innocent people have been put to death as evidenced by the Innocence Project. It is well-known that misidentification by witnesses and false confessions are common. There is little, evidence that the death penalty serves as a deterrent, even when police or court officers are murdered. While it may be satisfying to survivors of a murder victim to have an accused/convicted person also die, the death of an innocent should be horrifying to all. I would add, that in the case that New Hampshire not repeal the death penalty, the family of a murder victim should have the ability, but not the sole ability, to commute that sentence to life in prison. #nhresident
Robin Waters	Hasn't worked as a deterrent yet!..
Sharon Hunt Gonzales	Yes. Yes. & Yes.
Sharon Pearson	Chris Boneyard Mau we have 1 person on Death Row in NH. He will never be executed... why are we wasting time and money on this issue?
Sonya Csapo Eckers	No more death penalty.

Stephen T Martin	#yes
Sue Maki	Yes
Tom Hall	Yes
Tracy L. Tracy	#yes #nhresident
Wayne Garland	The death penalty will not deter murder. It will remove certain individuals from the risk of possible escape and killing again, the cost to taxpayers for incarceration and care for life, and occupying space better used for less dangerous offenders.
William Fowle	Death Penalty no longer works due to eay too many frivolous appeals. Now convicts are appealing for incompetent lawyers, they failed to get me off.

Undecided or commented on other issues

Aaron Richards	NHdan Rides it was their choice to do so their choice to be a police officer
Amanda Weeden	Keith, they count how many are NH residents (just FYI)
Anthony Drago	Hard labor so if it's proven later they the person was not guilty he or she can get some of their life back
Bill DiCeglie	Artie Holmes how many killers do you think worry about death penalty? How many do you think it stops?
Bil O'MAhoney	Vern Hoover . Hell, we used it in 1939.
Brent Lachs	I think it's far less of a deterrent than people think, personally, I'd way rather be put to death than imprisoned for life.
Daniel Andrews	Rick Brodeur same as hate crimes
Dom Feroce	disturbing, insane comments...never is a deterrent. But facts dont matter to the uninformed crazies...
Hal J. Levingston	I remember Mr. Addison was talking shite about popping a cop. But when faced with death penalty. Wanted only life in prison. At the time everyone was in favor of putting that scumbag down. What happened MAssholes? And i originally come from MA. Hate people who want to poop in our pool.
Jessie Marshall	Penny Evans so you mean to say that you are ok with some of these people being your neighbors? If not then maybe rethink your statement
Jim Martel	What do you do with person in prison who murders while in prison? Another life sentence,?
Jim Meachen	It may be a law but they don't use it. At least Texas does!
Joel Prescott	Sharon Nadon the bible also says not to eat shellfish, yet NH makes a nice profit from selling shellfish every year.
John Best	Death should be the penalty for treason, of which all our politicians are guilty.
John Farrelly	I find it amazing that Liberal's have NO ISSUES WITH MURDERING THE UNBORN but somehow the Scumbags that commit 1st Degree Murder, Terrorists, Pedophiles, Human Traffickers, etc.. are somehow Off Limits !! Just another example for why Liberalism truly is a SEVERE MENTAL DEFECT !!
Keith Bruning	Also two things, give up with the Bible stuff, this law not religion. Second, native, resident, who cares, holds no weight. YOUR voice, and intelligence does.
Kodie Chellis	Texas out a speed lane in on their death penalty 🇺🇸🇯🇵🇬🇧🇮🇪
Laura Condon	Interesting picture of the the DTaP, IPV vaccine shot, the HIB vaccine shot, the Hep B vaccine shot, and the PVC13 vaccine shot, all given to infants at age 2 months.

Mathias Troubadour	Exactly. It made them think twice about public hangings...
Michael Adams	When was the last person put to death in NH? 1938?
Michael Poulicakos	Who cares. It would be a cold day in hell for NH to ever use it anyway. The last time they did was about 75 years ago. NH keeps it on the books to keep the Republicans happy, and they refuse to enforce it to keep the Democrats happier. That's what you call a "Swing State". From NH.
Mike Smith	It has never been the deterrent that it was claimed.
Richard Stanley	Andy Blodgett Jr. I agree with you, especially if there is indisputable evidence. But most people on death row, sit there on appeals for over 10 years.
Rik van Riel	Some crimes are that heinous, but when those crimes happen, authorities get so anxious about locking somebody up, that the chances of getting the wrong person go up... You cannot trust the government to always catch the right person, especially when a crime is so bad that there is public pressure to "do something".
Robert Otto	Michael Poulicakos you hit that nail on the head.
Ronald Dodson	Hell there hasn't been an execution in how many decades ?????
Ryan Howe	When was the last time NH actually used the death penalty. There hasnt been in a murder in my hometown for 3 decades
Scott Johnston	Bri Dee so I guess with that logic, it's okay to rape somebody that 17 or older?
Steven Stepanian	Live free or die !
William Hadley	Maybe do compulsory sex change instead of death? :P
Zach Powers	Revenge is the only real Justice. Victimizers should die, just not at the hands of the state.
Zaza Shamsedin	That question will not fly with the current powers that be.

*Note: strong profanity has been eclipsed with ***.*



4 Park St Room 200
Concord, NH 03301

www.LWVNH.org

February 19, 2019

To: House Criminal Justice and Public Safety Committee

From: Sara McNeil, member, League of Women Voters NH. Warner resident.

Email: shm@tds.net or #456-3371

Re HB 455, to abolish the death penalty for capital murder

My name is Sara McNeil and I live in Warner. I am here as a member of the League of Women Voters, a non-partisan organization that is also a member of the New Hampshire Coalition to Abolish the Death Penalty.

As you have heard, and will continue to hear today, there are numerous reasons to oppose the death penalty. Some reasons are driven by deep emotions while others may address the issue with facts laid out in a very practical manner. All the reasons to oppose this archaic and senseless law are important. I wish to briefly address a couple of them.

First, the ongoing and escalating costs of keeping even just one individual on "death row" is a terrible waste of our tax money. Within our judicial system, we allow what seems to be an endless stream of appeals to take place while shelling out tens of thousands of dollars over and over again. Instead, why can't we put that money to good use? Why can't we provide some type of generous and just compensation for the family affected by the murder of their loved one? It will likely never make that family "whole" again but it will help them move forward with their lives.

Another reason is we like to pride ourselves as living in a civilized society and that includes a fair justice system. And yet, how "civilized" are we? According to Amnesty International statistics of 2017, the number of executions and death sentences in the USA slightly increased compared to 2016. And yet, for the second year in a row, the USA did not feature among the top five global executioners, with its global ranking dropping from 7th to 8th. Countries such as China, Iran, Saudi Arabia, Iraq, and Pakistan topped the list. How civilized does that make our country?

Please **support the repeal of the New Hampshire's death penalty.**

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Good Morning Ladies and Gentlemen. I appreciate having the opportunity to come before you this morning.

In my responding to this question, the one of the applicability of capital punishment, I'm wearing two hats; this despite the Gospel admonition against serving two masters included in Matthew Chapter 6. I think I might be excused in that regard as both of the organizations of which I am a member share like views in this matter.

My name is Paul Lutz and currently I serve as presiding minister at St. Paul Lutheran Church in Berlin New Hampshire. In that capacity I am also one of two representatives of the Evangelical Lutheran Church in America to the NH Council of Churches. In addition, as one whom has served as a career police officer, retiring after 30 years' service as a lieutenant in the Derry Police Department, I also am a member of the law enforcement group within the NH Coalition to Abolish the Death Penalty.

I could cite, as I have in the past and as have others, the financial costs of prosecuting a capital case as well as the historical evidence of the disproportionate prosecutions of certain ethnic and social populations but today I'd like to offer a much simpler illustration of the counter-intuitive justification for making society safer through the application of capital punishment.

Two days ago, the parish council of St. Paul met and again we had a state government sanctioned group ask to use our facility to host a series of court ordered meetings wherein anger management strategies are discussed. As we have in the past in similar cases of parenting and domestic violence, the council voted unanimously to approve the request without cost. The congregation there knows, sometimes all too intimately, the increasing danger of allowing the cycle of spiraling violence to continue without treatment. As one whose responsibility is to offer pastoral care, I can attest to the fear of worsening violence within relationships is something which most are sometimes all too often familiar.

Many of us within the room today can recall the "Bad old days" when domestic violence was tolerated to a degree, even by law enforcement. It was termed, "A family matter" or I shudder to say as situations where some degree of violence was justified in order to maintain order with the family unit. It is testament to our collective progress, both as a society, law enforcement as a profession and this august body as lawmakers, that those views are now far from acceptable. One of the things we have learned over the years is that those within an environment where violence routinely exists, are drastically more at risk to becoming victims of homicide.

You've heard from individuals and organizations who have testified that the retention of the death penalty will make law enforcement safer. I reject that premise and if we view our state as an example of a social unit, one which functions much in the same manner as does a family where violence was sometimes justified for the good of order; you will too!

Police respond to more varied situations than can be imagined, often while those within those same situations are engaged in violence. Whether those are domestic, crimes in progress against property or even intervention by law enforcement, the risk to those within the law enforcement profession is drastically increased. Very simply, when we as a government, sanction the justified killing of another as a means to keep order within our state, we are no better than those perpetrating the very same actions against which this body so wisely legislated in the past! In those cases, a hierarchy of violence is established with the state at the top. This illustrates the justification for violence and in that very simple way, and through our acknowledgment of how the toleration of violence makes society less safe, so in the same way does the application of the death penalty make the environments into which police must intervene, less safe.

I don't presuppose the religious beliefs of any of you and I respect them whether they be Christian, Jew, Muslim, Hindu, Humanist or Atheist. I do know though, by virtue of your efforts here, you are all united in maintaining the respect for life and each other within our society. I'd like to believe that respect is for the life which is granted us and not an individual whom has committed a reprehensible act. In your capacity as those who care about the common good, I would ask you to join me and so many other within religious communities as well as current and retired law enforcement, in rejecting the absurd notion that the committing violence by the state will decrease future violence and make any of us safer.

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Death Penalty Repeal in NH Revisited from a Medical/Psychiatric Perspective

By Leonard Korn MD

Testimony in favor of HB 455
NH House Criminal Justice and Public Safety Committee
February 19, 2019

Once again, New Hampshire is considering repeal of the death penalty. I have been involved with the effort to repeal the death penalty in New Hampshire for the last nine years as the physician member of the Board of the New Hampshire Coalition to Abolish the Death Penalty (NHCADP). In representing medicine in this effort for repeal I have written and lectured on this issue on numerous occasions.

The repeal bill HB 455 in the legislature this year replaces capital punishment with imprisonment without the possibility of parole. There are many arguments for repeal from both sides of the aisle. Repeal is not a partisan issue; it cuts across so many different perspectives: religious, moral, pragmatic, legal, financial, racial, economic, medical and psychiatric/psychological. I will offer arguments for repeal here primarily from a medical and psychiatric/psychological perspective.

Organized medicine (the American Medical Association) has opposed physicians participating in the process of administering the death penalty since July 1980. The reason for this prohibition of physicians participating in process of killing a prisoner is that it is a violation of Section 1 of the AMA's Principles of Medical Ethics which states that "a physician shall be dedicated to providing competent medical care, with compassion and respect for human rights." It is unfortunate that other less qualified medical personnel have been employed in the procedures of administering lethal injections, often inadequately and always inhumanely, in violation of these important ethical principles.

Governor Sununu has offered two reasons for his opposition to repeal of the death penalty. He expressed his interest in supporting crime victims and supporting the death penalty for the most heinous crimes. I think we can all agree that there is no more heinous crime than murder, yet

we had more than 14,000 murders in the United States last year. Would we as a society want to murder 14,000 more if we found their murderers and were able to prosecute them successfully? What about the mistakes, as there have been well over 160 exonerations already? Or are some murders more heinous than others? With all due respect, and I mean this sincerely, is a school teacher's death by murder, or a brother's or sister's death by murder, or a child's death by murder, less heinous than a policeman's death by murder?

As a psychiatrist I have been concerned about violence throughout my career. There is certainly too much violence in our world and in our country. As a society we need to focus on reducing violence, not condoning it. Violence of course comes in many forms, from bullying in our schools to sexual, physical and emotional abuse in our homes and workplaces, and of course murder in our homes and streets. We certainly don't punish bullies by bullying them, nor should we punish abusers by abusing them, nor should we punish murderers by murdering them. Elective murder by the state is not the best we can do as a civilized society. We can do better, and we should. ***It is not a good example to murder to show that murder is wrong.***

Let me discuss healing, as healing from wounds is what we as physicians try our best to do in our practice of medicine. Psychiatrists focus of course on emotional wounds, which we know can be just as traumatic and long lasting as physical wounds, if not more so, likely more so. Emotional wounds can actually last a lifetime, if not even longer, as we have seen from stories of children of holocaust survivors. Murder of a loved one is such a trauma, such a deep emotional wound, that healing is at best a long and tortuous road, requiring as much support and love a family and community can provide. Do we honestly think that putting a convicted murderer to death by taking ten to twenty or more years of trials and appeals helps the process of healing for victims (family members, colleagues and friends) of the crime of murder? Many years of publicity and personal appearances by family and others just perpetuates the pain and re-opens the wounds of such a violent death of a loved one. Administering the death penalty thus interferes with healing, with the emotional attempts at "closure" for the victims of murder, rather than "strengthening the laws for crime victims."

In thinking about wounds related to the death penalty there is another important factor to consider, namely the emotional wounds inflicted on those individuals who are involved in the procedures and administration of the death penalty. As a member of the Board of the New Hampshire Coalition to Abolish the Death Penalty I have heard and read about the effects on those individuals who participate in the process of administering the death penalty, the actual process of killing of those on death rows around the country. Judges, wardens, prison workers, prosecutors and defense attorneys have all experienced depression, anxiety and PTSD as a result of participating in the death penalty process. Since we all know that killing is really only reasonable if we have no other choice to defend ourselves or others, do we want to continue to subject so many individuals and state workers to this "heinous" process of killing when life without parole is available as an alternative?

I have discussed above only some of the many sound and compelling reasons why the death penalty is unreasonable for our state and society to maintain. I am reminded often of the final lines of John Donne's 17th century poem "No Man is an Island" as a potent argument for ending the death penalty:

"Any man's death diminishes me,
because I'm involved in mankind,
and therefore never send to know
for whom the bell tolls;
it tolls for thee."

Once again I implore the NH House and Senate and then Governor Sununu consider an end to the death penalty in New Hampshire. The state of New Hampshire should appropriately join all the other New England states and end the random, arbitrary and racial/economic inequity of the death penalty and allow healing from the wounds of killing to take place. Hopefully New Hampshire will approve HB 455 and allow New Hampshire to no longer "kill (convicted murderers) to show that killing is wrong."

13

Hearing on HB 455
February 19, 2019

Testimony of Carol Backus
1318 Goffstown Road
— Manchester, NH 03102

Chairman Cushing, members of the committee, I come before you to testify in favor of House Bill 455. Many today will speak with more authority and eloquence than I, but I feel compelled, as a simple citizen, to take a stand on this issue. In my view, the killing of a human being by the state does not undo a crime, wipe away harm, or in any way serve justice. It is an act of retribution, one murder for another. It makes me, as a citizen of the state, a murderer too. Hate and anger can only beget more of the same. They do not serve justice. I applaud the sponsors of this bill for their courageous effort to restore justice to the state of New Hampshire.

Thank you for hearing me.

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Hannah New Hampshire Testimony
February 19th, 2019

Mr. Chairman and Members of the Committee, I'd like to thank you for allowing me to join you today to discuss HB 455.

My name is Hannah Cox, and I am the National Manager of an organization called Conservatives Concerned About the Death Penalty. We are a network of conservatives who question the alignment of capital punishment with our conservative principles, and we have several state-based chapters across the country. We support repealing the death penalty at the state level, and I am therefore here in support of HB 455.

As a former *supporter* of the death penalty, I'm sure the title of my organization might sound as much of an oxymoron to many of you as it did to me when I first encountered it.

I changed my stance on the death penalty a number of years ago for the reasons that many other conservatives have. I learned about the death penalty's high costs, the lack of a deterrent effect, the arbitrariness and bias in the system, and the real risk of executing an innocence person.

At the end of the day, the death penalty is ineffective, inaccurate, and full of inequity. It does not value the sanctity of human life or use our resources well. By all measures of conservatism, the death penalty fails to meet our values and principles.

That's why a growing number of conservatives are turning against capital punishment. This year alone, New Hampshire is one of seven states considering Republican-sponsored legislation to repeal the death penalty. Bills have also been introduced in Wyoming, Kentucky, Kansas, Montana, Washington, and Missouri. Similar legislation is also expected in Louisiana and Colorado later this session.

These developments are exciting, and they are no longer rare. In a study produced by my organization in 2017, we found that the number of Republican state lawmakers sponsoring repeal bills sharply increased.

In the year 2000, it was virtually unheard of for a Republican to sponsor death penalty repeal, but by 2013 the annual number of Republicans sponsoring repeal bills more than doubled. By 2016, ten times as many Republicans sponsored repeal bills than in 2000, and more than 67% of those did so in red states.

The facts are that the death penalty is in rapid decline. Last year was the fourth year in a row that the country carried out less than 30 executions. Those executions occurred in only eight states, and over half of them stemmed from Texas alone. New death sentences are also down 60% since 2000. Of the 30 states that still have the

death penalty on their books, 11 – more than 1/3 – of them have not carried out an execution in a decade or more. New Hampshire is one of them.

A recent Gallup poll found that less than half of Americans believe the death penalty is carried out fairly. That makes sense, because it's the place where someone *commits* a crime that is the largest determinate for whether they receive the death penalty, not what they did. The majority of people sentenced to death are convicted in only 2% of all U.S. counties, and *all executions* since reinstatement of the death penalty have come from less than 16% of all U.S. counties.

So usage is down *and* highly concentrated.

Last year, in seven districts where the death penalty is in high use, voters removed district attorneys who frequently sought the death penalty in favor of reform-minded prosecutors. Considering the expense of capital cases and the burden they place on the clearance rates for other crimes, it makes sense that voters would turn against those who consistently waste their tax-payer dollars on these proceedings.

In 2018, two Republican U.S. Senate candidates — one in Michigan and the other in Montana — announced their opposition to the death penalty while still in the primary. They both won their party's nomination, even after their Republican primary opponents attacked them on their death penalty positions.

When you combine all of these stories, it becomes clear that the headline quietly flying under the radar for some time has been bipartisan support for ending the death penalty. It has often been said that support of the death penalty runs a mile wide and an inch deep, meaning that support for the death penalty is high until a person takes a moment to examine the facts — upon which support quickly wanes.

The facts are that the death penalty is vastly more expensive than any other sentence or component of the criminal justice system. It is arbitrary and largely applied to the poorest among us. The system is marked with racial bias, wrongful convictions, poor representation, corruption, and trauma. It does not deter crime, and it consumes resources that could be used to actually make our communities safer.

Given these things, it is no wonder those on both the right and left are turning against this antiquated system and looking for solutions that actually produce results in our communities. I ask that you join this growing consensus and support HB 455.

Thank you for your time and allowing me to present my comments on this important issue. I'm happy to answer any questions at this time.

(11)

TO THE NEW HAMPSHIRE HOUSE OF REPRESENTATIVES
CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE

February 19, 2019

My name is Steve Mirkin. I live in Rumney. I have been a criminal defense attorney for almost forty years, both in New Hampshire and in Kentucky, which is a somewhat more active death penalty state. I have represented several dozen men and women accused of murder, including seventeen Kentucky defendants in cases in which the prosecution sought the death penalty, and I have served as defense counsel in seven death penalty trials there. I am currently employed as a staff attorney with the New Hampshire Public Defender, but I am submitting this statement in my personal capacity and not in any way as a representative of the NHPD. I regret that I cannot appear personally before the Committee, but I have a full docket in Grafton Superior Court on February 19.

I have been asked to comment about the death penalty's deterrent value as regards violent crime. In a word, there is none. I say this both from a review of the empirical evidence and from my own experience over four decades.

There are now 20 states where the death penalty has been abolished, including eight which have done so within the last ten years. There are 30 states where it remains on the books. Comparison of the murder rates in those states, as compiled annually in the FBI's annual Uniform Crime Reports, should reflect a deterrent value of the death penalty in those states where it is regularly deployed. In fact, the statistics reflect just the opposite.

For 2017, the most recent year for which the FBI has released numbers, 17 of the 21 states with the highest murder rates are death penalty states. These include states such as Oklahoma (112 executions since 1976); Missouri (88); Georgia (72); Alabama (64) and Ohio (56). Louisiana, the state with by far the highest murder rate in 2017 and each year over the last ten years, has conducted 28 executions since the death penalty was reinstated in 1976.

By contrast, of the 20 states with the lowest murder rates in 2017, 13 have no death penalty. Of the death penalty states in this group, none has made extensive use of the death chamber. Utah has had seven executions since 1976; none of the others in this category have had more than four. New Hampshire had the lowest murder rate in the country, as it has had consistently over the last decade. Although a death penalty state, we have not carried out an execution in 80 years and make minimal use of it. Whatever factors keep our state as the least homicidal in the country, it is hard to make a case that the death penalty's "deterrent" effect is among them.

Those states which have recently abolished the death penalty should show an increase in the murder rate, if the death penalty's deterrent value existed. Again, the FBI's numbers don't bear this out. Illinois and Maryland have shown increases in the last two years, consistent with an uptick nationally. New Jersey and New Mexico's rates have remained fairly constant, while the murder rates in Connecticut and New York have showed a marked decline since abolition of the death penalty¹.

Comparisons of neighboring states should provide evidence of the death penalty's deterrent value, if there were any. Again, it is easier to find the opposite effect. For example, Kentucky (death penalty) has had a murder rate consistently higher than that of West Virginia (no death penalty). When Connecticut was a death penalty state, its murder rate was consistently higher than that of Massachusetts (NDP). Missouri (DP) has a murder rate consistently more than twice as high as Iowa (NDP). Likewise, South Dakota (DP) has a murder rate consistently twice as high as that of North Dakota (NDP). Nationally, in 2016 death penalty states overall had an average murder rate of 5.4 per 100,000 population, while the average for NDP states was 3.9, a 25% difference². This disparity has been consistent, and often greater, for more than twenty years.

More significantly, the "deterrent" argument just does not make sense. It requires us to accept that for a significant number of people, the possibility of facing execution would dissuade one from committing a homicide, *but the possibility of facing life in prison would not*. This is not only illogical on its face, but inconsistent with everything we know about human nature.

In the 38 years since I defended my first murder case, I have represented or consulted with probably fifty or sixty men and women accused of murder. Not one had considered the likely legal consequences of being caught (with the exception of the one who *wanted* to be executed; however there was no aggravating circumstance in his case, so he was not eligible for a death sentence). My experience, consistent with that of anyone else who does this work, is that people who commit homicides fall into one of two general categories: a) those who do not expect to be caught, and thus do not concern themselves with the potential penalty; or b) those whose decision to kill is the result of an extreme mental or emotional state or reaction – anger, fear, panic, paranoia, hatred, the list is long – but again, consideration of the potential sentence plays no part in the decision. Indeed, probably a majority of the accused murderers I have represented, both here and in Kentucky, did not even know whether the death penalty might possibly apply to them.

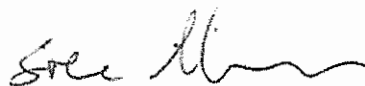
I could address the death penalty from a number of other standpoints, but I know the Committee will be receiving a lot of input from others. All I can say is that, through years

¹ Washington and Delaware abolished the death penalty too recently for statistical evidence to be counted.

² 2017 numbers are not available yet for this category.

of experience, my belief is rock-solid that the death penalty serves no positive purpose to the people of those states which employ it, and its negative effects on the people, the justice systems, and the budgets of those states are substantial. I appreciate the opportunity to express my thoughts to the Committee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steve Mirkin", with a stylized, cursive script.

Steve Mirkin

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February 19, 2019

**NH House Criminal Justice and Public Safety Committee
HB 455 to Abolish the Death Penalty for Capital Murder**

My name is Art Brennan. I am a veteran and I went to law school on the GI bill. I was governor's legal counsel to Judd Gregg. I served as a superior court judge from 1992 to 2007. In the summer of 2007 I directed the US Embassy's effort to stop the murderous corruption in Iraq. *I have worked on the NH Homicide Review Committee.*

I have presided over hundreds of trials. I have seen the best and the worst in people, not only as a judge in New Hampshire, but in war torn Cambodia and Iraq.

The death penalty should be abolished because it is not a deterrent and it gives the state we fear (not the same thing as the New Hampshire we love) a power that it should not have.

I respect the judicial process, but the truth is that we all make mistakes. As a sitting judge, and even today in my retirement, I reflect on my decision-making and ask "Did I believe a liar? Did I not believe a person who was telling the truth?"

In thinking about the state's power to kill we should consider (1) whether we really believe that the state should have the power at all; and (2) whether we believe that the government can be trusted to kill without error. For me, the answer to both questions is "No." Therefore, I support HB 455.

Thank you.

Art Brennan

February 19, 2019



Testimony

HB 455-FN - Relative to the penalty for capital murder

House Criminal Justice and Public Safety Committee

February 19, 2019

Dear Chairman Cushing and Members of the Committee:

Good morning. Thank you for giving me the opportunity to speak with you today. My name is Mark Chase, and I am the President of the NH Association of Chiefs of Police. I am here to represent the Chiefs Association in opposition of HB 455-FN.

First, I would like to say that I very much respect the views of those who are in favor of this bill and recognize this is a personal and an emotional topic. It is important for me to explain why the New Hampshire Association of Chiefs of Police is in opposition to removing the option of the death penalty.

New Hampshire's Capital Murder statute is one of the most restrictive in the country, and it only applies to the most heinous cases. History has shown that even when there have been cases where the death penalty could have been applied, it has not been. On the contrary, it has been applied sparingly which is evident by fact that the last execution took place in 1939.

It is also important to recognize with the current law that the people of New Hampshire still have the final say. Let's not forget that to receive the death penalty, it requires a unanimous decision by all the jurors. If one juror opposes the death penalty, a life sentence is issued. The jury has heard all the facts and evidence in the case and it is their job to make the decision. I do not believe it is appropriate to take away the ability of the people of New Hampshire to make this decision.

For these reasons, the NH Association of Chiefs of Police requests that you vote Inexpedient to Legislate on HB 455-FN.

Thank you for your consideration.



TESTIMONY ON DEATH PENALTY REPEAL BILL

February 19, 2019

My name is Phil Runyon. I'm from Peterborough. I've been a member in good standing of the New Hampshire Bar for 45 years, and I was the presiding justice of the 8th Circuit Court for 27 years, before reaching the mandatory retirement age last year.

Because of time constraints, I want to summarize my position in strong support of repeal of New Hampshire's death penalty statute.

Why in this day and age when the death penalty has seen its demise in every other New England state and in every other country that we care about, why would we cling to it here in New Hampshire?

The two primary arguments always advanced are (1) that fear of being executed deters murder and other capital offenses, and (2) that some crimes are just so heinous that we owe it to the victims' families to impose the ultimate retribution.

Let's take deterrence first. I never had the authority to impose the death penalty in Circuit Court, but over 27 years I learned a lot about how the criminal

mind works. And what I learned is that criminals don't give even a moment's thought to the eventual consequences of their actions.

In the first place, most violent crimes don't occur with any forethought at all – they happen in the heat of a moment, in the midst of an argument, under the influence of alcohol or drugs, or all of the above.

In the second place, if a crime is premeditated, the criminal doesn't think he'll be caught, or he wouldn't commit the crime to begin with.

So that's basic psychology 101, as I've seen it played out hundreds of times.

But in New Hampshire, the psychology is further exaggerated. In the history of New Hampshire since 1734, there have been 24 executions. That's 24 executions in 284 years. And as I know you know, there's been no execution here since 1939 – that's 80 years. If you were a criminal and knew those statistics, would they deter you from committing a capital offense?

Now let's look at the death penalty's deterrence in broader terms. Of the 10 states with the highest murder rates in the country, 8 of them still have the death penalty and use it – often quite a lot. New Hampshire, on the other hand – which hasn't executed anyone in 80 years - has the lowest murder rate in the country year in and out.

And why is that? There could be lots of reasons, but it's certainly not because of fear of the death penalty. I submit it's because we have a well-educated, peace-loving, law-abiding population - and because we have highly-trained, well-respected local law enforcement officers whom we know personally and who treat us with respect in return.

The bottom line is that we just don't need the death penalty as a weapon of law enforcement here and abolishing it would have nothing to do with respecting and supporting our officers.

OK, but what about those situations where the very worst happens no matter what we do to avoid it? Shouldn't those killers be made to pay the ultimate price, and isn't it disrespecting the victims' families otherwise?

I submit that's not the case at all and that executing a murderer is letting him off the hook. I submit that having a convicted murderer know that he's going to sit in a cell for the rest of his life, without any hope of release and have to think every single day about what he's done to his victim's family, his own family, and himself is a much more worthy and effective penalty. And has more deterrence value, too.

Furthermore, if we're concerned about a victim's family, wouldn't it be more humane to them to have a murderer likely plead guilty, as often happens when a death sentence is off the table, without the need for a long and stressful

trial, without the risk of no conviction at all because of a “technicality”, without more than 10-20 years of appeals in most cases, without the fear of a conviction being overturned, and without perhaps having to endure yet another trial and the aftermath again?

More and more victims’ families are answering yes, yes, yes, especially if they had known at the outset what they’ve come to experience since then.

Let me conclude with this. I know we tend to do things our own way in New Hampshire, without being swayed by what happens anywhere else. But in the family of nations worldwide, every one of our closest relatives has abolished the death penalty and has a lower murder rate than we do – in most cases dramatically lower – and the only places where the death penalty remains in full force are the places where life is cheap and where respect for justice and the law are non-existent: China, Syria, Iran, Iraq, Afghanistan, Saudi Arabia, Yemen and North Korea. Is that really the company we want to keep? I’m afraid that’s what we’re saying if we don’t pass and enact the repeal bill.

I urge you to support repeal of the death penalty and to bring our law into conformity with the rest of our New Hampshire values.

①

**Statement to the House Criminal Justice Committee in support of HB 455,
February 19, 2019**

During our 30 years together, my husband, Robert G. LeBlanc, and I shared the absolute conviction that the death penalty was a disgrace and should be abolished universally.

A few of the many reasons we believed this to be true are...

- Our judicial system is not infallible and people are sometimes found guilty of and condemned for crimes they did not commit.
- Justice is not meted out to all members of society evenhandedly or impartially.
- Execution is not reversible.
- Death precludes any chance for reconciliation, rehabilitation, or any meaningful restitution.
- While perpetrators of crimes must be prevented from doing further harm, killing them does not undo any injury or heal any harm.
- Retribution is *not* the same thing as justice ... *and execution has everything to do with retribution rather than justice.*
- The United States finds itself alone among western countries in continuing to maintain the death penalty.
- The enormous amount of money expended on executions could and should be spent on restorative justice and addressing the causes of violent crime.

On Sept. 11, 2001 my husband was murdered in the second plane to hit the WTC. I was asked, as a victim's family member to testify for the defense in Zaccharia Moussaoui's trial. I thought long and hard about what I believed and why I would do this. I did testify, in part, because my convictions regarding the death penalty had not changed, but also because there are very few things I know to be absolutely true. One of them is that violence always begets violence. There are many forms of violence. The acts of the terrorists on 9-11 were horrendous acts of violence. State sponsored killing is an act of violence as well.

It is believed by many that victims of violence not only deserve, but need revenge in order to heal and find 'closure'. I honestly don't even know what closure means. Pain and loss of this magnitude will not be removed or remedied through vengeance or by acts of retaliation.

Another of the very few things I know to be absolutely true is that we have choices at every moment and every choice has consequences. We can live with and nurture our anger and hatred or our despair, choosing to remain victims to our pain and sorrow. We can give it the power to control our lives. We can choose to remain victims. Or we can refuse.

I refuse to let my life be defined by anger, hatred or despair.

I refuse to seek retribution and vengeance rather than justice.

I refuse to abandon all compassion for even those who commit terrible acts of violence.

I refuse to be guilty of the same barbaric acts committed against me and my family.

I refuse to give my permission to the government that represents me to kill in my name.

I urge you to support passage of HB455 and at long last abolish the death penalty in New Hampshire.

*Thank you,
Andrea G. LeBlanc
Lee, NH*



Robert Brett Dunham
EXECUTIVE DIRECTOR

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www.deathpenaltyinfo.org

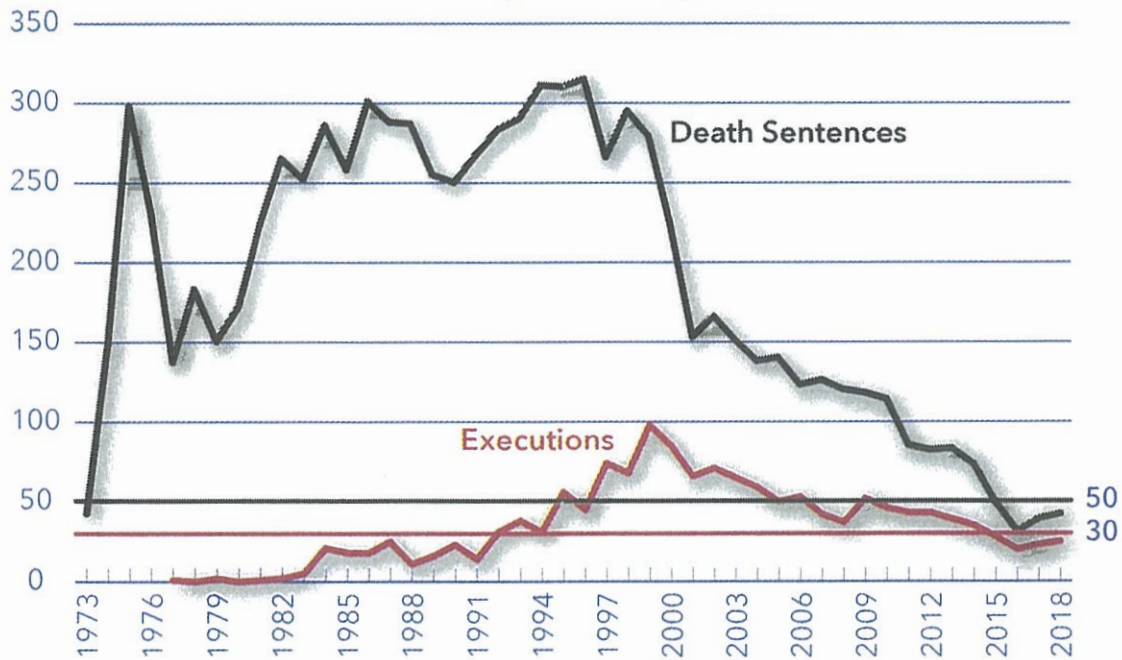


DEATH PENALTY INFORMATION CENTER

EXHIBITS TO TESTIMONY BY DEATH PENALTY INFORMATION CENTER EXECUTIVE DIRECTOR ROBERT DUNHAM

New Hampshire House Criminal Justice and Public Safety Committee
February 19, 2019

The Death Penalty's Long-Term Decline



There were fewer than 30 executions and 50 new death sentences in the U.S. for the 4th year in a row.

Board of Directors
Anthony Amsterdam

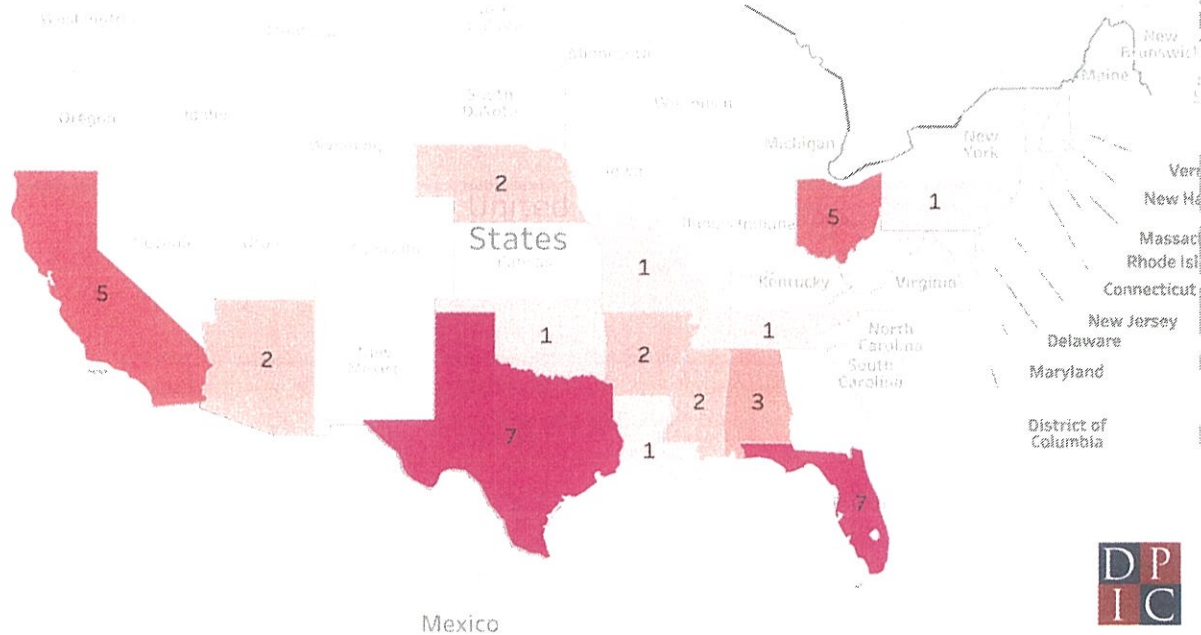
David J. Bradford
David Bruck
Deborah W. Denno

James W. Ellis
Phoebe C. Ellsworth
Brandon L. Garrett

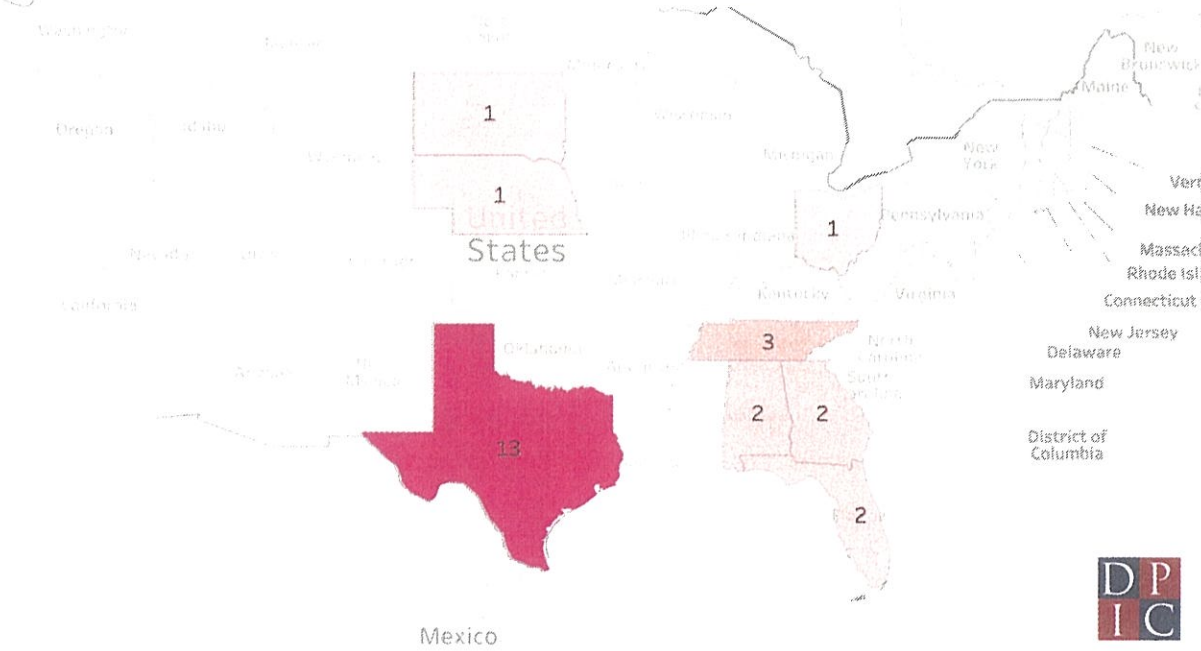
George H. Kendall
John R. MacArthur
Mark Olive

Diann Rust-Tierney
Cassandra Stubbs
Ronald J. Tabak

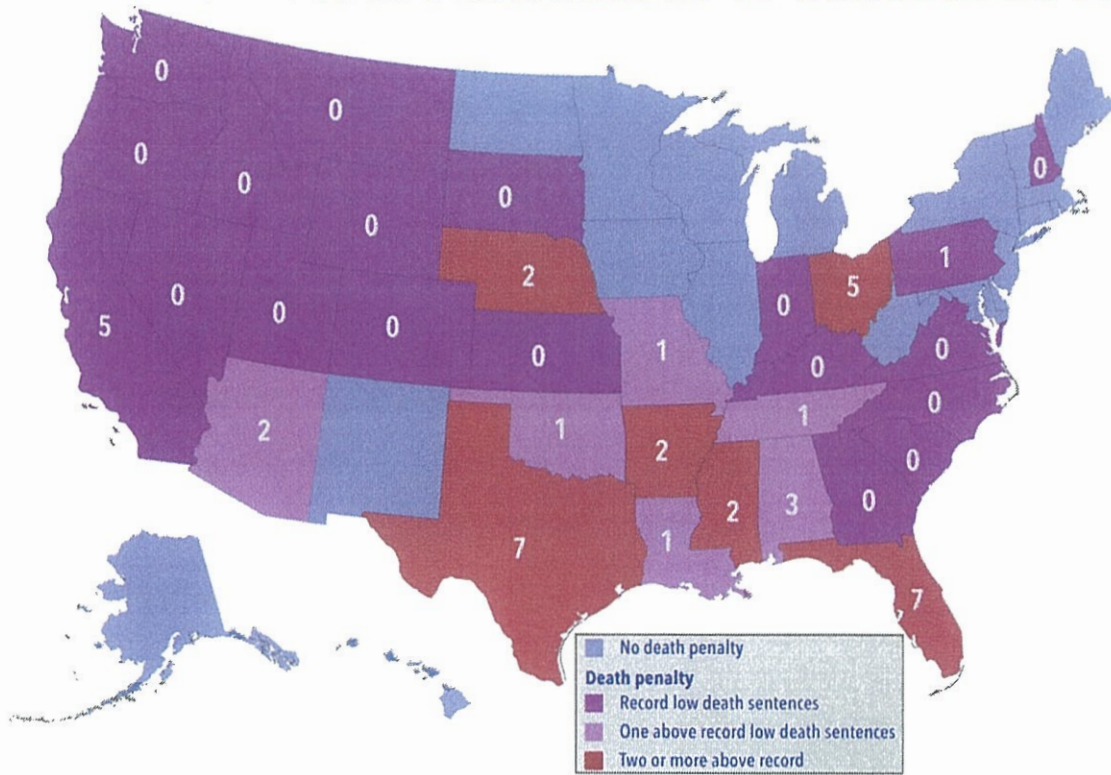
Death Sentences in 2018



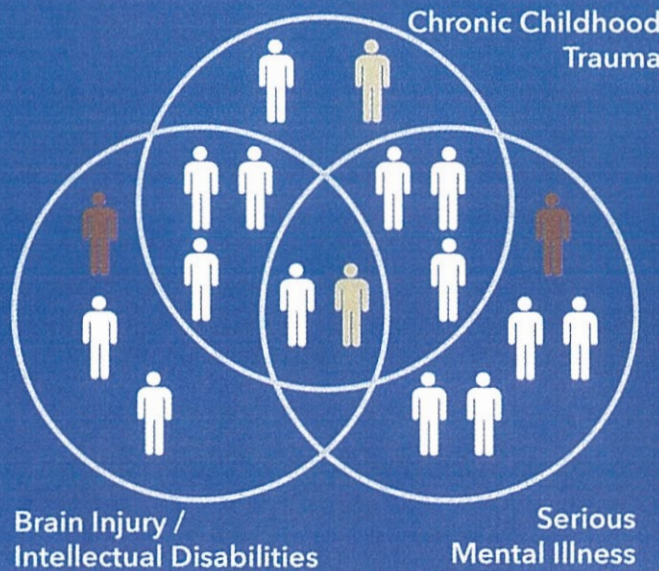
Executions in 2018



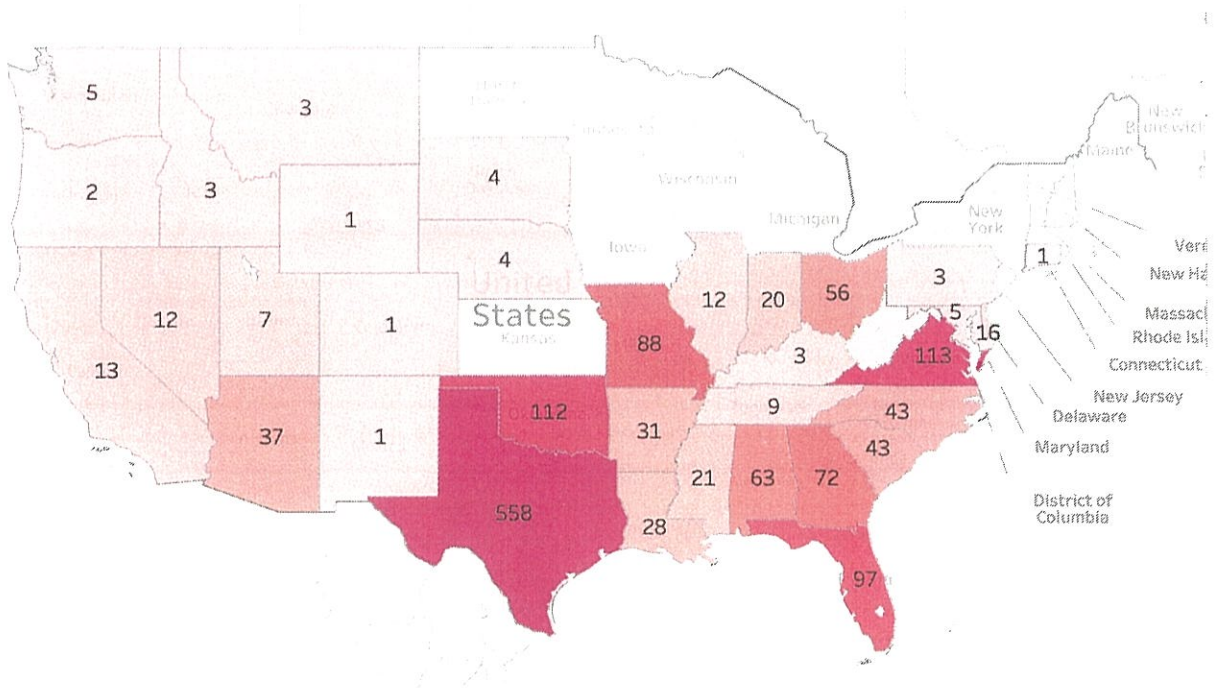
Record-Low Death Sentences in 19 States in 2018



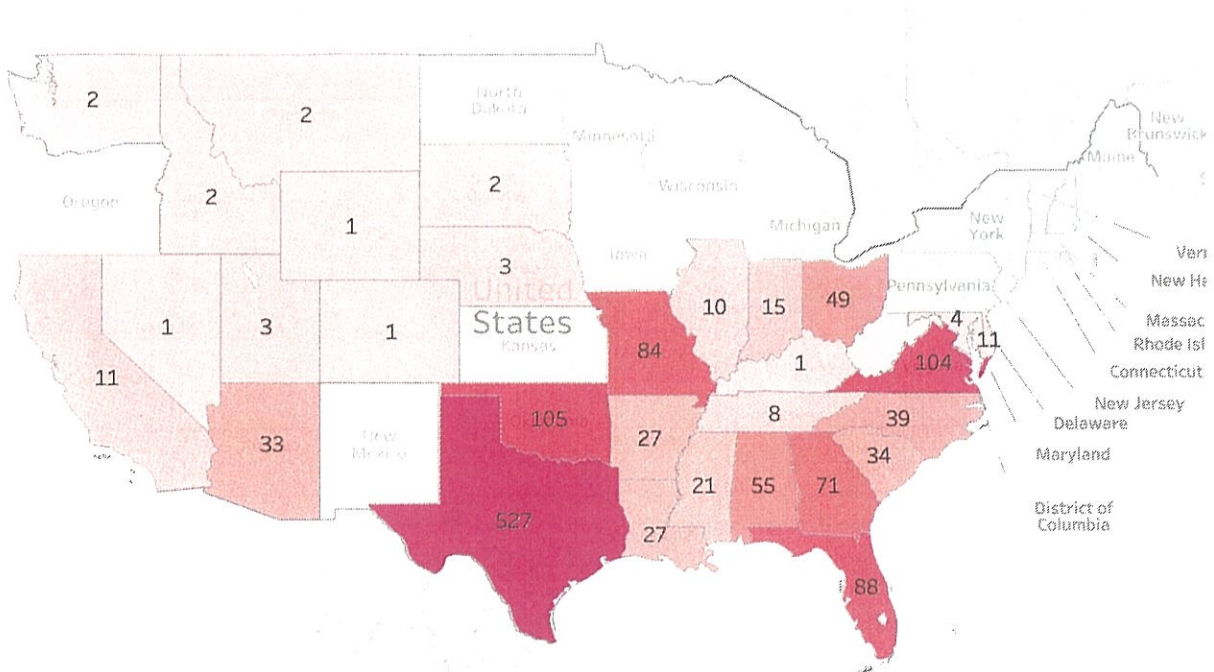
Prisoners Executed in 2018



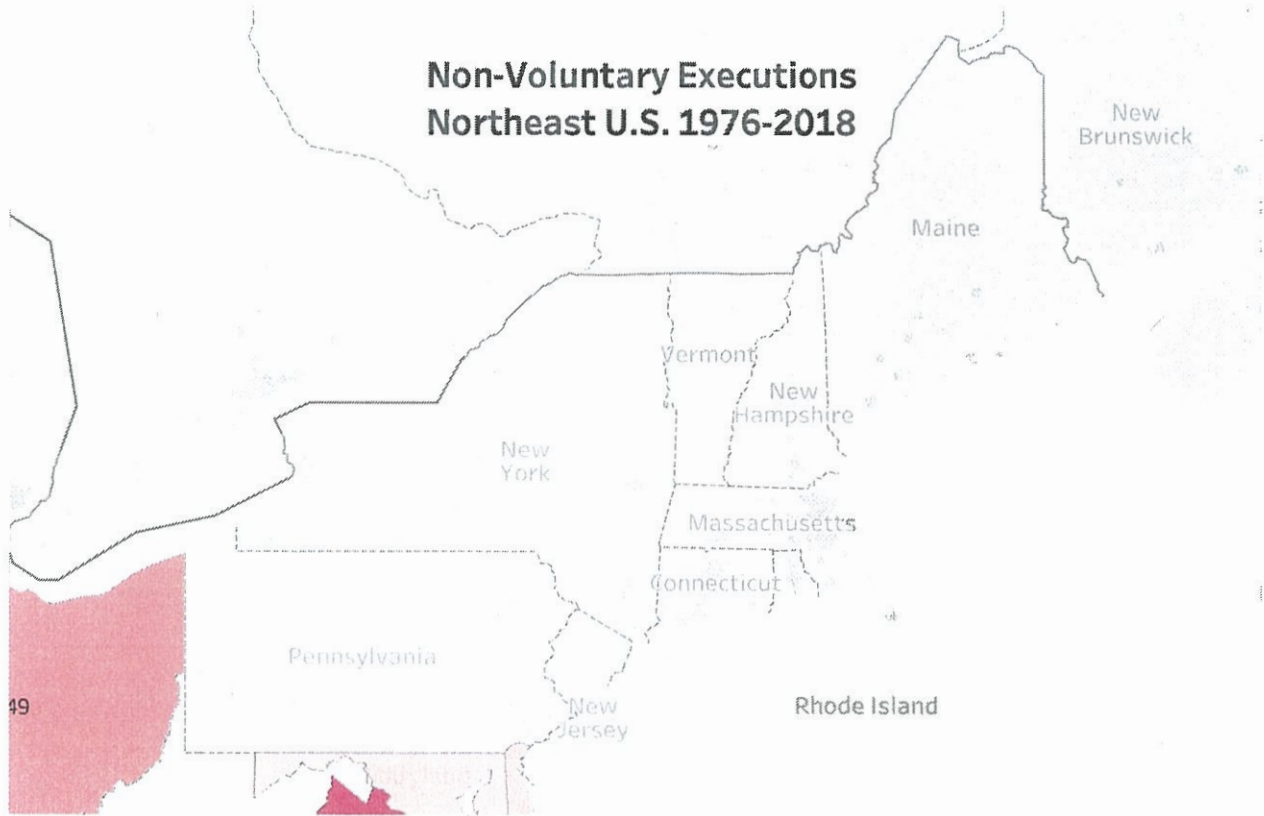
U.S. Executions 1976-2018



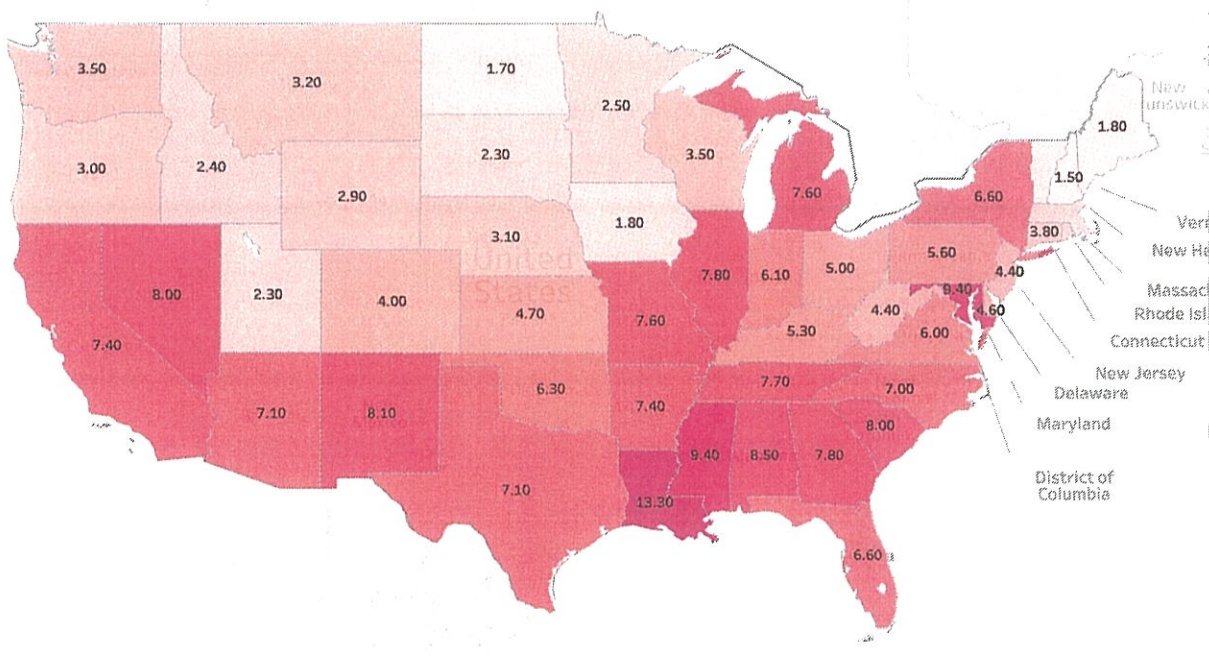
Non-Voluntary U.S. Executions 1976-2018



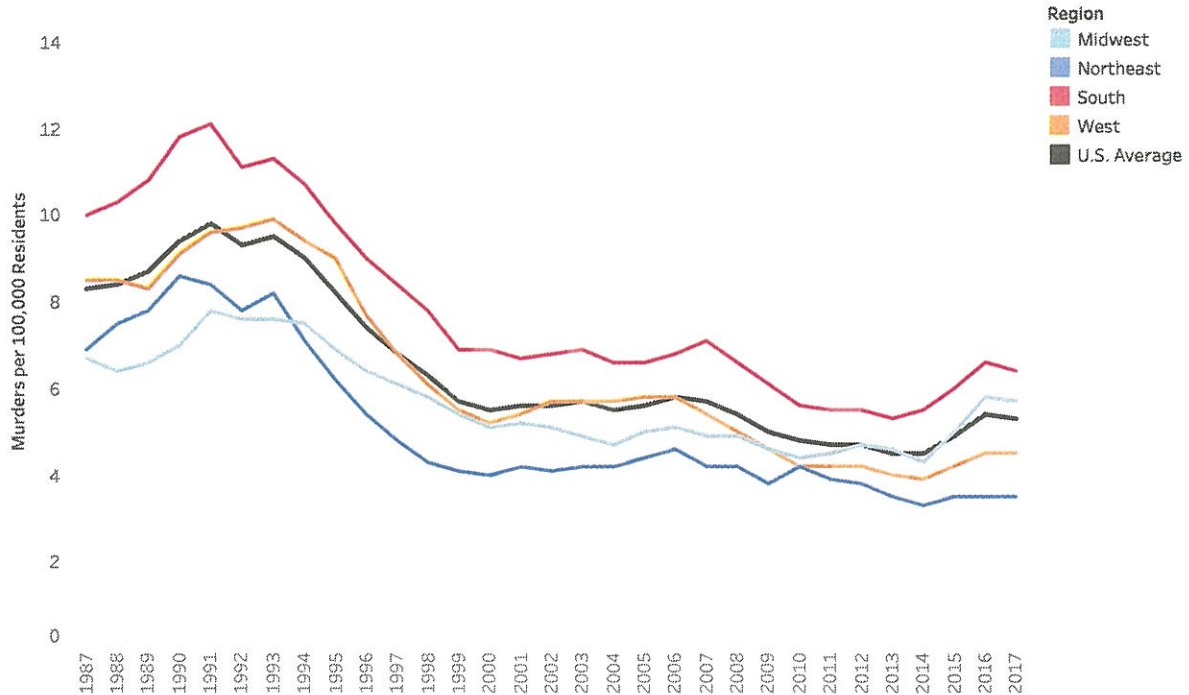
Non-Voluntary Executions Northeast U.S. 1976-2018



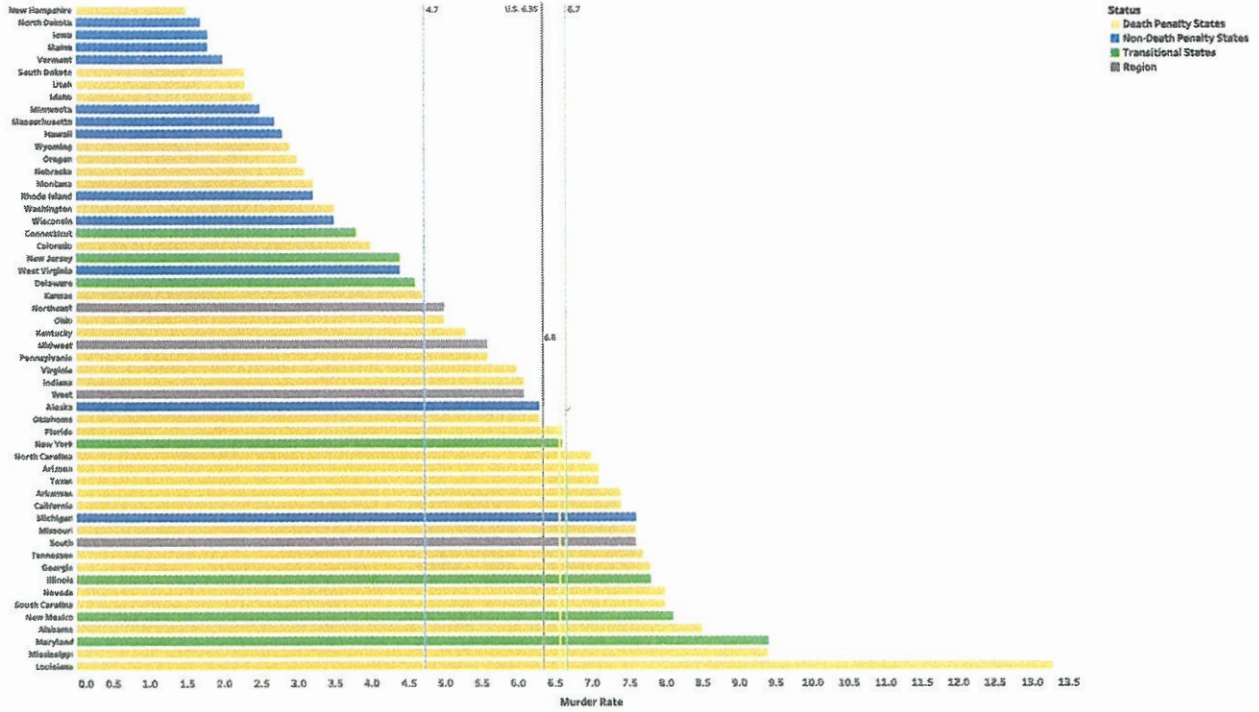
U.S. Murder Rate 1987-2017



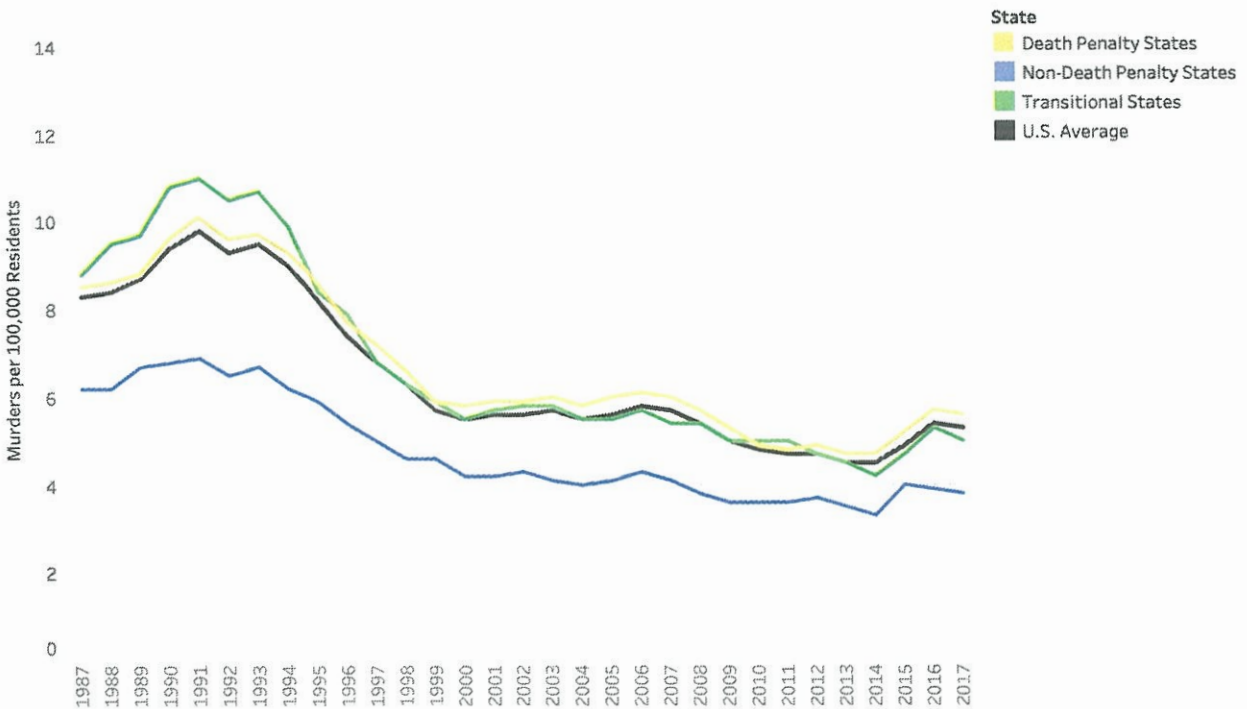
Murder Rate 1987-2017 (by Region)



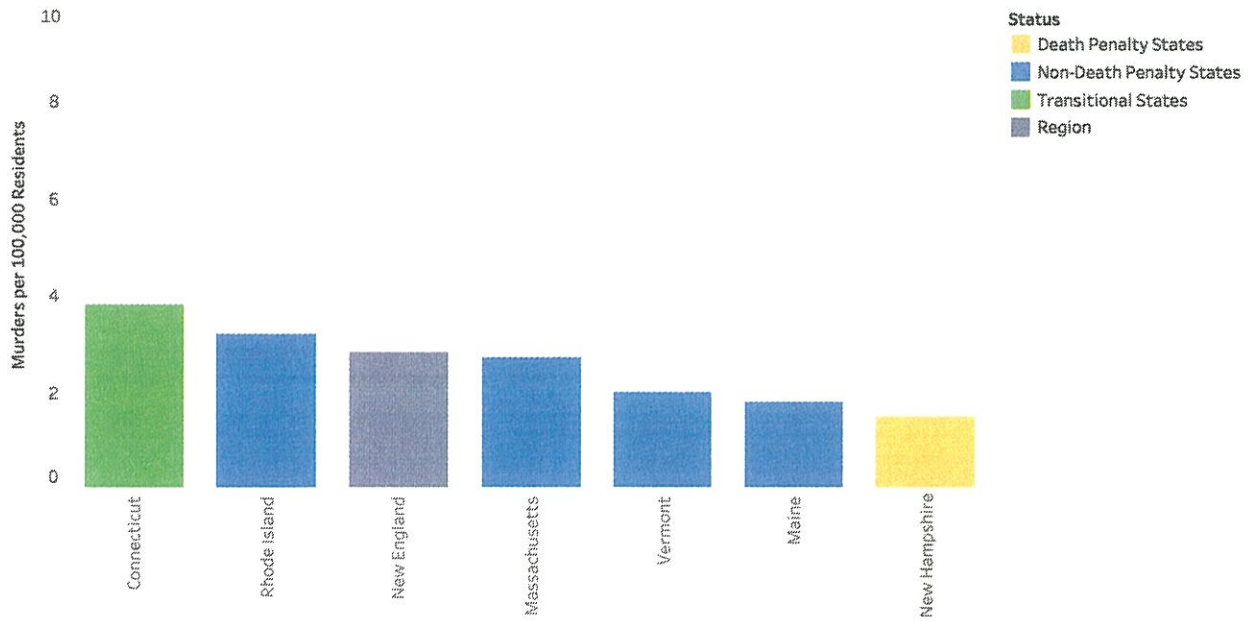
Murder Rate per 100,000 People 1987-2017



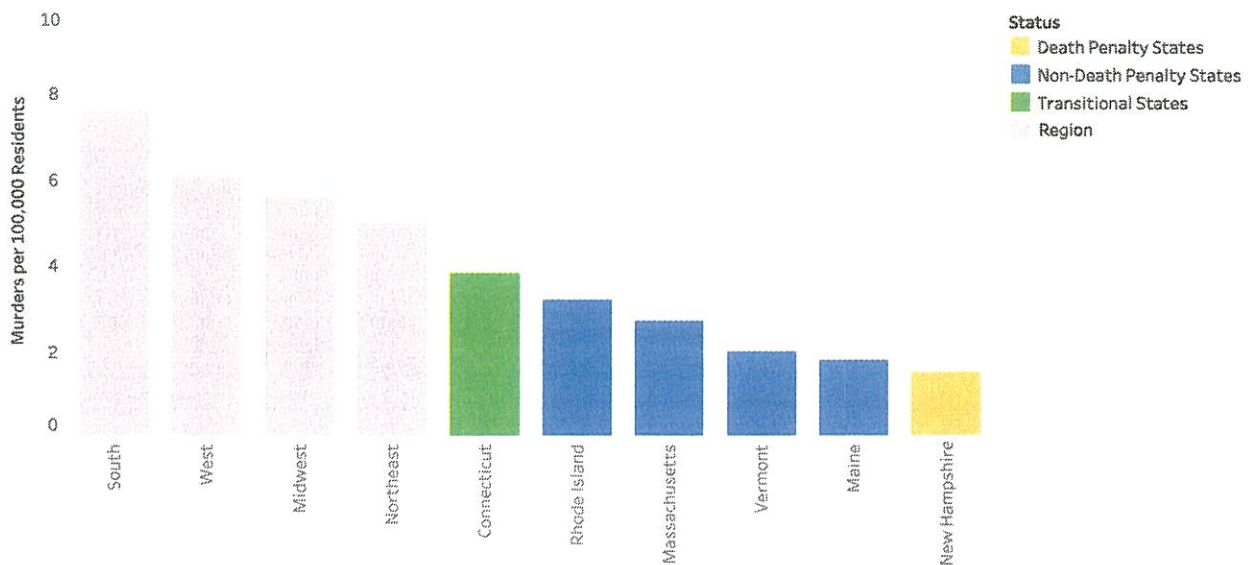
Murder Rate 1987-2017



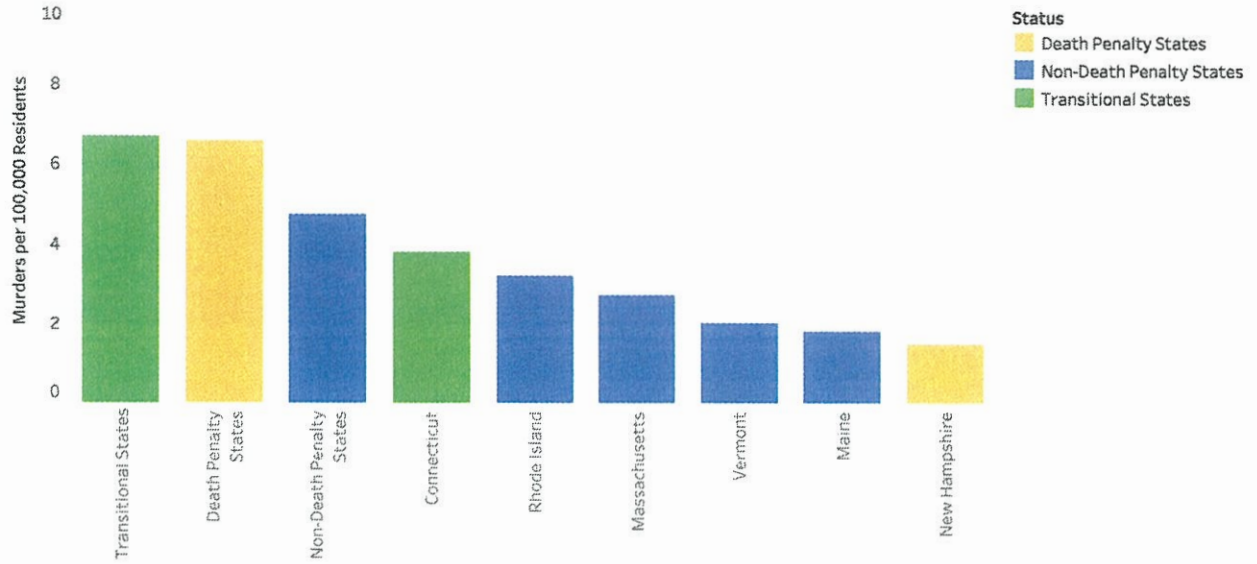
New England Murder Rates 1987-2017



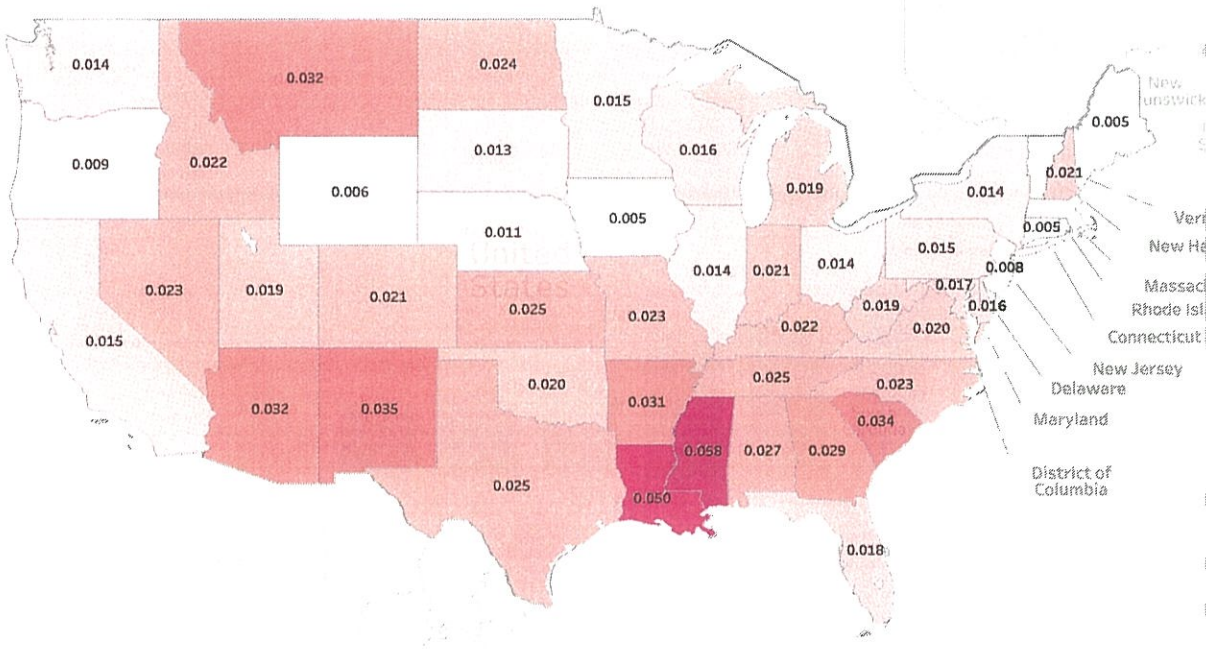
New England Murder Rates Compared to National Regions 1987-2017



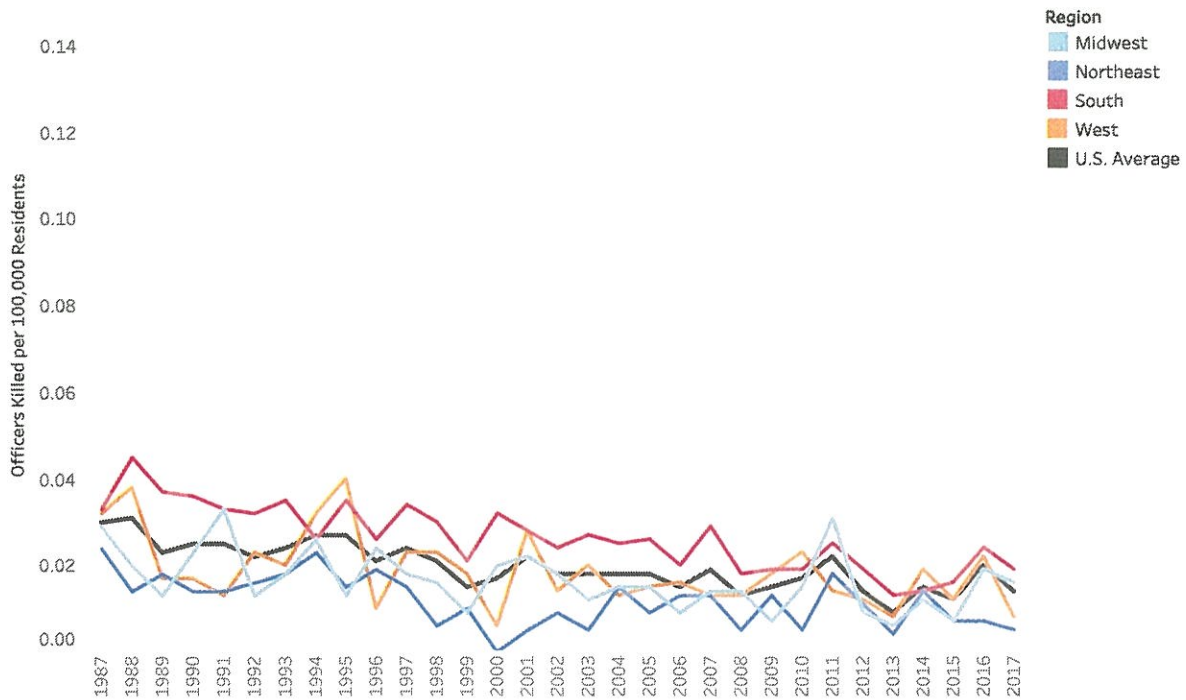
New England Murder Rates Compared to National Death Penalty Status 1987-2017



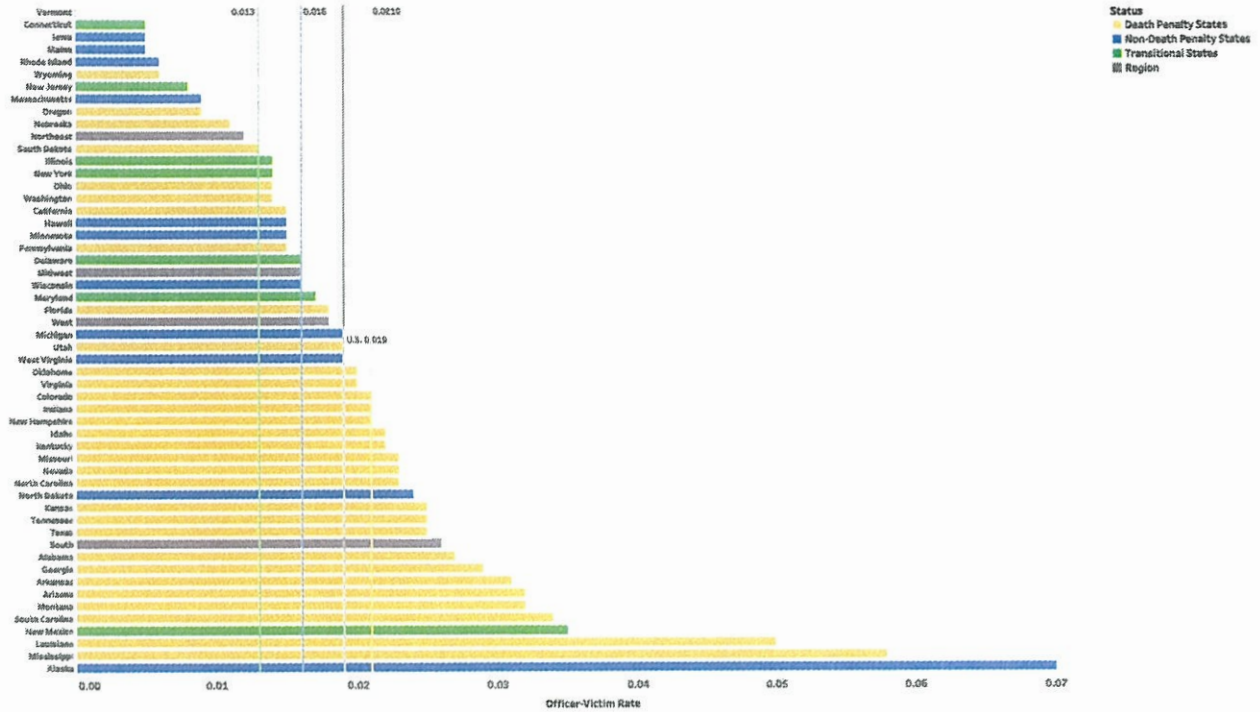
Officer-Victim Rate 1987-2017



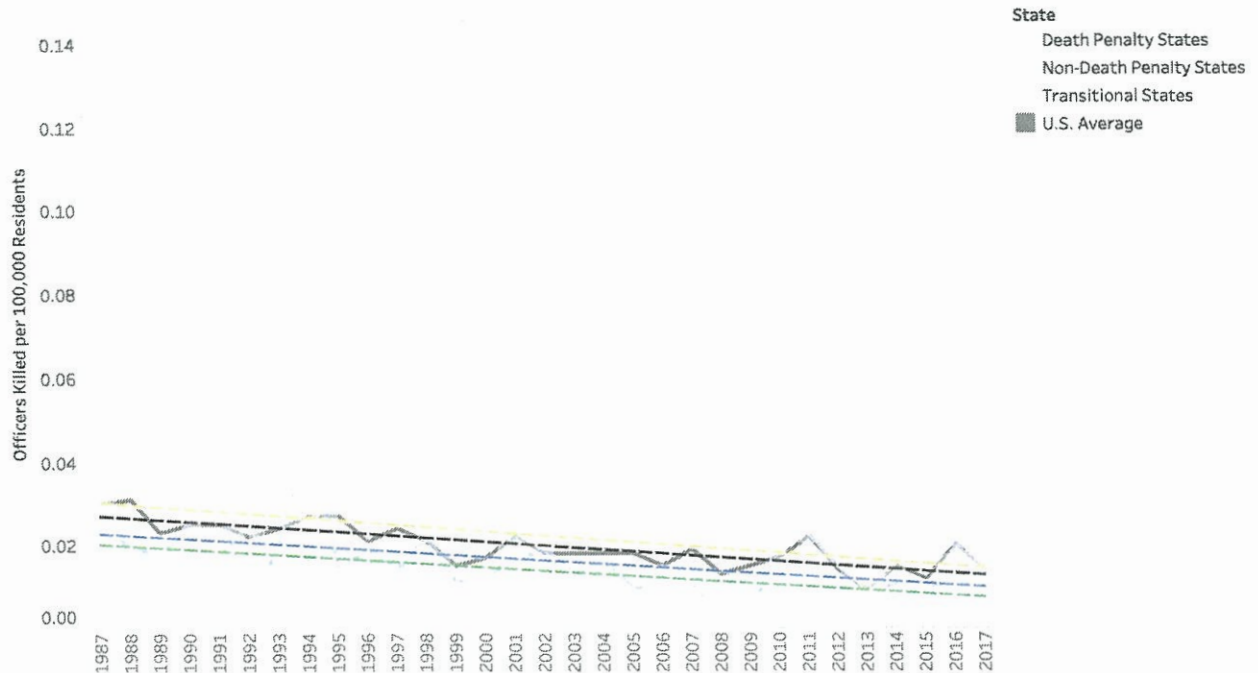
Officer Victim Rate 1987-2017 (by Region)



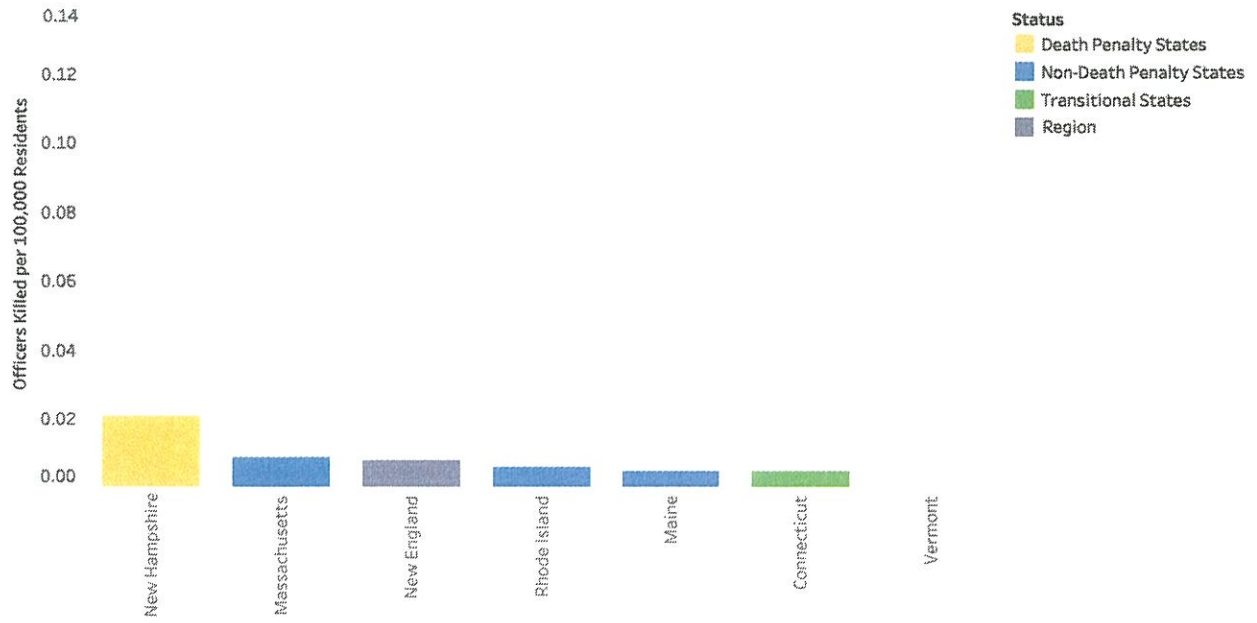
Officer Victim Rate per 100,000 People 1987-2017



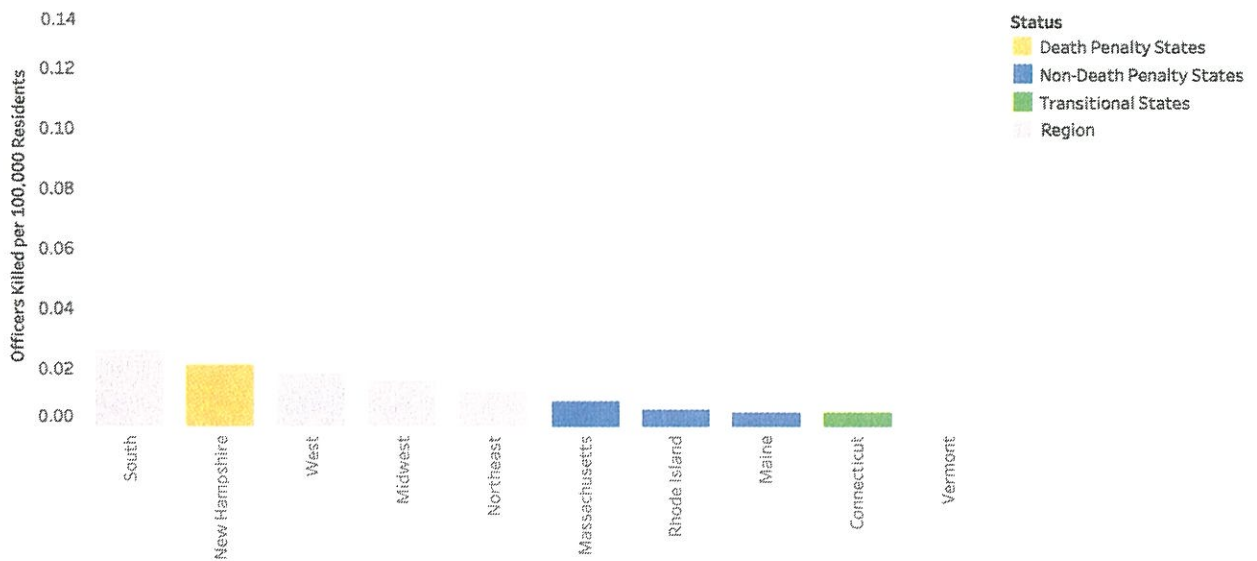
Officer-Victim Rate 1987-2017



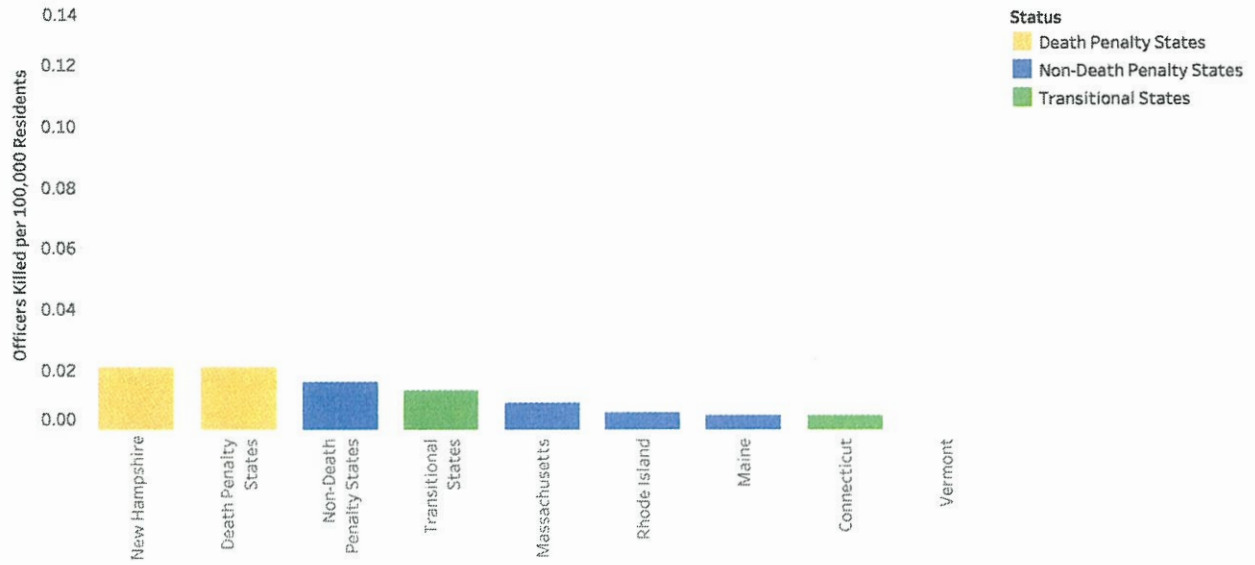
New England Officer-Victim Rates 1987-2017



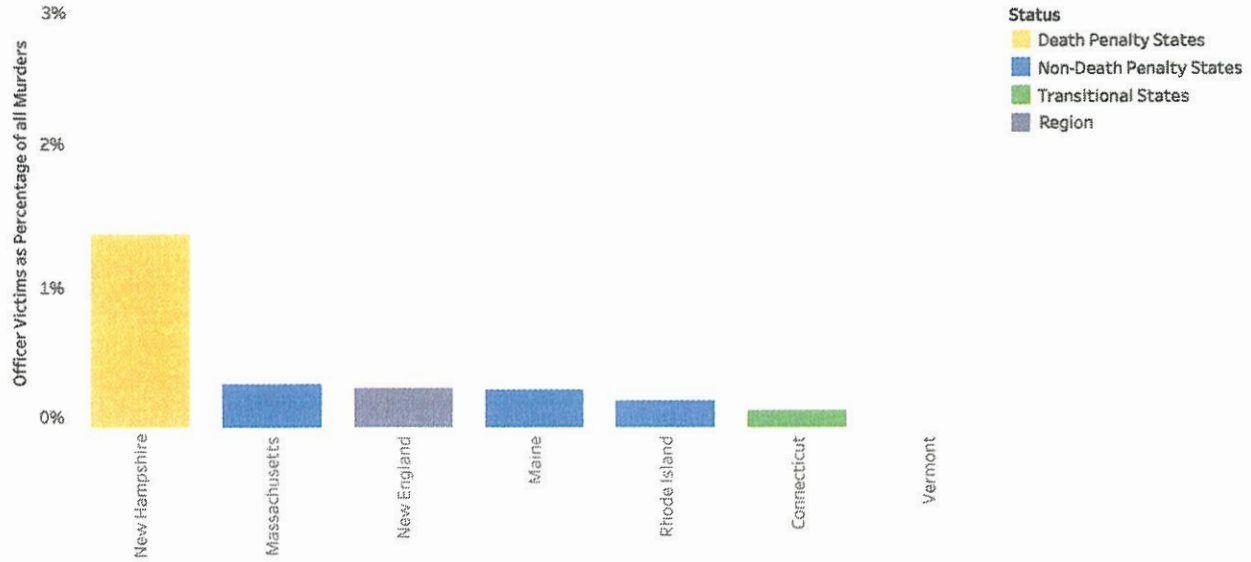
New England Officer-Victim Rates Compared to National Regions 1987-2017



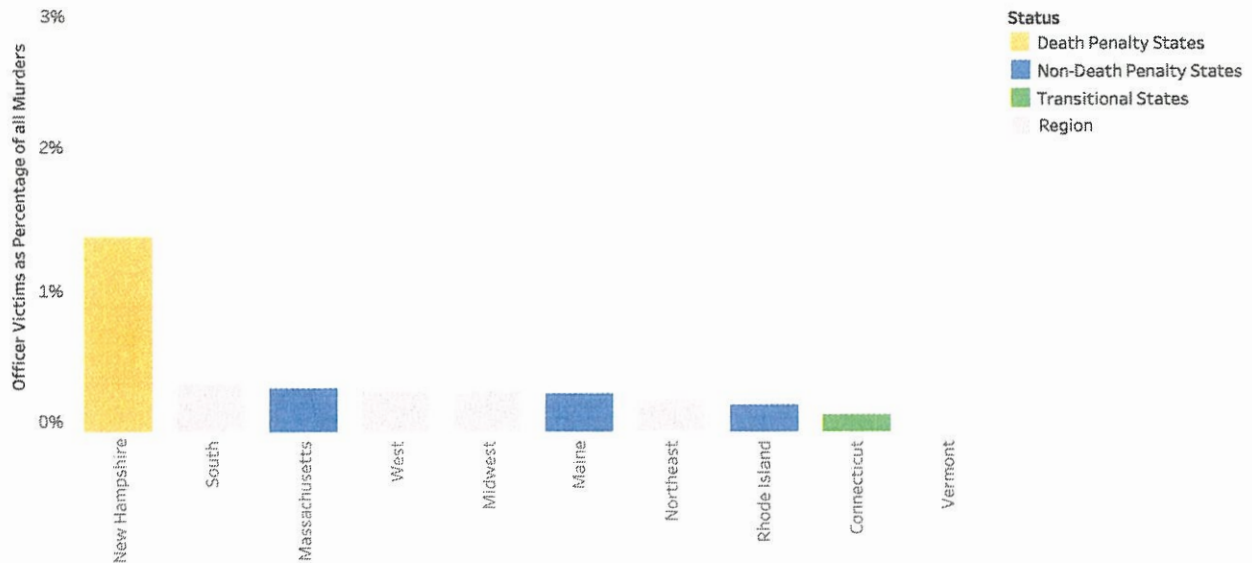
New England Officer-Victim Rates Compared to National Death Penalty Status 1987-2017



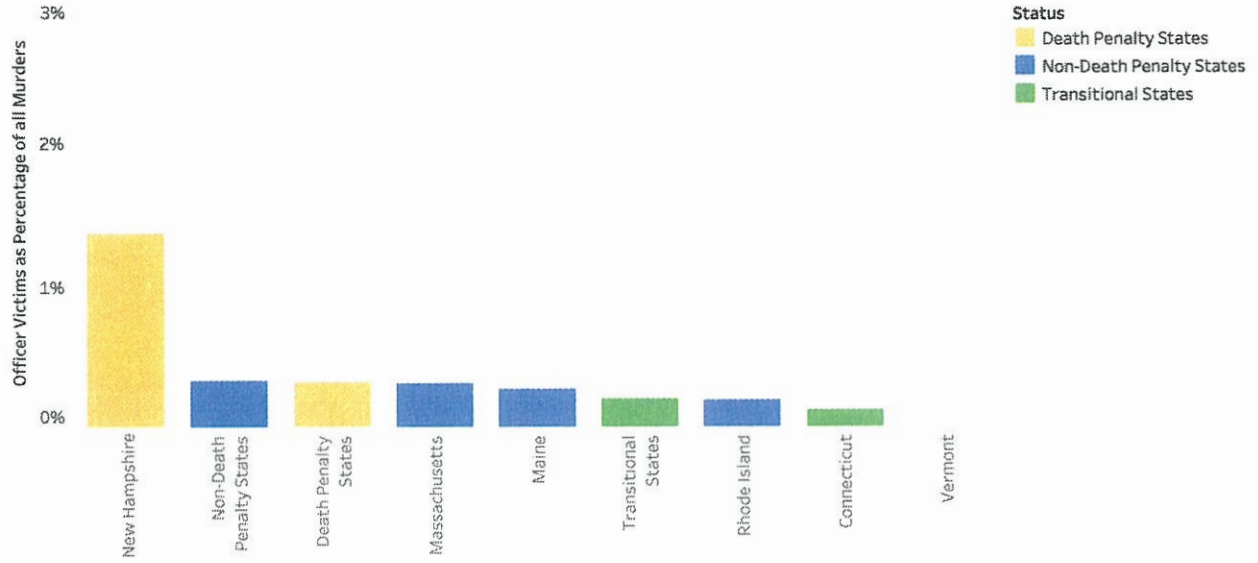
Officers as a Percentage of all Murders New England States 1987-2017



Officers as a Percentage of all Murders New England States and National Regions 1987-2017



Officers as a Percentage of all Murders N.E. States and National Death Penalty Status 1987-2017



My name is Charles Lang. I'm a retired family physician, residing with my wife in Randolph, N.H. Over the past 10 years I have had the privilege of working with Coos County Family Health Services and, concurrently, for a brief period, at the Berlin facility of the N. H. Department of Corrections.

Two things come to mind, when I consider an "eye for an eye" system of justice:
-a visit to Berlin by a chaplain to death row inmates in Tallahassee, Florida, Dale Recinella, who contrasted the "Disney version" of execution with his first hand experience of the reality...the severe emotional impact on families, loved ones, corrections officers and administering physicians. He presented extensive data outlining the financial burden to the taxpayer and government, of putting someone to death vs a sentence of life imprisonment without parole. I felt I'd seen Christ, that evening.

-the second, a school shooting in an Amish community in Ohio, several years ago, during which several children in a one room schoolhouse lost their lives, the gunman then taking his own life. As the Amish refuse media attention or filming, the event saw limited national coverage. Sometime after, I was told the Amish forgave the shooter and provided food and comfort to the shooter's family.

I believe the government, both state and federal, has the right and obligation to protect its citizens...all citizens equally under the law, including those who murder. State sponsored execution, in my view, is inconsistent with life, liberty, and the pursuit of happiness, in a free and democratic society. I feel compelled to take a stand, on moral, spiritual, economic, psychological and, most of all, humanitarian grounds, against the death penalty. We can no longer afford this. I strongly support the passage of H. B. 455, and the repeal of capital punishment in New Hampshire and our nation.

Thank you.
Charley Lang

2-19-19

5

I am Patrick McLaughlin, minister of the Unitarian Universalist Church of Manchester. Our faith has opposed the death penalty since before the United States existed.

And you should *not* accept religion as a reason for legislation.

However, there are no **good** secular arguments for capital punishment.

It is vindictive; it has *never* reformed anyone—and the state should **not** be vindictive.

It does not discourage crime. It is not a *deterrent*.

Our systems are imperfect; we have *surely* executed innocents and there is no way to fix that.

Seeking justice *inescapably* means capital cases are **staggeringly** expensive. So it costs us vastly more to execute than to imprison for life.

It is *unequally* sought and inflicted—on people of color and the poor. It is **unjust**.

It is immoral, unreliable, irremediable, unjust, racist, and ruinously expensive. There **is no** good argument for it. Bring New Hampshire into the 21st century—end this barbaric practice.



I am Pastor Jonathan Hopkins; I am the pastor of Concordia Lutheran Church here in Concord. I want to thank you for giving me an opportunity to speak today, and I want to urge you to pass HB 455 the bill to abolish the death penalty.

Ever since I can remember I have been against the death penalty, but mostly on philosophical grounds not religious ones. It just never made sense to me how killing someone would prove that killing someone is wrong. But I have come in recent times to see this as a spiritual issue as well. Today I am sure you will hear lots of testimony on the practical, political, and philosophical reasons to abolish the death penalty. I want to focus on the spiritual side.

God does not desire a continuation of violence through retribution. In my own faith tradition I have come to see how God sets out to do away with retaliatory violence. Consider that after Cain killed Able God forbid anyone to touch Cain. The Bible actually reduces the use of death as away to settle scores.

The most famous, and often quoted, Biblical scripture for the use of the death penalty is an "eye for an eye." Five generations after Cain one of his heirs, Lamech, lived under the law of the clan. It was spinning out of control, as you could kill seventy seven people for an infraction. In the Law of Moses, an eye for an eye was God's way of curtailing retaliatory violence. It was not God's permission to allow states to execute people. An eye for an eye was a compromise of sorts for people who could not abide by the perfect will of God.

For Christians the meaning of this was interpreted by Jesus. "If someone strikes you on the right cheek, turn to him the other also." Jesus was returning us to God's original intent. As a Christian, in light of Jesus' Sermon on the Mount in the Gospel of Matthew how can I defend the idea of an eye for an eye?

We have the death penalty, not because it prevents crimes, but so that we can get revenge. We have it so; "Those people" will get what is coming to them. From a spiritual standpoint revenge is harmful. It does no good to us. It does not help us heal and move on. Instead it leaves us cold and lost. What we are taught

in the Christian tradition is that forgiveness is the way to help our broken hearts heal. That retribution is a vicious cycle that never ends. Hatred, spiritually speaking, only eats at our souls.

Also, as a spiritual person I have to believe in redemption. That everyone deserves a chance to make an amends, to do and be better. The death penalty leaves no room for such a turnaround in life. Death is final in this world. I believe that through God people are able to reform, to be transformed, and be redeemed. If we kill people that commit horrible crimes we take away the possibility of that life being reformed and redeemed.

Finally, from a spiritual perspective, it is God who gives and takes life. We are not in the position of God, and when we take a life we play God. Since, it is God who gives life than life must be respected even when intolerable acts are committed. Every person is a child of God even when they don't act like it, and we must give them a chance to be the person God created them to be.

I thank you for allowing me to speak this morning. I thank you for taking up HB 455. I ask you to pass this bill and abolish the death penalty in NH once and for all. I know we will be spiritually better for it.



OFFICE OF THE BISHOP
DIOCESE OF MANCHESTER

February 19, 2019

The Honorable Robert Renny Cushing, Chair
House Criminal Justice and Public Safety Committee
Legislative Office Building, Room 204
Concord, New Hampshire 03301

Re: HB 455 (Relative to the Penalty for Capital Murder)

Dear Representative Cushing and Members of the Criminal Justice and Public Safety Committee:

As the Roman Catholic Bishop of Manchester, I write to express support for HB 455, a bill seeking to repeal the imposition of the death penalty in New Hampshire. I am disappointed I cannot be with you today to share my thoughts with you personally, but having testified before this Committee on the issue of capital punishment, I know how seriously you will assume the responsibility before you to evaluate this legislation.

The crime of murder is outrageous. It is an attack directly on the individual victim and indirectly on the victim's grieving loved ones and, indeed, civilized society itself. Such a grievous offense against humanity demands a response.

However, the death penalty has been shown to be a faulty response. It neither deters others, nor brings the perpetrator to understand the magnitude of the evil of which he or she was capable. The teachings of the Church which I represent and to which I hold firm, recognize that the imposition of the death penalty signals neither a firm commitment to the sacredness of human life itself nor the desire for the betterment of society, but instead signals a collapse into defeat by a society that tries to make itself believe falsely that we can defend life by taking life.

Saint John Paul II challenged followers of Christ to be "unconditionally pro-life," reminding us that "the dignity of human life must never be taken away, even in the case of someone who has done great evil." Although in the past our teaching allowed for capital punishment in rare instances, the Catechism of the Catholic Church, informed by a heightened sense of the dignity of human life, rehabilitation, and mercy now holds that "the death penalty is inadmissible because it is an attack on the inviolability and dignity of the human person" (CCC, 2267).

In making this important decision, I ask you to keep in mind those most directly affected by violence and who grieve even now – the families and loved ones of murder victims. I urge you to repeal our death penalty and devote more resources to providing services for them so we may offer a true path of support and healing.

Grateful for your consideration of these thoughts and with deep appreciation for your service to the State of New Hampshire, I remain

Sincerely in Christ,

Most Reverend Peter A. Libasci, D.D.
Bishop of Manchester

Writing in support of HB 455

Testimony submitted by Julien Olivier – Resident of Barrington, NH – February 19, 2019

Employment prevents me from presenting in person. Thank you for considering the following remarks.

The arguments for and against this bill are numerous. Others more qualified than I have researched the issue, written books and articles based on their own experience, and made movies concerning the death penalty. I don't pretend to bring new data or original arguments to the debate. As a citizen of New Hampshire, born in Manchester and living in Barrington since 1973, I simply offer you these thoughts based mostly on my own experience. You've heard many arguments—correctional, financial and theological—but here's why I oppose the death penalty and support HB 455:

The protection of society is accomplished by imprisonment. The death penalty might have some justification if it were the only way to protect society from deadly attack. In fact, secure incarceration achieves that goal. The taking of human life is the most extreme measure possible, and, like making snow after a blizzard, it isn't necessary.

The death penalty does not bring "justice" to the families of victims. I've reached that conclusion through training and certification in Restorative Justice. Contrary to some popular belief, revenge and state-sponsored murder do not foster "closure."

People change. We've witnessed that in our own lives and in others. By putting a person to death, society denies the possibility of change. In religious or theological terms, we are taking away the divine prerogative of grace and conversion. In over 30 years as a volunteer chaplain in juvenile and adult correctional settings, I have seen people change. Who are we to deny the difficult path of repentance?

Hope in our better nature. HB 455 deals with tough issues. I've been attacked with deadly force three times in my life, twice in Washington, D.C., and once at a neighborhood hardware store in Manchester. Victims of armed robbery, there were three of us tied up on the floor. I expected to die when the leader said to his henchman, "Shoot 'em if you want!" What would have been my response if the victim had been my wife or one of our children or grandchildren? Unlike that Amish community where 11 children were shot in 2006, my gut reaction might have been a call for vengeance. Yet, as a Christian, I would have wrestled with Jesus' teaching and example of non-violence. On 9/11 my friend, Bob LeBlanc, Professor Emeritus of Geography at UNH, was in the second plane to strike the Towers. I would hope to learn from Bob's widow who, resisting calls for revenge, has gone on to seek healing for victims.

Respectfully submitted,

Dr. Julien Olivier, DMin

Board Certified Clinical Chaplain
Certified Catholic Correctional Chaplain
Fellow in Hospice and Palliative Care
Hospital Chaplain

Volunteer at the Strafford County (N.H.) Department of Corrections since 1992.

Prior service: Boys Training Center, S. Portland, Maine; Cumberland Jail; Hillsborough County (N.H.) Department of Corrections.

554 Beauty Hill Rd. / Barrington, NH 03825 / (603) 664-2660 – juolivier@gmail.com

February 18, 2019



Criminal Justice Committee
State House
Concord, NH

Re: HB 455

Dear Committee Members:

I am a retired teacher, a mother, grandmother and resident of New Hampshire. I am here representing my family. I am also a victim of attempted murder and the widow of a murder victim.

I am in support of HB 455 to abolish the death penalty. There are many reasons to support this bill that others will address today. I will focus on just one. I can testify that the death penalty would be of absolutely NO BENEFIT to my family as survivors. The effects of a murder in the family stay with us the rest of our lives. Nothing can change that.

This bill is really a very simple issue. It is a question of morality. You, I, and the State of New Hampshire are bound by the same ethical principle — do not kill. The death penalty is premeditated murder. We must build a society where killing by anyone can not be tolerated — and that includes the government.

Please vote yes for this bill to repeal the death penalty.

Thank you.

Respectfully,

Anne Lyczak
Anne Lyczak
Portsmouth, NH

gmg
+

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Testimony from Rep. Jeanine Notter

I represent Hillsborough 21 and I'm here to oppose HB 455. I'm currently serving my 5th term in the House and every time I run for office there are certain planks in which I campaign: Voter Integrity, 2nd Amendment Rights, protecting INNOCENT life, and "Justice for victims of heinous crimes."

This does not mean that I think that every murderer should get the death penalty... only the worst of the worst. The death penalty law in New Hampshire covers limited situations of murder.

In 2011, I cosponsored The Kim Cates bill that made a slight expansion to our state's Death Penalty Law, to include Home Invasion murders. What happened to Kim Cates was so brutal; you need to hear about it before you decide that depravity shouldn't be considered for the death penalty.

Early on the morning of Oct. 4, 2009, a group of murderous thugs broke into the Cates home in Mont Vernon, armed with knives and a machete. They cut the power and made their way down the long hall, using the light from a cell phone to lead the way, until they reached the master bedroom at the far end of the house.

Kim pleaded with the killers, saying, "You don't have to do this." Kim weighed 35 lbs less than I do right now, as I stand before you today. She had no chance but she kicked at them and held up her arms in a defensive manner to fight against the inevitable. The autopsy showed that she was alive for most of the attack, feeling every slash and blow.

I read the transcripts, and followed the trials. How is life in prison justice for a heinous crime such as this?

Kim's husband, Dave, works with my husband. At the time, part of their job included a lot of travel. Dave was away that week. Their daughter, Jamie, was 11-years-old that year. She would sleep in her mommy's bed when her daddy was away. It should have been the safest place in the world for a child to sleep. The killers attacked both the mother and the child.

The extent of Jamie's injuries was horrendous. She had multiple stab wounds; they cut part off part of her foot, and hacked at her face, leaving a jagged scar. Do you have children? **She was 11-years-old!** She

tired to get away, but when she jumped off the bed, one of the killers caught her and threw her across the room to the far wall.

She was grievously injured.

She could hear her mommy struggling to breathe, until the killers silenced her forever. What a brave and smart girl she was to lay all crumpled and still, pretending to be dead, and they thought she was, but one of them still kicked and stabbed her one more time, just to be sure. I don't know how she endured it.

After the attack, the murderers turned the lights back on to view the scene of horror that they created. They laughed at the sight of Kim's eye hanging from the socket and gleefully described the woman's exposed private parts.

The Cates' home is a very long, ranch-style home. Jamie was against the far wall of the house. To get to phone in the kitchen she had to crawl past her hacked up mother, drenched in blood, past the den, past the bathroom, past her room, and the living room, all the while near death herself. I like to believe it was her mother's spirit that helped her get to the phone because somehow she made it and managed to reach up to the counter to get the phone to call 9-11. She barely got the words out, "They killed my mommy," before she passed out.

A heroic police officer injured his shoulder breaking the door down to get to Jamie. He saved her life.

Five months after "The Incident," which Dave began calling it; we were invited over to remember Kim. I remember hearing Jamie say, in her young voice, "Today is Mommy's birthday."

People all over the country were shocked by this murder. I recall Nancy Grace following it on her show. Even today, college students read about in case study, including my daughter-in-law on the West Coast.

I mentioned previously that my husband works with Dave Cates. Every year their company has a picnic at Canobie Lake Park. I remember standing with Kim, and my friend, Nancy Morin, at the water park while our kids squirted everyone who crossed their path.

Nancy's daughter, Elizabeth, is the same age as Jamie. Elizabeth was vicariously traumatized by The Incident and slept in her parent's room for a whole year, until her doctor prescribed her medication.

Nancy, who is also my constituent, came to the NH State House to testify for the first time in her life, in 2011, to help pass the "Kim Cates Law." Dave himself came up here to testify. He sat right there in Section 3 and did his best to avoid media attention. He testified so no other family would have to suffer injustice like his family. I implore you....**Do not rip this law from the books.**

Jamie had to grow up without her mother, whom she loved so dearly. I remember Dave saying that Jamie had pizza much too often and probably not enough vitamins, but that's what happens when the parent who does the most nurturing is taken away. Jamie has had numerous surgeries since the attack, including reattaching her foot and smoothing out the jagged scar on her face.

Before I close, I want to point out that some of our colleagues wear a round pin with the number 83 in the center. Manchester Officer Michael Briggs' badge number was 83. He was shot to death in the line of duty in 2006, leaving his wife a widow, and his two young children fatherless. His family has been in the Gallery, watching the proceedings when a repeal of the death penalty has been debated in previous terms. I haven't forgotten Officer Briggs. I hope you won't either.

Since the year 1734, 24 people have been executed in NH and the last one was in 1939. Today there is only ONE killer in our state on death row, the one who killed Officer Briggs. *Cop Killers are considered jail* ~~are~~

~~PT~~

Justice for Victims of Heinous Crimes. Vote no on HB 455

Thank you.

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①

My name is Kelly Ayotte. I had the privilege of serving as Attorney General for the State of NH from July 2004- July 2009, having been appointed to that position by both Republican and Democratic Governors.

I am here to ask you to oppose the repeal of NH's Death Penalty Statute.

NH has a narrow capital murder statute and the death penalty can only be sought under limited circumstances, in very egregious murder cases.

As you know, no one has been executed in NH since 1939 because our laws are narrowly drawn and very few capital murder cases have been prosecuted.

One of the circumstances in which a capital murder case can be brought in NH is when an individual knowingly murders a law enforcement officer in the line of duty.

While I was serving as Attorney General, I brought the case against Michael Addison, for capital murder for knowingly killing Manchester Police Officer, Michael Briggs while officer Briggs was in the line of duty serving on bike patrol.

2

I will never forget the day of October 16, 2006--- that was the day that Michael Addison shot Officer Michael Briggs in the head. He did so to avoid being apprehended by Officer Briggs, who right before his death shouted more than once stop police.

In the week leading up to Officer Briggs murder, Addison had been on a crime spree which threatened the city of Manchester. He committed several violent crimes, including 2 armed robberies and a drive by shooting.

Addison was not a neophyte to the criminal justice system. He was a felon who had served time in prison for prior assaults.

That night, Addison knew the police were looking for him.

With the armed robberies and shooting he had committed the week before, Addison was already facing a life sentence when Officer Briggs shouted stop police to him in that alley in Manchester. Addison chose to shoot Officer Briggs in the head to make a getaway. He did escape for a period, but he was arrested the next day in Boston.

3

Addison was convicted of capital murder for the murder of Officer Briggs and because there were aggravating circumstances in the case, he was eligible for the death penalty. A unanimous NH jury sentenced him to death for the murder of officer Briggs and he is the only person currently on death row in NH.

If you repeal the death penalty, I want you to understand that Michael Addison's sentence will be commuted to life without parole which would not be just and would send the wrong message to criminals when it comes to killing our police officers.

On the night, that Addison shot Officer Michael Briggs in the head and murdered him, he did it to get away. Because Addison, a felon, was already facing a life sentence for the armed robberies and shooting he had committed the week before the murder. He knew it and he shot Officer Briggs in the head to get away because he thought he had nothing to loose. And if you, effectively commute Addison's sentence to life without parole by repealing the death penalty, there will have been no added penalty for murdering Officer Michael Briggs that night.

4

What are we saying if you're a career criminal whose been on a crime spree and is already facing a life sentence, and there is no death penalty, no other punishment to impose, why not kill the police officer to get away. Because that is what happened that night. That is why the jury imposed the death penalty.

Our law enforcement officer go out there every day at every our when we are sleeping, during every holiday when we are home with our families.

Killing a police officer while he is serving us is an affront to all of us and the fabric of our society.

There needs to be an added penalty for murdering a police officer even if, like Addison, you have already been on a crime spree and are facing a life sentence.

Otherwise, we are sending the wrong message to criminals and our police officer will not be sufficiently protected.

I also want to spend a couple of minutes talking about the procedural protections in place in our statute. Because rightly so, it should be extremely difficult to seek and impose the death penalty and it is in NH and that is another reason, there have been so few cases.



First, in all NH capital murder cases and in the Addison case, there were 3 phases to the trial. The jury had to be unanimous in its verdict 3 times for the death penalty to be imposed.

In the first phase, the jury had to be unanimous in finding him guilty of capital murder. But, that was not enough to impose the death penalty,

There is a second phase, where the jury had to unanimously agree that the state had proven at least two aggravating factors beyond a reasonable doubt. It is not sufficient to have committed capital murder to receive the death penalty, there must be aggravating factors.

Then there is a third phase the sentencing phase, in that phase, the jury must weigh the aggravating and any mitigating factors. For the jury to consider an aggravating factor, it must be unanimous and find that factor beyond a reasonable doubt. If any one juror disagrees, the aggravating factor is not proven and cannot be considered. But mitigating factors are treated very differently-- any juror can consider any mitigating factor on its own—they do not need to be unanimous and they do not need to be proven beyond a reasonable doubt.



The jury is also instructed that they are never required to impose the death penalty under any circumstances.

The jury must also be unanimous on a death sentence. If any juror disagrees, the death sentence cannot be imposed.

So in Addison and in all NH death penalty cases, the jury must be unanimous 3 x—not just once like most murder cases.

And then if the defendant is sentenced to death, under RSA 630:5, he is also entitled to a separate review by the NH Supreme Court to ensure that the sentence was not imposed under the influence of passion, prejudice or any other arbitrary factor and to a determination by the NH Supreme Court of whether the sentence is disproportionate to the penalty imposed in similar cases.

This is another layer of added protection with a separate review that does not happen in other murder cases.

In the case of Addison, he appealed his conviction and raised over 22 legal issues in the case. The Supreme Court found no legal error in the case.

7

The NH Supreme Court also did a separate review and found that Addison's that the death sentence was not imposed under the influence of passion, prejudice or any other arbitrary factor and that his sentence was proportionate to other cases.

It is very difficult – as it should be-- for a death sentence to be imposed in NH and there are many protections in place for the defendant in those limited set of cases that are death eligible.

However, there some cases which warrant the death penalty. Addison's case was one. Murdering a police officer in the line of duty to avoid apprehension is a crime against all of us. And, criminals need to understand that no matter how much prison time they are facing for what they have done, there will be an added penalty for murdering a police officer.

In the case of Michael Addison, unfortunately if you repeal the death penalty, there won't be an added penalty for the murder of Officer Michael Briggs and for future cases, if god forbid one of our police officers confronts another career criminal in an alley whose already facing a very long sentence—there will be no deterrent or added penalty if the criminal decides to murder another one of our police officers to get away.

FACTS ABOUT THE DEATH PENALTY

The US currently has 19 states that have abolished the death penalty. An additional 4 states have moratoriums on the death penalty. 30 states in total have either abolished the death penalty, have executions on hold or have not carried out an execution in the last 10 years.

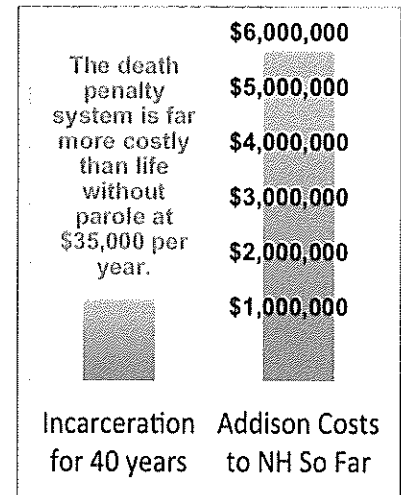
Though no one has been executed in New Hampshire since 1939, over the last decade there have been two capital cases in NH, with one resulting in a death sentence.

The death penalty costs NH taxpayers millions of dollars

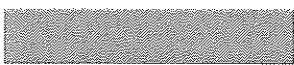
Since 2008, NH's only death row inmate has already cost NH taxpayers over \$5.5 million. NH pays for both prosecution and defense in capital cases. Capital trials are much longer, security costs are higher, and years of appeals (13 years on average, nationally) are costly. NH taxpayers may have to pay millions more over the next 5-10 years for a single inmate, and millions more for each new capital case.

The NH Department of Corrections has requested \$1.7 million to build a 3,400 sq ft death chamber facility.

The alternative sentence of life without the possibility of parole (LWOP) is a fraction of the cost of the death penalty.

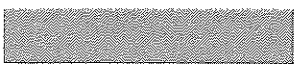


Yes, we have executed innocent people in the U.S.



"The death penalty creates the unacceptable risk that a person may be wrongfully executed."

— Joseph Nadeau
former N.H. Supreme Court Justice



Since 1972, 164 death row inmates have been exonerated. Studies estimate that more than 300 people who were sentenced to death row during that time were likely innocent.

Death row exonerations have revealed cases that are riddled with problems, including mistaken eyewitness identifications, incompetent lawyers, shoddy forensics, unreliable jailhouse snitches, and coerced confessions.

New Hampshire is not immune to these and other problems in the criminal justice system. But New Hampshire already has a corrections system with the sentence of life without the possibility of parole for first degree murder. This sentence ensures public safety and also eliminates the risk of killing an innocent human being.



Cameron Todd Willingham was executed in 2004 in Texas for a fire that killed

his three children, but impartial investigators now say there was no arson.



Claude Jones was executed in Texas in 2000 for a murder he didn't commit. In 2010, DNA testing proved

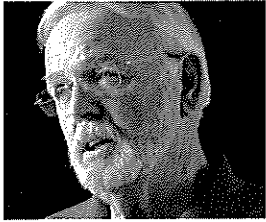
that the central evidence tying Jones to the crime scene — a hair fragment — was not his.



Carlos DeLuna was executed in 1989 in Texas, but an independent

investigation has since concluded that he was innocent.

Executions create more victims



"I started to have some horrible nightmares. It's the faces of the men that I executed. I wake up and see them literally sitting on the edge of my bed. I've moved over to make room for them. They don't say anything to me. They just look."

—Ron McAndrew, 22-year veteran with the FL Dept of Corrections

Wardens and executioners experience trauma, PTSD, and significantly higher than average rates of alcoholism,

Every death sentence requires a team of executioners who are involved with the details of killing the inmate. Corrections officers, wardens, doctors, nurses and EMTs are required to actively take part in and witness the execution. Scientific research shows that members of these execution teams suffer emotionally after taking part in an execution. These individuals suffer from high rates of chronic mental health problems, substance abuse, and suicide.

Here is what prison wardens have said:

"You sentenced a guy to be executed. You give him a trial, then you send him to me to be put to death. Then later on you [say] that this guy was innocent. You didn't put him to death. I did. I performed the execution. So you might suffer a little. I'm going to suffer a lot, because I performed the job,"

—Jerry Givens, retired Executioner, Virginia Department of Corrections

"I look at a serial killer every day when I look in a mirror. I see a serial killer, and at times it becomes unbearable."

—Terry Bracey, former executioner, South Carolina Dept of Corrections

"There is a part of the warden that dies with his prisoner."

—Don Cabana, former superintendent and executioner of the Mississippi State Penitentiary

Botched executions are becoming more common

More and more pharmaceutical companies are refusing to sell drugs for lethal injection purposes. This is forcing states to use different, often untried drug formulas that are causing a drastic increase in botched executions.

In addition to harmful and ineffective drug formulas, reports show that the execution teams may not have the proper needles and other medical equipment and that they often have difficulty finding veins that work. The American Medical Association and National Nurses Association have refused to let their members be involved in executions.

What was intended to be a quick and painless form of execution is instead resulting in long, painful and horrific executions, further traumatizing corrections officers, the families of those being executed, and other witnesses.

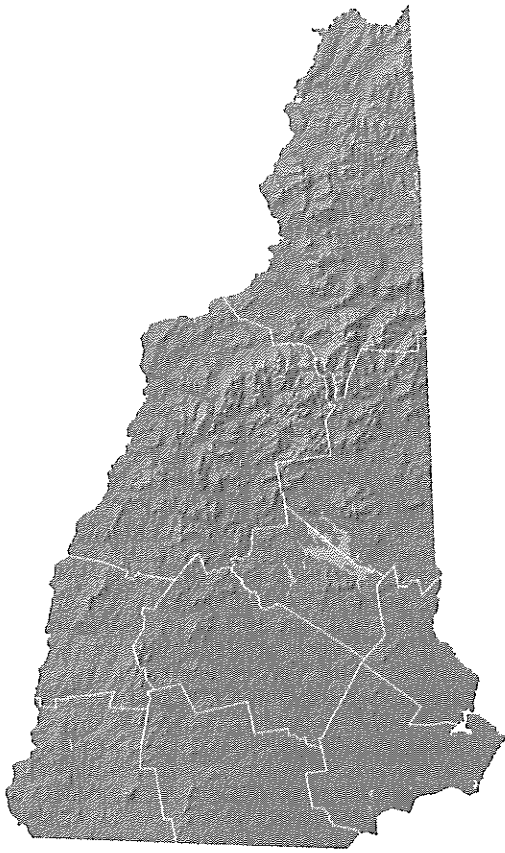
According to Fordham University Law Professor Deborah Denno, an expert on lethal injection, "Amidst the chaos of drug shortages, changing protocols, legal challenges, and botched executions, states are unwavering in their desire to conceal this disturbing reality from the public."



Deborah Denno, PhD

"I had just watched a man be tortured to death."

— Florida Death Row Chaplain Dale Recinella, after witnessing the botched execution of Angel Diaz



“It can’t happen here.”

Challenges to the Myth of New Hampshire Exceptionalism & the Death Penalty

No criminal justice system, even New Hampshire’s, is immune from errors. Our system is run by human beings, and however technically or morally qualified, we can make mistakes. Police can be overly zealous in extracting confessions. Prosecutors often build their reputations on capital case convictions, leaving the fate of defendants to political considerations. DNA evidence that could clear someone wrongfully accused only factors into a small percentage of murder cases.

The death penalty is too final a solution to leave in government hands. Here are just some facts that show that mistakes can happen in our state.

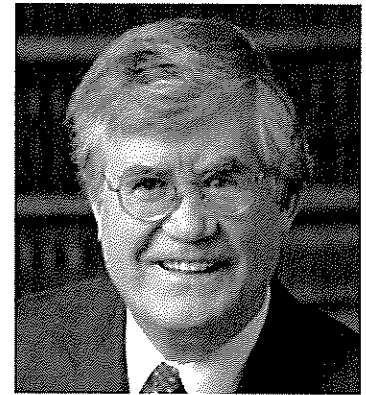
Falsified Evidence

“As a public defender in Concord, I experienced an incident of a falsified confession by a law enforcement officer. My client, charged with child sexual abuse, had maintained his innocence and been cooperative during two taped police interviews. After the third interview, which was not taped or recorded in any manner, the law enforcement officer claimed the defendant confessed. Though there was no written or recorded confession, and no collateral evidence of my client’s guilt – and in the face of my client’s obvious shock over and adamant denial of the purported confession – he was found guilty at trial and sentenced to State Prison.”

--Steve Mirkin, NH Public Defender

Forced Confession

In the murder case of 6-year-old Elizabeth Knapp in 1997, police badgered a murder victim’s mother to point the finger at her boyfriend, even though it was untrue. The boyfriend had been drunk the night of the crime, and could not account for his whereabouts. Semen found in the victim’s vagina later cleared the boyfriend. “I



“I’ve never believed that a sentence should be administered that does not have an eraser... Clearly murders must be punished and removed from society. Life in prison without parole does both.”

–John Broderick
Former NH Supreme
Court Chief Justice

believed that my client was guilty,” said Barbara Keshen, former lawyer with the NH Public Defender’s Office. “I believe that a jury would have convicted him. Why not? They had ‘eye witness’ testimony and a sort-of confession.”



“There have been more than 1,000 murders in New Hampshire since 1940. The next execution will be the first in more than 75 years. History will not judge the execution of one murderer in a thousand as similar, just or fair.”

**-- Philip T. McLaughlin,
Former NH Attorney
General**

Problems with Evidence

15% of fingerprint or hand print identifications made in NH Forensic Labs were rated at Fair to Poor, according to a NH State Police Forensics Audit (9/2011, p. B-4). When someone’s life is on the line, that margin of error is simply too high.

Studies on eyewitness identification – the most common type of evidence in criminal cases -- consistently show that witnesses are likely to identify the wrong person.

DNA evidence has led to hundreds of exonerations, but it is only available in about 10-15% of cases. Despite our best intentions, human beings simply can’t be right 100% of the time. And when a life is on the line, one mistake is one too many.

Over 160 people have been exonerated from death row in the US since 1973, despite prosecutors, judges and juries being absolutely certain of guilt at the time. These exonerations have revealed cases that are riddled with problems including mistaken eyewitness identifications, incompetent lawyers, shoddy forensics, self-serving jailhouse snitches, and coerced confessions. New Hampshire is not immune to these problems in the criminal justice system.

Jury Tampering, Perjury, and more

During his tenure as Bartlett NH Police Chief, Timothy Connifey conspired to tamper with witnesses, and committed false swearing, perjury and official oppression.¹

Death-qualified Juries are not Impartial

Capital trials require “death-qualified” juries. Such innately biased jury selection automatically prevents about half of the population from serving, for example jurors who are pro-life. Multiple studies² show that death-qualified juries are more likely to find defendants guilty and to recommend the death penalty. How can we claim that such trials are just and impartial?

NH’s Infrequent Use of the Death Penalty makes it “Unusual Punishment”

The sad truth is, both here in NH and around the country, that the defendant’s race and income level are the most common factors in death penalty cases. The fact that both “premeditated” and “more heinous” murders in New Hampshire have not seen the imposition of the death penalty, demonstrates that it is neither fairly nor consistently applied.

¹ <http://www.seacoastonline.com/news/20160226/former-bartlett-chief-indicted-on-perjury-witness-tampering>

² <https://capitalpunishmentincontext.org/resources/deathqualification>

**Testimony Submitted to the
New Hampshire House of
Representatives**

**Committee on Criminal Justice
and Public Safety**

**Hearings on HB 455 – Changing the penalty for
capital murder to life imprisonment without the
possibility for parole.**

**February 19, 2019
Concord, New Hampshire**

**by Robert Brett Dunham
Executive Director
Death Penalty Information Center
Washington, D.C.**

INTRODUCTION

Mr. Chairman, Members of the Committee: I want to thank the Committee for providing me this opportunity to testify regarding House Bill 455, which would change the penalty for capital murder to life imprisonment without the possibility for parole.

My name is Robert Dunham. I am the Executive Director of the Death Penalty Information Center (DPIC),¹ a non-profit organization that provides information and analysis on capital punishment.² DPIC does not take a position for or against the death penalty *per se*, but we are critical of the way in which it has been administered. Our goal today is not to tell you how to vote on House 455, but to serve as a resource and to provide you with a national perspective on issues that we believe are highly relevant to your vote.

In my testimony, I hope to provide you with data and context that will help you make an informed decision about this legislation. I would be happy to answer any questions that members of the committee may have at any time, either today or by later correspondence.

¹ Death Penalty Information Center, 1701 K Street, N.W., Suite 205, Washington, D.C. 20006. Phone: (202) 289-2275; web site: www.deathpenaltyinfo.org; email: rdunham@deathpenaltyinfo.org.

² Our website is one of the most widely used by those seeking information on the death penalty. The Library of Congress has chosen it as part of its archive on this issue. Justices of the United States Supreme Court and state supreme courts have cited the website as an authoritative source of death penalty information.

THE NATIONAL CONTEXT

The death penalty is in a period of historic decline across the United States. There have been fewer than 30 executions and 50 new death sentences in the U.S. in each of the last four years, the fewest number of new death sentences imposed in any three-, four-, five-, or ten-year period since states began re-enacting death penalty statutes in 1973 and the fewest number of executions over any of those time spans in more than a quarter century. New death sentences are down by more than 85% since the mid-1990s. Executions have fallen nearly 75% since 1999.³

In 1996, there were 315 new death sentences imposed across the United States. In 2018, there were 42.⁴ For historical context, consider this: every one of the 13 original U.S. states set or matched a record low for the number of new death sentences imposed. Those 13 states combined produced just one new death sentence, and the trial court in that case has already indicated that it will overturn that death penalty. There were 98 executions in the U.S. in 1999; in 2018, there were 25, more

³ See Death Penalty Information Center (DPIC), *The Death Penalty in 2018: Year End Report* (2018), available at <http://deathpenaltyinfo.org/documents/2018YrEnd.pdf>. The graphic of death sentences and executions since 1973 in the exhibits to this testimony illustrates this long-term decline. See Exhibits, page 1 (The Death Penalty's Long-Term Decline).

⁴ See Exhibits, page 2, top graphic (Death Sentences in 2018). It might be tempting to argue that the decline in death sentencing is attributable to the nationwide decline in homicide rates. However, as a 2017 study reported, murders in the 37 states that authorized the death penalty in 1994 declined by 35.4% between then and 2014, while death sentences fell by more than double that rate over the same time frame. See DPIC, *Study Analyzes Causes of "Astonishing Plunge" in Death Sentences in the United States* (Apr. 2, 2018), <https://deathpenaltyinfo.org/node/7059>. Moreover, while the murder rates were down per person, the U.S. population continued to grow in that 20-year period, meaning that death sentences per murder fell even further.

than half of which took place in one state, Texas.⁵ The other 49 states carried out fewer executions than in any year since 1991.

The breadth of the decline is stunning. 36 states imposed no death sentences at all: 19 non-death penalty states, plus 17 of the 31 states that authorized capital punishment in 2018. Two other death-penalty states – California and Pennsylvania, whose 900 prisoners comprise 1/3 of the nation’s death row – also set or matched record lows. Altogether, 19 of the 31 death-penalty states (61%) experienced record lows and another six (19%) came within one sentence of their record lows.⁶

The trends at the county level are equally dramatic. In 2013, DPIC’s analysis of U.S. death sentences revealed that fewer than 2% of all the counties in the United States accounted for more than 56% of the entire country’s death-row population.⁷ Eighty percent of the counties had no one on death row and 85% had not executed anyone in the modern era.⁸ The death sentences imposed in 2018 showed that even these counties are imposing the death penalty less frequently. Last year, for the first time *ever* since the death penalty came back in the United States in 1973, no county anywhere in the U.S. imposed more than two death sentences.⁹ Yet, disturbingly, the

⁵ DPIC, *The Death Penalty in 2018*; see also DPIC, *Executions by Year*, <http://www.deathpenaltyinfo.org/executions-year>; Exhibits, page 2, bottom graphic (Executions in 2018).

⁶ Robert Dunham, *DPIC Analysis: Record-Low Death Sentencing in Most of the Country in 2018*, Death Penalty Information Center (Dec. 28, 2018), <https://deathpenaltyinfo.org/node/7284>; see also Exhibits, page 3, top graphic (Record-Low Death Sentences in 19 States in 2018).

⁷ Richard C. Dieter, *The 2% Death Penalty: How a Minority of Counties Produce Most Death Cases at Enormous Costs to All*, Death Penalty Information Center (Oct. 2013), <https://deathpenaltyinfo.org/documents/TwoPercentReport.pdf>.

⁸ *Id.* at 1.

⁹ *DPIC 2018 Year End Report*.

decline in the number of death sentences and executions does not appear to have been accompanied by a reduction in its arbitrariness. DPIC's review of the 25 executions in 2018 showed that at least 18 of the prisoners executed (72%) had significant mental, emotional, or cognitive impairments, suggesting that the most vulnerable, rather than the most morally culpable, are disproportionately likely to be executed.¹⁰

Public opinion polls also show that confidence in and support for the death penalty are at or near record lows. According to the Gallup organization, "support for capital punishment ... has been trending downward since peaking at 80% in the mid-1990s during a high point in the violent crime rate."¹¹ In October 2018, Gallup reported support for capital punishment at 56%, within one percentage point of the lowest level of death-penalty support since 1972. And for the first time since Gallup began asking the question in 2000, fewer than half of Americans said they believed the death penalty is applied fairly.¹²

HB 455 comes at a time in which state courts and legislatures are moving away from capital punishment. Eight states have legislatively or judicially abolished

¹⁰ *Id.*; see also Exhibits, at 3, bottom graphic (Prisoners Executed in 2018).

¹¹ Justin McCarthy, *New Low of 49% in U.S. Say Death Penalty Applied Fairly*, Gallup News (Oct. 22, 2018), <https://news.gallup.com/poll/243794/new-low-say-death-penalty-applied-fairly.aspx>.

¹² *Id.*; see also DPIC, *Gallup Poll—Fewer than Half of Americans, a New Low, Believe Death Penalty is Applied Fairly* (Oct. 22, 2018), https://deathpenaltyinfo.org/Fewer_than_Half_of_Americans_Believe_Death_Penalty_Applied_Fairly. In Spring 2018, the Pew Research Center national poll reported death-penalty support at 54%, the second lowest since it began polling on the topic in the 1990s. DPIC, *Pew Poll Finds Uptick in Death Penalty Support, Though Still Near Historic Lows* (June 12, 2018), <https://deathpenaltyinfo.org/node/7121>.

the death penalty this century,¹³ and more have abandoned it in practice.¹⁴ This is particularly so in New England and across the Northeast, where no state has ever executed a prisoner who did not voluntarily abandon his appellate rights.¹⁵ The efforts to repeal capital punishment statutes have become increasingly bipartisan, as more and more ideologically conservative legislators have initiated, co-sponsored, and/or voted in favor of bills to replace the death-penalty with life without possibility of parole.¹⁶

What the data tells us is that, for all practical purposes, there has been no such thing as a working death penalty anywhere in the northeastern portion of the country, much less New England, in the past half century. The use of the death penalty has

¹³ See DPIC, *States With and Without the Death Penalty*, <http://www.deathpenaltyinfo.org/states-and-without-death-penalty> (**New York** (declared statute unconstitutional in 2004, then retroactively applied ruling to remaining death-row prisoner in 2007), **New Jersey** (legislatively abolished 2007), **New Mexico** (legislatively abolished in 2009), **Illinois** (legislatively abolished 2011), **Maryland** (legislatively abolished 2013), **Connecticut** (legislatively abolished 2012, declared unconstitutional by the state Supreme Court in 2015); **Delaware** (statute declared unconstitutional in 2016); **Washington** (statute declared unconstitutional in 2018). **Nebraska** and this legislature also legislatively repealed the death penalty, but Nebraska's 2015 repeal was halted by referendum in November 2016 and Governor Sununu vetoed last year's repeal vote in New Hampshire.

¹⁴ Execution moratoria are in place in Colorado, Oregon, and Pennsylvania, and Washington's moratorium terminated only because the state supreme court declared the death penalty unconstitutional. *Id.*, *States With and Without the Death Penalty*. In addition to the moratorium states, eight other death penalty states, plus the federal government and the U.S. military, have not carried out any executions in more than a decade. See DPIC, *Jurisdictions with no recent executions*, <https://deathpenaltyinfo.org/jurisdictions-no-recent-executions>.

¹⁵ See Exhibits, page 4, top graphic (U.S. Executions 1976-2018), bottom graphic (Non-Voluntary U.S. Executions 1976-2018); *id.*, page 5 (Non-Voluntary Executions, Northeast U.S. 1976-2018).

¹⁶ See Conservatives Concerned About the Death Penalty, *The Right Way: More Republican lawmakers championing death penalty repeal* (Oct. 2017), <http://conservativesconcerned.org/wp-content/uploads/2017/10/The-Right-Way-Online.pdf>; see also Arthur Rizen and Marc Hyden, *A Dying Shame: The state is not God, and the death penalty is not infallible.*, *The American Conservative*, November/December 2018; DPIC, *Conservative Voices Continue to Call for End of Death Penalty* (Jan. 8, 2018), <https://deathpenaltyinfo.org/node/6970>.

become increasingly geographically isolated as time has gone on and seems based more on historical and cultural factors than on an any penological or criminal justice need.

ISSUES GENERALLY APPLICABLE TO THE DEATH PENALTY ACROSS THE COUNTRY

Legislators face numerous questions in determining whether to keep or replace their capital punishment statutes. You will hear testimony today from people addressing many of those issues. But here are just a few basic facts:

Innocence – It is no longer debatable that innocent people can and do get sentenced to death. Since 1973, 164 men and women who were wrongly convicted and sentenced to death have been exonerated.¹⁷ Some clearly innocent prisoners, like Carlos DeLuna, Rubin Cantu, and Cameron Todd Willingham, have been executed.¹⁸ Every state believes that its state-court process is exceptional and has adopted safeguards that will prevent convicting the innocent. And over and over, people are wrongly condemned in these jurisdictions.

Reliability – According to the U.S. Bureau of Justice Statistics, the single most likely outcome of a capital case once a defendant is sentenced to death is that the conviction or death sentence will be overturned.¹⁹

¹⁷ See DPIC, Innocence and the Death Penalty, <https://deathpenaltyinfo.org/innocence-and-death-penalty>.

¹⁸ See DPIC, Executed But Possibly Innocent, <https://deathpenaltyinfo.org/executed-possibly-innocent>.

¹⁹ Frank R. Baumgartner and Anna W. Dietrich, Monkey Cage: Most death penalty sentences are overturned. Here's why that matters., The Washington Post, March 17, 2015, <https://www.washingtonpost.com/news/monkey-cage/wp/2015/03/17/most-death-penalty-sentences-are-overturned-heres-why-that-matters/>.

Costs – Studies consistently show that the death penalty costs more than even the harshest alternative punishments such as life without the possibility of parole.²⁰

Discrimination – New Hampshire does not have a large enough dataset of information from which to make statistically meaningful statements about racial, geographic and other forms of discrimination or arbitrariness. However, there is persistent evidence of racial and geographical arbitrariness or bias in the administration of capital punishment across the country, and it is unrealistic to assume that New Hampshire is any better at eradicating it than are other states.

Public Safety and Deterrents – There is no evidence that the death penalty is a deterrent, much less that it deters more effectively than a long prison term or a sentence of life without parole.²¹ Studies show that “[t]he certainty of apprehension, and not the severity of the ensuing legal consequence, is the more effective deterrent” and that “the deterrent return to increasing an already long sentence appears to be small, possibly zero.”²²

When Governor Sununu vetoed the death-penalty repeal legislation last year, he did so in a signing ceremony flanked by members of the state’s law enforcement community. Given the importance of this issue and reaching a legislative decision

²⁰ See DPIC, *Costs of the Death Penalty*, <https://deathpenaltyinfo.org/costs-death-penalty#financialfacts>.

²¹ See DPIC, *Facts about Deterrence and the Death Penalty*, <https://deathpenaltyinfo.org/facts-about-deterrence-and-death-penalty>.

²² See DPIC, *Report: Deterrence is Based on Certainty of Apprehension, Not Severity of Punishment*, <https://deathpenaltyinfo.org/node/6950>; Daniel S. Nagin, “Deterrence,” in REFORMING CRIMINAL JUSTICE: BRIDGING THE GAP BETWEEN SCHOLARSHIP AND REFORM, vol. 4, *Punishment, Incarceration, and Release*, Academy for Justice, Arizona State University (E. Luna, ed. 2017).

based on facts, rather than myths, I would like to concentrate my remarks on one aspect of the deterrence debate: whether the death penalty is necessary to make the public and the police safe.

IS THE DEATH PENALTY NECESSARY TO PROTECT THE PUBLIC AND DOES IT MAKE POLICE OFFICERS SAFER?

One of the recurrent questions with which legislatures have to grapple is what will happen if they vote to replace the death penalty with life without parole on some other lengthy prison term. That question is in turn closely related to the questions of whether the death penalty deters murders and contributes to public safety and whether having a death penalty makes police officers and other law enforcement personnel safer.

To try to answer these questions, we analyzed three decades of FBI murder data.²³ First, to try to determine the contribution of the death penalty to public safety and what happens when states abolish the death penalty, we broke the states down into three categories:

1. Death Penalty States: states that have had the death penalty essentially from the beginning of the modern era of the death penalty in the 1970s through now;

²³ For our initial study, our source of information on the number of murders nationwide and in each state was the FBI UNIFORM CRIME REPORTS, ANNUAL MURDER DATA from 1987 to 2015. Our source of information on the numbers of murders of law enforcement nationwide and in each state was the FBI UNIFORM CRIME REPORTS, LAW ENFORCEMENT OFFICERS KILLED & ASSAULTED, OFFICERS FELONIOUSLY KILLED ANNUAL DATA (LEOKA reports), 1987 through 2015. Our source of information on population nationwide and in each state was the FBI UNIFORM CRIME REPORTS, ANNUAL STATE POPULATION DATA from 1987 through 2015. We are in the process of updating the analysis to include homicide and population information through 2017. The graphics in the Exhibits are based on the complete range of information from 1987 through 2017.

2. Non-Death Penalty States: states that abolished the death penalty at some point in the 20th century and never had it at any point during our study period; and
3. Transitional States: states that, at some point in this century have abolished the death penalty; for that, essentially, we're looking at 2007 and forward.

This gave us four comparison groups: the three categories of states, plus the country as a whole. We then looked at two sets of murder rates nationally from 1987 through 2015: murders generally and murders of law enforcement personnel. We chose 1987 as the starting date because that was the earliest date for which we found FBI Uniform Crime Statistics on officers feloniously killed in the line of duty.

We wanted to find out whether murder rates and trends differed depending upon whether or not a state had the death penalty and we wanted to find out if there would there be a “parade of horrors” following the abolition of the death penalty?

- If the death penalty were a deterrent, the hypothesis would be that murder rates in the transitional states would surely rise, both in the transitional state itself and in comparison to the trends in death-penalty and non-death-penalty states as a whole. Did they?
- If the death penalty were necessary to protect law enforcement, there should be a noticeable change in the rates at which police were killed, again both in the transitional state itself and in comparison to the trends in death-penalty and non-death-penalty states as a whole. Did killings of police officers go up?
- And, if—as opponents of death-penalty abolition had argued—police officers were especially vulnerable without the death penalty and its repeal would lead to “open season on police officers,” you'd expect to see not just an increase in the rate at which police officers were killed, but an increase in the number of murders of police officers as a percentage of all homicides. Did that happen?

The short answer to these questions was: “No.”²⁴

The short answer to these questions is “No.”

- Did murder rates rise? No.
- Did the rate of murders of law enforcement go up? No.
- Did killings of police increase as a %age of all murders? No.

Status of the Death Penalty

DPIC

Death Penalty States
Non-Death Penalty States
Transitional States

Overall Murder Rates

First, we looked at overall murder rates and trends to see if having the death penalty had any discernible effect. Then we looked at what happened in the “transitional states.” As suggested earlier, the theory that murder rates would rise after a state abolishes the death penalty is predicated upon the assumption that the death penalty actually affects murder rates.

Accepting that assumption, our hypotheses were that: if the death penalty deterred murder generally, then—all other things being equal—murder rates should

²⁴ For an explanation of our methodology and how we did our calculations, see DPIC, *Supporting Data for 2017 DPIC Study of Murder Rates and Killings of Police: How DPIC conducted the analysis*, <https://deathpenaltyinfo.org/Data-from-DPIC-Study-of-Murder-Rates-and-Killings-of-Police>.

be lower in states with the death penalty than in states that did not authorize capital punishment; when homicide rates rise nationally, they should rise less in death-penalty states than in non-death-penalty states; when homicide rates fall nationally, they should fall more in states that have the death penalty than in states that don't; and murder rates should rise more or fall less after states abolish the death penalty in comparison both to death-penalty states and states that had long before abolished the death penalty. And if this hypothesized deterrent effect were anything but coincidental in any given state, the pattern of disproportionately larger increases and disproportionately smaller decreases in murder rates should be consistent across the states that had abolished.

The graphic on the bottom of page 7 of the Exhibits shows the trends in the overall murder rates. The first thing to notice is that the murder rate in the death-penalty states is consistently and markedly higher than in states that don't have the death penalty. The second thing you see is that the murder trends are the pretty much the same, irrespective of what group of states you are in. That suggests that the death penalty doesn't make a difference in murder rates. It isn't the deterrent it was advertised to be.

An interesting point to notice here is that the transitional states as a whole—the states that eventually abolished the death penalty—had higher collective murder rates earlier on in the study period, on the left-hand side of the graph. What you would have expected to see, if the death penalty were a deterrent, is that the murder rates in those states would disproportionately rise over time following abolition, so the green graph line designating the transitional states should spike in comparison to the other lines near the right-hand side of the graph. That did not happen. Instead, the patterns for all four comparison groups are virtually identical from the year 2000 on.

We then color-coded the 50 states by category and ranked them by their average murder rate for the years 1987 through 2015. That's the graphic at the top of page 7 in the Exhibits. The states with the fewest numbers of murders per 100,000 people are at the top of the graph. Those with the highest number of murders per 100,000 people are towards the bottom. The vertical lines reflect the average murder rate over the entirety of the study period for each category of state.

What we found is virtually the opposite of what you would expect under the deterrence hypothesis. The states that never had the death penalty during the 31 years covered by the study were clustered toward the top of the graphic, among the states with the lowest murder rates. All but one of the non-death-penalty states had a murder rate below the national average. By contrast, virtually every state that with a murder rate above the national average had been a death-penalty state for most or all of the study period. Death-penalty states had 13 of the 17 highest murder rates and 21 of the highest 27. By contrast, non-death-penalty states had 7 of the 11 lowest murder rates. There was no discernible pattern among the transitional states. In addition, only one of the 22 states with the lowest murder rates had averaged more than one execution per decade over the past half century, and that state – Utah – had carried out seven executions. **So, the states with the lowest murder rates were, uniformly, states that had abolished the death penalty or that almost never carried it out.**

We then compared the murder rates for each of the categories of states. The aggregate numbers quantified what the graphic of murder rates over time suggested: that murder rates in individual states tend to be higher if the state has the death penalty; and, collectively, murder rates are higher in states that have the death

penalty than in states that do not. That is not a result you would expect if the death penalty were a deterrent.

Here is what the numbers told us:²⁵

Murder Rates (1987-2015)						
Category of State	Murder Rate/100,000 Population	Murder Rate in Comparison to:				
		United States	Death Penalty States	Non-Death Penalty States	Transitional States	
United States	6.424	X	1.03 times lower	1.34 times higher	1.05 times lower	
Death Penalty States	6.646	1.03 times higher	X	1.39 times higher	1.02 times lower	
Non-Death Penalty States	4.788	1.34 times lower	1.39 times lower	X	1.41 times lower	
Transitional States	6.767	1.05 times higher	1.02 times higher	1.41 times higher	X	

The death-penalty states had a higher than average murder rate – indeed, that was the case for every one of the years we reviewed. Overall, murders were committed in death-penalty states at a rate 1.39 times higher than murders in non-death penalty states.

Looking at the numbers, one would be tempted to suggest that the death penalty caused the higher murder rates. But that argument is just as ridiculous as suggesting that the death penalty deters. Instead, what I think the numbers are telling us is that the death penalty has no effect on murder rates; the relationship is the other way around. Generally speaking, the states that have the most murders and the highest murder rates are the ones that tend to have the death penalty. And the states

²⁵ The charts in this testimony are based on an analysis of the 29 years of murder and population data through 2015. We have since obtained the data for 2016 in 2017, which we have included in the graphics.

that most long ago abolished the death penalty tend to be states that have had the fewest number of murders and the lowest murder rates.

But what about the transitional states? The data showed that the overall murder rate in the transitional states was substantially higher than all other categories of states from 1987 through 1995, dropped below the murder rates in the retentionist states in 1995, and has remained below the murder rates in those states in all but two years since. The murder rate in the transitional states has remained very close to, and even slightly below, the national rate for the last two decades.

If the death penalty had any causal relationship to murder rates, those numbers would make no sense at all. There should, instead, have been a discernible pattern within the transitional states, with murder rates disproportionately rising as death-penalty abolition occurred. But our review of what has happened in the transitional states after abolition shows no consistent pattern at all.²⁶ What is clear is that homicide rates did not spike following abolition. They did not rise disproportionately to increases in other categories of states; they did not fall slower than murder rates were falling in other states. Abolition had no distinctive effect on murder rates, and the surge in murders predicted by the deterrence hypothesis never materialized.

New Hampshire has the lowest homicide rate in the nation. But that is not because it has a death penalty (one that it doesn't use). New Hampshire's homicide rate is characteristic of the New England states, which collectively have the lowest

²⁶ *Life After the Death Penalty: Implications for Retentionist States*, ABA Section of Civil Rights and Social Justice, August 14, 2017, https://deathpenaltyinfo.org/files/pdf/Life-After-Death-Penalty_Transcript.pdf.

homicide rates in the country.²⁷ Every state in New England has a homicide rate that is lower than the homicide rates of the death penalty states, the non-death penalty states, and the transitional states as a whole.²⁸

Officer-Victim Rates

We next looked at officer-victim rates to test the hypothesis that the death penalty makes police safer. We found that it does not.

Fortunately, killings of police in the line of duty are very rare and represent a tiny fraction of all murders. But because of this, the year-by-year numbers are volatile, especially at the state level. But viewed over the longer term, historic patterns emerge for each of the categories of states we examined and, generally-speaking, the trends are similar. As with murders in general, the rates at which police officers are killed are *higher* in most years in states that have the death penalty than in states that don't. And, over the course of time, the officer-victim murder rates are *lowest* in most years in states that once had the death penalty but later-on abolished it.

When we aggregate the numbers, this is what we see:²⁹

²⁷ See Exhibits, page 8, bottom graphic (New England Murder Rates Compared to National Regions, 1987-2017). The Department of Justice divides the United States into four regions: South, West, Midwest, and Northeast. It classifies New England as part of the Northeast region. Over the course of the last 25 years, the Northeast has consistently had the lowest homicide rate of any region in the country. And every state in New England has a homicide rate that is lower than that of any of the Department of Justice's national regions.

²⁸ See Exhibits, page 9 (New England Murder Rates Compared to National Death Penalty Status, 1987-2017).

²⁹ Murders in which police officers are victims are so rare and the officer-victimization murder rates are so small that we report them in the table as the murder rate per 1 million population. Even then, the numbers are a fraction of one in a million. But looking at the numbers at this decimal

Officer Murder Rates (1987-2015)						
Category of State	Murder Rate/1,000,000 Population	Murder Rate in Comparison to:				
		United States	Death Penalty States	Non-Death Penalty States	Transitional States	
United States	0.195	X	1.11 times lower	1.23 times higher	1.43 times higher	
Death Penalty States	0.218	1.11 times higher	X	1.37 times higher	1.59 times higher	
Non-Death Penalty States	0.159	1.23 times lower	1.37 times lower	X	1.16 times higher	
Transitional States	0.136	1.43 times lower	1.59 times lower	1.16 times lower	X	

As with murder generally, the death-penalty states had a higher-than-average rate of murders of police officers: 1.11 times higher than the country as a whole; 1.37 times higher than non-death-penalty states; and 1.59 times higher than the transitional states. That the risk of a police officer being murdered in the line of duty was 1.37 times *lower* in states that had long abolished the death penalty than in states in which it was a long-time fixture undermines the myth that the death penalty is necessary for officer safety.

But even more interestingly, officers were substantially less likely to be murdered in one particular group of states: the transitional states – states that had the death penalty for most of the study period, but subsequently abolished it. In these states, the officer-victim rates were 1.43 times lower than the national average. That murders of police occurred at such different rates in this class of death penalty states prior to their abolition of the death penalty than in the states that did not abolish the death penalty once again underscores that the presence or absence of the death penalty did not make officers either more safe or less safe, and indeed, there appears

level avoids injecting mathematical errors from rounding and makes the numbers easier to grasp visually.

to be no causal relationship whatsoever between the death penalty and murders of law enforcement personnel in the line of duty.

The data from the death-penalty states and the non-death-penalty states also strongly suggests that having the death penalty has not made officers safer. As with murders generally, the FBI homicide data shows that officers are disproportionately murdered in states that have the death penalty, as compared to states that don't. And, with a single exception, the states that recently abolished the death penalty are clustered at the top of the graphic, among the states with the lowest rates of killings of police officers. Four of the five safest states for police officers were non-death penalty states. Seven of the eight safest states for police officers were states that either did not have the death penalty at any time in the study period or transitional states that recently abolished capital punishment. By contrast, death-penalty states comprised 21 of the 24 states with the highest rates of officers murdered in the line of duty.³⁰

The data from the transitional states also undermines any thought that the death penalty affects the rate at which officers are killed in the line of duty. With one exception, the officer-victim rates in the transitional states all were below the national average and substantially below the average for police-murder victimization in the long-term death-penalty states. But there is no reason why – if the death penalty made officers safer – they should be more safe in a class of death-penalty states that later abolished capital punishment and remain safer after those states abolished. The officer-victim rates in the transitional states also were at or below the average for the non-death penalty states as a whole, which a deterrence theory cannot explain.

³⁰ See Exhibits, page 11, top graphic (Officer Victim Rate per 100,000 People 1987-2017).

Further, if the death penalty were necessary to protect law enforcement, there should be a noticeable and consistent change in the rates at which police were killed following abolition. That didn't happen. Instead, as with murders as a whole, the seven states that abolished the death penalty this century show no post-abolition pattern of increased officer-victimization, nor any consistent deviation from national trends.³¹

If there is no discernible relationship between having or not having the death penalty and trends related to murders generally or murders of police officers in particular, what does the data mean? The most likely answer appears to be “politics”: the perception that police are at heightened risk and can be protected by having a death penalty is a political factor in a state's judgment as to whether to keep or repeal the death penalty. While the death penalty appears to make no measurable contribution to police safety, the prevalence or absence of murders of police officers changes the political climate in which decisions are made about whether to retain or repeal the death penalty. Phrased differently, the rate at which police officers are killed appears to drive the political debate about the death penalty.

New Hampshire illustrates both the political dimension of police safety in the death penalty debate and the absence of evidence that the death penalty does anything to protect police. As with murder rates generally, the rate at which police officers are killed in the line of duty is lower in the Northeast than in any other region of the country and, for the most part, is even lower across New England.³² The

³¹ *Life After the Death Penalty: Implications for Retentionist States*, ABA Section of Civil Rights and Social Justice, August 14, 2017, https://deathpenaltyinfo.org/files/pdf/Life-After-Death-Penalty_Transcript.pdf.

³² See Exhibits, page 12, bottom graphic (New England Officer-Victim Rates Compared to National Regions 1987-2017); *id.*, page 12, top graphic (New England Officer-Victim Rates 1987-2017).

exception is New Hampshire, which is both the only state in New England with a death penalty and the only New England state whose officer-victimization rate is higher than the average as a whole for death-penalty states, non-death-penalty states, and transitional states.³³ New Hampshire's officer-victimization rate is higher than the rate in every region of the country except the South. Every other state in New England has a officer-victimization rate that is lower than the officer-victimization rates of every region in the country and of the rates in the death penalty states, the non-death penalty states, and the transitional states as a whole. Compared to every other state in New England, the death penalty has not made New Hampshire law enforcement officers safer.

Officer Victims As a Percentage of All Homicides

According to the deterrence hypothesis, if the death penalty were uniquely important in protecting police, murders in which police are victims should be smaller as a percentage of all murders in states that have the death penalty. It turns out, however, that there is virtually no difference in the percentages between death-penalty states and non-death-penalty states. Murders of police officers account for one-third of one percent of all murders in both sets of states. The theory also posits that if police were especially vulnerable without the death penalty, murders of officers should rise as a percentage of all homicides after abolition. But the formerly death-penalty states that most recently abolished capital punishment have a much lower percentage of murders in which officers are victims, at one-fifth of one

³³ See Exhibits, page 13 (New England Officer-Victim Rates Compared to National Death Penalty Status 1987-2017).

percent. And, irrespective of murder trends over time, in most years, the percentage of murders in which officers are victims was lower in the transitional states.³⁴

Here are the numbers.

³⁴ See Exhibits, page 15, bottom graphic (Officer Victims as a Percentage of all Murders 1987-2017).

Percentage of Homicides With Officers as Victims (1987-2015)						
Category of State	Officer Percentage of Homicides	Officer Percentage of Homicides in Comparison to:				
		United States	Death Penalty States	Non-Death Penalty States	Transitional States	
United States	0.304%	X	1.08 times lower	1.09 times lower	1.51 times higher	
Death Penalty States	0.327%	1.08 times higher	X	1.01 times lower	1.62 times higher	
Non-Death Penalty States	0.332%	1.09 times higher	1.01 times higher	X	1.65 times higher	
Transitional States	0.202%	1.51 times lower	1.62 times lower	1.64 times lower	X	

As mentioned above, the percentage of murders in which police officers were victims was virtually identical in states that long had capital punishment (0.327%) and states that had long abolished it (0.332%). However, it was *1.6 times lower* (0.202%) in the transitional states. The presence or absence of a death penalty did not appear to have any effect on this rate in the transitional states.

The state-by-state graph of officer victims as a percentage of all homicides dramatically illustrates the difference between transitional states and the other states with respect to the killings of police officers. The percentage of killings that involve police officers doesn't tell us much about either the death-penalty states or the non-death-penalty states. Their overall averages are virtually indistinguishable and there is significant variance among the individual states in both categories. But there is a significant difference between these states and the transitional states, with most of the states that have recently abolished the death penalty having a lower percentage of murders involving law-enforcement victims.

New Hampshire again stands out as evidence that the death penalty does not provide any greater measure of safety to law enforcement. As with officer-

victimization rates, the only state in New England with the death penalty was the state in New England with the highest percentage of murders involving police officers.³⁵ In fact, with the death penalty, the percentage of murders involving police officers in New Hampshire was higher than it was in every region of the country, including the South.³⁶ The data suggest that having the death penalty has not made New Hampshire law enforcement officers safer.

The Lessons From the Study

So what lessons can we take from the data? The fact is that states with the death penalty continue to have higher murder rates than states without the death penalty – both in terms of murders generally and murders with law-enforcement victims. The data shows that national homicide trends are the same from one class of state to another, irrespective of whether a state has long had the death penalty, has never had the death penalty, or has recently abolished the death penalty.

The data suggests there is no apparent correlation between the death penalty and changes in murder rates – if anything, the relationship goes the other way around: states with higher murder rates tend to have – and retain – the death penalty. It also suggests that when abolition occurs, murders don't rise, nor do the rates or percentages at which police officers are killed. The data shows that the death penalty does not drive whether and to what extent murders occur, and it has no discernable effect on the killing of law enforcement officers.

³⁵ See Exhibits, page 16, top graphic (Officers as a Percentage of all Murders, New England States, 1987-2017).

³⁶ See Exhibits, page 16, bottom graphic (Officers as a Percentage of all Murders, New England States and National Regions, 1987-2017); *id.*, page 17 (Officers as a Percentage of all Murders, New England States and National Death Penalty Status, 1987-2017).

In short, there is no evidence that the death penalty deters murders in general or makes police safer. Death-penalty states have persistently higher murder rates than non-death-penalty states. Police likewise are killed at higher rates in death-penalty states than in non-death-penalty states. Whether a state has a death penalty, has no death penalty, or abolishes a death penalty it used to have appears to have no effect, one way or the other, on murder rates or on making police officers safer.

CONCLUSION

Given the absence of any deterrent effect, the fact that the death penalty doesn't make either the public or police safer, the cost, the high rate of errors across the country in capital cases, and the risk of executing someone who is innocent, the question for the legislature seems more like one of "Who do we, as a state, want to be?"

New Hampshire is proud and independent and forges her own path. But does she want her path and the image it projects to the rest of the world to be more like Vermont, or Rhode Island, or Massachusetts, or Maine or more like Alabama and Arkansas and Oklahoma and Texas?

These are issues this body should address in deciding how to proceed regarding House Bill 455 and the state's death penalty. The Death Penalty Information Center would be happy to provide the Committee with more extensive information on the points I have discussed during this testimony, and on any other questions it may have about capital punishment in New Hampshire.

The Price of Innocence Is Too High
Former Senator Kevin Avard

Supporting HB 455
February 19, 2019

Since the death penalty was reinstated in the United States in 1973, for every 10 people who have been executed across the country, one person has been exonerated. To date, over 160 people have been released from death row, for a variety of reasons ranging from mishandled or withheld evidence, faulty eyewitness identification, junk science, lying jailhouse snitches, and inadequate legal representation. There are two death row exonerees present in this chamber today, innocent men who lost their freedom and were nearly killed for something they didn't do.

The fact is, no one in the State of New Hampshire has been executed since 1939. This begs the question of whether something so rarely used is actually needed in our state?

I have reached the point where no argument made in favor of capital punishment can overcome the reality that having the death penalty inevitably means that innocent people have been and will continue to be wrongfully convicted and executed. The only way to guarantee that the innocent are not wrongfully executed is to abolish capital punishment. This is why, in my former capacity as a state Senator, I consistently sponsored bills to abolish the death penalty in New Hampshire, and it is why I stand before you again today as a concerned citizen of our state.

HB 455 would mean that, in lieu of capital punishment, those convicted of crimes that would previously have carried a death sentence would now result in sentences of life without parole (or LWOP). People can and will continue to debate whether LWOP is comparable to a death sentence; some say it is worse, others disagree. But, my view is this: a person wrongfully convicted and sentenced to LWOP can be released. A person wrongfully convicted and executed cannot.

Our justice system will never be perfect. While I'm certain that good people will continue to try to reform and perfect this system, the reality is that we cannot guarantee that we will never get a conviction wrong. We should therefore not support a policy in which our mistakes result in the unjust execution of human beings. We can at least prevent our criminal justice system from having that worst case scenario.

The repeal of the death penalty is one of those rare issues that enjoys broad bipartisan support. I therefore urge you, as members of the House Criminal Justice and Public Safety committee, to recommend passage of this bill, which both safeguards society while it prevents us from making the ultimate mistake of killing an innocent person. Thank you.

Julia Rodriguez
Testimony against the Death Penalty
February 2019

To the Criminal Justice and Public Safety Committee, NH State House:

My name is Julia Rodriguez and I live in Durham. My testimony on the death penalty is offered as the sister of a crime victim.

I hope my story helps convince you that not all crime victims support the death penalty. In fact, the prospect of state-sanctioned execution exacerbates our pain. At the very least, capital punishment will not bring our loved ones back; at worst, it perpetuates a culture of violence and retribution in when we all are morally and emotionally diminished.

It is also my hope that my testimony will convince you vote to repeal the death penalty in our state. It is time for New Hampshire to join the civilized world in rejecting capital punishment.

On September 11, 2001, I left my house around 8:45 to drive my son to Kindergarten at the Child Study and Development Center at UNH.

I arrived in his classroom to the sight of parents huddled worriedly, talking in hushed tones about how a plane had just hit the World Trade Center.

Upon hearing those words, I went instantly into panic mode. My brother Greg, 31 years old, worked near the top of the North Tower. I knew he had just returned the day before from a week's vacation. He was most likely in the building.

We lost Greg that day. He was my only sibling. The shock of his death, amplified by the larger events of 9/11, changed me and my family forever. My parents lost their only son; his wife of one year, Elizabeth, lost her husband; my grandparents had to outlive their only grandson; I lost my brother; my son lost his uncle; and, most unbelievable to me, my two daughters, born in 2002 and 2006, would never meet him.

Like many survivors of murdered loved ones, my family has sought healing on the personal level, and justice on the societal level. We have closely followed the investigations and criminal proceedings regarding 9/11, and have on occasion called for justice for the victims and their survivors.

What is justice in the face of homicide? For me, it is understanding how it happened and holding the perpetrators accountable for their criminal acts. It is removing the guilty parties from society so they cannot harm again. It is creating laws that try to prevent such acts from happening to other people.

However, justice cannot be reached by killing in turn. Two wrongs do not make a right. As Mahatma Gandhi said, "An eye for an eye makes the whole world blind."

While I have felt endless grief for my brother, and sought justice, my feelings have never translated into a desire for vengeance or retribution. I do not want to live in a society with state-sanctioned executions. Imagining its application does not help my pain or bring closure, but in fact intensifies it.

Luckily, we have an alternative: HB455.

Despite the fact that New Hampshire has not executed anyone since 1939, this antiquated practice is still on the books. It's time to codify our instinctual human aversion to the act of killing by legislating the repeal of the death penalty with HB455.

Even if you don't agree with my principled stand against state executions, there are practical reasons to eliminate it. Capital punishment proceedings, always on shaky constitutional grounds, are lengthy and expensive. They drain precious criminal justice dollars and drag out trials, both of which prolong the pain of victims.

It's time for New Hampshire to abolish the death penalty. Right now, we have the opportunity to join our neighbors Maine, Vermont, Massachusetts, CT, and RI, along with 20 other states, all of whom already have.

You can join the moral leaders on this issue right now, by endorsing HB455. The people of New Hampshire have an opportunity to take a stand for genuine justice by finally repealing the death penalty. That's the kind of state I want to live in.

**Criminal Justice Committee Hearing
February 19, 2019**

My name is Bess Klassen-Landis. My mother, Helen Klassen, was murdered at age 41, during what is now termed a home invasion. She was stripped, beaten, raped, strangled and shot 4 times by an unknown intruder while my sisters and I were at school and my father was away.

Her murder happened 50 years ago, on March 14, 1969, before DNA technology was available. In 1996, her case was reopened, however, the evidence had been lost and her case has never been solved.

Because her murderer was never locked up, just to begin healing our grief, rage and fear took years. I knew viscerally that there was no place that was safe --not in my community, not in my home, not in my family, not as a woman.

Hate never helps one heal, or find inner peace or joy. The death penalty is a physical manifestation of hatred. It is pre-planned, state sanctioned, homicide. It is unnecessary to keep society safe and it is devoid of life and love, which is what victim family members need to go on.

In a death penalty case, victim family members also endure years and years of troubling re-victimization. Every time a step in the death penalty process is gained, the news is plastered all over the pages of state newspapers, each time retelling the story of the murder. What had originally been a shocking, unbelievable personal and public horror, is now callously reiterated as old news. Yet for the family--each time this happens, a deep, deep wound is reopened.

I implore you to repeal the death penalty, thus giving victim family members a speedier legal resolution to the crime, which may in turn, help them move on in their own emotional healing.

Some of the millions of dollars saved by not pursuing the death penalty, could be spent working on cold cases and building a stronger society, where every child has a chance to feel safe. The death penalty only creates more murder victim family members. It is money wasted, while the families in cold cases are still waiting for answers.

Please help reshape the lives of murder victim family members and repeal the death penalty in New Hampshire.

Making the world a better place is our hope.

Bess Klassen-Landis
33 Clough Ave
Windsor, VT 05089

Testimony in favor HB-455

As a former law enforcement officer I recall some of the violent incidents that I was called to investigate or to intervene in. I recall the domestic violence incidents, street and bar room brawls and yes even a couple of homicides. My experience informs me that these incidents were the result of uncontrolled anger or fear perhaps fueled by alcohol, another drug or mental illness. I don't recall anyone ever telling me that they considered the criminal penalties associated with their actions. Penalties were not a deterrent.

Research has shown that the death penalty is not a deterrent for the most violent of crimes; murder. Research has also shown that innocent individuals have been convicted and sentenced to death for murders they did not commit. Some of the innocent have been released after decades of incarceration and some have been executed. There is only one way to ensure that the innocent are not executed by the state. Repeal the death penalty.

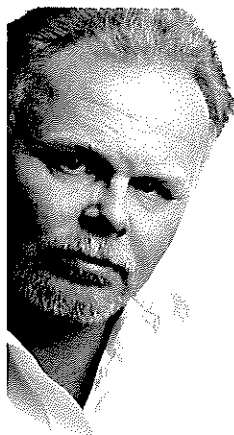
Fred Robinson
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Death Row Exoneree Stories

Over 160 innocent people have been exonerated from Death Row since 1976. Here are some of their stories.

KIRK BLOODSWORTH



An honorably discharged former Marine, Kirk Bloodsworth is the first person in the United States exonerated from death row by DNA testing.

In 1984 he was arrested for the rape and murder of 9-yr-old Dawn Hamilton. He was sentenced to death in Maryland. The circumstantial evidence pointing Kirk to the 1984 crime was the testimony of five witnesses who placed him either with the victim or near the scene of the crime.

In 1992, Kirk read about a new forensic breakthrough called DNA fingerprinting, and lobbied successfully for prosecutor's approval for its use on evidence collected at the crime. The tests incontrovertibly established Kirk's innocence, and he was released in June 1993. The DNA evidence would later identify the actual perpetrator, who was serving a prison sentence for another rape.

JOE D'AMBROSIO

Joe D'Ambrosio was an honorably discharged sergeant in the US Army who spent 20 years on death row for the 1988 murder of Tony Klann. There was never any evidence that Joe was at the scene, but Joe and two other men, Michael Keenan and Ed Espinoza, were all charged with his murder. In exchange for Espinoza's incriminating testimony against Joe and Keenan, he was given a 12-year sentence. Joe was sent to death row.



In 2006 a federal judge ruled that prosecutors withheld critical exculpatory evidence in Joe's case including contradictory witness testimony and analysis from veteran detectives, and threw out Joe's conviction. Just before retrying Joe again, even more evidence was uncovered.

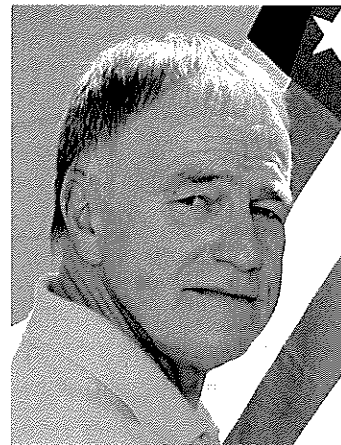
On January 23, 2013, when Joe finally became a free man, he said, "Today was 23 years in the making. Justice has finally prevailed."

RANDY STEIDL

Randy Steidl spent 17 years in Illinois prisons, including 12 on death row, before his exoneration in 2004. He was wrongly convicted and sentenced to die for the 1986 murders of Dyke and Karen Rhoads. But an Illinois State Police investigation in 2000 found that local police had severely botched their investigation, and that the case was riddled with political corruption that led all the way to the Illinois Governor's office.

Randy had poor legal representation, and witnesses fabricated testimony against him due to police misconduct. An investigation by the Illinois State Police proved that local law enforcement and prosecutors had framed Randy. In 2003, a federal judge overturned Randy's conviction and ordered a new trial. The state reinvestigated the case, tested DNA evidence, and found no link to him.

On May 28, 2004, Randy was released.

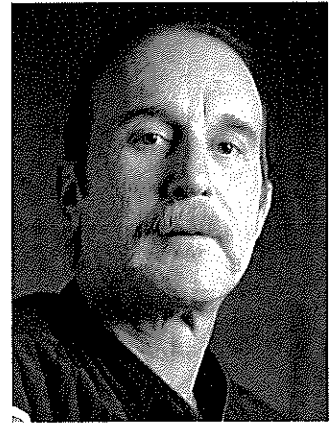


RAY KRONE

Before his exoneration in 2002, Ray spent more than 10 years in Arizona prisons, including nearly three years on death row, for a murder he did not commit.

His world was turned upside down in 1991, when Kim Ancona was murdered in a Phoenix bar and he was arrested for the crime. The case against him was based largely on circumstantial evidence and the testimony of a supposedly "expert" witness, later discredited, who claimed bite marks found on the victim matched Ray's teeth. He was sentenced to death in 1992.

In 2002 an appeals court that DNA found at the murder scene indicated the guilt of another man, Kenneth Phillips. Ray became the 100th person exonerated from death row in the United States since 1973.

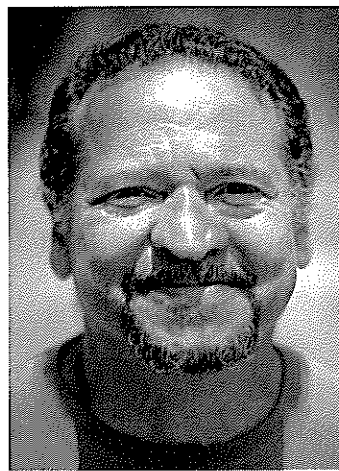


JUAN MELENDEZ

Juan Roberto Meléndez-Colón spent nearly 18 years on Florida's death row for a crime he did not commit, before being exonerated in 2002.

The crime in Juan's case was particularly brutal. The victim was Delbert Baker, a white man, who was shot three times and had his throat slashed.

Juan, who could not afford an attorney, was convicted and sentenced to death within a week, even though there was no physical evidence against him. Had it not been for the fortuitous discovery of a transcript of the taped confession of the real killer 16



years after Juan was sentenced to death, he would have been executed. Ultimately, it came to light that the prosecutor had systematically withheld exculpatory evidence.

Juan has been tireless in his efforts to educate the public on the problems of the death penalty and the risks of executing an innocent person. "I will not stop until we have abolished the death penalty in every corner of this nation!"

DEBRA MILKE



Debra Milke was arrested for the 1989 murder of her 4-year-old son Christopher, who was supposed to have been taken to a mall to see Santa by Debra's friend, James Styers.

Detective Saldate questioned Roger Scott, a friend of Styers, who led them to the boy's body. Detective Saldate claimed he was told that Debra Milke conspired to have her son murdered to receive a life insurance payout. Detective Saldate also claimed that Debra Milke confessed to the murder and tried to seduce her way out of the charge. Despite the complete lack of forensic or physical evidence, nor any implications in court from Roger Scott and James Styers of Debra's involvement, she was convicted of murder and sent to death row on the basis of the testimony of detective Saldate.

In 2013, after 20 years on death row, an appeals court overturned Debra's conviction after learning that prosecutors withheld from the jury Saldate's personnel record, which included a long history of providing false testimony, lying under oath and felony extortion. Chief Judge Alex Kozinski of the federal 9th Circuit Court of Appeals wrote: "The Constitution requires a fair trial, this never happened in Milke's case. The state knew of the evidence in the personnel file and had an obligation to produce the documents . . . there can be no doubt that the state failed in its constitutional obligation." Debra Milke was freed in March, 2015.

National Death Penalty Facts and Trends

Source: Death Penalty Information Center

19 states had no death penalty in 2018.

17 others had no death sentences in 2018.

So, 36 states had no death sentences in 2018. (72% of U.S. states)

2 other death-penalty states imposed the death penalty but had record-low death sentences.

So, 19 of the 31 death-penalty states in 2018 (60.1%) had record lows.

6 more death-penalty states were one above their record lows (and among them, Louisiana and Missouri had no jury votes for death in 2018).

So, more than 80% of the death-penalty states (25 of 31, or 80.6%) were at a record low or were within one of a record-low number of new death sentences.

That means that 88% of the states (19 with no death penalty; 19 with record lows; 6 with near record lows) either had no death penalty; imposed a record-low number of new death sentences; or were within one of a record low.

There were six outliers who were not within one of the record low (including Nebraska, which had no jury votes for death).

So, the death penalty is disappearing in most of the country. Where it persists is increasingly isolated and disproportionately a product of outlier jurisdictions and outlier practices.

Death Penalty Doesn't Deter Crime

"The view that the death penalty deters is still the product of belief, not evidence ... on balance, the evidence suggests that the death penalty may increase the murder rate ... in light of this evidence, is it wise to spend millions on a process with no demonstrated value that creates at least some risk of executing innocents when other proven crime-fighting measures exist?"

-John Donohue (Yale University) and Justin Wolfers (University of Pennsylvania)

"The Death Penalty: No Evidence for Deterrence"

We've learned a lot about the death penalty in the last 30 years. It does not deter crime. It actually makes us less safe by siphoning resources from programs that do reduce crime. Moreover, a growing number of law enforcement officials now believe in better ways to keep us safe.

Capital Punishment Can Hold No Deterrent Value

- At its core, murder is a crime of passion. One does not consider the consequence of the death penalty while in the midst of a violent crime.
- Most murders occur under the influence of drugs or alcohol, further revealing that the consequence of the death penalty can have no deterrent effect.
- The National Research Council reviewed more than three decades of research and **found no credible evidence that the death penalty deters crime.**ⁱ
- A 2009 study found that 88% of the nation's top criminologists believe the death penalty is not a deterrent.ⁱⁱ Nearly two-thirds of the American people agree, according to recent polling.

Data Shows the Death Penalty Does Not Lower Murder Rates

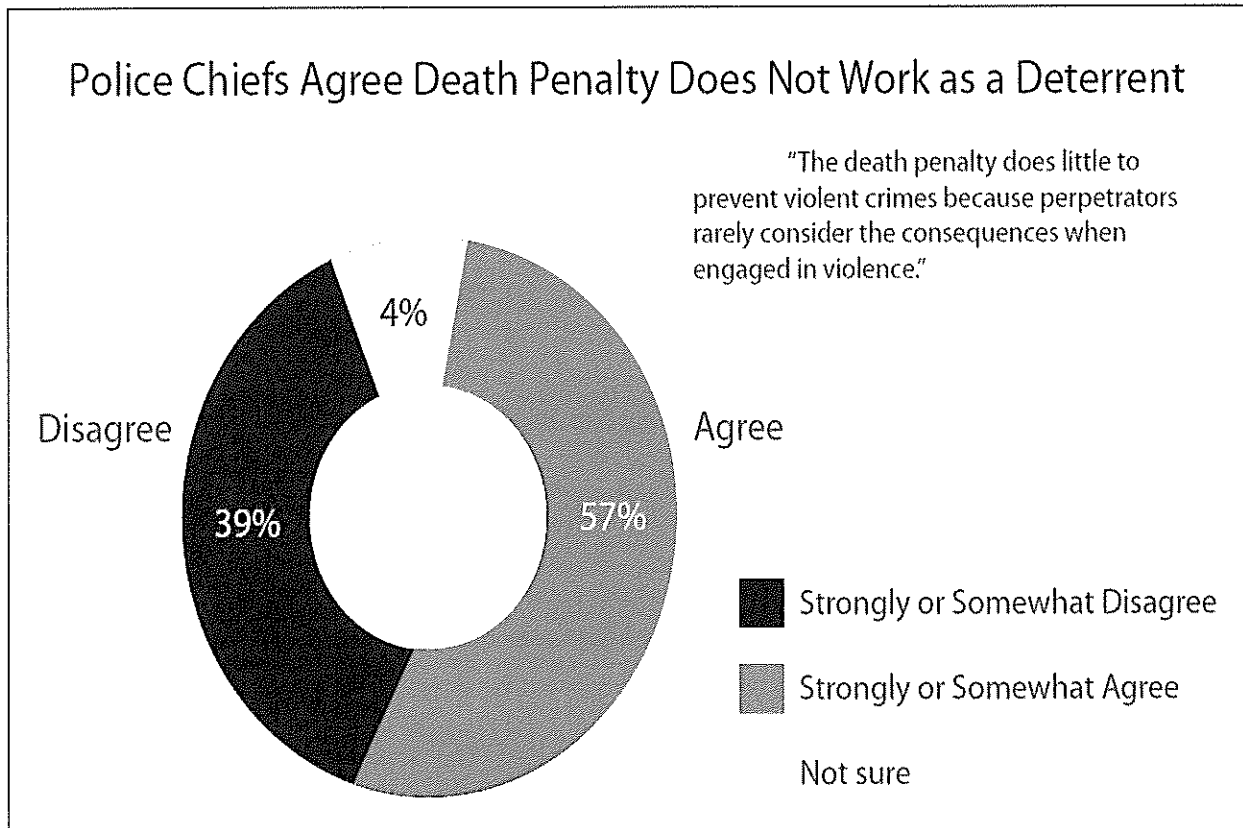
- The majority of studies find that the death penalty has no deterrent effect above the alternative sentence of life in prison without release. The studies that do find a deterrent effect have not stood up to peer review, and suffer from faulty measurement, missing data, failure to account for key variables, or other statistical flaws.ⁱⁱⁱ
- A simple comparison reveals that states without the death penalty actually have lower murder rates than those with the death penalty. The murder rate in states with the death penalty is 4.7, while the murder rate drops to 3.1 in states without the death penalty.^{iv}
- **Homicide rates of law enforcement officers killed in the line of duty are lower in states without the death penalty.** None of the six states which have recently ended their use of the death penalty have seen an increase in murders of law enforcement officers.

- The experience of individual states confirms the data. The murder rate in Manhattan dropped steadily for ten years even though the District Attorney there opposed the death penalty and refused to seek it. Chicago's murder rate dropped by nearly a third during the first seven years the state suspended executions.^v

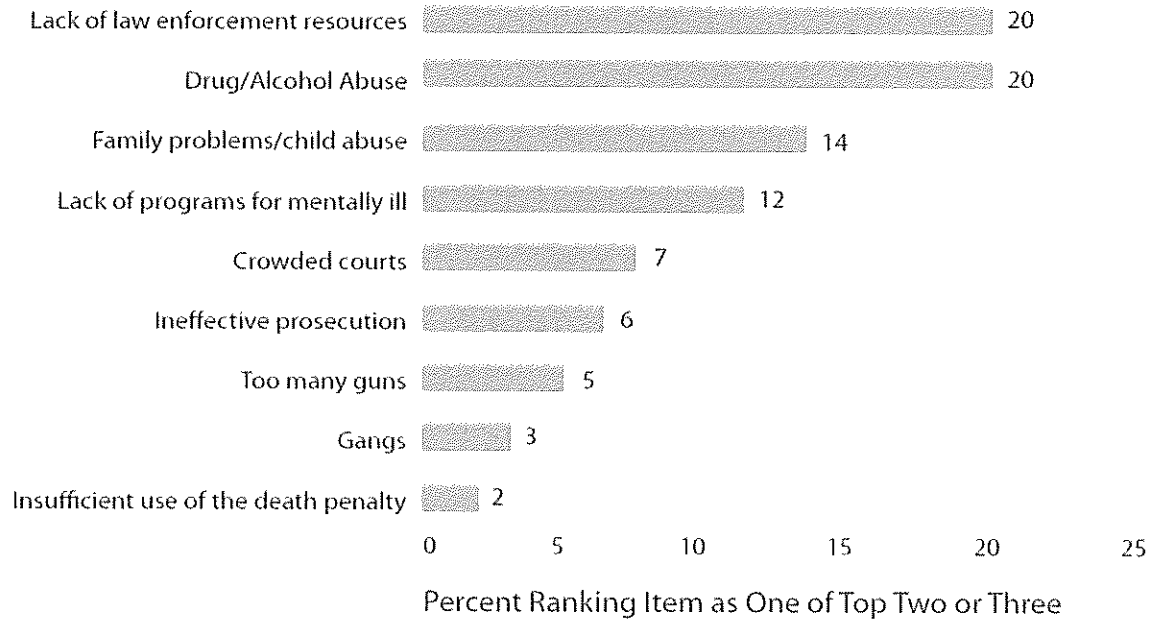
What Police Chiefs Say

Even police officers do not believe the death penalty is an effective deterrent.

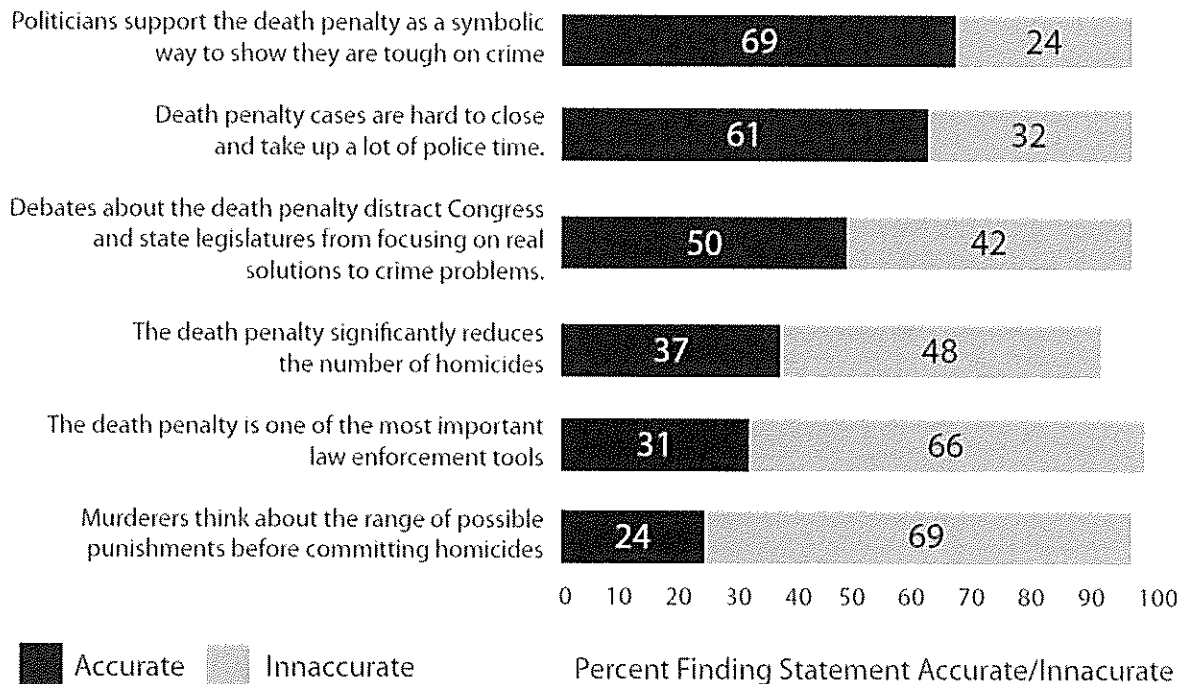
- In a national survey, police chiefs ranked the death penalty last among effective ways to reduce violent crime. The financial costs associated with the death penalty siphons resources from effective tools that actually prevent violent crimes.
- 99% of respondents said that other changes such as reducing drug abuse or improving the economy were more important than expanding the death penalty in reducing violent crime.^{vi}
- Many law enforcement officers say the death penalty is a distraction from their goal of public safety.



What Interferes with Effective Law Enforcement?



Police Chiefs' Views



ⁱ D. Nagin and J. Pepper, "Deterrence and the Death Penalty," Committee on Law and Justice at the National Research Council, April 2012

ⁱⁱ Gallup Polling, <<http://www.gallup.com/poll/1606/death-penalty.aspx>>

ⁱⁱⁱ John Donohue and Justin Wolfers, "The Death Penalty: No Evidence for Deterrence," *The Economists' Voice*, April 2006

^{iv} DPIC, "Murder Rates Nationally and by State," <<http://www.deathpenaltyinfo.org/murder-rates-nationally-and-state>>

^v "Homicide at low for state since 1975", Associated Press. January 30, 2012

^{vi} DPIC, "Smart On Crime," <<http://www.deathpenaltyinfo.org/documents/CostsRptFinal.pdf>>

Chronology of the Death Penalty in New Hampshire

New Hampshire is not in love with the death penalty. From the time of the first recorded execution in 1739 to the last execution in 1939, 22 prisoners were hanged by the state. In 1768 Ruth Blay was hanged when she refused to identify the father of her stillborn child.

In the decades after the American Revolution a strong “anti-gallows” and prisoner reform movement arose in the state, and at one point New Hampshire had the most restrictive death penalty in the nation.

- 1834 Democratic Governor William Badger was the first to ask the legislature to abolish capital punishment.
- 1972 The US Supreme Court’s Furman decision voided New Hampshire’s death penalty law. Only two people were on the state’s death row at the time.
- 1973 The NH legislature rejected a reinstatement bill, opting instead to direct a commission, headed by then Attorney General Warren Rudman, to examine the state’s homicide statutes. The commission never carried out its assignment. The only statewide newspaper, The Union Leader, embarked on an editorial crusade in support of the death penalty.
- 1974 Governor Meldrim Thomson called the legislature into special session to enact death penalty legislation. The Senate passed a bill providing for Life without Parole for first degree murder; the House passed a broad death penalty bill. In the end, primarily in response to intense lobbying by law enforcement, a compromise was reached to enact a narrow death penalty law that focused on the death penalty for five categories of murder, including the killing of a law enforcement officer.
- 1977 A bill is passed allowing juries in capital trials to consider the convict’s life circumstances.
- 1986 The NH legislature amended the death penalty law to make lethal injection the method of execution. During the same session, the legislature considered and rejected a bill sponsored by a Republican lawmaker to abolish the death penalty.
- 1990 The NH legislature amended the death penalty law to add two crimes to the list of those that could be prosecuted as capital murder: homicide committed in connection to aggravated felonious sexual assault or in conjunction with manufacture or sale of controlled drugs.
- 1994 Judicial officers are defined and added to the list of victims whose killings can be prosecuted as capital murder.
- 1997 The NH legislature rejected a bill to add several new categories, including a death sentence option for all first degree murder, to the capital murder statute,.

A series of sensational murders touched off a new round of debate about the death penalty in New Hampshire. A six year old girl was raped and murdered in Jaffrey; a rampage in Colebrook resulted in the killing of 2 state troopers, a judge, and a newspaper

publisher; and a local police officer was shot and killed in Epsom during a traffic stop. The Attorney General initially sought the death penalty in the Epsom shooting, then accepted plea bargains for life sentences from two suspects, an action that was loudly criticized by many in the law enforcement community.

These high profile acts of violence prompted the governor, the attorney general, and legislative leaders to try to expand the scope of New Hampshire's capital murder statute. In response, a group of activists opposed to capital punishment came together in November of 1997 to form what would become the New Hampshire Coalition to Abolish the Death Penalty.

- 1998 The NH House of Representatives took up a proposal to expand the death penalty. At the same time, legislation to abolish the death penalty was introduced. In the end, both measures were defeated. Legislators cast more votes to abolish the death penalty than to expand it.
- 2000 An abolition bill passed both houses of the Republican-controlled legislature, but the Democratic governor at the time, Jeanne Shaheen, vetoed it. 2/3 to overturn was not achieved.
- 2001 An abolition bill fell 8 votes (188-180) short of passage in the NH House.
- 2004 A bill banning the execution of those convicted of killing when they were under the age of 18 passed the NH House and Senate. At the time, there was a national campaign underway to end the death penalty for juvenile offenders. Republican Governor Craig Benson vetoed the bill in a ceremony before a room full of uniformed police officers. The same bill was reintroduced in 2005 and passed again; the current governor, John Lynch, signed it.
- 2006 An abolition bill was again introduced in the House and, with opposition from the governor, it was again narrowly defeated.

Also in 2006, Manchester police officer Michael Briggs was shot and killed in an alley when responding to a domestic violence complaint. Michael Addison was arrested and charged with the murder, and the Attorney General announced she would seek the death penalty for Mr. Addison.

- 2007 Attorney General Kelly Ayotte announces the state will pursue a capital murder conviction and seek the death penalty against John "Jay" Brooks, accused of murder for hire and murder related to kidnapping in the death of Jack Reid.

The NH House defeated by 12 votes a bill to change the sentence for capital murder from the possibility of execution to mandatory life without parole.

- 2008 Bills to expand the death penalty were introduced in the House and Senate. The House bill, which dealt with definitions of judicial officers, was amended to include the study commission

the proposal and passed the House. With strong opposition from the Attorney General and Manchester Police, the proposal failed in the Senate. However, neither expansion bill passed.

John “Jay” Brooks is found guilty of capital murder, but the jury decides to sentence him to life imprisonment rather than death.

Michael Addison is found guilty of capital murder and sentenced to death.

- 2009 An abolition bill was again introduced in the House of Representatives. Despite the climate of police outrage and outpouring of support to execute the killer of Officer Briggs, it nearly passed.

A bill to punish murders committed with firearms by execution via firing squad was defeated in the NH House.

In the aftermath of that vote, an ad hoc group of the NH Coalition to Abolish the Death Penalty began meeting to develop a long range plan to end the death penalty in New Hampshire. This plan is based on approaches taken in several other states where bi-partisan and inclusive Death Penalty Study Commissions have been established to examine the effectiveness of the death penalty as public policy and make recommendations. These study commissions have proven to be an incremental step toward abolition, because even the most ardent supporters of the death penalty come to the conclusion that it doesn't work and should be abolished.

- 2010 The Death Penalty Study Commission, established by the legislature in 2009, voted by a narrow majority to retain but not expand the death penalty, while the minority favored repeal. Members agreed the death penalty is much more expensive than alternatives.

A bill to expand the death penalty to include murders committed while being in a person's home without permission was defeated.

- 2011 Disregarding the conclusions of the Death Penalty Study Commission, the legislature voted to expand the death penalty statute to include homicide committed in conjunction with burglary of an occupied structure.
- 2012 Both major party candidates for Governor expressed opposition to the death penalty. The winner, Maggie Hassan, said she would be willing to sign repeal legislation.
- 2014 The NH House voted by a 2:1 margin to repeal the death penalty, but the Senate deadlocked 12 – 12.
- 2016 A repeal bill was introduced in the Senate and deadlocked at 12-12. A death penalty expansion bill introduced in the NH House was soundly defeated.
- 2017 A death penalty expansion bill was introduced in the House, and was defeated on a division vote of 305-46.

- 2018 A death penalty repeal bill was introduced in the Senate with 13 bipartisan cosponsors and passed 14-10. The NH House later passed the bill by a vote of 223-116. In June, Governor Sununu vetoed the bill. In September, the vote on the veto in the Senate failed by 2 votes, 14-10 in favor of the override.

Use of New Hampshire's Death Penalty

- 2008: The first death sentences since 1991 are imposed. John "Jay" Brooks was found guilty of capital murder in October, but was sentenced to serve life in prison rather than be executed. Later that year, Michael Addison was found guilty of capital murder sentenced to death, which set in motion a mandatory appeal process which continues to this day. To date, NH has spent over \$5 million on prosecution, defense, and post-conviction motions for Addison alone.
- 1991: The NH Supreme Court threw out capital charges in State v. Johnson, a murder-for-hire case, ruling that the charges were based on retrospective application of state law.
- In the decades after the American Revolution a strong "anti-gallows" and prisoner reform movement arose in the state, and at one point New Hampshire had the most restrictive death penalty in the nation.
- From the time of the first recorded execution in 1739 to the last execution in 1939, 22 prisoners were hanged by the state, and one, Ruth Blay, is now recognized as having been the victim of a "wrongful execution."
- In the 42 years since reinstatement of the Death Penalty, until the John Brooks and Michael Addison cases, no one has been convicted of a capital crime in NH.

An Evidence-Based Assessment: Public Safety, Officer Safety & the Death Penalty *At What Cost Vengeance?*

Evidence-based policing, procedural justice, and police legitimacy are of paramount concern to leading police chiefs.

Yet an evidence-based analysis of the death penalty reveals that it siphons resources necessary to protect and serve both communities and officers themselves.

Of equal concern is that application of the death penalty results in procedural injustice. Even though police are not the source of that procedural injustice, **police support for the death penalty undermines police legitimacy in communities of color nationwide.** This is particularly true given the heightened tension between police and many members of those communities – a tension which is not resolving itself.

All of these realities, separately and together, undermine police ability most effectively protect and serve the public, as well as the **physical and mental health of line officers.**

Police leadership should articulate an evidence-based assessment of the death penalty versus death in prison. Such an assessment likely reveals the many public, victim, and officer safety benefits that could be gained – and injustice that could be avoided – by doing so. *Articulating this would in no way deny individuals' subjective feelings about retribution.*

The death penalty is a complicated, emotional, political, and powerfully symbolic issue. Neither the public, nor legislators, nor even prosecutors can be relied upon to transcend those realities in the public interest - yet police leadership can, and indeed should, provide this objective assessment and the leadership the nation desires.

Conservatives, victims, Catholics, evangelicals, and the public at large are turning away from the death penalty, as seen in Nebraska and 6 other states in the past 8 years.

In fact, **there is no population better situated than the nation's police leaders** to provide this evidence-based assessment to contribute to public safety decisionmaking.

America relies upon police leadership for public safety, officer safety and justice.

(Over, please, for specific facts and numbers regarding these concerns as of Spring 2015.)

WRONGFUL CONVICTIONS

- **152 innocence-based exonerations from death row**; 20 by DNA
- **Innocent people on death row continue to be discovered**
 - o Anthony Hinton, AL (2015); Deborah Milke, AZ (2015) Leon Brown and Henry McCollum, NC (2014); Glenn Ford, LA (2014)
- Continued discovery of **misleading evidence once considered reliable**:
 - o **FBI Hair cases, forms of Arson evidence, Shaken Baby Syndrome**
 - o Indeed, **“With the exception of nuclear DNA analysis, no forensic method has been rigorously shown to have the capacity to consistently, and with a high degree of certainty, demonstrate a connection between evidence and a specific individual or source.”**
Strengthening Forensic Science in the United States: A Path Forward, NRC, NAS (2009)

COST (AND OPPORTUNITY COST)

Research consistently finds that cases **seeking execution costs multiple times more** than non-death murder cases, even if jury sentences to life in prison, and not execution

- o One-third of all death sentences are overturned (Frank Baumgartner, *Washington Post*, March 17, 2015))

Opportunity cost in terms of policing resources, services for murder survivors

- Investigations, officer protection and training, equipment, etc.
 - o Homicide clearance rates at all time lows (www.murderdata.org)

RACIAL DISPARITY

In *McClesky v. Kemp* (1987), U.S. Supreme Court considered “Baldus Study,” which established that state **death penalty was 4x more likely to be applied if victim was white**. USSC deemed racial bias an “inevitable part of our criminal justice system.”

ARBITRARINESS

Ex. In 2014, 13,700 murders (FBI); 70 death sentences handed down

- **Typically, 99 out of 100 murderers are *not* sentenced to death**

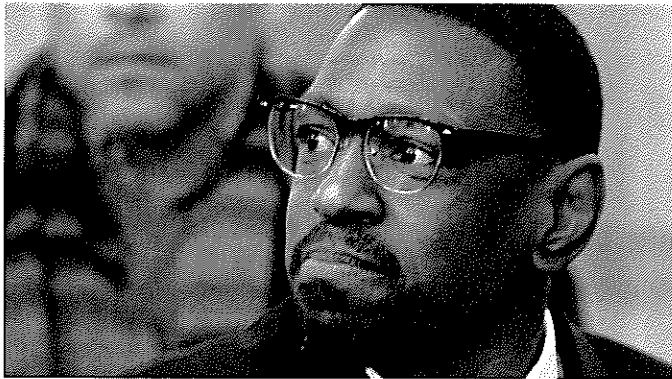
DETERRENCE

Despite any assertions to the contrary, the National Research Council of National Academy of Sciences report, *Deterrence and the Death Penalty*, (2012) concluded that **it cannot be said, based on existing research, whether or not the DP has a deterrent effect.**

John Grisham: Eight reasons for America's shameful number of wrongful convictions

By John Grisham

John Grisham is a writer, attorney, politician and activist best known for his popular legal thrillers. This piece was adapted from the foreword of "The Cadaver King and the Country Dentist."



Lamonte McIntyre, convicted of a 1994 double homicide in Kansas City, Kan., was incarcerated for 23 years before released in October when the case against him was dismissed. (Thad Allton/Topeka Capital-Journal via Associated Press)

It is too easy to convict an innocent person.

The rate of wrongful convictions in the United States is estimated to be somewhere between 2% to 10%. That may sound low, but when applied to a prison population of 2.3 million, the numbers become staggering. Can there really be 46,000 to 230,000 innocent people locked away? Those of us who are involved in exoneration work firmly believe so.

Millions of defendants are processed through our courts each year. It's nearly impossible to determine how many of them are actually innocent once they've been convicted. There are few resources for examining the cases and backgrounds of those claiming to be wrongfully convicted.

Once an innocent person is convicted, it is next to impossible to get them out of prison. Over the past 25 years, the Innocence Project, where I serve on the board of directors, has secured through DNA testing the release of 349 innocent men and women, 20 of whom had been sent to death row. All told, there have been more than 2,000 exonerations, including 200 from death row, in the U.S. during

that same period. But we've only scratched the surface.

Once an innocent person is convicted, it is next to impossible to get them out of prison.

Wrongful convictions happen for several reasons. In no particular order, these causes are:

Bad police work

Most cops are honest, hard-working professionals. But some have been known to hide, alter or fabricate evidence, lie on the witness stand, cut deals with snitches in return for bogus testimony, intimidate and threaten witnesses, coerce confessions or manipulate eyewitness identifications.

Prosecutorial misconduct

Most prosecutors are also honest, hard-working professionals. But some have been known to hide exculpatory evidence, encourage witnesses to commit perjury, lie to jurors, judges and defense lawyers, use the testimony of bogus experts or ignore relevant evidence beneficial to the accused.

False confessions

Most jurors find it impossible to believe that a suspect would confess to a serious crime he didn't commit. Yet the average citizen, if taken to a basement room and subjected to 10 consecutive hours of abusive interrogation tactics by experienced cops, might be surprised at what they would say. Of the 330 people who were exonerated by DNA evidence between 1989 to 2015, about 25% gave bogus confessions after lengthy interrogations. Almost every one recanted soon after.

Faulty eyewitness identification

More often than not, those who witness violent acts have trouble accurately recalling the facts and

identifying those involved. Physical and photo lineups may exacerbate the problem because police manipulate them to focus suspicion on favored suspects.

Jailhouse snitches

In every jail there is a career criminal staring at a long sentence. For leniency, he can be persuaded to lie to the jury and describe in great detail the confession overheard from the accused, usually a cellmate. If he performs well enough on the stand, the authorities might allow him to walk free.

Bad lawyering

Those accused of serious crimes rarely have money. Many are represented by good public defenders, but too many get stuck with court-appointed lawyers with little or no experience. Capital cases are complex, and the stakes are enormous. All too often, the defense lawyers are in over their heads.

Sleeping judges

Judges are supposed to be impartial referees intent on ensuring fair trials. They should exclude confessions that are inconsistent with the physical evidence and obtained by questionable means; exclude the testimony of career felons with dubious motives; require prosecutors to produce exculpatory evidence; and question the credentials and testimony of all experts outside the presence of the jury. Unfortunately, judges do not always do what they should. The reasons are many and varied, but the fact that many judges are elected doesn't help. They are conscious of their upcoming reelection campaigns and how the decisions they make might affect the results. Of those judges who are appointed rather than elected, the majority are former prosecutors.

Junk science

Over the past five decades, our courtrooms have been flooded with an avalanche of unreliable, even atrocious "science." Experts with qualifications that were dubious at best and fraudulent at worst have peddled — for a fee, of course — all manner of damning theories based on their allegedly scientific analysis of hair, fibers, bite marks, arson, boot prints, blood spatters and ballistics. Of the 330 people exonerated by DNA tests between 1989 and 2015, 71% were convicted based on forensic

testimony, much of which was flawed, unreliable, exaggerated or sometimes outright fabricated.

Brandon L. Garrett, a professor of law at University of Virginia, has studied nearly all of the trial transcripts from wrongful convictions later exposed by DNA-based exonerations. "There is a national epidemic of overstated forensic testimony, with a steady stream of criminal convictions being overturned as the shoddiness of decades' worth of physical evidence comes to light," he wrote last year in *The Baffler*. "The true scope of the problem is only now coming into focus."

An excellent new book by Radley Balko and Tucker Carrington, "The Cadaver King and the Country Dentist," chronicles the story of two of the most brazen experts ever allowed in a courtroom. Steven Hayne was a controversial forensic pathologist who once boasted of performing more than 2,000 autopsies in a single year. His sidekick, Michael West, was a small-town dentist who assumed the role of an expert in many other fields. Together they tag-teamed their way through rape and murder trials in Mississippi and Louisiana, accumulating an impressive string of convictions, several of which have been overturned. Some are still being litigated. Many others, however, seem destined to stand.

It's a maddening indictment of America's broken criminal justice system, in which prosecutors allowed — even encouraged — flawed forensic testimony because it was molded to fit their theories of guilt. Over two decades, elected judges permitted these two professional testifiers to convince unsophisticated jurors that science was on the side of the state.

The atrocities that occurred in Mississippi and Louisiana aren't specific to one time and place. The medical examiners, police officers, prosecutors, judges and others who hold sway over our criminal justice system around the country have largely failed to deliver justice. We must do better.

Source: <http://www.latimes.com/opinion/op-ed/la-oe-grisham-wrongful-convictions-20180311-story.html>

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 455 Date _____

Committee _____

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Nancy Norchard	28 Commercial St Houseshoe Pond Place Concord NH 03301		self + Duckworth	<input checked="" type="checkbox"/>	
Cynthia Swearing	Rochester		SELF	<input checked="" type="checkbox"/>	
Rep. Nancy Murphy	Hillsborough St - Merrimack			<input checked="" type="checkbox"/>	
REV. MARK FERRIN			Keene, NH	<input type="checkbox"/>	
LINDSAY DEARBORN	503 Poverty Ln Lebanon NH		NHCADP	<input checked="" type="checkbox"/>	
Timothy King	New Hamp		Police Assoc.		<input checked="" type="checkbox"/>
Robin Walkup	New London, NH			<input checked="" type="checkbox"/>	
Mindi Plisson	Rye, NH			<input checked="" type="checkbox"/>	
Mark Kell	Merrimack NH		self	<input checked="" type="checkbox"/>	
Kevin Aard			self	<input checked="" type="checkbox"/>	
Michael Leuchtenberger	22 Stark Dr, Bar, NH		U of Church	<input checked="" type="checkbox"/>	
Michael J. Bracero	202 S. Shore Dr Hopk - L NH			<input checked="" type="checkbox"/>	
Montreal Hoerdtloer	fer 17 Westbrook Dr NEW HAMPSHIRE			<input checked="" type="checkbox"/>	
David Blair	77 South Road, Hamisville, NH			<input checked="" type="checkbox"/>	
Rep Jane Beaulieu			Manchester	<input checked="" type="checkbox"/>	
Ray Galloway			MAKINSON	<input checked="" type="checkbox"/>	
REP WILL PEARSON	24 FRANKLIN ST, KEENE	603-714-9075	CHESTER-16	<input checked="" type="checkbox"/>	
Sandra Nodsdon	Canterbury, NH			<input checked="" type="checkbox"/>	
Mary's Front				<input checked="" type="checkbox"/>	
Nancy Lucow			Peterborough, NH	<input checked="" type="checkbox"/>	
RUTH HEATH			CANTERBURY NH	<input checked="" type="checkbox"/>	
Rep Clyde Carson			MERR 7	<input checked="" type="checkbox"/>	

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Bill # HB 415 Date _____

Committee _____

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep. Kate Murray	New Castle		New Castle, Rye	<input checked="" type="checkbox"/>	
Ann Ludders	388 Western Ave		Henniker self	<input checked="" type="checkbox"/>	
Dick Ludders	388 Western Ave, D-1	Henniker 603-995-4311	Self	<input checked="" type="checkbox"/>	
Rep Cole Riel	Coffeytown			<input checked="" type="checkbox"/>	
Rep Sherry Frost			Dover Straff. Co	<input checked="" type="checkbox"/>	
Martha A. Hunt	Sutton		self	<input checked="" type="checkbox"/>	
Emily Kiheny	Manchester			<input checked="" type="checkbox"/>	
Judith Blaisdell				<input checked="" type="checkbox"/>	
Steve Blaisdell	Exeter			<input checked="" type="checkbox"/>	
Phillip Walker				<input checked="" type="checkbox"/>	
Allegra Walker				<input checked="" type="checkbox"/>	
Pat Wallace				<input checked="" type="checkbox"/>	
Andrew Shapery	Tuftonboro		Palize		<input checked="" type="checkbox"/>
Elizabeth Correll			Concord self	<input checked="" type="checkbox"/>	
Rep. Wendy Thomas	Merrimack			<input checked="" type="checkbox"/>	
Melissa Hinebaugh	Concord		self	<input checked="" type="checkbox"/>	
Rep BRIAN SULLIVAN			NH	<input checked="" type="checkbox"/>	
Denise Sullivan	642 Old Farms Rd		Granville self	<input checked="" type="checkbox"/>	
Catherine Goldwater	10 RIVEREDGE DRIVE		SELF MILFORD	<input checked="" type="checkbox"/>	
Florie Wood	15 Carrier Dr		Self	<input checked="" type="checkbox"/>	
Claudia Istel	South Acworth NH 03607		self	<input checked="" type="checkbox"/>	
Karon Braemise	246 Poor Farm Rd		WEARE, NH SELF	<input checked="" type="checkbox"/>	
David Erikson	" " "		" " "	<input checked="" type="checkbox"/>	
Suzanne Rude	214 Bee Hole Rd.		Loudon self	<input checked="" type="checkbox"/>	

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To Register Opinion If Not Speaking

Bill # HB 455 Date _____

Committee _____

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep Liz McComell	Brentwood	11		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Somssich	Portsmouth	27		<input checked="" type="checkbox"/>	<input type="checkbox"/>
REP. LARRY L. LAFLAMME				<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep JOHN POTUCK - ROCK 6 - DERRY				<input checked="" type="checkbox"/>	<input type="checkbox"/>
HERB MOYER	EXETER	603-231-3083	EXETER CABLE TV	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Garrett Muscatell	Grafton	12		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Edna Bismias	Concord			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nina Bonney	Concord			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Christy D. Bartlett	Merrimack	19		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dennis Jakubowski			SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JAMES R. HOWARD	CONCORD			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cheri Falk	Wilton		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Brennan	Weare		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hon Eileen Ehlers			NHCADA / self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Patty Laffoy				<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rev. Allison Palm	Nashua, NH		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rev. Allan Knight	Chester, NH		Grace Epis. Ch. Manchester	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Martha Hennessey			SD # 5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rushelle Frazier	worc. MA		Amnesty International	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna Coriady	Dover, NH		Catholic Parish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kathleen Fleming	Keene, NH		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ann Hoey	47 Putney Rd. Bow, NH		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judith Reed	20 Green Acres Rd		Keene NH self	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Bill # HB 455 Date _____

Committee _____

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Doris Hampton	Concord		self	X	
Rep Ed Butler		Carroll 7		X	
Deborah Jakubowski	Loudon			X	
Rep Mary Jane Wallner				X	
Debra Feather			MPPA		X
Patrick Mills			MPPA		X
Tom Coriatty	3 Longmeadow Rd		Dover	X	
Jean Carr	103 School St	Keene	St James Keen	X	
Rep Paul Berch			CHESHIRE-01	✓	
Amanda Sprusansky		Concord	self	X	
Fred Robinson	Goffstown		self	X	
Bob Ehlers	Hooksett		self	X	
M. ZOE PICARD	CONCORD		SELF	X	
REP GIABY GROSSMAN	EXETER		Exeter	X	
Linda Matlage	Concord		self	X	
Pulana Belken	Rochester 03867		self	X	
Amanda Merrill	Durham		self/NHCADD board	X	
Ann Wright	Thornton Ln. Lee		self	✓	
Rep Bob Baeris	Hills 19			✓	
Eileen Brady	Nashua		Sisters of Mercy	✓	
Kath Phelps	NEPBA				✓
REP GREG INDRUK	Hills 34			X	
The Rev Canon Gail Avery	63 Queen St, Concord		Episcopal Church of Mt	X	

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To Register Opinion If Not Speaking

Bill # H13455 Date _____

Committee _____

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
SHERRY DUTZY	18 SWARTER	Nashua	MYSELF	X	
Liz Tentarelli	27 Bowles Rd	Newbury	League of Women Voters NH	✓	
Rep. Laura Telerski		Hillsborough	35	✓	
Rep. Michael Abbott		Cheshire	1	✓	
Liz Anne Platt (Concord)			self	✓	
Rep. John Martin				✓	
Rep. Freitas			Dist 14	✓	
Jane P. Howard	20 Pheasant Run		Merrimack	✓	
Ken Chamberlain	Manchester		Police Patrolman's Assoc. Police Assoc. New Hampshire		X
Timothy T. Egan			GRATTON DIST #2	✓	
Marjorie Goudreau	9 Foxtail Ln #5 Goffstown		Unitarian Universalist	✓	
Sen. Bob Gioda	271-7578		#ED 2	✓	
Faith Sillers			Pittsfield	✓	
Mary Hill			Derry	✓	
Rep. Timothy Harrigan			Sturtevant 6	✓	
Harriet Shapiro - Barnard	43 Cooper Rd Hebron NH 03241	603-703-5304	NH LYAC & Myself	✓	
Marsha Feder	26 Marion Dr		Hollis me	✓	
Walter R. Mott-Smith	91 Kennedy Rd		Loudon self	✓	
Will Thomas	27 Margate Drive		Auburn Vets for Peace	✓	
Rosemary Affeldt	153 Ashfield Enfield		United Valley Interfaith Proj	✓	
Rev. Kyle Seibert	OUR SAVIOR Lutheran Church Hanover		55 Summer St.	✓	
Louise Spencer			Concord Self	✓	
Rev. Lyn Marshall	8 Donovan St		Concord	✓	

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To Register Opinion If Not Speaking

Bill # 1413 455 Date _____

Committee _____

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep John T. O'Connor	Derry	Rock	Dist 6	X	
Rep Wendy Chase	Rollinsford	Stafford	Dist 18	X	
Sen Cindy Rosenwald			D 13	X	
KATHY CAHILL	CONCORD NH		SELF	X	
Mark McFarlin	3 WARDEN LN	HAMPTON	603 918 6712	✓	
SUSAN COVERT	31 COTTAGE	CONTOOCOOK	SELF	✓	
Rep Kathy Rogers				✓	
Tristan Husby	14 Sawyer St	Nashua	03060 ⁷⁸¹ 354 3613	✓	
REP ALAN BERNSTEIN	NOTTINGHAM		ROCK 2	✓	
Rev. Jonathan Hopkins	25 N. Main St.	Concord	self	X	
ARI SCHECHTER	CONCORD, NH		868-349-9345	✓	
Garvin Warner	15 Long Meadow Rd	Windham	03087	✓	
Rep JACKIE CANNI-PHS			Dist 31	✓	
Rep Vincent			Dist 17	✓	
Alvin See	London		SELF	✓	
Laura Hegfield	Amherst		self	✓	
REP FRED DOUCETTE	SALEM		Rock #8	X	
Executive Councilor Deborah B. Pignatelli				X	
REP GERRI CANNON	STAFFORD		18	X	
David Holt	Somerset	NH	Self	X	
Rep David Coursin			NORTHWOOD	X	
Rep. Latha Mangipudi			Hills 35	✓	
Nicholas Botlich	45 Centre St.	Concord	Self	✓	
Rep Suzanne Veil			Hills 30 Nashua ward 3	PRO	

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To Register Opinion If Not Speaking

Bill # HB 455 Date 2/19/19

Committee _____

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Name	Address	Phone	Representing	(check one)	
				Pro	Con
Laurel Kufe	Concord	491-9334	self		
Mark Barker	Boscawen NH		self	<input checked="" type="checkbox"/>	
Sharon Nordgren	Hanover NH		Grafton 12	<input checked="" type="checkbox"/>	
Francie Bass	Concord NH		self	<input checked="" type="checkbox"/>	
Maura Willing	Concord NH		self	<input checked="" type="checkbox"/>	
Catherine Menard	Concord NH		self	<input checked="" type="checkbox"/>	
Betsy Guck	CONCORD NH		SELF	<input checked="" type="checkbox"/>	
Fred Portnoy	Canterbury NH		self	<input checked="" type="checkbox"/>	
Steven L. Kidder	Concord, NH	603-568-6606	self	<input checked="" type="checkbox"/>	
Michael Eaton	Newport, NH		Self	<input checked="" type="checkbox"/>	
Rep Glenn Green			Rockingham		<input checked="" type="checkbox"/>
Rep Scott Wallace			Rock 12		<input checked="" type="checkbox"/>
Rita V Woods			self	<input checked="" type="checkbox"/>	
Rep Marjorie Forta			Hills 1	<input checked="" type="checkbox"/>	
Rep Barbara McBeath			Rock #26	<input checked="" type="checkbox"/>	
Jean Chellis	Concord, NH		self	<input checked="" type="checkbox"/>	
Sarah Thorne	Gilmanton, NH		self	<input checked="" type="checkbox"/>	
Rep. Lisa Barker			Rod 16	<input checked="" type="checkbox"/>	
William Hopkins	Belmont		W/H self	<input checked="" type="checkbox"/>	
Rep Marjorie Smith				<input checked="" type="checkbox"/>	
Rep Joe Schapiro				<input checked="" type="checkbox"/>	
Marylouise Althaus	795 Roxbury Rd		Keene	<input checked="" type="checkbox"/>	
Elizabeth Zimmerli			Keene	<input checked="" type="checkbox"/>	
Maggie Fogarty			AFSC - NH	<input checked="" type="checkbox"/>	
Jennifer Smith	Pembroke, NH		Self	<input checked="" type="checkbox"/>	

Fiscal Note

HB 455-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the penalty for capital murder.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill changes the penalty for capital murder to life imprisonment without the possibility of parole.

The Judicial Branch indicates this bill would reduce the penalty for capital murder from the death penalty to a mandatory sentence of life in prison without the possibility of parole. The Branch states this bill could result in savings to the Branch because there would be no penalty phase trial as currently required in a death penalty case. In addition, life in prison cases are less hard-fought, usually resulting in shorter trials, than in cases where the death penalty is a possible outcome. New Hampshire has seen two death penalty cases prosecuted in the 2000's, but historically there are so few cases any possible savings would be indeterminable and sporadic. There are no murder cases currently pending trial.

The Judicial Council indicates there have been two capital cases handled by the indigent defense delivery system in the last 20 years. One case was handled by the Public Defender without the need for an additional appropriation because the defended pleaded guilty early in the case in order to avoid the death penalty. The second case has lasted nine years and the State has spent over \$2.9 million in defense costs to date. The Council indicates if the death penalty is repealed, it would not face the extraordinary expenditures necessary to provide representation to an indigent defendant in a capital case.

The Department of Justice states, as a general matter, capital murder cases in which the death penalty is sought are more expensive to investigate and prosecute than non-death penalty cases.

The Department has prosecuted two death penalty cases; State of N.H. vs Brooks and State of NH vs Addison. The cost of the Brooks case was \$1.3 million and, to date, the cost to prosecute the Addison case has been \$2.5 million. The Addison case will continue for several more years resulting in additional costs. The Department indicates the cost to prosecute a first or second degree murder, which would be the equivalent of a non-death penalty capital murder case, is wide ranging. The costs range from \$400,000 to \$550,000. The cost for homicide cases that have been resolved by plea agreement ranged from \$16,500 to \$175,000. The Department indicates that expenditures would decrease as a result the bill, but it is not possible to estimate the amount.

The Department of Corrections is not able to determine the fiscal impact of the bill because it has no information that could be used to predict the number of individuals that would be subject to this legislation. The average annual cost of incarcerating an individual in the general population was \$40,615 for the fiscal year ending June 30, 2018 and the average marginal cost of an additional prisoner in the general population was \$4,620. The average cost to supervise an individual by the Department's Division of Field Services for FY 2018 was \$557.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Departments of Justice and Corrections

HB 455-FN - AS INTRODUCED

2019 SESSION

19-0185
04/05

HOUSE BILL

455-FN

AN ACT

relative to the penalty for capital murder.

SPONSORS:

Rep. Cushing, Rock. 21; Rep. Danielson, Hills. 7; Rep. McGuire, Merr. 29; Rep. O'Connor, Rock. 6; Rep. Pantelakos, Rock. 25; Rep. Harriott-Gathright, Hills. 36; Rep. Welch, Rock. 13; Rep. Wallner, Merr. 10; Rep. Berch, Ches. 1; Sen. Giuda, Dist 2; Sen. Fuller Clark, Dist 21; Sen. Reagan, Dist 17

COMMITTEE:

Criminal Justice and Public Safety

ANALYSIS

This bill changes the penalty for capital murder to life imprisonment without the possibility for parole.

.....

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to the penalty for capital murder.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Homicide; Capital Murder. Amend RSA 630:1, III to read as follows:

2 III. A person convicted of a capital murder [~~may be punished by death~~] ***shall be sentenced***
3 ***to imprisonment for life without the possibility for parole.***

4 2 Applicability. Section 1 of this act shall apply to persons convicted of capital murder on or
5 after the effective date of this act.

6 3 Effective Date. This act shall take effect upon its passage.