

Georgia parole board meets to decide fate of Troy Davis

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Atlanta, Georgia death row inmate Troy Davis, whose pending execution has attracted worldwide opposition, is set to be killed by lethal injection on Wednesday. A Georgia parole board meeting today is his last hope of clemency.

The case of Davis exemplifies the barbarism of the US prison system in general, and the death penalty in particular. Now 42, Davis was convicted in 1991 of the 1989 murder of an off-duty police officer, Mark MacPhail.

Seven out of nine non-police witnesses who accused Davis of the killing later recanted or changed their testimony. One of the remaining is a possible suspect himself. No physical evidence linking Davis to the killing was presented at the trial.

Several jurors have said that, given the new evidence, they would have come to a different decision. However, Davis has been unable to get a new trial.

In 2008, the Georgia Board of Pardons and Paroles—which has the authority to grant pardons, not the governor as in most states—denied clemency before an earlier execution date without explanation. If the five-member board, which has three new members, decides differently this time, Davis will face life in prison.

Davis and his lawyers have gone through a tortuous process of appeals aimed at securing him a new trial. He has had four separate execution dates. In September 2008 he came within two hours of execution before a last-minute intervention by the Supreme Court.

Davis' case has attracted international support, and a demonstration on Friday in Atlanta brought at least 1,000 people. Other demonstrations were held in 300 cities throughout the world. Over 600,000 people have signed a petition appealing for clemency.

A major factor in preventing Davis from getting a

new trial has been the 1996 Antiterrorism and Effective Death Penalty Act, signed into law by Bill Clinton. The act, a precursor to the anti-democratic legislation passed after the 9/11 attacks, severely restricts federal courts from overturning death penalty convictions and ordering new trials.

In August 2009, the US Supreme Court, which had declined to hear previous petitions from Davis, ordered the Federal District Court in Georgia to “receive testimony and make findings of fact as to whether evidence that could not have been obtained at the time of trial clearly establishes [Davis'] innocence.”

A dissent written by Justice Antonin Scalia and joined by Clarence Thomas asserted that the Supreme Court “has *never* held that the Constitution forbids the execution of a convicted defendant who has had a full and fair trial but is later able to convince a habeas corpus court that his is ‘actually’ innocent.”

In June 2010, the district court met under Judge William Moore, appointed to the bench by President Clinton in 1994. At the hearing, several of the former accusers of Davis testified that they had been pressured by police to provide their testimony.

Witness Jeffrey Sapp, for example, testified that he only said what police told him to say, telling the court that he feared if he did not cooperate he could face charges of drug dealing himself. “I was so scared I told them anything they wanted to hear,” he told the district court. “They kept saying, ‘Just say Troy told you. Just say Troy told you.’”

Another witness testified that he was threatened with being charged for accessory to murder if he did not finger Davis. The judge prohibited testimony from other witnesses who said that another witness, Sylvester Coles, was the actual killer.

Moore ruled that the recantations by key witnesses

“casts some additional, minimal doubt on his conviction,” but was not sufficient for a new trial.

Another appeal directly to the Supreme Court for a new trial, on the grounds that the district court of appeals had “evinced a clear hostility” was rejected without comment in March 2011. The new execution date of September 21 was set earlier this month.

President Obama, a strong supporter of the death penalty, has said nothing about the case. So far this year, 33 individuals have been executed in the United States.



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