



# Office of the Ohio Public Defender

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*Timothy Young, State Public Defender*

## **Testimony in Support of HB85 Capital Case Funding Sponsors Representatives Wilkin and Rogers**

Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee. I am Tim Young, the Ohio Public Defender. Thank you for the opportunity to testify in support of HB85.

“For every nine people executed we actually identified one innocent person who has been exonerated and released from death row” according to Bryan Stevenson, founder of the Equal Justice Initiative. In Ohio, seven factually innocent individuals have been exonerated from Ohio’s Death Row since 1975.<sup>1</sup> These shocking numbers illustrate why it is imperative that capital defendants be provided with a quality holistic defense. When it comes to executions, mistakes cannot be fixed later. The Office of the Ohio Public Defender opposes capital punishment, but if Ohio is to continue with the death penalty, the Office of the Ohio Public Defender supports HB85 because it allows qualifying counties to fund capital defense with money from the state. Properly funding a person’s defense team from the case’s inception is crucial.

A comprehensive defense team generally includes multiple attorneys, investigators, expert witnesses, and mitigation experts, and the cost can easily reach millions of dollars. A county’s budget should not impact a defendant’s constitutional right to his or her effective

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<sup>1</sup> The National Registry of Exonerations

defense, especially when a person's life and liberty are at stake. HB85 will help ensure that is the case.

Under HB85, a Board of County Commissioners can submit a request to the Attorney General and the State Public Defender for funding for the prosecution and the defense. The bill requires the Attorney General and the State Public Defender to submit that request to the Controlling Board. Capital cases eligible for state funding involve multiple defendants or multiple victims. At least one defendant must be considered indigent, and the approximate cost of the case must be greater than five percent of the county's general fund appropriations for the calendar year the arrest was made.

When the State seeks death as the punishment, it is necessary for the State to properly fund the defense so that Ohioans have confidence in a fair and just outcome. Justice can only be achieved when the process is fair and not limited by underfunding. This legislation will move us closer to avoiding those failures in the future.

Thank you for the opportunity to testify in support of HB85. I am happy to answer questions at this time.

