Senate Judiciary Committee
Senate Bill 101
Written Testimony Only

Alice Lynd

November 1, 2023

Dear Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee:

My name is Alice Lynd. I reside in Girard, Trumbull County, Ohio. Thank you for the opportunity to submit proponent testimony on Ohio Senate Bill 101.

I am an attorney (inactive at the age of 93). I was one of the attorneys who represented a class of plaintiffs at the Ohio State Penitentiary[1] during some of the years when most death row prisoners were housed there.

I got to know personally a number of the men who were condemned to death. I attended the last meeting of family and friends with several of them.

I talked with convicts who had been in the death row honor block at Mansfield before coming to OSP. They demonstrated that they had changed in the years since they did something unspeakably horrible at an early age.

I got to know prisoners who were convicted and sentenced to death where there was no independent corroborating evidence to support prisoner informant testimony.

I wrote a law review article called "Unfair and Can't Be Fixed: The Machinery of Death in Ohio" published by the Toledo Law Review in 2012.[2] Eye witnesses are fallible in perception and memory. Testimony by accomplices and other prisoner informants in exchange for lenient treatment is inherently unreliable.

---

[1] *Austin v. Wilkinson*, 189 F.Supp. 2d 719 (N.D. Ohio 2002), *aff'd in part, rev'd in part*, 545 U.S. 209 (2005).

[2] 44 U. Tol. L. Rev. 1 (2012), especially pp. 47-52 on causes of wrongful convictions, and 60-67 on reasons for abolishing the death penalty in Ohio.

More commonly recognized reasons for opposing the death penalty are the racial and geographic disparities in who gets the death penalty. In one county, the death penalty is too expensive so the prosecutor does not seek it. In another county, if the prosecutor thinks he can convince a jury to convict and sentence the offender to death, he goes for the death penalty. In yet another county, the indictment may contain death penalty specifications as leverage to get the defendant to take a plea bargain.

Prisoners who did not commit the crime for which they were indicted face a predicament: plead guilty to a serious crime and be imprisoned for life, or plead not guilty and be subjected to the death penalty.

There are less well-known reasons for finding guilt and imposing the death penalty. Jurors may assume that the prosecutor would not be bringing such charges if they weren't reliable. Selection of a "death qualified jury" results in a jury that, although told to follow the law and the evidence, is predisposed to finding the defendant guilty and imposing a sentence of death.

Those who crafted the law in Ohio, such as Justice Paul Pfeifer, and officials whose job it was to carry out the law, such as former Attorney Jim Petro, and former Director of the Ohio Department of Rehabilitation and Correction, Terry Collins, who attended 33 executions when he was a warden, came to advocate abolition of the death penalty in Ohio based on their own professional experience.

As of October 11, 2023, eleven men who were wrongfully convicted and sentenced to death in Ohio have been exonerated.[3] Due to a technicality, Anthony Apanovich is back on death row because the DNA evidence that showed he was not guilty was not done at his own request, but was requested by the prosecutor.

In the last legislative session, there was conservative support for abolishing the death penalty, primarily because of cost, but also because of how hard it is for the loved ones of victims to move on with their lives for the many years between sentencing and execution.

I ask you to consider the testimony of all the witnesses you will hear, from many vantage points, who urge you to abolish the death penalty in Ohio. Thank you for giving your attention to this vital legislation. Execution is not the solution!

---

[3] Death Penalty Information Center, Facts about the Death Penalty, updated October 11, 2023, p.2.