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USA: Acquittal of former death row inmate -- one more reason for abolition

Yesterday's acquittal of former death row inmate Joseph Nahume Green -- the third such case this year -- shows yet again how the US capital justice system may be killing innocent people, Amnesty International said today.

Joseph Green is the 8th condemned prisoner since 1973 to be freed from death row after evidence of their innocence emerged. He had been convicted of murder and sentenced to die in Florida in 1993.

Joseph Green spent three and a half years in Florida's execution chamber, during which time eight inmates were put to death in the electric chair. As he was waiting for a judge to sign his acquittal earlier this week, Joseph Green told Amnesty International: "(...) to know that one day someone is going to come and take you to death watch and then kill you, that eats at you, and eats at you, and eats at you. Death row is very, very dehumanizing." He says he cannot hear the hum of an air conditioner without thinking of the electricity of the death chamber.

African American Joseph Green, spent almost seven years imprisoned for the murder of local journalist Judy Miscally, white, in Starke, Florida, in 1992. He was convicted on the basis of a witness account later acknowledged by the court to be unreliable.

"Joseph Green's case once again displays all the hallmarks of a system willing to send defendants to the execution chamber on the basis of unreliable evidence and questionable testimony," the organization added.

"Police and prosecutors, under pressure from a small community to solve the murder of one of its well-known members, cut corners and failed justice."

“Issues of personal compensation aside, the only solution to these repeated injustices is for the USA to rid itself of this cruel, irrevocable and outdated punishment,” Amnesty International said.

Amnesty International welcomed the moratorium on executions announced on 31 January by Governor Ryan of Illinois in response to his state’s shameful record of wrongful capital convictions. At the same time, however, the organization noted with concern the new legislation enacted by Governor Jeb Bush of Florida to limit the appeals of condemned inmates in a bid to speed up executions.

Amnesty International is urging US authorities -- both at Federal and at State level -- to call an immediate halt to their country’s appalling conveyor belt of death, which has seen five executions being carried out in the past three days alone. The last execution, last night in Virginia, was the 25th of the year in the USA.

Background

In the absence of any physical evidence linking Joseph Green to the crime, the prosecution relied upon the testimony of an intoxicated, memory impaired, learning disabled eyewitness, allegedly manipulated by police into identifying Green as the gunman. In late 1996 the Florida Supreme Court struck down the conviction, noting that it had hinged “delicately and entirely” on this “inconsistent and contradictory” eyewitness account. In 1998 the original trial judge ruled that the eyewitness was unreliable and incompetent to testify at a retrial, effectively leaving the prosecution with no case. Joseph Green was released in July 1999. The state was given until 15 March 2000 to retry him or he would be acquitted. The state did not file for a retrial, and the judge yesterday issued the order to acquit.

Joseph Green becomes the 19th prisoner released from Florida’s death row since 1973, more than in any other US state, including Illinois (13).

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**For more information please call Amnesty International's press office on + 44 171 413 5566
website: <http://www.amnesty.org>**