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'Anyone who says we live comfortably on death row has obviously never been there'

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Damon Thibodeaux lived under the threat of execution for more than a decade.

This US national, now 38, was convicted of the murder of 14-year-old Chrystal Champagne, his step-cousin, and sentenced to death in 1997. But he always insisted on his innocence and after spending 15 years in prison he finally walked out of Louisiana State Penitentiary at Angola – one of the harshest prisons in the country – a free man. This is his story.

'Confession'

Thibodeaux's case is far from unusual. Error is one of the hallmarks of the capital justice system in the USA. The number of cases in which people sentenced to death have later been exonerated – more than 140 in the last four decades – should give even the death penalty's most ardent supporters pause for thought.

In police custody in the early hours of 21 July 1996, after an interrogation lasting nearly nine hours, the then 19-year-old confessed to the murder of his 14-year-old step-cousin – despite having repeatedly denied that he had anything to do with the crime.

A few hours later, he told his lawyer that, exhausted, he had falsely confessed in order to end the interrogation.

However, armed with this "confession" – containing details of the crime that were incorrect – the prosecution obtained a conviction and a jury voted unanimously for the death sentence.

What followed for Thibodeaux were 15 years of solitary confinement on death row at Louisiana's maximum security prison at Angola.

"In Angola you are in a cell 23 hours a day, you have no contact with anyone. All of your food is brought to you. You get one hour a day, three times a week, in the yard. Or you can stay inside and have one hour a day on the hallway. In that hour, you have to shower, make any phone calls, do your exercising or whatever," Thibodeaux told Amnesty International.

"On death row, it's unbearably hot in the summer, so hot you stand around in your boxers all day and you sweat, you get no sleep at night. Anyone who says we live comfortably on death row obviously has no idea what death row is like. It is the most uncomfortable place."

"I had visits from my family four times in 15 years. For some families it's not easy making that trip to Angola because it's so far outside of the city."

End of the line

Thibodeaux says the worst thing about being under a death sentence is knowing that the state intends to kill you.

"Thankfully, I didn't have to face an execution date. The fact that the state wants to kill you is something that you have to come to terms with by yourself. It's not something people deal with in the same manner."

Today a free man, Thibodeaux says he always believed he was going to walk out of Angola, but did not know when. An unusual aspect of his case was that in 2007, faced with evidence of wrongful conviction, the District Attorney's office agreed to a joint reinvestigation of the case with defence lawyers.

"I knew I was going to be exonerated probably two to three years before it happened. The District Attorney wanted to make absolutely sure he wasn't releasing anyone dangerous into society, which is understandable. It's not easy to release someone that you've prosecuted and put on death row."

DNA evidence

As part of the reinvestigation, the District Attorney consulted an expert on disputed confessions, who concluded that Thibodeaux's confession was unsound. The District Attorney then announced that "the primary evidence in this case, the confession, is unreliable. Without the confession, the conviction cannot stand and therefore in the interest of justice it must be vacated."

In an order issued on 27 September 2012, a judge ordered Thibodeaux's release from prison. Forensic testing had found no physical evidence linking him to the crime, and DNA testing of a sample of blood found on wire used to strangle the victim revealed DNA of a male other than Thibodeaux.

According to The Innocence Project, which was also involved in the reinvestigation of the case, more than 300 prisoners across the USA – including 18 who were on death row – have been exonerated in the past few decades after DNA evidence played a major part in establishing their innocence. However, in most crimes there is no DNA evidence that can be tested and so that route is not available for many convicted prisoners claiming innocence.

"Even though I knew about my release a couple of years beforehand, it is not something you can prepare for emotionally. When I crossed through the door, I felt like a new man. It was a very surreal experience. You spend 15 years in a prison cell, locked down for 23 hours a day and then you are out. It's daunting at the same time because there's so much that's happened in the last 15 years. But I was able to walk out with my head high," Thibodeaux said.

New world

Thibodeaux is now rebuilding his life in Minnesota, and has a part-time job and a flat. He has not received any compensation from the state and is trying to re-adjust to a free life in a world that has changed in the 15 years he spent behind bars. He is also reconnecting with his now 21-year-old son.

"We did have television and newspapers so I saw things developing, the digital age, but to have to go back and try to catch up with all that. Even now, it's a bit of a challenge. I run into something I know nothing about. How to operate my iPod or my computer – I might have to call someone to ask," he said.

Thibodeaux was the 141st prisoner released from death row in the USA since 1973 on the grounds of innocence. A number of prisoners have gone to the execution chamber despite serious questions about their guilt.

"This case is one more reminder of the risk of irrevocable error that comes with the death penalty. Officials across the USA should reflect on what happened to Damon Thibodeaux and work for the abolition of this cruel punishment," said Rob Freer, USA Researcher at Amnesty International.

Amnesty International opposes the death penalty in all cases, in all countries, unconditionally.

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