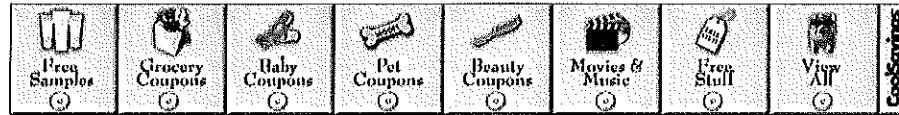


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From the Los Angeles Times

A sentence too close to death

Wrongly convicted, I am proof that the state should reconsider execution.
By Harold Hall

March 27, 2008

I almost died for someone else's crime. Had the jury listened to the prosecutor, I would have been sent to death row, and even might have been executed by now. Instead, I spent nearly 20 years in prison before new evidence proved my innocence and I was able to walk away a free man.

I'm far from the only one who lost decades of my life wrongfully imprisoned. Dozens like me have been exonerated by DNA or other new evidence. Just last week, 56-year-old Willie Earl Green was released in Los Angeles after the sole eyewitness in his case recanted. He'd done 24 years of a 33-year-to-life sentence at San Quentin.

I was 18 years old in 1985 when the police in South L.A. arrested me for a double homicide and rape. I was interrogated for 17 excruciating hours, handcuffed to a chair and denied food and water. The police claimed that they had evidence proving my guilt. I was young and scared and desperate to stop the abuse -- so I told the police what they wanted to hear. I was wrongfully convicted based on that coerced confession and the false testimony of a jailhouse informant.

The jury sentenced me to life in prison without parole. Some might say I was lucky; I had escaped the executioner's needle.

But after spending nearly 20 years in a living hell, I can't really see it that way. No matter which prison I was in -- Lancaster, Folsom, Corcoran -- I was under constant surveillance, stripped of any privacy or autonomy. I was at the mercy of the prison guards, who could make my life as miserable as they wished. I lived in constant fear of prison lockdowns, which could last for months; we would not be allowed out of our cells and could take only "bird baths" in the cell sink.

I refused to let my family visit me. Contact with the outside world had become unbearable. I didn't want to hear stories of family outings or other outside news. That life was over unless I could prove my innocence. I had not been sentenced to execution, but I had been sentenced to die in prison.

Because I was sentenced to life without parole, exoneration was my only chance for release. I repeatedly asked for DNA testing of the evidence in my case, but for years my request was denied by the courts. In 2003, a court looked again at the jailhouse informant and granted me a new trial. As a result, the DNA evidence was finally tested, proving my innocence. In 2004, I was finally free.

I returned to Los Angeles a very different man. Living in prison without hope of parole is a horrible punishment that breaks a person down. I maintained my sanity, but I met inmates who would gladly have accepted execution rather than continue living in those conditions.

As horrible as this sentence is, it does give the state an opportunity for redemption: When an inmate like me proves his innocence, at least the state can set him free. No one can give me back those 19 years of my life, but I am thankful I am here today.

Ruben Cantu was not so lucky. Cantu was just 26 when Texas executed him in 1993. Now, even the prosecutor who sent Cantu to his death thinks that he was probably innocent, the victim of mistaken eyewitness identification and a court system that sacrifices accuracy in the name of efficiency. We know that 127 innocent men and women have been freed from death rows in the U.S. since 1973. What we will never know is how many innocent people have been executed.

On Friday, the California Commission on the Fair Administration of Justice will hold its third and final hearing about problems with the state's death penalty, including the length of appeals, access to lawyers and wrongful convictions. The commission will then begin three months of deliberations and draft a report to the Legislature. Among the questions the commission must grapple with is this: Can California's broken death penalty be fixed, and if so, at what price? But given all the problems -- and the stakes -- the commission should tell the Legislature, and the people of California, that it is time to reconsider whether we need to seek executions at all.

We have an alternative. Sentencing people to die in prison of old age and illness punishes without pretending that we have a foolproof legal system. I'm a living example that we don't. Sadly, Ruben Cantu cannot say the same.

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