

DEATH PENALTY INFORMATION CENTER

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FORMER DEATH ROW INMATE WALKS FREE AS NORTH CAROLINA MORATORIUM DEBATE CONTINUES

***Alan Gell is nation's 113th death row inmate to be exonerated;
State legislature is poised for historic vote on death penalty moratorium***

WASHINGTON, DC -- Alan Gell of North Carolina became the nation's 113th exonerated death row inmate today, according to an announcement made by the Death Penalty Information Center (DPIC). Gell, who has maintained his innocence since his 1998 conviction, was acquitted at the conclusion of his retrial. Gell's exoneration comes just weeks before the North Carolina House of Representatives is scheduled to take an historic vote that could halt executions in this closely-watched Southern state.

In December 2002, a North Carolina judge vacated Gell's murder conviction and ordered a new trial after ruling that prosecutors withheld important evidence that might have helped exonerate Gell at his first trial. Among the evidence not revealed was a secretly taped 1995 telephone conversation in which the prosecution's star witness said she "had to make up a story" about the murder. The state also withheld numerous witness statements that said they saw the victim alive after the only time Gell could have committed the murder, and forensic experts have corroborated the time of death with these statements. Assistant Attorney General Steven Bryant admitted that the state should have turned over the exculpatory evidence, and the state decided not to seek the death penalty in Gell's second trial.

"Alan Gell's acquittal clearly illustrates the continuing high risk of executing an innocent person. It is imperative that steps are taken immediately to address this deeply flawed system," said Richard C. Dieter, Executive Director of DPIC. "North Carolina's leaders should seize the opportunity to carefully study every aspect of the death penalty while executions are put on hold."

On May 7th, 2003, the North Carolina Senate approved a measure to implement a moratorium on executions while the state's death penalty is examined, marking the first time since the reinstatement of the death penalty that a legislative body in the South has voted to halt executions. Members of the House are expected to take up the measure in the coming weeks. Close to 1,000 counties and community organizations in the state have passed resolutions endorsing the moratorium, including the key cities of Charlotte, Durham, Winston-Salem, and

Asheville. In addition, state leaders such as legendary North Carolina basketball coach Dean Smith and Representative David Miner, a six-term Republican and chairman of the House Finance Committee, have publicly voiced support for the measure. In June 2003, the American Bar Association called for passage of the legislation, noting a "growing national consensus within the legal community that North Carolina urgently needs a moratorium on executions until it evaluates issues of fairness, due process and possible racial bias in its death penalty system."

Gell is the first death row exoneree freed in 2004, and the fourth exoneree from North Carolina. In 2003, 10 persons were freed from death row in the United States, equaling the most exonerations in a single year since the death penalty was reinstated.

For more information about this case, please contact Gerda Stein (919/956-9545) of the Center for Death Penalty Litigation, or Gell's attorneys, Mary Pollard (919/956-9545) and James P. Cooney III (714/331-4980).

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