



Panel Discussion: Perspectives on Ohio's Death Penalty

Author, defense attorney, and sentencing expert discuss Ohio's use of the death penalty

By Stacy Malden

Andrew Welsh-Huggins, author of *No Winners Here Tonight*, a book that examines the history of Ohio's death penalty, began a recent panel discussion by summarizing the criminal case of convicted murderer Gregory McKnight and his victims Emily Murray and Gregory Julious. A few weeks after the victims' disappearance, investigators located the remains of both victims, Murray and Julious, and McKnight would later be charged for the murder of both. But, what Welsh-Huggins emphasized to the audience was the subsequent sentences given on behalf of the two victims. McKnight was sentenced to the death penalty for the convicted murder of Emily Murray, a 20-year-old white female, but not for the convicted murder of Gregory Julious, a 20-year-old black male. So, why was McKnight sentenced to the death penalty for killing Murray and not Julious?

This question, among queries into other confounding Ohio court cases, was a topic explored by panelists in "Perspectives on Ohio's Death Penalty", sponsored by the Kirwan Institute on May 9, at The Ohio State University Moritz College of Law. Panelists included author and Associated Press (AP) reporter Andrew Welsh-Huggins, State Public Defender Tim Young, and Ohio State University Professor of Law Doug Berman.

Welsh-Huggins' curiosity into the variant sentences given to McKnight for the two murders sparked his subsequent research into how the death penalty is applied in Ohio court cases. According to Welsh Huggins' findings, minorities convicted of murder were more likely to receive the death penalty if their victims were white. Welsh-Huggins later described the court system's bias against blacks as a major finding of the book.

While Ohio, with 310 total executions, may be regarded as a national leader in the use of the death penalty, Tim Young, Director of the Office of the Ohio Public Defender, cited an actual decrease in the use of the death penalty in Ohio, a shift he contributed to the availability of life without parole and better defense lawyers. He then spoke of the "backlog" of inmates who remain on death row from prior convictions, some of whom may be innocent.

Young attributed many of these issues to a lack of legal consistency. "We have no death penalty law in Ohio; we have 88 death penalty laws in Ohio," Young said, in what would mirror similar remarks by Welsh-Huggins, who criticized county-specific applications of the death penalty. Young attributed these variant sentences to many factors, including the "ideological background" of the judges selected.

OSU Law Professor Doug Berman encouraged attendees to keep an open mind about the death penalty and explained that he himself remained ambivalent. He described attempts at constructing any would-be fool-proof system as being fool-proof only in the sense that no executions were made.

"We spend a lot of time, money, and energy trying to make sure we got it right," Berman said of the Ohio court system's use of the death penalty. "It's a very costly process if the state wants to kill someone. It shouldn't be done on the cheap."

Berman later likened the death penalty to a window into humanity and said that a lot of money is spent to make the public feel more secure.

Young suggested that attendees reject the inconsistent. "Be afraid of the vagaries," Young said. "Right or wrong it has to be fair".