NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

Exonerated inmates push Ohio to scrap the death penalty

David Yonke Religion News Service | Oct. 23, 2013
Toledo, Ohio

Three men who were sentenced to death only to be exonerated years later have a message for Ohio and the rest of America: Abolish the death penalty because the judicial system doesn't work.

Delbert Tibbs, Joe D'Ambrosio and Damon Thibodeaux, who collectively spent almost 40 years on death row before being set free, are giving 10 talks in five days in Ohio this week in hopes of persuading people to oppose the death penalty.

"I do what I do," Thibodeaux said, "because I don't want to see this happen to somebody else. And I don't want to see the next execution of an innocent man."

A state task force is reviewing the administration of the death penalty in Ohio, and Thibodeaux said legislators "should not be looking at fixing the death penalty; they should be looking to get rid of it."

Traveling with the trio are Fr. Neil Kookoothe, a Cleveland Catholic priest whose efforts led to D'Ambrosio's freedom, and two British filmmakers, Will Francome and Mark Pizzey, who have documented cases of exonerated death row inmates.

Francome and Pizzey said 142 people have been freed from death row, representing 10 percent of the number of prisoners executed since the death penalty was reinstated in the 1970s. They named their documentary series "One For Ten."

Common reasons for death sentences being overturned include false accounts by witnesses, prosecutorial misconduct and forced confessions, the filmmakers said.

In Tibbs' case, he was traveling in Florida in 1974, "trying to find myself" after dropping out of seminary, when he was accused of raping two women.

One of the victims was shown a Polaroid photo of Tibbs by police and pegged him as the rapist, even though Tibbs did not match the initial description of the suspect.

"Eyewitness testimony can be false and often is because we don't always see what we think we see, and sometimes what we think what we see is not what is actually happening," said Tibbs, who spent two years on death row.

The victims were white, the judge was white and the jury was white, he said, "and as you can see, I ain't. ... That shouldn't make a difference, but of course it does."

"I really do love this country, it's the only one that I have," Tibbs said. "I want to see it get better, and the only way we can do that is when we participate in making it better and when we inform ourselves of our history."

Thibodeaux, 39, spent 15 years on death row in Louisiana after being convicted of murdering his cousin.

He gave police a phony confession, he said, because he had been up 36 hours searching for his missing cousin before being interrogated for nine hours. He was exhausted, scared and intimidated and told the detectives what they wanted to hear just to get it over with, he said.

"It's not like you see on TV on shows like 'Law and Order' and 'CSI,' " Thibodeaux said. "They put you in the wringer. The detectives want one thing and one thing only -- a confession. How much of an interrogation can you take?"

"I love our system with its own flaws," he said. "I love our country ... but killing people that kill people, that doesn't bring justice."

D'Ambrosio, 51, was sentenced to death in 1988 for murder and spent 22 years on death row until the Cleveland priest took up his cause, believing an injustice had been done.

The death row inmate was set free in 2010 after a federal judge said prosecutors had withheld key evidence.

"People say, 'The system worked. You're out.' No, the system didn't work. I made it work. Father Neil made it work," D'Ambrosio said. "If it wasn't for Father Neil, they would have executed me 10 years ago."

[David Yonke is the editor of *Toledo Faith & Values*.]

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