

Attorneys: Repeal capital punishment

Lawyers claim law is discriminatory

By KEN DIXON

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HARTFORD — In a rare show of force, more than 40 defense lawyers on Thursday rallied at the Capitol complex, calling on lawmakers to repeal the death penalty.

The attorneys, including some of the highest-priced, highest-profile legal talent in Connecticut, also asked Gov. M. Jodi Rell to halt the execution of Michael Ross on Jan. 26.

A former Ross lawyer,

Bridgeport attorney Michael A. Fitzpatrick, who handled part of the appeals process for the serial killer, predicted that the lethal injection will be postponed.

Fitzpatrick, who represented Ross from 1992 until 2004, said "I have a good-faith basis to believe he is not competent" and that efforts to stop the execution should succeed.

"I do not think the execution is going to happen," said Fitzpatrick, president of the Connecticut Criminal Defense Lawyers Association. "I think

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this is going to gain momentum the pressure on Gov. Rell will mount, and I honestly believe that she will come to the conclusion that for the Legislature to meaningfully debate this issue... she will grant a reprieve to give them the time to do that."

A spokesman for the governor, who remains at home in Brookfield this week recovering from a Dec. 27 mastectomy, said in response that Rell does not intend to change her mind

and issue a stay that would indefinitely postpone the execution.

During a morning news conference in the Legislative Office Building, defense lawyers from across the state, including attorneys who've handled some of the state's most-controversial murder cases, warned that Connecticut does not want to join the ranks of states like Texas, where capital punishment is routine.

They said that geographic differences, racial bias and a

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Speaking out: Attorney Tara L. Knight, president of Criminal Defense Lawyers Association, speaks also penalty at a news conference in Hartford on Thursday. Other attorneys at the conference include William F. Dow III and

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client's ability to pay, have a lot to do with whether inmates end up on death row or receive lesser penalties.

And on a financial basis, they claimed that putting an inmate to death costs three to five times more than keeping a prisoner behind bars for life without the chance of release.

Fitzpatrick said that the 300-member association believes that the death penalty is not an acceptable form of punishment because it's arbitrary, discriminatory and applied haphazardly in the state's 13 judicial districts.

"The death penalty in Connecticut is more like a game of roulette than a rational system of review," said Hubert Santos, a Hartford defense lawyer. "In Connecticut you're more apt to be subject to the death penalty if you reside in

Waterbury or Hartford."

Hugh Keeffe, a New Haven defense specialist, said the association's campaign is not centered on saving Ross, because he doubts the General Assembly has the will to repeal the death penalty before Ross is put to death.

"I, for one, think that our legislators will stick their fingers in the air and see what the public wants and they won't do anything until it changes," he said.

J. Robert Gulash, another well-known lawyer, said after the news conference that defense attorneys are often passionate about their profession and that the death penalty as an issue, has nothing to do with individual defendants.

Gulash, who has offices in Bridgeport, said that the state's image is at stake. Recently the European Union criticized Connecticut and Rell for finalizing

the details for Ross' execution later this month.

Gulash and other lawyers said that even as the emerging science of DNA evidence helps convict and exonerate suspects, there will always remain uncertainty about the guilt of some capital felons.

"Why do we have to do this in 13 days?" said Edward J. Gavin, another Bridgeport attorney. "What's the rush?"

Rich Harris, a Capitol spokesman for the governor, said that Rell stands by her Dec. 7 decision to not order a stay of execution for Ross.

"She has said that she believes the death penalty is appropriate in the most-heinous cases and the Michael Ross case certainly fits that description," Harris said.

He restated Rell's December promise to veto any repeal of the death penalty statute that reaches her desk.



Group effort: Connecticut Criminal Defense Lawyers Association Press podium, conducts a news conference at the Legislative Office Building association called for the state's death penalty law to be abolished.