

The Georgia Appellate Practice and Educational Resource Center, Inc.

What is the Resource Center?

- The Resource Center *is not* an anti-death penalty office.
- The Resource Center's mission is simply to ensure that death-sentenced inmates are competently represented in state and federal habeas corpus proceedings.
- The Resource Center is governed by a Board of Directors consisting of Georgia attorneys appointed by the Supreme Court of Georgia and the State Bar who provide direct oversight of the Center's operation (including an annual audit that is provided to the Judicial Council).

Why was the Resource Center established?

- In response to concerns expressed by both state and federal courts that death penalty cases could not advance through habeas corpus proceedings without attorneys representing death sentenced inmates, the State Bar of Georgia proposed a multi-faceted solution involving the State Bar, law schools, the federal courts, and the Supreme Court of Georgia which was implemented when the Resource Center was established by the State Bar in 1988.

How many state cases are currently handled by the Resource Center?

- The Resource Center currently directly represents most of the 57 death-sentenced inmates in state habeas corpus proceedings and assists volunteer counsel with the representation of the others.

How does the Resource Center allocate its funding?

- 74% Personnel - 10% Expert Services - 5% Litigation travel - 4% Office space
- The Resource Center staff consists of: an executive director (attorney); six staff attorneys; six investigators (3 full-time and 2 half-time); an office manager and a part-time administrative assistant.
- The Resource Center staff salaries are: executive director (\$115,000 – 25 years exp); staff attorneys (\$41,500 - 71,000 – 1-12 years exp); investigators (\$32,000 - 60,500 – 4-22 years exp); and office manager (\$64,000 – 19 years exp).

Georgia stands alone in not providing counsel to death-sentenced inmates.

- Unlike every state that has the death penalty, only Georgia fails to provide a right to counsel for death-sentenced inmates in post-conviction proceedings.

- In *Gibson v. Turpin*, 270 Ga. 855 (1999), the Supreme Court of Georgia held that death sentenced inmates had no constitutional right to counsel in state habeas corpus proceedings. The court did note however that a statute providing for state-funded counsel might be a good policy but that absent legislative enactment of such a provision, state-funded counsel was not constitutionally compelled.

- In the *Gibson* case, Judge Dudley H. Bowen, Jr., Chief United States District Court Judge, Southern District of Georgia, determined that Mr. Gibson's case should not be adjudicated by the federal courts without first having meaningful state habeas court review in proceedings at which he is represented by counsel. Judge Bowen ordered the case back to state court for further proceedings which only delayed final resolution.

What will happen if the Resource Center is defunded?

- Most of the 57 inmates whose cases are in state habeas would be without an attorney.
- This will lead to more delay as courts will be reluctant to force death-sentenced inmates to proceed without counsel – the very reason the Center was established.
- Ultimately, the lack of counsel in state habeas proceedings would force the federal courts to be the primary reviewer of Georgia's death penalty system – something all other death-penalty states strive to avoid.

The Center is the most cost effective and efficient means of providing counsel.

- Staff salaries are significantly lower than the salaries at other State counterpart offices, i.e. the Attorney General's Office, the Capital Defender's Office and the Public Defender's Standards Council.
- A recent performance audit requested by the Senate Appropriations Committee concluded that: comparing the Resource Center with similar organizations in other states, "we found that Georgia's service delivery model is unlike that found in other states and that [Resource Center] tends to have fewer staff per case and lower expenditures per case than other states."

Why the Resource Center is essential to Georgia's death penalty system.

- Attorney General Baker acknowledges that "death penalty cases are now moving more quickly than at any other time in modern Georgia history." www.thurbertbaker.com. Death penalty cases are moving more quickly because the Resource Center ensures representation of death-sentenced inmates.
- The Resource Center's professional and ethical representation of death-sentenced inmates is a needed safeguard against wrongful execution and ensures public confidence in the death penalty system.