

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Death Sentence Result of Systemic Problems with Indigent Defense, TCP Tells Court

WASHINGTON, D.C. -- The Constitution Project wants the 11th Circuit Court of Appeals to consider whether the death sentence imposed on an Alabama man was the result of a systemic deprivation of the right to counsel in capital cases.

In a [friend-of-the-court brief](#) filed yesterday, the bipartisan legal watchdog and advocacy group argues that Cory Maples' court-appointed lawyers lacked the necessary training and experience to try a capital case, and were not compensated enough by the state to mount an effective defense.

"[T]he egregious errors of omission and commission by Mr. Maples' counsel in the investigation, trial, and penalty phase were largely a byproduct of inexperience, under-compensation, and lack of supervision, all of which flowed inevitably from the systemic defects of the Alabama indigent defense system," TCP wrote in its brief.

"As a result, the imposition of the death penalty was almost certainly caused by the very system that should have provided Mr. Maples an adequate defense as guaranteed by the United States Constitution," TCP argues.

Maples was convicted in 1997 of killing two acquaintances after a night of drinking. He is not contesting his guilt. During the sentencing phase of his trial, the jury recommended death by a 10 to 2 vote, the minimum required under Alabama law. Alabama is one of only three states that permit the imposition of capital punishment with a less than unanimous jury.

Maples' attorneys acknowledged their inexperience during his trial, telling the jury that they "may appear to be stumbling around in the dark." They did not try to convince the jury that he was not responsible for his actions because of drug and alcohol use for ten hours preceding the shooting. Nor did they present any other mitigating evidence, normally the centerpiece of a defense in the sentencing phase of a capital case, in part because state law at the time capped their compensation for out-of-court work at a paltry \$1,000.

"The errors of counsel in failing to investigate, develop, and present any meaningful mitigation case at sentencing are particularly egregious and violate Mr. Maples' right to effective assistance of

counsel. Had this evidence been presented, it is almost certain that at least one more juror would have joined the two who voted against the death penalty, sparing Mr. Maples' life," TCP's brief asserts.

In 2012, the U.S. Supreme Court ordered a new hearing for Maples despite his missing a critical appeals deadline after his lawyers had abandoned their representation of him without telling him or court officials, but the court did not consider his ineffective assistance of counsel claims at that time.

The case is *Maples v. Dunn* (No. 15-14586). The brief was prepared with the pro bono assistance of Venable LLP. TCP has previously filed friend-of-the-court briefs in support of Maples' attempt to have his claims heard by the courts.

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[About The Constitution Project](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.