

Facts about the Death Penalty in Georgia

A Brief Timeline of Capital Punishment in Georgia

- 1735: The first known execution in the Georgia colony took place, the hanging of an indentured servant for the murder of her master.
- 1893: The last public execution in Georgia took place when 5 black men were hanged on one gallows in Montgomery County.
- 1931: Electrocutation was introduced as Georgia's method of execution.
- 1972: The U.S. Supreme Court held 5-4 in *Furman v. Georgia* that Georgia's death penalty statute, which gave the jury complete sentencing discretion, could result in arbitrary sentencing and therefore constituted cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution and the due process guarantees of the Fourteenth Amendment. Through this decision, the Supreme Court effectively voided 40 death penalty statutes.
- 1973: Enactment of the present death penalty statute by the Georgia General Assembly requiring that the state prove a statutory aggravating circumstance and that the jury in its discretion recommend death before imposing a death sentence.
- 1976: The U.S. Supreme Court upheld Georgia's present death penalty statute in *Gregg v. Georgia*, leading to a reinstatement of the death penalty in the United States.
- 2000: Lethal injection (3 drug protocol) was introduced as Georgia's new method of execution.
- 2006: An American Bar Association (ABA) blue-ribbon committee of local experts published findings that Georgia's death penalty fails to meet 47 recommendations that would improve the fairness and accuracy of the state's death penalty and concluded that the system was so broken that Georgia should halt capital executions while these problems are addressed.
- 2007: A four-part series of articles in the *Atlanta Journal Constitution* highlighted arbitrariness in Georgia's capital punishment system. The series noted that geographical disparities plague the system and prosecutors are more than twice as likely to seek the death penalty when the victim is white than when s/he is non-white.
- 2008: March: The Georgia Supreme Court denied death row inmate Troy Davis a new trial in a 4-3 vote despite new evidence of his innocence which has not been heard by a jury. Since Davis' 1991 conviction for the murder of a Savannah police officer, 7 of 9 witnesses have recanted or contradicted their testimony and 9 individuals have implicated another suspect in the murder.
- April: After the U.S. Supreme Court upheld the constitutionality of Kentucky's lethal injection protocol in *Baze v. Rees*, Georgia's attorney general's office expressed a desire to clear the "backlog" of death penalty cases and the state resumed executions, which had been halted for a period of several months during the Supreme Court deliberations in the case.

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Frequently Asked Questions:

What crimes are capital offenses in Georgia? Murder; kidnapping with bodily injury or ransom where the victim dies; aircraft hijacking; treason. A defendant can get a death sentence for a felony in which s/he was not responsible for the murder (*Ga. Code Ann. sec. 16-5-1(c)*).

What is the minimum age to receive a death sentence in Georgia? 18

Who determines whether a defendant gets a death sentence in Georgia? The jury.

What is the method of execution in Georgia? Lethal injection (3-drug combination) (since May 2000).

Does Georgia require that a physician be present at executions? Yes.

Where is death row in Georgia? In Jackson (men) and Atlanta (women).

How many prisoners are currently on death row in Georgia? 107 (106 men and 1 woman).

How many people have been executed in Georgia since reinstatement of the death penalty in 1976? 42.

How many people were executed in Georgia prior to 1976? 950.

Does Georgia forbid the execution of the mentally retarded? Yes (since 1988).

Does Georgia have a life without parole sentencing option for capital cases? Yes (since 1993).

How often do juries reject a death sentence in capital cases? Since 2000, Georgia juries have rejected death in two of every three capital cases.

What is the process for granting clemency to condemned prisoners? The five members of the State Board of Pardons and Paroles have the exclusive authority to grant commutation to a death-sentenced inmate after the inmate appears to have exhausted all appeals and judicial avenues of relief. Since 1995, the Board has considered the cases of 24 inmates under death sentences and commuted three sentences.

How many death row inmates in Georgia have been freed with evidence of innocence? 6