

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/us-supreme-court-declines-consider-states-appeal-joe-dambrosio-case>

Public Facing Advocacy Writing

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WASHINGTON, D.C. - Today, the U.S. Supreme Court refused to consider the state of Ohios appeal against Joe DAmbrosio, who spent 21 years incarcerated for a murder he maintains he did not commit. The Courts ruling officially exonerates Mr. DAmbrosio, making him the sixth Ohioan and 140th person nationwide released from death row. Previously, a federal district court judge and the Sixth Circuit Court of Appeals ruled that Mr. DAmbrosio must be released after widespread prosecutorial misconduct was uncovered.

Six exonerations represent six lives that could have been wrongly ended by grave miscarriages of justice, said ACLU of Ohio Executive Director Christine Link, Joe DAmbrosios case illustrates the unfortunate reality that the criminal justice system is not always fair or just and that we simply cannot allow the death penalty in such a flawed system.

In 2006, former U.S. District Court Judge Kate OMalley overturned DAmbrosios conviction after ruling Cuyahoga County prosecutors withheld 10 pieces of key evidence from DAmbrosios lawyers. The case later became a rallying point for activists to successfully change Ohio court rules to require open discovery of evidence between prosecutors and defense attorneys.

The scales of justice should be balanced, but it was clear that prosecutors unfairly tipped the case in their favor. Ohioans deserve a justice system that focuses on discovering the truth, rather than allowing competition between the prosecution and defense to drive cases, added Link. As Cuyahoga County residents go to the polls in March to vote for a new county prosecutor, they should challenge candidates to address how they would work to prevent this from occurring again.

Current Cuyahoga County Prosecutor Bill Mason announced he will step down in 2012 after taking office in 1999. Mason was not Cuyahoga County Prosecutor when DAmbrosio was originally tried, but represented the county in subsequent appeals.

State Supreme Court Chief Justice Maureen OConnor convened a death penalty study commission in October 2011 to examine issues surrounding fairness. Previous studies conducted by the Associated Press and American Bar Association have raised serious questions regarding how the death penalty is applied in Ohio. Both studies found disparities in death penalty sentences based on the race of the victim and offender, economic class, and geography of where the crime occurred. The ABA study also noted significant concerns with the quality of defense many defendants receive in capital punishment cases.

Joe DAmbrosios exoneration is just another in a long line of reasons why Ohio would be further ahead scrapping the death penalty altogether. We cannot allow a person to be wrongfully executed, and our justice system is simply too flawed to be confident that will not happen, concluded Link.

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