

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

<https://eji.org/news/eji-appeals-conviction-marsha-colbey/>

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03.25.08

EJI is appealing the conviction of Marsha Colby, a Baldwin County woman convicted of capital murder and sentenced to life imprisonment without possibility of parole for the death of her newborn son, despite strong evidence that the baby was stillborn.

Ms. Colby, a 43-year-old mother of six who could not afford prenatal care during her high-risk pregnancy, unexpectedly delivered a stillborn baby while at home alone. Her efforts to revive the child were unsuccessful. When a state forensic pathologist with a history of preparing faulty and unreliable reports concluded that the baby had been born alive, the State charged Ms. Colby with capital murder and announced its intention to seek the death penalty against her.

At trial, reliable scientific evidence supported Ms. Colbys statement to police that her son was stillborn. However, the State succeeded in obtaining a capital murder conviction by presenting prejudicial evidence of Ms. Colbys drug addiction and poverty in an effort to portray her as a bad mother who should be imprisoned regardless of her guilt. The State abandoned its effort to obtain a death sentence against Ms. Colby only after the jury had been death-qualified and returned a guilty verdict.

EJI filed a brief on behalf of Ms. Colby in the Alabama Court of Criminal Appeals on March 11, 2008, asserting that Ms. Colby is innocent and that she is entitled to a new trial.

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