

# The Case of Troy Davis

## WHO IS TROY DAVIS?

Troy Davis was sentenced to death in Georgia for the 1989 killing of Mark Allen MacPhail at a Burger King parking lot in Savannah, Georgia. Troy is now 40 years old and has spent the last 17 years on death row professing his innocence.

## THE CASE

Troy was sentenced to death in 1991 despite the fact that no physical evidence linked him to the crime, and no murder weapon was ever found.

The basis of his conviction was the testimony of nine witnesses. But seven of these nine witnesses have now come forward in sworn affidavits to recant their statements. Many of those who originally testified against Troy say they were pressured or coerced by police. One of the two witnesses who has not recanted was originally the main suspect in the case, and has been named by others as the person who killed MacPhail.

## WHY DID THE POLICE GO AFTER TROY?

There was frenzy among police to find the person who had killed one of their own—25 officers were assigned to the case. The media sensationalized the case of a 27-year-old white father shot in the line of duty, apparently by an African American man. One reporter said, “There is a desire among the police to have the suspect locked away before MacPhail is buried.”

Initially a suspect himself, Sylvester Coles went to the police to say that Troy Davis was the killer, focusing attention on Troy. Curiously, Coles admits he was carrying a .38 caliber gun half an hour before Officer MacPhail was shot—the same caliber that was used in the killing. Troy admits that he was at the scene before MacPhail was shot, but that he had stepped in to help a homeless man who was being pistol-whipped by Coles.



## COERCED TESTIMONY

Among the seven witnesses who have recanted their testimony in sworn affidavits, several say they felt pressure from the police to identify Troy as the shooter.

Knowing they could face perjury charges for their statements, they nevertheless have come forward to tell their story—but the courts will not allow this new evidence to be heard by a jury.

Here are what two of the witnesses had to say:

Jeffrey Sapp: “The police came and talked to me and put a lot of pressure on me...They wanted me to tell them that Troy confessed to me about killing that officer. The thing is, Troy never told me anything about it. I got tired of them harassing me...I told them that Troy did it, but it wasn’t true.”

Darrell Collins: “The police were telling me that I was an accessory to murder, and that I would...go to jail for a long time, and I would be lucky if I ever got out, especially because a police officer got killed...I was only 16 and was so scared of going to jail.



## **WHY HASN'T A COURT HEARD THE NEW EVIDENCE?**

On April 16, 2009, the 11th U.S. Circuit Court of Appeals, in a 2 to 1 ruling, denied Troy's appeal to have this evidence heard by a jury. In a scathing dissent, one of the 11th circuit judges, Rosemary Barkett, wrote, "To execute Davis, in the face of a significant amount of proffered evidence that may establish his actual innocence, is unconscionable and unconstitutional."

Troy's lawyers are appealing this ruling to the U.S. Supreme Court. But over the years, Troy has had the court doors slammed shut on him at every turn. The reason is a law that Bill Clinton signed in 1996, called the Anti-terrorism and Effective Death Penalty Act, which severely restricts a prisoner's ability to appeal their convictions.

When Clinton signed this legislation, he said, "For too long, and in too many cases, endless death row appeals have stood in the way of justice being served. From now on, criminals sentenced to death row for their vicious crimes will no longer be able to use endless appeals to delay their sentences."

But appeals are crucial for prisoners, especially when our criminal justice system is wrought with error and racism—as evidenced by the astonishing 130 people who have been exonerated and freed from death rows across the country since reinstatement of the death penalty.

## **WHAT HAS BEEN DONE TO ADVOCATE FOR TROY?**

Troy Davis has faced three execution dates, once coming within two hours of his execution. This has taken a toll. "I want you to know that the trauma placed on me and my family as I have faced execution and the death chamber three times is more punishment that most can bear," he wrote recently. "Yet as I face this state-sanctioned terror, I realize one constant—my faith is unwavering, the love of my family and friends is massive, and the fight for justice and against injustice by activists worldwide has ignited a fire that is raging for human rights and human dignity."

While Troy now has excellent lawyers pushing every possible legal avenue, it should be acknowledged that Troy is alive today because of the public pressure mounted outside the courts, both nationally and internationally. This activity has been spearheaded by Troy's sister, Martina Correia, even though she herself is battling life-threatening breast cancer.

When 1,000 people poured into the streets of Atlanta to demonstrate for Troy on October 4, 2008, Martina

told the crowd, "We are here today because nothing can shake our faith. We have had years of disappointment before, but we still have fight in us. We are not giving up."

## **WHO IS SUPPORTING TROY?**

Many groups have come out in support of Troy, including Amnesty International, the ACLU, the NAACP, the Campaign to End the Death Penalty and various civil rights, labor groups and religious organizations.

Well-known figurers—such as Jimmy Carter, South African Archbishop Desmond Tutu, singer Harry Belafonte, former FBI Director William Sessions, actress Susan Sarandon, Congressman John Lewis, and author and activist Angela Davis, to name a few—also support Troy.

## **WHAT HAPPENS NEXT?**

The state of Georgia could seek another execution date for Troy in the very near future. Troy's lawyers will file an appeal to the U.S. Supreme Court by May 16. The court can either accept Troy's case, or refuse to hear it.

One other avenue is also being pursued. The newly elected District Attorney of Chatham County, Georgia, is the first African American to hold this position. Activists are calling on him to drop the charges against Troy and or reopen an investigation into the case.

Activists are also reaching out to Attorney General Eric Holder and President Barack Obama.

## **WHAT CAN WE DO?**

We can't rely on the courts to do the right thing. We need a vocal and visible presence that pressures the powers that be. We need to hold meetings and petitionings, organize activities, and reach out to our churches, our schools, and our unions to build support for Troy.

**Contact a local chapter of the Campaign to End the Death Penalty—see the list below, or go to the CEDP's Web site at [nodeathpenalty.org](http://nodeathpenalty.org). You can also download a fact sheet and petition from the site.**

Also, check out Amnesty International's Web site at [amnestyusa.org/troydavis](http://amnestyusa.org/troydavis) and the Troy Anthony Davis Website at [troyanthonydavis.org](http://troyanthonydavis.org)

### **Campaign to End the Death Penalty Chapters:**

Albuquerque, NM 505-203-5870 • Atlanta, GA 404-831-1545

Austin, TX 512-494-0667 • Baltimore, MD 410-488-6767

Bay Area, CA 510-394-8625 • Chicago, IL 773-955-4841

Delaware 302-545-7023 • New York City 347-853-2758

Washington, D.C. 202-271-8014