

# Maryland Execution Alert!

*Prisoner saved by 2002 moratorium on executions now faces execution week of December 5.  
Governor Robert Ehrlich signed a death warrant for Wesley Baker on November 3.*

## Race, geography and discrimination in Maryland's death penalty

Former Governor Parris Glendening stayed Wesley Baker's last execution date in May 2002 *when he imposed a moratorium on all Maryland executions*. Glendening's moratorium was pending the completion of a state-commissioned study by the University of Maryland/College Park (UMD) on racial bias in death sentencing.<sup>1</sup>

That study, released in January 2003 as Governor Ehrlich took office, confirmed long-held suspicions that Maryland's death penalty is discriminatory:

- Black-on-white murders are 2.5 times more likely to result in a death sentence than white-on-white murders, and 3.5 times more likely than black-on-black murders.
- Baltimore County is more than 13 times more likely to seek the death penalty in an eligible case than is Baltimore City, and more than five times and three times more likely than Montgomery and Anne Arundel Counties, respectively. A 2004 supplemental analysis by the UMD study's chief researcher looked at death eligible murders *within* Baltimore County (representing 11% of Maryland's death eligible murders) and found that black defendants who kill white victims were more likely to have a death sentence sought and secured than other defendant-victim combinations.

Wesley Baker is a black man who was convicted of killing Jane Frances Tyson, a white woman, in Baltimore County in June 1991.

1. An Empirical Analysis of Maryland's Death Sentencing System with Respect to the Influence of Race and Legal Jurisdiction, *Professor Raymond Paternoster, University of Maryland, January 2003.*

## Who shot Mrs. Tyson?

Mrs. Tyson was shot and killed in front of her grandchildren during a botched carjacking at Westview Mall. Baker has always admitted that he took part in the carjacking and has expressed remorse for his role in the crime. He has consistently denied shooting Mrs. Tyson, and there is conflicting evidence about whether Wesley or his co-defendant fired the gun. Mrs. Tyson's grandson said the shooter ran and got into the left (driver's) side of the get away car; Baker was in the passenger's seat when apprehended by police soon afterwards. Because blood splatters were evident on Baker's clothing (his co-defendant's clothes were never tested), he was prosecuted capitally for the shooting. His co-defendant never faced a death sentence, was tried and ultimately sentenced to life without parole.

## Cycle of childhood neglect and violence

Wesley Baker might never have been sentenced to death had his own story been fully presented to the sentencing court. An abusive, alcoholic stepfather drove him to live on the streets by age nine. He rarely went to school and became yet another neglected and abused kid who fell through the cracks of Maryland's child welfare system. No one is suggesting Mr. Baker should not stay in prison for his crime. But to execute him only cynically underscores our state's failure to protect its most vulnerable of residents, children of the poor and the addicted, and the cycle of violence that failure perpetuates. The death penalty is failed, bankrupt policy that does nothing to promote public safety.

## Tell Governor Robert Ehrlich, Jr.

... you are outraged by his cynical disregard for racism and other disparities in death sentencing in Maryland (see above). Tell him to stop this execution and commute Baker's sentence to life without parole – the sentence that 63% of Marylanders prefer over death. (Mason-Dixon Polling & Research, Inc., February 2005)

send e-mail at: <http://www.gov.state.md.us/mail/>  
410.974.3275(fax)

State House, Annapolis, Maryland 21401-1925  
410.974.3901 or 800.811.8336 (phone)  
TDD 410.333.3098, MD Relay 1.800.735.2258

## Tell Lt Governor Michael Steele

... you are disappointed he did not follow through on his promise – made in 2003 immediately after the University of Maryland study was released – to conduct a review of the racism that plagues our state's death penalty. Call on him to act today by pushing hard on his governor to stop this execution and to the raise his opposition to the death penalty in his campaign for U.S. Senate!

[ltgovernor@gov.state.md.us](mailto:ltgovernor@gov.state.md.us)  
410.974.5882 (fax)