



Steven Oken

## **The state of Maryland plans to execute Steven Oken on the week of June 14. Stop the execution of Steven Oken!**

Over the last few years Maryland's death penalty has come under great scrutiny -- first with Eugene Colvin-El's commutation, then Glendening's moratorium on executions last May, and finally the University of Maryland's study that showed Maryland's death penalty is used in racial and geographically arbitrary way.

Death penalty supporters are eager to use Steven Oken's case to rebuild support of the state's embattled death penalty. Oken is a middle class, white man accused of 1991 killing a Dawn Garvin in a string of three brutal murders. In a death row dominated by poor Blacks death penalty advocates hope executing Oken will show the death penalty is fair. They are wrong.

Maryland's plan to execute Steven Oken raises more questions than it answers. First, Steven Oken is mentally ill. At trial prosecutors had psychological experts testify Oken suffered from incurable mental disease. Prosecutors played up the threat presented by Oken's incurable state and obscured that he was already serving a sentence of life without parole and would never walk the streets again when arguing for his execution. In closing arguments prosecutors went so far as to call on jury members to do their "patriotic duty" and approve a death sentence against Oken. The US Supreme Court recently found killing the mentally retarded was unconstitutional. By the same logic, killing those who suffers from incurable mental disease degrades our entire justice system.

**Prosecutors took extreme measures to ensure Oken's execution.** He was apprehended in Maine, but before any of the facts were clearly established, prosecutors fueled by sensational media coverage clamored for his death. Oken was sentenced to life without parole in Maine -- however, prosecutors at considerable time and expense maneuvered to extradite him back to Maryland to face execution.

In light of the UMD death penalty study that showed the race of the victim influences the likelihood of whether a death sentence is sought, one cannot avoid the question: **Would prosecutors have gone to such lengths had victim been poor or black?**

Baltimore County state's attorney Sandra O'Connor claims to seek the death in every eligible case with one

notable exception -- when the family of the murder victim opposes executions. One sympathizes with the unimaginable pain of the victim family's pain. However, in determining who is and who is not eligible for the state's ultimate and irrevocable punishment -- it is inappropriate to base decisions on the views of the victims. Such a policy is plays politics with personal pain and is sure to add to the arbitrariness of the death penalty.

**Oken's case also calls attention to questions over Baltimore County's death penalty record.** Baltimore County accounts for 2 of the 3 people executed since reinstatement in 1976 and 5 out of the 8 men currently on death row. County prosecutors have one of the highest per-capita rates of death penalty prosecutions in the nation. These aggressive tactics have lead to findings like the Columbia University study produced last year, which showed that 100% of those given the death penalty between 1973 and 1995 in Baltimore County later had their convictions overturned.

**In fact, several people prosecuted in Baltimore County have been removed from death row in Maryland.** One, Kirk Bloodsworth, was completely exonerated and released because of DNA evidence. Governor Glendening commuted the sentence of another, Eugene Colvin-El, because of a lack of evidence against him. The US Supreme Court reversed the death sentence of Kevin Wiggins after hearing his claims of innocence and inadequate representation.

There is also Kenneth Collins. Mr. Collins was convicted without physical evidence, eyewitnesses, or a confession. An Eastern Shore judge heard claims by the state's only reliable witness that he was coerced into testifying against Mr. Collins. The death sentence was overturned this past February after prosecution conceded Mr. Collins received inadequate representation.

**Baltimore County's record on race is also troublesome.** The county is affluent and mostly white, yet the bulk of the people sent to death row there are poor, Black, and accused of killing whites. Further, a study examining murder trials from 1982-84 showed that, controlling for variables of age, gender, education, and employment status, prosecutors had been striking potential African Americans jury member at twice the expected rate.

Maryland's Governor Glendening and Illinois Governor Ryan halted executions, not because everyone on death row was innocent, but because there are serious, systematic flaws in the death penalty that prevents true justice from being served. If the death penalty is flawed we cannot pick and choose who we think are worthy of genuine justice. We must halt all executions until these problems can be addressed.

## **Contact Governor Ehrlich and tell him to stop Steven Oken's execution:**

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