



STATEMENT FROM OREGON JUSTICE RESOURCE CENTER ON THE FINDING BY THE MULTNOMAH COUNTY CIRCUIT COURT THAT MICHAEL DAVIS IS INELIGIBLE FOR THE DEATH PENALTY

October 20, 2016

“The finding by the Multnomah County Circuit Court that Michael Davis is ineligible for the death penalty recognizes that people with diagnosed intellectual disability should not face execution. This decision reflects the consensus on this issue, reinforced by the US Supreme Court judgment in *Atkins v Virginia* that found it is a violation of the Eighth Amendment’s ban on “cruel and unusual punishment” to execute someone with an intellectual disability. More recently, the US Supreme Court found in *Hall v Florida* that it is unconstitutional to use a strict measure of IQ as the means of determining intellectual disability.

In light of this and the testimony of clinical experts for the defense, the Multnomah County Circuit Court has upheld Mr. Davis’s constitutional rights in finding that he has intellectual and adaptive functioning deficits that render him ineligible for the death penalty. Since people with intellectual disabilities are significantly limited in their ability to reason, to process information, to control their impulses and to learn from experience, they are less culpable of their crimes and less able to contribute to their defense.

The administration of the death penalty in Oregon is deeply flawed, arbitrary, and very costly. In light of this finding, it would be unacceptable and unconstitutional for the state and Multnomah County to continue to seek the death penalty for Mr. Davis. The importance of Governor Brown continuing the moratorium on executions because of constitutionality and workability issues is highlighted by Mr. Davis’ case. We applaud Governor Brown and support her decision to have taken the time to study and understand that it is people like Mr. Davis who are on Oregon’s death row in violation of the U.S. Constitution.”

Statement to be attributed to Bobbin Singh, Executive Director, Oregon Justice Resource Center

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