

ISSUE 1

PROPOSED CONSTITUTIONAL AMENDMENT

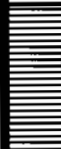
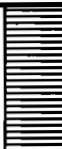
- 1** (Proposed by Resolution of the General Assembly of Ohio)
To amend Sections 2 and 3 of Article IV of the Constitution
of the State of Ohio.

TO CHANGE THE PROCEDURE FOR APPEALS OF CASES IN WHICH THE DEATH PENALTY IS IMPOSED, THIS AMENDMENT WILL:

- 1. REMOVE JURISDICTION FROM THE COURTS OF APPEALS TO REVIEW DEATH PENALTY CASES ON DIRECT APPEAL.**
- 2. PROVIDE FOR DIRECT APPEALS OF DEATH PENALTY CASES TO THE OHIO SUPREME COURT FROM THE COURTS OF COMMON PLEAS OR OTHER COURTS OF RECORD INFERIOR TO THE COURT OF APPEALS.**
- 3. APPLY TO CASES IN WHICH THE DEATH PENALTY IS IMPOSED FOR OFFENSES COMMITTED ON OR AFTER JANUARY 1, 1995.**

IF ADOPTED, THIS AMENDMENT WILL BE EFFECTIVE JANUARY 1, 1995.

A majority yes vote is necessary for passage.

	<input type="checkbox"/>	YES	SHALL THE PROPOSED AMENDMENT BE ADOPTED?	
	<input type="checkbox"/>	NO		

EXPLANATION FOR STATE ISSUE 1

(as prepared by the Ohio Ballot Board)

Currently, a case in which the death penalty is imposed is reviewed for legal sufficiency by a district court of appeals consisting of at least three judges. This portion of the appeals process takes on the average from one to two years. If the death penalty is upheld, the case is then reviewed by the Ohio Supreme Court. If the death penalty is overturned by the Court of Appeals, appeal to the Ohio Supreme Court is discretionary.

If adopted, the amendment will eliminate the review of death penalty cases by a district court of appeals and provide that these cases be reviewed directly by the Ohio Supreme Court. This may increase the Ohio Supreme Court's burden and caseload in these mandated appeals. The adoption of the amendment would not affect review of death penalty cases by federal courts.

ARGUMENT FOR STATE ISSUE 1
VOTE FOR ISSUE 1
SUPPORT SWIFT JUSTICE IN OHIO

According to the current law, a person sentenced to death in Ohio has the right to an appeals process that contains two steps on the state level: The Court of Appeals and The Ohio Supreme Court. Issue 1 seeks to delete the Court of Appeals step in an effort to streamline the process and make the system more efficient. **Issue 1 will give persons convicted and sentenced to death in Ohio a direct appeal to the Ohio Supreme Court.**

By eliminating the Courts of Appeal in this process, duplication of efforts and many years will be saved. According to present law, the court of appeals must review the entire record, that is all evidence that was presented at the original hearing. If this decision is appealed, the case travels to the Ohio Supreme Court. This court gives the case the same review as was given by the court of appeals and makes a decision. **In total, from the day that the death sentence was imposed, to the day that the Supreme Court gives its decision, an average of five years may have passed.**

Ohioans should vote in favor of Issue 1 because it is a reasonable step toward reforming our current judicial system. Too often criminals are allowed to manipulate and exploit our judicial process through endless appeals that take years to review. Meanwhile, the families of victims wait for final justice to be administered. Unfortunately, many families are still waiting. **Support for Issue 1 is support for these families.**

SUPPORTERS OF ISSUE 1

Governor George Voinovich
Attorney General Lee Fisher
Ohio Prosecuting Attorneys Association

COMMITTEE TO PREPARE ARGUMENT FOR ISSUE 1

State Representative Johnnie Maier
State Representative Barbara Pringle
State Representative Mike Fox
Senator Nancy Chiles Dix
Senator Anthony Sinagra

ARGUMENT AGAINST STATE ISSUE 1

THIS ISSUE SIMPLY WILL NOT DO WHAT IT CLAIMS. This proposal should be defeated because:

1. It will not significantly shorten the time between a sentence of death and execution.
2. It increases the risk that an innocent person will be executed.

Ohio's death penalty cases are now reviewed by one of the 12 district courts of appeal. Without this lower court review, Supreme Court Justices will have to assemble and review the records of the case at much greater length, cutting into alleged time-saving. Individuals on both sides of the issue agree that these mandated appeals may increase the Ohio Supreme Court's burden and caseload.

This proposal should be defeated because it selectively denies a right of appeal only to those subject to the state's most extreme penalty, death.

This proposal should be defeated because it opens our death penalty law to a lengthy and expensive constitutional challenge. The U.S. Supreme Court has never upheld a death penalty statute allowing fewer levels of appeal in capital cases than in other cases.

This proposal should be defeated because it increases the risk that an innocent person will be executed. There have been several instances where people convicted and awaiting the death penalty have been falsely convicted. This measure should be defeated so we can solve the problem in ways that carry less risk of executing the wrong person.

VOTE NO ON ISSUE 1.

COMMITTEE TO PREPARE ARGUMENT AGAINST ISSUE 1

Representative Mary Abel
Representative J. Donald Mottley
Representative Vernon Sykes
Senator Ben E. Espy
Senator Merle Kearns