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EAST BATON ROUGE PARISH

July 19, 2023

PRESS RELEASE

As you are aware, lawyers for 51 death row inmates filed applications for commutation with the Pardon Board in June. Upon learning that applications had already been set for administrative review, a letter was sent on behalf of District Attorney's offices around the State, on or about June 26, 2023. Therein, we expressed serious concern regarding the circumstances and requested that the Board reconsider the rushed timeline.

After continuing to receive information concerning the Board's processing and scheduling of the applications, and upon further review of the petitions and the facts and circumstances of the cases, my office, on July 12, 2023, filed a request for public records and information seeking details regarding the Board's consideration, processing, review, and scheduling of the more than fifty applications filed on behalf of capital offenders. In connection, it was particularly noted that none of the applicants, to my knowledge, had a scheduled date of execution. The applications were seeking commutation of capital sentences, which are to be submitted within one year from the date of the direct appeal denial pursuant to 22 La. Admin. Code Pt V, Section 203. The Board promptly responded to our request for information.

Subsequently, and because the applications filed in June are proceeding very quickly, my office, on July 17, 2023 also submitted an opposition to the application for commutation filed by David Bowie, which is set for administrative review on July 28, 2023. In connection, we maintained, in part, that the application was not properly subject to consideration by the Board, consistent with our opinion that the majority of the applications are not properly or timely filed.

The Board requested an opinion from the Attorney General as to whether the waiver provisions of 22 La. Admin. Code Pt V, Section 213, might be applied to the time limitation in Section 203. In response, the Attorney General, on July 19, 2023,

issued an opinion concluding that Rule 213 does not permit the Board to waive the one-year eligibility period contained in Rule 203.

We appreciate the Board's swift response to our request for information as well as its efforts to seek an opinion from the Attorney General regarding the application of Rule 203. As I have indicated previously, the wave of applications for commutation of sentence came as a surprise to several district attorneys and to many members of the public. To several of the victims' families, the news of the applications came as a shock and has caused significant confusion, particularly in light of the associated media exposure.

We are mindful that attorney general opinions are advisory and are not binding law. Nevertheless, I believe the Attorney General opinion confirms our beliefs and the validity of the basis for our objections. It accurately describes the rules applicable to the applications for commutation of capital sentences. I hope the attorney general opinion might support resolution of the applications. In accordance with our duty to the community and on behalf of the victims and their families, we will continue to monitor this process and any actions taken by the Governor or the Board of Pardons.

Respectfully,



HILLAR C. MOORE, III
DISTRICT ATTORNEY