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Press Release: Attorneys for Ivan Teleguz, who Virginia plans to execute on April 25 despite evidence of innocence, file petition with Governor McAuliffe requesting clemency

Today attorneys for Ivan Teleguz filed a petition for clemency with Virginia Governor Terence McAuliffe. The petition requests that Governor McAuliffe stop Teleguz's April 25, 2017, execution because jurors who convicted Teleguz and sentenced him to death relied on testimony that, since the trial, has been proven false and recanted.

Significant information has emerged since Teleguz's trial suggesting he is innocent. Two of the prosecution's critical witnesses have admitted in sworn, written statements that they testified falsely in exchange for leniency in their own cases, and have no reason to think Teleguz was involved in the murder-for-hire he was convicted of. Jurors also relied on testimony now known to be false and misleading argument, accusing Teleguz of involvement in an additional murder in Ephrata, Pennsylvania. Investigation since trial by both law enforcement and the defense has confirmed that the murder never happened.

Teleguz's request that Governor McAuliffe halt his execution has gained increasing support as his execution date nears. A Change.org petition in support of clemency has been signed by more than 113,000 people; Teleguz has also submitted written requests for clemency from thousands of supporters.

Teleguz's clemency petition describes how evidence discovered after his trial casts doubt on both his conviction and death sentence. This evidence was not known to jurors, and has left many unanswered questions about the case that supporters claim make execution unacceptable.

At trial, prosecution witness Edwin Gilkes falsely told jurors that Teleguz was involved in an additional murder in Ephrata, Pennsylvania. After trial, Gilkes admitted that the murder was a fiction that he invented in hopes of getting a better deal from prosecutors. Gilkes's testimony was pointed to as evidence that Teleguz needed to be sentenced to death because Teleguz "solves problems" by arranging murders. Teleguz's clemency petition presents undisputed information from Gilkes, a federal law enforcement officer, and a Senior Assistant Attorney General attesting that there was no evidence that the alleged Ephrata homicide ever occurred.

After Teleguz's 2006 trial and conviction of murder-for-hire, two of the prosecution's key witnesses against Teleguz—Gilkes and Aleksey Safanov—recanted their trial testimony in sworn written statements. Prosecutors relied heavily on the evidence of these two men at trial because there was no physical or DNA evidence linking Teleguz to the crime. But both men now admit that they lied in exchange for generous deals from the prosecution. Gilkes is due to be released in 2018, despite his role in the murder. Safanov arranged for the prosecutor to make the unusual request on his behalf to federal authorities that he receive a significant reduction in his sentence for federal gun crimes, and a U.S. visa so he could avoid deportation.

The only evidence now remaining against Teleguz is the testimony of Michael Hetrick, the actual killer. Teleguz's clemency petition details why Hetrick's testimony is not credible or reliable, and cannot justify Teleguz's execution. After reviewing a transcript of Hetrick's police interrogation, experts in false confessions, police interrogations, and wrongful convictions, Dr. Richard Leo and Detective James Trainum (a former homicide detective and 27-year veteran of the Washington, D.C., police department), concluded that Hetrick was inappropriately provided detailed information about the prosecution's theory of the case by police, and told that he would face the death penalty himself unless he agreed to testify against Teleguz. Only then did Hetrick agree to testify that Ivan was responsible for the murder, in order to avoid a death sentence.

A federal district court judge determined in 2013 that he needed to hear "live testimony" before he could fairly assess Teleguz's claims of innocence under federal law. By the time the judge held the hearing, however, Safanov had been deported to Kyrgyzstan and could not be called to the hearing. Hetrick and Gilkes were told that they would, respectively, face the death penalty, or lose a 2018 release date, if they testified differently than they had at trial. As a result, Safanov did not appear, Gilkes refused to testify, and Hetrick stuck to the story he told at the trial. Neither Gilkes nor Safanov has ever gone back on his sworn, written statement recanting his trial testimony against Teleguz. Because the recanting witnesses were not available to provide "live testimony" and answer the judge's questions, the judge ruled that Teleguz had not proven his innocence under federal law.

Teleguz's petition is supported by a statement from Professor Cara H. Drinan, a nationally recognized expert in criminal justice reform and a manager of the Catholic University of America Law/Ehrlich Partnership on Clemency. Prof. Drinan notes that clemency is appropriately used to prevent miscarriages of justice the courts are unable to address, and believes that the troubling circumstances in Teleguz's case fit well with individual grants of clemency made by other executives across the country, more than half of which involve substantial doubt about guilt; disproportionality of the death sentence as compared to other defendants; and failure of counsel. Prof. Drinan points out that Teleguz's case involves all three. She concludes that Teleguz "presents precisely the kind of case for which clemency was designed. . . . Procedural limitations of collateral proceedings since Mr. Teleguz's trial have prevented the courts from making a full and fair assessment of the new evidence and the propriety of Mr. Teleguz's conviction and death sentence."

Robert L. Ehrlich, Jr., who served as Maryland's 60th governor from 2003 to 2007, also supports the petition for clemency. Ehrlich oversaw two executions as governor of Maryland, while also maintaining a robust clemency practice for cases of error beyond judicial remedy like the one Teleguz presents.

Commenting, Elizabeth Peiffer—a lawyer for Teleguz—said: "Governor McAuliffe now has the opportunity to show that the Commonwealth only applies the ultimate sanction when it is done fairly. In this case—where new evidence jurors never had a chance to consider shows that Mr. Teleguz's conviction and death sentence are based on false testimony—Governor McAuliffe should protect the integrity of the ultimate sanction and grant clemency to ensure that Virginia does not execute an innocent man."