

Statement by Carol Stamatakis, Lempster, NH

My name is Carol Stamatakis. I live in Lempster New Hampshire. I am speaking today as a private citizen, and as a daughter of a murder victim.

My father was murdered in 1997 in Ohio. He was shot and bludgeoned at his place of work, a furniture store that he had owned and operated for over 30 years. He was a hardworking Greek immigrant and beloved member of the community with no known enemies. He was killed in an apparent robbery at around noon on a beautiful day in late May, the Thursday before the Memorial Day weekend. There were never any arrests, and his case is still unsolved.

I learned that my family is not alone. The number of unsolved homicides is staggering. According to FBI statistics for 2016, 40.6% of homicides are unsolved or "uncleared." "Uncleared" means that there was no arrest. Statistics for our region have been fairly consistent. When I first learned this, I was shocked and horrified that the number could be so high. The percentage of uncleared homicides has, surprisingly, risen steadily for decades. In 1965 91% of cases were cleared and that rate has decreased steadily over the last few decades down to the current rates. In some cities the rate of uncleared homicides is well above 50%. I have attached statistics from the FBI documenting this downward trend and explanatory materials from the Department of Justice explaining what clearance means.

This disturbing trend is a reflection of how our criminal justice dollars are being spent, as lack of adequate resources is always cited as a reason for the large number of uncleared or cold cases. In New Hampshire, the Attorney General's web site reports 126 unsolved cases. I have testified before this legislature in the past advocating for resources for cold cases. These figures raise compelling questions about unintended consequences from the manner in which we have allocated our criminal justice resources. The death penalty, and the extreme sums of money directed to a very small number of cases at the expense of many others, has not made our communities safer. I have been told that the prosecution and defense costs for the Addison case exceed 3 million dollars.

The same week in the same neighborhood where my father was killed, a 90 year-old shopkeeper was killed under similar circumstances. I wondered if the killer might be the same person. His case, like my father's, remains on the cold case list. There are implications for the safety of all of us when such a high number of murders are unsolved and the killers are among us.

I am struck by how often people in my situation, families of victims, are invoked as a reason to support the death penalty. I do not doubt that for many this sentiment is sincere. But if we want to support the family of a victim, it is important to understand what family members experience and the different ways that our criminal justice system is or is not meeting their needs.

One of the most compelling needs that my family and other families I have met have is the need for information about what happened to our loved one. Shortly after my father was



found a reporter talked to my mother and quoted her in the newspaper as saying that she wanted to know "who did this and why." Sadly she would never get an answer to that question. My family received very little information about details of my father's death. I remember waiting through that long Memorial Day weekend for some will piece of information, thinking that perhaps it was because of the holiday that we were not hearing anything. Unfortunately that waiting never ended as the days turned to weeks and then months. Families of victims in unsolved homicides often describe the psychological burden they live with from not knowing.

At some point, my father's case became a cold case. No one tells the family when this happens. It is essentially an administrative decision that no more time or resources can be spent on a particular case due to the passage of time. The amount of time varies depending on location, available resources and the applicable policies and practices of the law enforcement agencies involved. Even though I am an attorney and had worked with police prosecuting child protection cases, I did not understand what it meant. I never really understood it until I happened to read an article about it and did my own research to better understand what my family had experienced.

Victim's families need support. Programs that provide support to victims and help them understand and cope with the criminal justice system can be very beneficial.

Another important way to support victims in to assure that police have the resources to properly investigate in terms of training, financial resources, technology, and enough investigators to be able to devote time to cases, so they don't declare they are "cold" too soon and so that they can respond in cold case situations when promising new evidence emerges.

I think we should all reflect on what we could do with that amount to make our communities safer and healthier. We could provide more resources for much-needed substance abuse treatment, mental health services, assistance to families in crisis, resources for investigation, including cold cases, training, and meaningful support to all victims and families.

In my father's situation there was little gathering of physical evidence. It was clear that police hoped that someone who was picked up on another crime would know something and be willing to provide information in exchange for some deal for themselves. As time went on I became more ambivalent about the police making an arrest. Given the nature of the investigation, I wondered how they could get a conviction or maintain it through appeals. How could we feel confident they had the right person?

I have never had fantasies of vengeance. I wonder about what might have happened the day my father was killed. If I had a chance to meet and talk to the person who did it I would want to do that.

My daughter as a teenager used to love to watch shows on TV that were reenactments of real murders and how they are solved. It seemed these cases were always solved by police with the highest standards, with all the time in the world, using sophisticated forensic technology that was always readily available.

These shows are entertaining but they are not reality. I worry that when the death penalty is considered, all too often there is an assumption that life is a game of cops and robbers where good guys always win. This is not the experience of those of us living with cold cases nor is it true for death row inmates or their families or victims where genuine questions of innocence exist.

It is important that we be brave enough to be willing to look at our world as it really is, and with all of its imperfections. As our understanding of effective criminal justice evolves, we have to be willing to revisit past assumptions and focus on what really works and what will really keep us and our communities safer. We have to be willing to own our human limitations but do the best we can despite them. But because of our human limitations and our collective human frailties and the inevitability of error, the death penalty can never be justified.

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