

A Broken System: Error Rates in Capital Cases

NATIONAL COMPOSITE CAPITAL PUNISHMENT REPORT CARD

History (34 States)

First Death Sentence	1973
First Direct Appeal	1973
First Consensual Execution	1977
First Non-Consensual Execution	1979

Sentences and Executions (34 States)

Total Number of Death Sentences	5,760
Total Number of Executions	313
Percentage of Death Sentences Carried Out	5%

Error Rates

State Direct Appeal (34 States)

Number Reviewed on Direct Appeal	4,578
Number Reversed on Direct Appeal	1,885
Percentage Reversed on Direct Appeal	41%
Number Awaiting Direct Appeal	1,182
Percentage Awaiting Direct Appeal	21%
Number Forward to State Post-Conviction	2,693

State Direct Appeal (28 States)

Number Reviewed on Direct Appeal	4,364
Number Reversed on Direct Appeal	1,782
Percentage Reversed on Direct Appeal	41%
Number Forward to State Post-Conviction	2582

State Post-Conviction (28 States)

Number Reviewed on Post-Conviction	Unknown
Number Reversed on Post-Conviction	248
Percentage Reversed on Post-Conviction	10%
Number Forward to Federal Habeas Corpus	Unknown

State Direct Appeal and State Post-Conviction Combined (28 States)

Overall Rate of Error Found by State Courts	47%
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Error Rates (Continued)

Federal Habeas Corpus (28 States)

Number Reviewed on Habeas	599
Number Reversed on Habeas	237
Percentage Reversed on Habeas	40%

Overall Rates Including [and Excluding] State Post-Conviction (28 States)

Overall Error Rate	68% [64%]
Overall Success Rate	32% [36%]

Time (28 States)

Time From First Death Sentence to First Non-Consensual Execution	6
Average Time from Sentence to Execution	9
Average Time from Sentence to Final Federal Relief	7.6

Sentencing and Execution Rates (34 States)

Death States

Whole Nation

Death Sentences per 1000 homicides	14.90	12
Death Sentences per 100,000 pop.	3.9	2.46
NC Executions per 1000 homicides	.68	.54

Demographic Information (34 States)

	Death	States
	Whole Nation	
Average Population	181,374,347	237,905,964
Average Homicides	16,860	21,197
Average Homicides Rate per 100,000 Population	9.3	9
Percentage Population Non-White	19%	20%

Sources: DRGen; Death Row U.S.A., Winter 2000; DADB; HCDB; Appendix C; USCen; UCRDB; USCen