

A Broken System: Error Rates in Capital Cases

State Report Card

CALIFORNIA, 1976-1995

History

First Death Sentence	1976
First Direct Appeal	1979
First Consensual Execution	1993
First Non-Consensual Execution	1992

Sentences and Executions

Total Number of Death Sentences	531
Total Number of Executions	2
Percentage of Death Sentences Carried Out	0.4%

Error Rates

State Direct Appeal

Number Reviewed on Direct Appeal	281
Number Reversed on Direct Appeal	87
Percentage Reversed on Direct Appeal	31%
Number Awaiting Direct Appeal	250
Percentage Awaiting Direct Appeal	47%
Number Forward to State Post-Conviction	194

State Post-Conviction

Number Reviewed on Post-Conviction	Unknown
Number Reversed on Post-Conviction	7
Percentage Reversed on Post-Conviction	4%
Number Forward to Federal Habeas Corpus	Unknown

State Direct Appeal and State Post-Conviction Combined

Overall Rate of Error Found by State Courts	33%
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Federal Habeas Corpus

Number Reviewed on Habeas Corpus	5
Number Reversed on Habeas Corpus	4
Percentage Reversed on Habeas Corpus	80%

Overall Rates Including [and Excluding] State Post-Conviction

Overall Error Rate	87% [86%]
Overall Success Rate	13% [14%]

Timing

Time From First Death Sentence to First Non-Consensual Execution	16.00
Average Time from Sentence to Execution	9.00
Average Time from Sentence to Final Federal Relief	12.50

Sentencing and Execution Rates

Death Sentences per 1000 Homicides	7.75
Death Sentences per 100,000 Population	2.00
Death Sentences per 1000 Prison Population	8.59
Non-Consensual Executions per 1000 Homicides	0.01
Non-Consensual Executions per 100,000 Population	0.00
Non-Consensual Executions per 1000 Prison Population	0.02

Demographic Information

Average Population	25,990,813
Average Homicides	2,980
Average Homicides/ Average Population	11.46
Average Prison Admissions	22,864
Average Prison Population	61,818
Percentage Population Non-White	25%

Court Factors

Political Pressure (judicial elections)	5
Party Competition (gubernatorial elections)	1
State Court Criminal Caseload per 1000 Population	15.43
Expenditures per Capita on Courts	67.85

Sources: DRCen; Death Row U.S.A., Winter 2000; DADB; HCDB; Appendix C; USCen; UCRDB; USCen; PrisCen; PolPres; CtCaLd; CtExpen