

A Broken System: Error Rates in Capital Cases

State Report Card

DELAWARE, 1978-1995

History

First Death Sentence	1978
First Direct Appeal	1981
First Consensual Execution	1992
First Non-Consensual Execution	1993

Sentences and Executions

Total Number of Death Sentences	24
Total Number of Executions	5
Percentage of Death Sentences Carried Out	21%

Error Rates

State Direct Appeal

Number Reviewed on Direct Appeal	23
Number Reversed on Direct Appeal	6
Percentage Reversed on Direct Appeal	26%
Number Awaiting Direct Appeal	1
Percentage Awaiting Direct Appeal	4%
Number Forward to State Post-Conviction	17

State Post-Conviction

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

State Direct Appeal and State Post-Conviction Combined

Overall Rate of Error Found by State Courts	Unknown
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Federal Habeas Corpus

Number Reviewed on Habeas Corpus	2
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Number Reversed on Habeas Corpus	0
Percentage Reversed on Habeas Corpus	0%

Overall Rates [Excluding State Post-Conviction]

Overall Error Rate	[26%]
Overall Success Rate	[74%]

Timing

Time From First Death Sentence to First Non-Consensual Execution	15.00
Average Time from Sentence to Execution	7.00
Average Time from Sentence to Final Federal Relief	NA

Sentencing and Execution Rates

Death Sentences per 1000 Homicides	32.48
Death Sentences per 100,000 Population	3.79
Death Sentences per 1000 Prison Population	9.32
Non-Consensual Executions per 1000 Homicides	2.71
Non-Consensual Executions per 100,000 Population	0.32
Non-Consensual Executions per 1000 Prison Population	0.78

Demographic Information

Average Population	638,374
Average Homicides	35
Average Homicides/ Average Population	5.52
Average Prison Admissions	617
Average Prison Population	2,576
Percentage Population Non-White	20%

Court Factors

Political Pressure (judicial elections)	3
Party Competition (gubernatorial elections)	2
State Court Criminal Caseload per 1000 Population	32.89
Expenditures per Capita on Courts	58.37

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