

A Broken System: Error Rates in Capital Cases

State Report Card

FLORIDA, 1973-1995

History

First Death Sentence	1973
First Direct Appeal	1974
First Consensual Execution	1993
First Non-Consensual Execution	1979

Sentences and Executions

Total Number of Death Sentences	870
Total Number of Executions	36
Percentage of Death Sentences Carried Out	4%

Error Rates

State Direct Appeal

Number Reviewed on Direct Appeal	760
Number Reversed on Direct Appeal	376
Percentage Reversed on Direct Appeal	49%
Number Awaiting Direct Appeal	110
Percentage Awaiting Direct Appeal	13%
Number Forward to State Post-Conviction	384

State Post-Conviction

Number Reviewed on Post-Conviction	Unknown
Number Reversed on Post-Conviction	64
Percentage Reversed on Post-Conviction	17%
Number Forward to Federal Habeas Corpus	Unknown

State Direct Appeal and State Post-Conviction Combined

Overall Rate of Error Found by State Courts	58%
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Federal Habeas Corpus

Number Reviewed on Habeas Corpus	97
Number Reversed on Habeas Corpus	36
Percentage Reversed on Habeas Corpus	37%

Overall Rates Including [and Excluding] State Post-Conviction

Overall Error Rate	73% [68%]
Overall Success Rate	27% [32%]

Timing

Time From First Death Sentence to First Non-Consensual Execution	6.00
Average Time from Sentence to Execution	9.39
Average Time from Sentence to Final Federal Relief	10.42

Sentencing and Execution Rates

Death Sentences per 1000 Homicides	30.85
Death Sentences per 100,000 Population	7.74
Death Sentences per 1000 Prison Population	26.09
Non-Consensual Executions per 1000 Homicides	1.24
Non-Consensual Executions per 100,000 Population	0.31
Non-Consensual Executions per 1000 Prison Population	1.05

Demographic Information

Average Population	10,950,871
Average Homicides	1,226
Average Homicides/ Average Population	11.20
Average Prison Admissions	18,243
Average Prison Population	33,348
Percentage Population Non-White	19%

Court Factors

Political Pressure (judicial elections)	7
Party Competition (gubernatorial elections)	0
State Court Criminal Caseload per 1000 Population	26.61
Expenditures per Capita on Courts	48.84

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