

# A Broken System: Error Rates in Capital Cases

## State Report Card

**MONTANA, 1973-1995**

### History

<b>First Death Sentence</b>	1973
First Direct Appeal	1974
First Consensual Execution	NONE
First Non-Consensual Execution	1995

### Sentences and Executions

<b>Total Number of Death Sentences</b>	20
Total Number of Executions	1
Percentage of Death Sentences Carried Out	5%

### Error Rates

#### State Direct Appeal

Number Reviewed on Direct Appeal	19
Number Reversed on Direct Appeal	8
Percentage Reversed on Direct Appeal	42%
Number Awaiting Direct Appeal	1
Percentage Awaiting Direct Appeal	5%
Number Forward to State Post-Conviction	11

#### State Post-Conviction

Number Reviewed on Post-Conviction	Unknown
Number Reversed on Post-Conviction	1
Percentage Reversed on Post-Conviction	9%
Number Forward to Federal Habeas Corpus	Unknown

#### State Direct Appeal and State Post-Conviction Combined

Overall Rate of Error Found by State Courts	47%
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## Federal Habeas Corpus

Number Reviewed on Habeas Corpus	4
Number Reversed on Habeas Corpus	3
Percentage Reversed on Habeas Corpus	75%

## 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	22.00
Average Time from Sentence to Execution	17.33
Average Time from Sentence to Final Federal Relief	10.67

## Sentencing and Execution Rates

<b>Death Sentences per 1000 Homicides</b>	28.25
Death Sentences per 100,000 Population	2.50
Death Sentences per 1000 Prison Population	18.14
Non-Consensual Executions per 1000 Homicides	1.41
Non-Consensual Executions per 100,000 Population	0.13
Non-Consensual Executions per 1000 Prison Population	0.91

## Demographic Information

<b>Average Population</b>	798,634
Average Homicides	32
Average Homicides/ Average Population	4.02
Average Prison Admissions	370
Average Prison Population	1,102
Percentage Population Non-White	8%

## Court Factors

Political Pressure (judicial elections)	7
Party Competition (gubernatorial elections)	2
State Court Criminal Caseload per 1000 Population	38.42
Expenditures per Capita on Courts	37.43

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