

## **A Broken System: Error Rates in Capital Cases**

### **State Report Card**

**NEBRASKA, 1975-1995**

#### **History**

<b>First Death Sentence</b>	1975
First Direct Appeal	1977
First Consensual Execution	NONE
First Non-Consensual Execution	1994

#### **Sentences and Executions**

<b>Total Number of Death Sentences</b>	24
Total Number of Executions	1
Percentage of Death Sentences Carried Out	4%

#### **Error Rates**

##### **State Direct Appeal**

Number Reviewed on Direct Appeal	21
Number Reversed on Direct Appeal	6
Percentage Reversed on Direct Appeal	29%
Number Awaiting Direct Appeal	3
Percentage Awaiting Direct Appeal	13%
Number Forward to State Post-Conviction	15

##### **State Post-Conviction**

Number Reviewed on Post-Conviction	Unknown
Number Reversed on Post-Conviction	2
Percentage Reversed on Post-Conviction	13%
Number Forward to Federal Habeas Corpus	Unknown

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

Overall Rate of Error Found by State Courts	38%
---	-----

## Federal Habeas Corpus

Number Reviewed on Habeas Corpus	7
Number Reversed on Habeas Corpus	3
Percentage Reversed on Habeas Corpus	43%

## Overall Rates Including [and Excluding] State Post-Conviction

Overall Error Rate	65% [60%]
Overall Success Rate	35% [40%]

### Timing

Time From First Death Sentence to First Non-Consensual Execution	19.00
Average Time from Sentence to Execution	16
Average Time from Sentence to Final Federal Relief	14.00

## Sentencing and Execution Rates

<b>Death Sentences per 1000 Homicides</b>	21.74
Death Sentences per 100,000 Population	1.51
Death Sentences per 1000 Prison Population	12.35
Non-Consensual Executions per 1000 Homicides	0.91
Non-Consensual Executions per 100,000 Population	0.06
Non-Consensual Executions per 1000 Prison Population	0.51

## Demographic Information

<b>Average Population</b>	1,585,535
Average Homicides	53
Average Homicides/ Average Population	3.36
Average Prison Admissions	776
Average Prison Population	1,944
Percentage Population Non-White	7%

## Court Factors

Political Pressure (judicial elections)	8
Party Competition (gubernatorial elections)	1
State Court Criminal Caseload per 1000 Population	32.67
Expenditures per Capita on Courts	28.46

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