

# A Broken System: Error Rates in Capital Cases

## State Report Card

TEXAS, 1974-1995

### History

<b>First Death Sentence</b>	1974
First Direct Appeal	1975
First Consensual Execution	1985
First Non-Consensual Execution	1982

### Sentences and Executions

<b>Total Number of Death Sentences</b>	717
Total Number of Executions	104
Percentage of Death Sentences Carried Out	15%

### Error Rates

#### State Direct Appeal

Number Reviewed on Direct Appeal	523
Number Reversed on Direct Appeal	160
Percentage Reversed on Direct Appeal	31%
Number Awaiting Direct Appeal	194
Percentage Awaiting Direct Appeal	27%
Number Forward to State Post-Conviction	363

#### State Post-Conviction

Number Reviewed on Post-Conviction	Unknown
Number Reversed on Post-Conviction	□22
Percentage Reversed on Post-Conviction	□6%
Number Forward to Federal Habeas Corpus	Unknown

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

Overall Rate of Error Found by State Courts	□35%
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## Federal Habeas Corpus

Number Reviewed on Habeas Corpus	139
Number Reversed on Habeas Corpus	36
Percentage Reversed on Habeas Corpus	26%

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

Overall Error Rate	52% [49%]
Overall Success Rate	48% [51%]

## Time

Time From First Death Sentence to First Non-Consensual Execution	8.00
Average Time from Sentence to Execution	9.12
Average Time from Sentence to Final Federal Relief	6.50

## Sentencing and Execution Rates

<b>Death Sentences per 1000 Homicides</b>	15.16
Death Sentences per 100,000 Population	4.55
Death Sentences per 1000 Prison Population	15.33
Non-Consensual Executions per 1000 Homicides	1.97
Non-Consensual Executions per 100,000 Population	0.59
Non-Consensual Executions per 1000 Prison Population	1.99

## Demographic Information

<b>Average Population</b>	15,410,928
Average Homicides	2,056
Average Homicide Rate per 100,000 Population	13.34
Average Prison Admissions	18,229
Average Prison Population	46,774
Percentage Population Non-White	24%

## Court Factors

Political Pressure (judicial elections)	7
Party Competition (gubernatorial elections)	0
State Court Criminal Caseload per 1000 Population	33.01
Expenditures per Capita on Courts	33.22

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