

A Broken System: Error Rates in Capital Cases

State Report Card

VIRGINIA, 1977-1995

History

First Death Sentence	1977
First Direct Appeal	1978
First Consensual Execution/	1982
First Non-Consensual Execution	1984

Sentences and Executions

Total Number of Death Sentences	105
Total Number of Executions	29
Percentage of Death Sentences Carried Out	28%

Error Rates

State Direct Appeal

Number Reviewed on Direct Appeal	100
Number Reversed on Direct Appeal	10
Percentage Reversed on Direct Appeal	10%
Number Awaiting Direct Appeal	5
Percentage Awaiting Direct Appeal	5%
Number Forward to State Post-Conviction	90

State Post-Conviction

Number Reviewed on Post-Conviction	Unknown
Number Reversed on Post-Conviction	□3
Percentage Reversed on Post-Conviction	□3%
Number Forward to Federal Habeas Corpus	Unknown

State Direct Appeal and State Post-Conviction Combined

Overall Rate of Error Found by State Courts	□13%
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Federal Habeas Corpus

Number Reviewed on Habeas Corpus	31
Number Reversed on Habeas Corpus	2
Percentage Reversed on Habeas Corpus	6%

Overall Rates Including [and Excluding] State Post-Conviction

Overall Error Rate	18% [15%]
Overall Success Rate	82% [85%]

Time

Time From First Death Sentence to First Non-Consensual Execution	7.00
Average Time from Sentence to Execution	7.50
Average Time from Sentence to Final Federal Relief	5.00

Sentencing and Execution Rates

Death Sentences per 1000 Homicides	9.94
Death Sentences per 100,000 Population	1.82
Death Sentences per 1000 Prison Population	7.62
Non-Consensual Executions per 1000 Homicides	2.46
Non-Consensual Executions per 100,000 Population	0.45
Non-Consensual Executions per 1000 Prison Population	1.89

Demographic Information

Average Population	5,679,425
Average Homicides	482
Average Homicide Rate per 100,000 Population	8.49
Average Prison Admissions	5,526
Average Prison Population	13,783
Percentage Population Non-White	22%

Court Factors

Political Pressure (judicial elections)	2
Party Competition (gubernatorial elections)	0
State Court Criminal Caseload per 1000 Population	47.32
Expenditures per Capita on Courts	34.60

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