

Data covers the period 9/1/95 - 12/31/04

### **How many capital cases have there been in New York State since 1995?**

- District Attorneys formally investigated seeking the death penalty in 864 cases.
- District Attorneys precluded seeking the death penalty against 786 defendants.
- District Attorneys dropped charges against eight defendants.
- District Attorneys are evaluating whether to seek the death penalty in 12 cases.
- District Attorneys filed notice that they were seeking the death penalty 58 times.

### **What is the status of the 58 death notice cases?**

- Six cases pending.
- After a penalty trial, seven defendants were sentenced to death by lethal execution. All have been appealed to the New York Court of Appeals (NYCA). The Court has vacated five sentences, leaving two cases pending.
- After a penalty trial, seven defendants were sentenced to life without parole.
- Two defendants accepted a plea to a sentence of life without parole after a jury found them guilty of First Degree Murder but before the penalty phase of the trial began.
- One defendant was convicted of less than First Degree Murder.
- One defendant, who was convicted of First Degree Murder, was sentenced, by the judge, to 115 years to life after the jury at the penalty phase was unable to reach a unanimous decision regarding sentencing.
- District Attorneys withdrew the death notices in seven cases and went on to prosecute the defendants on First Degree Murder charges.
- Although the death notices were not formally withdrawn by the District Attorneys, two defendants were prosecuted non-capitally on First Degree Murder charges.
- 24 defendants pled guilty prior to trial and received sentences ranging from 25 years to life to life without parole. One of these defendants had his sentence to life without parole vacated by the Appellate Division. The case was re-assigned to the CDO and the reinstatement of the death notice is under consideration by the court.
- One defendant committed suicide prior to the disposition of his case.

### **How many capital trials occurred?**

- There have been 19 capital trials since September 1, 1995.
- 15 of these cases proceeded to both a guilt and penalty phase.
- One case began as a capital trial, but proceeded non-capital after the June 24, 2004 decision in Lavelle.
- Defendants in two cases accepted a plea to life without parole after the guilt trial but prior to the penalty phase and one defendant was convicted of less than First Degree Murder.

### **Who represented the defendants in the 864 death-eligible cases?**

- 491 defendants were represented by private, capital-qualified attorneys assigned pursuant to section 35-b of the Judiciary Law.
- 189 defendants were represented by CDO staff attorneys.
- 98 defendants were represented by public defender organizations or legal aid societies.
- 85 defendants were represented by retained counsel.
- One defendant represented himself.