

LIKELIHOOD OF EXECUTION IN INDIANA DEATH PENALTY CASES

Trial Level Death Sentencing Rates

(Based on DP cases filed or refiled between 1/1/1990 and 2/18/2018)

DP cases filed	220
Cases completed	213
Death sentences	36 (17 %)

Appellate Level Reversal Rates

(Based on cases completing each appellate stage since DP was re-enacted in 1977)

	Total Cases Which Have Completed this Stage	Cases Reversed at this Stage	% Reversed at this Stage
Direct Appeal	107	24	22%
State Post-Conviction (PCR)	66	21	32%
Federal Habeas (FH)	41	16	39%
Clemency	22	3	14%

Effective overall reversal rate: 72% (Of 100 total death sentences, 28 would survive all levels of appellate and clemency review.)

Hypothetical Effect of the Above Death Sentencing & Reversal Rates

If 100 DP cases were filed, they would result in	17 death sentences
After 22% reversal on direct appeal, there would remain	13 death sentences
After 32% reversal on PCR, there would remain	9 death sentences
After 39% reversal on FH, there would remain	6 death sentences
After 14% reversal in Clemency, there would remain	5 death sentences

Based on the above death sentencing and reversal rates, a death penalty request filed in Indiana has only a 5% chance of resulting in an execution.

Current as of 2/18/2018