

# LIKELIHOOD OF EXECUTION IN INDIANA DEATH PENALTY CASES

## Trial Level Death Sentencing Rates

*(Based on DP cases filed between 1/1/1990 and 12/31/2009)*

DP cases filed	188
Cases completed	182
Death sentences	30 (16 %)

## 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	99	22	22%
State Post-Conviction (PCR)	58	17	29%
Federal Habeas (FH)	31	10	32%
Clemency	22	3	14%

Effective overall reversal rate: 68% (Of 100 total death sentences, 32 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	16 death sentences
After 22% reversal on direct appeal, there would remain	12 death sentences
After 29% reversal on PCR, there would remain	9 death sentences
After 32% 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 1/8/2010