

MITIGATION WORKS: EMPIRICAL EVIDENCE OF HIGHLY AGGRAVATED CASES WHERE THE DEATH PENALTY WAS REJECTED AT SENTENCING

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This Article updates data presented in this law review in 2018 documenting almost two hundred capital cases presenting serious aggravating circumstances where juries nonetheless chose life sentences. This updated Article adds more than four hundred new cases

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The views expressed in this Article are the authors' own.

Correspondence should be sent to MitigationWorks@mitigationemeritus.net. The authors would like to know of additional cases that should be included in our ongoing database (*see infra* note 19) and additional examples where the Articles and/or the cases have been cited in briefs and opinions (*see infra* note 18).

in the same highly aggravated categories to the total, which is now over six hundred cases. The new case lists, which do not purport to be exhaustive, further support the point that the effective investigation and presentation of mitigating evidence can forestall a death sentence no matter how death-worthy the crime facts may appear at first glance.

Indeed, the empirical evidence presented here is so powerful that the cases resulting in death sentences can plausibly be seen as outliers reflecting unjust and arbitrary factors impacting those cases. On that view, our results suggest that inexorable long-term developments are moving towards the abolition of capital punishment both in practice and as a matter of constitutional law.

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I. INTRODUCTION

Half a century ago, the Supreme Court of the United States found that the death penalty, as applied under all the existing statutes, violated the Eighth and Fourteenth Amendments because unfettered jury

discretion led to capricious, often discriminatory, outcomes.¹ Some thirty-five state legislatures quickly responded by enacting new statutes that attempted to repair the constitutional infirmity.² Five of these statutes reached the Supreme Court four years later.³ The Court struck down the two statutes that made the death penalty mandatory for a narrow category of crimes.⁴ However, it upheld three new frameworks that permitted individualized consideration of the person who committed the crime, no matter how aggravated the offense.⁵ Over the three decades that followed, the High Court elucidated the breadth of mitigation evidence that might persuade a juror to determine that an individual defendant's life should be spared.⁶

1. *Furman v. Georgia*, 408 U.S. 238, 239-40 (1972) (per curiam).

2. See *Gregg v. Georgia*, 428 U.S. 153, 179-80 (1976). See also EVAN J. MANDERY, *A WILD JUSTICE: THE DEATH AND RESURRECTION OF CAPITAL PUNISHMENT IN AMERICA* ix (2013) (discussing state legislative responses to *Furman* and internal Supreme Court debates on post-*Furman* cases).

3. *Gregg*, 428 U.S. at 179; *Proffitt v. Florida*, 428 U.S. 242, 259-60 (1976); *Jurek v. Texas*, 428 U.S. 262, 276 (1976). *Woodson v. North Carolina*, 428 U.S. 280, 285-87 (1976); *Roberts v. Louisiana*, 428 U.S. 325, 328-29 (1976).

4. The Court found mandatory death penalty statutes unconstitutional in *Woodson* and *Roberts*. *Woodson*, 428 U.S. at 304-05; *Roberts*, 428 U.S. at 335-36.

5. The Court found "guided discretion" statutes constitutional in *Gregg*, *Proffitt*, and *Jurek*. *Gregg*, 428 U.S. at 206-07; *Proffitt*, 428 U.S. at 259-60; *Jurek*, 428 U.S. at 276-77.

6. Relying on the Eighth and Fourteenth Amendments, the Court established the scope of mitigation in decisions spanning roughly three decades. *Lockett v. Ohio*, 438 U.S. 586, 604-05 (1978) (Statutes may not preclude the sentencer from considering anything in the background and record of the defendant or "the circumstances of the offense that the defendant proffers as a basis for a sentence less than death."); *Eddings v. Oklahoma*, 455 U.S. 104, 105, 113-15 (1982) ("[T]he sentencer may not refuse to consider, as a matter of law, any relevant mitigating evidence.") (emphasis in original); *Skipper v. South Carolina*, 476 U.S. 1, 3-8 (1986) (Post-offense "good adjustment" to incarceration should have been admitted even though it "would not relate specifically to [Skipper's] culpability for the crime he committed"); *McKoy v. North Carolina*, 494 U.S. 433, 440 (1990) ("Relevant mitigating evidence is evidence which tends logically to prove or disprove some fact or circumstance which a fact-finder could reasonably deem to have mitigating value.") (emphasis added); *Mills v. Maryland*, 486 U.S. 367, 376 (1988) (Mitigation needs to be proved by a preponderance of the evidence, not beyond a reasonable doubt, and jurors need not be unanimous.); *Ayers v. Belmontes*, 549 U.S. 7, 21 (2006) (referring in dicta to "potentially infinite mitigators"). The Court designated categorical mitigation in *Atkins v. Virginia*, 536 U.S. 304, 318-19, 321 (2002) (barring the execution of people with intellectual disabilities), and *Roper v. Simmons*, 543 U.S. 551, 578-79 (2005) (barring the execution of people whose crimes occurred before age eighteen). In *Tennard v. Dretke*, 542 U.S. 274, 287 (2004), the Court reiterated that mitigation requires no nexus to the crime: some things are inherently mitigating. Finally, in *Kennedy v. Louisiana*, 554 U.S. 407, 420 (2008), the Court summarized its Eighth Amendment jurisprudence succinctly, "[C]apital punishment must 'be limited to those offenders who commit 'a narrow category of the most serious crimes' and whose extreme culpability makes them 'the most deserving of execution.''" (citations omitted). "[T]he culpability of the average murderer is insufficient to justify" the death penalty. *Atkins*, 536 U.S. at 319 (citation omitted). It is also important to note that the Court has been open to expanding the boundaries of categorical mitigation over time. The 2003 *Atkins* case overruled *Penry v. Lynaugh*, 492 U.S. 302 (1989), and the 2005 *Roper* case overruled *Stanford v. Kentucky*, 492 U.S. 361, 377-80 (1989). The Court in *Penry* and

A small number of high-profile cases have made headlines when juries rejected the death penalty: Lee Boyd Malvo, convicted in what the media dubbed the “Beltway sniper shootings”;⁷ Zacarias Moussaoui, convicted in the September 11th attacks;⁸ Terry Nichols, convicted twice, in federal and state court, in the Oklahoma City bombing;⁹ Juan Quintero, an undocumented Mexican national convicted of killing a police officer in Houston, Texas;¹⁰ and James Holmes, convicted of the Aurora, Colorado movie theater shootings.¹¹ To some observers, these cases seemed to be simply exceptions, the work of elite super-lawyers who provided their clients with a “Cadillac” defense.¹² This Article

Stanford had declined, respectively, to bar executions for people with intellectual disabilities and for those whose crimes were committed prior to age eighteen. *Penry*, 492 U.S. at 339-40; *Stanford*, 492 U.S. at 377-80. There are ongoing efforts to create similar exemptions for people with serious mental illness and to raise the age of exemption based on advances in our understanding of brain development in adolescence and early adulthood. *Atkins*, 536 U.S. at 313-16. Mitigation’s boundaries are never fixed. Categorical exemptions have come only after the circumstance has proved its power to juries, as well as legislatures. Part of the support for a categorical youth exclusion was that juries were simply not imposing death sentences on people below age eighteen when presented with age-related mitigation. See *Roper*, 543 U.S. at 561.

7. *Sniper Malvo Sentenced to Life Without Parole*, CNN (May 5, 2004, 7:22 PM), <https://www.cnn.com/2004/LAW/03/10/sniper.malvo/index.html> [<https://perma.cc/44LY-RLHP>]. CARMETA ALBARUS & JONATHAN H. MACK, *THE MAKING OF LEE BOYD MALVO: THE D.C. SNIPER* 1, 9 (2012).

8. *Moussaoui Formally Sentenced, Still Defiant*, ASSOCIATED PRESS (May 3, 2006, 4:35 PM), <https://www.nbcnews.com/id/wbna12615601> [<https://perma.cc/NH2N-6R57>].

9. Tom Kenworthy, *Nichols Gets Life Term for Oklahoma Bombing Role*, WASH. POST (June 5, 1998), <https://www.washingtonpost.com/wp-srv/national/longterm/oklahoma/nichols.htm> [<https://perma.cc/8ZQA-FCFJ>] (explaining the federal outcome); Christine Hauser, *Nichols Gets a 2nd Life Term for Oklahoma Bombing*, N.Y. TIMES (Aug. 9, 2004), <https://www.nytimes.com/2004/08/09/national/nichols-gets-a-2nd-life-term-for-oklahoma-bombing.html> [<https://perma.cc/3KSS-TE84>] (explaining the state outcome).

10. Jeffrey Toobin, *The Mitigator: A New Way of Looking at the Death Penalty*, NEW YORKER (May 2, 2011), <https://www.newyorker.com/magazine/2011/05/09/the-mitigator> [<https://perma.cc/Z6EH-TYXT>].

11. Trevor Hughes, *James Holmes Formally Sentenced to Life in Prison*, USA TODAY (Aug. 26, 2015, 4:01 PM), <https://www.usatoday.com/story/news/nation/2015/08/26/james-holmes-aurora-theater-shooting-life-sentence/32407583> [<https://perma.cc/USE5-49K5>].

12. At an event celebrating the fiftieth anniversary of *Gideon v. Wainwright*, 372 U.S. 335 (1963), the landmark ruling recognizing that indigent defendants are entitled to a lawyer at public expense, Justice Elena Kagan gave a speech reminding us that poor people are *not* entitled to “the best defense money can buy.” Andrew Ramonas, *Kagan, Holder Address the Five Decades Since Historic Gideon Decision*, BLT: BLOG LEGAL TIMES (Mar. 18, 2013), <http://www.legaltimes.typepad.com/blt/2013/03/kagan-holder-address-the-five-decades-since-historic-gideon-decision.html> [<https://perma.cc/FGK4-3EKL>]; Debra Cassens Weiss, *Kagan Says Poor Defendants Are Entitled to a ‘Ford Taurus’ Defense*, A.B.A. J. (Mar. 19, 2013, 12:00 PM), http://www.abajournal.com/news/article/kagan_says_poor_defendants_are_entitled_to_a_ford_taurus_defense [<https://perma.cc/U7BX-KS4X>]. She resorted to the familiar automotive metaphor to remind everyone that a poor person’s right to counsel means only an inexpensive defense—in car terms, something like a Ford Taurus, not a Cadillac. Ramonas, *supra*. She said: “We don’t have the resources to make [a Cadillac defense] happen . . . And I’m not sure if we did have the resources

shows, on the contrary, that ordinary public defenders and court-appointed lawyers have routinely achieved the same results in cases that did not make national headlines.¹³ These cases demonstrate the simple proposition that, in capital cases, mitigation works.

One of the authors of this Article made this point in 2018 in an article in this law review on the mitigation profession.¹⁴ Russell Stetler described the evolution of the mitigation function in death penalty cases, how rare death sentences and executions have always been, and how they have become vanishingly rare today.¹⁵ In three appendices, Stetler listed nearly two hundred highly aggravated cases in three clearly defined categories where the sentencer in capital proceedings from 1979 to 2018 had declined to impose the death penalty.¹⁶ At the time of this previous publication, Professor Eric M. Freedman referred to Stetler's lists as "eye-opening."¹⁷ These lists have since been cited in multiple briefs to show that life sentences are possible, even in the face of extremely aggravated crimes.¹⁸ We are publishing the current Article

that that's exactly what we should want." Ramonas, *supra*. Justice Kagan continued: "[L]awyers in criminal courts are necessities, not luxuries." Ramonas, *supra*.

13. For further discussion of how the vast majority of capital cases are handled by ordinary public defenders and court-appointed lawyers, see Russell Stetler & Aurélie Tabuteau, *The ABA Guidelines: A Historical Perspective*, 43 HOFSTRA L. REV. 731, 744-45 (2015) (discussing how the New York Capital Defender Office provided high-quality representation—only seven death sentences in a decade, all of which were ultimately overturned—without super-lawyers, by implementing the standards developed by public defenders and court-appointed lawyers in capital cases). See also Russell Stetler, *The Past, Present, and Future of the Mitigation Profession: Fulfilling the Constitutional Requirement of Individualized Sentencing in Capital Cases*, 46 HOFSTRA L. REV. 1161, 1189-94 (2018) (discussing how the New York Capital Defender Office model achieved similar results in Georgia, North Carolina, South Carolina, and Virginia) [hereinafter Stetler, *Mitigation Profession*]. Accord Glenda G. Grace, *Representing Capital Clients and the Elusive Quest for "Meaningful Access to Justice"*, 36 HOFSTRA L. REV. 333, 345-46 (2007) (discussing the New York Capital Defender Office model). See also *infra* notes 20, 95, 146.

14. See generally Stetler, *Mitigation Profession*, *supra* note 13 (explaining that mitigation works in capital cases).

15. *Id.* at 1164-86, 1213-28.

16. *Id.* at 1229-56.

17. Eric M. Freedman, *Symposium Introduction*, 46 HOFSTRA L. REV. 1097, 1100 n.16 (2018).

18. See, e.g., Brief of Amicus Curiae National Ass'n of Criminal Defense Lawyers in Support of Appellant at 3 n.2, *United States v. Tsarnaev*, No. 16-6001 (1st Cir. Jan. 2, 2019) (supporting the argument that "[n]o facts are too heinous, no conduct too appalling, and no defendant too unsympathetic to rule out a life verdict from a properly empaneled American trial jury presented with compelling mitigation"); Appellant's Reply Brief at 31-32, 32 n.6, *Bolin v. Davis*, No. 16-99009 (9th Cir. May 13, 2019) (citing article generally for scores of aggravated cases in which juries returned life sentences and noting specific cases from the article from the same state that were factually comparable to the petitioner's case); Brief of Texas Law Professors as Amici Curiae in Support of Applicant at 11, 11 n.9, *Ex Parte Andrus*, No. WR-84,438-01 (Tex. Crim. App. Sept. 11, 2020) (noting "the reality that countless actual juries—including Texas juries—have declined to impose death sentences on defendants, even in the face of compelling aggravating facts"); Reply in

only four years later because the evidence that mitigation works is even stronger than what was suggested by the previous publication.

The lists in the present Article represent roughly three times as many cases, *over six hundred cases altogether*, in the same three categories. As before, the listed cases do not purport to enumerate every case from every jurisdiction that fits the criteria. These are simply the cases known to the authors. For example, we augmented the original lists with cases that Dana Cook tracked in Pennsylvania for the Atlantic Center for Capital Representation (2010 to 2020), and additional cases that came to our attention from colleagues, news reports and scholarly publications, rather than through an exhaustive scouring of dockets in every capital jurisdiction.¹⁹ The authors believe that these cases continue to represent a mere fraction of the total.

Furthermore, the capital cases that go to trial are themselves just a small fraction of the death-eligible cases that avoid death sentences and execution. Mitigation investigation also plays a critical role in persuading prosecutors not to seek the death penalty, or to de-authorize death-noticed cases, or to resolve cases through a negotiated disposition.²⁰ High-profile cases, such as Theodore Kaczynski, dubbed

Support of Consolidated Petition for Writ of Habeas Corpus by a Prisoner in State Custody Pursuant to 28 U.S.C. § 2254 *et seq.* at 73, *Mullis v. Davis*, No. 3:13-cv-00121 (S.D. Tex. Dec. 21, 2020) (citing appendices listing highly aggravated cases in which defendants were sentenced to less than death); Brief of Legal Academics as Amici Curiae in Support of Petitioner at 10, *Canales v. Lumpkin* (No. 20-7065) (U.S. Mar. 8, 2021) (“[A] review of cases from 1979 to 2018 confirms that mitigating evidence can overcome strong aggravation even in cases that jurors rate as the most aggravated.”). *See also, e.g.*, Reply to Suggestions in Opposition to Application for a Certificate of Appealability at 10-12, *Dorsey v. Vandergriff*, No. 20-2099 (8th Cir. Oct. 13, 2020) (citing many of the cases from the article); Appellant’s Petition for Rehearing and Rehearing En Banc at 10-11, *Bolin v. Broomfield*, 13 F.4th 797 (9th Cir. 2021) (No. 16-99009) (citing article and cases, noting that six of the California multiple-murder cases cited in the article had more decedents than in petitioner’s case); Petition for a Writ of Certiorari at 19, *Bolin v. Broomfield* (filed May 4, 2022); Appellant’s Petition for Rehearing at 20-21 & n.12, *People v. Bracamontes*, No. S139702 (Cal. May 3, 2022) (citing articles and apposite case examples on issue of prejudice). As previously indicated, the authors would be grateful if readers would advise us at MitigationWorks@mitigationemeritus.net when this Article is cited in briefs or court opinions.

19. We are grateful to many colleagues throughout the country who drew our attention to individual cases from their jurisdictions that were not included in the 2018 lists. We encourage readers to continue providing data that can be part of an ever-growing collection maintained under the auspices of the *Habeas Assistance and Training*, HABEAS ASSISTANCE & TRAINING PROJECT, <https://hat.capdefinet.org> [<https://perma.cc/BL4Q-8A3Y>]. For details on how we identified cases for this Article, *see infra* notes 49-74 and accompanying text. As previously indicated, readers are requested to send any additional cases (with as much identifying information as possible) to MitigationWorks@mitigationemeritus.net.

20. *See* John Blume & Russell Stetler, *Mitigation Matters*, in *TELL THE CLIENT’S STORY: MITIGATION IN CRIMINAL AND DEATH PENALTY CASES* 19, 21 n.7 (Edward C. Monahan & James J. Clark eds., 2017) (“Tragically, our best estimate is that the majority of persons currently on death row rejected a plea bargain that would have allowed them to plead guilty in exchange for a life

the “Unabomber” after the FBI acronym in the case investigation of multiple mail bombs that killed three and wounded many others;²¹ Jared Loughner, who killed a federal judge and wounded Representative Gabrielle Giffords in Arizona;²² and Gary Ridgway, who pled guilty to numerous murders in the State of Washington and was called the “Green River Killer” by law enforcement and the press,²³ are well known examples of defendants charged with the death penalty who were permitted to plead to life sentences. Once again, the sensational cases illustrate the point, but mundane examples have occurred routinely throughout the country.²⁴ Sometimes prosecutors elect not to seek the

sentence or, in some cases, a term of years.”); Russell Stetler, *Commentary on Counsel’s Duty to Seek and Negotiate a Disposition in Capital Cases (ABA Guideline 10.9.1)*, 31 HOFSTRA L. REV. 1157, 1157 (2003) (“Pleas have been available in the overwhelming majority of capital cases in the post-*Furman* era, including the cases of hundreds of prisoners who have been executed.”); John H. Blume, *Plea Bargaining and the Right to the Effective Assistance of Counsel: Where the Rubber Hits the Road in Capital Cases*, 25 FED. SENT’G REP. 122, 122 (2012) (noting that more than half of death sentenced inmates rejected plea offers that would have spared their lives). The mitigation investigation is critical to the plea process in identifying individuals who care whether the client lives or dies, finding the family members and loved ones who can help the client grapple with the most difficult decision a criminal defendant is ever called upon to make, and assuring the client that these loved ones will visit, take his phone calls, and subsidize his commissary account twenty years into the future. See Blume, *supra*, at 123. As the Supreme Court has noted, ninety-seven percent of federal convictions and nearly ninety-four percent of state convictions are the result of plea bargains. *Lafler v. Cooper*, 566 U.S. 156, 169-70 (2012). See also Somil Trivedi & Rebecca Brown, *The ‘Assembly-Line’ Justice of Plea Bargaining*, CRIME REP. (Aug. 20, 2021), <https://thecrimereport.org/2021/08/20/the-assembly-line-justice-of-plea-bargaining> [<https://perma.cc/DW68-8RTU>] (“[T]oday, roughly 95 percent of convictions come via plea.”).

There are no precise statistics on plea bargains in capital cases, but our experience indicates that negotiated settlements are just as prevalent in death penalty cases as they are in ordinary criminal matters. For example, when Russell Stetler was Director of Investigation and Mitigation at the New York Capital Defender Office from 1995 to 2005 (including the entire period when the death penalty was available as a punishment option), that office maintained data on 637 dispositions in death-eligible cases, of which 299 (forty-seven percent) involved pleas. See Declaration of Russell Stetler at 6 ¶11, *Johnson v. United States*, No. C09-3064 (N.D. Iowa Mar. 9, 2011). Declaration was provided to the Government prior to Stetler’s testimony at the Evidentiary Hearing on March 12, 2011. See Transcript of Evidentiary Hearing at 1726-28, *Johnson v. United States*, No. C09-3064 (N.D. Iowa Mar. 12, 2011).

21. Michael Taylor, *Kaczynski Pleads Guilty to Killing/Unabomber Trial Ends in Deal to Avoid Death*, S.F. GATE (Jan. 23, 1998), <https://www.sfgate.com/news/article/Kaczynski-Pleads-Guilty-to-Killings-Unabomber3014808.php> [<https://perma.cc/AN4S-M3LR>].

22. Michael Martinez & Kyung Lah, *Loughner Pleads Guilty to 19 Counts in Tucson, Arizona, Mass Shooting*, CNN (Aug. 8, 2012, 5:30 AM), <https://www.cnn.com/2012/08/07/us/arizona-loughner-plea/index.html> [<https://perma.cc/CER2-SRTL>].

23. Jennifer Sullivan, *Green River Killer Ridgway Pleads Guilty to 49th Murder*, SEATTLE TIMES (Feb. 19, 2011, 10:33 AM), <https://www.seattletimes.com/seattle-news/green-river-killer-ridgway-pleads-guilty-to-49th-murder-1> [<https://perma.cc/P974-AEAJ>].

24. See, e.g., Riley Bates, *In Pennsylvania, Death Penalty Has Fallen Out of Favor with Prosecutors*, NBC10 PHILA. (Mar. 9, 2019, 8:06 AM),

death penalty after they have secured a conviction.²⁵ It is beyond the scope of this Article to discuss this much larger universe of cases that avoided the death penalty by avoiding trial. We focus here only on highly aggravated cases that went to trial, resulted in conviction, but nonetheless avoided death sentences after a penalty-phase proceeding.

The law makes clear that mitigation matters.²⁶ The Fifth Circuit Court of Appeals has emphasized this point more than once:

[T]he State's stereotypical fall-back argument—that the heinous and egregious nature of the crime would have ensured assessment of the death penalty even absent [the error]—cannot carry the day here [O]ur decades of experience with scores of . . . habeas cases from the death row of Texas teach an obvious lesson that is frequently overlooked: Almost without exception, the cases we see in which conviction of a capital crime has produced a death sentence arise from extremely egregious, heinous, and shocking facts. But, if that were all that is required to offset prejudicial legal error and convert it to

<https://www.nbcphiladelphia.com/news/local/pennsylvania-death-penalty-fallen-out-favor-prosecutors/175464> [<https://perma.cc/4S8E-AEUQ>] (noting, for example, “[o]f Lehigh County’s death penalty cases, just over half—31—were resolved through plea agreements to third-degree murder, a lesser homicide charge that carries the prospect of parole”).

25. During New York’s death penalty experiment, for example, two cases were resolved after death-qualified juries had returned death-eligible first-degree murder convictions in Kings County: *People v. Page* (Ind. 9833/96, Judge Hall) and *People v. Bonton* (Ind. 4152/98, Judge Lott). The Jermaine Page disposition was reported by Joseph P. Fried, *Brooklyn Killer Takes Deal for Life in Prison*, N.Y. TIMES (Oct. 29, 1998), <https://www.nytimes.com/1998/10/29/nyregion/brooklyn-killer-takes-deal-for-life-in-prison.html?searchResultPosition=1> [<https://perma.cc/KN9H-YVB3>]. Jerry Bonton’s plea was reported by Mike Claffey, *Killer Chooses Life Over Death in Plea Agreement*, N.Y. DAILY NEWS, Apr. 12, 2000, at 3. In the retrial of Jonathan Reed in Dallas County, Texas, retrial counsel litigated how they were prejudiced in the area of mitigation investigation because of the death and age-related disability of witnesses and the destruction of records in the thirty-two years between the time of the original unconstitutional trial and this retrial. Trial Court’s Findings of Fact and Conclusions of Law Regarding the Defendant’s Motion to Preclude the Death Penalty at 5, 26-33, 38, 43, *State v. Reed*, No. F81-01988-FK (Crim. Dist. Ct. #4 Tex. Apr. 20, 2011). The trial court granted the defense motion to bar the death penalty because of the prejudicial effects of delay. *See id.* at 5, 51. The Texas Court of Criminal Appeals reversed the trial court order as unripe. *State ex rel. Watkins v. Creuzot*, No. AP-76,594, at 9-10 (Tex. Crim. App. 2011). The trial court order is on file with the authors and the *Hofstra Law Review*. After the death-qualified jury convicted Reed in his retrial, the district attorney announced that the death penalty would not be sought. *See Watkins*, No. AP-76,594, at 10-11. Pre-sentencing disclosure of the broad contours of the mitigation evidence helped to persuade prosecutors that dispositions were appropriate. *See Watkins*, No. AP-76,594, at 10-11.

26. *See supra* note 6 (discussing the breadth of mitigating evidence); *see also* Blume & Stetler, *supra* note 20, at 19.

harmless error, habeas relief . . . would virtually never be available, so testing for it would amount to a hollow judicial act.²⁷

The cases documented in this Article are the empirical proof that mitigation matters.

In Part II, we briefly explain our methodology:

- A. why we chose the three particular categories of highly aggravated cases;²⁸
- B. how we identified the cases that we have listed;²⁹
- C. the sources on which we have relied (and how we have preserved Internet sources where there is an ever-present risk that links will be broken in the future);³⁰ and
- D. why we included cases in which judges, rather than jurors, made the sentencing decisions, but excluded many more cases in which trial court judges overturned life sentences from juries and imposed death sentences.³¹

Parts III, IV, and V provide examples of highly aggravated cases in three objective and unambiguous categories in which juries (or, in a small number of cases, judges) imposed sentences of less than death following penalty-phase proceedings.³² The cases in Part III involve homicides in which at least one victim was a child (defined as under eighteen years of age).³³ The cases in Part IV involve homicides in which at least one victim was a law enforcement officer.³⁴ The cases in Part V involve homicides in which there were two or more murder victims.³⁵

In Part VI, we summarize our conclusions.

- A. The cases listed in Parts III to V show that mitigation matters, even in highly aggravated capital cases.³⁶ Death sentences are steadily declining and are now vanishingly rare.³⁷ When mitigation is thoroughly investigated and effectively presented, death is an extremely unlikely outcome.³⁸

27. *Walbey v. Quarterman*, 309 F. App'x 795, 804 (5th Cir. 2009) (quoting *Gardner v. Johnson*, 247 F.3d 551, 563 (5th Cir. 2001)). Both cases are cited in Mark E. Olive, *Narrative Works*, 77 UMKC L. REV. 989, 1003, 1003 n.47-50 (2009).

28. *See infra* Part II.A.

29. *See infra* Part II.B.

30. *See infra* Part II.C.

31. *See infra* Part II.D.

32. *See infra* Part III–V.

33. *See infra* Part III.

34. *See infra* Part IV.

35. *See infra* Part V.

36. *See infra* Part II–IV.

37. *See infra* Part VI.A.

38. *See infra* Part VI.A.

- B. Why, then, are there death sentences and executions in spite of the power of mitigation? We identify three continuing barriers to effective mitigation investigation and presentation: systemic racism, inadequate indigent defense funding, and labyrinthine legal obstacles in the post-conviction review of constitutional claims based on the Sixth Amendment.³⁹
- C. Mitigation is the engine of the death penalty's self-destruction.⁴⁰ The cases listed in Parts III to V, numbering about six hundred, show that the outcomes of death penalty sentencing proceedings in the modern era have been just as freakish and capricious as those that the Supreme Court found unconstitutional in *Furman*.⁴¹

In the Appendix, we list the substantial number of cases (over twenty percent of all the listed cases) that meet the criteria for more than one of our categories (that is, multiple-victim cases where at least one victim was a child or a law enforcement officer).⁴²

II. METHODOLOGY

A. The Choice of Highly Aggravated Categories

In his 2018 article, Stetler explained his choice of categories this way: "The Appendices provide important context. They do not purport to be exhaustive surveys, but simply illustrations of the overall rarity of death sentences in the modern era and some readily available examples of highly aggravated cases known to the author where jurors rejected the death penalty."⁴³ The three categories defined by the age, status, or number of victims were chosen because they are unambiguous, while many categories of aggravation, such as torture, wanton depravity, or gang-related murder, are more subjective. In addition, social scientists have confirmed that capital jurors regard these clear-cut categories as more aggravated than, for example, a gang-related killing.⁴⁴ Variations

39. See *infra* Part VI.B.

40. See *infra* Part VI.C.

41. See *infra* Parts II–V.

42. See *infra* Appendix I.

43. Stetler, *Mitigation Profession*, *supra* note 13, at 1186 n.142.

44. Marla Sandys et al., *Stacking the Deck for Guilt and Death: The Failure of Death Qualification to Ensure Impartiality*, in *AMERICA'S EXPERIMENT WITH CAPITAL PUNISHMENT: REFLECTIONS ON THE PAST, PRESENT, AND FUTURE OF THE ULTIMATE PENAL SANCTION* 393, 411 (James R. Acker et al. eds., 3d ed. 2014) (explaining that when jurors were asked if the death sentence was the only appropriate penalty for certain types of killings, 61.5% said "yes" for child

of our categories have also been used when legislators attempted to narrow death penalty eligibility to the most serious cases. For example, when the Oregon legislature narrowed its definition of aggravated murder in 2019, it chose variant subcategories of multiple victim, child-victim cases, and murder of law enforcement officers or correctional officers as three of the four remaining death-eligible offenses.⁴⁵ We have refrained from adding other aggravated categories, so that the totals comparing the data published in 2018 and 2022 are not confounded. As readers of the 2018 article began to cite that article in support of motions for adequate funding (both pretrial and post-conviction) and in merits briefs on the issue of prejudice, it became apparent that an updated article would provide an even more accurate and complete picture of how jurors have rejected the death penalty in sentencing proceedings. As we began to accumulate twice as many cases as were listed in 2018, we were motivated to intensify our efforts to find even more cases that could be readily identified and supported with reliable sources.

Over twenty percent of the cases (about 130) are cross-listed in more than a single category, and four in all three, but they are not double- (or triple-) counted.⁴⁶ The Appendix to this Article shows multiple-victim cases with child and/or law-enforcement victims from thirty states (plus federal cases from the District of Columbia and Puerto Rico) ranging from 1980 to 2021.⁴⁷ The cases are from state, federal, and military jurisdictions.⁴⁸

victims, 41.4% for police officer victims, 34.5% for multiple victims, as compared to 24.1% for a killing by a gang member).

45. In *State v. Bartol*, 496 P.3d 1013, 1015-16 (Or. 2021), the Court found that a death sentence imposed for an offense that is no longer death-eligible was disproportionate and thus had to be overturned. See *Oregon Supreme Court Overturns Death Sentence in Decision That Could Clear the State's Entire Death Row*, DEATH PENALTY INFO. CTR. (Oct. 8, 2021), <https://deathpenaltyinfo.org/news/oregon-supreme-court-overturns-death-sentence-in-decision-that-could-clear-the-states-entire-death-row> [<https://perma.cc/KF8Z-A9X8>] (discussing 2019 legislation, SB 1013, reclassifying most of the former death-eligible offenses as first-degree only).

46. See *infra* Appendix. The September 11th attacks, for example, included eight children and seventy-two law enforcement personnel among the 2,977 people who were killed. See *Casualties of the September 11 Attacks*, WIKIPEDIA (Sept. 17, 2022), https://en.wikipedia.org/wiki/Casualties_of_the_September_11_attacks [<https://perma.cc/2ZRQ-GP2F>]. The Oklahoma City bombing included nineteen children and eight federal law enforcement agents among the 168 people who were killed. See *Oklahoma City Bombing*, WIKIPEDIA (Sept. 8, 2022), https://en.wikipedia.org/wiki/Oklahoma_City_bombing [<https://perma.cc/2XH7-YPGM>]. If we did count cases a second or third time when they met criteria for additional categories, the total number would be over 700, instead of over 600 (i.e., over 200 child victim cases, 120 law enforcement victim cases, and over 400 multiple victim cases equal over 680 total).

47. See *infra* Appendix I.

48. See *infra* Appendix I.

When we speak of the total number of cases identified (over six hundred), we count each defendant only once, even if we have listed his or her case in more than one category. If we instead combined the number of cases from each category, the total would be well over seven hundred. However, if a defendant was capitally prosecuted to a penalty phase in more than one jurisdiction, we count both prosecutions as separate cases. Terry Nichols, for example, was prosecuted consecutively in both federal and state courts for the Oklahoma City bombing resulting in 168 deaths.⁴⁹ Nichols is counted twice because he received life sentences from two different juries in both federal court and state court.⁵⁰ However, each prosecution (federal or state) is counted only once even though the cases fit the criteria for all three of our highly aggravated categories (the multiple victims of the Oklahoma City bombing included nineteen children and eight federal law enforcement officers).⁵¹

We are aware that juries occasionally compromise in sentencing proceedings where there are multiple death-eligible counts. For example, they may impose a death sentence for a child murder, but a life sentence for an adult murder that was part of the same criminal transaction. We have not included any cases in which at least one death sentence was imposed by the sentencing jury. Even if that death sentence was later set aside by an appellate or post-conviction court, our sole focus in this Article is on what happened at trial. Thus, as explained *infra* in Part II.D, we have included a small number of cases in which *trial* judges chose to exercise a statutory authority to override the jury and impose a life sentence after hearing the same evidence.⁵²

B. How We Identified Cases

Some readers may be surprised to learn that there is no nationwide database tracking all the capital cases that proceed to trial. The Death Penalty Information Center (“DPIC”) has established itself as a reliable source of statistical information in many areas relating to the U.S. death penalty, including executions and death sentences.⁵³ However, neither

49. See *supra* note 9 and accompanying text.

50. See *supra* note 9 and accompanying text.

51. See *supra* note 46.

52. See *infra* Part II.D.

53. See *Execution Database*, DEATH PENALTY INFO. CTR., <https://deathpenaltyinfo.org/executions/execution-database> [<https://perma.cc/3SDB-7MH3>] (last visited Nov. 18, 2022). The Death Penalty Information Center’s (“DPIC”) execution database (tracking over 1,500 executions) lists every execution in the post-*Furman* era and allows searches by year (or a range of years); name, age, sex, and race of the person on death row; number, race, and

DPIC, nor any other data source, can identify all the cases that went to trial with death as a potential outcome (or the death-eligible cases that were never ultimately authorized for capital prosecution, or were deauthorized, or were resolved by negotiated disposition for a sentence less than death). Moreover, it is only during the second half of the modern death-penalty era that court records and news media began to become electronically available. We have received anecdotal reports of additional cases from the pre-Internet era that we cannot include because we are unable to find citable digital sources.

The authors are not alone in encountering the failure to establish and maintain comprehensive data. Studies by the federal courts and the New Mexico Supreme Court illustrate the problem.⁵⁴

The Committee on Defender Services of the Judicial Conference of the United States created the Subcommittee on Federal Death Penalty Cases, chaired by the Honorable James R. Spencer from the Eastern District of Virginia.⁵⁵ The subcommittee's initial report was issued in May 1998 and its recommendations were adopted by the Judicial Conference of the United States on September 15, 1998.⁵⁶ An update released in September 2010 provided data on federal capital defendants from 1989 to 2009.⁵⁷ The update noted that the data employed "should be viewed as a good estimate," rather than a precise count:

As a jurisdictional matter, most federal death penalty cases could be prosecuted in either federal court or state court. Federal authorities, often in consultation with state law enforcement agencies, determine whether and where to bring the prosecution, a decision that may turn on any one of a number of factors. This research has found no source from which the number of all such potential federal death penalty cases can readily be ascertained.⁵⁸

sex of the victims; state or federal jurisdiction; state and county of jurisdiction; region; and whether the person on death row was a juvenile at the time of the crime, a foreign national, or a "volunteer" who abandoned post-conviction litigation. *Id.* Its sentencing database tracks annual death sentences nationally and by state and year. *Id.*

54. See JAMES R. SPENCER ET AL., FEDERAL DEATH PENALTY CASES: RECOMMENDATIONS CONCERNING THE COST AND QUALITY OF DEFENSE REPRESENTATION (1998), http://www.uscourts.gov/sites/default/files/original_spencer_report.pdf [<https://perma.cc/4VEQ-MHHY>] [hereinafter THE SPENCER REPORT]; Fry v. Lopez, 447 P.3d 1086, 1100-01 (N.M. 2019).

55. THE SPENCER REPORT, *supra* note 54.

56. *Id.*

57. JON B. GOULD & LISA GREENMAN, REPORT TO THE COMMITTEE ON DEFENDER SERVICES, JUDICIAL CONFERENCE OF THE UNITED STATES, UPDATE ON THE COST AND QUALITY OF DEFENSE REPRESENTATION IN FEDERAL DEATH PENALTY CASES 4-5 (2010), <http://www.uscourts.gov/sites/default/files/fdpc2010.pdf> [<https://perma.cc/Z8PZ-3S4X>].

58. *Id.* at 4, 4 n.6.

New Mexico repealed the death penalty prospectively in 2009, leaving two people on death row.⁵⁹ When the Supreme Court of New Mexico later addressed the proportionality of their death sentences, the Court found that:

[T]here is no central repository of information regarding death penalty cases, making it difficult to obtain the details and records necessary to thoroughly conduct the comparative proportionality review. As Fry and Allen [the two people remaining on death row] note, “[t]he [L]egislature obligated [this] Court to conduct a proportionality analysis, but failed to provide any mechanism to collect the cases that could be used in the analysis.” Unlike other states, New Mexico does not collect data to support comparative proportionality review The underlying records in most death penalty cases in New Mexico are not electronically available, with the exception of those cases that were prosecuted shortly before the repeal. This invariably affected both the ability of defense counsel to bring meritorious challenges to the comparative proportionality of their clients’ death sentences and the depth of this Court’s review.⁶⁰

Prior to repeal, the most thorough scholarly review of the New Mexico death penalty noted similar difficulties in attempting to locate important data:

In 2000, the Board of Bar Commissioners of the New Mexico State Bar Association created a Task Force to study New Mexico’s death penalty. Among other things, the Task Force found that no one knew how many death penalty cases had been filed in New Mexico since

59. *Fry*, 447 P.3d at 1091-92 (citations omitted) (noting the abolition of the death penalty as a sentencing option for all murders committed after July 1, 2009).

60. *Id.* at 1101-02. The New Mexico Supreme Court cited Tennessee’s Rule 12 (requiring trial courts to collect data for all first-degree murder cases for proportionality review), but that rule apparently did not achieve the desired result. *Id.*; see Bradley A. MacLean & H. E. Miller, Jr., *Tennessee’s Death Penalty Lottery*, 13 TENN. J.L. & POL’Y 85, 119-20 (2018) (“Unfortunately, the history of the court’s comparative proportionality review, and of Rule 12, has been problematic. Rule 12 data has rarely, if ever, entered into the court’s comparative proportionality analysis. There was no effort by the court or any other public agency to organize or quantify Rule 12 data in any comprehensive way. All we have now are CD-ROMs with copies of more than a thousand Rule 12 reports that have been filed, with no indices, summaries, or sorting of information. There exist no reported Tennessee appellate court opinions that cite or use any statistical data compiled from the Rule 12 reports. And perhaps most significantly, in close to one-half of first degree murder cases, trial judges have failed to file Rule 12 reports, leaving a huge gap in the data.”) (footnotes omitted); see also Ed Miller, *Review of Death-Sentence Defendants Shows How Justice Is Unevenly Applied*, TENNESSEAN (Aug. 24, 2021, 5:33 PM), <https://www.tennessean.com/story/opinion/2021/08/24/review-death-sentence-defendants-shows-justice-unevenly-applied/5575586001> [<https://perma.cc/BN75-G7CF>] (explaining that in 2,838 cases of first-degree murder convictions, trial judges failed to file Rule 12 reports in approximately forty-five percent of such cases).

1979 . . . None of the public agencies involved were systematically tracking the filing and resolution of these cases over time. This means that there is no way to be sure that all the cases have been identified. Furthermore, the district attorneys in the judicial districts with the largest number of death penalty cases filed were not willing to provide a list of those cases to the Task Force. Accordingly, the author worked primarily with the attorneys who had defended capital cases.⁶¹

In the tiny minority of jurisdictions whose courts have collected and posted data on the outcome of death-penalty prosecutions, we have reviewed their lists to identify cases that might fit our criteria and for which a court and/or media source could be cited, as described in Part II.C.⁶² In the jurisdictions where one or more of the authors have worked on cases at the trial level, we have utilized datasets maintained by capital defense institutions⁶³ or nonprofit organizations serving as resources for

61. Marcia J. Wilson, *The Application of the Death Penalty in New Mexico, July 1979 Through December 2007: An Empirical Analysis*, 38 N.M. L. REV. 255, 257-58 (2008) (citations omitted).

62. See *Capital Indictment Filings*, SUP. CT. OF OHIO & OHIO JUD. SYS., <https://www.supremecourt.ohio.gov/Clerk/capitalIndictment/default.asp> [https://perma.cc/82YA-JKKE] (last visited Nov. 18, 2022); WASH. REV. CODE § 10.95.130(2)(b) (2010) (providing proportionality review under Washington's former death penalty statute). The authors are grateful to Professor Emerita Margery Koosed and Attorney Mark Larrañaga for facilitating our access to the Ohio and Washington datasets, respectively. Under Washington's statute, the trial court was required to submit a thirteen-page pre-printed "trial report" with the State Supreme Court. See Timothy V. Kaufman-Osborn, *Capital Punishment, Proportionality Review, and Claims of Fairness (With Lessons from Washington State)*, 79 WASH. L. REV. 775, 812 (2004). The trial court was required to complete a questionnaire pursuant to the Washington Laws of 1981, chapter 138, § 12. Kaufman-Osborn, *supra*, at 812 n.197. The intended purpose was to create a pool of cases for proportionality. See Kaufman-Osborn, *supra*, at 806. The trial reports were supposed to request a diverse range of information, including the aggravating factors charged and/or found by the jury. See Kaufman-Osborn, *supra*, at 816. The trial reports were supposed to be filed upon any conviction of aggravated murder—regardless of whether death was sought and/or imposed. Kaufman-Osborn, *supra*, at 813. These reports dated to 1981. Kaufman-Osborn, *supra*, at 815. Where appropriate, we have cited some of these reports in Parts II, III, and IV, designated by county, case number, and date of filing with the Washington Supreme Court. Copies of the cited reports are on file with the authors and the *Hofstra Law Review*. For the early years of the death penalty in New Jersey, we also consulted DAVID C. BALDUS, NEW JERSEY PROPORTIONALITY REVIEW PROJECT, DETAILED NARRATIVE SUMMARIES FOR DEATH ELIGIBLE CASES (1992). A copy of the NCJRS reproduction is also on file with the authors and the *Hofstra Law Review*. The Baldus summaries are cited by case number as "Baldus N.J. Project 1991: Case #0000." Our abbreviation reflects the date of original publication. See also *In Re* Proportionality Rev. Project, 585 A.2d 358, 358-59 (N.J. 1990); *State v. Marshall*, 613 A.2d 1059, 1063 (N.J. 1992) (per curiam). The authors are grateful to attorney Jean Barrett for facilitating our access to the New Jersey dataset.

63. See FED. DEATH PENALTY RSCH. COUNS. PROJ., <https://fdprc.capdefinet.org> [https://perma.cc/3LUD-09YC] (last visited Nov. 18, 2022); N.Y. CAP. DEF. OFF., www.nycto.org [https://perma.cc/6VSZ-6QW3] (last visited Nov. 18, 2022).

the capital defense bar.⁶⁴ Through colleagues in the capital defense bar, we have found a few additional datasets collected by public defender offices,⁶⁵ academic institutions and scholarly researchers,⁶⁶ and nonprofit organizations.⁶⁷ Nonetheless, for the majority of jurisdictions where capital trials have been prosecuted with regularity, we have had only the anecdotal reports of friends and colleagues to point us to potential cases.⁶⁸

64. See *Case Tracking*, ATL. CTR. FOR CAP. REPRESENTATION, <https://www.atlanticcenter.org/case-tracking> [<https://perma.cc/G36E-9CWT>] (last visited Nov. 18, 2022) (tracking all Pennsylvania cases since 2011).

65. See Data from Paula Sites, Exec. Dir. Ind. Pub. Def. Council, to Russell Stetler (on file with the authors and *Hofstra Law Review*); see also *Death Penalty Facts*, IND. DEATH PENALTY COUNCIL, <https://www.in.gov/ipdc/files/Death-Penalty-Facts,-Indiana.pdf> [<https://perma.cc/H5JN-ZRYY>] (last visited Nov. 18, 2022), cited in Stetler, *Mitigation Profession*, *supra* note 13, at 1223 n.341. In the current Article, cases were provided by Mark A. Manna, Chief Attorney of the State of Kansas Death Penalty Defense Unit, tracking all life outcomes in death-authorized cases that went to trial since Kansas restored the death penalty in 1994.

66. See Data from the Va. Cap. Case Clearinghouse (“VC3”) at the Wash. & Lee Univ. Sch. of L. (on file with the authors and *Hofstra Law Review*) (showing data from all reported Virginia capital murder convictions in the modern era in which a judge or jury had the choice to impose the death penalty). VC3 was a yearlong ten-credit legal clinic created by Professor William Geimer to assist in the defense of Virginia defendants who were facing the death penalty in the state’s trial courts. See *Law 586 – Virginia Capital Case Clearinghouse*, WASH. & LEE UNIV. (2020), https://catalog.wlu.edu/preview_course_nopop.php?catoid=8&coid=7062 [<https://perma.cc/NTK2-ZMNC>]. Following the 2021 repeal of Virginia’s death penalty, Washington and Lee reallocated the funding on which VC3 had depended, thereby closing its website. Colleagues at Cornell University School of Law also provided information from their Delaware Capital Trials dataset compiled from various official sources and utilized in Sheri Lynn Johnson et al., *The Delaware Death Penalty: An Empirical Study*, 97 IOWA L. REV. 1925, 1925, 1932 (2012); Valerie P. Hans et al., *The Death Penalty: Should the Judge or the Jury Decide Who Dies?*, 12 J. EMPIRICAL LEGAL STUDS. 70, 70, 85-87 (2015). We are particularly grateful to Professor Hans for sharing an extremely detailed dataset in a format that gave us access to the small number of variables relevant to this Article. Similarly, Professor Gennaro F. Vito kindly shared data utilized in two articles of which he is a coauthor. See Thomas J. Keil & Gennaro F. Vito, *Race and the Death Penalty in Kentucky Murder Trials: An Analysis of Post-Gregg Outcomes*, 7 JUST. Q. 189, 197-203 (1990); Anthony G. Vito et al., *Examining the Sentence of Life Without Parole in Kentucky Homicide Cases*, 4 JUST. EVALUATION J. 98, 104-07 (2021). Professor Catherine Grosso kindly shared the late Professor Baldus’s “narrative summaries” of the cases analyzed in David C. Baldus et al., *Arbitrariness and Discrimination in the Administration of the Death Penalty: A Legal and Empirical Analysis of the Nebraska Experience (1973-1999)*, 81 NEB. L. REV. 486, 698-752 (2002). The “narrative summaries” are cited herein as “Baldus Neb. Proj. 2002: Case #000000” and are on file with the authors and *Hofstra Law Review*.

67. Data provided by Gretchen Engel, Executive Director of The Center for Death Penalty Litigation in Durham, North Carolina. See E-mail from Gretchen Engel to Russell Stetler (Sept. 28, 2021, 03:57 AM) (on file with the authors and *Hofstra Law Review*). Lindsey S. Vann, Executive Director of Justice 360, provided cases from South Carolina. See E-mail from Lindsey S. Vann to Russell Stetler (Sept. 8, 2021, 08:20 AM) (on file with the authors and *Hofstra Law Review*).

68. These include many of the highest-volume jurisdictions, such as California, Texas, and Florida.

Despite these limitations, we have documented cases from thirty-eight of the forty jurisdictions (ninety-five percent) in which capital cases have gone to a jury or sentencing judge. We have no cases from New Hampshire, but only two capital cases went to trial there in the modern era, with one life sentence that did not fit our criteria.⁶⁹ We have no cases from Montana, but, like New Hampshire, Montana is a low-volume state with a minuscule death-row population and no specialized and organized capital defense bar of which we are aware.⁷⁰

Thus, although our current lists include more than six hundred cases (roughly three times as many as were documented in Stetler's 2018 Article), they include, once again, only the cases that we could identify and document. Because of the absence of official databases and electronic documentation of the early cases, we believe that there are many more. Sadly, many of the capital defense institutions and nonprofits that provided cases for this update are of relatively recent vintage and did not have the ability to collect data on cases prior to their own creation.⁷¹ The highest volume of cases reaching a penalty-phase was in the years before these entities existed; as indigent capital defense representation became better organized and better funded, more cases were resolved by negotiated dispositions, fewer cases were authorized to seek the death penalty, and more prosecutors elected to avoid the financial burden of capital trials.

69. See Memorandum from Hon. Walter L. Murphy, Chair, Comm'n to Study the Death Penalty in N.H. to Hon. John H. Lynch, Governor, and Michael York, State Libr. (Dec. 1, 2010), at 14 (available at <https://files.deathpenaltyinfo.org/legacy/documents/NHDeathPenalty.pdf> [<https://perma.cc/Y8GB-WR65>]). In the fifty years between 1960 and 2010, New Hampshire had only two death penalty trials. See *State v. Addison*, 7 A.3d 1225, 1256 (N.H. 2010) (ending in death sentence); *State v. Brooks*, 56 A.3d 1245, 1250-51 (N.H. 2012) (ending in life sentence). New Hampshire repealed the death penalty prospectively in 2019. *State by State*, DEATH PENALTY INFO. CTR., <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state> [<https://perma.cc/T7T7-XNGV>] (last visited Nov. 18, 2022). Recent scholarship indicates that what usually happens after the death penalty is repealed prospectively is that those remaining under sentence of death will have their sentences reduced. See James R. Acker & Brian W. Stull, *Life After Sentence of Death: What Becomes of Individuals Under Sentence of Death After Capital Punishment Legislation Is Repealed or Invalidated*, 54 AKRON L. REV. 267, 328 (2020).

70. As of April 1, 2021, there were only two people on death row in Montana. DEBORAH FINS, DEATH ROW U.S.A. 52 (2021), <https://www.naacpldf.org/wp-content/uploads/DRUSASpring2021.pdf> [<https://perma.cc/62CT-GAU4>]. The last death-eligible case to be prosecuted in Montana was Lloyd Barrus, who was charged with killing a sheriff's deputy in May 2017. *Man Found Guilty of Killing Sheriff Deputy*, NBC MONT. (Sept. 22, 2021), <https://nbcmontana.com/news/local/man-found-guilty-of-killing-sheriff-deputy> [<https://perma.cc/3V96-N45M>]. Investigation of his mental disorders resulted in a finding of incompetence to stand trial in 2018. NBC MONT., *supra*. When Barrus was restored to competency, the prosecution elected not to seek the death penalty, and he was convicted by a noncapital jury on September 21, 2021. NBC MONT., *supra*.

71. See *supra* notes 64-65, 67 and accompanying text.

Our succinct case descriptions are intended merely to indicate why the case fits one or more of our categories: they should not be interpreted as endorsing the certainty of a jury's or a court's factual findings of culpability. When our shorthand description (using *kill* and *murder* as interchangeable verbs) says, "[k]illed 3 people" or "[k]illed 5-year-old child," it would be more accurate to say that the individual was convicted of those allegations. Everyone in our listed cases was convicted of capital murder; some were found guilty through felony-murder or conspiracy statutes and were not the actual killers. We know of one of our multiple-victim, life-sentenced cases where the individual was exonerated more than two decades later.⁷² Moreover, the mitigation evidence is largely invisible in the sources we have reviewed. As we explain in the next Section discussing sources, appellate opinions do not mention mitigation because they are reviewing only the convictions.⁷³ Likewise, newspaper headlines most often reiterate a sensational description of a brutal crime, and only rarely mention why the jury declined to impose a death sentence.⁷⁴

C. Sources

Finding sources that could be cited for all the cases collected here was complicated, and in many cases more than one source was needed to establish all the pertinent information: that the case fit one or more of our highly aggravated categories, that it went to a sentencing proceeding, and that the jury or judge declined to impose a death sentence. Many

72. George Bell was wrongfully capitalily prosecuted in Queens, New York, and was sentenced to life without parole for a double murder (including an off-duty police officer). *See* Troy Closson, *They Spent 24 Years Behind Bars. Then the Case Fell Apart.*, N.Y. TIMES (Mar. 5, 2021), <https://www.nytimes.com/2021/03/05/nyregion/queens-wrongful-convictions.html> [<https://perma.cc/7XHK-JUXP>]. Bell was arrested at age nineteen and released at age forty-four. *Id.* Among the more than 600 cases listed here, there may be others who were wrongfully convicted, but few who escape the death penalty have the benefit of court-appointed lawyers or public defenders in post-conviction litigation.

73. *See* Russell Stetler & W. Bradley Wendel, *The ABA Guidelines and the Norms of Capital Defense Representation*, 41 HOFSTRA L. REV. 635, 676-81 (2013) (discussing how appellate justices and judges never see the compelling evidence that persuaded jurors not to sentence defendants to death).

74. *See, e.g.*, Brian Anthony Hernandez, *Ax Murderer Spared Death Penalty. He Gets Life Without Parole for Killing Two.*, PLAIN DEALER (Cleveland), May 29, 2008, at B3; Janet S. Spencer, *Officer's Sister: Verdict Was 'Slap in Face'*, GOUPSTATE (Oct. 31, 1997), <https://www.goupstate.com/story/news/1997/11/01/officer39s-sister-verdict-was-39slap-in-face39/29598416007> [<https://perma.cc/P55B-6PND>]; Lynne Tuohy, *Some Heinous Killers Given Life Sentences*, HARTFORD COURANT (Jan. 16, 2005, 12:00 AM), <https://www.courant.com/news/connecticut/hc-xpm-2005-01-16-0501160144-story.html> [<https://perma.cc/NF5V-32QV>]. There are only occasional exceptions. Stefanie Asin, *Brain-Damaged Man Escapes Death Penalty*, HOUS. CHRON., July 17, 1997, at 26.

appellate decisions in life-sentenced cases fail to mention whether the life sentence followed a penalty-phase proceeding in which the death penalty was an option. When only culpability issues are litigated, the appellate court often simply states that the appellant was convicted of first-degree murder and sentenced to life without parole. To establish the critical point that the sentencer chose life rather than death, we have, therefore, largely had to rely on contemporaneous media reports. Unfortunately, media reports on the Internet rarely cover cases from the 1970s and 1980s, and the links that do exist vary in their durability over time. Some of the links to news reports that were cited in the previous article in 2018⁷⁵ are no longer functional and had to be updated. To avoid this problem of transient internet links in the future (so common that it is sometimes called “link rot”⁷⁶), we have since saved every media report as a PDF on file with the authors that could be reviewed by the *Law Review* at the time of publication. The *Hofstra Law Review* has created permanent links (“perma cc”) for many, but not all, sources, as well as many references throughout the text of this Article. We stress that for every Internet source on which we relied, the authors also saved PDFs and will continue to do so as the database grows in the future.

D. Judge Sentencing and Jury Sentencing

Although most death-penalty jurisdictions in the post-*Furman* era have asked jurors to render the reasoned moral decision on whether a defendant should live or die, some initially did not.⁷⁷ Some have changed from judge to jury sentencing over the decades, and others have done so belatedly in the wake of *Ring v. Arizona*⁷⁸ and *Hurst v.*

75. Stetler, *Mitigation Profession*, *supra* note 13, at 1229-56.

76. See *Stop Link Rot: How to Preserve Webpages*, TEX. A&M UNIV. SCH. OF L. (May 13, 2022, 11:36 AM), <https://law.tamu.libguides.com/linkrotguide> [<https://perma.cc/AX3X-7JHL>]. See also Jonathan Zittrain et al., *Perma: Scoping and Addressing the Problem of Link and Reference Rot*, 127 HARV. L. REV. 176, 180 (2014); Martin Klein et al., *Scholarly Context Not Found: One in Five Articles Suffers from Reference Rot*, PLOS ONE (Dec. 26, 2014), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone> [<https://perma.cc/PJ5J-5XHZ>]. These articles estimate that fifty percent of links in Supreme Court opinions, seventy percent of links in academic legal journals, and twenty percent of links of all science, technology, and medicine articles suffer from link rot. See Zittrain et al., *supra*, at 178; Klein et al., *supra*.

77. See William J. Bowers et al., *Foreclosed Impartiality in Capital Sentencing: Jurors' Predispositions, Guilt-Trial Experience, and Premature Decision Making*, 83 CORNELL L. REV. 1476, 1485, 1486 n.38 (1998).

78. 536 U.S. 584 (2002) (requiring juries, rather than judges to determine statutory aggravating factors in death penalty cases). Idaho's death penalty laws, for example, underwent many revisions in 2003 to comply with the decision. See OFF. OF PERFORMANCE EVALUATIONS IDAHO LEG., FINANCIAL COSTS OF THE DEATH PENALTY, EVALUATION REP. 14-02, at 12 (2014), <https://legislature.idaho.gov/wp-content/uploads/OPE/Reports/r1402.pdf> [<https://perma.cc/C68K-VXZJ>]. Arizona also revised its statute prospectively, but in *State v. Towery*, 64 P.3d 828, 835

Florida.⁷⁹ California's statute has always permitted a judge to override a jury's death sentence in favor of a sentence of life without parole, but such downward overrides have been extremely rare.⁸⁰ Some other states (including Alabama, Delaware, and Florida) permitted judges to override juries in either direction, but, once again, downward overrides (from death to life without parole) have been extremely rare.⁸¹

We have included in our lists cases from the states in which only judges, rather than juries, heard the sentencing evidence, or where a defendant waived a jury in the penalty phase. These decisions still involved consideration of aggravating and mitigating evidence. We also decided to include the few cases in which judges heard the same mitigating evidence as jurors and overrode jurors' death verdicts or recommendations. In the alternative, there is an argument for including the much larger number of cases where juries, responding to mitigation, chose life without parole sentences, but judges, usually elected and arguably more vulnerable to political influences, changed the verdict to

(Ariz. 2003) (en banc), the Arizona Supreme Court held that *Ring* did not apply retroactively to cases that were already final prior to the decision. See also *State Developments, Post-Ring*, DEATH PENALTY INFO. CTR., <https://deathpenaltyinfo.org/stories/state-developments-post-ring> [<https://perma.cc/S7U7-LJGK>] (last visited Nov. 18, 2022) (discussing developments in Arizona, Colorado, Delaware, Florida, Idaho, Indiana, Maryland, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, and the federal system).

79. 577 U.S. 92 (2016) (finding Florida's statute unconstitutional where jurors recommended the death penalty, but judges made final decision based on facts not known to the jury).

80. We are aware of only a few instances where California judges exercised this downward override authority. Judge John Schatz, Jr., of the Santa Clara County Superior Court, set aside jury death sentences in two cases. In one, *People v. Crew*, 2 Cal. Rptr. 2d 755, 755, 767 (Cal. Ct. App. 6 Dist. 1991), the Court of Appeals reversed his set-aside. Mr. Crew is presently on death row. *Condemned Inmate List*, CAL. DEP'T OF CORR. & REHAB. (Sept. 26, 2022), <https://www.cdcr.ca.gov/capital-punishment/condemned-inmate-list-secure-request> [<https://perma.cc/M5DA-EM4N>]. Judge Joseph Karesh also imposed a life sentence in a case involving the killing of a police officer, but his override occurred when the case was remanded after an initial jury death sentence. *People v. Rodriguez*, 726 P.2d 113, 113, 119, 155 (Cal. 1986). Both judges were former prosecutors. See E-mail from Michael Ogul, Retired Santa Clara Pub. Def. to Russell Stetler (Aug. 19, 2021, 4:22 PM) (on file with the authors and *Hofstra Law Review*) (stating that Judge Schatz was a former district attorney); Steve Rubenstein, *Joseph Karesh – Respected Jurist*, SFGATE (June 21, 1996), <https://www.sfgate.com/news/article/Joseph-Karesh-Respected-Jurist-2976833.php> [<https://perma.cc/ZK55-9WY4>] (stating that Judge Karesh was a former federal prosecutor). In the case of Andre Johnson, convicted in the murder of a San Quentin prison guard, Judge Beverly Savitt overrode the jury's death sentence and imposed a sentence of life without parole. See *People v. Masters*, 365 P.3d 861, 871 (Cal. 2016); Kevin Rector, *A Story of Life and Death Row: a San Quentin prison's guard's stabbing still ripples through time in the lives of his children and an inmate seeking a final chance at freedom*, (L.A. TIMES, Oct. 24, 2022, Part A, Page 13).

81. See EQUAL JUST. INITIATIVE, THE DEATH PENALTY IN ALABAMA: JUDGE OVERRIDE 4, 7 (2011), <https://eji.org/wp-content/uploads/2019/10/death-penalty-in-alabama-judge-override.pdf> [<https://perma.cc/Q2XL-3FNT>].

death.⁸² We chose the conservative course of including only cases where the sentencing verdict at trial was life, whether imposed by jurors or a judge, regardless of the statutory framework that permitted the judge to choose between death and a lesser sentence.

We found an analysis of judicial overrides in Alabama instructive.⁸³ The Alabama study identified eleven cases in which judges imposed life sentences, compared to 101 where they imposed the death penalty.⁸⁴ Among the 101 Alabama override cases in which judges imposed death sentences, there were forty-four cases that fit our criteria: thirteen child-victim cases, sixteen law-enforcement-victim cases, and twenty-five cases with multiple victims. As with the cases listed in Parts III, IV, and V, *infra*, the combined total is higher than forty-four because some cases fit more than one category (for example, several multiple-victim cases in which one victim was a child). Three defendants were sentenced more than once, with the same results (for example, a different jury voting for life but a judge overriding to impose a death sentence): Richard Frazier, whose Mobile judge overrode jury life verdicts in 1986 and 1990; Paul Murry, whose Montgomery judge overrode jury life verdicts in 1982 and 1988; and Philip Tomlin whose life sentences from juries were overridden by three different Mobile judges in 1990, 1994, and 1999.⁸⁵

III. CHILD-VICTIM CASES WHERE THE JURY REJECTED THE DEATH PENALTY

Part III summarizes about two hundred cases identified over a forty-seven-year period from 1975 to 2022 from federal, military, and state courts in thirty-two different death-penalty states, plus federal cases

82. *Id.* at 4-5, 14-16 (noting that trial and appellate judges in Alabama are elected and frequently campaign on their support of capital punishment; proportion of death sentences imposed by override is often elevated in election years). In Missouri, no jury has returned a death sentence since 2013, but judges have nonetheless imposed death sentences under MO. REV. STAT. § 565.030.4(4) (2016), which provides that at capital sentencing, if the jury cannot agree on a sentence, the judge can step in and decide whether to impose life or death. This provision, enacted in 1984, replaced MO. REV. STAT. § 565.006(2) (1978), which permitted the judge to impose a sentence *other than death* if the jury could not agree on penalty. Missouri judges have imposed death sentences at least nineteen times when juries could not reach a penalty verdict, and at least two of these sentences resulted in executions. See E-mail from Jennifer Merrigan, Att’y, Phillips Black, to Russell Stetler (Aug. 28, 2021, 3:33 PM) (on file with the authors and *Hofstra Law Review*). See also Michael J. Essma, *DEAD-Locked: Evaluating Judge-Imposed Death Sentences Under Missouri’s Death Penalty Statute*, 85 MO. L. REV. 271, 272, 278-79 (2020).

83. See EQUAL JUST. INITIATIVE, ALABAMA OVERRIDES (Jan. 12, 2016), <https://eji.org/wp-content/uploads/2019/11/list-alabama-override-cases.pdf> [<https://perma.cc/GJ6Y-QXRT>].

84. *Id.*

85. *Id.*

in Hawaii and the Commonwealth of Puerto Rico.⁸⁶ The *Hofstra Law Review* has created permanent links (“perma cc”) for many, but not all, sources. For every Internet source on which we relied, the authors also saved pdfs and will continue to do so as the database grows in the future.

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Abeokuto, Jamal	Md.	State	2007	Kidnapped & stabbed to death girlfriend’s 8-year-old daughter	Nick Shields, Abeokuto sentenced to life without parole for killing of girl, Balt. Sun (May 9, 2007)
Abeyta, Ricky	N.M.	State	1991	Multiple killings, including State police officer, ex-girlfriend, her 18-year-old daughter, her adult sister, a 19-year-old, a sheriff’s deputy, & 6-month-old baby	AP, Abeyta Convictions Upheld, Santa Fe New Mexican (June 5, 1995)
Addison, Herman	Tex.	State	1997	Killed 14-year-old boy & raped his mother as boy died	Stefanie Asin, Brain-Damaged Man Escapes Death Penalty, Hous.Chron. (July 17, 1997)
Adkins, Marcus	Mo.	State	1993	Home invasion & murder of ex-wife’s 5- & 8-year-old children who were shot in the head at point-blank range	State v. Adkins, 867 S.W.2d 262 (Mo. Ct. App. 1993)
Aguirre, Luis	Kan.	State	2012	Killed 1-year-old son & baby’s 18-year-old mother	State v. Aguirre, Kan. Sup. Ct., No. 108,570 (May 15, 2015)
Aguirre, Roberto Rojas	Tex.	State	2011	Killed 8-year-old & 6-year-old stepsons, 3-year-old son, & mother-in-law	State v. Aguirre, Kan. Sup. Ct., No. 108,570 (May 15, 2015)

86. In Stetler’s 2018 article, Appendix 2 listed more than seventy cases in this category from a thirty-eight-year period from 1979 to 2017 from federal, military, and state courts in twenty-six different states. Stetler, *Mitigation Profession*, *supra* note 13, at 1229-37. The current list contains nearly three times as many cases as in the 2018 publication.

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Alegria, Loretto Kyle	Ariz.	State	2013	Killed 7-year-old girl	Patrick McNamara, Man who raped, killed child spared death penalty, Ariz. Daily Star (Nov. 1, 2013)
Alvarez, Dennis	N.Y.	State	2003	Killed 28-year-old girlfriend & her 2 children.	Yilu Zhao, Jury Deadlock Spares Life of Man Guilty in 3 Murders, The New York Times (May 24, 2003)
Argueta, Antonio	Md.	Fed.	2010	MS-13 leader ordered murder of teenage girl & attempted murder of another girl	U.S. vs. Argueta 470 Fed. Appx. 176 (4th Cir. 2012); Maryland MS-13 Gang Leader Convicted of Racketeering Charges Related to Murder; Sentenced to Life in Prison Ordered Murder of One Girl and Shooting of Another, State News Service (Mar. 24, 2010)
Armandariz, Gabriel	Tex.	State	2015	Murder by strangulation of 2 infant sons; sent photo of youngest son's hanged body to estranged wife.	Mitch Mitchell, Convicted Graham child killer sentenced to life in prison, Fort Worth Star-Telegram (March 12, 2015)
Barreto, Axel	Pa.	State	2013	Killed 3 boys, 14-year-old members of son's rival gang	Commw. v. Barreto, 2012 Phila. Ct. Com. Pl. LEXIS 499
Baskerville, Ricky	Mo.	State	1979	Killed man, woman & woman's 7-year-old son	State v. Baskerville, 616 S.W.2d 839 (Mo. 1981)
Becker, Matthew	Pa.	State	2013	Killed pregnant (third trimester) girlfriend	Brett Hambright, Victim's Father Scolds Killer, Lancaster Intelligencer-J. (Mar. 29, 2013)
Bertino, Fabrizio Salvatore	N.J.	State	1987	Drowned girlfriend & her 2-year-old son	Baldus N.J. Project 1991: Case #0190, 2801; pdf on file w/authors & <i>Hofstra Law Review</i>
Biggs, Jay	Ohio	State	2008	Raped & smothered to death 4-month-old daughter	Doug Staley, Jay Biggs Spared the Death Penalty, But Will Never See Freedom, Canton Rep. (Oct. 23, 2008)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Biyad, Said	Ky.	State	2011	Raped & strangled wife but she survived; killed their 4 children, ages 8, 7, 4 and 2	WAVE, Judge During Sentencing of Man Convicted of Killing His 4 Kids: "I've Not Seen a Worse Criminal Case" (July 9, 2011)
Boppre, Jeff	Neb.	State	1989	Robbery murder of man & pregnant woman	State v. Boppre, 453 N.W.2d 406 (Neb. Sup. Ct. 1990); Baldus Neb. Proj. 2002: Case #39718; pdf on file w/authors & <i>Hofstra Law Review</i> ; Maunette Loeks, Defense attorneys claim DNA would clear convicted murder [sic], Scottsbluff, Neb., Star-Herald (Aug. 5, 2008).
Branstetter, Carl	Ark.	State	2000	Killed girlfriend's 8-year-old son. Child died after 4 days in the hospital, suffered severe head trauma	Branstetter v. State, 57 S.W.3d 105 (2001)
Breault, Joseph Michael	Ark.	State	1981	Killed young teenage girl	Breault v. State, 659 S.W.2d 176 (Ark. 1983)
Brown, Arnold	Wash.	State	1981	Strangled 7-year-old niece	Trial Judge Report, King Co., 81-1-02087-5 (Dec. 17, 1981); pdf on file w/authors & <i>Hofstra Law Review</i> ; UPI Archives, "He gave himself the death penalty" (Oct. 26, 1981)
Bruce, Lindsay	Ohio	State	2007	Kidnap, rape, & murder of 5-year-old girl	Kevin Mayhood, Still healing, despite closure, Columbus Dispatch (Mar. 25, 2007); NBC4 WCMH, Man Convicted of Killing Emily Rimel Appeals (June 3, 2008); Bruce Cadwallader, Death Sentences Rare for Local Jurors, Columbus Dispatch (Apr. 8, 2007); Bruce Cadwallader, Jurors Merciful, but Did Two Lie, Columbus Dispatch (Apr. 6, 2007)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Budd, Glenford	Nev.	State	2005	Killed 3 teenagers after playing basketball with them	Budd v. Baker, U.S. Dist. Ct. Nev., No. 2-16-cv-00613-RFB-PAL (Jan. 14, 2021); **
Bui, Quang	Ala.	State	2004	Killed his 3 children by slitting throats with butcher knife.	Jessica Walker, Second trial nets killer life in prison, Montgomery Advertiser (October 5, 2004)
Burnett, Theodore	Kan.	State	2008	Killed year-old son & baby's 18-year-old mother	Ron Sylvester, Jury spares Burnett's life in Brooks slaying, Wichita Eagle (May 29, 2008); Tim Carpenter, Chelsea Brooks' parents urge fetal protection bill, Wichita Eagle (Jan. 19, 2007)
Burrell, Christopher	Ga.	State	1991	Kidnap-robbery murder of 17-year-old high school girl by strangulation & shooting	Burrell v. State, 376 S.E.2d 184 (Ga. 1989)
Burst, William	Mo.	State	1996	Killed woman & her 6-year-old daughter, who was sexually molested and suffocated	Claire McGaskill, Plenty Ladylike: A Memoir (2016)
Candelario Santana, Alexis	P.R.	Fed.	2013	"La Tombola Massacre": 8 people killed, including pregnant woman; previously convicted of killing or ordering murder of 13 others	No death penalty for P.R. mass killer, UPI (March 25, 2013); John Marino, Jury declines to impose death penalty in Puerto Rico murders, Reuters (March 24, 2013)
Carovillano, Matthew	Ohio	State	2006	Raped & killed girlfriend's 18-month-old daughter	Sharon Coolidge, Man gets life for killing girlfriend's young daughter, Cincinnati Enquirer (July 27, 2006)
Carroll, John James	N.J.	State	1987	Killed 13-year-old stepdaughter by beating & stabbing, with 7-year-old stepdaughter & 3-year-old son in the house, despite estranged wife's restraining order	Baldus N.J. Project 1991: Case #0394; pdf on file w/authors & <i>Hofstra Law Review</i> ; State v. Carroll, 577 A.2d 862 (N.J. 1990)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Carson, Ora Ray	Idaho	State	2006	Killed 3-month-old son by beating	State v. Carson, 264 P.3d 54 (Idaho 2011); https://perma.cc/TG35-TX56 .
Chao, Vicky	Del.	State	1990	Set fire to house of ex-lover, killing his wife, his mother & his 2-year-old daughter. Ex-lover survived.	Chao v. State, Del. Sup. Ct., No. 475, 2004 (June 20, 2007); AP, Spurned Lover Sentenced to Seven Consecutive Life Terms in Arson Murders (NO DATE); Esteban Parra, Man Who Helped Mistress Kill Dies in Prison, Wilmington News J. (Mar. 15, 2018)
Cisneros, Ismael	Va.	Fed.	2005	MS-13 murder of pregnant 17-year-old	Jamie Stockwell and Jerry Markon, Gang Members to Get Life in Witness Slaying, Washington Post (June 15, 2005)
Clay, Brian	Nev.	State	2017	Raped & killed woman & her 10-year-old daughter in claw hammer attack	Briana Erickson, Jury spares life of Las Vegas man who killed girl, mother, Las Vegas Rev.-J. (Dec. 6, 2017)
Cockrell, Donald	Or.	State	2015	Killed 3-year-old stepdaughter	Steve Mayes, Donald Cockrell convicted of murder by abuse in death of 3-year-old daughter in Sandy, The Oregonian (Jan. 10, 2019)
Coe, Thomas	Fla.	State	1990	Drowned 2-year-old stepson headfirst in toilet bowl	Jennifer Stevenson, Coe Is Sentenced to Life in Prison, St. Petersburg Time (Aug. 18, 1990)
Coleman, Rayshaun	Nev.	State	2014	Murder of 6-week-old infant who had fractured skull and burns on his body	State v. Coleman, 321 P.3d 901 (Nev. 2014)
Collier, Richard	N.J.	State	1985	Killed girlfriend's 4-year-old son	Baldus N.J. Project 1991: Case #0468; pdf on file w/authors & <i>Hofstra Law Review</i>
Collins, Darrell	N.J.	State	1990	Killed wife & 1-year-old son to collect life insurance	Baldus N.J. Project 1991: Case #0469; pdf on file w/authors & <i>Hofstra Law Review</i>

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Colon, Marc Anthony	Nev.	State	2008	Beat to death girlfriend's 3-year-old daughter; threw body in apartment complex trash bin	David Kihara, Colon, Perez get life sentences, Las Vegas Rev. J. (Oct. 11, 2008); https://perma.cc/KK3G-77NR .
Cooper, Zachary	Va.	State	2004	Killed wife, 5-year-old daughter, & girlfriend	Patricia Davis, Ex-Marine Gets Life for Killing 3 in N. Va., Wash. Post (Mar. 4, 2003)
Cottrell, Chad	Ind.	State	2009	Sexually molested & killed 2 sisters, ages 10 and 12, & their mother while she slept	Lisa Tripp, Chad Cottrell Gets 3 Consecutive Life Sentences, Tribune Star (May 29, 2009).
Crawford, Austin	Tex.	State	2013	Killed girlfriend's 10-month-old daughter by beating her in the head	Man gets life in prison for fatally beating and shaking crying infant, Dallas Morning News (Aug. 16, 2013)
Crum, Girley	Or.	State	1997	Killed 5 family members, including 2 children (ages 5 years & 16 months)	John Griffith, Crum gets life in prison for killing Bandon family, The Oregonian (Feb. 26, 1997)
Cruz, Nikolas	Fla.	State	2022	Killed 14 students & 3 staff at high school.	
Daise, Earnest	S.C.	State	2013	Murder of 4-year-old child & attempted murder of 2-year-old.	State v. Daise, Appellate Case NO. 2013-002394 (S.C. Ct. App. filed Oct. 25, 2017); No execution in S.C. for more than 2 years, AP (Dec. 30, 2013)
Daniels, Jerry	Conn.	State	1986	Raped & killed woman, killed another woman, slit throat of 3-year-old girl, almost decapitating her	State v. Daniels, 542 A.2d 306 (Conn. 1988)
Davidson, Latine	Ind.	State	1986	Killed her 2 infants on 2 separate occasions	Davidson v. State, 558 N.E.2d 1077 (Ind. 1990)
Davis, Billy Frank	Kan.	State	2015	Home invasion where 8-year-old girl was kidnapped, raped repeatedly, choked & stuffed in closet where she died	Steve Fry, Jurors decide against death penalty, Topeka Capital-Journal (Dec. 17, 2014)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Davis, Michael	Ohio	State	2008	Arson murder killed 4 children (ages 8, 5, 4, & 2) plus their mother & grandmother; 8 firefighters injured	Torsten Ove, Man who set deadly Ohio fire spared, Pittsburgh Post-Gazette (Oct. 23, 2008)
Davis, Terrance	Ohio	State	1999	Killed pregnant girlfriend & her 9-month-old fetus	AP, Attorney Asks Killer's Life Be Spared, BG News (Feb. 16, 2000); AP, Jury Says Life in Prison for Man Convicted of Killing, Zanesville Times Recorder (Feb. 16, 2000)
Davis, Tony Lynn	Okla.	State	1985	Killed 25-month-old stepson	Jury Gives Life Sentence Despite Defendant's Aid, The Oklahoman (Oct. 31, 1985)
Day, Jason	Conn.	State	1991	Killed 4 people, including 4-year-old boy	State v. Day, 661 A.2d 539 (Conn. 1995)
De Los Rios, Paul Bryan	Ariz.	State	2007	Kidnap murder of girlfriend's 5-year-old daughter	State v. De Los Rios, Maricopa Cnty. Super. Ct., CR 2001-015225 (July 12, 2007)
DeLong, Richard	Mo.	State	2002	Killed 3 children, his own unborn child, & pregnant mother	Cyndy Short, The DeLong Case, The Warrior (Spring 2004), 5-13; Giacomo Bologna, When was Greene County's last DP case, Springfield News-Leader (Oct. 26, 2017)
Demby, Curtis	Del.	State	1997	Killed 14-year-old boy	Demby v. State, Sup. Ct. of Delaware, No. 202, 1996 (July 10, 1997)
Deshields, Shane	Del.	State	2004	Killed 17-year-old boy, robbed him & a friend of their jewelry, crack cocaine, cash & one victim's decorative gold teeth caps	Murali Balaji/Esteban Parra, Suspect's brother serving life term; Shane Deshields killed a teen in '03, Wilmington News J. (Apr. 8, 2005)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Diaz, Felix	N.J.	State	1989	Beat, shot, & stabbed 47-year-old male relative & 8-year-old niece, then set bodies on fire; shot former lover repeatedly & burned body	Baldus N.J. Project 1991: Case #0673; pdf on file w/authors & <i>Hofstra Law Review</i> ; State v. Wakefield, 921 A.2d 954, 1035 (N.J. 2000) (proportionality compared to Diaz)
Drummond, Gerald	Pa.	State	2011	Killed 27-year-old man (sister's boyfriend) and 14-year-old boy	Tashaja, Drummond and McDowell sentenced to life in prison, Philly DA (Oct. 8, 2020); Mensah M. Dean, Instead of retrial, plea deal for man in 2007 slayings, Phila. Inquirer (Sept. 15, 2020)
Ducic, Marc	Ohio	State	2004	Killed girlfriend & friend 16 months apart through injections of drug cocktails	Jim Nichols, Jury Spares Life of Killer of two, Cleveland Plain Dealer (June 25, 2004); Thomas Francis, Juror's Burden, Cleveland Scene Press Club (Aug. 11, 2004)
Edelin, Tommy	D.C.	Fed.	2004	14 drug-related murders, including 14-year-old; attempted to have another dozen people killed.	United States v. Edelin, 134 F. Supp. 2d 59 (D.D.C. 2001)
Edens, Gary	Okla.	State	1997	Killed 5-month-old son who was beaten & flung into wall causing head trauma	Ed Godfrey, Life Term Given to Man Convicted in Son's Death, The Oklahoman (Jan. 29, 1997)
El-Shabazz, Abdul Malik	Pa.	State	2004	Raped & smothered 6-year-old girl	Lawyers: Money counts in death penalty defense, Pocono Record (Apr. 7, 2004); Ramona Smith, Jury can't decide killer's sentence: Judge will send him to prison for life, Phila. Daily News (Apr. 7, 2004)
Felts, William	Ga.	State	2016	Rape & murder of 13-year-old girl & murder of her 14-year-old male cousin	Felts v. State, 858 S.E.2d 708 (Ga. 2021)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Fernandez, David	Ariz.	State	2005	Shot an AK-47 toward balcony, killed 10-year-old boy, paralyzed 14-year-old girl, fired same gun into car with 2 adults & 2 children, injured all 4	State v. Fernandez III, Ct. of Appeals Ariz., Div. One, Dept. E, 1 CA-CR-05-1136 (Oct. 18, 2007)
Fleer, Eugene	Mo.	State	1991	Drowned 3-year-old boy; strangled & drowned 15-year-old babysitter	State v. Fleer, 851 S.W.2d 582 (Mo. Ct. App. 1993)
Fuller, Christopher	Ohio	State	2000	Killed 2-year-old daughter who resisted sexual assault	Theresa Boyle/Isabel Teotonio, Smith gave testimony in Ohio murder trial, Toronto Star (Feb. 9, 2008); Steve Kemme, Judge spares life of killer, Cincinnati Enquirer (Oct. 10, 2000)
Garcia, Adair	Cal.	State	2005	Killed his 5 children by smothering	Sandy Mazza, Pico Rivera man who killed 5 of his children files appeal, Southern California News Group (Apr. 28, 2006); Andrew Wang, Father Guilty of Killing 5 of His Children, L.A. Times (Mar. 30, 2005)
Garcia, Ramon	Cal.	State	2000	Sodomy & beating death of infant daughter	Man Gets Life for Murder, Rape of Baby, L.A. Times Archives (Oct. 25, 2002)
Garcia-Torres, Antolin	Cal.	State	2017	Kidnap murder of 15-year-old girl	Tracey Kaplan, No death row for Sierra LaMar killer, Bay Area News Group (June 5, 2017)
Garrard, Joyce Hardin	Ala.	State	2015	Murdered 9-year-old granddaughter by forcing her to run until she died	Jon Paepcke, Garrard sentenced to life in prison in running death of Savannah Hardin; Jury recommended life in prison by 7-5 vote, judge upheld decision (May 11, 2015); Woman gets life sentence in granddaughter's running death, NBC-13, WVTM (May 11, 2015)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Gaxiola, Albert	Ariz.	State	2011	Hired 2 people to kill drug dealer rival. Victims were adult male drug dealer & his 9-year-old daughter	Kim Smith, Arivaca man given 2 life terms in killing of dad, daughter, Ariz.Daily Star (Aug. 15, 2011)
Gaytan, Brendon	Tex.	State	2015	Killed 6-year-old & 2-year-old girl in drive-by shooting	Eleanor Dearman, Court documents: Man wants state to overturn life sentence he received for killing 2 girls, Caller Times (Aug. 24, 2018)
Grady, Richard	Okla.	State	1999	Killed 9-month-old girl he was babysitting	Lillie-Beth Sanger, [no headline] Oklahoman (Oct. 21, 1995)
Grande, Oscar	Va.	Fed.	2005	MS-13 murder of pregnant 17-year old girl	Jurors reject death penalty in gang killing, Wash. Times (June 14, 2005)
Greene, Lisa	N.C.	State	2007	Murder of 8-year-old & 10-year-old children in arson	State v. Greene, No. COA09-1327, 2010 N.C. App. LEXIS 1771 (N.C. Ct. App. Sept. 7, 2010)
Guillory, Christopher	La.	State	1996	Killed man, his 15-year-old son, & son's 14-year old friend	State v. Guillory, 715 So.2d 400 (La. Ct. of App. 3d Circ. 1998)
Hall, Janet Bell	N.C.	State	2007	Killed 11-year-old son, attempted murder of 16-year-old daughter	State v. Hall, 653 S.E.2d 200 (N.C. Ct. App. 2007)
Hampton, Andre	N.C.	State	2013	Killed 23-month-old son caused by brain injury from multiple blunt force trauma injuries	Jason Stoogenke, Hampton addresses courtroom after getting life sentence in son's sentence, wsocvtv.com (Mar. 19, 2013)
Harper, Cornelius	Tex.	State	2014	Killed cousin, who was shot, & cousin's pregnant girlfriend, who was repeatedly stabbed, killing her 8½-month-old unborn child	Man sentenced to life in prison for 2010 murder of young couple, unborn baby in Missouri City, Fort Bend News (July 3, 2014)
Harris, Wesley	Ga.	State	2005	Killed young mother & her 2-year-old daughter; bodies were stuffed in trunk of car, & car set on fire	Harris sentenced to life in prison for double murder, Gwinnett Daily Post (Nov. 8, 2005)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Hartley, Kenneth	N.C.	State	2011	Stabbed to death 14-year-old half-brother; anal rape & strangulation murder of 9-year-old half-sister	State v. Hartley, 710 S.E.2d 385 (N.C. Ct. App. 2011)
Hatcher, Charlie	Mo.	State	1984	Rape murder of 12-year-old girl	Convicted sex-slayer Charles Hatcher, a drifter who told federal..., UPI (Dec. 7, 1984)
Henderson, Philip Wayne	Cal.	State	1982	Triple murder of entire family, plus unborn fetus at 30 weeks old	People v. Henderson, 225 Cal. App. 3d 1137 (1990)
Hendon, Eric	Ohio	State	2019	Killed man, his 18-year-old son, & 14-year-old daughter	Adam Ferrise, Jury Spares Life of Man Who Killed Father, Two Kids in Barberton, Cleveland.com (Jan. 11, 2019)
Herbert, Amy	La.	State	2009	Murder of 9-year-old daughter & 7-year-old son by stabbing	Life Sentence for Woman Who Killed 2 Children, CBS News (May 19, 2009)
Hogshooter, Russell	Okla.	State	2016	Murder of 6 people including 2 unborn babies	Dallas Franklin, Life without parole sentences handed down to 2 men convicted in "Cathouse", NBC-4KFOR (Aug. 12, 2016)
Holmes, James	Colo.	State	2015	Multiple murder in Aurora theater shooting; 1 of 12 deceased victims was a 6-year-old child	Jordan Steffen, Aurora theater shooting juror: One juror refused death penalty, Denver Post (Aug. 7, 2015); Colo. v. Holmes, No. 12CR1522, Div. 26, (Dist. Ct. Colo., Arapahoe Co., 2013)
Horn, Lawrence	Md.	State	1996	Ordered triple murder of quadriplegic 8-year-old son, wife, & nurse for son's \$2 million trust fund	Sonia Boin, Perry gets life in prison without parole, Frederick News Post (May 17, 2001) (Horn hired Perry); Paul Duggan, Hit man, hired by quadriplegic's father in Silver Spring triple slaying, dies, Wash. Post (Jan. 1, 2010); Karl Vick, Horn Convicted for Three Murders, Wash. Post (May 4, 1996)

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Jackson, Clayton	Ky.	State	2011	Killed 2 parents with arrows, then used body of mother to light house on fire, killing 3 children by asphyxiation	Jackson v. Commw., 392 S.W.3d 907 (Ky. 2013)
Johnson, Coleman "Mike"	Va.	Fed.	2001	Killed 8-month pregnant ex-girlfriend with pipe bomb	AP, Va. Man Sentenced to Life in Jail, Sept. 25. 2011
Johnson, John	Md.	State	1982	Rape murder of 13-year-old girl	Edward D. Sargent, Girl's Death May Tie in With Two Other Slayings, Wash. Post (Mar. 17, 1982); Tom Vesey, Lone Juror's Vote Spares Life of 13-Year-Old's Killer, Wash. Post (Nov. 18, 1982)
Jones, Antoin	Ariz.	State	2007	Raped & killed 12-year-old girl	State v. Jones, Ariz. App. Unpub. LEXIS 343
Jones, Sean Thomas	Wash.	State	2000	Killed 19-year-old girlfriend & her 14-month-old son while they were asleep	Trial Judge Report, Pierce Co., 96-1-03889-1 (Aug. 21, 2000); pdf on file w/authors & <i>Hofstra Law Review</i>
Jordan, Samuel	La.	State	2012	Murder of 8-wk-old who died of head injuries.	Convicted baby killer gets life in prison, KSLA TV (Aug. 7, 2012)
Kehoe, Chevie	Ark.	Fed.	1999	Robbery & murder of man, woman, & her 8-year-old daughter by placing plastic bags over their heads, weighing them down with rocks, & throwing them into bayou	United States v. Kehoe, 310 F.3d 579 (8th Cir. 2002); United States v. Kehoe, No. 4:97-CR-00243-(1) GTE, 2008 U.S. Dist. LEXIS 115437 (E.D. Ark. Aug. 28, 2008)
Keil, Walter	Va.	State	1981	Raped & killed 16-year-old girl	Keil v. Commw., 278 S.E.2d 826 (Va. 1981)
Keyser, Michael	Del.	State	2005	Smothered to death 16-year-old girl then dropped her body from a private plane into the Atlantic Ocean	J. L. Miller, Killer of teen avoids execution with judge's prison sentence, Wilmington News-J. (June 4, 2000)
King, Kevin	Conn.	State	1996	Killed 15-year-old girl	State v. King, 735 A.2d 267 (Conn. 1999)

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King, Levi	Tex.	State	2009	Broke into rural home & killed father, mother, 14-year-old son; 10-year-old daughter survived	AP, Lone juror didn't support death, Corpus Christi Caller-Times (Oct. 8, 2009); AP, Man pleads guilty of killing 3 at farmhouse (Sept. 3, 2009); https://perma.cc/482G-NN68 .
Kirk, Mark	Del.	State	1997	Started fire after arguing with girlfriend, fire spread through the apartment building & killed neighbor & two children, ages 17 and 8	Esteban Parra, Man, 43, who set fatal fire sentenced for second time, Wilmington News-J. (Feb. 12, 2005)
Knapp, Christopher	Ala.	State	2018	Tortured to death 20-month-old girl	Christopher Knapp Avoids Death Penalty, Sentenced to Life without Parole, WALA, Mobile (Mar. 29, 2018)
Kolberg, Bryan	Miss.	State	2002	Killed partner's 2-month-old daughter	Associated Press, Judge Gives Child Killer Life Sentence in Prison, The Sun-Times (March 13, 2000)
Lamson, Walter	Okla.	State	2002	Beat to death of 2-year-old child	Diana Baldwin, Man gets life sentence in death of 2-year-old, News OK (Nov. 23, 2002)
Landrum, Michael	Ala.	State	2005	Murder of 3-year-old daughter & her grandmother	Landrum's life spared, Demopolis Times (March 8, 2005)
Lane, Katrina	Okla.	State	1996	Killed 2-year-old daughter	[no author] Jury Selection Begins in Death, Tulsa World (June 18, 1996)
Langley, Ricky	La.	State	2009	Murder & sexual abuse of neighbor's child	Ricky Langley Sentenced to Life in Prison, 7KPLC, https://perma.cc/GH5J-YLSQ .
Lawson, Eric	Mo.	State	2012	Killed ex-girlfriend & her mother. Set two fires, closed & locked apartment door, trapping & killing 10-month-old son; 3-year-old daughter suffered smoke inhalation but survived	Gracious Egedegbe, Eric Lawson Sentenced to Life in Prison for Killing Ex-Girlfriend, Her Mother, and Their Baby, amomama.com (May 13, 2021), https://perma.cc/8RBJ-ACPG .

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Layne, William	Va.	State	1996	Raped & killed 11-year-old niece	Layne v. Commw., 1996 Va. App. LEXIS 20; Mike Hudson, Layne Gets Life Term in Killing, Roanoke Times (Mar. 9, 1994)
Lee, Deandra	Ala.	State	2018	Killed 9-year-old old twins & 73-year-old man	Deandra Lee sentenced for murder of twins, caretaker, WSFA (Oct. 29, 2018)
Liu, Tse-Poong	Del.	State	1991	Assisted Vicky Chao in setting fire to house of her ex-lover, killing his wife, his mother & his 2-year-old daughter. Ex-lover survived.	Esteban Parra, Man who helped mistress kill dies in prison, Wilmington News-J. (Mar. 15, 2015); Sean O'Sullivan, Second Liu trial possible again, Wilmington News-J. (Feb. 2, 2013)
Lloyd, Alvin Scott	La.	State	1992	3-year-old abducted from mother, raped twice, drowned in swamp	Child's Killer Spared Death Penalty: 3rd Jury Hears Case from 1981, Times-Picayune (New Orleans, LA) (July 10, 1998) Section: National; Pg. A1.
Loyd, Markeith	Fla.	State	2019	Killed ex-girlfriend & unborn child	Markeith Loyd receives life in prison for 2016 killing of girlfriend, unborn child, Orlando News (Oct.23, 2019); CNN, Markeith Loyd avoids the death penalty for killing his ex-girlfriend and her unborn child, ABC25 (Oct. 23, 2019)
Lozano, Pascual	Nev.	State	2003	Killed 9-year-old girl in drive-by shooting.	Man spared death penalty for North Las Vegas shooting, Associated Press, Las Vegas Rev. J. (Sept. 16, 2006)
Luciana, Mark	N.J.	State	1988	Sexually assaulted & strangled 15-year-old girl to death with her bra	State v. Cooper, 731 A.2d 1000 (1999) (proportionality compared to Luciana)
Lujon, Larry	N.M.	Fed.	2011	Home invasion, kidnapping & murder of 16-year-old boy by repeated stabbing, almost severing his head.	https://perma.cc/9A86-MXQV .

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Lynch, Kenneth	S.C.	State	2012	Killed girlfriend & her 7-year-old daughter, bodies never found.	Rob Dew, Kenneth Lynch Sentenced to Life in Prison, ABC Columbia (May 8, 2012)
Main, Jeremy	Fla.	State	2022	Killed girlfriend & her 7-year-old daughter; bodies never found	Jake Thomas, Florida Dad Who Killed Infant Daughter Avoids Death Penalty, Newsweek (Feb. 18, 2022); Frank Stanfield, Life or Death? Penalty Phase begins in Lady Lake man's murder trial, Daily Commercial (Feb. 15, 2022)
Manfredonia, Michael J.	N.J.	State	1986	Sexually assaulted & killed 14-year-old girl as she walked home from school	Baldus N.J. Project 1991: Case #1510; pdf on file w/authors & <i>Hofstra Law Review</i> .
Martinez, Danny Nieto	Colo.	State	1997	Gang raped & killed-14-year-old girl	People v. Martinez, 24 P.3d 629 (Colo. Ct. App. (2000))
Martinson, Jeffrey	Ariz.	State	2011	Convicted of felony murder for death of 5-year-old son (prescription overdose & drowning)	Paul Rubin, Overzealous Prosecutors, a Runaway Jury, and a Dead 5-Year-Old, Phx. New Times (Mar. 8, 2012)
Marzano, Rico	Md.	State	1989	Killed 2 women, pregnant in their third trimesters, & their husbands	Peter Jensen, Killer of two men, their pregnant wives, gets life, no parole, Balt. Sun (Dec. 16, 1989)
Mayron, Gary Joseph	N.J.	State	1989	Killed 17-year-old girl	Stephen J. Novak & Tom Howell Jr., No Relief: Court denies appeal in '89 murder case, N.J. Herald (Nov. 15, 2007)
McAfee, Darren	Tex.	State	1998	Beat his 18-month-old son to death	Steve Brewer, Man given life sentence in beating death of son, Hous. Chron. (Mar. 10, 2000)
McDowell, Robert	Pa.	State	2011	Killed 27-year-old man (boyfriend of co-defendant's sister) & 14-year-old boy	Commw. v. McDowell, 2016 Phila. Ct. Com. Pl. LEXIS 729

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McEnroe, Joseph	Wash.	State	2015	Killed 6 members of ex-girlfriend's family, including 5-year-old & 3-year-old children	Jennifer Sullivan & Steve Miletich, Split jury spares Carnation killer McEnroe from Death, Seattle Times (May 13, 2015); https://perma.cc/7GLC-MC8U .
McKinney, Steven Charles	Tex.	State	2003	Convicted of capital murder of pregnant woman & her 5-year-old daughter, plus ordinary murder of another adult	McKinney v. State, 207 S.W.3d 306 (Tex. Ct. Crim. Appeals 2006)
McKinney, William	Del.	State	1980	Killed 17-year-old girl	McKinney v. State, 466 A.2d 356 (Del. 1983)
McMains, Melvin	Md.	State	1991	Killed girlfriend & their 7-year-old son	Jackie Powder, McMains Sentence Part of Trend, Balt. Sun (Nov. 17, 1991)
McNamara, Barry Wayne	Cal.	State	1986	Killed father, mother, aunt & 4-year-old daughter of aunt	JL, Man Guilty in 4 Murders, L.A. Times (Dec. 13, 1985)
Mills, Jonathan	Conn.	State	2004	Killed his aunt & her two children	Michelle Tuccitto, Mills escapes death penalty, New Haven Register (Oct. 19, 2004)
Minerd, Joseph	Pa.	Fed.	2004	Arson resulting in death of pregnant woman, 3-year-old & fetus	Torsten Ove, Killer escapes death penalty, Pittsburgh Post-Gazette (May 31, 2002)
Morrison, James David	Tex.	State	2012	Killed mother & sister of ex-girlfriend, shot ex-girlfriend & caused her to miscarry his unborn child	Craig Kapitan, Jury Rejects Death Sentence, Express-News (Oct. 23, 2012)
Mosquera, Enrique	Tex.	State	1998	Convicted under law of parties for robbery murder of 2 adult males & 3-year-old boy	Mosquera v. State, 1999 Tex. App. LEXIS 3755
Moussaoui, Zacarias	Va.	Fed.	2006	20th hijacker of the September 11th attacks, which killed 2,977 people, including 8 children & 72 law enforcement officers	Jerry Markon and Timothy Dwyer, Jurors Reject Death Penalty For Moussaoui, Wash. Post (May 4, 2006)

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Natson, Michael Antonio	Ga.	Fed.	2007	Killed pregnant college student	Alan Riquelmy, Natson gets life without parole; Mother of his baby asks jury to allow defendant to know his son, Columbus Ledger-Enquirer (Mar. 20, 2007)
Neapolitano, Anthony	N.J.	State	1984	Killed 15-year-old ex-girlfriend	Jerry Carino, Family Fights to Keep Ocean Twp. Teen's Killer in Prison, Asbury Park Press (Oct. 22, 2018)
Nettles, Harold	Ind.	State	1989	Killed 5-year-old & child's mother	565 N.E.2d 1074 (Ind. 1991)
Nettles, Malik	Mo.	State	1999	Killed 15-year-old & her unborn child	State v. Nettles, 10 S.W.3d 521 (Mo. Ct. App. 1999)
New, Cecil	Ky.	State	2010	Killed 4-year-old boy	Janelle MacDonald, Judge explains life sentence for Cecil New, WAVE3 (Dec. 17, 2010)
Nicely, Renee	N.J.	State	1983	Nicely & codefendant killed their 3½-year-old son after he defecated in his pants	State v. Bass, 535 A.2d 1, 3 (N.J. 1987) (proportionality referring to unpublished Nicely opinion); Samuel G. Freedman, When Parents Kill, N.Y. Times (Sept. 2, 1983)
Nichols, Terry	Colo.	Fed.	1998	Oklahoma bombing victims included children & federal officers	https://www.nytimes.com/1995/05/03/us/terror-oklahoma-children-tender-memories-day-care-center-are-all-that-remain.html ; see also https://perma.cc/6Y6Z-HYV2 .
Nichols, Terry	Okla.	State	2004	Oklahoma bombing victims included children & federal officers	United States v. Nichols, 132 F.Supp.2d 931 (D. Colo. 2001); see also https://perma.cc/23YB-795U .
Nielsen, Cody Lynn	Utah	State	2004	Killed & dismembered 15-year-old girl	Stephen Hunt, Judge imposes Nielsen's life sentence, Salt Lake Trib. (Feb. 10, 2004); Stephen Hunt, Nielsen gets life in prison for murdering girl, Salt Lake Trib. (Jan. 29, 2004)

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Nieto, Lawrence	N.M.	State	1997	Gang-related killing of man & woman, leaving 2 young children to die of dehydration & starvation	Jeff Jones, Nieto Gets 130 ½ Years for Deaths, Albuquerque J. (Aug. 27, 1997)
Northington, Steven	Pa.	Fed.	2014	Conspiracy involving 13 murders, including a 2004 arson that killed 6 people, 4 of them children ages 15, 12, 10 & 1	United States v. Northington, No. 07-550-05, 2014 WL 1786151 (E.D. Pa. May 6, 2014)
Oneal, Ronnie	Fla.	State	2021	Killed girlfriend & daughter; stabbed son who survived	Skyla Luckey, O'Neal Avoids Death Penalty in Murders of Girlfriend, Daughter, MSN News (June 25, 2021)
Ortega, Richard Michael	N.M.	State	1991	Killed adult woman & 14-year-old girl	State v. Ortega, 817 P.2d 1196 (N.M. 1991)
Page, William	Pa.	State	2010	Sexually abused & killed 23-month-old daughter; left her outside to freeze to death	Commw. v. Page, 59 A.3d 1118 (Pa.Super. Ct. (2013); William Page, Allegheny Com. Pl. Ct. Summary (Closed Mar. 3, 2011)
Paul, Demetrius	Ga.	State	2000	Killed 10-year-old child by beating	Law and Order: Athens, Atlanta Journal Constitution (March 2, 2000)
Pearson, Myra	S.C.	State	1995	Killed her 12-year-old stepson who had cerebral palsy	Bobbie Young, Pearson gets life in prison, Charleston Post and Courier (June 2, 1995)
Perez-Hood, Wandy	Pa.	State	2010	Beat 3-year-old stepson to death	Woman to serve life in stepson's killing, Pittsburgh Trib. Rev. (Aug. 22, 2010)
Perry, James	Md.	State	2001	Triple murder for hire: killed quadriplegic 8-year-old boy, his mother, & his nurse	Sonia Boin, Perry gets life in prison without parole, Frederick News Post (May 17, 2001); (Horn hired Perry); Paul Duggan, Hit man, hired by quadriplegic's father in Silver Spring triple slaying, dies, Wash. Post (Jan. 1, 2010)

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Phillips, Denny	Okla.	State	2016	Murder of 6 people, including 2 unborn babies.	Dallas Franklin, Life without parole sentences handed down to 2 men convicted in "Cathouse", NBC-4KFOR (Aug. 12, 2016)
Phillips, James	Ohio	State	2016	Convicted of killing 3-month-old daughter by slamming her against a wall	WCPO Cincinnati, Father Who "Slammed" and Killed Infant Daughter Gets Life in Prison, Possibility of Parole (Oct. 28, 2016)
Proffit, Kent Alan Sr.	Wyo.	State	2006	Killed 16-year-old boy who was scheduled to testify against him in sexual assault trial	Jurors reject death penalty in Proffit case, Gillette News Record (Apr. 1, 2007)
Ragin, John Moses	Va.	State	2014	Killed wife & 3 of her children (ages 6-15)	Ashley K. Speed, Ragin convicted of capital murder in family's death, Daily Press (Dec. 21, 2014)
Ramirez, Candy	Ariz.	State	2005	Killed 19-month-old son by failing to obtain medical treatment for injuries that ultimately resulted in his death	State v. Ramirez, 2007 Ariz. App. Unpub. LEXIS 87
Rasmussen, Guy Matthew	Wash.	State	1999	Rape & killed 9-year-old girl	Adam Lynn, The double-edged sword of DNA: Man convicted of 1996 murder seeks review, News Trib. (Feb. 23, 2014); Trial Judge Report, Pierce Co., 96-1-04481-6 (Apr. 7, 1999); pdf on file w/authors & <i>Hofstra Law Review</i>
Reese, Michael	Md.	State	1994	Raped & killed wife, & killed their two sons, ages 7 and 3	Family slayings case set to go to jury, Balt. Sun (Sept. 27, 1994); Man gets two life terms for murder of wife, sons, Balt. Sun. (Oct. 1, 1994)
Ricks, Rodney	Okla.	State	1996	Killed girlfriend's 2-year-old daughter	Bill Braun, Jury Gives No-Parole Term: Man Gets Life Plus 3,000 Years in Girls' Death, Tulsa World (June 25, 1996)

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Robinson, Elgin	Kan.	State	2008	Hired 2 contract killers to murder 14-year-old girl whom he had impregnated	Don Anderson, End Death Penalty; Life without Parole is Better, Wichita Eagle (Nov. 14, 2008); Ron Sylvester, Robinson sentenced in emotion-packed hearing, Wichita Eagle (Dec. 5, 2008)
Rogers, Irvin	Fla.	State	1992	Killed infant stepson by beating; prior manslaughter conviction for death of 17-month-old stepdaughter	Bob Levenson, Spare Killer of Infant Stepson, Jury Says, Orlando Sentinel (Sept. 4, 1992)
Roper, Robert W.	Ga.	State	1986	Kidnapping, robbery & murder of 17-year-old high school girl by strangulation and shooting	Burrell v. State, 376 S.E.2d 184 (Ga. 1989); Roper v. State, 375 S.E.2d 600 (Ga. 1989)
Roseboro, Derek	Conn.	State	1990	Killed 72-year-old woman, her intellectually disabled & legally blind adult son, & 8-year-old granddaughter	State v. Roseboro, 604 A.2d 1286 (Conn. 1992)
Ross, Lester	Fla.	State	2015	Killed woman & her infant child by feeding rat poison	John Chambliss, Winter Haven man sentenced to life in prison for killing 3-year-old daughter and her mother, The Ledger (Feb. 18, 2016)
Rush, Harry	Mo.	State	1994	Killed ex-girlfriend's 8-year-old & 6-year-old daughters with ice pick, knives and boards	State v. Rush, 872 S.W.2d 127 (Mo. Ct. App. 1994)
Rutan, Katherine	Okla.	State	2007	Killed 6-year-old son.	Why jury said mom killed boy, Why jury said mom killed boy, NewsOK (Sept. 1, 2007); Josh Rabe, Mom sits emotionless as judge locks her up for life, NewsOK (Oct. 10, 2007)

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Saint-Simon, Sanel	Fla.	State	2018	Killed girlfriend's 16-year-old daughter whom he had raised since she was 5	Gail Paschall-Brown, Sanel Saint-Simon sentenced to life in prison, WESH2 (June 12, 2018); https://www.wesh.com/article/sanel-saint-simon-sentenced-to-life-in-prison-1528838332/21291099#
Santiago, Jose	N.Y.	State	2000	Killed 2-year-old & 14-year-old girls	Michael Zeigler, Santiago ordered to prison for life, Rochester Democrat and Chronicle (June 24, 2000)
Satta, Barry	Ohio	State	2001	Raped & killed friend's 7-year-old daughter	State v. Satta, 2002-Ohio-5049 (Ohio Ct. App. 2002)
Scott, Michael James	Tex.	State	1999	Killed 4 girls in yogurt shop (ages 17, 17, 15, and 13)	227 S.W.3d 670 (Tex. Crim. App. 2007); http://crimefeed.com/2016/05/crime-history-the-austin-yogurt-shop-murders
Selwyn, Roderick	Wash.	State	1995	Beat & strangled 13-year-old boy	State v. Selwyn, 1997 Wash. App. LEXIS 2084; Trial Judge Report, Kitsap Co., 94-1-00727-9 (Oct. 30, 1995); pdf on file w/authors & <i>Hofstra Law Review</i>
Shaklin, William Solomon	Va.	State	2007	Killed 4-year-old boy	Beverly N. Williams, Judge Gives Child Killer Life with No Parole, Newport News Daily Press (Feb. 10, 2007)
Sherrill, Vincent	Wash.	State	1995	Killed 3 members of Hilltop Crips, his own gang (ages 16, 21 and 23)	Killer Sentenced to Life in Prison, Spokesman Rev. (Aug. 6, 1995); Trial Judge Report, Pierce Co., 94-1-02224-7 (Sept. 11, 1995); pdf on file w/authors & <i>Hofstra Law Review</i>
Singleton, Richard	Cal.	State	1989	Killed 2 girls ages 14 & 17	Court spares convicted killer from death penalty, San Bernardino County Sun (May 28, 1992)
Smith, Jason	Ill.	State	2008	Killed 4, including infant	Nicholas J.C. Pistor, Illinois investigates Jason Smith defense, St. Louis Post-Dispatch (Feb. 10, 2009)

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Smith, Susan	S.C.	State	1995	Killed 14-month-old & 3-year-old sons by drowning.	Colette Baxley, Sons' murderer eligible for parole in 30 years; SIGH OF RELIEF: Susan Smith's family members had been leaning forward with their heads down as they awaited the jury's decision, Post and Courier (July 29, 1995)
Sojka, Alan	Ariz.	State	2008	Killed 5-year-old son	Sojka v. Ryan, No. CV-13-1449-PHX-DGC (ESW), 2015 WL 5853953 (D. Ariz. Aug. 25, 2015)
Steppe, Joshua	N.C.	State	2011	Attempted rape & murder by beating of 10-month-old stepdaughter	Raleigh man gets life sentence for murder of infant stepdaughter, WRAL.com, (Sept. 13, 2011)
Stevenson, Sean Allen	Wash.	State	1987	Killed mother, stepfather, & sister. Raped & killed sister. Age 16 when crimes occurred, tried as an adult, pre- <i>Roper v. Simmons</i>	State v. Stevenson, 780 P.2d 725 (Wash. Ct. of Appeals, Div. 2, 1989); State v. Stevenson, Wash. Ct. of Appeals, Div. 2, No. 50126-1-11; unpub. (Dec. 24, 2019); Trial Judge Report, Clark/Skamanian County, 87-1-99911-5 (Oct. 8, 1987); pdf on file w/authors & <i>Hofstra Law Review</i> .
Stoddard, David	Ohio	State	2013	Killed 16-year-old pregnant girl & injured young woman in home invasion	AP, Ohio man avoids death penalty in teen's killing, Daily Record (May 10, 2014); State v. Stoddard, 42 N.E.3d 264 (Ct. of Appeals of Ohio 2014)
Stone, Marc Stephen	Ala.	State	2019	Strangled & killed wife & 7-year-old son	Sydney Martin/Josh Rayburn, Huntsville man who murdered wife and son gets life without parole, WAAY/ABC (Apr. 5, 2019)
Thomas, Maron	Tex.	State	2013	Murder of mother, stepfather, brother, & sister who were shot to death & niece who was decapitated	Austin County Jurors Reject Death Penalty, https://perma.cc/93ET-QQSY (July 24, 2013)
Tighe, Daniel	Ohio	State	2015	Killed son & his girlfriend	Ed Meyer, Jury spares life of convicted murderer, Akron Beacon J. (Mar. 21, 2015)

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Timpson, Alfonso Dean	N.J.	State	1985	Killed 12-year-old girl, forced into woods while walking home from school; raped & suffocated victim	State v. Marshall, 613 A.2d 1059, 1108 (N.J. 1992) (noting jury-imposed life sentence in Timpson); Baldus N.J. Project 1991: Case #2500 pdf on file w/authors & <i>Hofstra Law Review</i>
Tooley, Larry	Pa.	State	2003	Killed teenager	AP, Killer Gets Life in Prison for Murder of Teen, Pocono Record (Sept. 16, 2003)
Torres, Christopher Bryan	Tex.	State	2002	Killed father & his 5-year-old daughter during drug dispute	Eric Hanson, Jury Deadlocks, Giving Murderer Life Sentence, Hous. Chron. (Oct. 31, 2002)
Torres, Eugenio	Pa.	State	2010	Beat to death 3-year-old child while babysitting; 93 injuries including skull fracture, scalding burns	Commw. v. Torres, 2015 Pa. Dist. & Cnty. Dec. LEXIS 136
Trowbridge, Charles	Del.	State	1992	Killed 15-year-old boy	Trowbridge v. State, 647 A.2d 1076 (Del. 1992); Lorraine Kidd, Man Held in Heartbreak Hotel slaying, Wilmington News-J. (July 17, 1991)
Utley, James	Ind.	State	1989	Killed 3-year-old and her mother	Utley v. State, 589 N.E.2d 232 (Ind. 1991)
Valdez, Martin Leyva	Cal.	State	2011	Killed 11-year-old boy	Richard K. De Atley, RIVERSIDE COUNTY: Jurors reject death penalty, Press-Enterprise (Jan. 20, 2011)
Walradt, Brodie	Wash.	State	2001	Killed fiancée pregnant at full-term with his child	Trial Judge Report, Kitsap Co., 99-1-01101-3 (Oct. 10, 2001); pdf on file w/authors & <i>Hofstra Law Review</i>
Walter, Stephon	Tex.	State	2005	Killed 3, including pregnant woman	Walter v. State, No. 06-04-00173 (Tex. App. 6th Dist. Aug. 11, 2009); 209 S.W.3d 722 (Tex. App. - Texarkana 2006)
West, Chasity	Conn.	State	2001	Killed 7-year-old boy & seriously injured his 2-year-old sister	State v. West, 877 A.2d 787 (Conn. 2005)
White, William	Cal.	State	1991	Killed 2 teenage boys	Welsh S. White, <i>Litigating in the Shadow of Death</i> , 121-130 (2006)
Whittlesey, Michael	Md.	State	1982	Killed 17-year-old friend; body not found until 8 years later	Jay Apperson, Whittlesey gets life term in 1982 slaying, Balt. Sun (Jan. 15, 1997)
Wilcox, Toby	Ohio	State	2005	Killed man & infant during marijuana deal	State v. Wilcox, 2006-Ohio-4347 (Ohio Ct. Apps. 2013)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Williams, James	S.C.	State	2006	Killed 17-year-old girl	AP, Darlington man convicted of killing 17-year-old girl, WIS (June 8, 2006)
Williams, Marion	Fla.	State	2021	Killed ex-boyfriend's 3 grandsons (ages 4, 8, & 10) in arson fire	Breana Ross/Melissa Montoya, Marian Williams Sentenced to Life, WinkNews.com (Oct. 21, 2021)
Williams, Naeem	Haw.	Fed.	2015	Murder of 5-year-old child by beating her to death	Jury rejects death penalty in Williams murder case, Honolulu Star-Advertiser (June 27, 2014)
Williams, Samuel	Ohio	State	2001	Arson murder of mother & 4 children	Greg Sowinski, 10 years after the firebombing that killed 5 on Leland Avenue, Lima (Ohio) News (Mar. 29, 2010); State v. Williams, 2002 Ohio App. LEXIS 3623; Williams v. Haviland, U.S. Ct. App., 6th Cir., No. 05-3986 (Oct. 26, 2006)
Wilson, Charles Amos	Ga.	Mil.	2017	Murder of 8½-months-pregnant fiancée & unborn daughter	Becky Purser, Robins airman gets life for murder of fiancée, unborn child, Macon Telegraph (Feb. 22, 2017)
Wood, Steven	Conn.	State	1984	Killed ex-wife, her friend, raped & killed his 15-year-old stepdaughter, & killed ex-mother-in-law	Lynne Tuohy, Some Heinous Killers Given Life Sentences, Hartford Courant (Jan. 16, 2005); David Ludlum, Former executive convicted of 4 murders, UPI Archives (June 29, 1984)
Wright, Jeanne Ann	N.J.	State	1984	Drowned her four children (ages 7, 5, 2 years & 11-month-old)	AP, Jersey Mother Given 4 Life Prison Terms, Drowned 4 Children, N.Y. Times (Apr. 20, 1984)
Yates, Andrea	Tex.	State	2002	Murder of 5 children by drowning them in the bathtub.	Mark Babineck, Prosecutors don't demand death in Andrea Yates trial, Midland Reporter-Telegram (March 15, 2002); Karen Brooks, Yates gets life in prison, Fort Worth Star Telegram (March 16, 2002)
Yates, Daniel	Wash.	State	1988	Convicted of raping, stabbing & shooting 3 runaway teenagers, and killing 1 of them (13 years old)	State v. Yates, 824 P.2d 519 (Wash. App., Div. 2, 1992); Trial Judge Report, Kitsap Co., 87-1-00444-7 (Nov. 14, 1988); pdf on file w/authors & <i>Hofstra Law Review</i>
Yellowbear, Andrew	Wyo.	State	2006	Child abuse murder of 22-month-old daughter.	Man who killed his daughter sentenced, Star Herald (June 2, 2006)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Zimmerman, John William	Cal.	State	1980	Rape/murder of 12-year-old girl & murder of her 18-year-old brother	People v. Zimmerman, 36 Cal.3d 154 (1984)

IV. LAW ENFORCEMENT VICTIM CASES WHERE THE JURY REJECTED THE DEATH PENALTY

Part IV summarizes 120 cases identified over a forty-three year period from 1978 to 2021 from federal and state courts in twenty-nine different states and the Commonwealth of Puerto Rico.⁸⁷ The *Hofstra Law Review* has created permanent links (“perma cc”) for many, but not all, sources. For every Internet source on which we relied, the authors also saved pdfs and will continue to do so as the database grows in the future.

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Abeyta, Ricky	N.M.	State	1991	Multiple killings, including State police officer, ex-girlfriend, her 18-year-old daughter, her adult sister, a 19-year-old, a sheriff’s deputy, & 6-month-old baby	AP, Abeyta Convictions Upheld, Santa Fe New Mexican (June 5, 1995)
Adams, Alex	Tex.	State	2002	Shot officer in the head, killing him, wounded another	https://perma.cc/UU9B-8HZR
Allen, Kevin	Neb.	State	1996	Killed officer in patrol car with assault rifle	Gloria Sunderman, Allen Is Given Life in Officer’s Killing, Omaha World-Herald (May 6, 1996); Gloria Sunderman, One Judge to Decide Fate of Kevin Allen, Omaha World-Herald (Mar. 29, 1996)

87. In Stetler’s 2018 article, Appendix 3 listed more than forty cases in this category from a thirty-six-year period from 1982 to 2018 from federal and state courts in nineteen different states. Stetler, *Mitigation Profession*, *supra* note 13, at 1239-46. The current list contains three times as many cases as in the 2018 publication.

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Allen, Timothy Lanier	N.C.	State	2006	Killed state trooper who had placed Allen's brother in backseat of police car	NBC5, Former N.C. Death Row Inmate Gets Life in Resentencing (July 20, 2006)
Anderson , Josephus	Ala.	State	1987	After stealing traveler's checks from a bank, walked up to officer's car and killed him	Ex parte Anderson, 457 So. 2d 435 (Ala. Crim. App. 1984)
Beers, Robert	Neb.	State	1978	Killed police officer during store robbery in which accomplice killed alarm-system technician	State v. Beers, 271 N.W.2d 842 (1978); Baldus Neb. Proj. Case #31524; on file w/authors & <i>Hofstra Law Review</i> ; State v. Beers, 271 N.W.2d 842 (1978)
Bell, George	N.Y.	State	1999	Convicted of killing off-duty police officer & owner of check cashing store in attempted robbery; later exonerated	People v. Bell, 181 Misc.2d 186 (N.Y. Sup. Ct. 1999); subsequently exonerated (https://perma.cc/MU5V-WU KE)
Bittner, Steven	Ohio	State	1984	Stabbed 2 officers, 1 died	State v. Bittner, 359 N.W.2d 121 (S.D. 1984)
Borrego, Richard	Colo.	State	1987	Killed off-duty sheriff's deputy during bank robbery	People v. Borrego, 774 P.2d 854 (Colo. 1989)
Breiner, Jack	Cal.	State	2018	Killed deputy in patrol car as he responded to 911 call	https://www.sacbee.com/latest -news/article223344050.html
Brown, Russell	Va.	State	2016	Killed officer next to disabled car at side of highway	https://perma.cc/7CGJ-TBEN
Bryant, Jason	Ga.	State	2003	Killed sheriff's deputy with deputy's own gun	Deputies Angry Over Cop Killer's Sentence, News4jax (Sept. 24, 2020)
Calhoun, James	Md.	State	1990	Killed police officer during store robbery	Veronica T. Jennings, Death Row Sentence Rejected, Wash. Post (June 20, 1990)
Calmer, Christoph er	Ga.	State	2017	Killed police officer, shot another	https://macon.com/news/local/ crime/article156182949.html

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Campbell, Nadaedrick	La.	State	1995	Shot officer execution style during a traffic stop	State v. Campbell, 683 So. 2d 1302 (La. App. 3d Cir. 1996)
Cannon, Grover	La.	State	2019	Killed Shreveport police officer	<i>Cop Killer Grover Cannon Gets Life Sentence</i> , KSLA Digital News (Nov. 23, 2019); Emily Enfinger, Grover Cannon to Serve Life in Prison, Shreveport Times (Nov. 24, 2019)
Carley, Robert	La.	State	2013	Killed prison guard with 4 others, collectively known as the "Angola 5"	https://perma.cc/37TH-VC6F
Casey, Lashaun	P.R.	Fed.	2013	Carjacking murder of undercover cop during drug deal; caught driving cop's car	US v. Casey, 825 F.3d 1 (1st Cir. 2016)
Chamberlain, Merrill	N.M.	State	1989	Killed police officer who came to his home to investigate 911 call from prostitute	State v. Chamberlain, 819 P.2d 673 (N.M. 1991)
Champion, Charles	Wa.	State	2001	Killed police officer	https://perma.cc/5ASD-GGKC
Chavez, Roman	Ill.	State	1991	Killed 2 officers who came to arrest him	https://perma.cc/5GFR-JTAA
Chinh, Sang Nam	Cal.	State	1988	Shot 2 officers, killing 1 during jewelry store robbery	https://perma.cc/5URG-4KZ5
Con-Ui, Jesse	Pa.	Fed.	2017	Killed BOP officer	https://perma.cc/J4BW-ZZXI
Cope, Christopher	La.	State	2012	Killed officer; 14 shots fired at officer and store clerk.	https://perma.cc/5DJU-2C4C
Cunningham, Calvin Christmas	N.C.	State	1994	Killed police officer	State v. Cunningham, 474 S.E.2d 772 (N.C. 1986)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Delancy, Andre	Fla.	State	2018	Conspired to ambush cops, killing 1 & wounding another	https://perma.cc/Y6S5-BN84
Edge, Barry	La.	State	2013	Killed prison guard along with 4 co-defendants, collectively the “Angola 5”	https://perma.cc/64GV-NEXA
Edwards, Ralph	N.J.	State	1986	Strangulation murder & attempted sexual assault of 9-year-old girl	MaryAnn Spoto & Jeff Whelen, New Charges Against Elizabeth Sex Offender, Newark Star-Ledger (Apr. 28, 2000)
Finch, Charles	Wash.	State	2000	Killed blind friend of ex-wife & sheriff’s deputy	AP, Dougle murderer Charles Finch dies (Dec. 26, 2000)
Fitch, Brian	S.D.	State	2015	Killed officer who pulled him over	https://perma.cc/T9NV-P6QS
Floyd, Eric Deshann	Pa.	State	2010	Killed police officer	Commw. v. Floyd, 2013 Pa. Super. Unpub. LEXIS 2368; Mensah M. Dean, Jurors deadlock; Cop-killers get life sentences, Phila. Daily News (Aug. 18, 2010)
Forbes, Bernard	Fla.	State	2018	Conspired to ambush cops, killing 1 & wounding another	https://perma.cc/7TU5-SXCE
Forney, Eric Dwayne	S.C.	State	1994	Killed cop during traffic stop of stolen car	Allison Bruce, Many factors involved in jury’s decision about death penalty, Rock Hill Herald (Mar. 26, 1999); Jonathan McFadden, York county deputy killer still on death row, courts wait for his competency’s “return,” Rock Hill Herald (Sept. 23, 2012)
Garcia, Neven	Ariz.	State	2004	Killed officer attempting to serve warrant	Jim Walsh, Andriano jury is deadlocked, Ariz. Republic (Dec. 21, 2004)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Green, Frank	Md.	State	1996	Shot at 4 police officers, 1 died	Kate Shatzkin, Execution for killer of officer debated, Balt. Sun (May 28, 1996); UPI Archives, Judge Denied Bail Monday for NY Ex-Con (Sept. 20, 1996)
Green, Willie Leon	Ark.	State	1996	Shot 2 officers who were serving a search warrant at his house, killing 1	https://perma.cc/H5KR-DN9N
Gribble, Michael	Tenn.	State	1982	Killed off-duty law enforcement officer during burglary	State v. Gribble, 1984 Tenn. Crim. App. LEXIS 2962
Hamilton, Ronald	Va.	State	2018	Killed wife & police officer	https://perma.cc/E5F3-M6NE
Hamilton, Woodrow	La.	State	1998	Killed estranged wife & responding deputy; wounded another who followed him on high-speed chase	State v. Hamilton, 747 So.2d 164 (La. App. 3d Cir. 1999);
Hatley, Benny	Ark.	State	1985	Killed police chief & patrolman	Byline [No First Name] McCrory [No headline in original], Arkansas Democrat-Gazette (Apr. 11, 1985) ruled valid, conviction upheld in '84 slaying of 2 officers, Arkansas Democrat-Gazette (May 28, 1986); John Lynch, Re-sentencings due for kids who killed dozens, Arkansas Democrat-Gazette (July 4, 2016); Hatley v. State, 709 S.W.2d 812 (1986)
Heard, Stephen Lance	Tex.	State	2007	Killed police officer who was investigating theft & parole violation	Cop killer sentenced to life in prison, Hearst Newspapers (Nov. 15, 2007); Melody McDonald, Heard gets life term in slaying of officer, Fort Worth Star-Telegram (Nov. 17, 2007)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Hood, Jamie	Ga.	State	2015	Shot one officer to death, wounded another, & killed a civilian.	https://perma.cc/WHd4-C774
House, Jovan	Md.	State	2004	Killed police detective	Lawrence Hurley, Baltimore jury spares the life of Jovan H. House, Daily Record (Feb. 27, 2004)
Hudson, Jack	Ariz.	State	1997	An officer himself, Hudson shot 2 unarmed officers who caught him stealing from the evidence room	https://perma.cc/GZ6C-CMX7
Huff, Timothy	Tex.	State	2022	Cop killed as he responded to armed robbery	Kaley Johnson, Timothy Huff sentenced to life in prison without parole in Fort Worth officer's murder, Fort Worth Star-Telegram (July 5, 2022)
Hughes, Robert	Wash.	State	1984	Killed police officer & wounded detective who were trying to arrest defendant for suspected murder and robbery	State v. Hughes, 721 P.2d 902 (Wash. 1986)
Husband, Roland	Miss.	State	2009	Beat his wife until she was bloody, then shot both responding officers to death.	https://perma.cc/C9ZN-DK94
Hutchinso n, Darrin	Wash.	State	1989	Arrested for drunk driving; during processing at jail, killed 2 deputy sheriffs, stole keys & fled in patrol car	State v. Hutchinson, 53 P.3d 17 (Wash. 1989)
Ingraham, Eloyn	Fla.	State	2018	3 conspired to ambush cops, killing 1 & wounding another	https://perma.cc/WD6R-GXMX
Ivery, Kenan	Ohio	State	2017	Killed off-duty police officer & shot 4 others	Adam Ferrise, Jury Spares Life of Man Who Killed Akron Officer, The Independent (Oct. 24, 2015)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Jarrett, Albert	Ark.	State	1998	Committed armed robbery, shot officer to death who was looking for him at his girlfriend's house	https://perma.cc/97Q6-EEWS
Jeter, Darryl	Ind.	State	2006	Killed state trooper responding to call about vehicle in distress	Jeter v. State, 888 N.E.2d 1257 (Ind. 2008)
Johnson, Andre	Cal.	State	1990	Convicted of killing San Quentin prison guard	People v. Masters, 365 P.3d 861, 871 (Cal. 2016); Kevin Rector, A Story of Life and Death Row: a San Quentin prison guard's fatal stabbing still ripples through time in the lives of his children and an inmate seeking a final chance of freedom, L.A. Times (Oct. 24, 2022, Part A, p. 1)
Kafaru, Lamidi	Ohio	State	2008	Shot to death one officer, attempted murder on second officer, as they pursued him	Leila Atassi/Marvin Fong, Lamidi Kafaru escapes death penalty in policeman's killing: Jury deadlocks, Cleveland Plain Dealer (Mar. 28, 2012); http://blog.cleveland.com/metr o/2008/10/lamidi_kafaru_sent enced_to_lif.html
Karam, Phillip	La.	State	2001	Killed wife & responding officer; wounded another officer	https://caselaw.findlaw.com/la -court-of-appeal/1228142.html
LaForce, Nathan	Okla.	State	2019	Killed sheriff's deputy enforcing an eviction order on elderly couple in rural house; was visiting couple at the time	https://oklahoman.com/article/ 5639960/murderer-avoids- death-sentence-in-deputy- shooting
Lewis, Ray	Wash.	State	1988	Bank robber shot security guard who was off-duty police officer	Trial Judge Report, King Co., 85-1-01513-1 (Mar. 4, 1991); pdf on file w/authors & <i>Hofstra Law Review</i>

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Link, Lonnie	Wash.	State	1985	Biker gang member killed police officer	Jim Camden, Board Rejects Cop Killer's Plea, Spokane Spokesman Rev. (Mar. 12, 2010)
Little, Edward	Ark.	State	1980	Killed police officer during traffic stop, after shooting convenience store clerk & woman robbery victim.	John Lynch, Murderers as teens, 3 more in court for resentencing, Ark. Democrat-Gazette (July 8, 2016)
Lovell, Ivan	Md.	State	1998	Killed State trooper who stopped him & cousin for speeding after buying drugs. Police found \$63,000 in car	Chris Guy, Man who killed trooper gets life without parole Balt. Sun (July 11, 1998)
Lucero, Anthony Joseph	Colo.	State	1987	Killed off-duty sheriff's deputy during bank robbery	People v. Borrego, 774 P.2d 854 (Colo. 1989)
Marshall, Sanford	Ind.	State	1993	Killed 2 police officers during robbery	Marshall v. State 621 N.E.2d 308 (Ind. 1993)
Martin, Ernest	Ala.	State	1985	Killed officer during shootout	Martin v. State, 494 So. 2d 749 (Ala. Ct. Crim. App. 1985)
Martinez, Danny	Ariz.	State	2016	Killed responding officer trying to evade police who were pursuing him for driving erratically	https://www.azcentral.com/story/news/local/phoenix/2016/05/06/phoenix-police-travis-murphy-killer-life-term-2010-murder/84028370
Mays, Kwame	N.C.	State	1998	Killed officer just hours after killing another man outside a crack house	https://caselaw.findlaw.com/nc-court-of-appeals/1256340.html
McDougal, Bernice Hugh	N.C.	State	1992	Killed officer at his home, in front of his own family.	https://law.justia.com/cases/north-carolina/supreme-court/1994/28a93-0.html

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Meeks, Boyd Matthew	S.C.	State	2003	Killed deputy	UPI, A jury who says a man convicted of killing . . . (Dec. 25, 1985); AP, Man sentenced to life in prison in deputy's death, Sun News (Apr. 24, 2003); Victoria Spechko, Jail tower dedicated to fallen officer (Feb. 23, 2011)
Mollett, Leslie	Pa.	State	2007	Killed state trooper	Commw. v. Mollett, 5 A.3d 291 (Pa. Super. Ct. 2010); Homicide trial of Leslie Mollett in the killing of Trooper Joseph Pokorny, Pittsburgh Post-Gazette (Oct. 2, 2007)
Monfort, Christoph er	Wash.	State	2015	Hunted down officer & his partner, killing one & injuring the other	https://www.seattletimes.com/seattle-news/crime/monfort-sentenced-to-life-in-prison-for-killing-seattle-police-officer
Montemayor, Noah Daniel	Tex.	State	1999	Killed 2 men & wounded 2 others, including off-duty police officer during drug deal	John Makeig, Drug dealer gets life sentence in double murder, Hous. Chron. (July 23, 1999)
Montoya, Richard	N.M.	State	1984	Killed undercover narcotics cop	State v. Montoya, 684 P.2d 510 (N.M. 1984)
Moore, Gregory	Kan.	State	2008	Killed sheriff's deputy & injured another during shoot-out	Chad Frey, Moore conviction upheld, The Kansan (Oct. 25, 2008); State v. Moore, Kan. Sup. Ct., No.97,683 (2008)
Moore, Kirkton	Cal.	State	1990	Gang member, shot officer to death during drive-by, also charged with 2 counts of attempted murder	http://articles.latimes.com/1990-11-10/local/me-3782_1_police-officer
Morris, Brandon	Md.	State	2008	Killed correctional officer	Tyeesha Dixon/Jennifer McMenamin, Guard's Killer Evades Death, Balt. Sun (Jan. 29, 2008)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Moss, Ruben	Cal.	State	1998	Helped to ambush & kill Los Angeles police detective	Patricia Klein Lerner, Accomplice in Fatal Ambush Gets Life Term, L.A. Times (Sept. 30, 1988)
Moussaoui, Zacarias	Va.	Fed.	2006	20th hijacker of the September 11th attacks, which killed 2,977 people, including 8 children & 72 law enforcement officers	http://www.washingtonpost.com/wp-dyn/content/article/2006/05/03/AR2006050300324.html
Nichols, Brian	Ga.	State	2008	Killed judge, deputy, court reporter, & federal agent	https://www.foxnews.com/story/2008/12/13/judge-sentences-atlanta-courthouse-shooter-brian-nichols-to-life-without-parole.html
Nichols, Terry	Colo.	Fed.	1998	Oklahoma bombing victims included children & federal officers	https://www.nytimes.com/1995/05/03/us/terror-oklahoma-children-tender-memories-day-care-center-are-all-that-remain.html ; see also http://www.washingtonpost.com/wp-srv/national/longterm/oklahoma/nichols.htm
Nichols, Terry	Okla.	State	2004	Oklahoma bombing victims included children & federal officers	United States v. Nichols, 132 F.Supp.2d 931 (D. Colo. 2001); see also http://www.nbcnews.com/id/5184483/ns/us_news-crime_and_courts/t/judge-dismisses-deadlocked-nichols-jury/#.WbgQmqhSy72
Noble, James Leroy	Cal.	State	1981	Shot officer who was arresting his friend's brother	126 Cal.App.3d 1014 (1982); https://law.justia.com/cases/california/court-of-appeal/3d/126/1011.html

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Oliver, Eddie Lee	N.J.	State	1995	Used smuggled gun to kill police detective in county courthouse	Susan Jo Keller, Life Terms in Detective's Death, N.Y. Times (May 10, 1995); Sczyrek v. County of Essex, 735 A.2d 33 (N.J. Super. Ct. App. Div. 1998)
Owen, Donald Lewis	Ala.	State	1982	Killed officer who was giving him a traffic citation	Owen v. State, 418 So. 2d 214 (Ala. Crim. App. 1982)
Parker, Jonathan	N.Y.	State	1998	Shot 2 officers attempting to question him, killing one & wounding the other.	https://www.nytimes.com/1998/10/25/nyregion/buffalo-jury-rejects-a-death-sentence.html
Parsons, Douglas	N.J.	State	1985	Killed 28-year-old police officer with sawed-off shotgun during traffic stop	State v. Parsons, 2007 N.J. Super. Unpub. LEXIS 1766
Petrosky, Albert	Colo.	State	1996	Killed wife & sheriff's deputy	UPI, Convicted Colorado murderer kills self (May 8, 1996)
Price, Kerrie	Ind.	State	2002	Shot to death 2 officers who chased him after a disturbance at an apartment complex	State v. Price, 765 N.E2d 1245 (Ind. 2002)
Price, Ronald	Cal.	State	1990	Killed officer who was chasing him through a park	http://www.sfGate.com/bayarea/article/East-Palo-Alto-to-name-park-after-slain-officer-2815447.php
Quintero, Juan Leandro	Tex.	State	2008	Mexican national killed officer while handcuffed in back seat of police car	https://www.chron.com/news/houston-texas/article/Jurors-sentence-HPD-officer-s-killer-to-life-1536586.php
Redondo, Christopher	Ariz.	State	2019	Killed police officer during traffic stop	David Baker, Man convicted of killing Gilbert police officer in 2010 sentenced to life in prison, KPHO (May 7, 2019)
Risner, David	Tex.	State	2016	Former police officer and Iraq war vet killed police chief while victim was investigating defendant for a misdemeanor offense	https://www.texastribune.org/2016/06/15/texas-man-escapes-death-sentence-police-chiefs-mur/

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Rose, Teddy	N.J.	State	1991	Shot police officer point-blank in stomach with sawed-off shotgun	Gianluca D'Ella, Appeals court denies cop killer's parole, N.J. Advance Media (Jan. 30, 2019)
Rowe, Donnie	Ga.	State	2021	Killed 2 prison guards on inmate transport bus, then escaped & was on the run for 3 days	Joe Kovac Jr., Judge sentences man convicted of killing 2 Georgia guards during prison bus escape, The Telegraph (Sept. 30, 2021)
Rutledge, Lincoln	Ohio	State	2017	Killed SWAT officer attempting to serve a warrant for setting fire to ex-wife's house	John Futtly, Man sentenced to life in prison for death of Columbus police officer, Dayton Daily News (July 19, 2017)
Sails, Harlow Brian	Md.	State	1983	Killed off-duty cop during attempted jewelry-store robbery	Tichnell v. State, 468 A.2d 1, 60-61 (1983) (proportionality review notes jury imposed life sentence on Sails); Tom Vesey/Sandra R. Gregg, Sails Jury Realized Early He Wouldn't Get Death, Wash. Post (Apr. 4, 1983)
Schrader, Kenneth Marion	Wash.	State	1991	Killed wife & injured 12-year-old stepson; also killed responding police officer	Tacoma Police Dept. undated case summary; pdf on file w/authors & <i>Hofstra Law Review</i> ; Trial Judge Report, Pierce Co., 91-1-00187-9 (Mar. 19, 1991); pdf on file w/authors & <i>Hofstra Law Review</i>
Scott, Raymond Lamond	Cal.	State	1999	Killed officer during traffic stop	https://www.sfGate.com/bayar/ea/article/Man-Who-Killed-Officer-Spared-Death-Sentence-b-By-2923063.php
Scruggs, Rashid	Pa.	State	2010	Killed police officer	Joseph A. Slobodzian, Jury deadlocks again, so Scrugs gets life in prison Phila. Inquirer (Nov. 9, 2010)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Sheppard, Joseph	S.C.	State	1996	Killed officer who was trying to serve warrants for failure to pay child support & failure to appear in court	Janet S. Spencer, Officer's sister: Verdict was "slap in face," GoUpState.com (Nov. 1, 1997)
Shipp, Kenneth	Ala.	State	2010	Killed officer who responded to accident in which Shipp was suspected of DUI	http://blog.al.com/breaking/2010/03/shipp_asks_for_forgiveness_dur.html
Smith, Quentin	Ohio	State	2019	Killed 2 police officers	Beth Lear, Quentin Smith Sentenced to Life in Prison for Killing Two Westerville Police Officers, Ohio Star (Nov. 7, 2019)
Snell, Richard Wayne	Ark.	State	1985	Killed state trooper during traffic stop	Snell v. State, 698 S.W.2d 289 (Ark. 1985)
Stephens, Lee Edward	Md.	State	2012	Stabbed to death correctional officer while serving life with parole sentence for prior murder	Death Penalty Repeal Bill Dies in Committee, WBALTV11 (Mar. 7, 2012), https://www.wbal.tv.com/article/death-penalty-repeal-bill-dies-in-committee/7072960 ; Inmate Charged With Killing Jessup Corrections Officer Found Guilty of Murder, WJZ13 CBS (Feb. 9, 2012), https://baltimore.cbslocal.com/2012/02/09/verdict-to-be-announced-for-inmate-charged-with-killing-jessup-corrections-officer/
Stribling, Rex	Ga.	State	2009	Killed former DA	http://www.jacksonville.com/news/crime/2010-09-04/story/killer-sentenced-life-without-parole-georgia-judges-death
Sullinger, Dwight	Ark.	State	1992	Shot officer who responded to Sullinger's request to come to his house	https://law.justia.com/cases/arkansas/supreme-court/1992/cr92-573-1.html

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Tate, David	Mo.	State	1985	White supremacist shot one officer to death, injured another at traffic stop	https://www.upi.com/Archives/1986/03/03/Neo-Nazi-David-Tate-who-is-serving-a-life-prison/2514510210000
Templeman, Vernon Wayne	Colo.	State	1984	Killed police officer	Dennis Huspeni, Juries in Colorado reluctant to impose death penalty, Gazette (Aug. 15, 2017)
Thrower, Eric	Ark.	State	2016	Shot officer twice who was executing warrant at his house; took officer's gun & escaped in officer's car	https://apps.ark.org/inmate_info/search.php?dnum=093952
Truong, Man Nhu	Tex.	State	1998	Killed off-duty sheriff's deputy working as security guard	Steve Brewer, Lawman's death brings life sentence, Hous. Chron. (May 21, 1998)
Turner, Keith Burl	Tex.	State	1992	Killed off-duty sheriff's deputy during convenience store robbery	Rosana Ruiz/Brian Rogers, Killer of Houston policeman surprised he won't go to death row, Hous. Chron. (May 21, 2008)
Vasquez, Ruben	Cal.	State	2006	Killed officer during robbery	https://www.eastbaytimes.com/2008/11/29/shooting-death-of-dublin-deputy-changed-lives-forever
Vialpando, Timothy	Colo.	State	1987	Killed sheriff's deputy	Richard A. Serrano, Colorado's Death Penalty Drought Nears 30 Years, L.A. Times (May 1, 1998); Killed in the line of duty, Denver Post (Apr. 17, 1994)
Villareal, Baldemar	Tex.	Fed.	1991	Killed county constable during traffic stop, while transporting marijuana from Houston to Chicago.	United States v. Villareal, 963 F.2d 725 (5th Cir. 1992)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Villareal, Reynaldo Sambrano	Tex.	Fed.	1991	Killed county constable during traffic stop, while transporting marijuana from Houston to Chicago	https://www.orlandosentinel.com/news/os-xpm-1991-07-12-9107120965-story.html ; https://law.justia.com/cases/Federal/appellate-courts/F2/963/725/243671/
Walker, Marvin	Colo.	State	1987	Killed police officer during traffic stop	<i>Killed in the line of duty</i> , Denver Post (Apr. 17, 1994)
Warner, Levon T.	Pa.	State	2010	Killed police officer	Mensah M. Dean, Jurors deadlock; cop killers get life sentences, Phila. Daily News (Aug. 18, 2010)
Wilbourn e, Tremaine	Tenn.	State	2018	Killed police officer	https://www.dailymemphian.com/article/1116/Wilbourn-sentenced-to-life-without-parole-for-murder-of-MPD-officer-Sean-Bolton
Wilk, Kenneth	Fla.	Fed.	2007	Killed sheriff's deputy serving child pornography warrant at his home	https://www.sun-sentinel.com/news/fl-xpm-2007-08-23-0708220593-story.html
Wong, Eduardo	N.C.	State	2010	Killed officer during a traffic stop	http://www.westerncarolinian.com/news/view.php/417479/Wong-sentenced-to-life-in-Blanton-trial-
Woodard, William	Ga.	State	2012	Killed 2 officers	https://www.ajc.com/news/woodard-gets-life-for-killing-two-dekalb-officers/nAJmF5KTvNCNpSUTam851J/

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Yager, Scott	Idaho	State	1999	Killed state trooper	AP, Yager Gets Life in Prison for Shooting, Argus Observer (Aug. 17, 1999), https://www.argusobserver.com/news/yager-gets-life-in-prison-for-shootingargus-observer-august-17-1999/article_585ed75a-7bd2-5568-9185-68dc07e284bf.html ; State v. Yager, Dist. Ct., First Jud. Dist., Kootenai Co., No. CRF 98-04945 (Aug. 16, 1999)

V. MULTIPLE VICTIM CASES WHERE THE JURY REJECTED THE DEATH PENALTY

Part V summarizes over four hundred cases identified over a forty-four year period from 1979 to 2022 from federal, military, and state courts in thirty-three different death-penalty states, plus federal cases from Massachusetts, Michigan, the Commonwealth of Puerto Rico, and the District of Columbia.⁸⁸ The *Hofstra Law Review* has created permanent links (“perma cc”) for many, but not all, sources. For every Internet source on which we relied, the authors also saved pdfs and will continue to do so as the database grows in the future.

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Abend, Kenneth	Md.	State	2004	Killed 70-year-old landlady & her daughter in-law	Andrea F. Siegel, Man to spend life in prison for killing 2, Balt. Sun (Dec.22, 2004)

88. In Stetler’s 2018 article, Appendix 4 listed more than eighty cases in this category from a thirty-six-year period from 1982 to 2018 from federal and state courts in twenty-three different states, plus the Commonwealth of Puerto Rico and the District of Columbia. Stetler, *Mitigation Profession*, *supra* note 13, at 1247-56. The current list includes about five times as many cases as the 2018 article.

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Abeyta, Ricky	N.M.	State	1991	Multiple killings, including State police officer, ex-girlfriend, her 18-year-old daughter, her adult sister, a 19-year-old, a sheriff's deputy, & 6-month-old baby	AP, Abeyta Convictions Upheld, Santa Fe New Mexican (June 5, 1995)
Abrar, Shani Nurani Sheihk	Va.	Fed.	2013	Somali pirates killed 4, charged with terrorist murder and kidnapping	Shashank Bengali, Life sentence for Somali pirates who killed Marina del Rey couple, LA Times (Aug. 2, 2013)
Addison, Herman	Tex.	State	1997	Killed 14-year-old boy & raped his mother as boy died	Stefanie Asin, Brain-Damaged Man Escapes Death Penalty, Hous.Chron. (July 17, 1997)
Aguirre, Luis	Kan.	State	2012	Killed 1-year-old son & baby's 18-year-old mother	State v. Aguirre, Kan. Sup. Ct., No. 108,570 (May 15, 2015)
Aguirre, Roberto Rojas	Tex.	State	2011	Killed 8-year-old & 6-year-old stepsons, 3-year-old son, & mother-in-law	https://www.mail-archive.com/deathpenalty@lists.washlaw.edu/msg09226.html AP, Guilty verdict in Manhattan capital murder, Topeka Capital-Journal (June 23, 2012)
Ali, Mustafa	Pa.	State	2010	Killed 2 ATM guards (off-duty cops)	http://www.philly.com/philly/hp/news_update/20100225_Armored-car_killer_gets_life_without_parole.html
Alvarez, Dennis	N.Y.	State	2003	Killed 28-year-old girlfriend & her 2 children	http://www.nytimes.com/2003/05/24/nyregion/jury-deadlock-spares-life-of-man-guilty-in-3-murders.html

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Andrew, James Jason	Va.	State	2007	Killed uncle & cousin	Bill McKelway, Man sentenced in deaths of uncle, cousin, Richmond Times-Dispatch (Apr. 24, 2007)
Argueta, Antonio	Md.	Fed.	2010	MS-13 leader ordered murder of teenage girl & attempted murder of another girl	U.S. vs. Argueta 470 Fed. Appx. 176 (4th Cir. 2012); Maryland MS-13 Gang Leader Convicted of Racketeering Charges Related to Murder; Sentenced to Life in Prison Ordered Murder of One Girl and Shooting of Another, State News Service, (Mar. 24, 2010)
Arnold, Lamont	Neb.	State	1996	Killed 2 men	Gloria Sunderman, Life Sentences Given in 2 Stabbing Deaths, Omaha World-Herald (Nov. 21, 1996)
Ashford, Trone Tyrone	Md.	State	1990	Killed 2 Dunkin' Donuts employees & seriously injured a third	Ruben Castaneda, 2 Life Terms in Md. Killings, Wash. Post (June 26, 1990)
Bailey, Verlin	Ga.	State	1989	Multiple murders	Bailey v. State, 249 Ga. 535 (1982)
Barnes, Khalid	N.Y.	Fed.	2008	Killed 2 drug dealers & stole their cocaine	Timothy O'Connor, Jury Spares Life of Peekskill Killer, The Journal News (May 31, 2008)
Barnette, Lorenza	Ohio	State	2011	Killed 2 men by suffocating them with duct tape & plastic, then lit rental car on fire	State v. Barnette, 2014 Ohio App. LEXIS 5488
Barreto, Axel	Pa.	State	2013	Killed 3 boys, 14-year-old members of son's rival gang	Commw. v. Barreto, 2012 Phila. Ct. Com. Pl. LEXIS 499
Bass, John	Mich.	Fed.	2006	Four drug-related murder victims	United States v. Bass, 460 F.3d 830 (6th Cir. 2006)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Beach, Gary	Mo.	State	2002	Killed 5 men	Jo Napolitano, Stepfather Gets Life in Five Killings, N.Y. Times (Apr. 20, 2002)
Beadles, Rickey	Ga.	State	1989	Multiple victims	Beadles v. State, 259 Ga. 519 (1989)
Becker, Matthew	Pa.	State	2013	Killed pregnant (third trimester) girlfriend	Brett Hambright, Victim's Father Scolds Killer, Lancaster Intelligencer-J. (Mar. 29, 2013)
Beckford, Dean Anthony	Va.	Fed.	1997	Six drug-related murders	United States v. Beckford, 968 F. Supp. 1080 (E.D. Va. 1997); Tom Campbell, Poison Clan Leader Gets Life, Slams 'Lies'; Co-Defendant Gets Same No-Parole Term, Richmond Times Dispatch (Nov. 6, 1997)
Bedford, Stanley	N.M.	State	2007	Kidnapped & killed retired couple, burned their bodies in trunk of car	Scott Sandlin, Bedford Avoids Death Penalty, Albuquerque J. (June 28, 2007)
Bell, George	N.Y.	State	1999	Convicted of killing off-duty police officer & owner of check cashing store in attempted robbery; later exonerated	People v. Bell, 181 Misc.2d 186 (N.Y. Sup. Ct. 1999); subsequently exonerated (https://nypost.com/2021/03/05/men-locked-up-for-1996-murders-were-wrongfully-convicted-judge , last visited Nov. 18, 2022)
Bertino, Fabrizio Salvatore	N.J.	State	1987	Drowned girlfriend & her 2-year-old son	Baldus N.J. Project 1991: Case #0190, 2801; pdf on file w/authors & Hofstra Law Review

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Beyle, Abukar Osman	Va.	Fed.	2013	Somali pirates killed 4, charged with terrorist murder and kidnapping	Shashank Bengali, Life sentence for Somali pirates who killed Marina del Rey couple, LA Times (Aug. 2, 2013)
Bingham, Tyler Davis	Cal.	Fed.	2006	Aryan Brotherhood prison gang leader ordered killing of 5 inmates; 2 died	Cathy Franklin, City News Service, September 15, 2006; Mistrial Declared in Aryan Brotherhood Case, Associated Press (Sept. 14, 2006)
Biyad, Said	Ky.	State	2011	Raped & strangled wife but she survived; killed their 4 children, ages 8, 7, 4 and 2	WAVE, Judge During Sentencing of Man Convicted of Killing His 4 Kids: "I've Not Seen a Worse Criminal Case" (July 9, 2011)
Blackwell, Timothy	Wash.	State	1996	Killed wife & 2 friends at courthouse during divorce proceedings	Anne Hock, Blackwell Gets Life Without Parole, Seattle Times (June 25, 1986); Trial Judge Report, Snohomish Co., 86-1-00676-3; pdf on file w/authors & <i>Hofstra Law Review</i>
Booker, George	N.J.	State	1987	Three-day crime spree: rapes female neighbor, steals her car, runs down male pedestrian, & steals his wallet; enters home of two lesbian lovers, rapes, sodomizes, gags, & kills 1. When the other arrives home, stabs her to death, next day rapes elderly woman in her home. Prior murder conviction from 1982.	State v. Loftin, 724 A.2d 129, 178-79 (N.J. 1996) (proportionality compared to Booker); Baldus N.J. Project 1991: Case #0231, 2825; pdf on file w/authors & <i>Hofstra Law Review</i>

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Boppre, Jeff	Neb.	State	1989	Robbery murder of man & pregnant woman	State v. Boppre, 453 N.W.2d 406 (Neb. Sup. Ct. 1990); Baldus Neb. Proj. 2002: Case #39718; pdf on file w/authors & <i>Hofstra Law Review</i> ; Maunette Locks, Defense attorneys claim DNA would clear convicted murder [sic], Scottsbluff, Neb., Star-Herald, Aug. 5, 2008
Bowie, Damon	Md.	State	1992	Killed 2	Paul Duggan, P.G. Killer of Two Spared Death Sentence, Wash. Post (May 2, 1992)
Bozicevich, Joseph	Ga.	Mil.	2011	Killed 2 fellow Army soldiers while on duty in Iraq	Greg Bluestein, Ft. Stewart jury finds Minneapolis soldier guilty of killings in Iraq, Fla. Times-Union (May 26, 2011); Denise Etheridge, Soldier gets life without parole, Bryan County News (Aug. 10, 2011)
Brantley, Derrick	Ohio	State	2014	Killed 2 young men and 2 young women during robbery of heroin & cash	Phil Trexler, Jury Urges a Life Term in Slayings: Derrick Brantley to Be Sentenced for Executing Four People in Akron Robbery, Akron Beacon J. (June 21, 2014)
Bridgewater, Wayne	Cal.	Fed.	2007	Aryan Brotherhood gang member convicted in prison killing of 2 inmates	Cathy Franklin, City News Service, September 15, 2006; Mistrial Declared in Aryan Brotherhood Case, Associated Press (Sept. 14, 2006)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Britt, L.J.	Tex.	Fed.	2002	Killed 2 men as enforcer of drug-trafficking ring	Toni Heinzl, Man Linked to Drug Ring gets life in prison for two killings, Fort Worth Star-Telegram, (Dec. 5, 2002)
Brooks, John	La.	State	1998	2 murders & 6 others tried separately	https://law.justia.com/cases/louisiana/supreme-court/1995/92-ka-3331-3.html
Brown, Leonard	Cal.	State	c. 1980/81	Raped and killed 2	People v. (Leonard) Brown (1985) 169 Cal.App.3d 728
Budd, Glenford	Nev.	State	2005	Killed 3 teenagers after playing basketball with them	Budd v. Baker, U.S. Dist. Ct. Nev., No. 2-16-cv-00613-RFB-PAL (Jan. 14, 2021);
Bui, Quang	Ala.	State	2004	Killed his 3 children by slitting throats with butcher knife.	http://www.tuscaloosaneews.com/news/20041218/man-convicted-of-slaying-children-taken-off-death-row
Buono, Angelo	Cal.	State	1983	“Hillside Strangler,” 9 victims	http://murderpedia.org/male.B/b/buono-angelo.htm
Burgess, Robert	Pa.	State	2014	Killed 2 parents, witnessed by victims’ daughters	Kristen Deerschner, Jury deadlocked: Burgess sentenced to life without parole for double murder of Beaver Falls couple, Times (Oct. 31, 2014); Commw. v. Burgess, 2015 Pa. Dist. & Cnty Dec. LEXIS 9055
Burgin, Richard	Ala.	State	2017	Killed 2 men	Jury recommends Richard Burgin be sentenced to life without parole, WHNT/CBS, Huntsville (May10, 2017)
Burkett, Jason	Tex.	State	2003	Murdered 3; also kidnapped 2	Burkett v. State, 172 S.W.3d 250 (Tex. App. 2005)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Burlile, Christopher	Va.	State	2001	Killed 2 in 2 different robberies	Alan Cooper, Jury Calls for Life Sentence in Slaying, Richmond Times Dispatch (Nov. 14, 1998); Burlile v. Commw., 544 S.E.2d 360 (Va. 2001)
Burnett, Theodore	Kan.	State	2008	Killed year-old son & baby's 18-year-old mother	Ron Sylvester, Jury spares Burnett's life in Brooks slaying, Wichita Eagle (May 29, 2008); Tim Carpenter, Chelsea Brooks' parents urge fetal protection bill, Wichita Eagle (Jan. 19, 2007)
Burst, William	Mo.	State	1996	Killed woman & her 6-year-old daughter, who was sexually molested and suffocated.	https://books.google.com/books?id=jV3cDAAAQBAJ&pg=PA64&dq=William+Burst+suffocate+Lawson&hl=en&sa=X&ved=0ahUKWwjDnbHJnp7WAhVBWmMKHfoIDCQQ6AEIJAA#v=onepage&q=William%20Burst%20suffocate%20Lawson&f=false
Cagle, Randy	N.C.	State	2016	Killed 3; also kidnapped	https://www.greensboro.com/news/man-gets-life-sentence-for-two-seagrove-murders/article_11097510-6c70-5b4b-a346-511a0e4afea6.html
Calvillo, Jose	Ariz.	State	2009	Killed 2 during argument	State v. Cavillo, Ct. of Appeals Ariz., Div. One, Dept. D, 1 CA-CR-09-0761 (May 26, 2011)
Campbell, Eric Alexander	N.C.	State	2017	Killed 2	https://www.wral.com/texas-man-gets-life-sentence-for-robbing-killing-granville-couple/16945478/

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Candelario Santana, Alexis	P.R.	Fed.	2013	“La Tombola Massacre”: 8 people killed, including pregnant woman; previously convicted of killing or ordering murder of 13 others	http://www.upi.com/Top_News/World-News/2013/03/25/No-death-penalty-for-PR-mass-killer/UPI-14261364256284
Caraballo, Gilberto	N.Y.	Fed.	2007	Convicted of 2 separate drug-related CCE murders	United States v. Caraballo, U.S. Ct. of Appeals, 2nd Cir., No. 08-4640-CR (2009); Brooklyn Drug Dealer Sentenced to Life in Prison for Narcotics Trafficking and Two Murders, US Attorney’s Office, Eastern Dist. of N.Y., Press Release, Sept. 4, 2008, https://www.justice.gov/archive/usao/nye/pr/2008/2008sep04.html
Cazaco, Leonel	Va.	Fed.	1997	Poison Clan gang member convicted in multiple murder case	Tom Campbell, 2 Poison Clan Members Sentenced to Life Terms, Richmond Times Dispatch (Nov. 8, 1997)
Chao, Vicky	Del.	State	1990	Set fire to house of ex-lover, killing his wife, his mother & his 2-year-old daughter. Ex-lover survived.	Chao v. State, Del. Sup. Ct., No. 475, 2004 (June 20, 2007); AP, Spurned Lover Sentenced to Seven Consecutive Life Terms in Arson Murders (NO DATE); Esteban Parra, Man Who Helped Mistress Kill Dies in Prison, Wilmington News J. (Mar. 15, 2018)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Chapman, Ed	Ga.	State	1989	Killed multiple victims	AP, Spurned Lover Sentenced to Seven Consecutive Life Terms in Arson Murders (NO DATE); Esteban Parra, Man Who Helped Mistress Kill Dies in Prison, Wilmington News J. (Mar. 15, 2018); Chapman v. State, Sup. Ct. of Ga., S00A1501 (Jan. 22, 2001)
Chavez, Roman	Ill.	State	1991	Killed 2 officers who came to arrest him	http://articles.chicagotribune.com/1991-05-09/news/9102110125_1_police-officers-death-penalty-roman-chavez
Cheeseboro, Felix	S.C.	State	1997	In execution-style killings, shot popular barber, customer, & third man who survived; also killed cab driver	State v. Cheeseboro, 552 S.E.2d 300 (S.C. 2001)
Christopher, Carlos	Ohio	State	2008	Killed girlfriend's 81-year-old father & his wife with ax while they slept	Brian Anthony Hernandez, Ax murderer spared death penalty, Cleveland Plain Dealer (May 29, 2008)
Church, Hagen	Ohio	State	2015	Killed 2 people (beat man & then set fire to house to cover it up; both victims were killed)	Greg Sowinski, Church avoids death sentence in 2009 murders in Lima, Lima News (Feb. 25, 2015)
Cisneros, Ismael	Va.	Fed.	2005	MS-13 murder of pregnant 17-year-old	http://www.washingtonpost.com/wp-dyn/content/article/2005/06/14/AR2005061401451.html ; https://www.washingtontimes.com/news/2005/jun/14/20050614-103201-7782r/

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Clay, Brian	Nev.	State	2017	Raped & killed woman & her 10-year-old daughter in claw hammer attack	https://www.reviewjournal.com/crime/courts/jury-spares-life-of-las-vegas-man-who-killed-girl-mother
Cohen, Charles	Del.	State	1992	Killed his parents then fled to California & stabbed to death a San Francisco banker in his own bed	Patricia Talorico et al., Facing the music, Wilmington News J. (May 6, 2020)
Cole, Donald	Del.	State	2004	Killed 2 during robbery in victims' home	Esteban Parra, Two Get Life Terms for Killing Couple, Wilmington News J. (Sept. 3, 2004)
Collins, Darrell	N.J.	State	1990	Killed wife & 1-year-old son to collect life insurance	Baldus N.J. Project 1991: Case #0469; pdf on file w/authors & Hofstra Law Review
Conyers, Clarence	Md.	State	2003	Killed woman during home burglary; 2 days later killed accomplice to keep him from going to police	Alyson R. Klein, Killer to serve life in prison; death penalty rejected, Balt. Sun (July 26, 2003)
Cooper, Andre	Pa.	Fed.	2006	Convicted in 4 Boyle Street Boys drug gang murders, including witness killing	US v. Cooper 343 Fed. Appx. 830; US v. Cooper 2021 U.S. Dist. LEXIS 79894; Emilie Lounsberry, U.S. jury decides on life for Chester gang leaders, The two men had been convicted of murdering a federal witness. They'll never be eligible for parole, Phila. Inquirer (May 16, 2006)
Cooper, Billy D.	Miss.	Fed.	2002	Killed 2 in carjacking	Cooper v. United States, 2012, U.S. Dist. LEXIS 188059 (N.D. of W.V.)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Cooper, Richard	Fla.	State	2014	Shotgun triple murder	https://www.tampabay.com/news/courts/criminal/after-30-years-murderer-richard-cooper-could-get-off-death-row/2168561
Cooper, Roderick	Tex.	State	2002	Killed 2 video store employees	Ron Nissimov, Convicted killer gets life in slayings at video store, Hous. Chron. (Aug. 8, 2003)
Cooper, Samuel	N.C.	State	2010	Killed 5	https://wral.com/new/local/story/7453332
Cooper, Zachary	Va.	State	2004	Killed wife, 5-year-old daughter, & girlfriend	Patricia Davis, Ex-Marine Gets Life for Killing 3 in N. Va., Wash. Post (Mar. 4, 2003)
Correa, Jesus	Conn.	State	1994	Stole kilo of cocaine from 2 drug dealers who were going to sell it to him; killed them both	State v. Correa, 696 A.2d 322 (Conn. 1997)
Cottrell, Chad	Ind.	State	2009	Sexually molested & killed 2 sisters, ages 10 and 12, & their mother while she slept	Lisa Tripp, Chad Cottrell Gets 3 Consecutive Life Sentences, Tribune Star (May 29, 2009)
Covington, Quarran	Ohio	State	2006	Killed 2 family friends who came from Georgia with \$5000 worth of cocaine	Bruce Cadwallader, Death penalty escaped in pair of drug killings, Columbus Dispatch (July 12, 2006); Bruce Cadwallader, Jury debating death-penalty case, Columbus Dispatch (July 11, 2006)
Crosby, Derek	Ill.	State	1989	Killed mother, father, & aunt	No death penalty in slaying of 3, Chi. Trib. (Apr. 14, 1989); People v. Crosby, 614 N.E.2d 190 (Ill. 1993)
Crum, Girley	Or.	State	1997	Killed 5 family members, including 2 children (ages 5 years & 16 months)	John Griffith, Crum gets life in prison for killing Bandon family, The Oregonian (Feb. 26, 1997)

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Cruz, Kevin William	Wash.	State	2003	Fatally shot 2 men & wounded 2 others	Elizabeth Murtaugh, AP, Cruz gets life in prison for shipyard slayings (May 8, 2002); Trial Judge Report, King Co., 00-1-00284-6 SEA (May 1, 2003)
Cruz, Nikolas	Fla.	State	2022	Killed 14 students & 3 staff at high school	
Cruz-West, Amir R.R.	Pa.	State	2010	Killed 2	https://ujportal.pacourts.us/DocketSheets/CourtSummaryReport.ashx?docketNumber=CP-51-CR-0005601-2008&dnh=BWxnoFP8Rf8bMpf0VA7Jwg%3d%3d
Cullen, Roger	Colo.	State	1982	Killed 2 dance instructors	UPI, Instead of embarking on a honeymoon, Roger Cullen will begin serving a prison term for murder (May 19, 1982)
Cunningham, Charles	Ohio	State	2010	Killed mother of his 2 children, then killed her friend	Samantha Sommer, Judge explains why he didn't give Cunningham the death penalty, Springfield News-Sun (May 27, 2010)
Curry, Kenneth Wayne	Cal.	State	1985	Killed 2 hikers in their early 20s	Michael Finucane, Defense Rests Today, Cal. Poly. CSU Summer Mustang (June 27, 1985); Patrick S. Pemberton, Assistant D.A. to Retire after 40 Years of Prosecuting Local Criminals, San Luis Obispo Trib. (Dec. 20, 2012); L.A. Times (Aug. 9, 1985)

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Curtwright, James	Neb.	State	1986	Killed mother & sister	Deaf mute kills mother, sister for topless dancing, UPI Archives (May 8, 1986); Deaf-Mute Found Guilty of Murdering Mother And Sister, AP (May 8, 1986); Baldus Neb. Proj. 2002: Case #37181; pdf on file w/authors & Hofstra Law Review
Cyrus, Dennis	Cal.	Fed.	2000	Killed 3, including gov't informant	https://www.sfGate.com/crime/article/Dennis-Cyrus-gets-life-in-Page-Street-Mob-killings-3245371.php ; http://sfappeal.com/2010/11/former-Gang-member-ducks-death-penalty-gets-three-consecutive-life-sentences-for-page-street-mob-mur/
Daniels, Jerry	Conn.	State	1986	Raped & killed woman, killed another woman, slit throat of 3-year-old girl, almost decapitating her	State v. Daniels, 542 A.2d 306 (Conn. 1988)
Daniels, Samuel	Ky.	State	2011	Killed 2 men following dispute over \$20 proceeds of dice game	Andrew Wolfson, Killer of 2 is spared death, Louisville Courier-J. (Sept. 11, 2013)
Daoud, Mohamed Rashed	N.Y.	Fed.	2001	Convicted in terrorist bombing at American embassies that killed 224 people, including 12 Americans, and injured more than 5,000	https://www.pbs.org/newshour/politics/law-jan-june01-embassy_06-12
Davidson, Latine	Ind.	State	1986	Killed her 2 infants on 2 separate occasions	Davidson v. State, 558 N.E.2d 1077 (Ind. 1990)

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Davis, Ali E.	Pa.	State	2010	Gang retaliation triple killing	Ali Davis jury deadlocks; Judge gives him life sentence, Express-Times (Jan. 27, 2010)
Davis, Allan Douglas	Cal.	State	1987	Killed elderly neighbors, 69-year-old man & his 80-year-old wife, during robbery	Byline: RW, L.A. Times (Mar. 4, 1987)
Davis, Gerald DeWayne	Wash .	State	1999	Robbed, beat, & strangled 2 elderly women to buy drugs	AP, Two holdout jurors spare convicted killer's life (Oct. 15, 1999); Trial Judge Report, Pierce Co.97-1-00479-1 (Dec. 27, 1999); pdf on file w/authors & Hofstra Law Review
Davis, Johnny	La.	Fed.	2003	RICO drug conspiracy involving 4 separate shooting murders, including a murder for hire. Convicted of 3 murders.	United States v. Davis, 2007 U.S. Dist. LEXIS 55053; United States v. Davis, U.S. Dist. Ct., E.D.La., Crim. Dkt. No. 01-282 (Sept. 18, 2002)
Davis, Michael	Ohio	State	2008	Arson murder killed 4 children (ages 8, 5, 4, & 2) plus their mother & grandmother; 8 firefighters injured	Torsten Ove, Man who set deadly Ohio fire spared, Pittsburgh Post-Gazette (Oct. 23, 2008)
Davis, Terrance	Ohio	State	1999	Killed pregnant girlfriend & her 9-month-old fetus	AP, Attorney Asks Killer's Life Be Spared, BG News (Feb. 16, 2000); AP, Jury Says Life in Prison for Man Convicted of Killing, Zanesville Times Recorder (Feb. 16, 2000)
Day, Jason	Conn .	State	1991	Killed 4 people, including 4-year-old boy	State v. Day, 661 A.2d 539 (Conn. 1995)

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Degorski, James	Ill.	State	1993	Killed 7	Andrew Greiner, Life in prison for Degorski, NBCCChicago.com (Sept. 30, 2020)
DeLong, Richard	Mo.	State	2002	Killed 3 children, his own unborn child, & pregnant mother.	Cyndy Short, The DeLong Case, The Warrior (Spring 2004), 5-13; Giacomo Bologna, When was Greene County's last DP case, Springfield News-Leader (Oct. 26, 2017)
Dennis, Claude	Va.	Fed.	1997	"Poison Clan" gang member convicted in multiple murder case	Tom Campbell, Poison Clan Leader Gets Life, Slams 'Lies'; Co-Defendant Gets Same No-Parole Term, Richmond Times Dispatch (Nov. 6, 1997)
Dhinsa, Gurmeet Singh	N.Y.	Fed.	1999	Killed 2 in RICO murder-for-hire scheme	U.S. v. Dhinsa, 243 F.3d 635 (2d Cir. 2001); Helen Peterson, Gas Mogul Sentenced to Life Term, N.Y. Daily News (Mar. 10, 1999)
Diaz, Felix	N.J.	State	1989	Beat, shot, & stabbed 47-year-old male relative & 8-year-old niece, then set bodies on fire; shot former lover repeatedly & burned body	Baldus N.J. Project 1991: Case #0673; pdf on file w/authors & Hofstra Law Review; State v. Wakefield, 921 A.2d 954, 1035 (N.J. 2000) (proportionality compared to Diaz)
Diaz-Marrero, Julio	Conn.	State	1997	Killed co-defendant's drug dealer boss & his wife	State v. Ortiz, 747 A.2d 487, 495 (Conn. 2000)
Dieteman, Samuel	Ariz.	State	2009	Pled guilty to 2 murders, convicted of 4	AP, Man gets life sentence in Arizona shootings (July 29, 2009)

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Dillard, Eric	Pa.	State	2017	Drug-related robbery conspiracy: 2 killed, 1 shot but survived	Commw. v. Dillard, Pa. Super. Ct., No. 3032 EDA 2017, J-S29041 (June 28, 2018)
Dinkins, James	Md.	Fed.	2009	Killed witness and 2 others, plus non-fatal shooting	Judge Imposes Life Sentences Without Parole for Two Convicted in the Thanksgiving 2006 Murder of Federal Witness John Dowery and the Murders of Two Others, FBI Baltimore Division Press Release (July 1, 2009)
Dixon, Emile	N.Y.	Fed.	2003	Patio Crew drug gang leader convicted of killing 2, including witness	Tom Hays, Drug dealer gets life sentence in case where Ashcroft sought death penalty, AP (Dec. 22, 2003)
Drummond, Gerald	Pa.	State	2011	Killed 27-year-old man (sister's boyfriend) and 14 year-old boy	Tashaja, Drummond and McDowell sentenced to life in prison, Philly DA (Oct. 8, 2020); Mensah M. Dean, Instead of retrial, plea deal for man in 2007 slayings, Phila. Inquirer (Sept. 15, 2020)
Ducic, Marc	Ohio	State	2004	Killed girlfriend & friend 16 months apart through injections of drug cocktails	Jim Nichols, Jury Spares Life of Killer of two, Cleveland Plain Dealer (June 25, 2004); Thomas Francis, Juror's Burden, Cleveland Scene Press Club (Aug. 11, 2004)
Duong, Anh the	Cal.	Fed.	2011	Killed 3; 4 prior murders	https://www.mercurynews.com/2011/02/03/san-jose-Gang-leader-sentenced-to-life-in-prison-for-murders-racketeering/

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Ealy, Samuel Stephan	Va.	Fed.	2002	Killed family of 3	https://caselaw.findlaw.com/us-4th-circuit/1206929.html
Ebb, Jeffrey	Md.	State	1993	During attempted robbery killed barber & his customer	State v. Jeffrey Ebb, Sr., Md. Court of Appeals, No. 40, Sept. Term (Apr. 24, 2017)
Edelin, Tommy	D.C.	Fed.	2004	14 drug-related murders, including 14-year-old; attempted to have another dozen people killed.	United States v. Edelin, 134 F. Supp. 2d 59 (D.D.C. 2001)
Elfadl, Kamel Ali	Md.	State	1984	Killed manager of convenience store & off-duty police officer in robbery	Elfadl v. State, 485 A.2d 275 (1985); Sandra Grant, Man Guilty of 2 Slayings Awaits Sentence of Md. Jury, Wash. Post (Mar. 31, 1984)
Elliott, Robert	Tex.	State	1997	Killed 2 young men	Elliott v. State, 1998 Tex. App. LEXIS 5711
Evers, Kevin	Fla.	State	2008	Killed 3 at Miami Beach birthday party	Eric Barton, A final defense: FIU Clinic helps educate lawyers handling death penalty cases, Fla. Trend (Mar. 23, 2017)
Faust, Kimberly	Neb.	State	2001	Stabbed estranged husband's girlfriend & set her car on fire; also killed neighbor who tried to help woman in burning car	Melanie Wilkinson, Faust Sentenced to Life in Prison, York News Times (May 1, 2001)
Fears, Kevin	Colo.	State	1993	Killed robbery witness & witness's friend	People v. Fears, Colo. Ct. of App. Div. V, No. 93CA0720 (Aug 7, 1997)
Felts, William	Ga.	State	2016	Rape & murder of 13-year-old girl & murder of her 14-year-old male cousin	https://patch.com/georgia/midtown/life-prison-man-who-killed-two-atlanta-teens-0
Finch, Charles	Wash.	State	2000	Killed blind friend of ex-wife & sheriff's deputy	AP, Double murderer Charles Finch dies (Dec. 26, 2000)

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Finley, James A.	N.C.	Fed.	1999	Killed 2 campers at national park	Gary Wright, Finley Wanted Death, Got Life for Killing 2 Campers, Charlotte Observer (Apr. 16, 1999)
Fleer, Eugene	Mo.	State	1991	Drowned 3-year-old boy; strangled & drowned 15-year-old babysitter	State v. Fleer, 851 S.W.2d 582 (Mo. Ct. App. 1993)
Flonnory, Floyd	Del.	State	2004	Killed 2 women	State v. Flannory, Sup. Ct. of Delaware, ID 9707012190 (July 22, 2004)
Ford, Stanley	Ohio	State	2021	Killed 9 by arson	AP, Disgruntled neighbor who killed 9 by arson gets life term, WTO2 (Oct. 26, 2021)
Frances, David Sylvester	Fla.	State	2022	Killed 2 women	State v. Frances, Ninth Judicial Circuit, Orange County, Florida, Case No. 2000-CF-16204-A-O, Div. 22, Sentencing Order (June 27, 2022), Bob LeBlanc, Circuit Judge, slip. op. at 30.

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Freeman, Franklin	Cal.	State	1982	Triple murder at Bob's Big Boy hamburger stand	Maura Dolan, Murderer on Death Row Loses Appeal, L.A. Times (Oct. 14, 2017) (co-defendant article has sentencing info); People v. Sanders, 905 P.2d 420 (Cal. 1995) (direct appeal of co-defendant has crime details); Terry Pristine, He Tries to Prove There's a Little Good in Everyone: Prober's Job Is to Keep Killers Off Death Row, L.A. TIMES (Dec. 27, 1988, 12:00 AM), https://www.latimes.com/archives/la-xpm-1988-12-27-me-1027-story.html .
French, Kenneth	N.C.	State	1994	Murdered 4 in restaurant	State v. French 467 S.E.2d 412 (N.C. 1996)
Frye, James Ernest	Miss.	Fed.	2002	Killed 2 in carjacking	U.S. v Frye, 2007, 489 F.3d 201 (5th Cir. 2007)
Galan, Thomas A.	Ohio	Fed.	2007	Killed 2 in drug-trafficking conspiracy	U.S. v. Galan, No. 08-4552 (6th Cir. 2011); Erika Blake, Fostoria Man Gets Life for '96 Murders, Jurors in Federal Court Split on Death Penalty, Toledo Blade (Dec. 15, 2007)
Galloway, Glen Law	Colo.	State	2018	Stalker murdered two back-to-back	https://Gazette.com/news/no-death-penalty-for-double-killer-Galloway-jury-decides/article_32d4c3dc-7eea-11e8-93b7-9b905eebf163.html
Garcia, Adair	Cal.	State	2005	Killed his 5 children by smothering.	https://www.latimes.com/archives/la-xpm-2005-mar-30-me-grill30-story.html

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Garcia, Alberto	Tex.	State	2008	Killed two taxicab drivers separately but close in time in 1990	Garcia v. State, Tex. Ct. of Appeals, 3d Dist., Austin, No. 03-08-00586-CR (Oct. 12, 2010)
Garrett, Marcus Valentino	Va.	State	2008	Killed 3 (including his daughter's mother)	Duane Bourne, Life sentence given for triple slayings, Virginian-Pilot (Oct. 4, 2008)
Gaskins, Antonio	Md.	State	1990	Killed 2 in pool hall	Paul Duggan, Jury Rejects DP for Killer of 2 in Pool Hall, Wash. Post (Oct. 25, 1990)
Gaxiola, Albert	Ariz.	State	2011	Hired 2 people to kill drug dealer rival. Victims were adult male drug dealer & his 9-year-old daughter	Kim Smith, Arivaca man given 2 life terms in killing of dad, daughter, Ariz.Daily Star (Aug. 15, 2011)
Gaytan, Brendon	Tex.	State	2015	Killed 6-year-old & 2-year-old girl in drive-by shooting	https://www.nbcdfw.com/news/local/Corpus-Christi-Man-Gets-Life-in-Prison-for-Killing-2-Girls-294495691.html
Gilbert, Kristin	Mass.	Fed.	2001	Nurse killed 4 patients & attempted to kill 3 others.	United States v. Gilbert, 92 F. Supp. 2d 1 (D. Mass. 2000)
Gonzalez Escamilla Martin	Tex.	State	2000	Killed 3 women	Gonzalez v. State, 2001 Tex. App. LEXIS 6959
Gooch, Larry	D.C.	Fed.	2007	Convicted of 4 felony murders in RICO drug conspiracy	Jason Cherkis, Another D.C. Jury Rejects Death Penalty, Washington City Paper (June.7 2007), https://washingtoncitypaper.com/article/497403/another-dc-jury-rejects-death-penalty/

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Gordon, James	N.Y.	State	1998	Raped, sodomized, & murdered 2 women, attempted to murder 2 others.	https://www.nytimes.com/1998/12/19/nyregion/queens-jury-spares-convicted-killer-from-death-penalty.html
Govan, Arthur	Del.	State	1993	Killed 2 with co-defendant	AP, Delaware executes killer of 2, Deseret News (Nov. 17, 2000); Kent Sussex, High court dashes last hope for Weeks, Wilmington News-J. (Nov. 17, 2000)
Grande, Oscar	Va.	Fed.	2005	MS-13 murder of pregnant 17-year-old	http://www.washingtonpost.com/wp-dyn/content/article/2005/06/14/AR2005061401451.html ; https://www.washingtontimes.com/news/2005/jun/14/20050614-103201-7782r/
Gray, Kevin L.	D.C.	Fed.	2005	Convicted of 30 drug-related murders	http://www.washingtonpost.com/wp-dyn/content/article/2005/03/25/AR2005032506044.html
Gray, Ramon	Ohio	State	2008	Killed 2 during fight outside bar	State v. Gray, 2010 Ohio App. LEXIS 178
Green, Steven Dale	Ky.	Fed.	2009	Murder of Iraqi family of 4, including children ages 6 and 14, and rape murder of 14-year-old daughter.	https://www.nytimes.com/2009/05/22/us/22soldier.html#:~:text=A%20jury%20in%20Kentucky%20sentence d,spared%20the%20defendant%2C%20Steven%20D.
Grevious, Michael	Ohio	State	2018	Killed 2 people in drive-by shooting, retaliation for recent nightclub shooting	Lauren Pack, Hamilton man gets life sentence in murder-for-hire plot, J.-News (Apr. 27, 2018)
Griffin, Janet	Conn.	State	1996	Two victims: ex-lover & her nephew	State v. Griffin, 741 A.2d 913 (Conn. 1999)

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Guillory, Christopher	La.	State	1996	Killed man, his 15-year-old son, & son's 14-year-old friend	State v. Guillory, 715 So.2d 400 (La. Ct. of App. 3d Circ. 1998)
Guy, Joel Jr.	Tenn.	State	2020	Killed & dismembered parents	Crystal Bonvillian, Life in Prison: Joel Guy Jr. Convicted of brutal 2016 murders, dismemberment of parents, Cox Media Group (Oct. 13, 2020)
Hall, Berry	Ky.	State	2012	Killed adult niece & her husband during argument with defendant's wife	Hall v. Commw., 468 S.W.3d (Ky. 2012); Jack Latta, Jury recommends life without parole, Floyd County Times (May 2, 2012)
Hall, Keith Lavis	N.C.	State	2006	Killed 4	http://www.wistv.com/story/5773804/life-sentence-imposed-after-nc-jury-deadlocks-on-death?clienttype=printable
Hamilton, Ronald	Va.	State	2018	Killed wife & police officer	https://www.nbcwashington.com/news/local/Jury-Decision-on-Sentence-for-Army-Veteran-Ronald-Hamilton-Who-Killed-Officer-Ashley-Guindon-Crystal-Hamilton-498545431.html
Hamilton, Woodrow	La.	State	1998	Killed estranged wife & responding deputy; wounded another who followed him on high-speed chase	State v. Hamilton, 747 So.2d 164 (La. App. 3d Cir. 1999);

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Hammond, Darnell	Cal.	State	2021	Killed father & son gas station attendants during robbery	Jason Kotowski, Jury recommends life without parole in Lamont double homicide, KGET (Oct. 7, 2021); Kern jury recommends life sentence, Bakersfield Californian (Oct. 7, 2021)
Hankins, Ronald	Del.	State	2008	Killed girlfriend's brother (& girlfriend's other lover) & girlfriend's sister	Sean O'Sullivan, Murders of brother, sister bring two life terms, Wilmington News-J (Oct. 21, 2008)
Hans, Eric Preston	S.C.	Fed.	2007	Killed 6 in motel arson murder	U.S. v. Hans, Cr. No. 05-1227 (D.S.C. Nov. 16, 2005), https://casetext.com/case/us-v-hans-4
Harding, Walter	Md.	State	1991	Killed girlfriend & her male friend	Damen M. Allen, Life-term convict to be arraigned in Jessup attack Balt. Sun (Feb. 12, 1995); Stephen Buckley, Md. Killings Were Crime of Passion, Defense Says, Wash. Post (July 24, 1991); Jackie Powder, Man found guilty of killing ex-girlfriend, her boyfriend, Balt. Sun (Aug. 10, 1991)

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Harper, Cornelius	Tex.	State	2014	Killed cousin, who was shot, & cousin's pregnant girlfriend, who was repeatedly stabbed, killing her 8½- month-old unborn child.	Man sentenced to life in prison for 2010 murder of young couple, unborn baby in Missouri City, Fort Bend News (July 3, 2014); http://cncpunishment.com/forums/showthread.php?9333-Cornelius-Harper-Sentenced-to-Life-in-2010-TX-Slaying-of-Leiah-Jackson-Yancy-Daniels-and-Unborn-Baby-Daniels
Harris, Wesley	Ga.	State	2005	Killed young mother & her 2-year-old daughter; bodies were stuffed in trunk of car, & car set on fire	http://www.gwinnettdailyreport.com/archive/harris-sentenced-to-life-in-prison-for-double-murder/article_e491da7e2c-5476-8576-c0f3d899fa23.html
Harrison, Shane	N.M.	State	1998	Killed 2 grandparents	Bruce Daniels, Sentence Locks Up Harrison for Life, Albuquerque J. (Jan. 10, 1998)
Hartley, Kenneth	N.C.	State	2011	Stabbed to death 14-year-old half-brother; anal rape & strangulation murder of 9-year-old half-sister	State v. Hartley, 710 S.E.2d 385 (N.C. Ct. App. 2011)
Hartung, Donald	Fla.	State	2020	Killed mother & 2 half-brothers	https://www.theledger.com/news/20200204/lakeland-triple-murder-polk-jurors-opt-for-life-in-prison-not-death-for-jamaal-smith

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Hatley, Benny	Ark.	State	1985	Killed police chief & patrolman	Byline [No First Name] McCrory [No headline in original], Arkansas Democrat-Gazette (Apr. 11, 1985) ruled valid, conviction upheld in '84 slaying of 2 officers, Arkansas Democrat-Gazette (May 28, 1986); John Lynch, Resentencings due for kids who killed dozens, Arkansas Democrat-Gazette (July 4, 2016); Hatley v. State, 709 S.W.2d 812 (1986)
Haynes, Willis	Md.	Fed.	2000	Convicted of kidnap/murder of 3 black women from federal property	U.S. v. Haynes, 26 Fed. Appx. 123 (2001)
Haywood, Deshanon Jamal	Ohio	State	2015	Convicted of killing 2 women (2 of the victims in quadruple homicide)	Ed Meyer, Life Behind Bars is Jury's Decision for Akron Killer, Akron Beacon J. (July 2, 2015); Phil Trexler, Judge Urges a Life Term in Slayings, Akron Beacon J. (June 21, 2014)
Henderson, Philip Wayne	Cal.	State	1982	Triple murder of entire family, plus unborn fetus at 30 weeks old.	http://law.justia.com/cases/california/court-of-appeal/3d/225/1129.html
Henderson, Thomas	Ohio	Fed.	2007	Killed witness & her boyfriend; 3 more murders alleged in aggravation	Maggie Lillis, Killer going to prison permanently; Jury spares man who shot witnesses after '81 conviction, The Columbus Dispatch (July 6, 2007)

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Hendon, Eric	Ohio	State	2019	Killed man, his 18-year-old son. & 14-year-old daughter	Adam Ferrise, Jury Spares Life of Man Who Killed Father, Two Kids in Barberton, Cleveland.com (Jan. 11, 2019)
Henry, Arnold Mark	Va.	Fed.	1994	Killed 2 suspected of stealing crack cocaine in related incidents	Joseph Cosco, Federal Jury Spares Lives of Three Drug Kingpins, Virginian-Pilot (March 24, 1994)
Herbert, Amy	La.	State	2009	Murder of 9-year-old daughter & 7-year-old son by stabbing	http://www.houmatoday.com/news/20090619/killer-mom-sentenced-to-two-life-terms
Hernandez, Jose	N.J.	State	1985	Killed uncle & grandfather of ex-girlfriend	Baldus N.J. Project 1991: Case #1060, 3022; pdf on file w/authors & Hofstra Law Review
Hernandez, Martin Isaias	Tex.	State	1992	Killed 2 men	Hernandez, v. State, 1994 Tex. App. LEXIS 2182
Hogshooter, Russell	Okla.	State	2016	Murder of 6 people including 2 unborn babies	https://www.koco.com/article/denny-phillips-russell-hogshooter-sentenced-to-life-without-parole-in-cathouse-murders/4311049#
Holden, Nathan	N.C.	State	2017	Killed 2	https://www.cbs17.com/news/jury-rejects-death-penalty-in-nathan-holden-trial/#:~:text=Jurors%20also%20convicted%20Holden%20for,murder%20of%20LaTonya%20Taylor%20Allen.
Hollis, Brett Blair	S.C.	State	2000	Shot ex-girlfriend's mother & new boyfriend in the head, then repeatedly raped ex-girlfriend.	John Allard, Hollis gets life sentence, The State (Mar. 5, 2000)

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Holmes, James	Colo.	State	2015	Multiple murdered in Aurora theater shooting; 1 of 12 deceased victims was a 6-year-old child	https://www.cnn.com/2015/08/26/us/james-holmes-aurora-massacre-sentencing
Holmes, Steven	Ind.	State		Murdered both his parents	Holmes v. State 642 N.E.2d 970 (Ind. 1994)
Hood, Jamie	Ga.	State	2015	Shot officer to death, wounded another, & killed civilian.	https://www.onlineathens.com/story/news/state/2015/07/24/jamie-hood-sentenced-life-prison-murder-athens-police-officer/15487964007/
Hook, Jentry	Md.	State	1987	Killed 2 people	Hook v. State, 553 A.2d 233 (1989)
Horn, Lawrence	Md.	State	1996	Ordered triple murder of quadriplegic 8-year-old son, wife, & nurse for son's \$2 million trust fund	Sonia Boin, Perry gets life in prison without parole, Frederick News Post (May 17, 2001) (Horn hired Perry;); http://www.washingtonpost.com/wp-dyn/content/article/2009/12/31/AR2009123102446.html
Horner, Nicholas	Pa.	State	2012	Opened fire in sandwich shop killing 1 person, later killed another person	Subway shooter Horner dies in prison, Altoona Mirror (Oct. 8, 2020)
Hough, Terrance	Ohio	State	2008	Killed 3 people, including next-door neighbor.	Firefighter gets life sentence for killing neighbors over fireworks, Columbus Dispatch (May 23, 2008)
Houston, Henry Michael	Cal.	Fed.	2007	Aryan Brotherhood gang member convicted in prison killing of 2 black inmates	Men in Aryan gang to get life sentences, AP Aug. 17, 2007)
Hoyte, Roger	N.J.	State	1998	Killed 3 cab drivers (with co-defendants)	State v. Hoyte, 2011 N.J. Super. Unpub. LEXIS 567

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Hudson, Jack	Ariz.	State	1997	An officer himself, Hudson, shot 2 unarmed officers who caught him stealing from the evidence room	https://www.azcentral.com/story/news/local/arizona/2017/10/11/ex-deputy-convicted-killing-other-officers-dies-prison/754917001/
Humenik, Thomas	Cal.	State	1994	Killed 2 people & injured 2 others	Doug Smith, Man gets life plus 17 years in slayings of neighbors, L.A. Times (Jan. 14, 1994)
Husband, Roland	Miss.	State	2009	Beat his wife until she was bloody, then shot both responding officers to death.	https://caselaw.findlaw.com/ms-court-of-appeals/1311143.html
Hutchinson, Darrin	Wash.	State	1989	Arrested for drunk driving; during processing at jail, killed 2 deputy sheriffs, stole keys, & fled in patrol car	State v. Hutchinson, 53 P.3d 17 (Wash. 1989)
Jackson, Clayton	Ky.	State	2011	Killed 2 parents with arrows, then used body of mother to light house on fire, killing 3 children by asphyxiation	Jackson v. Commw., 392 S.W.3d 907 (2013)
James, Jason Andrew	Va.	State	2007	Killed uncle & cousin	Bill McKelway, Man sentenced in deaths of uncle, cousin, Richmond Times Dispatch (Apr. 24, 2007)
James, Richard	Cal.	Fed.	2006	Killed 2 victims from Guyana in insurance fraud murders for hire	John Marzulli, 2 Murderers Beat Death Penalty, N.Y. Daily News (Oct. 3, 2007)
Johnson, Coleman "Mike"	Va.	Fed.	2001	Killed 8-month pregnant ex-girlfriend with pipe bomb	AP, Va. Man Sentenced to Life in Jail, Sept. 25. 2011

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Johnson, Larry	Del.	State	2004	Killed 2 during robbery in victims' home	Esteban Parra, Jury rules in killing of 2 in 2001, Wilmington News-J. (Aug. 11, 2004); Esteban Parra, Two get life terms for killing couple, Wilmington News-J. (Sept. 3, 2004)
Johnson, Rahim	Va.	Fed.	2000	Identical twins involved in 5 drug-related murders	United States v. Johnson, 219 F.3d 349 (4th Cir. 2000)
Johnson, Shaheem	Va.	Fed.	2000	Identical twins involved in 5 drug-related murders	United States v. Johnson, 219 F.3d 349 (4th Cir. 2000)
Jones, Anthony	Md.	Fed.	1998	Six drug-related murders	https://casetext.com/case/united-states-v-jones-766
Jones, Harvey Lee	Ohio	State	2016	Killed ex-girlfriend & man	Mark Gokavi, Jury gives life sentence for murders, Dayton Daily News (Sept. 28, 2016)
Jones, Roman	Ind.	State		Killed 3; attempted 2 more	Jones v. State 697 N.E.2d 57 (Ind. 1998)
Jones, Sean Thomas	Wash.	State	2000	Killed 19-year-old girlfriend & her 14-month-old son while they were asleep	Trial Judge Report, Pierce Co., 96-1-03889-1 (Aug. 21, 2000); pdf on file w/authors & Hofstra Law Review
Jordan, David	Md.	State	1998	Killed 3	Ruben Castaneda, Man Pleads for His Life After Triple Murder Conviction, Wash. Post (Feb. 19, 1998)
Justus, Berman	Va.	State	2007	Killed estranged wife (with 4-year-old son in back seat) & her current boyfriend	Justus v. Clarke, Civil Action No. 7:13cv00461 (W.D. Va. Jun. 6, 2014); Liesel Nowak, Double Killer Will Serve Life in Prison, Richmond Times Dispatch (Jan. 25, 2007)

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Karam, Phillip	La.	State	2001	Killed wife & responding officer; wounded another officer	https://caselaw.findlaw.com/la-court-of-appeal/1228142.html
Keenan, Joseph Jay	N.J.	State	1989	After arguing with 2 victims in park, slashed their tires, & killed them when they complained	Baldus N.J. Project 1991: Case #1288, 3023; pdf on file w/authors & Hofstra Law Review
Kehoe, Chevie	Ark.	Fed.	1999	Robbery & murder of man, woman, & her 8-year-old daughter by placing plastic bags over their heads, weighing them down with rocks, & throwing them into bayou	United States v. Kehoe, 310 F.3d 579 (8th Cir. 2002); United States v. Kehoe, No. 4:97-CR-00243-(1) GTE, 2008 U.S. Dist. LEXIS 115437 (E.D. Ark. Aug. 28, 2008)
King, Levi	Tex.	State	2009	Broke into rural home & killed father, mother, 14-year-old son; 10-year-old daughter survived	AP, Lone juror didn't support death, Corpus Christi Caller-Times (Oct. 8, 2009); AP, Man pleads guilty of killing 3 at farmhouse (Sept. 3, 2009), http://www.newschannel10.com/story/11268978/levi-king-sentenced-to-life-in-prison
Kirk, Mark	Del.	State	1997	Started fire after arguing with girlfriend, fire spread through the apartment building & killed neighbor & two children, ages 17 and 8	Esteban Parra, Man, 43, who set fatal fire sentenced for second time, Wilmington News-J. (Feb. 12, 2005)
Kirksey, Eric	Neb.	State	1997	Killed man & woman	Joy Powell, 2 Life Sentences Given in Pair's Killing, Omaha World-Herald (Feb. 27, 1997)

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Koskovich, Thomas	N.J.	State	2002	Killed 2 pizza delivery men	Joe Carlson, 1997 “thrill killings” of 2 pizza deliverymen shocked county, N.J. Herald (Apr. 19, 2017)
Krylov, Petro	Cal.	Fed.	2007	Convicted of kidnap murder of 3 wealthy Russian immigrants	Jennifer English, Ukrainian Sentenced to Life Without Release for Kidnap-Murders, City News Service (May 22, 2007)
Landrum, Michael	Ala.	State	2005	Murder of 3-year-old daughter & her grandmother.	http://www.demopolistimes.com/2005/03/08/landrums-life-spared
Langford, Robert	Ill.	State	1990	Killed rival drug dealer & innocent bystander	People v. Langford, 602 N.E.2d 9 (Ill. 1992); Reputed gang leader gets life for killings, Chi. Trib. (Jan. 9, 1990)
Larsen, Richard	Neb.	State	1996	Killed 2 men	Jennifer Dukes, Larsen Gets Life Term in Two Deaths, Omaha World-Herald (Oct. 31, 1996)
Lawson, Eric	Mo.	State	2012	Killed ex-girlfriend & her mother. Set 2 fires, closed & locked apartment door, trapping & killing 10-month-old son; 3-year-old daughter suffered smoke inhalation but survived	Gracious Egedegbe, Eric Lawson Sentenced to Life in Prison for Killing Ex-Girlfriend, Her Mother, and Their Baby, amomama.com (May 13, 2021), https://news.amomama.com/262162-eric-lawson-sentenced-life-killing-ex-gi.html
Lee, Deandra	Ala.	State	2018	Killed 9-year-old old twins & 73-year-old man	https://www.wsfa.com/2018/10/29/deandra-lee-sentenced-conviction-twins-caretaker/

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LeMatty, William Jack “BJ”	Ga.	State	1997	Felony murder of couple during crime spree	Carlton Fletcher, Murderer from 1996 slaying issues apology from behind bars, Albany Herald (July 15, 2010); WALB TV v. Gibson, Sup. Ct. of Ga., No. S98A0066 (July 6, 1998)
Lewis, Dexter	Colo.	State	2015	Stabbed 5 to death in bar	https://www.denverpost.com/2015/08/27/dexter-lewis-gets-life-sentence-for-feros-bar-massacre/
Liu, Tse-Poong	Del.	State	1991	Assisted Vicky Chao in setting fire to house of her ex-lover, killing his wife, his mother, & his 2-year-old daughter. Ex-lover survived.	Esteban Parra, Man who helped mistress kill dies in prison, Wilmington News-J. (Mar. 15, 2015); Sean O’Sullivan, Second Liu trial possible again, Wilmington News-J. (Feb.2, 2013)
Llewellyn, James Jr.	Del.	State	1991	During Brooks armored car robbery shot & killed 2 guards	Robertson v. State, 530 A.2d 1084 (Del. 1993); Sheri Lynn Johnson et al., The Delaware Death Penalty: An Empirical Study, 97 Iowa L. Rev. 1925 (2012)
Long, Christopher	Del.	State	1991	During Brooks armored car robbery killed 2 guards	Robertson v. State, 530 A.2d 1084 (Del. 1993); Sheri Lynn Johnson et al., The Delaware Death Penalty: An Empirical Study, 97 Iowa L. Rev. 1925 (2012)
Lovett, Paul Wayne	N.M.	State	2002	Killed 2 women 16 months apart. Tried jointly, jury handed down life sentences for both murders	State v Lovett, 286 P.3d 265 (N.M. 2012)

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Loyd, Markeith	Fla.	State	2019	Killed ex-girlfriend & unborn child	Markeith Loyd receives life in prison for 2016 killing of girlfriend, unborn child, Orlando News (Oct.23, 2019); CNN, Markeith Loyd avoids the death penalty for killing his ex-girlfriend and her unborn child, ABC25 (Oct. 23, 2019)
Luna, Juan	Ill.	State	1993	Killed 7 victims	AP, Juan Luna spared Death Row, Chi. Trib. (May 18, 2007)
Lynch, Joyce	Del.	State	1989	With her husband, killed mother & father of 9-day-old baby, abducted the baby, took it home, & held it out as their own newborn baby	Tom Troy, Lynch gets life sentence in murder, baby stealing case (June 23, 1989); Lynch v. State, 588 A.2d 1138 (Del. 1991)
Lynch, Kenneth	S.C.	State	2012	Killed girlfriend & her 7-year-old daughter, bodies never found.	Rob Dew, Kenneth Lynch Sentenced to Life in Prison, ABC Columbia (May 8, 2012)
Lyon, Billy Joe	Ky.	Fed.	2001	Convicted in contract killings in Ala. & Ky.; other murders alleged	Sara Shipley, Jury rejects death for ex-Henderson man, Courier-Journal, (Aug. 4, 2001)
Mack, Derrick	N.J.	State	1994	Three contract murders	Dwight Ott, Judge Will Decide Sentence for Mack Because Jurors Were at Odds, the Death Penalty Was Automatically Ruled Out, Phila. Inquirer, Nov. 3, 1994
Maharaj, Krishna	Fla.	State	2002	Killed 2 Chinese businessmen in 1986	Catherine Wilson, 2 life terms imposed for murders, Miami Herald (Mar. 28, 2002)
Mahone, Donald	Ind.	State		Killed 2	State v. Mahone, 541 N.E.2d 278 (Ind. 1989)

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Maldonado, Angel	Pa.	State	2010	Double murder plus an attempted murder	Tashaja, Angel Maldonado Gets Life in Prison, Philly DA (Mar. 12, 2010); Mensah M. Dean, Two victims' kin upset that killer got life, Phila. Daily News (May 13, 2010)
Mallay, Ronald	N.Y.	Fed.	2007	Killed 2 victims from Guyana in insurance fraud murders for hire	John Marzulli, 2 Murderers Beat Death Penalty, N.Y. Daily News (Oct. 3, 2007)
Marshall, Roger	Ohio	State	2006	Killed 3 people, including ex-girlfriend & her new boyfriend, by setting fire to motel room	Staff Reports, Marshall Gets Life, No Parole, Ironton Trib. (June 3, 2006); State v. Marshall, 2007 Ohio-6298 (Ct. of Appeals of Ohio, 4th App. Dist., Lawrence County)
Marshall, Sanford	Ind.	State	1993	Killed 2 police officers during robbery	Marshall v. State 621 N.E.2d 308 (Ind. 1993)
Marston, Thomas	Calif.	State	1985	Killed 2 people during marijuana deal	Philip Hager, Convicted Killer Says Lawyers' Feud Prevented Fair Trial, L.A. Times (Oct. 8, 1990)
Martin, William Gary	Wash.	State	1984	Killed the parents of his ex-fiancée in their home	State v. Martin, 703 P.2d 309 (Wash. Ct. of Appeals, Div. 3, Panel 1, 1985); Trial Judge Report, Spokane Co., 83-1-00762-4 (Jan. 16, 1984); pdf on file w/authors & Hofstra Law Review
Martinez, Jose	Fla.	State	2019	Killed 2 men over drug debt. Bragged that he had killed more than 30 people; had been convicted of 10 killings & 1 attempted murder	People v. Martinez, Sup. Ct. Colo. en banc, No. 99SA206 (Jan. 22, 2001)

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Martinez, Mariano	Cal.	Fed.	2001	Convicted of murdering 3 & ordering 8 other hits	Dalondo Moultrie, Jury Split Rules Out Execution for Killer; Court: With Jurors Unable to Agree on Death for Mexican Mafia's Mariano Martinez, He Automatically Gets Life Without Parole, L.A. Times (Mar. 30, 2001)
Martis, Gordon	Kan.	State	2001	Killed 2, injured 2 others in shooting of 5 occupants of car outside nightclub	State v. Martis, Supreme Court of Kansas, No. 88,085 (Feb. 6, 2004)
Marzano, Rico	Md.	State	1989	Killed 2 women pregnant in their third trimesters, & their husbands	Peter Jensen, Killer of two men, their pregnant wives, gets life, no parole, Balt. Sun (Dec. 16, 1989)
Massey, Lloyd	N.J.	State		Killed 3	State v. Massey, N.J. Sup. App. Div. (Aug. 13, 2007); https://www.pressofatlanticcity.com/news/press/atlantic_city/atlantic-city-man-s-triple-murder-conviction-upheld-lloyd-massey/article_1ba9c9a4-b603-11df-b0ec-001cc4c002e0.html
Matthews, Courtney	Tenn.	State		Murdered 4 at Taco Bell	State v. Matthews, No. M2005-00843-CCA-R3-CD, 2008 WL 2662450 (Tenn. Ct. Crim. App. July 8, 2008)
Mayhew, John Richard	Ohio	Fed.	2005	Killed daughter & shot state trooper; murders of ex-wife & her boyfriend used in aggravation	U.S. v. Mayhew, 2005 U.S. Dist. LEXIS 15909; Kevin Mayhood, Dad Gets Life for Daughter's Death; Next Up for Convict: state trial in 2 killings, Columbus Dispatch (Sept. 2, 2005)

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McCluskey, John Charles	N.M.	Fed.	2013	Escaped convict killed 2 in carjacking of just retired married couple	Scott Sandlin, McCluskey Gets Life in Prison for Killing Couple, Albuquerque Journal (Dec. 12, 2013)
McCullough, Brawny	Ga.	State	2016	Shooting deaths of his father & aunt	McCullough v. State, Ga. Sup. Ct., No. S18A0855 (Aug. 20, 2018)
McDowell, Robert	Pa.	State	2011	Killed 27-year-old man (boyfriend of co-defendant's sister) & 14-year-old boy	Commw. v. McDowell, 2016 Phila. Ct. Com. Pl. LEXIS 729
McEnroe, Joseph	Wash.	State	2015	Killed 6 members of ex-girlfriend's family, including 5-year-old & 3-year-old children	Jennifer Sullivan & Steve Miletich, Split jury shares Carnation killer McEnroe from Death, Seattle Times (May 13, 2015); http://www.seattletimes.com/seattle-news/with-death-on-table-mcenroe-jurys-friendships-crumble
McGriff, Kenneth	N.Y.	Fed.	2007	Drug gang leader convicted of ordering witness murder that also killed 2d victim	William K. Rashbaum, Jury Votes Against Execution in Trial of Drug Dealer Convicted in 2 Killings, NY Times (Feb.10 2007)
McIntosh, Dalkeith	N.Y.	State	1998	Killed girlfriend & her daughter after domestic incident	http://www.nytimes.com/1998/07/24/nyregion/killer-of-2-women-sentenced-to-life-instead-of-execution.html
McIntyre, Robert	Ind.	State		Murdered 2	McIntyre v. State, 717 N.E.2d 114 (Ind. 1999)
McKinney, Steven Charles	Tex.	State	2003	Convicted of capital murder of pregnant woman & her 5-year-old daughter, plus ordinary murder of another adult	McKinney v. State, 207 S.W.3d 306 (Tex. Ct. Crim. Appeals 2006)

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McMains, Melvin	Md.	State	1991	Killed girlfriend & their 7-year-old son.	Jackie Powder, McMains Sentence Part of Trend, Balt. Sun (Nov. 17, 1991)
McNamara, Barry Wayne	Calif.	State	1986	Killed father, mother, aunt & 4-year-old daughter of aunt	JL, Man Guilty in 4 Murders, L.A. Times (Dec. 13, 1985)
McReynolds, Daryl	Ind.	State	1982	Killed 2; attempted 3 more	McReynolds v. State, 460 N.E.2d 960 (Ind. 1984)
McTier, James	N.Y.	Fed.	2008	Drug gang leader convicted of 3 murders, 3 attempted murders	Gang Leader in Capital Case Receives Life in Prison, N.Y. Sun (Feb. 21 2008)
Miller, Dennis Boyd	Cal.	State	1983	Hitman hired to kill diamond smuggler for insurance money, also killed victim's girlfriend & business partner	Nick Welsh, Jail Overcrowding Case Postponed, Santa Barbera Independent (Mar. 17, 2009); Tom Sneddon: 20 years as DA, 4 more to go, Santa Barbara Independent (Aug. 22, 2002)
Mills, Barry Byron	Cal.	Fed.	2006	Aryan Brotherhood prison gang leader ordered killing of 5 inmates; 2 died	Cathy Franklin, City News Service Sept. 15, 2006; Mistrial Declared in Aryan Brotherhood Case, AP, (Sept. 14, 2006)
Mills, Jonathan	Conn.	State	2004	Killed his aunt & her two children	https://www.nhregister.com/news/article/Mills-escapes-death-penalty-11672826.php
Minerd, Joseph	Pa.	Fed.	2004	Arson resulting in death of pregnant woman, 3-year-old & fetus	http://old.post-Gazette.com/neighbor_south/20020531miner5.asp
Mohammed, Khalfan Khamis	N.Y.	Fed.	2001	Involved in the terrorist bombing at American embassies that killed 224 people, including 12 Americans, & injured more than 5,000	https://www.pbs.org/wgbh/pages/frontline/shows/binladen/bombings/bombings.html

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Montemayor, Noah Daniel	Tex.	State	1999	Killed 2 men & wounded 2 others, including off-duty police officer during drug deal	John Makeig, Drug dealer gets life sentence in double murder, Hous. Chron. (July 23, 1999)
Monturi, Sebastian	N.J.	State	1984	With co-defendant shot his cousin & 2 women in the head	AP, Jurors Reject Death Penalty for Convicted Killer in Jersey, N.Y. Times (June 30, 1984)
Moore, Hutchie	Ill.	State	1984	Killed judge & citizen in Chicago divorce courtroom	People v. Moore, 513 N.E.2d 24 (Ill. App. Ct., 1st Dist., 4th Div., 2020); UPI Archives, Ex-Cop Asks for Death Penalty (Aug. 2, 1984)
Moore, Kenneth	Cal.	State	1980	Killed mother & daughter	People v. Moore, 162 Cal.App.3d 709 (1985)
Moore, Michael	Ky.	State	2013	Killed parents	Fox 19, Jury recommends life in prison without parole for Michael Moore (Sept. 20, 2013)
Moore, Rodney L.	D.C.	Fed.	2005	Involved in 30 drug-related murders	http://www.washingtonpost.com/wp-dyn/content/article/2005/03/25/AR2005032506044.html
Morris, Nelson	Va.	State	1984	Killed driver & passenger of car	Morris v. Commw., 321 S.E.2d 633 (Va. 1984)
Morrison, James David	Tex.	State	2012	Killed mother & sister of ex-girlfriend, shot ex-girlfriend & caused her to miscarry his unborn child	Craig Kapitan, Jury Rejects Death Sentence, Express-News (Oct. 23, 2012)
Moses, Keon	Md.	Fed.	2004	Drug gang member convicted of 2 murders	U.S. v. Foster, 507 F.3d 233, 241-42 (4th Cir. 2007); Jury Spares Lives of Two Drug Gang Members, Wash. Times (April 28, 2004)

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Mosquera, Enrique	Tex.	State	1998	Convicted under law of parties for robbery murder of 2 adult males & 3-year-old boy	Mosquera v. State, 1999 Tex. App. LEXIS 3755
Moussaoui, Zacarias	Va.	Fed.	2006	20th hijacker of September 11th attacks, which killed 2,977 people, including 8 children & 72 law enforcement officers	http://www.washingtonpost.com/wp-dyn/content/article/2006/05/03/AR2006050300324.html
Muhammed, Ibrahim	Pa.	State	2016	Killed shopkeeper, his wife, & his sister during robbery of family bodega, witnessed by the two teenaged daughters	AP, Men Who Killed 3 During West Philly Grocery Store Shooting Learn Fates, NBC10 (Dec. 24, 2016)
Naddi, Toufic	Cal.	State	2003	Killed wife, 4 other relatives	http://articles.latimes.com/1990-09-18/local/me-521_1_family-members
Naples, Donald Richard Joseph	N.J.	State	1990	Killed 21-year-old & 19-year-old husband & wife	Baldus N.J. Project 1991: Case #1780; pdf on file w/authors & Hofstra Law Review
Natson, Michael Antonio	Ga.	Fed.	2007	Killed pregnant college student	Alan Riquelmy, Natson gets life without parole; Mother of his baby asks jury to allow defendant to know his son, Columbus Ledger-Enquirer (Mar. 20, 2007)
Nettles, Harold	Ind.	State	1989	Killed 5-year-old & child's mother	State v. Nettles, 565 N.E.2d 1074 (Ind. 1991)
Nettles, Malik	Mo.	State	1999	Killed 15-year-old & her unborn child	State v. Nettles, 10 S.W.3d 521 (Mo. Ct. App. 1999)
Ng, Benjamin	Wash.	State	1984	Killed 13 in restaurant	State v. Ng, 713 P.3d 63 (Wash. 1985)
Nguyen, Loi Khac	Calif.	State	1995	After 8-hours hostage standoff, shoot-out with police killed 3 hostages & 3 hostage-takers	UPI, Good guys killer gets life in prison (Mar. 28, 1995)

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Nichols, Brian	Ga.	State	2008	Killed judge, deputy, court reporter, & federal agent	https://www.foxnews.com/ story/2008/12/13/judge- sentences-atlanta- courthouse-shooter-brian- nichols-to-life-without- parole.html
Nichols, Terry	Colo.	Fed.	1998	Oklahoma bombing victims included children & federal officers	https://www.nytimes.com/1 995/05/03/us/terror- oklahoma-children-tender- memories-day-care-center- are-all-that-remain.html ; see also http://www.washingtonpost .com/wp- srv/national/longterm/oklah oma/nichols.htm
Nichols, Terry	Okla.	State	2004	Oklahoma bombing victims included children & federal officers	United States v. Nichols, 132 F.Supp.2d 931 (D. Colo. 2001); see also http://www.nbcnews.com/i d/5184483/ns/us_news- crime_and_courts/t/judge- dismisses-deadlocked- nichols- jury/#.WbgQmqhSy72
Nicklasson, Allen	Ariz.	State	2003	Killed husband and wife	Detective recalls remorse of Nicklasson following killing of Babcock, Mohave Valley Daily News (Oct. 23, 2001); Frank Gonzalez, Nicklasson convicted of murder, again, Mohave Valley Daily News (Oct. 26, 2001); Jim Walsh, Jurors Dish Out Death, Ariz. Republic (Nov. 12, 2003)

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Nielsen, Wilfred	Neb.	State	1979	Killed wife's parents after arguing with wife	Nielsen v. Hopkins, Eighth Cir. Ct. of Appeals, No. 94-2401 (July 6, 1995)
Nieto, Lawrence	N.M.	State	1997	Gang-related killing of man & woman, leaving 2 young children to die of dehydration & starvation	Jeff Jones, Nieto Gets 130 ½ Years for Deaths, Albuquerque J. (Aug. 27, 1997)
Niksich, Edward	Ind.	State		Killed 2 in phony drug deal	Roche v. State, 596 N.E.2d 896 (Ind. 1992)
Northington, Steven	Pa.	Fed.	2014	Conspiracy involving 13 murders, including a 2004 arson that killed 6 people, 4 of them children ages 15, 12, 10 & 1	United States v. Northington, No. 07-550-05, 2014 WL 1786151 (E.D. Pa. May 6, 2014)
Oneal, Ronnie	Fla.	State	2021	Killed girlfriend & daughter; stabbed son who survived	Skyla Luckey, O'Neal Avoids Death Penalty in Murders of Girlfriend, Daughter, MSN News (June 25, 2021)
Ordway, Carlos	Ky.	State	2014	Drug-related killing of 2	Commw. v. Guernsey, Fayette Circuit Ct., Crim. Branch, 4th Div., No. 13-CR-1170 (May 5, 2015) (trial court order excluding DP after proportionality hearing); Ordway v. Commw., 2016 Ky. Unpub. LEXIS 66 (2016)
Ortega, Richard Michael	N.M.	State	1991	Killed adult woman & 14-year-old girl	State v. Ortega, 817 P.2d 1196 (N.M. 1991)
Ortiz, Angel Luis	Conn.	State	1997	Killed drug dealer boss & his wife	State. v. Ortiz, 747 A.2d 487 (Conn. 2000)
Ottis, Rudolph	Ga.	State	1996	Killed multiple victims	Ottis v. State, Ga. Sup. Ct., S99A0331 (June 7, 1999)
Oscar, Frantz	Va.	Fed.	1994	Killed 2 suspected of stealing crack cocaine in related incidents	Joseph Cosco, Federal Jury Spares Lives of Three Drug Kingpins, Virginian-Pilot, March 24, 1994.

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Oscar, Jean Claude	Va.	Fed.	1994	Killed 2 suspected of stealing crack cocaine in related incidents	Joseph Cosco, Federal Jury Spares Lives of Three Drug Kingpins, Virginian-Pilot, March 24, 1994.
Owens, Dante	Colo.	State	1998	Gang-related triple homicide	Sheeba R. Weaver, Jury sentences murderer to life in 1998 slayings, Denver Post (Dec. 19, 2003)
Owens, John	N.Y.	State	2000	Raped & strangled two women	https://caselaw.findlaw.com/ny-county-court/1359243.html
Padron, Joe David	Tex.	State	2002	Killed 2 19-year-olds in gang-related murder	Quincy Collins, Man gets life sentence in killings of two teens, Corpus Christi Caller-Times (Oct. 22, 2004)
Page, Darrell	Del.	State	2003	Shot to death man & his fiancée	Sean O'Sullivan, Judge's ruling backs harsher penalty, Wilmington News-J. (July 21, 2014); Parson v. State, 571 A.2d 787 (Del. 1987)
Parker, Robert Lee	Wash.	State	1999	Robbed & killed 2 women; set their condos on fire	Man Who Killed 2 Women to Spend Rest of Life Jailed, Seattle Post-Intelligencer (Mar. 16, 1999); Trial Judge Report, King Co., 96-1-07511-2 SEA (Aug. 10, 1999); pdf on file w/authors & Hofstra Law Review
Parson, Ernest	Del.	State	1987	Beat 2 elderly shopkeepers to death.	Parson v. State, Del. Sup. Ct., No. 556, 2011, Cr. ID No. 86014749DI (Mar. 14, 2012)

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Source</i>
Pearson, Rick Melvin	Wash.	State	1991	Drug-related murder of 2 beaten to death	Trial Judge Report, King Co., 87-1-01225-1 (Feb. 27, 1991); pdf on file w/authors & Hofstra Law Review
Pepin-Taveras	N.Y.	Fed.	2008	Killed & dismembered 2 drug dealers in separate incidents	Tom Hays, Ex-butcher gets prison for NY killings, The AP State & Local Wire (Nov. 8, 2008)
Perry, James	Md.	State	2001	Triple murder for hire: killed quadriplegic 8-year-old boy, his mother, & his nurse	http://www.washingtonpost.com/wp-dyn/content/article/2009/12/31/AR2009123102446.html
Peterson, Kenneth R.	Wash.	State	1986	Killed husband & wife	Trial Judge Report, Pierce Co., 85-1-01855-1 (June 23, 1986); pdf on file w/authors & Hofstra Law Review
Petrosky, Albert	Colo.	State	1996	Killed wife & sheriff's deputy	UPI, Convicted Colorado murderer kills self (May 8, 1996)
Phillips, Denny	Okla.	State	2016	Murder of 6 people, including 2 unborn babies.	http://www.koco.com/article/denny-phillips-russell-hogshooter-sentenced-to-life-without-parole-in-cathouse-murders/4311049
Phillips, Maurice	Pa.	Fed.	2010	Convicted of ordering witness killing of informant & her godson	U.S. v. Phillips, 2021 U.S. Dist. LEXIS 106947
Pitera, Thomas	N.Y.	Fed.	1993	Seven mob-related contract murders in which the victims were tortured & dismembered	United States v. Pitera, 5 F.3d 624 (2d Cir. 1993)
Postelle, David	Okla.	State	2008	Killed 4	https://newsok.com/article/3237994/plea-gives-insight-into-05-murders
Powell, Tiny Hickey	Ky.	State		Killed 5	Commw. v. Foster, 827 S.W.2d 670 (Ky. 1991)

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Price, Kerrie	Ind.	State	2002	Shot to death 2 officers who chased him after a disturbance at an apartment complex	State v. Price, 765 N.E2d 1245 (Ind. 2002)
Puente, Dorothea	Cal.	State	1994	Killed 3	https://www.sacbee.com/news/local/crime/article183684921.html
Ragin, John Moses	Va.	State	2014	Killed wife & 3 of her children (ages 6-15)	Ashley K. Speed, Ragin convicted of capital murder in family's death, Daily Press (Dec. 21, 2014)
Real, Fernando	Pa.	State	2014	Drug-related robbery-murder of 2 victims in 2002. Not arrested until 2007 when he was serving a life term for another murder	Joseph A. Slobodzian, Two life sentences in drug-related double murder, Phila. Inquirer (May 2, 2014)
Rebert, Stephen	Pa.	State	2012	Killed 2 people in their home	Randy Bartley, Convicted murderer Rebert files conviction relief appeal, Courier Express (May 19, 2017); Commw. v. Rebert, 2014 Pa. Super. Unpub. LEXIS 1192
Reese, Michael	Md.	State	1994	Raped & killed wife, & killed their two sons, ages 7 and 3	Family slayings case set to go to jury, Balt. Sun (Sept. 27, 1994); Man gets two life terms for murder of wife, sons, Balt. Sun. (Oct. 1, 1994)
Richardson, Donovan Jevonte	N.C.	State	2018	Killed 2 during home-invasion robbery	Jury: Donovan Richardson to serve life in prison, no death penalty, yahoo!news (Jan. 24, 2018), https://news.yahoo.com/jury-donovan-richardson-serve-life-171203877.html

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Rios, Juan	Ohio	State	2010	Opened fire in theater lobby, robbed one victim then shot him again & killed him. Went into bathroom & shot second victim multiple times.	Life in Prison for Double Murderer, Dayton Daily News (Oct. 5, 2010)
Robinson, George A.	Va.	State	1986	Stabbed to death 2 people	Robinson v. Commw., 341 S.E.2d 159 (Va. 1986)
Rodgers, Kenneth	Del.	State	1991	During Brooks armored car robbery shot and killed 2 guards	Robertson v. State, 630 A.2d 1084 (Del. 1993); Sheri Lynn Johnson et al., The Delaware Death Penalty: An Empirical Study, 97 Iowa L. Rev. 1925 (2012)
Rodriguez, Charles	La.	State	2000	Killed his wife & her boyfriend	State v. Rodriguez, 822 So. 2d 121 (La. Ct. App., 1st Circ. 2002)
Rogers, William Jack	Ky.	State	2009	Killed 2 women who were standing behind a tree when he opened fire with assault rifle trying to kill 2 men with whom he was in a dispute	Rogers v. Commw., 2016 Ky. Unpub. LEXIS 72 (2016)
Roseboro, Derek	Conn.	State	1990	Killed 72-year-old woman, her intellectually disabled & legally blind adult son, & 8-year-old granddaughter	State v. Roseboro, 604 A.2d 1286 (Conn. 1992)
Ross, Lester	Fla.	State	2015	Killed woman & her infant child by feeding rat poison	http://www.fox13news.com/news/local-news/man-who-killed-3-year-old-daughter-her-mother-sentenced-to-life
Rowe, Donnie	Ga.	\State	2021	Killed 2 prison guards on inmate transport bus, then escaped & went on the run for 3 days	Joe Kovac Jr., Judge sentences man convicted of killing 2 Georgia guards during prison bus escape, The Telegraph (Sept. 30, 2021)

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Rush, Harry	Mo.	State	1994	Killed ex-girlfriend's 8-year-old & 6-year-old daughters with ice pick, knives and boards	State v. Rush, 872 S.W.2d 127 (Mo. Ct. App. 1994)
Saenz, Kimberly	Tex.	State	2012	Killed 5 at kidney dialysis center	http://www.ktre.com/story/17311211/sentencing-for-saenz-begins-with-light-shed-on-domestic-issues
Salad, Ahmed Muse	Va.	Fed.		Somali pirates killed 4, charged with terrorist murder and kidnapping	Shashank Bengali, Life sentence for Somali pirates who killed Marina del Rey couple, LA Times, Aug. 2, 2013
Santiago, Jose	N.Y.	State	2000	Killed 2-year-old & 14-year-old girls	https://www.newspapers.com/newspage/137126870
Schrader, Kenneth Marion	Wash.	State	1991	Killed wife & injured 12-year-old stepson; also killed responding police officer	Tacoma Police Dept. undated case summary; pdf on file w/authors & Hofstra Law Review; Trial Judge Report, Pierce Co., 91-1-00187-9 (Mar. 19, 1991); pdf on file w/authors & Hofstra Law Review
Scott, Michael James	Tex.	State	1999	Killed 4 girls in yogurt shop (ages 17, 17, 15, and 13)	227 S.W.3d 670 (Tex. Crim. App. 2007); https://www.austinchronicle.com/news/2002-09-27/103619/
Scott, Nalik	Pa.	State	2016	Killed shopkeeper, his wife & his sister during robbery of family bodega	Commw. V. Scott, 212 A.3d 1094 (2019)
Segura, Albert	Tex.	State	2009	Killed woman & her adult son; injured another man with whom defendant had some type of dispute	Segura v. State, Tex. Ct. of Appeals, 3d Dist., at Austin, No. 03-09-00605-CR (Aug. 13, 2010)

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Selenski, Hugo	Pa.	State	2015	Beat & strangled pharmacist & girlfriend; buried bodies in his backyard	2015 Pa. Dist. & Cnty. Dec. LEXIS 7226; James Halpin, Killer Hugo Selenski denied new trial, Wilkes-Barre Citizen's Voice (Sept. 26, 2015)
Shaffer, Ronald	Ohio	State	2001	Killed 2, injured another during robbery	State v. Shaffer, 2003-Ohio-6701 (Ohio Ct. App. 2003)
Shakir, Jamal	Tenn.	Fed.	2009	Conspiracy involving 9 killings in 3 states	http://www.sandiegouniontribune.com/sdut-Gang-members-sanity-at-issue-in-fed-murder-case-2011mar03-story.html
Sherrill, Vincent	Wash.	State	1995	Killed 3 members of Hilltop Crips, his own gang (ages 16, 21 and 23)	Killer Sentenced to Life in Prison, Spokesman Rev. (Aug. 6, 1995); Trial Judge Report, Pierce Co., 94-1-02224-7 (Sept. 11, 1995); pdf on file w/authors & Hofstra Law Review
Sierra, Bernardino	Tex.	State	1975	Killed 3, with torture, 2 maimings, and 12 robberies	Gary Goodpaster, The Trial for Life: Effective Assistance of Counsel in Death Penalty Cases, 58 N.Y.U. L. Rev. 299, 299-300, & nn. 1-4 (1983)
Simmons, Brent	Va.	Fed.	2005	Convicted of killing ex-girlfriend and her boyfriend under Violence Against Women Act & interstate stalking law	Jen McCaffery, Federal Jury Spares Convicted Killer's Life in Double-Murder Case, Roanoke Times (Feb. 18, 2005)
Singleton, Richard	Calif.	State	1989	Killed 2 girls ages 14 & 17	https://www.sacbee.com/news/local/crime/article2592850.html

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Sloan, Andre Jamal	Tex.	State	1993	Killed 3 drug dealers	Sarah Raslan, Inmate charged with capital murder in 1990 slaying, Hous. Chron. (Sept.16, 2010)
Slocum, Kyree	Pa.	State	2011	Killed 2 men involved in drug dealing with him	Slocum v. Delbaso, 2019 Dist. LEXIS 19219
Smart, Melvin	Del.	State	1985	Broke into home where estranged wife was living; killed her & a man whose 2 nieces were sleeping in the home	Smart v. State, 515 A.2d 398 (Del. 1986)
Smith, Daymon	Tex.	Fed.	2000	Crips gang member killed teller during bank robbery; 2d victim died in car theft	US v. Smith 2001, U.S App. LEXIS 30211; Testimony continues in punishment phase of convicted bank teller killer, AP State & Local Wire (June 30, 2000)
Smith, Jamaal	Fla.	State	2020	Killed 3 people	https://www.theledger.com/news/20200204/lakeland-triple-murder-polk-jurors-opt-for-life-in-prison-not-death-for-jamaal-smith
Smith, Jason	Ill.	State	2008	Killed 4, including infant	https://www.stltoday.com/news/illinois-investiGates-jason-smith-defense/article_cb616c71-65e4-55c3-9022-a43127cbb821.html
Smith, Quentin	Ohio	State	2019	Killed 2 police officers	Beth Lear, Quentin Smith Sentenced to Life in Prison for Killing Two Westerville Police Officers, Ohio Star (Nov. 7, 2019)
Smith, Susan	S.C.	State	1995	Killed 14-month-old & 3-year-old sons by drowning.	http://www.theState.com/news/local/crime/article13900058.html

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Smith, Thomas Demetrius	Mo.	Fed.	2007	Killed 2 victims	Wally Kennedy, "Mad Dog" Smith draws life in prison, Joplin Globe (Feb. 16, 2007)
Spell, James Ralph	Ga.	State	2012	Killed multiple victims	Spell v. State, Ga. Sup. Ct., S19A0066 (May 20, 2019)
Spence, Vernon	Ohio	State	2005	Killed 3 Ohio State students during drug robbery	Kevin Mayhood, Campus-Area Killer of 3 Gets Life Without Parole, Columbus Dispatch (July 27, 2005)
Stallings, Derrell	Kan.	State	2005	Killed 5 adults in a series of shootings, intended to avenge robbery & beating of his mother & to eliminate witnesses of earlier shootings	Robert A. Cronkleton, Killer of 5 gets life in prison, Kansas City Star (Jan. 14, 2005)
Starliper, Douglas	Md.	State	2003	Killed 2 childhood friends	Stephanie Hanes, Judge imposes two life terms in killing of 2, Balt. Sun (Mar. 7, 2003)
Steiger, Eric	Conn.	State	1989	Killed 2 men with whom he had a dispute	State v. Steiger, 590 A.2d 408 (Conn. 1991)
Stevenson, Sean Allen	Wash.	State	1987	Killed mother, stepfather, & sister. Raped & killed sister. Age 16 when crimes occurred, tried as an adult, pre- <i>Roper</i> v. <i>Simmons</i>	State v. Stevenson, 780 P.2d 725 (Wash. Ct. of Appeals, Div. 2, 1989); State v. Stevenson, Wash. Ct. of Appeals, Div. 2, No. 50126-1-11; unpub. (Dec. 24, 2019); Trial Judge Report, Clark/Skamania County, 87-1-99911-5 (Oct. 8, 1987); pdf on file w/authors & Hofstra Law Review

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Stoddard, David	Ohio	State	2013	Killed a 16-year-old pregnant girl & injured a young woman in home invasion	AP, Ohio man avoids death penalty in teen's killing, Daily Record (May 10, 2014); State v. Stoddard, 42 N.E.3d 264 (Ct. of Appeals of Ohio 2014)
Stone, Marc Stephen	Ala.	State	2019	Strangled & killed wife & 7-year-old son	Sydney Martin/Josh Rayburn, Huntsville man who murdered wife, son gets life without parole, WAAY/ABC (Apr. 5, 2019)
Sullivan, Tommy	Ark.	State	1983	Killed 3 young women in Little Rock	Sullivan v. State, 696 S.W.2d 709 (Ark. 1985)
Sweeney, Thomas	Ariz.	State	2004	Killed estranged wife & her boyfriend	AP, Phoenix man gets two life sentences, Ariz. Daily Sun (Feb. 14, 2004)
Tankersley, James	Ga.	State	1989	Killed multiple victims	Tankersley v. State, 404 S.E.2d 564 (Ga. 1991)
Tatum, Kenneth A.	Tex.	Fed.	2000	Crips gang member killed teller during bank robbery; 2d victim died in car theft	Federal defendant could get death, San Antonio Express-News (June 13, 2000); Man gets life for two murders, Metro & State Roundup, Austin American-Statesman (Sept. 9, 2000)
Taylor, Michael Lafayette	Md.	Fed.	2007	Convicted of 2 counts of murder involving West Baltimore drug gang, Lexington Terrace Boys; charged in 8 killings, including potential witness	U.S. v. Foster, 507 F.3d 233, 241-42 (4th Cir. 2007); Jury Spares Lives of Two Drug Gang Members, Wash. Times (Apr. 28, 2004)
Tenneson, Ricky	Colo.	State	1988	Killed 3, plus prior murder, pre-conviction	People v. Tenneson, 788 P.2d 786 (Colo. 1990)
Thibodeaux, Allison	La.	State	19	2 women murdered, post-mortem mutilation	https://caselaw.findlaw.com/la-court-of-appeal/1045052.html

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Tholmer, Grandon	Cal.	State	1986	Murdered 4 elderly women; also raped and sodomized	http://articles.latimes.com/1986-08-09/local/me-2247_1_jury-life-spare
Thomas, Cominiti	Pa.	State	2010	Killed 2 plus an attempted murder	Commw. v. Thomas, Pa. Super. Ct. No 8 EDA 2018 (Mar. 3, 2019)
Thomas, Danny	N.C.	State	2011	Killed 4 during robbery	https://www.wwaytv3.com/2011/05/19/first-3-jurors-thomas-case-deadlocked-judge-gives-life-sentence/
Thomas, Maron	Tex.	State	2013	Murder of mother, stepfather, brother, & sister who were shot to death & niece who was decapitated	https://tcadp.org/2013/07/24/austin-county-jurors-reject-death-penalty/
Thomas, Richard	Va.	Fed.	1997	Poison Clan gang member convicted in multiple murder case	Tom Campbell, 2 Poison Clan Members Sentenced to Life Terms, Richmond Times Dispatch (Nov. 8, 1997)
Tighe, Daniel	Ohio	State	2015	Killed son & his girlfriend	Ed Meyer, Jury spares life of convicted murderer, Akron Beacon J. (Mar. 21, 2015)
Torres, Angel	Ohio	State	2005	Killed mother & aunt	Jim Nichols, Jury Urges Life Sentence for Convicted Killer Angel Torres, Cleveland Plain Dealer (May 13, 2005)
Torres, Christopher Bryan	Tex.	State	2002	Killed father & his 5-year-old daughter during drug dispute	Eric Hanson, Jury Deadlocks, Giving Murderer Life Sentence, Hous. Chron. (Oct. 31, 2002)
Townsend, Michael Lee St.	Va.	State	2004	Killed ex-girlfriend & her current boyfriend	Townsend v. Commw., 2004 Va. App. LEXIS 420

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Trotter, Christopher	Kan.	State	2003	Killed adult couple while attempting to rob them of \$100,000	Richard Espinoza, Man guilty of double slaying is sentenced, Kansas City Star (Sept. 6, 2003); State v. Trotter, 127 P.3d 972 (2006)
Truss, William	Ky.	State	2016	Killed 2	Shay McAllister, Man convicted of 2 murders will not face death penalty, WHAS11 (Mar. 17, 2016)
Utley, James	Ind.	State	1989	Killed 3-year-old and her mother	Utley v. State, 589 N.E.2d 232 (Ind. 1991)
Valentin, Sammy	Ind.	State		Killed 2 in separate incidents	567 N.E.2d 792 (Ind. 1991)
Vance, Michael	Ind.	State		Killed 2 in robbery	620 N.E.2d 687 (Ind. 1993)
Vasata, Christopher	Fla.	State	2019	Killed 3 people attending Super Bowl party	https://www.sun-sentinel.com/local/palm-beach/fl-ne-christopher-vasata-trial-closes-20190627-kenbwq6bazbitixy36p4d4mbyy-story.html
Von Longmore, Anthony	S.C.	State	1998	Killed 2	Wire reports, Doctor says train 911 operators better and sheriff's; departments or fire departments supervise others, Charleston Post and Courier (May 11, 1998); Longmore v. State, U.S. Dist. Ct. S.C., Beaufort Div. No. 9:05-CV-2112-MBS(Sept. 26, 2006)
Wade, Alan	Fla.	State	2022	Buried couple alive	Anne, Schindler, "Man convicted of burying Jacksonville couple alive receives life sentence," First Coast News" (June 16, 2022)

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Wade, Allen	Pa.	State	2016	Killed 2 sisters in their shared home	Paula Reed Ward, Wolfe's sisters' killer gets life in prison for East Liberty slaying, Pittsburgh Post-Gazette (May 26, 2016); AP, Pittsburgh man gets life term in murder case, Quad City Times (May 27, 2016); Matthew Santoni & Madysyn Cyzbeniak, Pittsburgh man gets life in sisters' killing, Greensburg Trib. R. (May 27, 2016)
Walradt, Brodie	Wash.	State	2001	Killed fiancée pregnant at full-term with his child	Trial Judge Report, Kitsap Co., 99-1-01101-3 (Oct. 10, 2001); pdf on file w/authors & Hofstra Law Review
Walter, Stephon	Tex.	State	2005	Killed 3, including pregnant woman	Walter v. State, No. 06-04-00173 (Tex. App. 6th Dist. Aug. 11, 2009); 209 S.W.3d 722 (Tex. App. - Texarkana 2006)
Warrick, Shaun	Pa.	State	2015	Killed 19-year-old ex-girlfriend & her cousin	Joseph A. Slobodzian, Life in prison for Valentine's Day killer, Phila. Inquirer (Aug. 21, 2015)
Welch, Anthony	Fla.	State	2019	Killed 2 neighbors, 69-year-old man, 60-year-old woman	https://spacecoastdaily.com/2019/03/brevard-grand-jury-strikes-down-death-penalty-in-anthony-welch-trial-for-2000-slaying-of-elderly-couple/
West, Ben	Neb.	State	1985	Killed girlfriend & her lover	State v. West, 388 N.W.2d 823 (Neb. Sup. Ct. 1986); Baldus Neb. Proj. 2002, Case #36511; pdf on file w/authors & Hofstra Law Review

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White, William	Cal.	State	1991	Killed 2 teenage boys	Welsh S. White, <i>Litigating in the Shadow of Death</i> , 121-130 (2006)
Whitton, Douglas	La.	State	1999	Killed 4	State v. Whitton, No. 99-KA-1953, Court of Appeal of Louisiana, 4th Cir. Sept. 27, 2000
Wilcox, Toby	Ohio	State	2005	Killed man & infant during marijuana deal	Jay Apperson, Whittlesey gets life term in 1982 slaying, Balt. Sun (Jan. 15, 1997)
Wiley, Gary	Pa.	State	2012	Killed 2 people in their home	Mary Spicer, Wiley gets life for double murder, Meadville Trib. (May 31, 2012)
Williams, Clarence	Va.	State	1996	Killed 3 at Richmond apartment	Alan Cooper, Sentencing on Drugs, Firearms Charges Ends City Murder Case, Richmond Times Dispatch (Nov. 9, 1996); Williams v. Commw., 1997 Va. App. LEXIS 673
Williams, Elijah	N.Y.	Fed.	2011	Execution-style triple-murder	United States v. Williams, 506 F.3d 151(2d Cir. 2007)
Williams, Jamain	Pa.	Fed.	2008	Convicted in 4 Boyle Street Boys drug gang murders, including witness killing	U.S. v. Cooper 343 Fed. Appx. 830 (2009); Emilie Lounsberry, U.S. jury decides on life for Chester gang leaders The two men had been convicted of murdering a federal witness. They'll never be eligible for parole, Phila. Inquirer (May 16, 2006)
Williams, Lonnie	Del.	State	1989	Killed 2 people in presence of off-duty police officer	Williams is sentenced to 6 life terms; Williams jury favored death 10-2, Wilmington News J. (Aug. 1, 1990)

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Williams, Marion	Fla.	State	2021	Killed ex-boyfriend's 3 grandsons (ages 4, 8, & 10) in arson fire	Breana Ross/Melissa Montoya, Marian Williams Sentenced to Life, WinkNews.com (Oct. 21, 2021)
Williams, Michael	N.Y.	Fed.	2011	Execution style triple-murder	United States v. Williams, 506 F.3d 151(2d Cir. 2007)
Williams, Samuel	Ohio	State	2012	Killed young couple	Man convicted of killing couple, Dayton Daily News (July 28, 2012); Man sentenced in bound couple case, Dayton Daily News (Aug. 11, 2012); Brian Dugger, Murder in the Suburbs, 11 Investigates (May 26, 2021); Erica Blake, Jury disagrees on Williams sentencing, The Blade (July 31, 2012)
Williams, Samuel	Ohio	State	2001	Arson murder of mother & 4 children	Greg Sowinski, 10 years after the firebombing that killed 5 on Leland Avenue, Lima (Ohio) News (Mar. 29, 2010); State v. Williams, 2002 Ohio App. LEXIS 3623; Williams v. Haviland, U.S. Ct. App., 6th Cir., No. 05-3986 (Oct. 26, 2006)
Williams, Scotland	Md.	State	1998	Killed husband & wife lawyers in their home	Amy Argetsinger, Md. Man Gets Life for Killing Two Lawyers, Wash. Post (Aug. 22, 1998)
Williams, Tyrone	Tex.	Fed.	2007	Alien smuggling operation led to 19 immigrants' death by dehydration.	http://www.cbsnews.com/news/smuggler-gets-life-for-immigrant-deaths/

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Wilson, Charles Amos	Ga.	Mil.	2017	Murder of 8½months-pregnant fiancée & unborn daughter	http://www.robins.af.mil/News/Article-Display/Article/1101423/robins-airman-sentenced-to-life-without-parole-in-murder-trial
Winters, Shawn	Pa.	State	2010	Two drug-related killings	Commw. v. Winters, Pa. Super. Ct. No. 1329 EDA 2017 (June 1, 2018)
Witt, Andrew	Ga.	Mil.	2018	Killed fellow airman & his wife after being confronted for making a pass at airman's wife	AP, This former airman was spared the death penalty a 2nd time in 2004 double homicide case, AirForce (Aug. 1, 2018)
Wood, Steven	Conn.	State	1984	Killed ex-wife, her friend, raped & killed his 15-year-old stepdaughter, & killed ex-mother-in-law	Lynne Tuohy, Some Heinous Killers Given Life Sentences, Hartford Courant (Jan. 16, 2005); David Ludlum, Former executive convicted of 4 murders, UPI Archives (June 29, 1984)
Woodall, Leicester "Buddy"	Ga.	State	2005	Killed wife's uncle & his employee	Mark Bowes, Convicted Denies Parole in '84 Rampage that killed 3, injured 2 officers, Richmond Times Dispatch (June 19, 2021)
Woodard, William	Ga.	State	2012	Killed 2 officers	https://www.ajc.com/news/woodard-gets-life-for-killing-two-dekalb-officers/nAJmF5KTvNCNpSUTam851J/
Woodfin, Kenneth	Va.	State	1988	Killed wife, her sister, & another man, shot & wounded 2 police officers	Mark Bowes, Convicted Denies Parole in '84 Rampage that killed 3, injured 2 officers, Richmond Times Dispatch (June 19, 2021)

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Woods, Archie Doyle	Calif.	State	1989	Killed 2 friends	People v. Woods, Cal. Ct. of Appeals, 4th Dist., Div. 2, No.E075544 (May 17, 2021)
Worley, Mark	Ohio	State	2001	Killed husband & wife in their home	State v. Worley, 2002 Ohio App. LEXIS 4673
Worlock, Carl Edward	N.J.	State	1984	Killed 2 of his friends	Baldus N.J. Project 1991: Case #2752; pdf on file w/authors & Hofstra Law Review
Wright, Jeanne Ann	N.J.	State	1984	Drowned her four children (ages 7, 5, 2 years & 11-month-old)	AP, Jersey Mother Given 4 Life Prison Terms, Drowned 4 Children, N.Y. Times (Apr. 20, 1984)
Yates, Andrea	Tex.	State	2002	Murder of 5 children by drowning them in the bathtub.	https://www.voanews.com/a/a-13-a-2002-03-16-3-andrea-66481602/552276.html
Yates, Daniel	Wash.	State	1988	Convicted of raping, stabbing & shooting 3 runaway teenagers, and killing 1 of them (13 years old)	State v. Yates, 824 P.2d 519 (Wash. App., Div. 2, 1992); Trial Judge Report, Kitsap Co., 87-1-00444-7 (Nov. 14, 1988); pdf on file w/authors & Hofstra Law Review
Young, Darryl	Pa.	State	2015	Killed 2	Commw. v. Young, Pa. Super. Ct. No. 1715 EDA 2015 (Sept. 20, 2016)
Zimmerman, John William	Cal.	State	1980	Rape/murder of 12-year-old girl & murder of her 18-year-old brother	People v. Zimmerman, 36 Cal.3d 154 (1984)

VI. CONCLUSION

A. Mitigation Matters. Death Sentences Have Become Vanishingly Rare.

Death sentences in the post-*Furman* era have always been rare.⁸⁹ Numerous studies by academics, courts, journalists, and legislatures examining death sentencing in specific jurisdictions demonstrate that death sentences have always been rare compared to the number of death-eligible cases, and that they have become increasingly rare—even vanishingly rare—in the twenty-first century.⁹⁰ The statistics in Figure 1 confirm the dramatic change in death sentencing between the last two decades of the twentieth century (ranging from 223 to 315 annual death sentences between 1981 and 2000) and the first two decades of the twenty-first century (ranging from 166 to eighteen annual death sentences between 2001 and 2020).⁹¹ There are multiple reasons for the declining numbers, including the abolition of the death penalty in twenty-three states, plus the District of Columbia;⁹² public concern about wrongful convictions;⁹³ changing prosecutorial attitudes;⁹⁴ creation of

89. See Stetler & Wendel, *supra* note 73, at 684-95; Stetler, *Mitigation Profession*, *supra* note 13, at 1213-26.

90. See Stetler, *Mitigation Profession*, *supra* note 13, at 1213-14.

91. See *infra* Figure 1.

92. See *State by State*, *supra* note 69 (citing repeals in New York (2007), New Jersey (2007), New Mexico (2009), Illinois (2011), Connecticut (2012), Maryland (2013), Delaware (2016), Washington (2018), New Hampshire (2019), Colorado (2020), and Virginia (2021), among others).

93. The National Registry of Exonerations (a project of the University of California Irvine; the University of Michigan Law School; and Michigan State University College of Law) has documented 3,240 exonerations since 1989, including hundreds of cases litigated by the Innocence Project utilizing DNA. See *Exonerations by Year: DNA and Non-DNA*, NAT'L REGISTRY OF EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/about.aspx> [https://perma.cc/22ML-KL34] (last visited Nov. 18, 2022). DPIC has a database of 190 wrongfully convicted people who were sentenced to death. *Innocence Database*, DEATH PENALTY INFO. CTR., <https://deathpenaltyinfo.org/policy-issues/innocence-database> [https://perma.cc/Q2XX-NSMP] (last visited Nov. 18, 2022). Capital jurors have always cited lingering doubt as a significant factor in choosing not to impose death sentences. See Bowers et al., *supra* note 77, at 1533-36 (showing the importance of lingering doubt as a mitigating factor, as reported by jurors). However, any prospect of jurors harboring lingering or residual doubt is diminished when they view the accused as a monster and enhanced when the defense has successfully humanized him through other mitigating evidence.

94. Prosecutors who refuse to seek the death penalty have been elected in Philadelphia (Larry Krasner) and Los Angeles (George Gascón). See Russell Stetler, *Death Penalty Keynote: Why Mitigation Matters, Now and for the Future*, 61 SANTA CLARA L. REV. 699, 728 (2020-2021) [hereinafter Stetler, *Death Penalty Keynote*]; Oona Goodin-Smith, *DA Larry Krasner Gives Up Fight in More Death-Row Appeals; San Antonio About to Pass Philly in Size*, PHILA. INQUIRER (May 23, 2019), <https://www.inquirer.com/news/philadelphia-district-attorney-larry-krasner-death-penalty-cases-20190523.html> [https://perma.cc/J2NF-FWFG]. See also *Exonerations by Year: DNA and Non-DNA*, *supra* note 93 (discussing growth of Conviction Integrity Units). Finally, some prosecutors are persuaded that the financial burden of capital prosecutions is too great. See Jessica

specialized capital defense systems and institutions in multiple jurisdictions;⁹⁵ and diminishing public support for the death penalty, as shown in Figure 2.⁹⁶

Figure 1: Death sentences, 1981–2020

1981	223		2001	153
1982	265		2002	166
1983	252		2003	151
1984	286		2004	138
1985	258		2005	140
1986	301		2006	123
1987	288		2007	126
1988	287		2008	120
1989	255		2009	118
1990	250		2010	114
1991	267		2011	85
1992	283		2012	82
1993	290		2013	83
1994	311		2014	73
1995	310		2015	49
1996	315		2016	31
1997	266		2017	39
1998	295		2018	43
1999	279		2019	34
2000	223		2020	18

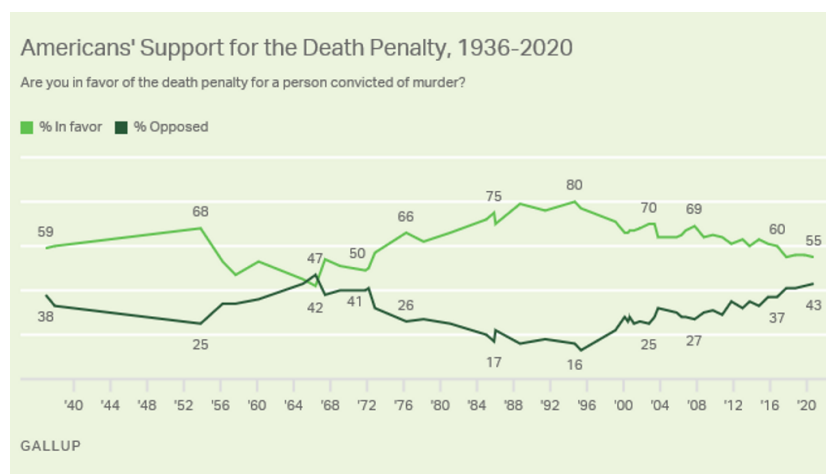
Source: Death Penalty Information Center, Sentencing Data

Miller & Paighen Harkins, *Utah County Attorney Will No Longer Seek the Death Penalty. This Family Calls Him a 'Coward,'* SALT LAKE TRIB. (Sept. 8, 2021, 7:08 PM), <https://www.sltrib.com/news/2021/09/08/utah-county-attorney-will> [https://perma.cc/5NTV-CZEJ] (explaining that a prosecutor in a double-homicide case announced he will never seek the death penalty again because “costs far outweigh its benefits,” becoming the first elected prosecutor in Utah to do so).

95. See Stetler, *Mitigation Profession*, *supra* note 13, at 1186-94 (discussing how the New York Capital Defender Office provided a model that was successfully adopted in Georgia, North Carolina, South Carolina, and Virginia, bringing death sentences in those states to near zero).

96. *Gallup Poll: Public Support for the Death Penalty Lowest in a Half-Century*, DEATH PENALTY INFO. CTR. (Nov. 24, 2020), <https://deathpenaltyinfo.org/news/gallup-poll-public-support-for-the-death-penalty-lowest-in-a-half-century> [https://perma.cc/Y6VQ-FNHJ].

Figure 2: Americans' Support for the Death Penalty, 1936–2020



Source: Death Penalty Information Center, *The Death Penalty in 2020, Year-End Report*⁹⁷

Traditional arguments in support of the death penalty have lost their force. Prisons incapacitate those who have committed violent crimes, and those presumed to have “nothing to lose” do not misbehave at higher rates than incarcerated people who expect to be released.⁹⁸ Multiple studies have undermined the claim that the death penalty is an effective deterrent.⁹⁹ The rebranding of the death penalty as a service to victims

97. *The Death Penalty in 2020: Year End Report*, DEATH PENALTY INFO. CTR. (Dec. 16, 2020), <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-year-end-reports/the-death-penalty-in-2020-year-end-report> [https://perma.cc/R8KX-Y26W]; accord *The Death Penalty in 2021: Year End Report*, DEATH PENALTY INFO. CTR. (Dec. 16, 2021), <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-year-end-reports/the-death-penalty-in-2021-year-end-report> [https://perma.cc/2W3P-JMLY].

98. See, e.g., Jonathan R. Sorensen & Thomas J. Reidy, *Nothing to Lose? An Examination of Prison Misconduct Among Life-Without-Parole Inmates*, 99 PRISON J. 46, 46, 56 (2019) (“Inmates serving life-without-parole (LWOP) have been described as having ‘nothing to lose’ by virtue of their sentence, leading to an assumption that they are more prone to disciplinary violations. This study refutes such an argument and is consistent with research demonstrating that LWOP inmates do not pose a disproportional risk for disciplinary misconduct.”). See also Robert Johnson, *Murder Most Human: A Case for a Categorical Ban of Life-Without-Parole Sentences for All Juvenile Offenders with Guidelines for Release Decisions for Former Juvenile Life-Without-Parole Cases*, 1 J. CRIM. JUST. & L. 56, 59 (2017).

99. NAT’L RSCH. COUNCIL OF THE NAT’L ACADS., DETERRENCE AND THE DEATH PENALTY 2, 101–121 (Daniel S. Nagin & John V. Pepper, eds., 2012) (concluding that research to date is “not informative about whether capital punishment decreases, increases, or has no effect on homicide rates”). See also *NEW PODCAST: DPIC Study Finds No Evidence That Death Penalty Deters Murder or Protects Police*, DEATH PENALTY INFO. CTR. (Sept. 12, 2017),

has found little empirical support,¹⁰⁰ and the emergence of death-penalty-abolition organizations led by family members of homicide victims and efforts at victim outreach by capital defense teams have demonstrated that the members of homicide victims' families have diverse views on capital punishment,¹⁰¹ especially in the African-American community.¹⁰² Moreover, Figure 3 compares the number of death sentences and executions (both the highest numbers historically and the actual numbers in 2019) to the approximate number of homicides annually.¹⁰³ These metrics show that whatever

<https://deathpenaltyinfo.org/news/new-podcast-dpic-study-finds-no-evidence-that-death-penalty-deters-murder-or-protects-police> [<https://perma.cc/PMU8-EHTH>] (analyzing U.S. murder data from 1987 through 2015 and finding no evidence that the death penalty deters murder or protects police).

Instead, the evidence shows that murder rates, including murders of police officers, are consistently higher in death-penalty states than in states that have abolished the death penalty. And far from experiencing increases in murder rates or open season on law enforcement, the data show that states that have abolished the death penalty since 2000 have the lowest rates of police officers murdered in the line of duty and that killings of police account for a much smaller percentage of murders in those states.

Id.

100. Professor Franklin Zimring has noted how the death penalty was reinvented (or rebranded) in the 1990s as a service to victims, providing "closure" for the surviving families. FRANKLIN E. ZIMRING, *THE CONTRADICTIONS OF AMERICAN CAPITAL PUNISHMENT* 60-61 (2003). Zimring traced the number of news stories that link the term "closure" to the subject of executions in a broad sample of print media in the United States from 1986 to 2001. *Id.* He found that the empirical support for this proposition was "quite thin." *Id.* at 59. See JODY LYNEÉ MADEIRA, *KILLING MCVEIGH: THE DEATH PENALTY AND THE MYTH OF CLOSURE* 275-78 (2012) (conducting an empirical study of the survivors of Oklahoma City bombing victims). It should also be noted that if there is some psychological benefit from executions, it is dispensed disproportionately to the families of White victims, since seventy-five percent of the executions in the modern era have involved White victims. See *Execution Database*, *supra* note 53.

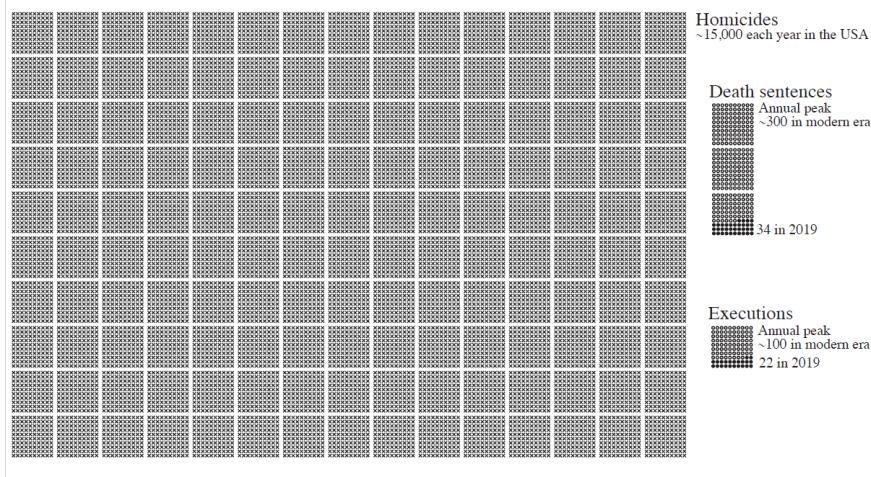
101. See Discussions with DPIC, *Rep. Renny Cushing on Empowering Crime Survivors and Repealing New Hampshire's Death Penalty*, DEATH PENALTY INFO. CTR., <https://deathpenaltyinfo.org/resources/podcasts/discussions-with-dpic/new-hampshire-representative-renny-cushing> [<https://perma.cc/EY75-4MGL>] (last visited Nov. 18, 2022). Cushing, whose father and brother-in-law were murdered, led the successful effort to repeal the death penalty in New Hampshire. *Id.* He is also the executive director of Murder Victims' Families for Human Rights. *MVFHR Staff*, MURDER VICTIM'S FAMILIES FOR HUMAN RIGHTS, <http://mvfhr.org/mvfhr-staff-0> [<https://perma.cc/67GZ-M5KC>] (last visited Nov. 18, 2022). See also Mickell Branham & Richard Burr, *Understanding Defense-Initiated Victim Outreach and Why It Is Essential in Defending a Capital Client*, 36 HOFSTRA L. REV. 1019, 1026, 1028-30 (2008); Russell Stetler, *Capital Cases: Working with the Victim's Survivors in Death Penalty Cases*, CHAMPION, June 1999, at 42, 42-43.

102. See, e.g., Matt Schiavenza, *Hatred and Forgiveness in Charleston*, ATLANTIC (June 20, 2015), <https://www.theatlantic.com/national/archive/2015/06/dylann-roof-manifesto-forgiveness/396428> [<https://perma.cc/7NYS-6RJC>]; Michelle R. Martinelli, *Steph Curry's First Film Project Is a Powerful Look at Race and Religion After the Charleston Shooting*, USA TODAY (Jan. 25, 2019, 11:00 AM), <https://ftw.usatoday.com/2019/01/steph-curry-emanuel-unanimous-charleston-shooting> [<https://perma.cc/FTP8-ANUW>].

103. See *infra* Figure 3 (comparing annual homicides with death sentences and executions in peak years and in 2019, assuming these may be more representative than the numbers during Covid

psychological benefits may accrue affect a minuscule fraction of the families victimized by homicide. Studies showing the race-of-victim effect on death sentencing and executions suggest that the putative beneficiaries are overwhelmingly white.¹⁰⁴

Figure 3: Approximate annual homicides compared to death sentences and executions (maximums and in 2019)



B. Why Are There Still Death Sentences and Executions in Spite of the Power of Mitigation?

In some jurisdictions, such as the State of Georgia, which executed four people in 2019 and 2020,¹⁰⁵ it is unlikely that these individuals would even be sentenced to death if tried today under the current organized capital defender system that has reduced death sentencing to near zero.¹⁰⁶ The cases that we have listed in Parts III, IV, and V

in 2020–2021); *Crime Data Explorer*, FBI <https://crime-dataexplorer.app.cloud.gov/pages/explorer/crime/shr> [<https://perma.cc/6PJD-SJJG>] (last visited Nov. 18, 2022) (highlighting that close to 15,000 homicides occurred in 2019 across the United States). Figure 3 was created by Morgan Stetler.

104. See *infra* Part VI.B.1 (showing one study by David Baldus, and another by Scott Phillips and Justin Marceau, on the impact of the race of a victim on capital sentencing and executions).

105. *Execution Database*, *supra* note 53 (Scotty Morrow, May 2, 2019; Marion Wilson, June 20, 2019; Ray Cromartie, Nov. 13, 2019; Donnie Lance, Jan. 29, 2020). There were no executions or death sentences imposed in Georgia in 2021. See *The Death Penalty in 2021: Year End Report*, *supra* note 97.

106. See Stetler, *Mitigation Profession*, *supra* note 13, at 1186–94 (discussing the impact of specialized statewide capital defender offices and units in several jurisdictions).

involve, in many instances, more aggravated crimes than those that have resulted in over fifteen hundred executions in the modern era. More than two thirds of the executions involve a single murder victim,¹⁰⁷ and the circumstances of the crimes in the life-sentenced cases we have documented are generally as aggravated as those that led to executions. The overwhelming majority of the individuals who have been executed did not have the benefit of a robust mitigation presentation at the time of their trials.¹⁰⁸

There remain multiple obstacles to the effective use of mitigation in death penalty cases, but we will focus on just three: systemic racism, inadequate funding, and legal obstacles, especially in the context of post-conviction litigation.¹⁰⁹ Systemic racism leads to juries (and other decision makers) that lack the empathy required to respond to mitigation.¹¹⁰ Inadequate funding denies defense teams the ability to investigate and develop mitigation.¹¹¹ Legal impediments, especially in post-conviction, deny capital clients the opportunity to tell their mitigation stories.¹¹²

1. Systemic Racism

Racism infects how capital cases are viewed by all the decision makers, from the police who investigate the homicide and the prosecutors who make the charging decision about whether to seek death, to the jurors who make the life-and-death decision, the trial judges who impose the sentence, and the appellate judges who review it, as well as the defense lawyers and their teams.¹¹³ In 2019, Stanford psychology professor Jennifer L. Eberhardt summarized her remarkable research on

107. *Execution Database*, *supra* note 53 (showing nearly three quarters of executions (1,153 out of 1,552) have involved a single-victim murder).

108. See Stephen B. Bright, *Counsel for the Poor: The Death Sentence Not for the Worst Crime but for the Worst Lawyer*, 103 YALE L.J. 1835, 1836-37, 1842-43, 1849 (1994).

109. See *infra* Parts VI.B.1–3.

110. See *infra* Part VI.B.1.

111. See *infra* Part VI.B.2.

112. See *infra* Part VI.B.3.

113. See NGOZI NDULUE, *ENDURING INJUSTICE: THE PERSISTENCE OF RACIAL DISCRIMINATION IN THE U.S. DEATH PENALTY* 33 (Robert Dunham, ed., 2020), <https://files.deathpenaltyinfo.org/documents/reports/Enduring-Injustice-Race-and-the-Death-Penalty-2020.pdf> [<https://perma.cc/9MQB-JF2A>]. For the often-overlooked racism of some defense lawyers, see Paul Messick, *Represented by a Racist: Why Courts Rarely Grant Relief to Clients of Racist Lawyers*, 109 CAL. L. REV. 1231, 1239-41 (2021). California's Racial Justice Act (AB 2542), enacted in 2020, prospectively provides for relief if "an attorney in the case . . . exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin." CAL. PEN. CODE § 745(a)(1) (West 2020). See also Alexis Hoag, *The Right to Culturally Competent Counsel*, 41 AMICUS J. 22, 22 (2021) (urging courts to include cultural competency as an element of constitutional representation).

how implicit bias affects all Americans (including her own family), regardless of race.¹¹⁴ One of Eberhardt's studies, specific to capital cases, even found a correlation between stereotypical Black features (for example, broad nose, thick lips, dark skin) and "deathworthiness" in cases involving White victims.¹¹⁵ The Supreme Court of the United States reversed a case where the testimony of a *defense* expert told the jury that Blacks were more dangerous than members of other racial groups, but the death sentence in that case had been affirmed by all the state and federal courts that had previously reviewed it.¹¹⁶

Professor Elisabeth Semel and students from her Berkeley Law Death Penalty Clinic produced a comprehensive report showing how potential jurors of color continue to be excluded from juries in California, decades after the Supreme Courts of both the United States and California prohibited race-based peremptory strikes.¹¹⁷ The United States Supreme Court overturned another case where the prosecutor had *six times* excluded Black jurors in six different trials in order to secure the conviction and death sentence of an innocent man whose charges were ultimately dismissed.¹¹⁸

Even assuming defense counsel can empanel a jury selected free from racial discrimination, racial bias can influence jury deliberations when determining whether to convict and what sentence to impose.¹¹⁹ Although the United States Supreme Court recently recognized a racial bias exception to the no-impeachment rule,¹²⁰ enabling courts to consider evidence of racial bias in jury deliberations, the exception has

114. See generally JENNIFER L. EBERHARDT, *BIASED: UNCOVERING THE HIDDEN PREJUDICE THAT SHAPES WHAT WE SEE, THINK, AND DO* (2019) (discussing the effect of implicit bias on decision-making).

115. Jennifer L. Eberhardt et al., *Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes*, 17 PSYCH. SCI. 383, 383, 385 (2006). See Sheri Lynn Johnson, *Racial Imagery in Criminal Cases*, 67 TUL. L. REV. 1739, 1751-53 (1993) (describing how prosecutors evoke the common stereotype of Black people "as more violent and more criminal than whites" to encourage jurors to convict Black defendants).

116. *Buck v. Davis*, 580 U.S. 100, 104-05, 121-22 (2017).

117. ELISABETH SEMEL ET AL., *WHITEWASHING THE JURY BOX: HOW CALIFORNIA PERPETUATES THE DISCRIMINATORY EXCLUSION OF BLACK AND LATINX JURORS* 5-7, 15-16 (2020). See also *Batson v. Kentucky*, 476 U.S. 79, 99-100 (1986); *People v. Wheeler*, 583 P.2d 748, 757-58 (Cal. 1978) (prohibiting juror exclusions based on race); EQUAL JUST. INITIATIVE, *RACE AND THE JURY: ILLEGAL DISCRIMINATION IN JURY SELECTION* 16-17 (2021).

118. *Flowers v. Mississippi*, 139 S. Ct. 2228, 2237, 2251 (2019). See also Sheri Lynn Johnson, *Flowers for the Friends of Flowers*, 41 AMICUS J. 42, 43-46 (2021); Jesus Jiménez, *Curtis Flowers Sues Prosecutor Who Tried Him Six Times*, N.Y. TIMES (Sept. 4, 2021), <https://www.nytimes.com/2021/09/04/us/curtis-flowers-doug-evans.html> [<https://perma.cc/5E8S-AARV>].

119. *Peña-Rodriguez v. Colorado*, 137 S. Ct. 855, 869 (2017).

120. COLO. R. EVID. 606(b) (prohibiting juror's testimony, affidavit, or other evidence used to impeach a verdict). Some version of this Rule is followed by every state and the District of Columbia, as well as Federal Rule 606(b). *Peña-Rodriguez*, 580 U.S. at 858.

failed to address and eradicate alarming examples of racial animus.¹²¹ Despite the goal of rooting out racial bias, this exception, based on a constitutional rule that racial bias in the justice system must be addressed, “has more often been used as a sword to strike down juror-bias claims than it has been used as a shield to protect against racism in jury deliberations.”¹²² Moreover, the constitutional rule wholly fails to address “subtle or nuanced instances of bias,” which are more likely to occur.¹²³

Social scientists who have studied capital jurors have found an “empathic divide” between White jurors and Black capital defendants, such that mitigation that might have inspired mercy in the case of White defendants falls short when the accused is a person of color.¹²⁴ Another study of five hundred jury-eligible Americans found that there is an association between Blacks and retribution (payback and revenge) while, by contrast, there is an association between Whites and mercy (treatment and rehabilitation), and that death-qualified jurors have stronger implicit biases than other Americans.¹²⁵ More generally, research has shown that diversity makes better, more reliable, jury decision-making.¹²⁶

One of the pioneers in examining the impact of race in capital cases was the late Iowa law professor, David C. Baldus.¹²⁷ Over his long career, Professor Baldus and various colleagues examined race effects in

121. The U.S. Supreme Court denied certiorari on behalf of a petitioner sentenced to death by a juror who referred to petitioner as an N-word and wondered if Black people had souls. *Tharpe v. Ford*, 139 S. Ct. 911, 913 (2019) (Sotomayor, J., statement respecting denial of certiorari) (noting that “[t]he work of purging racial prejudice from the administration of justice . . . is far from done”).

122. Daniel S. Harawa, *The False Promise of Peña-Rodriguez*, 109 CALIF. L. REV. 2121, 2150 (2021).

123. *Id.*

124. Mona Lynch & Craig Haney, *Looking Across the Empathic Divide: Racialized Decision Making on the Capital Jury*, 2011 MICH. ST. L. REV. 573, 584; Craig Haney, *Condemning the Other in Death Penalty Trials: Biographical Racism, Structural Mitigation, and the Empathic Divide*, 53 DEPAUL L. REV. 1557, 1582-83 (2004); Stephen P. Garvey, *The Emotional Economy of Capital Sentencing*, 75 N.Y.U. L. REV. 26, 26, 63-64 (2000) (finding how empathy decreases the likelihood that jurors will vote for death but that the sentencing process systematically distances jurors from defendants).

125. Justin D. Levinson et al., *Race and Retribution: An Empirical Study of Implicit Bias and Punishment in America*, 53 U.C. DAVIS L. REV. 839, 891 (2019). See also Craig Haney, *The Death Qualification Process Continues to Render Capital Juries Less Representative and More Unfair*, 42 AMICUS J. 21, 23 (2021) (explaining how biases of death-qualification increase as larger segments of the population oppose the death penalty).

126. Samuel R. Sommers, *On Racial Diversity and Group Decision Making: Identifying Multiple Effects of Racial Composition on Jury Deliberations*, 90 J. PERSONALITY & SOC. PSYCH. 597, 598 (2006).

127. Adam Liptak, *David C. Baldus, 75, Dies; Studied Race and the Law*, N.Y. TIMES (June 14, 2011), <https://www.nytimes.com/2011/06/15/us/15baldus.html> [https://perma.cc/PJ5J-5XHZ].

numerous jurisdictions.¹²⁸ The earliest and best-known study by Baldus and his colleagues went before the Supreme Court of the United States in the case of Warren McCleskey.¹²⁹ They employed painstaking statistical analyses to demonstrate how race of victim and race of defendant affected outcomes, using the techniques that had been accepted by multiple courts in other contexts to support anti-discrimination claims in violation of the Equal Protection Clause of the Fourteenth Amendment, or Title VII of the Civil Rights Act of 1964.¹³⁰ However, here, the Supreme Court turned the “death-is-different” principle on its head and imposed an impossibly high bar: to prevail, McCleskey would have to show intentional racial discrimination in his individual case.¹³¹ In his dissent, Justice William Brennan said that the majority had shown a fear of “too much justice.”¹³²

McCleskey’s lawyers had begun with anecdotal evidence suggesting a discriminatory pattern.¹³³ Between 1973 and 1979, seventeen defendants were prosecuted in Fulton County (Georgia’s most populous county) for murdering police officers.¹³⁴ Only McCleskey, a Black man, was sentenced to death, and he was convicted of killing a White officer.¹³⁵ Only one other case went to a sentencing proceeding.¹³⁶ In that one, a White defendant who had killed a Black officer received a life sentence.¹³⁷ Baldus and his team examined all the murder cases in the state of Georgia in the 1970s (over two thousand cases).¹³⁸ After controlling for some 230 non-racial variables in multiple regression analyses, they found powerful race-of-victim effects: defendants charged with killing White victims were 4.3 times more likely to receive a death

128. See, e.g., DAVID C. BALDUS ET AL., *EQUAL JUSTICE AND THE DEATH PENALTY* 2 (1990); David C. Baldus, Charles Pulaski & George Woodworth, *Comparative Review of Death Sentences: An Empirical Study of the Georgia Experience*, 74 J. CRIM. L. & CRIMINOLOGY 661, 707 (1983); David C. Baldus et al., *Arbitrariness and Discrimination in the Administration of the Death Penalty: A Legal and Empirical Analysis of the Nebraska Experience (1973-1999)*, 81 NEB. L. REV. 486, 498 (2002); Catherine M. Grosso et al., *The Impact of Civilian Aggravating Factors on the Military Death Penalty (1984-2005): Another Chapter in the Resistance of the Armed Forces to the Civilianization of Military Justice*, 43 U. MICH. J.L. REFORM 569, 581 (2010).

129. *McCleskey v. Kemp*, 481 U.S. 279, 286 (1987).

130. *Id.* at 293-94.

131. *Id.* at 294-95.

132. *Id.* at 339 (William, J., dissenting) (referring to “the fear that recognition of McCleskey’s claim would open the door to widespread challenges to all aspects of criminal sentencing”).

133. *Id.* at 355-57.

134. *Id.* at 356-57.

135. *Id.* at 283, 357.

136. *Id.* at 357.

137. See *id.*

138. *Id.* at 286.

sentence.¹³⁹ Moreover, Black defendants who killed White victims had the greatest likelihood of receiving the death penalty.¹⁴⁰

More recent scholarship has not only confirmed the Baldus findings in Georgia but has also demonstrated that the race-of-victim effects on executions are even more striking than the effects on which defendants receive a death sentence.¹⁴¹ Analyzing the same Georgia dataset as Baldus after the cases had reached their conclusions, two professors from the University of Denver found that the execution rate was roughly seventeen times greater in White-victim cases.¹⁴²

2. Inadequate Funding

As a practical matter, mitigation has mattered most in the trial courts, where funding is frequently inadequate or unavailable altogether.¹⁴³ The 2003 revision of the American Bar Association (“ABA”) Death Penalty Guidelines stressed the importance of adequate compensation and funding, Guideline 9.1, and the Commentary to this Guideline concluded, “For better or worse, a system for the provision of defense services in capital cases will get what it pays for.”¹⁴⁴ As recently as 2017, the Supreme Court had to clarify its holding from three decades earlier that indigent capital defendants are entitled to the services of an independent mental health expert to conduct an examination and assist in evaluation, preparation, and presentation of the defense.¹⁴⁵

139. *Id.* at 287.

140. *Id.*

141. *Id.* at 286-87.

142. Scott Phillips & Justin Marceau, *Whom the State Kills*, 55 HARV. C.R.-C.L. L. REV. 585, 606 (2020). *See also* Adam Liptak, *A Vast Racial Gap in Death Penalty Cases, New Study Finds*, N.Y. TIMES (Aug. 3, 2020), <https://www.nytimes.com/2020/08/03/us/racial-gap-death-penalty.html> [<https://perma.cc/T4R5-XYXM>] (noting Justice Powell’s post-retirement regret as the author of the *McCleskey* opinion and Anthony G. Amsterdam’s comparison to the *Dred Scott* decision).

143. *See State Death Penalty Assessments*, AM. BAR ASS’N https://www.americanbar.org/groups/crsj/projects/death_penalty_due_process_review_project/state_death_penalty_assessments [<https://perma.cc/A6AC-VHMU>] (last visited Nov. 18, 2022), for ABA assessments of defense services in multiple capital jurisdictions (from 2003 to 2013), including Alabama, Arizona, Florida, Georgia, Indiana, Kentucky, Missouri, Ohio, Pennsylvania, Tennessee, and Texas. *See also* JOINT STATE GOV’T COMM’N, GEN. ASSEMBLY OF THE COMMONWEALTH OF PA., CAPITAL PUNISHMENT IN PENNSYLVANIA: THE REPORT OF THE TASK FORCE AND ADVISORY COMMITTEE 31-32 (2018) (noting how absence of statewide funding of indigent capital defense undermines effective representation) [hereinafter CAPITAL PUNISHMENT IN PENNSYLVANIA]. One of the authors of this Article, Dana Cook, served on the Advisory Committee. *See* CAPITAL PUNISHMENT IN PENNSYLVANIA, *supra*.

144. Am. Bar Ass’n, *Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases*, reprinted in 31 HOFSTRA L. REV. 913, 981, 988 (2003) (citation omitted).

145. *McWilliams v. Dunn*, 137 S. Ct. 1790, 1793-94 (2017) (clarifying holding in *Ake v. Oklahoma*, 470 U.S. 68, 74 (1985)). *See also* Brief of the Nat’l Ass’n of Crim. Def. Laws. et al. as Amici Curiae in Support of Petitioner at *18, *McWilliams v. Dunn*, 137 S. Ct. 1790 (2017) (No.

In the jurisdictions where state-funded capital agencies have been created—with dedicated staffing to investigate mitigation—such as North Carolina, Georgia, and Virginia, death sentences have been vanishingly rare.¹⁴⁶ However, indigent defense remains chaotic in most of the jurisdictions that retain capital punishment.¹⁴⁷ Some have state public defenders, others have some public defenders at the county level, and some rely solely on private lawyers appointed by local judges.¹⁴⁸ Mitigation funding at the trial level remains the difference between life and death in many jurisdictions. It is generally inadequate and sometimes nonexistent.¹⁴⁹ Sadly, in many jurisdictions, counsel does not seem to make an effort to break this pattern and demand the resources and time that are necessary for constitutionally effective representation.¹⁵⁰ The importance of such demands is spelled out in the ABA Guideline on the defense team in capital cases, Guideline 10.4.D: “Counsel at all stages should demand on behalf of the client all resources necessary to provide high quality legal representation. If such resources are denied, counsel should make an adequate record to preserve the issue for further review.”¹⁵¹

3. Legal Obstacles

Although some researchers have concluded that mitigation has failed,¹⁵² on closer inspection their study demonstrated how the

16-5294), 2017 WL 956644 (documenting on-the-ground practices in eighteen jurisdictions where such services were available at the time McWilliams was prosecuted).

146. See BRANDON L. GARRETT, *END OF ITS ROPE: HOW KILLING THE DEATH PENALTY CAN REVIVE CRIMINAL JUSTICE* 115-16, 122 (2017) (discussing the impact of regional capital defender offices in Virginia); Stetler, *Mitigation Profession*, *supra* note 13, at 1190-94 (discussing the impact of specialized statewide capital defender offices and units in several jurisdictions).

147. See, e.g., AM. BAR ASS’N STANDING COMM. ON LEGAL AID & INDIGENT DEFENDANTS, *GIDEON’S BROKEN PROMISE: AMERICA’S CONTINUING QUEST FOR EQUAL JUSTICE* 8, 13-14 (2004), <https://www.in.gov/publicdefender/files/ABAGideonsBrokenPromise.pdf> [<https://perma.cc/XC57-2YFF>] (finding inadequacies upon surveying twenty-two jurisdictions, including gross funding disparities between defense and prosecution).

148. See *id.* at 2.

149. See *id.* at 7-9.

150. See Meredith Martin Rountree & Robert C. Owen, *Overlooked Guidelines: Using the Guidelines to Address the Defense Need for Time and Money*, 41 HOFSTRA L. REV. 623, 630 (2013) (discussing the importance of urging counsel to increase their use of the ABA Guidelines in fighting for time and money). The cases listed in the present Article may also help to persuade judges that adequately funding mitigation, whether pretrial or in post-conviction proceedings, can make a difference even in highly aggravated cases.

151. See Am. Bar Ass’n, *supra* note 144, at 1000.

152. See, e.g., Robert J. Smith et al., *The Failure of Mitigation?*, 65 HASTINGS L. J. 1221, 1253 (2014) (discussing a finding that existing mitigation-facilitating procedures have failed, using data from the one hundred most recently executed offenders in the United States). Professor Thaxton suggests that “[s]cholars disagree as to whether the presentation of robust mitigation during the

labyrinthine obstacles to post-conviction relief have prevented courts from considering mitigation that had not been presented at trial.¹⁵³ There are both legislative and judicially imposed barriers to relief. A quarter century ago, Congress passed the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”),¹⁵⁴ which created multiple obstacles to federal habeas corpus review of death penalty cases. AEDPA prevented federal judges from overturning prior state court rulings unless the adjudication was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the Supreme Court of the United States, or was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding.¹⁵⁵ In other words, before federal courts could intervene to overcome a violation of the United States Constitution, the state court adjudication not only had to be wrong, but unreasonably wrong, about the law or the facts. Counsel have an obligation to exhaust their state court remedies (often before the same judges who had presided at trial and who are reluctant to authorize additional funds for post-conviction investigation of mitigation or anything else).¹⁵⁶ The Supreme Court’s decisions interpreting AEDPA have imposed further barriers to review, often using arcane procedural bars to undermine substantive rights.¹⁵⁷ Under the current composition of that Court, we can expect only greater obstacles.

penalty phase has a demonstrable impact on death sentences.” Sherod Thaxton, *Shrinking the Accountability Deficit in Capital Charging*, in THE OXFORD HANDBOOK OF PROSECUTORS AND PROSECUTION 559, 576 n.19 (Ronald F. Wright, Kay L. Levine & Russell M. Gold eds., 2021). Compare Stetler, *Mitigation Profession*, *supra* note 13, at 1189-90 (discussing how mitigation works at the trial level), with Smith et al., *supra*, at 1254 (discussing how difficult it is to overcome the legal obstacles to allow post-conviction courts to consider mitigation that was not discovered and presented at trial).

153. See Smith et al., *supra* note 152, at 1254 (examining 100 recent executions and finding that they occurred despite presentations of compelling mitigation in post-conviction proceedings). The legal obstacles to investigating and presenting mitigation run counter to the Eighth Amendment cases in which the Supreme Court has broadened the parameters of mitigation evidence through the era of the modern death penalty. See Blume & Stetler, *supra* note 20, at 24.

154. Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, tit. I, 110 Stat. 1214 (codified as amended at 28 U.S.C. §§ 2244-2261). This was a bipartisan law passed in the wake of the first World Trade Center bombing in 1993 and the Oklahoma City bombing in 1995, signed into law by President Bill Clinton to modify federal habeas corpus. See Dale Chappell, *25 Years of the AEDPA: Where Do We Stand?*, PRISON LEGAL NEWS (June 1, 2021), <https://www.prisonlegalnews.org> [<https://perma.cc/25JU-9V7R>].

155. 28 U.S.C. § 2254(d) (2018).

156. See 28 U.S.C. § 2254(b)(1)(A); AM. BAR ASS’N STANDING COMM. ON LEGAL AID & INDIGENT DEFENDANTS, *supra* note 147, at 7. Whether or not the state post-conviction proceeding is before the same judge who presided at trial, funding in state post-conviction proceedings is notoriously parsimonious. See AM. BAR ASS’N STANDING COMM. ON LEGAL AID & INDIGENT DEFENDANTS, *supra* note 147, at 7-9.

157. See, e.g., Cullen v. Pinholster, 563 U.S. 170, 188 (2011) (explaining that in order to satisfy the “unreasonable application” prong of § 2254(d)(1), he must show that “there was no

C. Mitigation Is the Engine of the Death Penalty's Self-Destruction.

In 2016, Professors Carol Steiker and Jordan Steiker noted a “central tension” of modern American death penalty law (narrowing death eligibility and broadening the basis for rejecting death):

The irony, of course, was that the Court seemed to be protecting as a matter of constitutional law the very discretion *Furman* had identified as constitutionally problematic. But according to the Court, the discretion to *withhold* the death penalty based on mitigating factors is categorically different from the discretion to *impose* the death penalty based on amorphous perceptions of the aggravating aspects of the offense. So was born the central tension in American death penalty law: its simultaneous command that states cabin discretion of who shall die while facilitating discretion of who shall live.¹⁵⁸

This “central tension” can also be viewed as self-destructive, as one of the authors of this Article has observed more recently:

The modern American death penalty has always been self-destructive. I do not mean to suggest that the designers deliberately and cleverly caused it to self-destruct, as engineers now do with land mines and rocket boosters to prevent malfunctions that endanger large numbers of innocent lives. No, in the case of capital punishment, after *Furman v. Georgia*,¹⁵⁹ the United States Supreme Court simply tried, in vain, to make the American death penalty fair. Death is different, said the Court,¹⁶⁰ but the *American* death penalty is different from capital punishment throughout the rest of the world,¹⁶¹ where our peer nations were abandoning it one after another as a violation of human rights.¹⁶² Instead, we tried to narrow the category of eligible cases and require individualized sentencing based on “the diverse frailties of humankind,”¹⁶³ the broadest possible scope for choosing life over

reasonable basis” for the State Supreme Court’s summary decision, even when there was no state court hearing to present the evidence adduced in federal court).

158. CAROL S. STEIKER & JORDAN M. STEIKER, *COURTING DEATH: THE SUPREME COURT AND CAPITAL PUNISHMENT* 165 (Harv. Univ. Press 2016).

159. 408 U.S. 238 (1972).

160. *Woodson v. North Carolina*, 428 U.S. 280, 305 (1976) (Brennan, J., concurring) (“[T]he penalty of death is qualitatively different from a sentence of imprisonment, however long. Death, in its finality, differs more from life imprisonment than a 100-year prison term differs from one of only a year or two.”).

161. See, e.g., Carol S. Steiker, *Capital Punishment and American Exceptionalism*, 81 OR. L. REV. 97, 114 (2002) (claiming American exceptionalism); Carol S. Steiker & Jordan M. Steiker, *The Rise, Fall, and Afterlife of the Death Penalty in the United States*, 3 ANN. REV. CRIMINOLOGY 299, 303 (2020).

162. See, e.g., ZIMRING, *supra* note 100, at 23 (tracing death penalty abolition in Italy, 1944; West Germany, 1949; Great Britain, 1969; Portugal, 1976; Spain, 1978; and France, 1981).

163. *Woodson*, 482 U.S. at 304.

death, empathy over anger, dignity over callous dehumanization, fairness over arbitrary indifference, equality over racism, justice and mercy over lawless cruelty.¹⁶⁴

This tension, this self-destructive, built-in flaw helps to explain what we have documented in Parts III, IV, and V of this Article: the stunning juxtaposition of over 600 cases in the most aggravated categories with jurors' (or sometimes trial court judges') decisions nonetheless to reject death sentences. A half century after *Furman*, the American death penalty appears to many observers to remain as capricious and discriminatory as it was under the earlier statutes – that is, “cruel and unusual in the same way that being struck by lightning is cruel and unusual.”¹⁶⁵

164. Stetler, *Death Penalty Keynote*, *supra* note 94, at 722-23.

165. *Furman v. Georgia*, 408 U.S. 238, 309 (1972) (Stewart, J., concurring).

APPENDIX: CASES MEETING CRITERIA FOR TWO OR MORE CATEGORIES

This Appendix lists about 130 multiple-victim cases with child-and/or law-enforcement victims from thirty states (plus federal cases from the District of Columbia and Puerto Rico) ranging from 1980 to 2022. The cases are from state, federal, and military jurisdictions. Sources for all these cases are found in Parts III, IV, and V under the applicable categories.

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Child</i>	<i>Law Enforcement</i>	<i>Multiple</i>
Abeyta, Ricky	N.M.	State	1991	Multiple killings, including State police officer, ex-girlfriend, her 18-year-old daughter, her adult sister, a 19-year-old, a sheriff's deputy, & a 6-month-old baby	yes	yes	Yes
Addison, Herman	Tex.	State	1997	Killed 14 year-old boy & raped his mother as boy died	yes		yes
Aguirre, Luis	Kan.	State	2012	Killed 1-year-old son & baby's 18-year-old mother	yes		yes
Aguirre, Roberto Rojas	Tex.	State	2011	Killed 8-year-old & 6-year-old stepsons, 3-year-old son, & mother-in-law	yes		yes
Ali, Mustafa	Pa.	State	2010	Killed 2 ATM guards (off-duty cops)		yes	yes
Alvarez, Dennis	N.Y.	State	2003	Killed 28-year-old girlfriend & her 2 children.	yes		yes
Barreto, Axel	Pa.	State	2013	Killed 3 boys, 14 year-old members of son's rival gang	yes		yes
Becker, Matthew	Pa.	State	2013	Killed pregnant (third trimester) girlfriend	yes		yes
Bell, George	N.Y.	State	1999	Convicted of killing off-duty police officer & owner of check cashing store in attempted robbery; later exonerated		yes	yes
Bertino, Fabrizio Salvatore	N.J.	State	1987	Drowned girlfriend & her 2-year-old son	yes		yes
Biyad, Said	Ky.	State	2011	Raped & strangled wife but she survived; killed their 4 children, ages 8, 7, 4 and 2.	yes		yes
Boppre, Jeff	Neb.	State	1989	Robbery murder of man & pregnant woman	yes		yes

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Child</i>	<i>Law Enforcement</i>	<i>Multiple</i>
Budd, Glenford	Nev.	State	2005	Killed 3 teenagers after playing basketball with them	yes		yes
Bui, Quang	Ala.	State	2004	Killed his 3 children by slitting throats with butcher knife.	yes		yes
Burnett, Theodore	Kan.	State	2008	Killed year-old son & baby's 18-year-old mother	yes		yes
Burst, William	Mo.	State	1996	Killed woman & her 6-year-old daughter, who was sexually molested and suffocated.	yes		yes
Candelario Santana, Alexis	P.R.	Fed.	2013	"La Tombola Massacre": 8 people killed, including pregnant woman; previously convicted of killing or ordering murder of 13 others	yes		yes
Chao, Vicky	Del.	State	1990	Set fire to house of ex-lover, killing his wife, his mother & his 2-year-old daughter. Ex-lover survived.	yes		yes
Chavez, Roman	Ill.	State	1991	Killed 2 officers who came to arrest him		yes	yes
Cisneros, Ismael	Va.	Fed.	2005	MS-13 murder of pregnant 17-year-old	yes		yes
Clay, Brian	Nev.	State	2017	Raped & killed woman & her 10-year-old daughter in claw hammer attack	yes		yes
Collins, Darrell	N.J.	State	1990	Killed wife & 1-year-old son to collect life insurance	yes		yes
Cooper, Zachary	Va.	State	2004	Killed wife, 5-year-old daughter, & girlfriend	yes		yes
Cottrell, Chad	Ind.	State	2009	Sexually molested & killed 2 sisters, ages 10 and 12, & their mother while she slept	yes		yes
Crum, Girley	Or.	State	1997	Killed 5 family members, including 2 children (ages 5 years & 16 months)	yes		yes
Cruz, Nikolas	Fla.	State	2022	Killed 14 students & 3 staff at high school	Yes		yes
Daniels, Jerry	Conn.	State	1986	Raped & killed woman, killed another woman, slit throat of 3-year-old girl, almost decapitating her	Yes		yes
Davidson, Latine	Ind.	State	1986	Killed her 2 infants on 2 separate occasions	Yes		yes
Davis, Michael	Ohio	State	2008	Arson murder killed 4 children (ages 8, 5, 4, & 2) plus their mother & grandmother; 8 firefighters injured	Yes		yes
Davis, Terrance	Ohio	State	1999	Killed pregnant girlfriend & her 9-month-old fetus	Yes		yes

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Child</i>	<i>Law Enforcement</i>	<i>Multiple</i>
Day, Jason	Conn.	State	1991	Killed 4 people, including 4-year-old boy	Yes		yes
DeLong, Richard	Mo.	State	2002	Killed 3 children, his own unborn child, & pregnant mother.	Yes		yes
Diaz, Felix	N.J.	State	1989	Beat, shot, & stabbed 47-year-old male relative & 8-year-old niece, then set bodies on fire; shot former lover repeatedly & burned body	Yes		yes
Drummond, Gerald	Pa.	State	2011	Killed 27-year-old man (sister's boyfriend) & 14-year-old boy	Yes		yes
Ducic, Marc	Ohio	State	2004	Killed girlfriend & friend 16 months apart through injections of drug cocktails	Yes		yes
Edelin, Tommy	D.C.	Fed.	2004	14 drug-related murders, including 14-year-old; attempted to have another dozen people killed.	Yes		yes
Felts, William	Ga.	State	2016	Rape & murder of 13-year-old girl & murder of her 14-year-old male cousin	Yes		yes
Finch, Charles	Wash.	State	2000	Killed blind friend of ex-wife & sheriff's deputy		yes	yes
Fleer, Eugene	Mo.	State	1991	Drowned 3-year-old boy; strangled & drowned 15-year-old babysitter	Yes		yes
Garcia, Adair	Cal.	State	2005	Killed his 5 children by smothering.	Yes		yes
Gaxiola, Albert	Ariz.	State	2011	Hired 2 people to kill drug dealer rival. Victims were adult male drug dealer & his 9-year-old daughter	Yes		yes
Gaytan, Brendon	Tex.	State	2015	Killed 6-year-old & 2-year-old girl in drive-by shooting	Yes		yes
Grande, Oscar	Va.	Fed.	2005	MS-13 murder of pregnant 17-year old	Yes		yes
Guillory, Christopher	La.	State	1996	Killed man, his 15-year old son, & son's 14-year old friend	Yes		yes
Hamilton, Ronald	Va.	State	2018	Killed wife & police officer		yes	yes
Harper, Cornelius	Tex.	State	2014	Killed cousin, who was shot, & cousin's pregnant girlfriend, who was repeatedly stabbed, killing her 8½- month-old unborn child.	Yes		yes

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Child</i>	<i>Law Enforcement</i>	<i>Multiple</i>
Harris, Wesley	Ga.	State	2005	Killed young mother & her 2-year-old daughter; bodies were stuffed in trunk of car, & car set on fire	Yes		yes
Hartley, Kenneth	N.C.	State	2011	Stabbed to death 14-year-old half-brother; anal rape & strangulation murder of 9-year-old half-sister	Yes		yes
Hatley, Benny	Ark.	State	1985	Killed police chief & patrolman		yes	yes
Henderson, Philip Wayne	Cal.	State	1982	Triple murder of entire family, plus unborn fetus at 30 weeks old.	Yes		yes
Hendon, Eric	Ohio	State	2019	Killed man, his 18-year-old son, & 14-year-old daughter	Yes		yes
Herbert, Amy	La.	State	2009	Murder of 9-year-old daughter & 7-year-old son by stabbing	Yes		yes
Hogshooter, Russell	Okla.	State	2016	Murder of 6 people including 2 unborn babies	Yes		yes
Holmes, James	Colo.	State	2015	Multiple murder in Aurora theater shooting; 1 of 12 deceased victims was a 6-year-old child	Yes		yes
Hood, Jamie	Ga.	State	2015	Shot one officer to death, wounded another, & killed civilian.		yes	yes
Horn, Lawrence	Md.	State	1996	Ordered triple murder of quadriplegic 8-year-old son, wife, & nurse for son's \$2 million trust fund	Yes		yes
Hudson, Jack	Ariz.	State	1997	An officer himself, Hudson shot 2 unarmed officers who caught him stealing from the evidence room		yes	yes
Husband, Roland	Miss.	State	2009	Beat his wife until she was bloody, then shot both responding officers to death.		yes	yes
Hutchinson, Darrin	Wash.	State	1989	Arrested for drunk driving; during processing at jail, killed 2 deputy sheriffs, stole keys & fled in patrol car		yes	yes
Jackson, Clayton	Ky.	State	2011	Killed 2 parents with arrows, then used body of mother to light house on fire, killing 3 children by asphyxiation	Yes		yes
Johnson, Coleman "Mike"	Va.	Fed.	2001	Killed 8-month pregnant ex-girlfriend with pipe bomb	yes		yes

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Child</i>	<i>Law Enforcement</i>	<i>Multiple</i>
Jones, Sean Thomas	Wash.	State	2000	Killed 19-year-old girlfriend & her 14-month-old son while they were asleep	Yes		yes
Karam, Phillip	La.	State	2001	Killed wife & responding officer; wounded another officer		yes	yes
Kehoe, Chevie	Ark.	Fed.	1999	Robbery & murder of man, woman, & her 8-year-old daughter by placing plastic bags over their heads, weighing them down with rocks, & throwing them into bayou	Yes		yes
King, Levi	Tex.	State	2009	Broke into rural home & killed father, mother, 14-year-old son; 10 year-old daughter survived	Yes		yes
Kirk, Mark	Del.	State	1997	Started fire after arguing with girlfriend, fire spread through the apartment building & killed neighbor & two children, ages 17 and 8	Yes		yes
Landrum, Michael	Ala.	State	2005	Murder of 3-year-old daughter & her grandmother.	Yes		yes
Lawson, Eric	Mo.	State	2012	Killed ex-girlfriend & her mother. Set two fires, closed & locked apartment door, trapping & killing 10-month-old son; 3-year-old daughter suffered smoke inhalation but survived	Yes		yes
Lee, Deandra	Ala.	State	2018	Killed 9-year-old old twins & 73-year-old man	Yes		yes
Liu, Tse-Poong	Del.	State	1991	Assisted Vicky Chao in setting fire to house of her ex-lover, killing his wife, his mother & his 2-year-old daughter. Ex-lover survived.	Yes		yes
Loyd, Markeith	Fla.	State	2019	Killed ex-girlfriend & unborn child	Yes		yes
Lynch, Kenneth	S.C.	State	2012	Killed girlfriend & her 7-year-old daughter, bodies never found.	Yes		yes
Marshall, Sanford	Ind.	State	1993	Killed 2 police officers during robbery		yes	yes
Marzano, Rico	Md.	State	1989	Killed 2 women, pregnant in their third trimesters, & their husbands	yes		yes
McDowell, Robert	Pa.	State	2011	Killed 27-year-old man (boyfriend of co-defendant's sister) & 14-year-old boy	yes		yes

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Child</i>	<i>Law Enforcement</i>	<i>Multiple</i>
McEnroe, Joseph	Wash.	State	2015	Killed 6 members of ex-girlfriend's family, including 5-year-old & 3-year-old children	yes		yes
McKinney, Steven Charles	Tex.	State	2003	Convicted of capital murder of pregnant woman & her 5-year-old daughter, plus ordinary murder of another adult	yes		yes
McMains, Melvin	Md.	State	1991	Killed girlfriend & their 7-year-old son.	yes		yes
McNamara, Barry Wayne	Calif.	State	1986	Killed father, mother, aunt & 4 year-old daughter of aunt	yes		yes
Mills, Jonathan	Conn.	State	2004	Killed his aunt & her two children	yes		yes
Minerd, Joseph	Pa.	Fed.	2004	Arson resulting in death of pregnant woman, 3-year-old, & fetus.	yes		yes
Montemayor, Noah Daniel	Tex.	State	1999	Killed 2 men & wounded 2 others, including off-duty police officer during drug deal		yes	yes
Morrison, James David	Tex.	State	2012	Killed mother & sister of ex-girlfriend, shot ex-girlfriend & caused her to miscarry his unborn child.	yes		yes
Mosquera, Enrique	Tex.	State	1998	Convicted under law of parties for robbery murder of 2 adult males & 3-year-old boy	yes		yes
Moussaoui, Zacarias	Va.	Fed.	2006	20th hijacker of the September 11th attacks, which killed 2,977, including 8 children & 72 law enforcement officers	yes	yes	yes
Natson, Michael Antonio	Ga.	Fed.	2007	Killed pregnant college student	yes		yes
Nettles, Harold	Ind.	State	1989	Killed 5-year-old & child's mother	yes		yes
Nettles, Malik	Mo.	State	1999	Killed 15-year-old & her unborn child	yes		yes
Nichols, Brian	Ga.	State	2008	Killed judge, deputy, court reporter, & federal agent		yes	yes
Nichols, Terry	Colo.	Fed.	1998	Oklahoma bombing victims included children & federal officers	yes	yes	yes
Nichols, Terry	Okla.	State	2004	Oklahoma bombing victims included children & federal officers	yes	yes	yes

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Child</i>	<i>Law Enforcement</i>	<i>Multiple</i>
Nieto, Lawrence	N.M.	State	1997	Gang-related killing of man & woman, leaving 2 young children to die of dehydration & starvation	yes		yes
Northington, Steven	Pa.	Fed.	2014	Conspiracy involving 13 murders, including a 2004 arson that killed 6 people, 4 of them children ages 15, 12, 10 & 1	yes		yes
Oneal, Ronnie	Fla.	State	2021	Killed girlfriend & daughter; stabbed son who survived	yes		yes
Ortega, Richard Michael	N.M.	State	1991	Killed adult woman & 14-year-old girl	yes		yes
Perry, James	Md.	State	2001	Triple murder for hire: killed quadriplegic 8-year-old boy, his mother, & his nurse	yes		yes
Petrosky, Albert	Colo.	State	1996	Killed wife & sheriff's deputy		yes	yes
Phillips, Denny	Okla.	State	2016	Murder of 6 people, including 2 unborn babies.	yes		yes
Price, Kerrie	Ind.	State	2002	Shot to death 2 officers who chased him after a disturbance at an apartment complex		yes	yes
Ragin, John Moses	Va.	State	2014	Killed wife & 3 of her children (ages 6-15)	yes		yes
Reese, Michael	Md.	State	1994	Raped & killed wife, & killed their two sons, ages 7 & 3	yes		yes
Roseboro, Derek	Conn.	State	1990	Killed 72-year-old woman, her intellectually disabled & legally blind adult son, & 8-year-old granddaughter	yes		yes
Ross, Lester	Fla.	State	2015	Killed woman & her infant child by feeding rat poison	yes		yes
Rowe, Donnie	Ga.	State	2021	Killed 2 prison guards on inmate transport bus, then escaped & went on the run for 3 days		yes	yes
Rush, Harry	Mo.	State	1994	Killed ex-girlfriend's 8-year-old & 6-year-old daughters with ice pick, knives and boards	yes		yes
Santiago, Jose	N.Y.	State	2000	Killed 2-year-old & 14-year-old girls	yes		yes
Schrader, Kenneth Marion	Wash.	State	1991	Killed wife & injured 12-year-old stepson; also killed responding police officer		yes	yes
Scott, Michael James	Tex.	State	1999	Killed 4 girls in yogurt shop (ages 17, 17, 15, and 13)	yes		yes

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Child</i>	<i>Law Enforcement</i>	<i>Multiple</i>
Sherrill, Vincent	Wash.	State	1995	Killed 3 members of Hilltop Crips, his own gang (ages 16, 21 and 23)	yes		yes
Singleton, Richard	Calif.	State	1989	Killed 2 girls ages 14 & 17	yes		yes
Smith, Jason	Ill.	State	2008	Killed 4, including infant	yes		yes
Smith, Quentin	Ohio	State	2019	Killed 2 police officers		yes	yes
Smith, Susan	S.C.	State	1995	Killed 14-month-old & 3-year-old sons by drowning.	yes		yes
Stevenson, Sean Allen	Wash.	State	1987	Killed mother, stepfather, & sister. Raped & killed sister. Age 16 when crimes occurred, tried as an adult, pre- <i>Roper v. Simmons</i>	yes		yes
Stoddard, David	Ohio	State	2013	Killed a 16-year-old pregnant girl & injured a young woman in home invasion	yes		yes
Stone, Marc Stephen	Ala.	State	2019	Strangled & killed wife & 7-year-old son	yes		yes
Sullivan, Tommy	Ark.	State	1983	Killed 3 young women in Little Rock			yes
Thomas, Maron	Tex.	State	2013	Murder of mother, stepfather, brother, & sister who were shot to death & niece who was decapitated	yes		yes
Tighe, Daniel	Ohio	State	2015	Killed son & his girlfriend	yes		yes
Torres, Christopher Bryan	Tex.	State	2002	Killed father & his 5-year-old daughter during drug dispute	yes		yes
Utley, James	Ind.	State	1989	Killed 3-year-old & her mother	yes		yes
Walradt, Brodie	Wash.	State	2001	Killed fiancée pregnant at full-term with his child	yes		yes
Walter, Stephon	Tex.	State	2005	Killed 3, including pregnant woman	yes		yes
White, William	Cal.	State	1991	Killed 2 teenage boys	yes		yes
Wilcox, Toby	Ohio	State	2005	Killed man & infant during marijuana deal	yes		yes
Williams, Marion	Fla.	State	2021	Killed ex-boyfriend's 3 grandsons (ages 4, 8, & 10) in arson fire	yes		yes
Williams, Samuel	Ohio	State	2001	Arson murder of mother & 4 children	yes		yes
Wilson, Charles Amos	Ga.	Mil.	2017	Murder of 8½-months-pregnant fiancée & unborn daughter	yes		yes
Wood, Steven	Conn.	State	1984	Killed ex-wife, her friend, raped & killed his 15-year-old stepdaughter, & killed ex-mother-in-law	yes		yes

<i>Name</i>	<i>State</i>	<i>Type</i>	<i>Year of Verdict</i>	<i>Description</i>	<i>Child</i>	<i>Law Enforcement</i>	<i>Multiple</i>
Woodard, William	Ga.	State	2012	Killed 2 officers		yes	yes
Wright, Jeanne Ann	N.J.	State	1984	Drowned her four children (ages 7, 5, 2 years & 11-month-old)	yes		yes
Yates, Andrea	Tex.	State	2002	Murder of 5 children by drowning them in the bathtub.	yes		yes
Yates, Daniel	Wash.	State	1988	Convicted of raping, stabbing & shooting 3 runaway teenagers and killing 1 of them (13 years old)	yes		yes
Zimmerman, John William	Cal.	State	1980	Rape/murder of 12-year-old girl & murder of her 18-year-old brother	yes		yes