

# Death sentences, executions drop in 2008

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**WASHINGTON (CNN)** -- The number of executions in U.S. prisons hit a 14-year-low in 2008, continuing a downward trend and coinciding with a drop in juries handing out death sentences, according to a year-end report.

The high court ruled in April that lethal injection procedures in Kentucky were constitutional.

The Death Penalty Information Center estimates 111 defendants will be sentenced to death this year, the lowest figure since executions were reinstated in 1976.

Just 37 people were put to death in 2008, compared with a record amount of 98 executions in 1999. Texas carried out nearly half of this year's executions, and one state outside the South carried out executions -- Ohio, with two. No executions are scheduled for the rest of the year.

The reduced figures were helped by a de facto Supreme Court moratorium that put off any capital punishment for the first four months of 2008.

The high court ruled in April that lethal injection procedures in Kentucky were constitutional, lifting an unofficial ban on the procedure that had been in place for about eight months while the justices considered the appeal. That case involved convicted murderers Ralph Baze and Thomas Bowling, who both remain on death row in that state.

Executions resumed nationwide in May.

"We were surprised that the surge in executions that we expected after Baze did not happen," said Richard Dieter, Executive Director of DPIC, a non-profit resource organization that opposes capital punishment.

"Courts, legislatures and the public are increasingly skeptical about the death penalty, whether those concerns are based on innocence, inadequate legal representation, costs, or a general feeling that the system isn't fair or accurate."

It was unclear whether state prosecutors would be more willing to push for capital sentences in the wake of the Supreme Court ruling. However, death sentences have declined since the mid-

1990s, when states began passing laws making it easier for prosecutors to seek life in prison without parole instead of death.

Currently, 36 states and the federal government have the death penalty. New Jersey banned the death penalty this year, and Maryland is set to consider a similar proposal next year.

Nebraska's highest court found hanging, the state's sole method of execution, was "cruel and unusual punishment," leaving lawmakers at odds whether to replace it with lethal injection or prohibit executions altogether.

However, the U.S. military is moving ahead with executions for the first time since 1961. A former U.S. Army soldier was scheduled to die Wednesday at a federal prison in Indiana, but a judge postponed the procedure to allow lawyers to file more appeals.

Pvt. Ronald Gray has been on the military's death row at Fort Leavenworth, Kansas, since 1988. A court-martial panel sitting at Fort Bragg, North Carolina, unanimously convicted him of committing two murders and other crimes in the Fayetteville, North Carolina, area and sentenced him to death. President Bush in July approved the execution.

In another high-profile case, the Supreme Court in June banned Louisiana's effort to execute child rapists, saying lethal injection should only apply to murderers.

Dieter noted the current struggling economy may force more states to look more closely at the costs associated with the death penalty.

California, for example, has an especially long mandatory appellate process for condemned prisoners, which can last two decades or more. A report by a commission in California estimated \$138 million was spent each year prosecuting, incarcerating and handling appeals of the estimated 667 current death row cases, bringing the system "close to collapse."