

# Report: Death sentences decline; death rows shrink

**AP** Associated Press



*AFP/File – An anti-death penalty activist holds a sign during a rally outside the US Supreme Court in June.*

*By MARK SHERMAN, Associated Press Writer Mark Sherman, Associated Press Writer –  
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WASHINGTON – Texas and other states that lead the nation in executions are sentencing many fewer inmates to death, a trend that slowly is reducing the death row population in the United States, a report from an anti-capital punishment group says.

There were 106 death sentences imposed in 2009, the Death Penalty Information Center estimated in its annual report released Friday. That number is the smallest since capital punishment was reinstated in 1976 and compares with an annual average of 295 death sentences during the 1990s.

Fifty-two people were put to death in 11 states this year, nearly half as many executions as 10 years ago.

The center, which opposes capital punishment, attributes the drop in both executions and new death sentences to fears of executing the innocent, concerns about the high cost of the death penalty and laws that allow inmates to be sentenced to life in prison without parole.

Nine men who had been sentenced to death were exonerated and freed in 2009, the second highest-number of exonerations since the death penalty was reinstated, the report said.

Texas, which continues to far outpace other states in executions, has seen its death row population decline by more than a quarter in 10 years, mainly because of the decrease in death sentences. Harris County, Texas, which includes Houston and all by itself has put more people to death than any state other than Texas, has had no new death sentences for the past two years.

Statewide, nine people were sentenced to death in Texas in 2009, compared with 48 in 1999 and an annual average of 34 in the 1990s.

Ohio and Virginia — other states among the annual leaders in executions each year — recorded just one new death sentence each, although another Ohio inmate was resentenced to death by a three-judge panel after his sentence was twice overturned.

Robin Piper, prosecuting attorney in Butler County in conservative southwest Ohio, said horrific cases that appear to demand a death sentence often become more complicated as the facts of the case emerge.

"For those jurors who are potentially squeamish or reluctant to sit in judgment or to exercise the death penalty, life in prison without parole becomes a very viable option they can feel safe and secure with," Piper said.

James Alan Fox, a criminology professor at Northeastern University in Boston, said two other factors probably are at work, the historically low crime rate and the Supreme Court's decisions to keep juveniles and the mentally disabled from being executed.

"The potential pool of offenders who are eligible for execution is smaller," Fox said.

Money, especially during the economic downturn, also is playing a role in states' consideration of the death penalty, the report said. New Mexico became the 15th state to abolish the death penalty and 10 other states at least considered repealing it. In Connecticut, the legislature approved repeal, but Gov. Jodi Rell vetoed the measure.

"The death penalty is a wasteful program. It is very inefficient," said Richard Dieter, the center's executive director and the report's author. "These are the sorts of things you become wiser about when you go through an economic crisis." Everything about a death case — the trial, the appeals, the imprisonment — costs more than the average criminal prosecution.

The nationwide death row population has shrunk by nearly 10 percent in the past 10 years, but still tops 3,000.

Even in Texas, around 330 people remain on death row and the state already has scheduled six executions for 2010. Ohio, with roughly 175 inmates on death row, has six executions scheduled.

Two other states with large death row populations — California and Pennsylvania — have abandoned executions, at least temporarily.

California has roughly 690 inmates and Pennsylvania, 225.

California last carried out an execution in 2006, after which a federal judge ordered changes to the death chamber and better training for the team of executioners that is charged with injecting inmates with a lethal dose of drugs.

The state spends \$137 million a year on new capital trials, a thoroughly backlogged appeals process and security for the inmates. Roughly 75 have lived on death row for more than 25 years and roughly the same number are 60 or older.

Pennsylvania hasn't executed anyone in 10 years. The three inmates it has put to death since 1976 all gave up appeals that would have extended their lives by years, if not blocked their executions altogether.

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Associated Press writers Michael Graczyk in Houston and Andrew Welsh-Huggins in Columbus, Ohio, contributed to this report.