

# CAPITAL PUNISHMENT REFORM STUDY COMMITTEE

## Agenda for meeting on September 22, 2009

The meeting will be held at 1 PM on Tuesday, September 22 at the office of Jenner & Block, 330 North Wabash Avenue, 40th Floor, Chicago, IL. The conference call in number is 888-363-4734, access code 4209525, host code 7732.

1. Approval of minutes of July 7, 2009.
2. Welcome newly appointed member, Eric C. Weis, appointed to subcommittee 1.
3. Funding for FYE 6/30/10, administration of budget, and contract with Loyola University.
4. Status of Fifth Annual Report – report by Mr. Sullivan.
5. Report by David Olson re survey to law enforcement departments, and contacts with non-responding departments.
6. Subcommittee reports.

### *Subcommittee 1: Police and investigations.*

James R. Coldren, Jr.  
Richard D. Schwind

Geoffrey R. Stone  
Eric C. Weis

Discussion of subcommittee's recommendation of blind administrators or blind procedures for eyewitness identifications, attached as Appendix 1.

Discussion of other recommendations of subcommittee 1 – report by Mr. Coldren.

*Subcommittee 2: Eligibility for capital punishment and proportionality.*

Leigh B. Bienen  
Kirk W. Dillard

Thomas P. Sullivan  
Michael J. Waller

Discussion of status of collection of indictments, and case specific details.

See attached email from Robert O'Malley to Mr. Sullivan, July 19, 2009, and attached list of Public Defender capital cases, late 1990s to present, attached as Appendix 2.

*Subcommittee 3: Trial court proceedings.*

Jeffrey M. Howard  
Boyd J. Ingemunson

Edwin R. Parkinson  
Randolph N. Stone

Discussion of recommendations re jury instructions, attached as Appendix 3.

*Subcommittee 4: Post-conviction proceedings, DNA and general topics.*

Jennifer A. Bishop-Jenkins  
Walter Hehner

Charles M. Schiedel  
Arthur L. Turner

Discussion of recommendation approved by subcommittee 4 (see Committee minutes of October 22, 2008, pages 9-10):

“After talking to the ILAC leaders our subcommittee would like to make a recommendation to the CPRSC as a whole for our full approval and hopeful action:

“We would like the CPRSC to officially ask the State Legislature to bring more resources and attention into their concerns over compliance, obtaining information, and the other concerns that arise from the lab system in the state being BOTH public and private. They are having trouble getting anyone in Springfield to pay attention to their requests for some sort of (I won’t say ‘enforcement’ power) ability to maintain a consistent standard, or obtain consistent information from all the labs, and get them to talk to each other even consistently. The State Legislature needs to step in and make some infrastructure support possible for ILAC to be able to do its job.

“Unless some steps are taken in this direction, there will be little ability to improve the legally vital laboratory procedural issues that challenge our state.”

Discussion of current DNA backlogs in ISP labs – report by Mr. Hehner.

Discussion of funding Public Defenders through Capital Litigation Trust Fund – report by Messrs. Howard and Schiedel.

Mr. Sullivan report on contact with Chief Judge Evans re funds available in Cook County for privately appointed lawyers in capital cases.

Discussion of study of incremental cost of capital punishment cases in Illinois.

Discussion of Resolution 297, re incremental cost of capital cases, attached as Appendix 4.

7. Other business.

TPS  
TPS  
8/25/09

Attachments - Appendices 1 - 4.

Original recommended language:

*Legislation should be enacted requiring that whenever practicable the administrator of an eyewitness lineup or photo spread should not be aware of which member of the array is the police suspect.*

Chip's revised language (with one revision, from Geof Stone):

Legislation should be enacted that requires blind administration of lineups and that permits several different administration options, such as: live lineups, photo-spread lineups using the 'folder' method, or computer-generated lineups. The double blind method should be the ~~preferred~~ required method, so that the administrator of the lineup is not aware of which individual in a lineup array is the police suspect. When an independent administrator is not available, a photo array must be used (the folder method, or a computer-generated method), and the lineup procedure must insure that the lineup administrator does not know the point in the sequence of photos that the suspect's photo appears, and does not know which photo a witness is viewing at any time during the procedure.

**From:** Omalley, Robert L. [romall3@uic.edu]  
**Sent:** Sunday, July 19, 2009 11:05 PM  
**To:** Sullivan, Thomas P  
**Subject:** [Fwd: Proportionality Study of Capital Cases from PD office]

**Attachments:** excel project.xls



excel project.xls  
(54 KB)

Mr. Sullivan,

This is a list of all the capital cases that the Public Defender's Office has on file from the late 90's to the present. In the attached spreadsheet is a list of defendant's names, case numbers, race of client, race of victim, and the qualifier. There are a few things that have not been filled in, I am still tracking down those lawyers. If you have any questions please feel free to email me.

Bob O'Malley  
Co-Captain of UIC Mock Trial Team  
Intern for the Cook County Public Defender's Office

Def. name	Case #	Race Of Client	Race Of Victim	Attorney Qualifier
Tiffany Cox	09CR0358104	AA	AA	Anderson FM
Rozlynn Rodgers	08CR0987801	AA	AA	Anderson v<12
Kenneth Starr	08CR19099	WH	WH	Belender FM
Donald Hardy	08CR1736601	AA	AA	Belender v>60
James Gardner	04CR18708(01)	AA	AA	Belender n/a
Michael Gonzalez	08CR1471501	HISP	WH	Binstock FM
Earl Jones	06CR1497001	AA	AA	Brice FM
Rayvonne Wilson	05CR1093601	AA	AA	Brice PRIOR
Elbert Dunigan	06CR0054001	AA	AA	Brice FM
Ignacio Castellano	08CR04784	HISP	HISP	Brice 3-2 bodies
Darren Outlaw	02CR32142	AA	AA	Brice 3-2_bodies
Bree Williams	03CR7027	AA	AA	Brice FM
Michael Johnson	03CR8356	AA	Wh	Brown n/a
Vashaun Williams	07CR1991801	AA	AA,AA	Brown 3-2_bodies
Johnnie Green	09CR0381601	AA	AA	Brown PRIOR
Angel Ford-Wright	04CR18528	AA	AA	Brown 3-2_bodies
Angel Ford-Wright	04CR18529	AA	AA	Brown COLD
Jimmie Marshall	06CR25753	AA	WH	Carbellos FM
Christopher Kronenberg	07CR2266	WH	HISP	Carbellos FM
Carnell Taylor	06CR0114101	AA	ARAB	Carr FM
Carlos Gardner	05CR2071501	AA	AA	Carr FM
Barry Burrell	06CR2122601	AA	AA	Carr v<12
Lumont Griffin	04CR20163	AA	AA	Collins Prior
India Williams	02CR0341302	AA	WH	Collins FM
Anthony Thompson	01CR3113101	AA	AA	Collins PRIOR
James McRoy	02CR1249501	AA	AA	Conniff ORD/PRO
Gabriel Sloan	07CR1808302	AA	AA	Conniff v<12
Larry Countee	06CR2533301	AA	AA	Conniff 3-2_bodies
Jorge Dominguez	05CR2487601	HISP	HISP	Conniff FM
Bernard Middleton	03CR11171	AA	AA	Conniff n/a
Henry Jones	06CR14382	AA	AA	Conniff n/a
Arthur Brown	81118809	AA	AA,AA,AA,AA,AA	Copp 3-2_bodies

Jonathan Franklin	08CR03669	AA	AA	Davis	PRIOR
Timothy Brown	09CR04986	AA	AA	Davis	FM
Shaun Patterson	04CR17334	AA	AA	Donahy	FM
Leward Cooper	99CR3090			Figura	
Lynn Hile-Sloan	07CR18083			Figura	DISABLED
William Smith	04CR21589	AA	AA,AA,AA	Figura	3-2 bodies
Caroline Peoples	04CR18530(02)	AA	AA,AA,AA,Hisp	Fitzsimmons	3-2 bodies
Anthony Williams	02CR3413	AA	Wh	Fitzsimmons	FM
Drexel Ellis	05CR25351	AA	AA	Foster	
David Banks	05CR17342	AA	Wh,Asian	Foster	FM
Carlos Beltran	07CR08746	HISP		Fryman	v<12
Charles Armstrong	03CR7027	AA	AA	Fryman	
William Crowder	05CR25548(03)	AA	AA	Fryman	
Robin Johnson	08CR14022	AA	WH	Galhotra	COP
Linda Gilbert	06CR1206	AA	AA	Galhotra	v<12
Johnny Hill	01CR30910	AA	AA	Galhotra	ORD/PRO
Daniel Solis	08CR12598	HISP	AA	Glennon	FM
James Jackson	09CR06853	AA	AA	Glennon	FM
Gary Allard	03CR11233	Wh	Arab	Glennon	FM
Jamal Murphy	05CR5895	AA	AA	Glennon	FM
Bobby Ball	04CR24823	AA	AA	Grzeca	
Kevin Taylor	01CR226774	AA	AA	Grzeca	
Kevin Taylor	01CR22676	AA	AA	Grzeca	
Kevin Taylor	01CR22679	AA	AA	Grzeca	
Kevin Taylor	01CR22678	AA	AA	Grzeca	
Verna Colbert	04CR18541	AA	AA	Herigodt	v<12
Donell Parker	07CR12137	AA	AA	Herigodt	v<12
Rudolph Murichson	01CR11457	AA	AA	Herigodt	FM
Thomas Shaw	06CR20388			Johnson	PRIOR
Shannon Bennit	09CR03978			Johnson	3-2_bodies
Burnette Herman	08CR05530			Johnson	FM
Rodney Atkins	03CR22832	AA	Wh	Jones	FM
Sammie Daniels	02CR20245	AA	AA,Wh	Jones	3-2 bodies

James Pender	05CR9346	Wh	Wh	Jones	ORD/PRO
Jeremiah Harris	08CR06003	AA	AA	Jones	FM
Jerome Tate	06CR5129	AA	AA	Jones	FM
Robert Anderson	03CR7356	Hispanic/AA	Hispanic, Hispanic	Jordan	3-2 bodies
Devon Terrell	04CR30633	AA	AA	Jordan	PRIOR
Devon Terrell	05CR7409	AA	AA	Jordan	3-2 bodies
Darius Bailey	06CR23476	AA	WH	Justic	FM
Sedronio Alonso	02CR23247	Hispanic	Hispanic	Katz	
Tameka Newson	05CR13777	AA	AA,AA	Katz	3-2 bodies
Eric Williams	03CR10756	AA	AA	Kennelly	
Phyllis Carpenter	06CR19612	AA	AA	Koehler	FM
Darryl Shannon	05CR06899	AA	AA	Koehler	FM
Juan Ortiz	04CR13375	HISP	HISP	Koehler	FM
Robert Horton	06CR26750	AA	AA	Koehler	FM
Ronnie Carpenter	05CR29112	AA		Koehler	n/a
Darryl Shannon	05CR6898	AA	AA	Koehler	FM
Timothy Fountain	07CR10190	AA	HISP,HISP	Lisco	FM/3-2_bodies
Reginald Potts	08CR06600	AA	AA	Marchigie	FM
James Scott				Mayfield	
Martin Ybarra	09CR05916			Mayfield	v<12
Carlos Hensley	08CR14024			Mayfield	Fm
James Degorski	02CR15430	Wh	Wh,Wh,Wh,Wh, F	Mayfield	3-2 bodies
Martha Jean	05CR10038(02)	AA	AA,AA	Mayfield	3-2 bodies
Elpidio Cruz-Colon	05CR28642	Hispanic	Wh	Mayfield	
Elpidio Cruz-Colon	05CR28643	Hispanic	Wh	Mayfield	
Brennetta Ingram	04CR17334	AA	AA	Mayfield	
Travis Weston	05CR13345	AA	AA	Mayfield	
Kevin Barker	02CR30054	AA	AA	McBeth	FM
Richard Anderson	03CR16322	Wh	Wh	McBeth	3-2 bodies
Carl Reed	01CR20237	AA	Asian	McBeth	v>60
Carl Reed	01CR20237	AA	Asian	McBeth	FM
Darryl Evans	08CR16639	AA	AA	McBeth	FM
Nathaniel McCray	06CR9038	AA	Wh	McBeth	FM

Marcello Maldonado	99CR23858	Hispanic	Hispanic	McBeth	FM
Larry Wells	00CR21876	AA	AA	McBeth	Driveby
Cavanaugh Hughes	06CR26160	AA	AA	McBeth	FM
Charles Hill	05CR26733	AA	AA	McKeigue	v<12
Katrina Battiste	04CR22049	AA	AA	Moffett	FM
Pierre Martinez	02CR31134	Hispanic	Hispanic, Hispanic	Moffett	FM
Tyrin Smith	02CR19986	AA	AA	Moffett	FM
Emmit Weatherspoon	05CR4691	AA	AA	Moffett	FM
Larry Barlow	06CR16939	AA	AA	Moffett	FM
Sean Robertson	07CR23081	AA	AA	Moffett	FM
Michael Williams	04CR451	AA	AA	Moffett	v<12
Deandre Howard	09CR08815	AA	AA	Mullenix	3-2_bodies
Patrick Taylor	07CR18462	AA	AA	Mullenix	FM
Mila Petrov	07CR08746	WH	WH	Mullenix	v<12
Timothy Bronkala	06CR07970	WH	WH	Nolan	v<12
Subhash Chandler	08CR01823	Hindi	Hindi	Nolan	3/2_bodies
Elliott Peterson	05CR10668	AA	AA	Nolan	FM
Alvin Perkins	07CR16070	AA	WH	Nolan	ORD/PRO
Michael Minnifield	09CR09023	AA	AA	Palmer	
Irving Madden	04CR13399	AA	Indian, Wh	Palmer	FM
David Hernandez	03CR1190	Hispanic	Hispanic	Parris	v<12
John Small	08CR06330	AA	AA	Piemonte	COLD
Tony Shanklin	04CR13517	AA	AA	Piemonte	FM
Janet Murphy	07CR13018	WH	WH	Piemonte	V>60
Clifford Roberts	05CR1504	AA	AA	Piemonte	v<12, FM
Nino Abraham	08CR13636	HISP	HISP	Piemonte	DRIVEBY
Steven Noble	05CR18887(03)	AA	AA	Piemonte	NOT GUILTY
Janet Yuris	05CR19215		Wh	Piemonte	n/a
David Sidener	08CR21918	WH		Placek	FM
Lamont Donegan	08CR13128	AA	AA	Placek	FM
Brian Gilbert	07CR10976	AA	AA	Placek	FM,3-2_bodies
Jesus Hernandez	02CR10036	Hispanic	Hispanic	Placek	FM
Thurman McGowan	02CR16806	AA	Wh	Placek	FM

Ollie Richman	04CR29749	AA	AA	AA	Ross
John Brown	05CR18295	AA	AA	AA	Ross
Lamaine Jefferson	00CR18344	AA	Wh	Wh	Ross
Jermaine Johnson	06CR7487	AA	AA	AA	Ross
Nicholas Gutierrez	04CR6151	Hisp	Wh	Wh	Sarley FM
Henry Myles	09CR06988	AA	AA	AA	Sarley v<12
David Earnese	04CR27431	AA	AA	AA	S. Smith CONTRACT
David Giocondi	03CR4703	Wh	Wh	Wh	S. Smith FM
Shawn Thigpen	05CR26928	Wh/AA	AA	AA	S. Smith FM
Tovolan Williams	08CR15108	AA	AA	AA	Stach 3-2_bodies
Davon Mabry	04CR24248(01)	AA	AA	Asian	Stach FM
Christopher Padilla	04CR29647	Hisp	Hisp	Hisp	Stach v<12
Jamal Robinson	08CR08126	AA	AA	AA	Stahl v<12
Lewis Lashley	05CR16756	AA	AA	HISP/WH	Stahl FM
Decedrick Walker	99CR13912	AA	AA	AA	Stahl FM
Kevin Rucker	08CR04885	AA	AA	AA	Streff 3-2_bodies
William Williams	07CR18351	AA	AA	AA	Strunck FM
Alfredo Ramos	01CR189273	Hisp	Hisp, Hisp	Hisp, Hisp	Strunck
Jesus Castillo	03CR3231	Hisp	Asian, Pacific Isla	Asian, Pacific Isla	Thompso FM
Corey Lloyd	03CR6536	AA	AA	AA	Thompso FM
Paul Runge	01CR17930	WH	WH	WH	Thompso FM
Paul Runge	01CR17931	WH	WH	WH	Thompso PRIOR
Paul Runge	01CR17928	WH	HISP	HISP	Thompso PRIOR
Michael Thorpe	06CR2080	AA	AA	AA	Thompso n/a
William Balfour	09CR00762	AA	AA	AA	Thompso 3-2_bodies
Kenyatta Brown	07CR18499	AA	AA	AA	Wilson PRIOR
Jamarr Jackson	08CR16639	AA	AA	AA	Wilson FM
Robert Clark	04CR30616	AA	AA	AA	Wolf FM
McKinley Callahan	08CR05125	AA	AA	AA	Wolf ORD/PRO
TJ Adams	08CR17565	AA	AA	AA	Wolf FM
Jerry Boston	06CR00164	AA	AA	AA	Wolf 3-2_bodies
Jeffery Bower	01CR18019	AA	AA,AA	AA,AA	Wolf 3-2_bodies
Robert Clark	04CR30616	AA	AA	AA	Wolf FM

Willetta Ellis	09CR06124	AA	AA	Woodbur CONTRACT
Daryoush Ebrahimi	07CR05823	ARAB/WH	ARAB/WH	Woodbur 3-2_bodies
Edgar Silva	09MC120386	HISP	HISP	Woodbur COP
Vennis McCall	08CR09594	AA	AA	Yi 3-2_bodies

TPS

----- Original Message -----

From: Jeffrey Howard <jhoward@cookcountygov.com>

To: Sullivan, Thomas P

Sent: Wed Jul 15 11:38:33 2009

Subject: Fwd: Jury Instructions (Attachments 1-11)

Here are the jury instruction attachments my sub-comm submitted. Attachment 9 was amended so that death is not the sentence. However, that amendment is not reflected in the attachment. We discussed amending attachment 9 at a full comm mtg, so your minutes should reflect that amendment. The only change b/t attachment 9 and the IPI is the substitution of "considering" for "weighing." Jeff

## ATTACHMENT - 1

“If any one of you believes that a mitigating factor is supported by the evidence, you may consider it in arriving at your decision even though all or some of the other jurors do not believe the mitigating factor is supported by the evidence.”

This instruction is consistent both with our new statute and with the *Maryland v. Mills* principle. If the Committee is not willing to accept these as the standard instructions, the Committee Comments should at least reflect the Committee’s determination that a trial judge would not violate the law by giving an instruction on nonunanimity as to the existence and importance of mitigating factors.

## ATTACHMENT - 2

IPI 3.15 should also be amended to add a final sentence which states as follows:

“Eyewitness testimony should be carefully examined in light of other evidence in the case.”

### **ATTACHMENT - 3**

The State has introduced the testimony of an in-custody informant as to a statement allegedly made by the defendant. Such testimony is to be examined and weighed by you with care. Whether the in-custody informant's testimony has been affected by interest or prejudice against the defendant is for you to determine. In making this determination, you should consider: (1) whether the in-custody informant has received anything, or expects to receive anything, in exchange for his/her testimony; (2) any other case in which the in-custody informant testified or offered statements against an individual but was not called, and whether the statements were admitted in the case, and whether the in-custody informant received any deal, promise, inducement, or benefit in exchange for that testimony or statement; (3) whether the in-custody informant has ever changed his/her testimony; (4) the criminal history of the in-custody informant; and (5) any other evidence relevant to the in-custody informant's credibility.

## ATTACHMENT - 4

“You have before you evidence that the defendant made a statement relating to the offenses charged in the indictment. It is for you to determine [whether the defendant made the statement and, if so,] what weight should be given to the statement. In determining the weight to be given to a statement, you should consider all of the circumstances under which it was made. You should pay particular attention to whether or not the statement is recorded, and if it is, what method was used to record it. An electronic recording that contains the defendant’s actual voice or a statement written by the defendant may be more reliable than a non-recorded summary.”

## **ATTACHMENT - 5**

“If any one of you finds that a mitigating factor listed in these instructions is supported by the evidence, you must treat that mitigating factor as a reason why the defendant should not be sentenced to death. You may not treat that listed mitigating factor as a reason why the defendant should be sentenced to death.”

## **ATTACHMENT - 6**

Under the law, the defendant shall be sentenced to death if you unanimously find after considering the factors in aggravation and mitigation that death is the appropriate sentence.

If after considering the factors in aggravation and mitigation one or more jurors determines that death is not the appropriate sentence, the court shall impose a sentence [ (other than death) (of natural life imprisonment, and no person serving a sentence of natural life imprisonment can be paroled or released, except through an order by the Governor for executive clemency) ].

**ATTACHMENT - 7**

In deciding whether the defendant should be sentenced to death, you should consider all the aggravating factors supported by the evidence and all the mitigating factors supported by the evidence.

Aggravating factors are reasons why the defendant should be sentenced to death. Mitigating factors are reasons why the defendant should not be sentenced to death. Aggravating factors include:

First:

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(Insert any statutory aggravating factor or factors found by the jury at the first stage of the death penalty hearing)

Second: Any other reason supported by the evidence why the defendant should be sentenced to death.

Where there is evidence of an aggravating factor, the fact that such aggravating factor is not a factor specifically listed in these instructions does not preclude your consideration of the evidence.

Mitigating factors include:

First: [(Any or all of the following) (The following)] is supported by the evidence:

The defendant has no significant history of prior criminal activity.

The murder was committed while the defendant was under the influence of an extreme mental or emotional disturbance, although not such as to constitute a defense to prosecution.

The murdered person was a participant in the defendant's homicidal conduct or consented to the homicidal act.

The defendant acted under the compulsion of threat or menace of the imminent infliction of death or great bodily harm.

The defendant was not personally present during the commission of the act or acts causing death.

The defendant's background includes a history of extreme emotional or physical abuse.

The defendant suffers from a reduced mental capacity.

**ATTACHMENT - 7 (continue)**

Second: Any other reason supported by the evidence why the defendant should not be sentenced to death.

Where there is evidence of a mitigating factor, the fact that such mitigating factor is not a factor specifically listed in these instructions does not preclude your consideration of the evidence.

If you unanimously determine from your consideration of all the evidence after considering the factors in aggravation and mitigation that death is the appropriate sentence, then you should sign the verdict requiring the court to sentence the defendant to death.

If after considering the factors in aggravation and mitigation one or more jurors determine that death is not the appropriate sentence, then you should sign the verdict requiring the court to impose a sentence [(other than death) (of natural life imprisonment)].





## **ATTACHMENT - 10**

“Psychological studies have shown that indicating to a witness that a suspect is present in an identification procedure or failing to warn the witness that the perpetrator may or may not be in the procedure increases the likelihood that the witness will select one of the individuals in the procedure, even when the perpetrator is not present. Thus, such behavior on the part of the procedure administrator tends to increase the probability of a misidentification.

This information is not intended to direct you to give more or less weight to the eyewitness identification evidence offered by the state. It is your duty to determine whether that evidence is to be believed. You may, however, take into account the results of the psychological studies, as just explained to you, in making that determination.”

## ATTACHMENT - 11

In this case, the defendant, \_\_\_\_\_ (*insert name*), is of a different race than \_\_\_\_\_ (*insert name of identifying witness*), the witness who has identified [him] [her]. You may consider, if you think it is appropriate to do so, whether the fact that the defendant is of a different race than the witness has affected the accuracy of the witness' original perception or the accuracy of a later identification. You should consider that in ordinary human experience, some people may have greater difficulty in accurately identifying members of a different race than they do in identifying members of their own race.

You may also consider whether there are other factors present in this case which overcome any such difficulty of identification. [For example, you may conclude that the witness had sufficient contacts with members of the defendant's race that [he] [she] would not have greater difficulty in making a reliable identification.]

**Bill Status of SR0297** 96th General Assembly

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**Short Description:** DEATH PENALTY COSTS

**Senate Sponsors**

Sen. [Don Harmon](#), [Dale A. Righter](#) and [Kirk W. Dillard](#)

**Last Action**

Date	Chamber	Action
5/28/2009	Senate	<b>Resolution Adopted; 056-000-000</b>

**Synopsis As Introduced**

Directs the Illinois Criminal Justice Information Authority to conduct a study of the costs of the death penalty in Illinois and a parallel study of the costs of sentencing persons convicted of first degree murder to life imprisonment, so as to provide a direct cost comparison on the same level of detail as the costs of the death penalty and report its findings to the Senate.

**Actions**

Date	Chamber	Action
5/21/2009	Senate	Filed with Secretary
5/21/2009	Senate	Referred to <a href="#">Assignments</a>
5/27/2009	Senate	Assigned to <a href="#">State Government and Veterans Affairs</a>
5/27/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Dale A. Righter</a>
5/27/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Kirk W. Dillard</a>
5/27/2009	Senate	Waive Posting Notice
5/28/2009	Senate	Be Adopted <a href="#">State Government and Veterans Affairs; 006-000-000</a>
5/28/2009	Senate	Placed on Calendar Order of Secretary's Desk Resolutions
5/28/2009	Senate	<b>Resolution Adopted; 056-000-000</b>

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**Appendix 4**  
**(Agenda)**

SR0297

LRB096 12741 RLC 27121 r

1

SENATE RESOLUTION

2           WHEREAS, In January of 2000, former Illinois Governor  
 3 George Ryan declared a moratorium on executions in Illinois;  
 4 before the moratorium, 13 death row inmates were exonerated and  
 5 found innocent of the crimes for which they were originally  
 6 sentenced to death; and

7           WHEREAS, Since 2000, six more death row inmates have been  
 8 exonerated and found innocent of the crimes for which they were  
 9 originally sentenced to death; most recently, Nathson Fields  
 10 was acquitted on April 8, 2009; the current number of  
 11 exonerations in Illinois is 19, and Illinois is second only to  
 12 Florida in the number of exonerations from death row; and

13           WHEREAS, There is no safeguard to ensure that an innocent  
 14 person will not be put on death row; the Illinois Commission on  
 15 Capital Punishment formed by Governor Ryan in 2000 to study the  
 16 death penalty in Illinois concluded that "no system, given  
 17 human nature and frailties, could ever be devised or  
 18 constructed that would work perfectly and guarantee absolutely  
 19 that no innocent person is ever again sentenced to death"; and

20           WHEREAS, Despite the implementation of reforms to  
 21 Illinois' death penalty system by both the Illinois General  
 22 Assembly and the Illinois Supreme Court, there remains no

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LRB096 12741 RLC 27121 r

1 sufficient safeguard against additional innocent persons being  
 2 convicted of murder and sentenced to death; and

3           WHEREAS, The cost of the death penalty is prohibitive; the

4 average cost of a trial in a federal death case is about 8  
5 times that of a federal murder case in which the death penalty  
6 is not sought; every state that has done a cost study has found  
7 death penalty cases cost millions to hundreds of millions more  
8 than non-death cases, including cases in which the defendant  
9 receives life without parole; and

10 WHEREAS, A cost study done in the State of New Jersey found  
11 the death penalty has cost New Jersey taxpayers \$253 million  
12 more than the costs that would have been incurred in a system  
13 with a maximum sentence of life without parole; the study  
14 examined the costs of death penalty cases to prosecutor  
15 offices, public defender offices, courts, and correctional  
16 facilities, and the report's authors wrote that the cost  
17 estimate is "very conservative" because other significant  
18 costs uniquely associated with the death penalty were not  
19 available and, "from a strictly financial perspective, it is  
20 hard to reach a conclusion other than this: New Jersey  
21 taxpayers over the last 23 years have paid more than a quarter  
22 billion dollars on a capital punishment system that has  
23 executed no one" the report concluded; since 1982, there have  
24 been 197 capital trials in New Jersey and 60 death sentences

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1 imposed, of which 50 were subsequently reversed; there have  
2 been no executions, and 10 men are housed on death row; Michael  
3 Murphy, former Morris County prosecutor, remarked: "If you were  
4 to ask me how \$11 million a year could best protect the people  
5 of New Jersey, I would tell you by giving the law enforcement  
6 community more resources; I'm not interested in hypotheticals  
7 or abstractions, I want the tools for law enforcement to do  
8 their job, and \$11 million can buy a lot of tools"; and

9 WHEREAS, Death penalty cases are more expensive at every  
10 stage of the judicial process than similar non-death cases;  
11 death penalty cases cost more to try, hear, appeal, and  
12 incarcerate than non-death cases; a new study in the State of

13 Maryland released by the Urban Institute on March 6, 2008  
14 forecasted that the lifetime expenses of capitally prosecuted  
15 cases since 1978 will cost Maryland taxpayers \$186 million; the  
16 study estimates that the average cost to Maryland taxpayers for  
17 reaching a single death sentence is \$3 million - \$1.9 million  
18 more than the cost of a non-death penalty case; the study  
19 examined 162 capital cases that were prosecuted between 1978  
20 and 1999 and found that those cases cost \$186 million more than  
21 what those cases would have cost had the death penalty not  
22 existed as a punishment; at every phase of a case, according to  
23 the study, capital murder cases cost more than non-capital  
24 murder cases; the 106 cases in which a death sentence was  
25 sought but not handed down in Maryland cost the state an

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1 additional \$71 million and those costs were incurred simply to  
2 seek the death penalty even though the ultimate outcome was a  
3 life or long-term prison sentence; and

4 WHEREAS, The Cook County Public Defender routinely  
5 depletes its annual funds to pay for capital cases before the  
6 end of the fiscal year, and without the funds, the office is  
7 unable to pay for the help of expert witnesses, as well as the  
8 other additional costs of a death penalty case; the Cook County  
9 Public Defender's 2009 allotment of \$1.75 million was exhausted  
10 this month, in large part because 60 percent of the money went  
11 to cover unpaid bills from 2008; and

12 WHEREAS, The State's budget for Fiscal 2009 includes  
13 \$10,642,100 for the Capital Litigation Trust Fund, created by  
14 the General Assembly in 2000; over the past six fiscal years,  
15 the Fund has been allocated just under \$89 million;  
16 nevertheless, the Fund's expenditures account for only part of  
17 the true cost of maintaining capital punishment in Illinois - a  
18 cost that is difficult to estimate without conducting a  
19 comprehensive cost study; therefore, be it

20

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL  
21 ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Criminal  
22 Justice Information Authority is directed to conduct a study of  
23 the costs of the death penalty in Illinois, including but not

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1 limited to the costs of seeking the death penalty, the costs of  
2 a capital trial, the costs of appeals, the costs of  
3 incarceration, and the costs of execution; and be it further

4 RESOLVED, That the Illinois Criminal Justice Information  
5 Authority is directed to conduct a parallel study of the costs  
6 of sentencing persons convicted of first degree murder to life  
7 imprisonment, so as to provide a direct cost comparison on the  
8 same level of detail as the costs of the death penalty; and be  
9 it further

10 RESOLVED, That the Illinois Criminal Justice Information  
11 Authority is directed to provide to the Senate a preliminary  
12 report of its study during the 2009 veto session and a final  
13 report of its study and recommendations no later than January  
14 29, 2010; and be it further

15 RESOLVED, That the Illinois Criminal Justice Information  
16 Authority is authorized to expend for this study any  
17 appropriation or other funds that may be legally available for  
18 this purpose.