CAPITAL PUNISHMENT REFORM STUDY COMMITTEE

Minutes of meeting September 22, 2009

The forty-first meeting of the Capital Punishment Reform Study Committee was held at the office of Jenner & Block, 330 North Wabash Avenue, Chicago, Illinois from 1 to 3:30 PM.

<u>Those present</u> <u>Not present</u>

Leigh B. Bienen Kirk W. Dillard

Jennifer A. Bishop-Jenkins Jeffrey M. Howard

James R. Coldren, Jr. (via teleconf.)

Boyd J. Ingemunson

Walter Hehner Randolph N. Stone

Edwin R. Parkinson (via teleconf.)

Arthur L. Turner

Charles M. Schiedel (via teleconf.) Michael J. Waller

Richard D. Schwind (via teleconf.)

Geoffrey R. Stone (via teleconf.)

Thomas P. Sullivan

Eric C. Weis (via teleconf.)

Also present: David E. Olson, Loyola University; Patrick
McAnany, Illinois Coalition to Abolish the Death Penalty; Colleen
Cunningham, Equal Justice USA; Amanda Enyeart, Third year
Northwestern University law student, assistant to Ms. Bienen,
Laura L. Kunard, Illinois Coalition to Abolish the Death Penalty and
Adler Institute; Chad Shaffer, Senate Republic Staff (via teleconf.).

The minutes of the Committee meeting held on July 7, 2009, were approved.

The Committee welcomed its newest member, Eric C. Weis, State's Attorney, Kendall County.

1. Funding for FYE June 30, 2010.

Committee has received funding of \$125,000 for FYE June 30, 2010, administered through ICJIA.

David Olson reported that Loyola University has entered into a contract, approved by Messrs. Sullivan and Schwind, to take effect October 1, 2009, with a cap of \$45,000.

2. Fifth Annual Report.

Mr. Sullivan reported that he will distribute a revised draft of the Committee's Fifth Annual Report, which covers the Committee's activities during the year 2008. He urged all members to study the draft carefully and provide him with edits, suggestions, and the like.

3. David Olson's reports regarding Loyola University surveys.

Mr. Olson reported that he had sent a letter to the non-responding State's Attorneys and PDs, urging them to answer and return the surveys to Loyola University for coding and analysis.

Mr. Olson also reported that he had communicated with the Assistant to the Executive Director of the Administrative Office for Illinois Courts, to obtain support for a survey to Illinois trial court judges. Mr. Olson will report further at the next Committee meeting.

Mr. Olson distributed a revised summary of the sentences that were imposed by Illinois judges on 9,218 persons convicted of first degree murder and admitted to prison during the period July 1, 1989 through June 30, 2009, 150 of whom received death sentences. The tables, attached as Appendix 1, include an analysis of the total, and by county, separated into pre-moratorium (July 1988 through December 1999), post- moratorium through passage of reforms (January 2000 through June 2005), and post-reforms (July 2005 through June 2009). These statistics show:

• "the proportion of first degree murderers sentenced to death statewide fell from 1.9 percent in the pre-moratorium period to 0.8 percent in the post-reform passage period (Table 1). In purely statistical terms, this decrease from 1.9 percent to 0.8 percent translates to roughly a 50 percent reduction in the likelihood of the death penalty being imposed over these time periods."

- "Across all separate geographic regions of Illinois examined (Tables 2 through 6), the proportion of first degree murderers sentenced to death fell between the pre-moratorium and post-reform periods."
 - 4. Reports of subcommittees.
 - (1) Report of Subcommittee 1 Police and investigations.

Mr. Coldren reported that the subcommittee had approved a recommendation, attached to the Agenda for this meeting as Appendix 1. The recommendation concerns use of blind administrators or blind procedures during eyewitness identifications in lineups and photo spreads. It will be discussed at the next Committee meeting. Mr. Schwind stated that several of the officers who attended the Committee meeting on March 9, 2009 were prepared to return at the next Committee meeting to discuss this recommendation. Mr. Sullivan stated that the subcommittee's recommendation would be postponed until the next Committee

meeting, in order to afford the officers an opportunity to appear and discuss the recommendation.

Mr. Coldren said that before the next Committee meeting, subcommittee 1 will consider whether to recommend reforms to eyewitness identification procedures, including whether all identification procedures should be electronically recorded.

(2) Report of subcommittee 2 - Eligibility for capital punishment and proportionality.

Ms. Bienen reported that the subcommittee continues to collect indictments. She requested the chair and co-chair to send another letter to State's Attorneys who have not yet fully responded to prior requests for indictments, which Messrs. Sullivan and Schwind said they will do.

Mr. Olson stated that he has a list of everyone who was convicted in Cook County and the collar counties, which he will provide to Ms. Bienen.

Mr. Sullivan called attention to Appendix 2 to the Agenda, also attached to these minutes as Appendix 2, an email from Robert L. O'Malley dated July 19, 2009, with an attached spreadsheet of capital cases the Cook County Public Defender has on file from the late 1990s to the present, showing case numbers, race of defendant and victim, and qualifier for capital punishment. (FM stands for felony murder.)

(3) Report of subcommittee 3 - Trial court proceedings.

Attached to the Agenda for this meeting as Appendix 3 is an email dated July 15, 2009 from Mr. Howard, subcommittee chair. Attached to the email are nine jury instructions and two jury verdict forms the subcommittee recommends be used in capital cases. It was agreed that the Committee will consider these instructions and verdict forms at the next meeting.

(4) Report of Subcommittee 4 - Post-conviction proceedings, DNA and general topics.

The Committee members discussed the current status of the Capital Litigation Trust Fund. Several amendments to the statutes have been enacted regarding approval of the requests for payments by defense counsel. See HB 869, effective January 1, 2010. These provisions should provide a major step forward towards preventing the types of abuses that have come to light in the past.

With regard to the recommendation approved by subcommittee 4 on October 22, 2008, reprinted in the Agenda for this meeting (pages 2-3), it was agreed that this matter will be adequately covered in the Committee's Fifth Annual Report.

As to the DNA backlog, Mr. Hehner reported he learned that the Illinois labs had a current backlog of 9,000 samples to examine, analyze and report on.

There was a discussion of Senate Resolution 297, attached as Appendix 4 to the agenda for this meeting, regarding a study of the

incremental costs of capital punishment. It was reported that no funding has been appropriated for conducting this study.

5. Next meeting – Monday, October 26, 2009 at 1 PM.
It was agreed that the next full Committee meeting will be
held on Monday, October 26, 2009 at 1 PM, at the office of
Jenner & Block, 330 N. Wabash Avenue, 40th Floor, Chicago, IL.

Thomas P. Sullivan Chair October 22, 2009

Attachments - Appendices 1-2.

Tables Summarizing the Sentencing of First Degree Murderers in Illinois, Determinate, Natural Life & Death Sentences Imposed State Fiscal Years 1989 through 2009

Prepared for

The Illinois Capital Punishment Reform Study Committee

Prepared by

David E. Olson, Ph.D.

Donald Stemen, Ph.D.

&

Jordan Boulger

Loyola University Chicago Department of Criminal Justice 802 North Michigan Avenue Chicago, Illinois 60611 312-915-7563

September 2009

General Overview

In an effort to examine the patterns of death penalty imposition across Illinois, researchers from Loyola University obtained detailed, offender-level data from the Illinois Department of Corrections (IDOC) that included information pertaining to the 9,218 offenders convicted of first degree murder and admitted to prison in Illinois from July 1988 through June 2009, or state fiscal year (SFY) 1989 (which covers the period from July 1, 1988 to June 30, 1989) to SFY 2009. During this 21-year period, a total of 150 individuals were convicted and sentenced to death.

The tables on the following pages summarize the total number of offenders convicted of first degree murder in Illinois and the number and proportion of these offenders who received a determinate (i.e., sentenced to a specific number of years in prison), natural life, or death sentence across different regions of Illinois and across different time periods. The time periods used in the analyses were the "Pre-Moratorium" (July 1988 to December 1999), the "Moratorium & Governor's Capital Punishment Commission" period (January 2000 to June 2005) and the "Post-Reform passage" period (July 2005 to June 2009).

Over the time periods examined, the proportion of first-degree murderers sentenced to death statewide fell from 1.9 percent in the pre-moratorium period to 0.8 percent in the post-reform passage period (Table 1). In purely statistical terms, this decrease from 1.9 percent to 0.8 percent translates to roughly a 50 percent reduction in the likelihood of the death penalty being imposed over these time periods Across all separate geographic regions of Illinois examined (Tables 2 through 6), the proportion of first degree murderers sentenced to death fell between the premoratorium and post-reform passage periods.

Table 1
Statewide Sentences Imposed on Convicted Murderers in Illinois

	Determinate Sentence	Natural Life Sentence	Death Sentence	Total
Pre-Moratorium (July 1988 through December 1999)	5,388 (87.6%)	649 (10.5%)	117 (1.9%)	6,154 (100.0%)
Moratorium (January 2000) through Passage of Reforms (June 2005)	1,859 (90.2%)	178 (8.6%)	23 (1.2%)	2,060 (100.0%)
Post-Reform Passage (July 2005 through June 2009)	1,138 (90.2%)	113 (9.0%)	10 (0.8%)	1,261 (100.0%)
Total ,	8,385 (88.5%)	940 (9.9%)	150 (1.6%)	9,475 (100.0%)

Source: Analyses of IDOC data by Olson, Stemen & Boulger.

Table 2
Sentences Imposed on Convicted Murderers in <u>Cook County, Illinois</u>

	Determinate Sentence	Natural Life Sentence	Death Sentence	Total
Pre-Moratorium (July 1988 through December 1999)	4,164 (89.4%)	436 (9.4%)	57 (1.2%)	4,657 (100.0%)
Moratorium (January 2000) through Passage of Reforms (June 2005)	1,365 (92.1%)	106 (7.2%)	11 (0.7%)	1,482 (100.0%)
Post-Reform Passage (July 2005 through June 2009)	798 (91.6%)	69 (7.9%)	4 (0.5%)	871 (100.0%)
Total	6,327 (90.3%)	611 (8.7%)	72 (1.0%)	7,010 (100.0%)

Source: Analyses of IDOC data by Olson, Stemen & Boulger.

Table 3
Sentences Imposed on Convicted Murderers in *Illinois Outside of Cook County*

	Determinate Sentence	Natural Life Sentence	Death Sentence	Total
Pre-Moratorium (July 1988 through December 1999)	1,224	213	60	1,497
	(81.8%)	(14.2%)	(4.0%)	(100.0%)
Moratorium (January 2000) through Passage of Reforms (June 2005)	494 (85.5%)	72 (12.5%)	12 (2.1%)	578 (100.0%)
Post-Reform Passage (July 2005 through June 2009)	340	44	6	390
	(87.2%)	(11.3%)	(1.5%)	(100.0%)
Total	2,058	329	78	2,465
	(83.5%)	(13.3%)	(3.1%)	(100.0%)

Source: Analyses of IDOC data by Olson, Stemen & Boulger.

Table 4
Sentences Imposed on Convicted Murderers in <u>Illinois' "Collar Counties"</u> (Lake, McHenry, Kane, DuPage and Will Counties Combined)

	Determinate Sentence	Natural Life Sentence	Death Sentence	Total
Pre-Moratorium (July 1988 through December 1999)	353 (83.3%)	51 (12.0%)	20 (4.7%)	424 (100%)
Moratorium (January 2000) through Passage of Reforms (June 2005)	111 (83.5%)	20 (15.0%)	2 (1.5%)	133 (100%)
Post-Reform Passage (July 2005 through June 2009)	96 (85.7%)	13 (11.6%)	3 (2.7%)	112 (100%)
Total	560 (83.7%)	84 (12.6%)	25 (3.7%)	669 (100%)

Source: Analyses of IDOC data by Olson, Stemen & Boulger.

Table 5
Sentences Imposed on Convicted Murderers in <u>Illinois' Urban Counties</u>, Excluding the
Cook and "Collar" County Region

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	Determinate Sentence	Natural Life Sentence	Death Sentence	Total
Pre-Moratorium (July 1988	611	109	22	742
through December 1999)	(82.3%)	(14.7%)	(3.0%)	(100%)
Moratorium (January 2000) through Passage of Reforms (June 2005)	241 (84.3%)	39 (13.6%)	6 (2.1%)	286 (100%)
Post-Reform Passage (July 2005 through June 2009)	179 (89.5%)	21 (10.5%)	0 (0%)	200 (100%)
Total	1,031	169	28	1,228
	(84.0%)	(13.8%)	(2.2%)	(100%)

Source: Analyses of IDOC data by Olson, Stemen & Boulger.

Table 6
Sentences Imposed on Convicted Murderers in *Illinois' Rural Counties*

	Determinate Sentence	Natural Life Sentence	Death Sentence	Total
Pre-Moratorium (July 1988 through December 1999)	260 (78.5%)	53 (16.0%)	18 (5.4%)	331 (100%)
Moratorium (January 2000) through Passage of Reforms (June 2005)	142 (89.3%)	13 (8.2%)	4 (2.5%)	159 (100%)
Post-Reform Passage (July 2005 through June 2009)	65 (83.3%)	10 (12.8%)	3 (3.8%)	78 (100%)
Total	467 (82.2%)	76 (13.4%)	25 (4.4%)	568 (100%)

Source: Analyses of IDOC data by Olson, Stemen & Boulger.

TPS

From:

Omalley, Robert L. [romall3@uic.edu]

ent:

Sunday, July 19, 2009 11:05 PM

10:

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

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

Jonathan Franklin Timothy Brown	08CR03669 09CR04986	AA	AA	Davis	PRIOR
Shaun Patterson	04CR17334	AA	AA	Donahy	Z X
Leward Cooper	99CR3090			Figura	1
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	Fitzsimr	Fitzsimm 3-2 bodies
Anthony Williams	02CR3413	AA	Wh	Fitzsimm FM	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
l 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	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

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ORD/PRO	FM	FM	3-2 bodies	PRIOR	3-2 hodies	FM Care	1.1.1	3-2 hodies	٠.	FM	FM	FM	FM	n/a	FM	FM/3-2_bodies	₂ FM		v<12	Fm	3-2 bodies	3-2 bodies					FM	3-2 bodies	09 <a< th=""><th>FM</th><th>FM</th><th>FM</th></a<>	FM	FM	FM
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Wh	AA	AA	Hisp/AA	AA	AA	AA	Hisp	AA	AA	AA	AA	HISP	AA	AA	AA	AA	AA				Wh	AA	Hisp	Hisp	AA	AA	AA	Wh	AA	AA	AA	AA
05CR9346	08CR06003	06CR5129	03CR7356	04CR30633	05CR7409	06CR23476	02CR23247	05CR13777	03CR10756	06CR19612	05CR06899	04CR13375	06CR26750	05CR29112	05CR6898	07CR10190	08CR06600		09CR05916	08CR14024	02CR15430	05CR10038(02)	05CR28642	05CR28643	04CR17334	05CR13345	02CR30054	03CR16322	01CR20237	01CR20237	08CR16639	06CR9038
lames Pender	Jeremiah Harris	Jerome Tate	Robert Anderson	Devon Terrell	Devon Terrell	Darius Bailey	Sedronio Alonso	Tameka Newson	Eric Williams	Phyllis Carpenter	Darryl Shannon	Juan Ortiz	Robert Horton	Ronnie Carpenter	Darryl Shannon	Timothy Fountain	Reginald Potts	James Scott	Martin Ybarra	Carlos Hensley	James Degorski	Martha Jean	Elpidio Cruz-Colon	Elpidio Cruz-Colon	Brennetta Ingram	Travis Weston	Kevin Barker	Richard Anderson	d Reed	Carl Reed	Darryl Evans	Nathaniel McCray

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Hisp	AA	AA	AA	AA	Hisp, Hisp	AA	AA	AA	AA	AA	AA	AA	WH	WH	Hindi	AA	WH	AA	Indian,Wh	Hisp	AA	AA	WH	AA	HISP	AA	Wh		AA	AA	Hisp	Wh
Hisp	AA	AA	AA	AA	Hisp	AA	AA	AA	AA	AA	AA	AA	WH	WH	Hindi	AA	AA	AA	AA	Hisp	AA	AA	WH	AA	HISP	AA		WH	AA	AA	Hisp	AA
99CR23858	00CR21876	06CR26160	05CR26733	04CR22049	02CR31134	02CR19986	05CR4691	06CR16939	07CR23081	04CR451	09CR08815	07CR18462	07CR08746	06CR07970	08CR01823	05CR10668	07CR16070	09CR09023	04CR13399	03CR1190	08CR06330	04CR13517	07CR13018	05CR1504	08CR13636	05CR18887(03)	05CR19215	08CR21918	08CR13128	07CR10976	02CR10036	02CR16806
Marcello Maldonado	Larry Wells	Cavinaugh Hughes	Charles Hill	Katrina Battiste	Pierre Martinez	Tyrin Smith	Emmit Weatherspoon	Larry Barlow	Sean Robertson	Michael Williams	Howard	Patrick Taylor	Mila Petrov	Timothy Bronkala	Subhash Chandler	Elliott Peterson	Alvin Perkins	Michael Minnifield	Irving Madden	David Hernandez	John Small	Tony Shanklin	lanet Murphy	Clifford Roberts	Nino Abraham	Steven Noble	Janet Yuris	David Sidener	Lamont Donegan	Brian Gilbert	lesus Hernandez	Thurman McGowan

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Ollie Richman	John Brown	Lamaine Jefferson	Jermaine Johnson	Nicholas Gutierrez	Henry Myles	David Earnese	David Giocondi	Shawn Thigpen	Tovolan Williams	Davon Mabry	Christopher Padilla	Jamal Robinson	Lewis Lashley	Decedrick Walker	Kevin Rucker	William Williams	Alfredo Ramos	Jesus Castillo	Corey Lloyd	Paul Runge	Paul Runge	Paul Runge	Michael Thorpe	William Balfour	Kenyatta Brown	Jamarr Jackson	Robert Clark	McKinley Callahan	TJ Adams	Jerry Boston	Jeffery Bower	Robert Clark	

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