AN EMPIRICAL ANALYSIS OF MARYLAND'S DEATH SENTENCING SYSTEM WITH RESPECT TO THE INFLUENCE OF RACE AND LEGAL JURISDICTION

FINAL REPORT

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THE ADMINISTRATION OF THE DEATH PENALTY
IN MARYLAND: 1978-1999

INTRODUCTION

There have been suggestions in the past that the imposition of the death penalty in Maryland has been influenced by factors such as race and the particular legal jurisdiction where the homicide occurred. Critics have pointed to the racial composition of Maryland's death row as evidence that there is racial disparity in the operation of the death penalty in the state. For example, in December of 2002 all thirteen men on Maryland's death row were sentenced to death for killing whites and in eight of these thirteen (62%) the offender was black.[1] In fact, since 1978, when the state's new death penalty statute took effect, there have been no fewer than four investigations into the administration of the death penalty in Maryland, with at least some emphasis on the issues of racial disparity and arbitrariness (geographic disparity).

In 1987, for example, at the request of the Maryland Court of Appeals, the Maryland Office of the Public Defender collected some preliminary information on death sentencing patterns in the state from 1978-1987.[2] The authors of this study identified 415 homicides that were deemed to be "death eligible" (they presented facts which legally qualified them for the death penalty), 90 of which resulted in a penalty phase hearing. They found substantial county-to-county variation in the rate at which state's attorneys file death notices. They also reported that state's attorneys were approximately twice as

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[1] Death Row U.S.A. Fall 2002.

[2] *Capital Punishment in Maryland 1978-1987: A Report by the Maryland Public Defender on the Administration of Capital Punishment.*

likely to file a notification to seek a death sentence and not withdraw that notification when the homicide victim was white rather than black. This report did not, however, consider all possible death eligible cases such as those that resulted in second degree murder convictions. More importantly, the study did not consider the numerous characteristics about a homicide (the number of aggravating factors, the criminal history of the defendant, etc.) which may possibly explain any apparent racial or geographic disparity.

In 1993 the Governor's Commission on the Death Penalty in Maryland published its report on the administration of capital punishment in the state from 1978 to 1993.[3] This study examined death sentences that were actually imposed, penalty phase hearings that resulted in a life or a life without parole sentence, and death notifications that were filed but subsequently withdrawn. There was no data on such case characteristics as non-statutory aggravators and mitigators or the criminal history of the defendant, nor did the Commission examine all possible death eligible cases and how they are filtered through the sentencing system. Given the data inadequacies, it is not surprising that the conclusions were a bit ambiguous. One of the Commission's findings (Chapter VII, finding # 10) was that "the data does not establish discrimination against African American defendants or in favor of white victims; neither does the data disprove racial discrimination". The Commission report ultimately concluded that "there is no evidence of intentional discrimination in the implementation of the death penalty in Maryland, but racial disparities in its implementation remain a matter of legitimate concern".

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[3] *The Report of the Governor's Commission on the Death Penalty, An Examination of Capital Punishment in Maryland: 1878-1993.*

In 1996 the Task Force on the Fair Imposition of Capital Punishment was created to specifically examine the issue of racial discrimination in the administration of the death penalty in Maryland.[4] The Task Force did no original data collection or analysis, and it limited its examination to the racial composition of Maryland's current death row. It observed that "[t]he high percentage of African-American prisoners under sentence of death and the low percentage of prisoners under sentence of death whose victims were African-American remains a cause for concern".[5] The basis of this conclusion was the finding that of the seventeen condemned persons then on Maryland's death row, fourteen (82%) were African American and the victims of the homicides included sixteen whites and 6 African-Americans. The Task Force recommended a more comprehensive empirical study of Maryland's capital sentencing system.

Finally, in February of 2001, Professors David Baldus and George Woodworth of the University of Iowa conducted an analysis of race disparities among 346 Maryland first degree homicide cases where the state served notice of its intention to seek the death penalty.[6] They found that even when considering the number of statutory aggravating factors charged, defendants who killed white victims were more likely to advance to a penalty trial and are more likely to be sentenced to death than those who killed a black. This was particularly true for black offenders who killed white victims. Baldus and Woodworth acknowledged the two central limitations of their study: (1) their sample did not include all possible death eligible cases, and (2) they had limited information on the

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[4] *Task Force on the Fair Imposition of the Death Penalty.*

[5] *Task Force Report* at p. 39.

[6] Baldus, David C. and George Woodworth (2001) *Race of Victim and Race of Defendant Disparities in the Administration of Maryland's Capital Charging and Sentencing System (1979-1996): Preliminary Finding.*

non-statutory aggravating and mitigating factors in the case and other case characteristics. With these limitations in mind, Baldus and Woodworth concluded that "although our preliminary finding may be construed as supportive of the disparate treatment hypothesis, a definitive judgment on the issue must await the results of a study that has better controls for case severity and defendant culpability than the preliminary results reported in this report."[7]

There have, then, been four previous examinations into the possibility that there are disparities (either by race or geography) in the administration of the death penalty in Maryland. Each of these previous attempts have been hampered by the fact that they did not examine all homicides where death could have been requested, and they all have failed to collect detailed case information about possible aggravating and mitigating factors and other relevant offense and offender characteristics. As a result, there is too little empirical information upon which to base a conclusion about the fair and even handed imposition of the death penalty in the state.

In September of 2000, Maryland Governor Parris N. Glendening commissioned an empirical study of the death penalty in the state of Maryland, and subsequently imposed a moratorium on all executions in the state until the completion of the study. That study was to examine whether or not the imposition of the death penalty in the state was affected by race (either of the offender, victim or both) or geography (the jurisdiction where the crime occurred). The influence of race and geography was to be examined at four critical decision making points in the administration of Maryland's capital punishment system:

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[7] Baldus and Woodworth report at page 12.

1. the decision of the state's attorney to file a formal notification to seek a death sentence.

2. the decision of the state's attorney to not withdraw a death notification once filed, in other words, the decision to make the death notification "stick".

3. the decision of the state's attorney to advance a death-eligible offense to a penalty trial upon a conviction for first degree murder.

4. the decision of the jury or judge to sentence a defendant to death.[8]

The key task of this research is to estimate the effect that race and geography has on these four decision points while taking into account numerous case characteristics that may explain these decisions. That is, there are numerous factors that affect these decision making points, such as the criminal history of the offender, the number of victims, the brutality of the murder, which must be considered when examining the effect of race and geography.

In this report, we will first provide a brief description of the recent history of capital punishment in the state of Maryland, including concerns about the fairness with which it has been imposed in the past. We will then briefly describe the legal structure or mechanics of the death penalty under Maryland law. We will then briefly discuss the methodology we followed in this empirical study of the death penalty in Maryland, with particular attention devoted to describing how we characterized an offense as "death eligible", and the statistical strategy we followed in determining the influence of race and geography on the four decision making points. This will be followed by a detailed

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[8] We do not look at the pre-prosecutorial aspects of the case, which may include interrogation, arrest, pretrial hearings, etc. , or a decision to charge for a lesser offense such as manslaughter. These decisions do have a filtering effect on the cases that make it to the state's attorney's office.

presentation of our results – what we found with respect to the administration of the death penalty. In the final section of the report we summarize these findings.

A RECENT HISTORY OF THE DEATH PENALTY IN MARYLAND

In 1972, the United States Supreme Court determined that the then-existing procedures for imposing capital punishment in two states (Georgia and Texas) that gave juries unlimited and standardless discretion were unconstitutional [*Furman v. Georgia* 403 U.S. 238 (1972)]. Although the Court did not speak with one voice in its decision, it was clear that the then existing manner in which death sentences were imposed created a risk that defendants would be sentenced to death on the basis of constitutionally suspect factors (that the capital sentencing system was discriminatory) or that because the capital sentencing system was arbitrary and capricious, there was no rational and meaningful basis to distinguish offenders sentenced to death and those whose life was spared.

The practical impact of the *Furman* decision was to call into question the constitutionality of death penalty statutes in other states, including Maryland. According to the Maryland statute at the time, in deciding which rape and murder defendants to sentence to death, juries were provided no guidance or standards and upon conviction a death sentence was mandatory unless the jury specifically stated in its guilty verdict "without capital punishment". On December 4, 1972 the Maryland Court of Appeals invalidated the state's death penalty statute on the basis of the *Furman* decision in *Bartholmey v. State* 267 Md. 175, 297 A.2d 696 (1972), and twenty-three defendants on Maryland's death row had their sentences vacated to life imprisonment.

The Maryland legislature constructed a new death penalty statute that was intended to remedy the defect of unguided or standardless discretion identified by the *Furman* Court. This new statute remedied the problem of discretion by creating eight narrowly defined categories of first degree murder. A sentence of death was mandatory upon the conviction of one of these categories of capital murder. This statute essentially made the death penalty mandatory for every first degree murder where a statutory aggravating circumstance was found. This new statute took effect on July 1, 1975. In July of the next year, the United States Supreme Court upheld the constitutionality of capital statutes that structured and guided the discretion of capital juries [*Gregg v. Georgia* 428 U.S. 153 (1976); *Profitt v. Florida* 428 U.S. 242 (1976); *Jurek v. Texas* 428 U.S. 262 (1976)], but struck down mandatory statutes [*Woodson v. North Carolina* 428 U.S. 280 (1976); *Roberts v. Louisiana* 428 U.S. 325 (1976)]. The problem with mandatory statutes identified by the Court was that they failed to allow the capital decision maker to consider the unique culpability of individual defendants and so treated them "as members of a faceless, undifferentiated mass to be subjected to the blind infliction of the penalty of death" (*Woodson v. North Carolina* 428 U.S. 280 1976).

Maryland once again was confronted with the problem that a key feature of its capital punishment statute had been declared unconstitutional. Recognizing this, in *Blackwell v. State* 278 Md. 466, 365 A.2d 545 (1976) the Maryland Court of Appeals vacated the two death sentences that had been handed down under the 1975 statute. The Maryland legislature responded to the invalidation of its mandatory statute by constructing a guided discretion statute in its 1977 and 1978 sessions. This new guided discretion statute (to be described in the following section) became effective on July 1,

1978, and provides the foundation for Maryland's current capital punishment law. In August of 1979 the first death sentence under the state's new law was imposed on Richard Danny Tichnell in Wicomico County.

MARYLAND'S CAPITAL STATUTE

Under Maryland's death penalty statute, in order for a defendant to be sentenced to death, the following facts must exist:

1. After 1987, the defendant must be 18 years or older at the time of the offense.

2. After 1989, the defendant cannot be mentally retarded, with mental retardation established at the penalty phase of the capital trial by a preponderance of the evidence. A jury finding of mental retardation must be unanimous.

3. The defendant must have been convicted of first degree murder and have been found to be a principal in the first degree (the defendant must have committed the murder with his/her own hands or employed another who committed the murder). The "principalship" requirement means that one who is eligible for the death penalty must, therefore, be the actual killer or the one who pays the killer. A jury finding of principalship must be unanimous.

4. The state's attorney prosecuting the case must have notified defense counsel at least 30 days in advance of the trial that the state intends to seek a death sentence (or a sentence of life without parole) and the specific aggravating factors that the state intends to rely on.

5. At least one statutory aggravating factor must have been found by the fact finder beyond a reasonable doubt.[9]

There are ten statutory aggravating circumstances under Maryland law: [10]

A1: The victim of the murder was a law enforcement officer in the performance of his/her duties.

A2: The defendant committed the murder when confined in a correctional institution.

A3: The defendant committed the murder while trying to escape from custody.

A4: The victim was taken in the course of a kidnapping or abduction.

A5: The victim was a child abductee.

A6: The defendant murdered pursuant to an agreement for remuneration.

A7: The defendant employed another who killed for remuneration.

A8: The defendant committed murder when under sentence of death or life imprisonment.

A9: The same incident produced multiple murder victims.

A10: The defendant committed the murder while committing, or attempting to commit, a carjacking, armed carjacking, robbery, arson in the first degree, rape or sexual offense in the first degree.

The presence of at least one of these statutory aggravators is necessary to make a defendant eligible for the death penalty, but their existence does not require the state's attorney to seek a death sentence.

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[9] Art. 27 , §. 413, Annotated Code of Maryland.

[10] See Art. 27, §. 413(d), Annotated Code of Maryland.

State's attorneys have the discretion not to seek a death sentence even if the facts warrant it. Moreover, state's attorneys have the discretion to withdraw a notification to seek a death sentence once filed either unilaterally or in exchange for a plea from a defendant. Futher, they have the discretion as to whether or not to advance a case to a penalty hearing upon conviction of a charge of capital murder. Even if a death sentence is sought by the state, and the case is advanced to a penalty hearing, the sentencer has the discretion not to impose a death sentence if it feels that capital punishment is not warranted in a particular case. According to Maryland law, the sentencing body in a capital case must find at least one statutory aggravating circumstance before it may consider a death sentence. If it does find at least one aggravating circumstance beyond a reasonable doubt, and determines that the defendant is eligible for the death penalty, it must then determine if there are mitigating circumstances in the case. There are eight mitigating factors enumerated in the Maryland statute that the jury must consider:[11]

M1: The defendant has not previously been convicted of a crime of violence.

M2: The victim participated in the defendant's conduct or consented to the act which caused the victim's death.

M3: The defendant acted under substantial duress, domination, or provocation, but not so substantial as to constitute a complete defense to the prosecution.

M4: The defendant's capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired as a result of mental incapacity, mental disorder, or emotional disturbance.

M5: The youthful age of the defendant at the time of the crime.

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[11] See Art. 27 § 413(g).

M6: The act of the defendant was not the sole proximate cause of the victim's

death.

M7: It is unlikely that the defendant will engage in further criminal activity that

would constitute a continuing threat to society.

M8: Any other facts which the jury or the court specifically sets forth in writing

that it finds as mitigating circumstances in the case.

With respect to any mitigating circumstances offered by the defense, each individual

juror must determine for him/herself if it has been proven with a preponderance of the

evidence. If there are no mitigating factors found, the presumptive sentence is death.[12] If

at least one mitigating circumstance is found, then the sentencer must weigh the

aggravating circumstances against the mitigating. To impose a sentence of death, the

aggravating circumstances must be found to "outweigh" the mitigating circumstances by

"a preponderance of the evidence". If the aggravating circumstances do not outweigh the

mitigating circumstances by a preponderance of the evidence, a death sentence may not

be imposed. If the State had advised the defendant prior to trial that it would seek a life

without parole sentence, then the court or jury must decide if the convicted defendant is

to be sentenced to a regular life term or life without parole. Any death sentence imposed

in the state of Maryland is then subject to automatic appellate review by the Maryland

Court of Appeals. This initial review may not be waived by a defendant.

METHODOLOGY OF THE CURRENT STUDY

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[12] The Maryland statute is silent with respect to the mandatory nature of the death penalty when there are aggravating circumstances found and no factors in mitigation. The Maryland Court of Appeals has, however, interpreted the statute as requiring the judge or jury to impose a sentence of death in the presence of aggravators and no mitigators, see, *Scott v. State* 529 A.2d 340 (Md. 1987).

This report is based upon an examination of approximately 6,000 first and second degree murders that were committed in the state of Maryland from August of 1978 (when the state's new death penalty law took effect) until September of 1999. [13] An initial list of all first and second degree murders was obtained from the Maryland Division of Corrections Research Office. They produced a computer-generated list of all convicted first and second degree murderers sentenced to any Maryland correctional institution during the 1978-1999 time period. The Maryland Division of Corrections made available the inmate's institutional record or file, which had much of the detailed kind of information needed to characterize the murder, the defendant, and frequently had information on the victim as well. [14] This Division of Corrections file had a great deal of useful information such as the defendant's criminal history; frequently it included the presentence report which contained information about the defendant's educational, social, employment, and mental health history, information about the victim, and generally a richly detailed description of the offense, crime scene, and some information about the type of evidence (if there was physical evidence available or an eye-witness). This information was transcribed onto our initial data collection instrument, the Maryland Screening Instrument (MDSI), a copy of which is provided in Appendix 1. From the information in this document we were able to determine for most of the cases whether or not it was "death eligible". For those cases that were deemed death eligible, additional, far more extensive information was collected on each case and transcribed onto the

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[13] The offense dates cover the period from August 1, 1978 until September 25, 1999.

[14] The senior investigator entered into a research agreement with the Maryland Division of Corrections insuring confidentiality with respect to the information extracted from the inmate files. A similar research agreement was signed with the Maryland Division of Probation and Parole with specific reference to access to presentence reports and a guarantee of confidentiality of information.

primary data collection instrument, the Maryland Data Collection Instrument (MDCI), a copy of which is provided in Appendix 2.

The list produced by the Division of Corrections, and access to inmate files were important sources of information, but not the only sources relied on. For cases that both were death eligible and had advanced to a penalty phase hearing, we examined the court transcript and the trial judge's report on file with the Clerk of the Maryland Court of Appeals. An additional source of information was the file on each case in the office of the state's attorney for the twenty-three Maryland counties and Baltimore City. Since the Division of Corrections list contained only those cases that resulted in a conviction, we sought the assistance of each of the state's attorneys to both correct and supplement our original list of cases. We sent a list of homicide cases that the Division of Corrections had identified as coming from that county to each of the twenty-four state's attorneys and asked them to verify that the list was correct, and to provide names of murder defendants from their county who where not on the list provided them but who had been convicted during the study's time period of first or second degree murder, or who were charged with first or second degree murder and were subsequently acquitted or disposed of in ways other than a conviction. We also asked and received access to their files on each case. These state's attorneys files provided a substantial amount of very rich information, which included police reports and the state's version of the case. We were also able to verify information initially gotten from other sources. Information on the homicide victim was also obtained from the victim's death certificate obtained from the Maryland Office of Public Health.

Since one of the decision points examined in this research is the decision of the state's attorney to seek a death sentence given that a murderer was eligible for the death penalty, the first task was to determine which among the universe of murders was eligible for the death penalty. Determining whether or not a murderer is death eligible is a controversial issue. In one sense the only true way to categorize a murder as eligible for the death penalty is if the state's attorney determines that the case meets the all of eligibility requirements as listed in the state statute:

1. The defendant was a principal in the first degree and the state could prove this beyond a reasonable doubt,

2. The defendant was not mentally retarded at the time of the offense (after May of 1989) and the state could prove this with a preponderance of the evidence,

3. The defendant was not less than 18 years old at the time of the offense (after June of 1987),

4. The murder also included at least one statutory aggravating circumstance and the state could prove this beyond a reasonable doubt,

5. The state's attorney files a notice 30 days prior to trial of the state's intention to seek a death sentence

and then a notification to seek a sentence of death is filed.

Clearly, a murder that meets these statutory eligibility requirements and is followed by the state's attorney also formally filing a notice to seek a death sentence, is death eligible and should be treated as such. However, a homicide may also meet the first four of these requirements but the state's attorney decides for other reasons, not to seek a death sentence. The reasons may include the potential cost of the case to the county, the

reluctance of the victim's family to support a death sentence, a low probability that a jury would return a death sentence. In this instance, a homicide that was technically "death eligible" would not be followed by a decision to seek a death sentence, and the case would be handled as a non-capital homicide. In addition, different state's attorneys in different offices (or even different state's attorneys within the same office) may evaluate a case as to its death eligibility and come to a different conclusion. The issue of first-degree principalship, for instance, is not always easy to determine and different state's attorneys may disagree as to whether or not principalship exists, or if it does exist, whether it could be proven beyond a reasonable doubt. Similar ambiguity may exist with respect to the presence in a murder of a statutory aggravating circumstance, and if could be proven beyond a reasonable doubt. There are no automatic or indisputable answers to these issues; they are inherently ambiguous.

Some murder cases, therefore, may be "death eligible" in the sense that they meet all of the statutory criteria for death eligibility, and yet the formal decision maker does not treat the case as such. If one is interested, as we are here, in examining the factors that explain the state's attorneys' decision to seek death in some death eligible cases but not others, there is a need to define a death eligible case in ways other than the filing of a formal notice to seek death. We proceeded with caution, however, because the issue as to whether or not a murder is death eligible involves a great deal of ambiguity and inevitable controversy.

For the purpose of this research, a case was deemed to be death eligible if:

1. the state's attorney filed a notice of an intention to seek a death sentence, even if that notice was later withdrawn unilaterally or in exchange for a plea.

2. the facts of the case clearly established that a first degree murder was committed, the defendant was the principal in the first degree, the defendant was eligible by age at the time of the offense, the defendant was not mentally retarded at the time of the offense, and the murder included at least one statutory aggravating circumstance.

From an initial pool of approximately 6,000 homicides, these two criteria produced a universe of 1,311 death eligible cases. Initially included in the universe of 6,000 homicides was a pool of approximately 300 homicide cases where the state's attorney did not file a notification to seek a death sentence and the issue of death eligibility based upon the available facts of the case was ambiguous. In these cases it was not clear if the defendant was the principal in the first degree in the killing, or if there was a statutory aggravating circumstance present to make the homicide death eligible. In order to determine death eligibility in these cases we submitted them to a panel of attorneys who had some experience in death penalty cases. The panel was put together by the senior researcher after consultation with Ms. Sue Schenning , the Deputy State's Attorney for Baltimore County, and Ms. Katy O'Donnell, of the State Office of the Public Defender. The Panel consisted of a roughly equal number of state's attorneys, public defenders, and private lawyers who have handled death penalty cases as former prosecutors, public defenders or as private defense counsel. Panel members read narratives of a homicide in question that presented the facts of the case, and were asked to make two determinations:

1. do you think this case is "death eligible" under Maryland law? With response options, "yes" or "no".

2. on a scale from 1 ("not very confident at all") to 10 ("very confident") how

   confident do you feel in making this determination?

Each case was read and rated by a group of panel attorneys.[15] We included as death

eligible those homicides where a majority of panel attorneys rated the case as death

eligible *and* where the confidence of the rating averaged 5.0 or higher. In other words, a

majority of the reviewing panel had to rate the case as death eligible and they had to state

that they were at least moderately confident in making that assessment. Out of the

approximately 300 cases reviewed by the panel of attorneys, fewer than fifty were

determined to be death eligible and were added to the pool of death eligible cases.

Our universe of cases includes the 1,311 death eligible cases in Maryland from

July 1, 1978 to December 31, 1999, and we illustrate the number of cases at each

decision point in Figure 1. Out of these 1,311 death eligible cases, state's attorneys filed

a formal notification to seek the death penalty in 353 (27%). Although 353 notifications

to seek death were filed, 140 (40%) were withdrawn by the state's attorneys either

unilaterally or (most often) with a plea by the defendant. A death notification was

retained or "stuck" in 213 (60%) cases. Out of these 213 cases where a death notification

was filed and retained, 180 (84%) were advanced to a penalty trial. A case would not be

advanced to a penalty trial for a number of reasons: the state determines that it is unlikely

to obtain a death sentence and unilaterally decides not to advance a case, there were no

aggravators found during the guilt phase, or the defendant was found not to have been a

principal in the first degree. From 180 penalty trials, a death sentence was obtained in 76

cases (42%). The conditional probability of a death sentence given that a case was death

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[15] For each case reviewed, the number of panel attorneys ranged from 5 to 10.

eligible was .058 (76/1,311), the conditional probability of a death sentence given that a death notification has been filed and "sticks" was .357.

Although the substantive issue in this report is the effect of race and geography, each of the four decision making points in the Maryland capital sentencing system is influenced by many homicide case characteristics (the number of statutory and non-statutory aggravating circumstances, the presence of factors in mitigation, etc.); case characteristics that we have captured in our data collection instrument (the MDCI). The key task of this report is to examine whether race or geography has any material affect on each of these decision points after carefully considering or "controlling for" these case characteristics. In other words, we will examine the role that race and geography may play at four critical points in the Maryland capital sentencing system while simultaneously considering important features of a case that make it more or less deserving of a capital charge, a penalty phase hearing, or a death sentence. In trying to determine the impact of factors such as race and geography, it is critical that these numerous case characteristics be considered. The reason is that such characteristics are inevitably confounded both with the variables of substantive interest (race and geography) and with the outcome variable we are interested in (the decision making points we focus on).

Suppose, for example, there is a finding that black offenders are treated more severely than white offenders at some decision point in the capital sentencing process. We may observe this race of offender disparity for one of two reasons: (1) black offenders really are at a disadvantage and receive disparate treatment, or (2) black offenders or the offenses committed by black offenders are more likely to have the

characteristics that incline prosecutors to seek the death penalty (for example, they have more extensive criminal histories, or commit their crimes in a more brutal/egregious manner). It is important, therefore, that as many characteristics or factors of a case be considered or "controlled" in order to distinguish the effect of race from the effect of legally relevant factors that may be associated or correlated with race.

There is a direct analogy between estimating a race or geography effect and determining the effect of smoking on lung cancer. People do not get randomly assigned to smoke or not smoke. People who smoke, therefore, are systematically different than those who do not – they may live more sedentary lives, they may have less healthy diets, etc. When a researcher is looking at the effect of smoking on lung cancer, therefore, they must also consider these other characteristics that distinguish smokers and non-smokers besides the fact that they smoke. Our problem is the same, in order to isolate the effect of race or geography, we need to identify and consider differences among offenders who slay whites vs. non-whites, or who live in Montgomery vs. Prince George's County. We will do this by directly incorporating into our statistical model factors that we find to be empirically related to the county (and race) variables. A list of the factors used in this procedure is provided in Table 9. There are 112 possible explanatory factors or case characteristics that we use for the decision to file a notification to seek the death penalty. For decisions beyond this (decision to withdraw the notification, decision to advance a case to the penalty phase, and the sentencing decision), we employ 11 additional case characteristics based on the presence of statutory aggravating circumstances that are shown at the bottom of Table 9.

Our procedure for incorporating these case characteristics was as follows. At each decision point we first examined each case characteristic separately to see if it was related to the county or race variable of interest. [16] Those factors that were significantly related at the .05 level were retained for further analysis, those not meeting that criterion were dropped. The variables that were retained at this first screening were then entered into a full logistic regression model with the particular decision point as the outcome variable, and a test for county and race differences conducted. The case characteristic variables from the full model that were not significant at $p < .10$ were then dropped and a reduced model estimated. The parameter estimates of the reduced model are reported in each table in our results section discussed below. In every case the reduced model was not significantly different from the full model. The parameter estimates reported in each table are those from the reduced model.

RESULTS

UNADJUSTED ANALYSIS

We began our empirical examination by conducting basic descriptive analyses of county and race patterns at each of the four key decision points in the Maryland death penalty sentencing system: (1) the prosecutor's decision to issue a notice of intention to seek the death penalty to a death eligible defendant (in 353 cases the prosecutor issued a notice and in the remaining 958 cases no notice was filed); (2) the prosecutor's decision to retract or "stick" with a death notice among the 353 noticed cases (in 213 of these cases the prosecutor stuck with the notice and in the remaining 140 the prosecutor

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[16] We pursued this multiple stage approach to the analysis rather than entering the more than 100 case characteristics into our model in order to avoid the problem of "overfittng" the data – having too many variables in the statistical model relative to the number of observations.

retracted the death notice); (3) whether the case proceeds to a penalty trial among the 213 cases where the death notice sticks (in 180 instances, the case advanced to a penalty trial while in the remaining 33 it did not); (4) whether the court imposes a death sentence (in 76 cases out of the 180 the court did impose a death sentence; in the remaining 104 it did not). Figures 2-5 and Tables 1-4 present a number of key descriptive quantities associated with the Maryland death penalty system.

Race

Basic descriptive information for the race of the offender is shown in Figure 2. This figure shows that white offenders comprise about .24 of the pool of death eligible cases, black offenders .74 and offenders of other races .02. The contribution of white offenders increases slightly at the next stage, the decision to file a death notification, where .34 of all offenders are white and the proportion of black offenders declines slightly to .65. After the decision to file a notification to seek death, the proportion of white and black offenders remains fairly constant to the end of the process (death sentencing).

Table 1 reports the unadjusted rate at which offender race groups are processed through the Maryland death penalty system. The probability that a death notification will be filed given a death eligible case is .24 for black offenders, and .37 for non-black offenders (over 90% of whom are white). At this first decision point, then, non-white offenders are significantly more likely to have a death notice filed against them than black offenders. At each subsequent stage of the process there are no significant differences in the handling of black offender and non-black offender cases.

Figure 3 reports the proportion of white victim and black victim cases at each stage of the death penalty system. White offenders comprise approximately 45% of all death eligible cases. At each subsequent stage of the process, however, the proportion of white victim cases increases. White victim homicides make up 65% of those where a death notification is filed, 74% of the cases where a death notification "sticks", 77% of the cases that are advanced to a penalty trial, and in 80% of the death sentences imposed in Maryland during this period.

Table 2 reports the unadjusted rate at which white and non-white victim cases are processed through the system. The probability that a state's attorney will file a notification to seek the death penalty in a death eligible case is .43 when there is at least one white victim and .19 when there are no white victims. This difference is statistically significant. State's attorneys are more likely to retain a death notification once filed in white victim cases compared with non-white victim cases (.70 vs. .46), and this difference is also statistically significant. The probability that a case will be advanced to a penalty trial is also significantly higher in white victim (.88) than non-white victim (.75) cases. There is no race of victim disparity when the decision is whether or not to sentence someone to death given a penalty trial. Overall, however, the probability of a death sentence given the fact that a case is death eligible is .093 higher in white victim compared with non-white victim cases, a statistically significant difference. These unadjusted figures suggest that the race of the victim appears to matter at least in the early stages of the capital punishment system.

Figure 4 provides the distribution of combinations of offender's and victim's race at various stages of the Maryland capital punishment system. There are two clear patterns

from this figure. The first is that the proportion of cases involving a black offender and a white victim increases dramatically as you move further into the process. The other is that the proportion of cases involving a black offender and a black victim consistently declines. For example, black-on-white homicides comprise about .23 of all death eligible cases, but .35 of those that produce a death notification, .40 of those where the death notification "sticks", .43 of the penalty trials, and one-half of the death sentences imposed. Black-on-black killings make up .48 of the death eligible cases, but only .28 of the death notifications, .22 of the notifications that "stick", .19 of the penalty trials, and only .18 of the 76 death sentences. The proportion of homicides involving white offenders and white victims also increases at each successive stage of the process, but not as dramatically as we observed for black-on-white killings.

Tables 3A to 3D report the rate at which various race of offender/victim groups are processed at each decision point. Table 3A shows that homicides involving white offenders and white victims are significantly more likely than all other racial combinations to result in a formal notification to seek the death penalty. White-on-white killings are not treated differently from other cases at any other stage of the process. Table 3B shows the rate at which black-on-black killings are processed. Compared with the other racial groups, black offenders who kill blacks are significantly less likely to have a death notification filed, and less likely to have the notification "stick". There is no difference at the stage of advancing a case to a penalty trial or the rate of death sentencing given a penalty trial. The probability of a death sentence in a death eligible case is significantly lower for black-on-black killings, and this is because of the differential treatment of these cases in the hands of prosecutors.

Table 3C reports the rate of processing of cases involving black offenders and white victims. State's attorneys are significantly more likely to file a formal notification to seek the death penalty in black-on-white killings compared with other racial combinations, and they are significantly more likely to make this notification "stick". Black offenders who kill whites are not treated differently at the decision to advance a case to a penalty trial, and the sentencing decision after a penalty trial. Black-on-white killings that are death eligible are more likely to result in a death sentence, primarily because of decisions made by state's attorneys earlier in the process (charging decision).

Table 3D reports the processing of white-on-black homicides. While whites who kill blacks are significantly more likely to be death notified, than other racial combinations, not much weight should be on these results since there were only 22 cases involving white offenders and black victims. This diminishes to 3 at the penalty phase and only 1 at the sentencing stage.

Geography

Figure 5 presents the distribution of cases for several Maryland jurisdictions at each stage of the capital punishment process. Two things are striking. First, the proportion of cases from Baltimore City declines substantially the further into the process you go. Second, the proportion of cases from Baltimore County increases substantially. Baltimore City homicides comprise .43 of all of the death eligible homicides, but only .10 of the death notifications, only .11 of the death notifications that "stick", .10 of the penalty trials, and only .13 of the death sentences. Baltimore County homicides comprise

only .12 of all death eligible homicides but .28 of all death notifications, .39 of all notifications that "stick", .42 of all penalty trials, and .45 of all death sentences.

Table 4 reports the processing of cases at each decision making point for these same jurisdictions. There is statistically significant variation across these jurisdictions in the probability that a death eligible case will result in a notification to seek a death sentence. This probability is .65 for Baltimore County, .54 for Harford County, .38 for Prince George's County, .23 for Anne Arundel County, .19 for Montgomery County, .06 for Baltimore City, and .46 for other counties in Maryland. There is also statistically significant jurisdictional variation in the rate at which death notifications once filed are retained or withdrawn, from a high of .84 in Baltimore County to a low of .40 in Prince George's County. There is no significant variation by jurisdiction at the decision to advance a case to a penalty trial or at the decision to sentence to death given a penalty trial. There is statistically significant variation across the different jurisdictions in the probability of a death sentence for all death eligible cases, due primarily to the way the charging decisions are handled.

In sum, our unadjusted analysis would suggest the following:

1. white offenders are more likely to be death notified than non-white offenders.

2. offenders who kill at least one white victim are more likely to be death notified, more likely to have that notification "stick", and more likely to be advanced to a penalty trial than cases without a white victim.

3. white offenders who kill whites are more likely to be death notified than otherers.

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4. black offenders who kill blacks are less likely to be death notified and have that notification "stick" than others/

5. black offenders who kill whites are more likely to be death notified and have that notification "stick"

6. there is substantial and significant variation in the way different state's attorneys in Maryland make the decision to file a notification to seek the death penalty and whether or not that notification is withdrawn.

While we have found disparate treatment by race and geography in the processing of cases in the Maryland death penalty system, this unadjusted analysis does not take into account numerous facts/circumstances about these homicides which may legitimately explain this disparate treatment. We now proceed to examine what happens to this evidence of disparate treatment by race and geography once case characteristics are taken into account.

Adjusted Analysis

Professors David Baldus and George Woodworth of the University of Iowa have previously examined offender and victim race data for the subset of death noticed cases in Maryland. A key recommendation emerging from their report (February 2001) was that a study controlling for other variables in addition to the statutory aggravating factors they examined would provide more definitive answers to questions about the Maryland system. The mandate for the current study was to examine geographic as well as victim and offender race disparities in Maryland after controlling for a wide variety of relevant individual case characteristics (those listed in Table 9). Unfortunately, there was no

information on some of the covariates for some of the cases. Consequently, it is necessary to attain a balance between including as many cases as possible with as many covariates as possible. It is not possible to optimize both of these quantities simultaneously – an increase in the number of cases necessitates a loss of some of the covariates and an increase in the number of covariates necessitates a loss of some of the cases. After examining a variety of different possibilities, a list of variables with complete data on 1,202 of the original 1,311 cases (91.7% of the original number) was devised. A comparison of the notice rates and death sentence rates for the dropped cases compared to the included cases reveals that they are not significantly different (p(drop | notice) = .074 compared to p(drop | not noticed) = 0.087; $\chi_{(1)}$ = 0.571; p > .05 and p(drop | death sentence) = 0.066 compared to p(drop | no death sentence) = 0.084; $\chi_{(1)}$ = 0.319; p > .05).

To address the impact of losing these cases on the results, a series of analyses presented in Tables 5-8 and Figures 6-10 was conducted. On balance, these data reveal very little change in any of the basic descriptive quantities presented earlier. This evidence suggests (but does not prove) that the missing cases are a relatively representative sample of the universe of death eligible cases.

The race of victim and race of defendant variables had additional missing data problems. There were 18 additional cases with missing offender race information yielding a sample of 1,202 – 18 = 1,184 cases for race of offender analyses. There were 124 cases with missing victim race information yielding a sample of 1,202 – 124 = 1,078 cases for race of victim analyses. Finally for analyses of the intersection of victim and offender race, an additional 141 cases were lost yielding a sample of 1,202 – 141 = 1,061

cases. The differences in the decision outcomes between the cases with missing and observed data on these variables are statistically and substantively significant. For example, among the 124 cases with missing race of victim information, 121 came from the group of individuals who were not noticed while only 3 came from the noticed cases. Similar disparities were noted for the race of offender and the intersection of offender and victim race variables. The lack of information associated with these cases is an important but unavoidable weakness of this study. Readers of this report must bear in mind that analyses involving victim race and the intersection of victim and offender race have disproportionately eliminated death eligible cases that were not death noticed.

Table 9 presents the list of covariates used in the study. The first set of covariates in this table were observed for the full 1,202 cases while the second set were measures of statutory aggravating factors which were only observed for the 327 cases that were death noticed (26 cases out of the original 353 death noticed cases were lost to missing data as described above). Most of the entries in this table are proportions which means that they can be interpreted as the number of cases having the characteristic divided by the total number of cases. The total number of cases is 1,202 except for the statutory aggravating factors where the total number of cases is 327.

Adjusted Analysis: Between-JurisdictionVariation

Tables 10A-10F present the details of a multiple-variable logistic regression analysis of county processing patterns at different stages of the death penalty system in Maryland. Table 10A reports the results for the decision of the state's attorney to file a notification to seek the death penalty. The parameter estimates for the case characteristics

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are given in Table 10A, along with the estimated effects for each county. This table shows that there is significant jurisdiction-to-jurisdiction variation in the way the decision to file a death notification is handled. Compared to the reference category, state's attorneys in Anne Arundel County, Baltimore City, and Montgomery County are significantly less likely to file a notification to seek the death penalty while cases in Baltimore County are significantly more likely to be death notified. *It is important to note that this substantial variation by legal jurisdiction in the decision to seek a death sentence exists even after controlling for numerous case characteristics.*

Table 10B reports the results of the decision to not withdraw a death notification once filed. There again is substantial variation across legal jurisdictions in Maryland in the decision to withdraw a death notification. State's attorneys in Baltimore County are significantly more likely to have a death notification once filed "stick". In examining Table 10C there is no longer a significant jurisdiction effect. This means that in terms of the decision by the state's attorney to advance a case to a penalty trial, there is no significant variation across the different legal jurisdictions in Maryland. Table 10D reports the results for the decision to impose a death sentence given that a penalty trial occurs. Again there is a significant jurisdictional effect with cases from Baltimore County more likely to be sentenced to death, even after case characteristics are considered. Table 10E reports the logistic regression analysis of whether a defendant receives a death sentence given the fact that it is a death eligible case. The results again show a significant effect for the charging jurisdiction. Death eligible defendants in Baltimore City and Prince George's County are significantly less likely to be sentenced to death while those in Baltimore County are significantly more likely to be sentenced to death. We know that

the reason for this is the significantly different rate at which prosecutors in the different locations in the state make capital charges and make those capital charges "stick" early in the capital punishment process.

To provide an easy way to interpret the magnitude of the county effect at each decision making point, the predicted probability of each outcome (both before and after the statistical controls for case characteristics) is reported for each jurisdiction in Table 10F. Looking at the decision to file a death notification, we can see that the predicted probability that a death notice will be filed in a death eligible case ranges from a high of .620 in Baltimore County to a low of .046 in Baltimore City. This means that given the fact that a death eligible homicide has occurred, *the probability that a notification to seek death will be filed in Baltimore County is over 13 times higher than in Baltimore City, even after taking into account important case characteristics. The probability of being death notified if a case is in Baltimore County is over five times greater than if it occurred in Montgomery County and three times greater than if it occurred in Anne Arundel County*. This jurisdiction-to-jurisdiction variation in the probability of a death notice given a death eligible offense is statistically significant.

There is also substantial variation across the different Maryland jurisdictions in the probability that a death notice once filed will "stick". This probability is highest in Baltimore County, Anne Arundel County, and Baltimore City and lowest in Prince George's County. These jurisdictional variations are also statistically significant. In looking at the probability that a case will be advanced to a penalty trial or will be sentenced to death after a penalty trial, the variation by jurisdiction becomes much smaller and is not statistically significant. It is very easy to see from Table 10F that the

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probability of these latter two decisions is fairly consistent across the different jurisdictions in the states. The effect of early prosecutorial decisions on later stages of the capital sentencing process can be seen in the death penalty decisions. There is substantial jurisdictional variation in the decision to impose a death sentence for a death eligible homicide that is unexplained by case characteristics.

What these results indicate is that clearly the jurisdiction where the homicide occurs matters and matters a great deal. There are large differences in how different legal jurisdictions process their death penalty cases in Maryland. These differences are manifested in how state's attorneys charge death eligible cases and whether they retain a capital charge or decide to withdraw it. *Although the jurisdictional differences occur early in the process they are propagated to later points and go uncorrected*. It is also important to note here that the variation in how death cases are handled in the different legal jurisdictions in Maryland that we found in the previously reported unadjusted analysis holds up in the multivariate analysis when numerous case characteristics are considered. In other words, *differences in how different jurisdictions handle death eligible cases cannot be attributed to the kinds of homicides committed in those jurisdictions*.

Adjusted Analysis: Offender's Race

Tables 11A to 11F report the results of a multivariate logistic regression analysis looking at the race of the offender at various stages of Maryland's death sentencing process. Looking across the different decision points, *there is no evidence that the race of the defendant matters at any stage once case characteristics are controlled for*. This is

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best seen in Table 11F which shows the predicted probability of each stage occurring for black and non-black defendants both before and after considering case characteristics. As we found earlier in the unadjusted analysis, there is a slight tendency for black offenders to be less likely to be death notified. This disappears, however, when case characteristics are taken into account, and in fact switches direction with black offenders slightly more at risk. The difference is quite small, however, and the differences for each stage between black and non-black offenders are small. The largest difference occurs at the decision to impose a death sentence given a penalty trial. There, the probability that a black offender will be sentenced to death is .444 and the probability for non-black offenders is .376, a statistically non-significant difference of .068. In sum, we have found no evidence that the race of the defendant matters in the processing of capital cases in the state.

C. Victim Race

In Tables 12A to 12F we report race of victim patterns at various stages of the state's death penalty system in a multivariate logistic regression model that considers both relevant case characteristics and the jurisdiction where the crime occurred. Recall that in the unadjusted analysis killers of white victims were significantly more likely to be death noticed, to have that death notification "stick", and to be advanced to a penalty trial than those who killed non-black victims. In the adjusted analysis we find that this difference in the handling of black victim and non-black victim cases cannot be explained by the case characteristics of the homicide. Table 12A shows that even after case factors and jurisdictional differences are taken into account, those who kill whites are still significantly more likely to have the state's attorney file a notification to seek the death penalty. Table 12B reveals that the decision not to withdraw a death notification is also

related to the race of the victim. After considering jurisdiction and case characteristics, state's attorneys are significantly less likely to withdraw a death notification if a white victim is killed compared with a non-white victim. This race of victim effect does not hold up, however, at the decision of the state's attorney to advance a case to a penalty trial (Table 12C)[17], and at the decision of the judge or jury to impose a death sentence given that a penalty trial has occurred (Table 12D).[18] In Table 12E we report the results of a logistic regression model for defendants who are sentenced to death within the pool of all death eligible cases. This table shows that even taking into account jurisdiction and relevant case characteristics offenders who slay white victims are significantly more likely to be sentenced to death than those who slay all non-white victims.

For all of our analyses we estimated a stepwise logistic regression model to see if our results would hold up under a different model specification and with only two exceptions they did. The stepwise logistic regression model for the race of the victim on whether the defendant receives a death sentence for all death eligible cases was one of these exceptions. In our first model the effect of victim's race was significant at $p < .05$, in the stepwise model reported in Table 12F, the effect of victim's race was still present but now it was statistically significant at only a .07 level. The estimated logistic regression parameter was reduced from 1.216 (with an odds multiplier of 3.37) to .721 with an odds multiplier of (2.06). The race of the victim still matters, but we would note that in a different model specification it's level of statistical significance declines.

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[17] The race of victim effect in this model is marginally significant with a $p < .10$.

[18] We provide two versions of these tables. In the first there is a case characteristic that was not significantly related to the outcome variable but was included to make a more conservative test of the racial disparity hypothesis. In the second version this factor is dropped and there is only one significant case characteristic included.

In order to better capture the magnitude of the race of victim effect, in Table 12G we have calculated the predicted probability of each outcome in the death sentencing process for white and non-white victim cases both before and after adjusting for case characteristics. The adjusted probability that a state's attorney will seek a death notification when a white is killed is .266 and .169 when a black is killed. This means that the probability of a death notification in a white victim cases is 1.6 times higher than that for a black victim homicide, even after considering relevant case characteristics and the jurisdiction where the homicide occurred. The probability of a death notification "sticking" is 1.5 times higher in white victim than black victim cases again after taking into account case factors and jurisdiction. At both these early decision making points, then, the race of the victim killed in a homicide is an important factor in determining which death eligible defendants are notified that the state will seek the death penalty against them, and for whom that notification will "stick". The last entry in Table 12F shows that for all death eligible homicides the probability of a death sentence in a white victim case is three times higher than in a non-white victim homicide. The estimated probability for a death sentence among death eligible homicides in the stepwise model is .022 for white victim cases and .011 for non-white victim cases. The probability that a white victim death eligible homicide will result in a death sentence is now only two times higher than in a non-white victim homicide. In the stepwise model, the effect of victim's race does diminish from our earlier model specification, but it still substantively matters.

In sum, we find a significant effect for the race of the victim in the way the prosecutor initially handles death eligible homicides. State's attorneys in Maryland are more likely to file a notification to seek a death sentence and more likely to retain that

notification when the race of the victim is white rather than black. Furthermore, this race

of victim effect is not explained by case characteristics of white and non-white victims or

by the jurisdiction where the homicide occurred. This initial disparity is not corrected at

later stages of the capital sentencing process. The race of the victim does not appear to

matter when the decision is to advance a case to the penalty phase or to sentence a

defendant to death after a penalty phase hearing.

D. Offender-Victim Race Combinations

In Tables 13A to 13G we report logistic regression models for combinations of

offender's and victim's race. Table 13A shows that net of relevant case characteristics

and the jurisdiction where the homicide occurred, all combinations of offender's and

victim's race are less likely to be charged with a capital crime given that it is death

eligible than black offenders who kill white victims.[19] Both blacks who kill blacks and

homicides involving "other" combinations of offender's and victim's race are

significantly less likely to have a death notification "stick" than homicides involving

black offenders and white victims (Table 13B).[20] There is no race of offender/victim

effect at either the decision to advance a case to a penalty hearing (Table 13D) or the

decision to sentence a defendant to death given a penalty hearing (Table 13E). Table 13F

does show, however, that black offenders who slay white victims are more likely to be

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[19] Other combinations include es white offenders who kill blacks but also a handful of cases involving "other" races (Hispanic, Asian, Native American) of either the victim or offender.

[20] The only other occasion where the stepwise logistic regression model produced a different result than our earlier model specification is in this instance. Table 13C shows that in the stepwise specification there are no significant differences in the decision to withdraw a death notification across race of offender/victim groups.

sentenced to death than other racial combinations given the fact that a homicide is death eligible.

Table 13G provides the predicted probabilities of each outcome for the four race of offender/victim combinations. The probability that the state's attorney will file a notification to seek the death penalty is highest in cases where a black offender kills a white victim (.355), and is twice as high as when a black slays another black (.174) or other racial combinations (.166), and 1.7 times higher than when a white kills a white. Even when case characteristics and jurisdiction are controlled, blacks who cross racial lines and kill whites are more likely to be death notified. The probability that a death notification will "stick" is also higher (about 1.5 times) for both whites who kill blacks and blacks who kill blacks compared with blacks who kill blacks and "other" racial combinations. It is also interesting to note that given that a homicide is death eligible, blacks who kill whites are two and one-half times more likely to be sentenced to death than are whites who kill whites (.043 vs. .017), three and one-half times more likely than are blacks who kill blacks (.043 vs. .012), and almost eleven times more likely to be sentenced to death than "other" racial combinations (.043 vs. .004). Consistently, black offenders who kill white victims are at greater risk of in Maryland's capital sentencing system even after controlling or numerous case characteristics and the jurisdiction where the crime occurred.

In sum, in our analysis we have found evidence for a race of victim effect and an effect for the combination of offender's and victim's race. Offenders who kill white victims, especially if the offender is black, are significantly and substantially more likely to be charged with a capital crime (state's attorney decides to file a notification to seek

the death penalty). Those who kill white victims are also significantly more likely to have their death notification "stick" than those who kill non-whites. These effects persist even in the presence of what we think are very rigorous controls for relevant case characteristics. Moreover, while these effects do not appear at other, later decision making points in the capital sentencing process they are generally not corrected.

THE IMPORTANCE OF JURISDICTION

One of the most impressive findings from this research is the power that state's attorneys have and exercise in determining whether or not to process a death eligible homicide as a capital crime. The variation in the treatment of cases across the different legal jurisdictions was substantial and robust. In the Maryland death penalty system, the jurisdiction where the crime occurs and legal prosecution begins is clearly one of the most important factors, and cannot be ignored. We provide some supplemental analyses to demonstrate the role of legal jurisdiction in the handling of death penalty cases.

In Table 14 we report the results of a series of logistic regression models. The cases are all those where a notification was filed that the state intends to seek the death penalty, and the decision is whether or not a death sentence is imposed. Model 1 shows that considered alone the race of the victim matters, those who kill white victims are an a substantially increased risk of being sentenced to death compared with those who kill non-whites. In Model 2 we enter the number of statutory aggravating factors that the prosecutor charges in the death notification. The number of statutory aggravating factors clearly elevates the risk of a death sentence and it diminishes, but does not eliminate the race of victim effect. The results for Model 2 are identical to those reported by Professors

Baldus and Woodworth in their 2001 analysis of Maryland death-noticed cases. In Model 3 we drop the number of statutory aggravating factors and add variables for the charging jurisdiction. When the prosecuting jurisdiction is added to the model, the effect for the victim's race diminishes substantially, and is no longer statistically significant. This would suggest that jurisdiction and race of victim are confounded. There are state's attorneys in Maryland who more frequently pursue the death penalty than others. It also happens that there are more white victim homicides committed in these jurisdictions where there is a more frequent pursuit of the death penalty. When both jurisdiction and the number of statutory aggravating factors are included in the model (Model 4), the effect of victim's race declines again, but only slightly.

We report a similar analysis in Table 15 but here we focus on black offenders who kill white victims among the subset of death-notified cases. Model 1 shows that black offenders who kill white victims are significantly more likely than other racial combinations to be sentenced to death. This is true even when there are controls for the number of statutory aggravating factors (Model 2). When the jurisdiction variables are entered in Model 3, the effect for black kills white is reduced by about twenty-two percent, but is still significant. It continues to be significant even with controls for both county and the number of statutory aggravating factors (Model 4).

The effect of jurisdiction in reducing the race effect (revealing the confound between jurisdiction and race) is shown in Tables 16 and 17. Table 16 reports the results of a logistic regression analysis for death eligible cases for the race of the victim on both the death notice decision and the death sentence decision. Without jurisdiction controls, there is a very strong relationship between killing a white victim and being death noticed

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and being sentenced to death. With just the addition of the jurisdiction controls, however, this relationship, though still statistically significant, is reduced dramatically. For the death notice decision the difference in the estimated probability of a death notice between white and non-white victims declines from .256 to .110, a 132% decrease. For the death sentence decision, the difference in the predicted probability of a death sentence between white and non-white victims declines from .090 to .037, a 143% decrease.

The different treatment that is given to death penalty cases for different race groups is summarized in Table 18. From this table it is very clear to see that the two counties with the highest death notice and death sentencing rates (Baltimore and Harford) are also the two counties with the highest rates of white victim and black defendant white victim death eligible homicides. What this implies is that any attempt to deal with any racial disparity in the imposition of the death penalty in Maryland cannot ignore the substantial variability that exists in different state's attorneys' offices in the processing of death cases.

CONCLUSION

The analysis presented in this report has explored a number of issues related to the death penalty sentencing system in Maryland. The primary focus has been on the possible effects of geography and race of victim and race of defendant variables. The analysis suggests that both classes of variables play an important role in the Maryland system. The evidence indicates that these factors exert their greatest effects at the death notice and death notice retraction decisions. Later stages of the system do not appear to exacerbate or increase the magnitude of these effects. But the effects of the earliest

decisions in the Maryland system are apparent in the actual imposition of death sentences and capital punishment when the group of individuals who receive these sentences are compared to the entire state's universe of death eligible cases.

The research presented in this report is limited in several respects. First, as discussed earlier there were significant quantities of missing data on the race of some victims. These cases were disproportionately lost at the notice decision and some of the most important effects estimated in this study revolved around the death notice decision. Nevertheless, the effects of geography remained strong at this decision point even with all of the cases with missing victim race included in the analysis. Efforts to rigorously address this missing data problem related to victim race will be developed in the months ahead.

A second weakness which will be more difficult to address involves the inability to hold statutory aggravating factors constant at the notice decision. This is a logical problem since prosecutors are not required to identify statutory aggravating factors unless a death notification is issued. Nevertheless, these variables appear to play an important role in decisions related to the imposition of capital punishment in Maryland and future research will benefit from addressing this issue.

A third issue that this report has not addressed is whether the statewide results estimated here hold equally for all counties. A challenge for research on this topic is that the sample sizes for statistical analysis become very small as the sample is subdivided. Some specialized statistical methods for addressing small sample problems are becoming more feasible to implement with current statistical computing technology and this is another issue that will be explored with the Maryland death penalty data.

These weaknesses notwithstanding, the report does identify several clear statewide patterns among the cases that are fully observed. These patterns include statistically significant effects for geographic, race of victim, and joint offender-victim race groups on the imposition of death sentences in Maryland. The data suggest that most of these patterns become apparent at the earliest stages of processing within the state's death penalty system.

Figure 1
Number of Cases Progressing Through Each Stage of the Maryland Death Penalty System
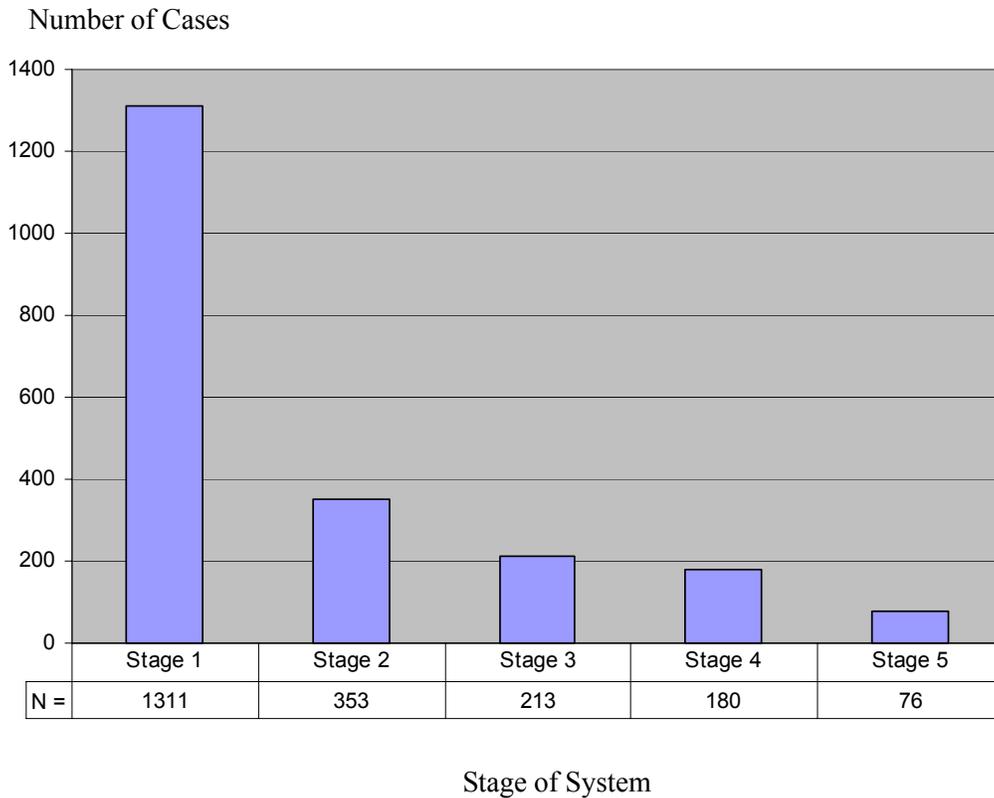
Number of Cases

| N = | 1311 | 353 | 213 | 180 | 76 |

Stage of System

Notes:

Stage 1 = Universe of death eligible cases in Maryland from July 1, 1978 to December 31, 1999 (N = 1,311).

Stage 2 = Subset of death eligible cases where the prosecutor files notice of intent to seek the death penalty (N = 353). The conditional probability of filing notice given a death eligible case is 353/1311 = 0.269.

Stage 3 = Subset of death-noticed cases where the prosecutor does not retract notice (i.e., the death notice "sticks.") (N = 213). The conditional probability of notice sticking given a death eligible case is 213/1311 = 0.162 and the conditional probability of notice sticking given that the prosecutor files notice is 213/353 = 0.603.

Stage 4 = Subset of "stuck" death-noticed cases advancing to a penalty trial (N = 180). The conditional probability of a case advancing to the penalty phase given that the prosecutor sticks with the death notice is 180/213 = 0.845.

Stage 5 = Subset of penalty trial cases resulting in the imposition of a death sentence (N = 76). The conditional probability of a death sentence being imposed given a death eligible case is 76/1311 is 0.058. The conditional probability of a death sentence being imposed given a death notice that sticks is 76/213 = 0.357. Finally, the conditional probability of a death sentence being imposed given a penalty trial is 76/180 = 0.422.

Figure 2
Offender Race Distribution
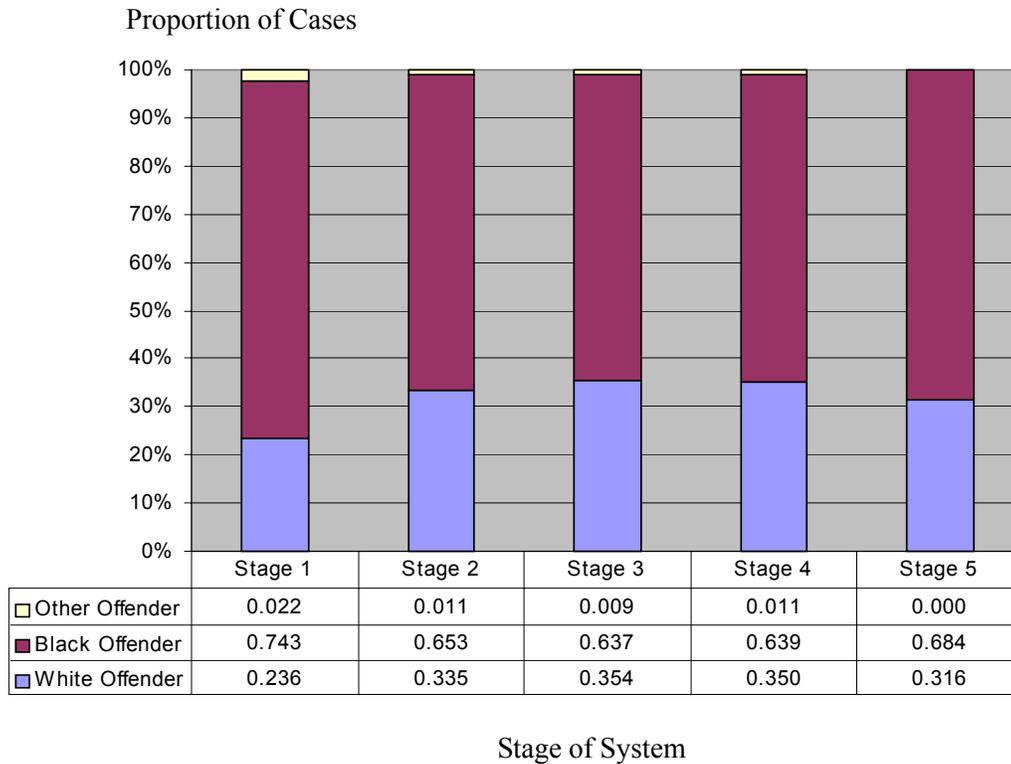
Proportion of Cases

	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
☐ Other Offender	0.022	0.011	0.009	0.011	0.000
■ Black Offender	0.743	0.653	0.637	0.639	0.684
☐ White Offender	0.236	0.335	0.354	0.350	0.316

Stage of System

Notes:

Stage 1 = Universe of death eligible cases in Maryland from July 1, 1978 to December 31, 1999 (N = 1,311). There is no information about the race of the defendant in 20 (1.5%) of the cases.

Stage 2 = Subset of death eligible cases where the prosecutor files notice of intent to seek the death penalty (N = 353). The defendant's race is unknown in 1 case.

Stage 3 = Subset of death-noticed cases where the prosecutor does not retract notice (i.e., the death notice "sticks.") (N = 213). The defendant's race is unknown in 1 case.

Stage 4 = Subset of cases that advance to a penalty trial (N = 180). The defendant's race is unknown in 1 case.

Stage 5 = Subset of cases reaching the penalty phase resulting in the imposition of a death sentence (N = 76). The defendant's race is observed for all 76 cases.

Figure 3
Victim Race Distribution
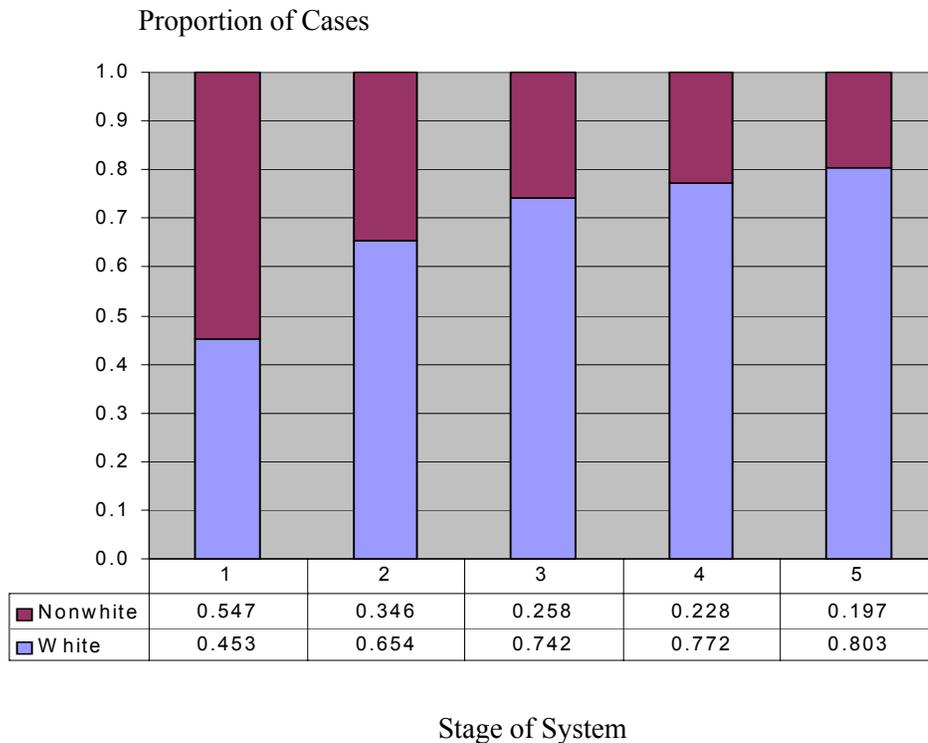
Proportion of Cases

	1	2	3	4	5
■ Nonwhite	0.547	0.346	0.258	0.228	0.197
■ White	0.453	0.654	0.742	0.772	0.803

Stage of System

Notes:

Stage 1 = Universe of death eligible cases in Maryland from July 1, 1978 to December 31, 1999 (N = 1,311). There is no information about the race of victim in 139 (10.6%) of the cases. The case is considered a "white victim case" if at least one white person is killed (in 11 cases at least one white and at least one black were killed; these cases are considered "white" because at least one white person was killed). The nonwhite victim group (i.e., cases with no white victims) is comprised mainly of cases with at least one black victim (N = 593; 92.1%).

Stage 2 = Subset of death eligible cases where the prosecutor files notice of intent to seek the death penalty (N = 353). The victim's race is unknown in 6 (1.7%) of the 353 cases. The nonwhite victim group is comprised mainly of cases with at least one black victim (N = 109; 90.8%).

Stage 3 = Subset of death-noticed cases where the prosecutor does not retract notice (i.e., the death notice "sticks.") (N = 213). The nonwhite victim group is comprised mainly of cases with at least one black victim (N = 49; 89.1%).

Stage 4 = Subset of cases that advance to a penalty trial (N = 180). The nonwhite victim group is comprised mainly of cases with at least one black victim (N = 36; 87.8%).

Stage 5 = Subset of cases reaching the penalty phase resulting in the imposition of a death sentence (N = 76). The victim's race is observed for all 76 cases. The nonwhite victim group is comprised entirely of cases with at least one black victim (N = 15).

Figure 4
Joint Offender-Victim Race Distribution
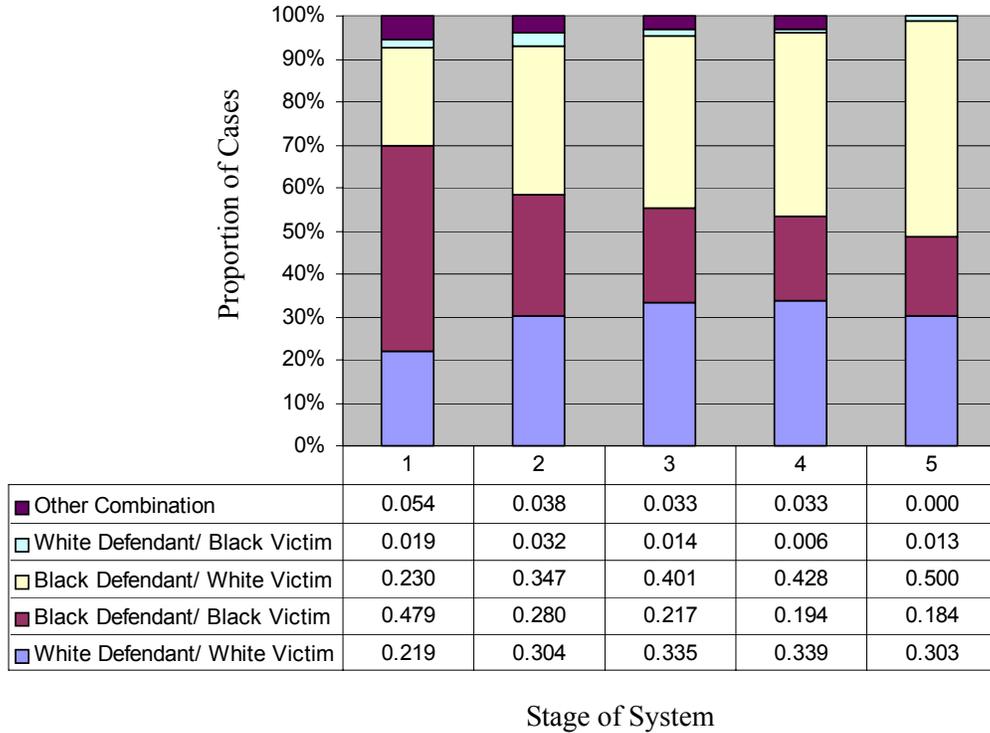
	1	2	3	4	5
■ Other Combination	0.054	0.038	0.033	0.033	0.000
□ White Defendant/ Black Victim	0.019	0.032	0.014	0.006	0.013
□ Black Defendant/ White Victim	0.230	0.347	0.401	0.428	0.500
■ Black Defendant/ Black Victim	0.479	0.280	0.217	0.194	0.184
■ White Defendant/ White Victim	0.219	0.304	0.335	0.339	0.303

Stage of System

Notes:

Stage 1 = Universe of death eligible cases in Maryland from July 1, 1978 to December 31, 1999 (N = 1,311). Either the race of the victim or the defendant is unknown in 158 (12.1%) of the cases.

Stage 2 = Subset of death eligible cases where the prosecutor files notice of intent to seek the death penalty (N = 353). Either the race of the victim or the defendant is unknown in 7 of these 353 (2.0%) cases.

Stage 3 = Subset of death-noticed cases where the prosecutor does not retract notice (i.e., the death notice "sticks.") (N = 213). Either the race of the victim or the defendant is unknown in 1 of these cases.

Stage 4 = Subset of cases advancing to a penalty trial (N = 180). Both the race of the victim and the defendant are observed for all 180 cases.

Stage 5 = Subset of cases reaching the penalty phase resulting in the imposition of a death sentence (N = 76). Both the race of the victim and the defendant are observed for all 76 cases.

Figure 5
County Contributions to Each Stage of the Maryland Death Penalty System
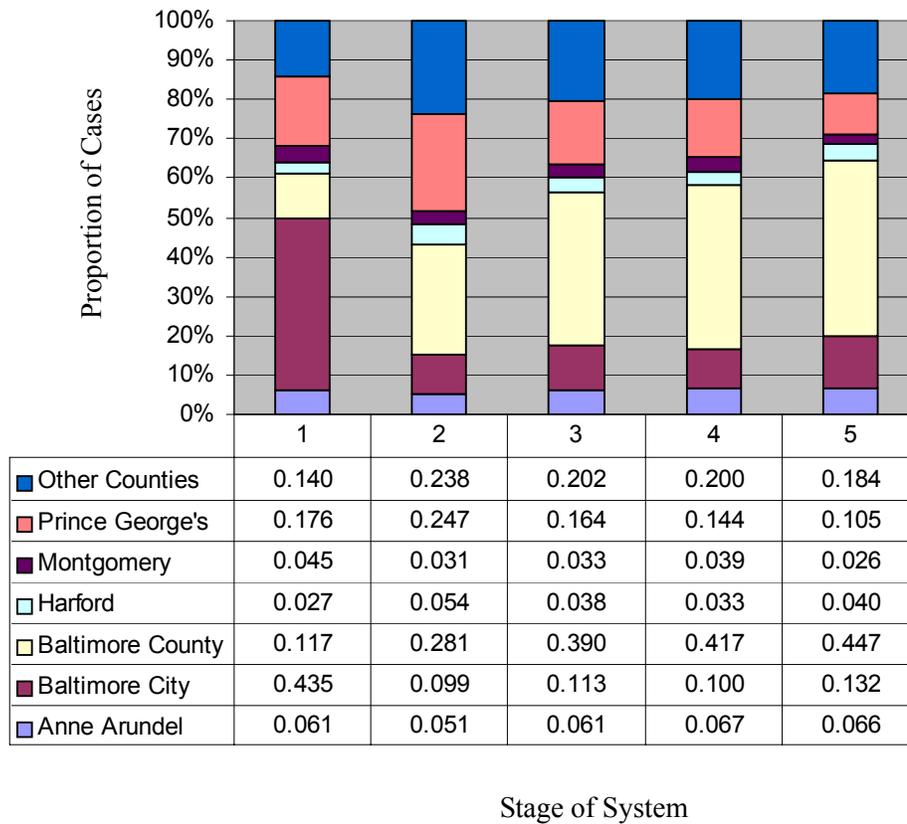
	1	2	3	4	5
■ Other Counties	0.140	0.238	0.202	0.200	0.184
■ Prince George's	0.176	0.247	0.164	0.144	0.105
■ Montgomery	0.045	0.031	0.033	0.039	0.026
□ Harford	0.027	0.054	0.038	0.033	0.040
□ Baltimore County	0.117	0.281	0.390	0.417	0.447
■ Baltimore City	0.435	0.099	0.113	0.100	0.132
□ Anne Arundel	0.061	0.051	0.061	0.067	0.066

Stage of System

Notes:

Stage 1 = Universe of death eligible cases in Maryland from July 1, 1978 to December 31, 1999 (N = 1,311). The county in which the charge is brought is unknown in six of these cases. For all subsequent stages there is no missing county information.

Stage 2 = Subset of death eligible cases where the prosecutor files notice of intent to seek the death penalty (N = 353).

Stage 3 = Subset of death-noticed cases where the prosecutor does not retract notice (i.e., the death notice "sticks.") (N = 213).

Stage 4 = Subset of cases advancing to a penalty trial (N = 180).

Stage 5 = Subset of cases reaching the penalty phase resulting in the imposition of a death sentence (N = 76).

Figure 6
Number of Cases Progressing Through Each Stage of the
Maryland Death Penalty System After Listwise Deletion of Missing Cases

Number of Cases

| N = | 1202 | 327 | 198 | 169 | 71 |

Stage of System
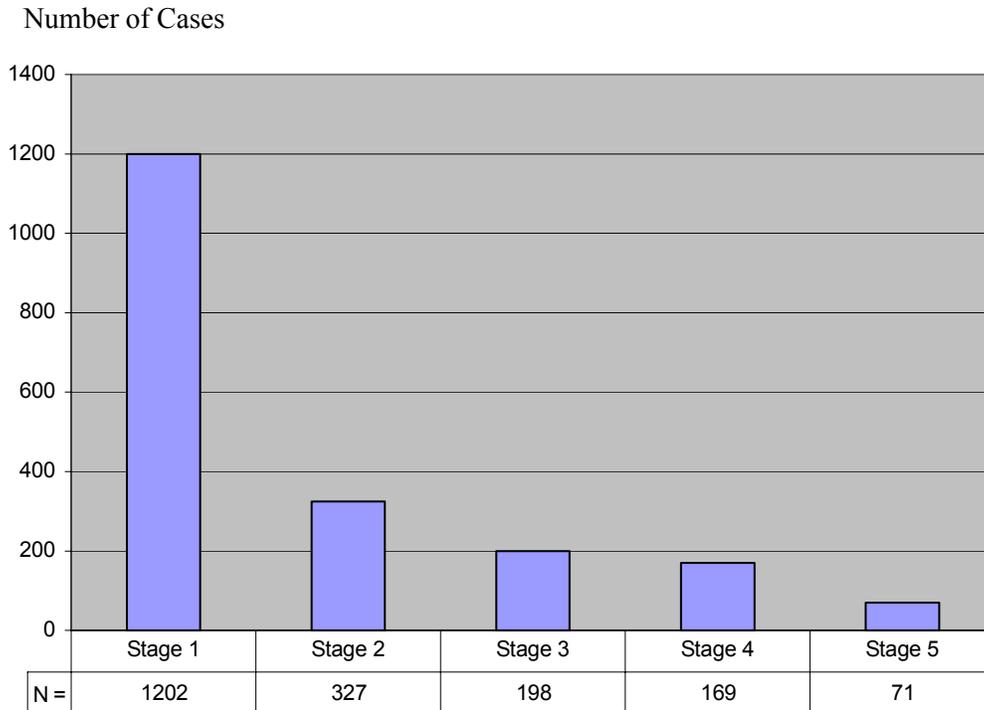
Notes:

Stage 1 = Universe of death eligible cases in Maryland from July 1, 1978 to December 31, 1999 (N = 1,202).

Stage 2 = Subset of death eligible cases where the prosecutor files notice of intent to seek the death penalty (N = 327). The conditional probability of filing notice given a death eligible case is 327/1202 = 0.272.

Stage 3 = Subset of death-noticed cases where the prosecutor does not retract notice (i.e., the death notice "sticks.") (N = 198). The conditional probability of notice sticking given a death eligible case is 198/1202 = 0.165 and the conditional probability of notice sticking given that the prosecutor files notice is 198/327 = 0.606.

Stage 4 = Subset of "stuck" death-noticed cases advancing to a penalty trial (N = 169). The conditional probability of a case advancing to the penalty phase given that the prosecutor sticks with the death notice is 169/198 = 0.854.

Stage 5 = Subset of penalty trial cases resulting in the imposition of a death sentence (N = 71). The conditional probability of a death sentence being imposed given a death eligible case is 71/1202 is 0.059. The conditional probability of a death sentence being imposed given a penalty trial is 71/169 = 0.420.

Figure 7
Offender Race Distribution after Listwise Deletion of Missing Cases
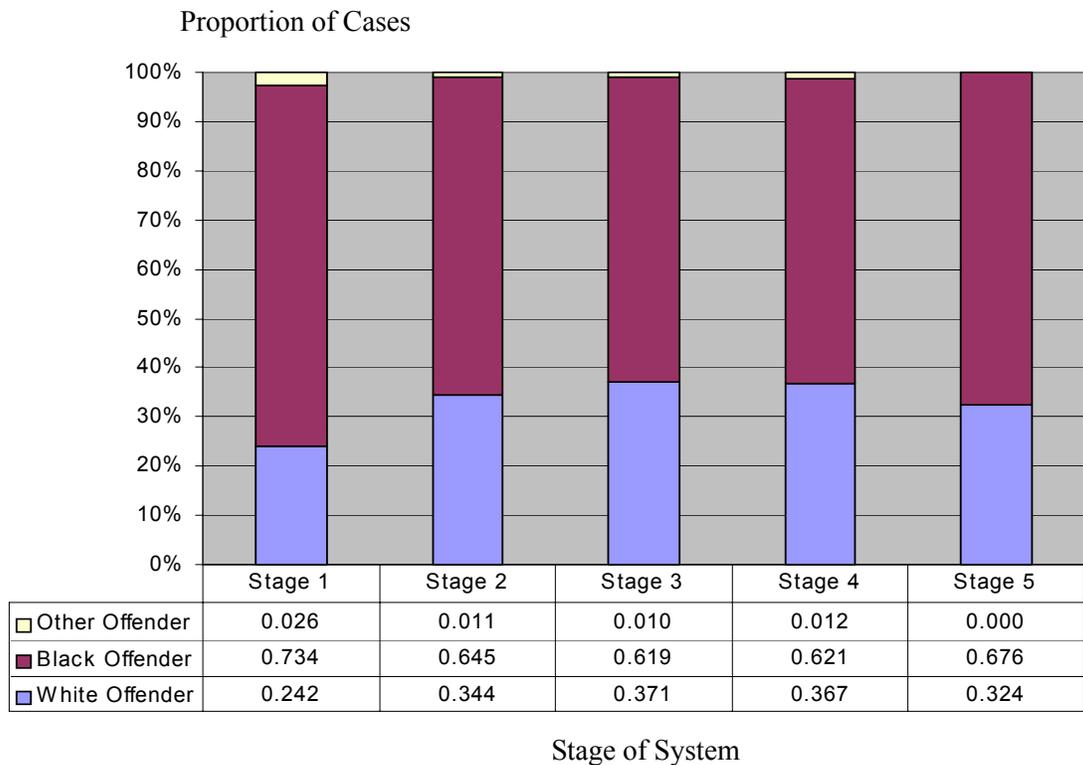
Proportion of Cases

	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
☐ Other Offender	0.026	0.011	0.010	0.012	0.000
■ Black Offender	0.734	0.645	0.619	0.621	0.676
☐ White Offender	0.242	0.344	0.371	0.367	0.324

Stage of System

Notes:

Stage 1 = Universe of death eligible cases in Maryland from July 1, 1978 to December 31, 1999 (N = 1,202). There is no information about the race of the defendant in 18 (1.5%) of the cases.

Stage 2 = Subset of death eligible cases where the prosecutor files notice of intent to seek the death penalty (N = 327). The defendant's race is unknown in 1 case.

Stage 3 = Subset of death-noticed cases where the prosecutor does not retract notice (i.e., the death notice "sticks.") (N = 198). The defendant's race is unknown in 1 case.

Stage 4 = Subset of cases that advance to a penalty trial (N = 169). The defendant's race is observed for all 169 cases.

Stage 5 = Subset of cases reaching the penalty phase resulting in the imposition of a death sentence (N = 71). The defendant's race is observed for all 71 cases.

Figure 8
Victim Race Distribution After Listwise Deletion of Missing Cases
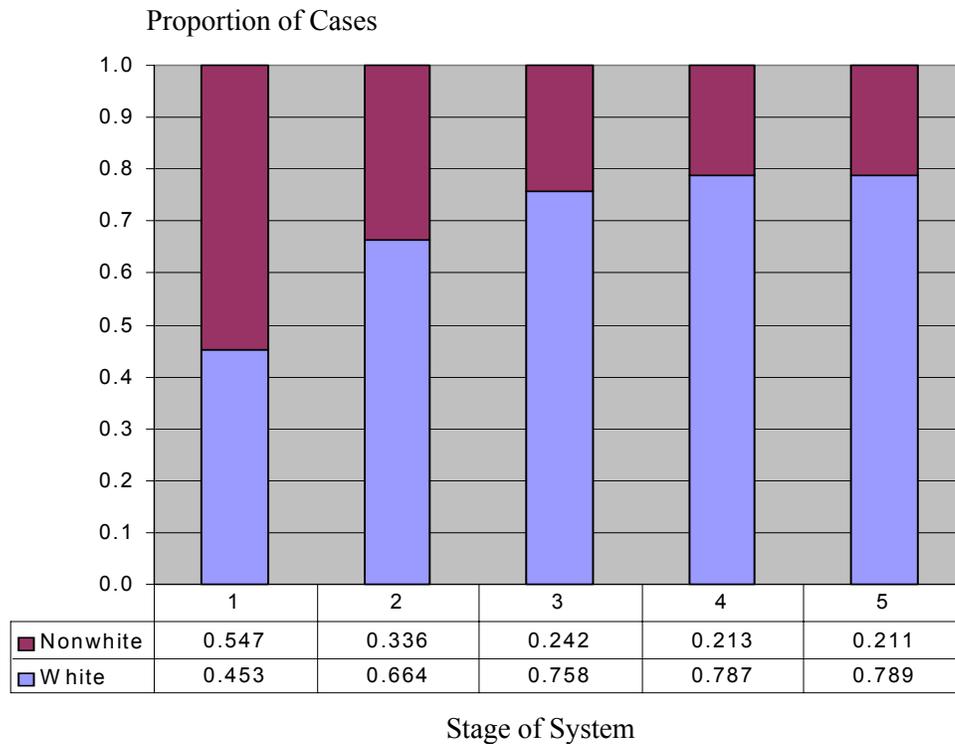
Proportion of Cases

	1	2	3	4	5
■ Nonwhite	0.547	0.336	0.242	0.213	0.211
□ White	0.453	0.664	0.758	0.787	0.789

Stage of System

Notes:

Stage 1 = Universe of death eligible cases in Maryland from July 1, 1978 to December 31, 1999 (N = 1,202). There is no information about the race of victim in 124 (10.3%) of the cases. The case is considered a "white victim case" if at least one white person is killed. The nonwhite victim group (i.e., cases with no white victims) is comprised mainly of cases with at least one black victim (N = 543; 92.0%).

Stage 2 = Subset of death eligible cases where the prosecutor files notice of intent to seek the death penalty (N = 327). The victim's race is unknown in 3 (0.9%) of the 327 cases. The nonwhite victim group is comprised mainly of cases with at least one black victim (N = 98; 90.0%).

Stage 3 = Subset of death-noticed cases where the prosecutor does not retract notice (i.e., the death notice "sticks.") (N = 198). The nonwhite victim group is comprised mainly of cases with at least one black victim (N = 42; 87.5%).

Stage 4 = Subset of cases that advance to a penalty trial (N = 169). The nonwhite victim group is comprised mainly of cases with at least one black victim (N = 31; 86.1%).

Stage 5 = Subset of cases reaching the penalty phase resulting in the imposition of a death sentence (N = 71). The victim's race is observed for all 71 cases. The nonwhite victim group is comprised entirely of cases with at least one black victim (N = 15).

Figure 9
Joint Offender-Victim Race Distribution after Listwise Deletion of Missing Cases
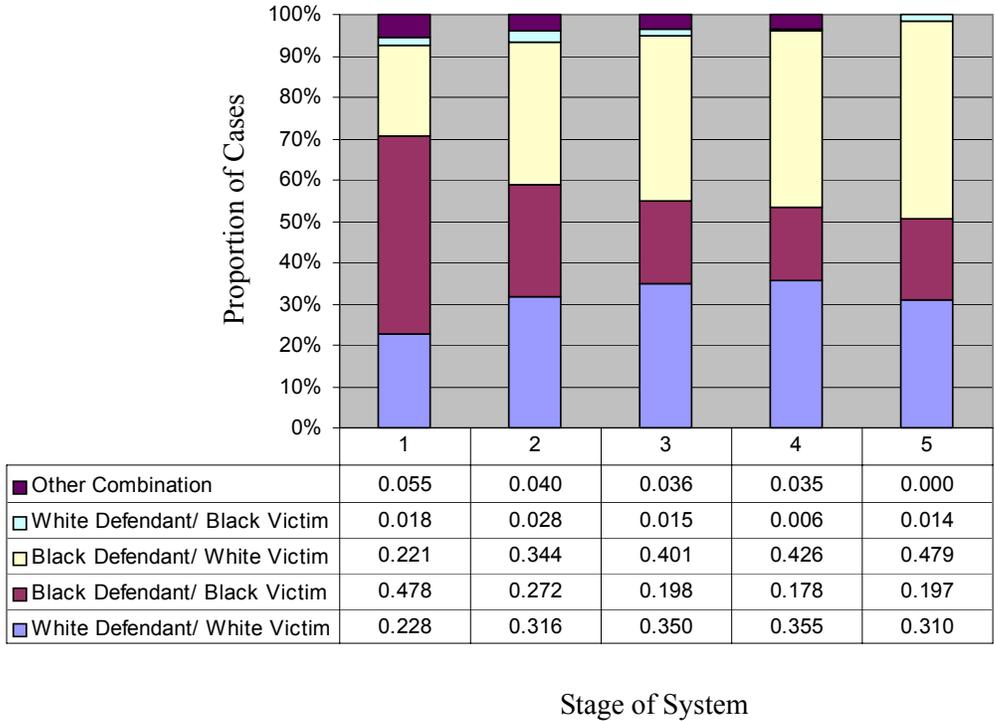
	1	2	3	4	5
■ Other Combination	0.055	0.040	0.036	0.035	0.000
□ White Defendant/ Black Victim	0.018	0.028	0.015	0.006	0.014
□ Black Defendant/ White Victim	0.221	0.344	0.401	0.426	0.479
■ Black Defendant/ Black Victim	0.478	0.272	0.198	0.178	0.197
□ White Defendant/ White Victim	0.228	0.316	0.350	0.355	0.310

Stage of System

Notes:

Stage 1 = Universe of death eligible cases in Maryland from July 1, 1978 to December 31, 1999 (N = 1,202). Either the race of the victim or the defendant is unknown in 141 (11.7%) of the cases.

Stage 2 = Subset of death eligible cases where the prosecutor files notice of intent to seek the death penalty (N = 327). Either the race of the victim or the defendant is unknown in 4 of these 327 (1.2%) cases.

Stage 3 = Subset of death-noticed cases where the prosecutor does not retract notice (i.e., the death notice "sticks.") (N = 198). Either the race of the victim or the defendant is unknown in 1 of these cases.

Stage 4 = Subset of cases advancing to a penalty trial (N = 169). Both the race of the victim and the defendant are observed for all 169 cases.

Stage 5 = Subset of cases reaching the penalty phase resulting in the imposition of a death sentence (N = 71). Both the race of the victim and the defendant are observed for all 71 cases.

Figure 10
County Contributions After Listwise Deletion of Missing Cases
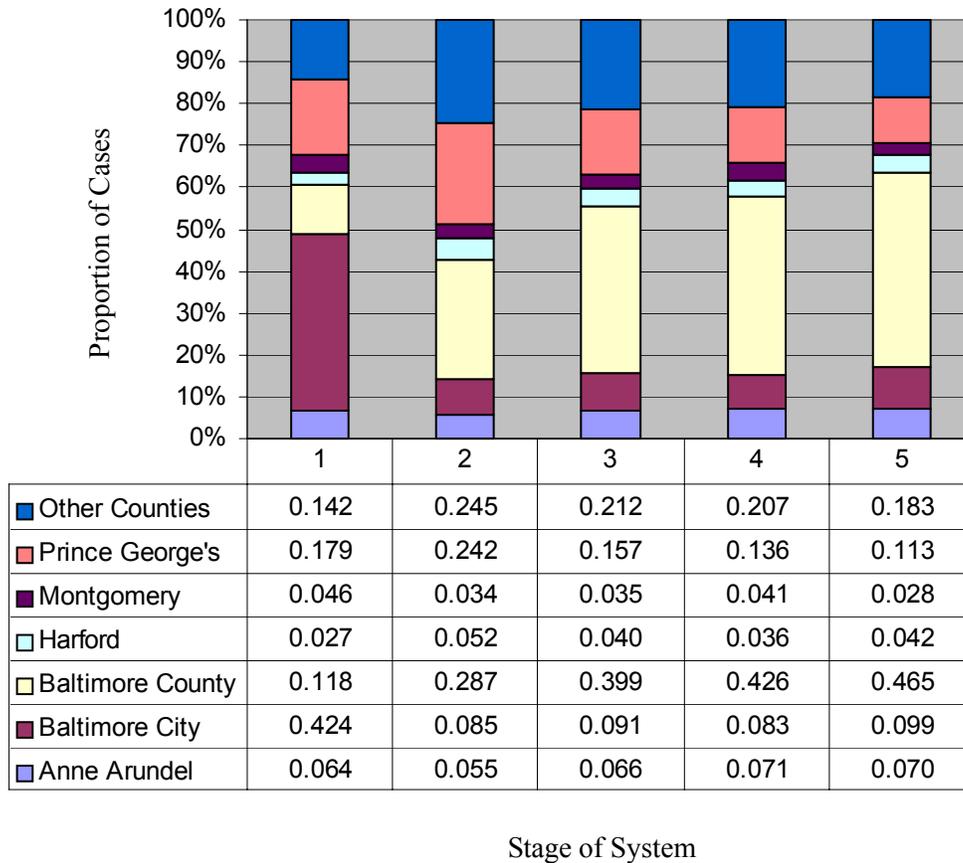
	1	2	3	4	5
■ Other Counties	0.142	0.245	0.212	0.207	0.183
■ Prince George's	0.179	0.242	0.157	0.136	0.113
■ Montgomery	0.046	0.034	0.035	0.041	0.028
□ Harford	0.027	0.052	0.040	0.036	0.042
□ Baltimore County	0.118	0.287	0.399	0.426	0.465
■ Baltimore City	0.424	0.085	0.091	0.083	0.099
□ Anne Arundel	0.064	0.055	0.066	0.071	0.070

Stage of System

Notes:

Stage 1 = Universe of death eligible cases in Maryland from July 1, 1978 to December 31, 1999
(N = 1,202).

Stage 2 = Subset of death eligible cases where the prosecutor files notice of intent to seek the death penalty
(N = 327).

Stage 3 = Subset of death-noticed cases where the prosecutor does not retract notice (i.e., the death notice
"sticks.") (N = 198).

Stage 4 = Subset of cases advancing to a penalty trial (N = 169).

Stage 5 = Subset of cases reaching the penalty phase resulting in the imposition of a death sentence (N = 71).

Table 1

Processing of Offender Race Groups at Various Stages of Maryland Death Penalty System

Test #1

p(death notice | death eligible offense, offender is black) = 0.240
p(death notice | death eligible offense, offender is not black) = 0.368 } 0.240 - 0.368 = -0.128
N = 1,291 (20 Missing Cases); χ^2 w/1 df = 20.259; $p < .05$

Test #2

p(death notice sticks | death notice, offender is black) = 0.581
p(death notice sticks | death notice, offender is not black) = 0.631 } 0.581-0.631 = -0.050
N = 352 (1 Missing Case); χ^2 w/1 df = 0.650; $p > .05$

Test #3

p(penalty trial | death notice sticks, offender is black) = 0.852
p(penalty trial | death notice sticks, offender is not black) = 0.844 } 0.852-0.844 = 0.012
N = 212 (1 Missing Case); χ^2 w/1 df = 0.023; $p > .05$

Test #4

p(death sentence | penalty trial, offender is black) = 0.452
p(death sentence | penalty trial, offender is not black) = 0.369 } 0.452-0.369 = 0.083
N = 180; χ^2 w/1 df = 1.171; $p > .05$

Test #5

p(death sentence | death eligible offense, offender is black) = 0.054
p(death sentence | death eligible offense, offender is not black) = 0.072 } 0.054-0.072 = -0.018
N = 1291 (20 Missing Cases); χ^2 w/1 df = 1.453; $p > .05$

Table 2

Processing of Victim Race Groups at Various Stages of Maryland Death Penalty System

Test #1

p(death notice | death eligible offense, at least one victim is white) = 0.430
p(death notice | death eligible offense, no white victim) = 0.186
N = 1,172 (139 Missing Cases); χ^2 w/1 df = 82.600; $p < .05$

} 0.430-0.186 = 0.244

Test #2

p(death notice sticks | death notice, at least one victim is white) = 0.696
p(death notice sticks | death notice, no white victim) = 0.458
N = 347 (6 Missing Cases); χ^2 w/1 df = 18.712; $p < .05$

} 0.696-0.458 = 0.238

Test #3

p(penalty trial | death notice sticks, at least one victim is white) = 0.880
p(penalty trial | death notice sticks, no white victim) = 0.746
N = 213; χ^2 w/1 df = 5.620; $p < .05$

} 0.880-0.746 = 0.134

Test #4

p(death sentence | penalty trial, at least one victim is white) = 0.439
p(death sentence | penalty trial, no white victim) = 0.366
N = 180; χ^2 w/1 df = 0.692; $p > .05$

} 0.439-0.366 = 0.073

Test #5

p(death sentence | death eligible offense, at least one victim is white) = 0.116
p(death sentence | death eligible offense, no white victim) = 0.023
N = 1172 (139 Missing Cases); χ^2 w/1 df = 40.705; $p < .05$

} 0.116-0.023 = .093

Table 3A

Processing of White Defendant-White Victim Cases at Various Stages of the Maryland Death Penalty System

Test #1

p(death notice | death eligible offense, white defendant & at least one white victim) = 0.417
p(death notice | death eligible offense, all other victim-offender race combinations) = 0.268
N = 1,153 (158 Missing Cases); χ^2 w/1 df = 20.867; $p < .05$

} 0.417-0.268 = 0.149

Test #2

p(death notice sticks | death notice, white defendant & at least one white victim) = 0.676
p(death notice sticks | death notice, all other victim-offender race combinations) = 0.585
N = 346 (7 Missing Cases); χ^2 w/1 df = 2.560; $p > .05$

} 0.676-0.585 = 0.091

Test #3

p(penalty trial | death notice sticks, white defendant & at least one white victim) = 0.859
p(penalty trial | death notice sticks, all other victim-offender race combinations) = 0.844
N = 212 (1 Missing Case); χ^2 w/1 df = 0.085; $p > .05$

} 0.859-0.844 = 0.015

Test #4

p(death sentence | penalty trial, white defendant & at least one white victim) = 0.377
p(death sentence | penalty trial, all other victim-offender race combinations) = 0.445
N = 180; χ^2 w/1 df = 0.772; $p > .05$

} 0.377-0.445 = -0.068

Test #5

p(death sentence | death eligible case, white defendant & at least one white victim) = 0.091
p(death sentence | death eligible case, all other victim-offender race combinations) = 0.059
N = 1,153 (158 Cases Missing); χ^2 w/1 df = 3.367; $p > .05$

} 0.091-0.059 = 0.032

Note: any case with at least one white victim is defined as a "white victim" case.

Table 3B

Processing of Black Defendant-Black Victim Cases at Various Stages of the Maryland Death Penalty System

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Test #1

p(death notice | death eligible offense, black defendant & black victim) = 0.176
p(death notice | death eligible offense, all other victim-offender race combinations) = 0.414   } 0.176-0.414 = -0.238
N = 1,153 (158 Missing Cases); χ^2 w/1 df = 77.979; $p < .05$

Test #2

p(death notice sticks | death eligible offense, black defendant & black victim) = 0.474
p(death notice sticks | death eligible offense, all other victim-offender race combinations) = 0.667   } 0.474-0.667 = -0.193
N = 346 (7 Missing Cases); χ^2 w/1 df = 10.894; $p < .05$

Test #3

p(penalty trial | death notice sticks, black defendant & black victim) = 0.761
p(penalty trial | death notice sticks, all other victim-offender race combinations) = 0.874   } 0.761-0.874 = -0.113
N = 212 (1 Missing Case); χ^2 w/1 df = 3.565; $p > .05$

Test #4

p(death sentence | penalty trial, black defendant & black victim) = 0.400
p(death sentence | penalty trial, all other victim-offender race combinations) = 0.428   } 0.400-0.428 = -0.028
N = 180; χ^2 w/1 df = 0.089; $p > .05$

Test #5

p(death sentence | death eligible case, black defendant & black victim) = 0.025
p(death sentence | death eligible case, all other victim-offender race combinations) = 0.103   } 0.025-0.103 = -.078
N = 1,153 (158 Missing Cases); χ^2 w/1 df = 28.285; $p < .05$

Note: any case with no white victims and at least one black victim is defined as a "black victim" case.

Table 3C

Processing of Black Defendant-White Victim Cases at Various Stages of the Maryland Death Penalty System

Test #1

p(death notice | death eligible offense, black defendant & white victim) = 0.453
p(death notice | death eligible offense, all other victim-offender race combinations) = 0.255 } 0.453-0.255 = 0.198
N = 1,153 (158 Missing Cases); χ^2 w/1 df = 38.221; $p < .05$

Test #2

p(death notice sticks | death eligible offense, black defendant & white victim) = 0.708
p(death notice sticks | death eligible offense, all other victim-offender race combinations) = 0.562 } 0.708-0.562 = 0.146
N = 346 (7 Missing Cases); χ^2 w/1 df = 7.078; $p < .05$

Test #3

p(penalty trial | death notice sticks, black defendant & white victim) = 0.906
p(penalty trial | death notice sticks, all other victim-offender race combinations) = 0.811 } 0.906-0.811 = 0.095
N = 212 (1 Missing Case); χ^2 w/1 df = 3.565; $p > .05$

Test #4

p(death sentence | penalty trial, black defendant & white victim) = 0.494
p(death sentence | penalty trial, all other victim-offender race combinations) = 0.369 } 0.494-0.369 = 0.125
N = 180; χ^2 w/1 df = 2.803; $p > .05$

Test #5

p(death sentence | death eligible case, black defendant & white victim) = 0.143
p(death sentence | death eligible case, all other victim-offender race combinations) = 0.043 } 0.143-0.043 = 0.100
N = 1,153 (158 Missing Cases); χ^2 w/1 df = 33.549; $p < .05$

Note: any case with at least one white victim is defined as a "white victim" case.

Table 3D

Processing of White Defendant-Black Victim Cases at Various Stages of the Maryland Death Penalty System

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Test #1

p(death notice | death eligible offense, white defendant & black victim) = 0.500
p(death notice | death eligible offense, all other victim-offender race combinations) = 0.296 } 0.500-0.296 = 0.204
N = 1,153 (158 Missing Cases); χ^2 w/1 df = 4.268; $p < .05$
Note: there are only 22 cases with a white defendant and a black victim in this test.

Test #2

p(death notice sticks | death eligible offense, white defendant & black victim) = 0.273
p(death notice sticks | death eligible offense, all other victim-offender race combinations) = 0.624 } 0.273-0.624 = -0.351
N = 346 (7 Missing Cases); χ^2 w/1 df = 5.534; $p < .05$
Note: there are only 11 cases with a white defendant and a black victim in this test.

Test #3

p(penalty trial | death notice sticks, white defendant & black victim) = 0.333
p(penalty trial | death notice sticks, all other victim-offender race combinations) = 0.857 } 0.333-0.857 = -0.524
N = 212 (1 Missing Case); χ^2 w/1 df = 6.315; $p < .05$
Note: there are only 3 cases with a white defendant and a black victim in this test.

Test #4

p(death sentence | penalty trial, white defendant & black victim) = 1.000
p(death sentence | penalty trial, all other victim-offender race combinations) = 0.419 } 1.0-0.419 = 0.581
N = 180; χ^2 w/1 df = 1.376; $p > .05$
Note: there is only one case with a white defendant and a black victim in this test.

Test #5

p(death sentence | death eligible case, white defendant & black victim) = 0.046
p(death sentence | death eligible case, all other victim-offender race combinations) = 0.066 } 0.046-0.066 = -0.020
N = 1,153 (158 Missing Cases); χ^2 w/1 df = 0.153; $p > .05$
Note: only one case with a white defendant and a black victim receives the death penalty.

Note: any case with no white victims and at least one black victim is defined as a "black victim" case.

Table 4

County Processing Patterns at Various Stages of the Maryland Death Penalty System (N = 1,305; 6 Cases Missing)

County	Unconditional Prevalence	p(Death Notice | Death Eligible Case)	p(Notice Sticks | Death Notice)	p(Penalty Trial | Notice Sticks)	p(Death Sentence | Penalty Trial)	p(Death Sentence | Death Eligible Case)
Anne Arundel	0.061	0.228	0.722	0.923	0.417	0.063
Baltimore City	0.435	0.062	0.686	0.750	0.556	0.018
Baltimore County	0.117	0.651	0.838	0.904	0.453	0.224
Harford County	0.027	0.543	0.421	0.750	0.500	0.086
Montgomery County	0.045	0.186	0.636	1.000	0.286	0.034
Prince George's County	0.176	0.378	0.402	0.743	0.308	0.035
All Other Counties	0.140	0.459	0.512	0.837	0.389	0.077
Total Number of Cases (Not Including Cases with Missing County Information)	1,305	1,305	353	213	180	1,305
χ^2 with 6 degrees of freedom		299.436 *	45.227 *	9.083	3.856	97.478 *

* $p < .05$

Note: Missing cases affect the unconditional prevalence, p(Death Notice | Death Eligible Case) and p(Death Sentence | Death Eligible Case) calculations. The other calculations have complete county information. The unconditional prevalence statistic is calculated by dividing the number of death eligible cases in each county by the total number of cases (N = 1,305).

Table 5

Processing of Offender Race Groups at Various Stages of Maryland
Death Penalty System After Listwise Deletion of Missing Cases

Test #1

p(death notice | death eligible offense, offender is black) = 0.242
p(death notice | death eligible offense, offender is not black) = 0.368
N = 1,184 (18 Missing Cases); χ^2 w/1 df = 18.571; $p < .05$

} 0.242 - 0.368 = -0.126

Test #2

p(death notice sticks | death notice, offender is black) = 0.581
p(death notice sticks | death notice, offender is not black) = 0.647
N = 326 (1 Missing Case); χ^2 w/1 df = 1.345; $p > .05$

} 0.581-0.647 = -0.066

Test #3

p(penalty trial | death notice sticks, offender is black) = 0.861
p(penalty trial | death notice sticks, offender is not black) = 0.853
N = 197 (1 Missing Case); χ^2 w/1 df = 0.020; $p > .05$

} 0.861-0.853 = 0.008

Test #4

p(death sentence | penalty trial, offender is black) = 0.457
p(death sentence | penalty trial, offender is not black) = 0.359
N = 169; χ^2 w/1 df = 1.560; $p > .05$

} 0.457-0.359 = 0.098

Test #5

p(death sentence | death eligible offense, offender is black) = 0.055
p(death sentence | death eligible offense, offender is not black) = 0.073
N = 1,184 (18 Missing Cases); χ^2 w/1 df = 1.297; $p > .05$

} 0.055-0.073 = -0.018

Table 6

Processing of Victim Race Groups at Various Stages of Maryland
Death Penalty System After Listwise Deletion of Missing Cases

Test #1

p(death notice | death eligible offense, at least one victim is white) = 0.441
p(death notice | death eligible offense, no white victim) = 0.185   } 0.441-0.185 = 0.256
N = 1,078 (124 Missing Cases); χ^2 w/1 df = 83.152; $p < .05$

Test #2

p(death notice sticks | death notice, at least one victim is white) = 0.698
p(death notice sticks | death notice, no white victim) = 0.440   } 0.698-0.440 = 0.258
N = 324 (3 Missing Cases); χ^2 w/1 df = 20.150; $p < .05$

Test #3

p(penalty trial | death notice sticks, at least one victim is white) = 0.887
p(penalty trial | death notice sticks, no white victim) = 0.750   } 0.887-0.750 = 0.137
N = 198; χ^2 w/1 df = 5.433; $p < .05$

Test #4

p(death sentence | penalty trial, at least one victim is white) = 0.421
p(death sentence | penalty trial, no white victim) = 0.417   } 0.421-0.417 = 0.004
N = 169; χ^2 w/1 df = 0.002; $p > .05$

Test #5

p(death sentence | death eligible offense, at least one victim is white) = 0.115
p(death sentence | death eligible offense, no white victim) = 0.025   } 0.115-0.025 = .090
N = 1,078 (124 Missing Cases); χ^2 w/1 df = 34.642; $p < .05$

Table 7A

Processing of White Defendant-White Victim Cases at Various Stages of the Maryland
Death Penalty System After Listwise Deletion of Missing Cases

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Test #1

p(death notice | death eligible offense, white defendant & at least one white victim) = 0.422
p(death notice | death eligible offense, all other victim-offender race combinations) = 0.270
N = 1,061 (141 Missing Cases); χ^2 w/1 df = 20.287; $p < .05$

} 0.422-0.270 = 0.152

Test #2

p(death notice sticks | death notice, white defendant & at least one white victim) = 0.677
p(death notice sticks | death notice, all other victim-offender race combinations) = 0.579
N = 323 (4 Missing Cases); χ^2 w/1 df = 2.776; $p > .05$

} 0.677-0.579 = 0.098

Test #3

p(penalty trial | death notice sticks, white defendant & at least one white victim) = 0.870
p(penalty trial | death notice sticks, all other victim-offender race combinations) = 0.852
N = 197 (1 Missing Case); χ^2 w/1 df = 0.119; $p > .05$

} 0.870-0.852 = 0.018

Test #4

p(death sentence | penalty trial, white defendant & at least one white victim) = 0.367
p(death sentence | penalty trial, all other victim-offender race combinations) = 0.450
N = 169; χ^2 w/1 df = 1.091; $p > .05$

} 0.367-0.450 = -0.089

Test #5

p(death sentence | death eligible case, white defendant & at least one white victim) = 0.091
p(death sentence | death eligible case, all other victim-offender race combinations) = 0.060
N = 1,061 (141 Cases Missing); χ^2 w/1 df = 2.890; $p > .05$

} 0.091-0.060 = 0.031

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Note: any case with at least one white victim is defined as a "white victim" case.

Table 7B

Processing of Black Defendant-Black Victim Cases at Various Stages of the Maryland
Death Penalty System After Listwise Deletion of Missing Cases

Test #1

p(death notice | death eligible offense, black defendant & black victim) = 0.174
p(death notice | death eligible offense, all other victim-offender race combinations) = 0.424
N = 1,061 (141 Missing Cases); χ^2 w/1 df = 78.523; $p < .05$

} 0.174-0.424 = -0.250

Test #2

p(death notice sticks | death eligible offense, black defendant & black victim) = 0.443
p(death notice sticks | death eligible offense, all other victim-offender race combinations) = 0.672
N = 323 (4 Missing Cases); χ^2 w/1 df = 14.132; $p < .05$

} 0.443-0.672 = -0.229

Test #3

p(penalty trial | death notice sticks, black defendant & black victim) = 0.769
p(penalty trial | death notice sticks, all other victim-offender race combinations) = 0.880
N = 197 (1 Missing Case); χ^2 w/1 df = 3.133; $p > .05$

} 0.769-0.880 = -0.111

Test #4

p(death sentence | penalty trial, black defendant & black victim) = 0.467
p(death sentence | penalty trial, all other victim-offender race combinations) = 0.410
N = 169; χ^2 w/1 df = 0.324; $p > .05$

} 0.467-0.410 = 0.057

Test #5

p(death sentence | death eligible case, black defendant & black victim) = 0.028
p(death sentence | death eligible case, all other victim-offender race combinations) = 0.103
N = 1,061 (141 Missing Cases); χ^2 w/1 df = 24.024; $p < .05$

} 0.028-0.103 = -.075

Note: any case with no white victims and at least one black victim is defined as a "black victim" case.

Table 7C

Processing of Black Defendant-White Victim Cases at Various Stages of the Maryland
Death Penalty System After Listwise Deletion of Missing Cases

Test #1

p(death notice | death eligible offense, black defendant & white victim) = 0.472
p(death notice | death eligible offense, all other victim-offender race combinations) = 0.257
N = 1,061 (141 Missing Cases); χ^2 w/1 df = 40.191; $p < .05$

$\left.\right\}$ 0.472-0.257 = 0.215

Test #2

p(death notice sticks | death eligible offense, black defendant & white victim) = 0.712
p(death notice sticks | death eligible offense, all other victim-offender race combinations) = 0.556
N = 323 (4 Missing Cases); χ^2 w/1 df = 7.367; $p < .05$

$\left.\right\}$ 0.712-0.556 = 0.156

Test #3

p(penalty trial | death notice sticks, black defendant & white victim) = 0.911
p(penalty trial | death notice sticks, all other victim-offender race combinations) = 0.822
N = 197 (1 Missing Case); χ^2 w/1 df = 3.099; $p > .05$

$\left.\right\}$ 0.911-0.822 = 0.089

Test #4

p(death sentence | penalty trial, black defendant & white victim) = 0.472
p(death sentence | penalty trial, all other victim-offender race combinations) = 0.381
N = 169; χ^2 w/1 df = 1.398; $p > .05$

$\left.\right\}$ 0.472-0.381 = 0.091

Test #5

p(death sentence | death eligible case, black defendant & white victim) = 0.145
p(death sentence | death eligible case, all other victim-offender race combinations) = 0.045
N = 1,061 (141 Missing Cases); χ^2 w/1 df = 29.234; $p < .05$

$\left.\right\}$ 0.145-0.045 = 0.100

Note: any case with at least one white victim is defined as a "white victim" case.

Table 7D
Processing of White Defendant-Black Victim Cases at Various Stages of the Maryland
Death Penalty System After Listwise Deletion of Missing Cases

Test #1

p(death notice | death eligible offense, white defendant & black victim) = 0.474
p(death notice | death eligible offense, all other victim-offender race combinations) = 0.301 } 0.474-0.301 = 0.173
N = 1,061 (141 Missing Cases); χ^2 w/1 df = 2.617; $p > .05$
Note: there are only 19 cases with a white defendant and a black victim in this test.

Test #2

p(death notice sticks | death eligible offense, white defendant & black victim) = 0.333
p(death notice sticks | death eligible offense, all other victim-offender race combinations) = 0.618 } 0.333-0.618 = -0.285
N = 323 (4 Missing Cases); χ^2 w/1 df = 2.977; $p > .05$
Note: there are only 9 cases with a white defendant and a black victim in this test.

Test #3

p(penalty trial | death notice sticks, white defendant & black victim) = 0.333
p(penalty trial | death notice sticks, all other victim-offender race combinations) = 0.866 } 0.333-0.866 = -0.533
N = 197 (1 Missing Case); χ^2 w/1 df = 6.874; $p < .05$
Note: there are only 3 cases with a white defendant and a black victim in this test.

Test #4

p(death sentence | penalty trial, white defendant & black victim) = 1.000
p(death sentence | penalty trial, all other victim-offender race combinations) = 0.417 } 1.0-0.417 = 0.583
N = 169; χ^2 w/1 df = 1.389; $p > .05$
Note: there is only one case with a white defendant and a black victim in this test.

Test #5

p(death sentence | death eligible case, white defendant & black victim) = 0.053
p(death sentence | death eligible case, all other victim-offender race combinations) = 0.067 } 0.053-0.067 = -0.014
N = 1,061 (141 Missing Cases); χ^2 w/1 df = 0.063; $p > .05$
Note: only one case with a white defendant and a black victim receives the death penalty.

Note: any case with no white victims and at least one black victim is defined as a "black victim" case.

Table 8

County Processing Patterns at Various Stages of the Maryland
Death Penalty System After Listwise Deletion of Missing Cases (N = 1,202)

County	Unconditional Prevalence	p(Death Notice | Death Eligible Case)	p(Notice Sticks | Death Notice)	p(Penalty Trial | Notice Sticks)	p(Death Sentence | Penalty Trial)	p(Death Sentence | Death Eligible Case)
Anne Arundel	0.064	0.234	0.722	0.923	0.417	0.065
Baltimore City	0.424	0.055	0.643	0.778	0.500	0.014
Baltimore County	0.118	0.662	0.840	0.911	0.458	0.232
Harford County	0.027	0.531	0.471	0.750	0.500	0.094
Montgomery County	0.046	0.200	0.636	1.000	0.286	0.036
Prince George's County	0.179	0.367	0.392	0.742	0.348	0.037
All Other Counties	0.142	0.468	0.525	0.833	0.371	0.076
Total Number of Cases	1,202	1,202	327	198	169	1,202
χ^2 with 6 degrees of freedom		286.296 *	41.436 *	8.557	2.309	99.604 *

* $p < .05$

Note: The unconditional prevalence statistic is calculated by dividing the number of death eligible cases in each county by the total number of cases (N = 1,202).

Table 9
List of Covariates Used For Statistical Analysis

Covariates Studied For Universe of Death Eligible Cases (N = 1,202)	Mean/Proportion
1. Number of prior violent felony convictions (0,1,2,3+)	0.558
2. Multiple victim case	0.183
3. Any of the victims a stranger to defendant	0.414
4. Any of the victims has a criminal history	0.083
5. Defendant has a history of alcohol abuse	0.339
6. Defendant has a history of drug abuse	0.506
7. Defendant has history of mental illness/emotional problems	0.217
8. Defendant under age 21 at time of offense	0.265
9. Defendant over age 60	0.005
10. Defendant unable to control conduct due to alcohol/drugs	0.289
11. Defendant unable to control conduct due to mental/emotional problems	0.127
12. Defendant under control/influence of another person	0.080
13. Defendant's participation in crime was minor	0.022
14. Defendant claims killing was accidental	0.067
15. Defendant was physically abused as a child	0.113
16. Defendant was sexually abused as a child	0.043
17. Defendant had generally good character	0.075
18. Defendant had trouble in school	0.504
19. Defendant had trouble holding a job	0.385
20. Defendant has history of physical abuse as a child	0.116
21. Defendant has history of sexual abuse as a child	0.043
22. Defendant has spouse and/or family	0.285
23. Defendant admitted crime	0.334
24. Defendant expressed remorse for crime	0.126
25. Defendant has history of mental illness/emotional problems	0.205
26. Defendant has history of drug or alcohol use/abuse	0.512
27. Defendant has an organic brain disorder	0.027
28. Defendant maintains innocence	0.427
29. Defendant has no major criminal history	0.240
30. Defendant aided or assisted the victim	0.004
31. Defendant surrendered within 24 hours	0.032
32. Defendant was not the actual killer	0.037
33. Defendant lay in wait for/ambushed the victim	0.363
34. Defendant showed no remorse for the killing	0.116
35. Defendant expressed pleasure at the killing	0.031
36. Defendant alleged to have committed additional crimes contemporaneously	0.297
37. Defendant actively evaded arrest	0.095
38. Defendant was a fugitive for a prior violent crime	0.012
39. Defendant escaped from custody	0.017
40. Defendant implicated in other killing(s)	0.052
41. Defendant interfered with judicial process	0.017
42. Defendant has previously threatened/attempted to kill victim	0.017
43. Defendant threatened victim in front of family	0.036
44. Defendant threatened other family members	0.028
45. Defendant threatened to kill victim in advance	0.021
46. Defendant abandoned victim who might otherwise have lived	0.075
47. Defendant persisted in attack even after death was certain	0.140
48. Defendant forced his/her way into place of murder of any of the victims	0.176
49. Weapon brought to the murder scene of any of the victims	0.659
50. Any of the victims killed with a bizarre or unusual weapon	0.097

Table 9 (continued)
List of Covariates Used For Statistical Analysis

Covariates Studied For Universe of Death Eligible Cases (N = 1,202)	Mean/Proportion
51. Any of the victims forced to beg/plead for their lives	0.069
52. Any of the victims' murder planned for more than five minutes	0.282
53. Any of the victims offered no resistance to killer	0.240
54. Any of the victims not clothed or in bedclothes at time of killing	0.170
55. Any of the victims suffered multiple trauma	0.212
56. Any of the victims bound/gagged or otherwise restrained	0.121
57. Any of the victims forced to do something against their will	0.166
58. Any of the victims held hostage prior to killing	0.037
59. Any of the victims tortured or mutilated before killing	0.056
60. Any of the victims mutilated after killing	0.034
61. Any of the victims brutally clubbed, beaten, stomped on	0.146
62. Any of the victims shot more than one time	0.265
63. Any of the victims shot in the face	0.089
64. Any of the victims killed execution style	0.129
65. Defendant tried to hide or dispose of bodies of any of the victims	0.130
66. Defendant lay in wait for any of the victims	0.098
67. Any of the victims stabbed many times or had throat slashed	0.183
68. There was another victim that was injured but not killed by defendant	0.131
69. Any of the victims killed in front of another person (not co-defendant)	0.339
70. Crime scene was described as a bloody mess or particularly gruesome	0.121
71. Any of the victims' murder took a long time to complete	0.087
72. Physical details of crime are unusually repulsive/horrific	0.044
73. Any of the victims bedridden or physically handicapped	0.021
74. Any of the victims mentally/emotionally impaired	0.004
75. Any of the victims defenseless due to youth	0.057
76. Any of the victims defenseless due to advanced age	0.115
77. Any of the victims pregnant	0.009
78. Any of the victims asleep, just awakened or in bedroom	0.116
79. Any of the victims in own house when defendant intruded	0.247
80. Any of the victims defenseless due to gross size/strength disparity	0.131
81. Any of the victims defenseless due to intoxication	0.082
82. Any of the victims defenseless due to frail condition/illness	0.033
83. Any of the victims have children or grandchildren	0.225
84. Any of the victims killed after kidnapping/abduction	0.060
85. Any of the victims verbally/physically mistreated prior to killing	0.336
86. Any of the victims dismembered before killing	0.004
87. Any of the victims mutilated in some way before killing	0.030
88. Any of the victims sexually abused before killing	0.094
89. Any of the victims burned before killing	0.026
90. Defendant slapped, kicked, or punched any of the victims before death	0.165
91. Any of the victims thrown in a body of water before being killed	0.004
92. Any of the victims subjected to unknown form of abuse before killing	0.022
93. Any of the victims dismembered after being killed	0.004
94. Any of the victims mutilated after being killed	0.017
95. Any of the victims sexually abused after killing	0.018
96. Any of the victims burned after killing	0.030
97. Defendant slapped, kicked, or punched any of the victims after death	0.003
98. Any of the victims put in the trash or dump after death	0.015

Table 9 (continued)
List of Covariates Used For Statistical Analysis

Covariates Studied For Universe of Death Eligible Cases (N = 1,202)	Mean/Proportion
99. Any of the victims thrown in a body of water after being killed	0.020
100. Any of the victims subjected to unknown form of abuse after killing	0.008
101. Defendant made full confession to first-degree murder to police	0.182
102. Defendant made full confession to second-degree murder	0.063
103. Defendant made full confession to aggravating circumstances	0.151
104. Defendant made partial/qualified confession to first-degree murder	0.025
105. Defendant made partial/qualified confession to second-degree murder	0.045
106. Defendant made partial/qualified confession to aggravating circumstances	0.047
107. One eyewitness to the event testified	0.259
108. More than one eyewitness to the event testified	0.209
109. Physical evidence linking defendant to the crime was present	0.256
110. An informant or jail-house snitch testified against defendant	0.092
111. Defense claims case is based on circumstantial evidence	0.022
112. Defense claims state's burden of proof not met	0.020

Statutory Aggravating Factors (Death-Noticed Cases Only; N = 327)	Mean/Proportion
113. Victim was a law enforcement officer	0.055
114. Murder committed while defendant was in an institution	0.043
115. Murder committed in effort to evade capture by authorities	0.037
116. Murder committed in course of kidnapping	0.156
117. Victim was a child under the age of 12	0.000
118. Defendant carried out a contract killing	0.049
119. Defendant solicited killing	0.018
120. Defendant was serving a sentence of life imprisonment or death	0.012
121. Multiple victim murder	0.205
122. Murder committed along with carjacking/robbery/rape/arson	0.810
123. Number of Statutory Aggravating Factors Present (1, 2, 3+)	1.544

Table 10A

Logistic Regression Model Estimating Effects of County on Notice Decision (N = 1,202)

Covariate	Coefficient	χ^2
Intercept	-0.635	8.94 *
Number of prior violent felony convictions	0.152	2.99
Multiple victim case	0.636	8.68 *
Any of the victims a stranger to defendant	0.626	14.14 *
Defendant has a history of alcohol abuse	-0.436	5.73 *
Defendant under age 21 at time of offense	-0.615	9.72 *
Defendant unable to control conduct due to mental/emotional problems	0.810	11.55 *
Defendant actively evaded arrest	0.449	2.92
Defendant persisted in attack even after death was certain	0.704	9.19 *
Any of the victims forced to beg/plead for their lives	0.611	3.69
Any of the victims killed execution style	0.436	3.27
Any of the victims' murder took a long time to complete	-0.691	5.39 *
Any of the victims in own house when defendant intruded	-0.307	2.54
Any of the victims defenseless due to frail condition/illness	1.511	10.76 *
Any of the victims sexually abused before killing	0.844	9.93 *
Defendant made full confession to aggravating circumstances	0.523	5.77 *
Defense claims case is based on circumstantial evidence	-0.151	0.10
County = Anne Arundel	-1.306	14.60 *
County = Baltimore City	-2.948	117.32 *
County = Baltimore County	0.565	4.78 *
County = Harford	0.076	0.03
County = Montgomery	-1.943	20.61 *
County = Prince George's	-0.409	3.02
County = Other Counties (Reference Category)	--------	

Type III Test For County Effect ($\chi^2_{(6)} = 191.92$; $p < .05$)

Log-likelihood (Reduced Model; 23 Parameter Estimates)	-490.13	
Log-likelihood (Full Model; 76 Parameter Estimates)	-466.67	
Likelihood Ratio Test of Full v. Reduced Model w/53 df	46.92 NS	

* $p < .05$

Table 10B
Logistic Regression Model Estimating Effects
of County on "Notice Sticks" Decision (N = 327)

Covariate	Coefficient	χ^2
Intercept	-0.956	8.85 *
Any prior violent felony convictions	0.631	4.14 *
Defendant has a history of alcohol abuse	0.122	0.18
Defendant maintains innocence	0.938	10.26 *
Defendant expressed pleasure at the killing	1.906	5.27 *
Defendant forced his/her way into place of murder of any of the victims	1.123	9.19 *
Any of the victims defenseless due to advanced age	0.960	4.85 *
Any of the victims defenseless due to gross size/strength disparity	-0.568	2.38
Victim was a law enforcement officer	2.911	7.40 *
County = Anne Arundel	1.036	2.75
County = Baltimore City	0.364	15.31 *
County = Baltimore County	1.542	0.47
County = Harford	0.008	0.00
County = Montgomery	0.070	0.01
County = Prince George's	-0.375	1.00
County = Other Counties (Reference Category)	--------	

Type III Test For County Effect ($\chi^2_{(6)}$ = 26.97; $p < .05$)

Log-likelihood (Reduced Model; 15 Parameter Estimates)	-165.67	
Log-likelihood (Full Model; 64 Parameter Estimates)	-146.91	
Likelihood Ratio Test of Full v. Reduced Model w/49 df	37.52 [NS]	

* $p < .05$

Table 10C
Logistic Regression Model Estimating Effects of
County on Whether Case Advances to a Penalty Trial (N = 198)

Covariate	Coefficient	χ^2
Intercept	-0.135	0.06
Defendant has history of mental illness/emotional problems	1.463	4.49 *
Defendant expressed remorse for crime	0.679	0.88
Defendant maintains innocence	1.842	11.74 *
Defendant alleged to have committed additional crimes contemporaneously	1.292	4.88 *
Physical evidence linking defendant to the crime was present	1.466	4.54 *
County = Anne Arundel	1.018	0.69
County = Baltimore City	0.020	0.00
County = Baltimore County	0.567	0.75
County = Harford	-0.579	0.25
County = Montgomery	-------	
County = Prince George's	-0.598	0.77
County = Other Counties (Reference Category)	-------	

Type III Test For County Effect ($\chi^2_{(5)} = 4.00$; $p > .05$)

Log-likelihood (Reduced Model; 11 Parameter Estimates)	-61.00	
Log-likelihood (Full Model; 39 Parameter Estimates)	-46.53	
Likelihood Ratio Test of Full v. Reduced Model w/28 df	28.94 [NS]	

* $p < .05$

Table 10D
Logistic Regression Model Estimating Effects of
County on Whether Defendant Receives a Death Sentence (N = 169)

Covariate	Coefficient	χ^2
Intercept	-0.939	3.15
Multiple victim case	1.029	5.93 *
Defendant has spouse and/or family	-0.527	1.74
Defendant expressed remorse for crime	-0.886	3.40
Defendant alleged to have committed additional crimes contemporaneously	0.896	5.62 *
Any of the victims offered no resistance to killer	-0.900	4.49 *
Any of the victims bedridden or physically handicapped	0.967	1.33
Any of the victims asleep, just awakened or in bedroom	-0.791	2.57
An informant or jail-house snitch testified against defendant	1.133	4.77 *
County = Anne Arundel	0.661	0.72
County = Baltimore City	0.762	1.09
County = Baltimore County	1.046	4.18 *
County = Harford	1.090	1.31
County = Montgomery	-0.436	0.18
County = Prince George's	-0.498	0.60
County = Other Counties (Reference Category)	--------	

Type III Test For County Effect ($\chi^2_{(6)} = 8.77$; $p > .05$)

Log-likelihood (Reduced Model; 15 Parameter Estimates)	-101.76	
Log-likelihood (Full Model; 40 Parameter Estimates)	-92.39	
Likelihood Ratio Test of Full v. Reduced Model w/22 df	18.75 [NS]	

* $p < .05$

Table 10E
Logistic Regression Model Estimating Effects of County
on Whether Defendant Receives A Death Sentence (N = 1,202)

Covariate	Coefficient	χ^2
Intercept	-3.992	68.92 *
Number of prior violent felony convictions	0.590	21.54 *
Multiple victim case	1.321	13.47 *
Any of the victims a stranger to defendant	0.772	6.15 *
Defendant has a history of alcohol abuse	-0.462	1.87
Defendant was physically abused as a child	0.591	2.12
Defendant was sexually abused as a child	1.608	8.99 *
Any of the victims suffered multiple trauma	-0.664	2.86
Any of the victims killed execution style	1.213	11.40 *
There was another victim that was injured but not killed by defendant	-0.594	1.45
Any of the victims sexually abused after killing	1.786	6.34 *
Defendant made full confession to aggravating circumstances	0.940	8.09 *
One eyewitness to the event testified	0.605	3.40
County = Anne Arundel	-0.155	0.07
County = Baltimore City	-2.221	17.05 *
County = Baltimore County	1.012	5.93 *
County = Harford	-0.208	0.07
County = Montgomery	-1.726	3.77
County = Prince George's	-1.184	5.07 *
County = Other Counties (Reference Category)	-------	

Type III Test For County Effect ($\chi^2_{(6)}$ = 56.37; $p < .05$)

Log-likelihood (Reduced Model; 19 Parameter Estimates)	-181.95	
Log-likelihood (Full Model; 75 Parameter Estimates)	-148.32	
Likelihood Ratio Test of Full v. Reduced Model w/56 df	67.26	NS

* $p < .05$

Table 10F
Estimated Outcome Probability by County (Covariates Held Constant at their Means)

County	p(death notice filed | death eligible case)		p(death notice sticks | death notice filed)	
	Unadjusted	Adjusted	Unadjusted	Adjusted
Anne Arundel	0.234	0.201	0.722	0.783
Baltimore City	0.055	0.046	0.643	0.648
Baltimore County	0.662	0.620	0.840	0.857
Harford	0.532	0.500	0.471	0.563
Montgomery	0.200	0.117	0.636	0.579
Prince George's	0.367	0.381	0.392	0.468
Other Counties	0.468	0.481	0.525	0.561

County	p(penalty trial | death notice sticks)		p(death sentence | penalty trial)	
	Unadjusted	Adjusted	Unadjusted	Adjusted
Anne Arundel	0.923	0.965	0.417	0.441
Baltimore City	0.778	0.911	0.500	0.466
Baltimore County	0.911	0.946	0.458	0.537
Harford	0.750	0.849	0.500	0.548
Montgomery	-------	-------	0.286	0.209
Prince George's	0.742	0.847	0.348	0.199
Other Counties	0.857	0.909	0.371	0.290

County	p(death sentence | death eligible case)	
	Unadjusted	Adjusted
Anne Arundel	0.065	0.047
Baltimore City	0.014	0.006
Baltimore County	0.232	0.137
Harford	0.094	0.045
Montgomery	0.036	0.010
Prince George's	0.037	0.017
Other Counties	0.076	0.055

Table 11A
Logistic Regression Model Estimating Effects of
Defendant Race on Notice Decision (N = 1,202 - 18 Missing = 1,184)

Covariate	Coefficient	χ^2
Intercept	-0.317	1.63
Number of prior violent felony convictions	0.141	2.52
Defendant has a history of alcohol abuse	-0.320	3.08
Defendant unable to control conduct due to mental/emotional problems	0.953	16.45 *
Defendant admitted crime	-0.609	7.81 *
Defendant maintains innocence	-0.603	10.19 *
Defendant alleged to have committed additional crimes contemporaneously	0.318	2.98
Defendant actively evaded arrest	0.438	2.65
Defendant interfered with judicial process	2.014	10.04 *
Defendant persisted in attack even after death was certain	0.836	13.60 *
Any of the victims killed execution style	0.486	4.08 *
There was another victim that was injured but not killed by defendant	-0.570	3.87 *
Any of the victims killed in front of another person (not co-defendant)	0.313	2.67
Any of the victims' murder took a long time to complete	-0.413	2.17
Any of the victims in own house when defendant intruded	-0.087	0.22
Defendant made full confession to aggravating circumstances	0.866	12.89 *
Defense claims state's burden of proof not met	0.793	2.53
County = Anne Arundel	-1.349	15.13 *
County = Baltimore City	-2.951	111.96 *
County = Baltimore County	0.800	9.60 *
County = Harford	0.066	0.02
County = Montgomery	-1.471	13.25 *
County = Prince George's	-0.534	4.95 *
County = Other Counties (Reference Category)	--------	
Offender is Black (vs. Others)	0.221	1.34 NS
Log-likelihood (Reduced Model; 24 Parameter Estimates)	-496.82	
Log-likelihood (Full Model; 65 Parameter Estimates)	-474.52	
Likelihood Ratio Test of Full v. Reduced Model w/41 df	44.60 NS	

* $p < .05$

Table 11B
Logistic Regression Model Estimating Effects of Defendant
Race on "Notice Sticks" Decision (N = 327 - 1 Missing = 326)

Covariate	Coefficient	χ^2
Intercept	-0.257	0.50
Defendant unable to control conduct due to alcohol/drugs	0.652	4.45 *
Defendant has history of physical abuse as a child	1.166	7.59 *
Defendant admitted crime	-0.712	5.59 *
Defendant implicated in other killing(s)	-1.009	3.29
Defendant forced his/her way into place of murder of any of the victims	1.394	13.97 *
Any of the victims not clothed or in bedclothes at time of killing	-0.616	1.87
Any of the victims asleep, just awakened or in bedroom	0.725	1.65
Any of the victims thrown in a body of water after being killed	-0.850	1.39
Defense claims state's burden of proof not met	1.777	3.51
Victim was a law enforcement officer	2.890	7.23 *
County = Anne Arundel	0.938	2.15
County = Baltimore City	0.674	1.61
County = Baltimore County	1.677	18.29 *
County = Harford	-0.709	1.19
County = Montgomery	0.171	0.05
County = Prince George's	-0.391	1.04
County = Other Counties (Reference Category)	--------	
Offender is Black (vs. Others)	-0.278	0.72
Log-likelihood (Reduced Model; 18 Parameter Estimates)	-165.79	
Log-likelihood (Full Model; 51 Parameter Estimates)	-152.71	
Likelihood Ratio Test of Full v. Reduced Model w/33 df	26.16 [NS]	

* $p < .05$

Table 11C
Logistic Regression Model Estimating Effects of Defendant
Race on Whether Case Advances to a Penalty Trial (N = 198 - 1 Missing = 197)

Covariate	Coefficient	χ^2
Intercept	-0.356	0.35
Number of prior violent felony convictions	1.560	14.07 *
Defendant has a history of alcohol abuse	1.479	4.01 *
Defendant unable to control conduct due to alcohol/drugs	1.872	5.89 *
Defendant unable to control conduct due to mental/emotional problems	4.207	9.63 *
Defendant has spouse and/or family	1.477	4.81 *
Defendant has no major criminal history	3.435	12.55 *
Defendant tried to hide or dispose of bodies of any of the victims	-2.075	5.37 *
Murder committed in course of kidnapping	2.361	4.06 *
Offender is Black (vs. Others)	0.358	0.35
Log-likelihood (Reduced Model; 10 Parameter Estimates)	-52.84	
Log-likelihood (Full Model; 35 Parameter Estimates)	-39.58	
Likelihood Ratio Test of Full v. Reduced Model w/25 df	26.53 [NS]	

* $p < .05$

Table 11D
Logistic Regression Model Estimating Effects of Defendant's
Race on Whether Defendant Receives a Death Sentence (N = 169)

Covariate	Coefficient	χ^2
Intercept	-1.025	10.78 *
Number of prior violent felony convictions	0.347	5.66 *
Defendant was sexually abused as a child	0.777	2.10
Defendant implicated in other killing(s)	1.666	5.69 *
Offender is Black (vs. Others)	0.283	0.61
Log-likelihood (Reduced Model; 5 Parameter Estimates)	-106.66	
Log-likelihood (Full Model; 36 Parameter Estimates)	-94.88	
Likelihood Ratio Test of Full v. Reduced Model w/31 df	23.56 [NS]	

* $p < .05$

Table 11E
Logistic Regression Model Estimating Effects of Defendant's
Race on Whether Defendant Receives a Death Sentence (N = 1,202 - 18 = 1,184)

Covariate	Coefficient	χ^2
Intercept	-4.940	81.09*
Number of prior violent felony convictions	0.504	15.41*
Defendant unable to control conduct due to mental/emotional problems	0.831	4.45*
Defendant alleged to have committed additional crimes contemporaneously	0.921	8.19*
Defendant interfered with judicial process	1.604	4.69*
Any of the victims killed with a bizarre or unusual weapon	0.994	5.08*
Any of the victims suffered multiple trauma	-0.939	4.76*
Any of the victims killed execution style	1.027	7.94*
Defendant tried to hide or dispose of bodies of any of the victims	1.019	6.51*
Any of the victims killed in front of another person (not co-defendant)	0.722	4.85*
Any of the victims have children or grandchildren	0.686	4.35*
Any of the victims mutilated in some way before killing	1.062	2.70
Defendant slapped, kicked, or punched any of the victims before death	-1.051	4.01*
Defendant made full confession to first-degree murder to police	-0.767	2.52
Defendant made full confession to aggravating circumstances	1.420	11.21*
An informant or jail-house snitch testified against defendant	1.085	7.72*
County = Anne Arundel	0.052	0.01
County = Baltimore City	-1.488	7.28*
County = Baltimore County	1.703	15.72*
County = Harford	0.828	1.04
County = Montgomery	-0.445	0.28
County = Prince George's	-1.007	3.33
County = Other Counties (Reference Category)	--------	
Offender is Black (vs. Others)	0.340	0.93
Log-likelihood (Reduced Model; 23 Parameter Estimates)	-179.41	
Log-likelihood (Full Model; 59 Parameter Estimates)	-160.94	
Likelihood Ratio Test of Full v. Reduced Model w/36 df	36.94 NS	

* $p < .05$

Table 11F

Estimated Outcome Probability by Defendant Race (Covariates Held Constant at their Means)

Conditional Probability	Unadjusted Estimates			Adjusted Estimates		
	Black Defendant	Non-Black Defendant	Difference	Black Defendant	Non-Black Defendant	Difference
p(death notice filed | death eligible case)	0.242	0.368	-0.126	0.198	0.165	0.033
p(death notice sticks | death notice filed)	0.581	0.647	-0.066	0.531	0.600	-0.069
p(penalty trial | death notice sticks)	0.861	0.853	0.008	0.970	0.957	0.013
p(death sentence | penalty trial)	0.457	0.359	0.098	0.444	0.376	0.068
p(death sentence | death eligible case)	0.055	0.073	-0.018	0.019	0.014	0.005

Table 12A
Logistic Regression Model Estimating Effects of
Victim Race on Notice Decision (N = 1,202 - 124 Missing = 1,078)

Covariate	Coefficient	χ^2
Intercept	-0.579	5.59 *
Any of the victims a stranger to defendant	0.380	4.67 *
Defendant has a history of alcohol abuse	-0.423	5.05 *
Defendant under age 21 at time of offense	-0.547	7.34 *
Defendant unable to control conduct due to mental/emotional problems	0.886	13.33 *
Defendant admitted crime	-0.384	3.47
Defendant implicated in other killing(s)	0.663	3.39
Defendant persisted in attack even after death was certain	0.839	12.67 *
Any of the victims killed execution style	0.736	8.79 *
There was another victim that was injured but not killed by defendant	-0.484	2.72
Any of the victims killed in front of another person (not co-defendant)	0.304	2.19
Any of the victims' murder took a long time to complete	-0.331	1.31
Any of the victims have children or grandchildren	-0.237	1.51
Defendant made full confession to aggravating circumstances	0.831	10.97 *
County = Anne Arundel	-1.323	14.75 *
County = Baltimore City	-2.692	92.12 *
County = Baltimore County	0.532	4.24 *
County = Harford	-0.088	0.04
County = Montgomery	-1.318	13.13 *
County = Prince George's	0.151	0.34
County = Other Counties (Reference Category)	--------	
Victim is White (vs. Others)	0.579	8.97 *
Log-likelihood (Reduced Model; 21 Parameter Estimates)	-460.61	
Log-likelihood (Full Model; 62 Parameter Estimates)	-440.52	
Likelihood Ratio Test of Full v. Reduced Model w/41 df	40.18 NS	

* *p* < .05

Table 12B
Logistic Regression Model Estimating Effects of
Victim Race on "Notice Sticks" Decision (N = 327 - 3 Missing = 324)

Covariate	Coefficient	χ^2
Intercept	-1.432	14.22 *
Any of the victims killed execution style	1.241	9.41 *
Any of the victims defenseless due to advanced age	0.837	3.63 *
Any of the victims in own house when defendant intruded	0.736	4.90 *
Any of the victims defenseless due to gross size/strength disparity	0.557	2.34
Defendant slapped, kicked, or punched any of the victims before death	0.910	5.90 *
Victim was a law enforcement officer	3.063	7.93 *
County = Anne Arundel	1.544	5.95 *
County = Baltimore City	1.043	3.77
County = Baltimore County	1.653	17.96 *
County = Harford	-0.670	1.14
County = Montgomery	0.309	0.17
County = Prince George's	-0.154	0.16
County = Other Counties (Reference Category)	--------	
Victim is White (vs. Others)	1.113	13.24 *
Log-likelihood (Reduced Model; 14 Parameter Estimates)	-169.75	
Log-likelihood (Full Model; 42 Parameter Estimates)	-158.04	
Likelihood Ratio Test of Full v. Reduced Model w/28 df	23.42 NS	

* $p < .05$

Table 12C
Logistic Regression Model Estimating Effects of Victim Race
on Whether Case Advances to a Penalty Trial (N = 198)

Covariate	Coefficient	χ^2
Version #1		
Intercept	0.569	2.26
Any of the victims a stranger to defendant	0.988	4.83 *
Any of the victims killed execution style	1.023	2.35
Victim is White (vs. Others)	0.837	3.40
Log-likelihood (Reduced Model; 4 Parameter Estimates)	-75.45	
Log-likelihood (Full Model; 25 Parameter Estimates)	-62.29	
Likelihood Ratio Test of Full v. Reduced Model w/21 df	26.32 NS	
Version #2		
Intercept	0.803	5.19
Any of the victims a stranger to defendant	1.088	5.97 *
Victim is White (vs. Others)	0.667	2.29
Log-likelihood (Reduced Model; 3 Parameter Estimates)	-76.85	
Log-likelihood (Full Model; 25 Parameter Estimates)	-62.29	
Likelihood Ratio Test of Full v. Reduced Model w/22 df	29.13 NS	

* $p < .05$

Table 12D
Logistic Regression Model Estimating Effects
of Victim Race on Whether A Death Sentence Is Imposed (N = 169)

Covariate	Coefficient	χ^2
Version #1		
Intercept	-0.781	3.82
Any of the victims a stranger to defendant	0.279	0.68
Defendant implicated in other killings	1.685	5.70 *
Victim is White (vs. Others)	0.206	0.24
Log-likelihood (Reduced Model; 4 Parameter Estimates)	-110.83	
Log-likelihood (Full Model; 30 Parameter Estimates)	-101.61	
Likelihood Ratio Test of Full v. Reduced Model w/26 df	18.44 NS	
Version #2		
Intercept	-0.676	3.21
Defendant implicated in other killings	1.754	6.29 *
Victim is White (vs. Others)	0.285	0.48
Log-likelihood (Reduced Model; 3 Parameter Estimates)	-111.18	
Log-likelihood (Full Model; 30 Parameter Estimates)	-101.61	
Likelihood Ratio Test of Full v. Reduced Model w/27 df	19.14 NS	

* $p < .05$

Table 12E
Logistic Regression Model Estimating Effects of Defendant's
Race on Whether Defendant Receives a Death Sentence (N = 1,202 - 124 = 1,078)

Covariate	Coefficient	χ^2
Intercept	-4.769	65.09*
Any of the victims a stranger to defendant	0.315	0.98
Defendant has a history of alcohol abuse	-1.200	9.62*
Defendant has a history of drug abuse	0.873	6.19*
Defendant was sexually abused as a child	2.063	18.88*
Defendant implicated in other killing(s)	1.099	4.58*
Defendant forced his/her way into place of murder of any of the victims	0.966	8.65*
Any of the victims suffered multiple trauma	-1.431	10.14*
Any of the victims killed execution style	1.151	9.35*
Defendant tried to hide or dispose of bodies of any of the victims	1.031	6.97*
Crime scene was described as a bloody mess or particularly gruesome	0.727	2.73
Any of the victims mutilated in some way before killing	0.860	1.90
Any of the victims sexually abused after killing	1.469	3.25
Defendant made full confession to first-degree murder to police	-0.756	2.65
Defendant made full confession to aggravating circumstances	1.280	9.31*
One eyewitness to the event testified	0.913	7.30*
County = Anne Arundel	0.137	0.05
County = Baltimore City	-1.463	6.22*
County = Baltimore County	0.920	4.47*
County = Harford	-0.098	0.02
County = Montgomery	-1.334	2.20
County = Prince George's	-0.693	1.45
County = Other Counties (Reference Category)	--------	
Victim is White (vs. Others)	1.216	9.20*
Log-likelihood (Reduced Model; 23 Parameter Estimates)	-173.30	
Log-likelihood (Full Model; 60 Parameter Estimates)	-154.84	
Likelihood Ratio Test of Full v. Reduced Model w/37 df	36.92 [NS]	

* $p < .05$

Table 12F

Stepwise Logistic Regression Model Estimating Effects of Defendant's
Race on Whether Defendant Receives a Death Sentence (N = 1,202 - 124 = 1,078)

Covariate	Coefficient	χ^2
Intercept	-5.404	77.98*
Number of prior violent felony convictions	0.656	24.22*
Multiple victim case	1.724	22.21*
Any of the victims a stranger to defendant	0.552	2.75
Defendant has history of sexual abuse as a child	1.261	6.76*
Defendant expressed pleasure at the killing	2.433	23.15*
Defendant alleged to have committed additional crimes contemporaneously	0.882	6.80*
Defendant forced his/her way into place of murder of any of the victims	1.022	9.36*
Defendant tried to hide or dispose of bodies of any of the victims	0.780	4.14*
Any of the victims defenseless due to advanced age	0.719	3.36
Defendant slapped, kicked, or punched any of the victims before death	-1.739	9.49
County = Anne Arundel	0.755	1.42
County = Baltimore City	-1.508	6.52*
County = Baltimore County	1.324	8.91*
County = Harford	0.680	0.79
County = Montgomery	-0.954	1.04
County = Prince George's	-0.469	0.66
County = Other Counties (Reference Category)	---------	
Victim is White (vs. Others)	0.721	3.36
Log-likelihood (18 Parameters)	-163.185	

* $p < .05$

Table 12G

Estimated Outcome Probability by Victim Race (Covariates Held Constant at their Means)

Conditional Probability	Unadjusted Estimates			Adjusted Estimates		
	White Victim	Nonwhite Victim	Difference	White Victim	Nonwhite Victim	Difference
p(death notice filed | death eligible case)	0.441	0.185	0.256	0.266	0.169	0.097
p(death notice sticks | death notice filed)	0.698	0.440	0.258	0.742	0.486	0.256
p(penalty trial | death notice sticks)	0.887	0.750	0.137			
Version #1				0.899	0.793	0.106
Version #2				0.889	0.805	0.084
p(death sentence | penalty trial)	0.421	0.417	0.004			
Version #1				0.432	0.382	0.050
Version #2				0.417	0.368	0.049
p(death sentence | death eligible case)	0.115	0.025	0.090			
Version #1				0.035	0.011	0.024
Version #2				0.022	0.011	0.011

Table 13A
Logistic Regression Model Estimating Effects of Defendant and
Victim Race on Notice Decision (N = 1,202 - 141 Missing = 1,061)

Covariate	Coefficient	χ^2
Intercept	0.339	1.48
Number of prior violent felony convictions (0,1,2,3+)	0.159	3.01
Multiple victim case	0.753	11.49 *
Any of the victims a stranger to defendant	0.272	2.30
Defendant has a history of alcohol abuse	-0.371	3.78
Defendant unable to control conduct due to mental/emotional problems	0.801	10.86 *
Defendant admitted crime	-0.289	1.94
Defendant actively evaded arrest	0.465	3.10
Defendant implicated in other killing(s)	0.758	4.16 *
Defendant persisted in attack even after death was certain	0.798	11.08 *
Any of the victims forced to beg/plead for their lives	0.659	4.29 *
Any of the victims' murder took a long time to complete	-0.539	3.22
Any of the victims have children or grandchildren	-0.405	4.12 *
Defendant made full confession to aggravating circumstances	0.725	8.04 *
County = Anne Arundel	-1.372	15.37 *
County = Baltimore City	-2.918	103.63 *
County = Baltimore County	0.365	1.95
County = Harford	-0.100	0.05
County = Montgomery	-1.733	15.80 *
County = Prince George's	-0.154	0.35
County = Other Counties (Reference Category)	---------	
White Defendant - White Victim	-0.745	9.36 *
Black Defendant - Black Victim	-0.960	16.39 *
Other Combinations	-1.016	8.69 *
Black Defendant - White Victim (Reference Category)	--------	

Type III Test For Effect of Defendant-Victim Race: $\chi^2_{(3)} = 19.61$; $p < .05$

Log-likelihood (Reduced Model; 23 Parameter Estimates)	-449.89
Log-likelihood (Full Model; 72 Parameter Estimates)	-428.52
Likelihood Ratio Test of Full v. Reduced Model w/49 df	42.74 [NS]

* $p < .05$

Table 13B
Logistic Regression Model Estimating Effects of Defendant and
Victim Race on the "Notice Sticks" Decision (N = 327 - 3 Missing = 324)

Covariate	Coefficient	χ^2
Intercept	-1.641	6.66 *
Number of prior violent felony convictions	0.256	3.02
Defendant admitted crime	-0.676	5.00 *
Defendant forced his/her way into place of murder of any of the victims	1.214	9.57 *
Any of the victims not clothed or in bedclothes at time of killing	-0.412	1.31
Any of the victims killed execution style	0.745	2.81
Defendant slapped, kicked, or punched any of the victims before death	0.754	3.21
Any of the victims burned after killing	2.061	5.04 *
Victim was a law enforcement officer	3.461	9.08 *
County = Anne Arundel	1.576	5.93 *
County = Baltimore City	1.202	4.70 *
County = Baltimore County	1.783	19.97 *
County = Harford	-0.602	0.86
County = Montgomery	-0.008	0.00
County = Prince George's	-0.296	0.55
County = Other Counties (Reference Category)	--------	
White Defendant - White Victim	0.192	0.27
Black Defendant - Black Victim	-0.997	6.81 *
Other Combinations	-1.381	4.87 *
Black Defendant - White Victim (Reference Category)	--------	

Type III Test For Effect of Defendant-Victim Race: $\chi^2_{(3)} = 13.38; p < .05$

Log-likelihood (Reduced Model; 23 Parameter Estimates)	-449.89
Log-likelihood (Full Model; 72 Parameter Estimates)	-428.52
Likelihood Ratio Test of Full v. Reduced Model w/49 df	42.74 [NS]

* $p < .05$

Table 13C
Stepwise Logistic Regression Model Estimating Effects of Defendant and
Victim Race on the "Notice Sticks" Decision (N = 327 - 3 Missing = 324)

Covariate	Coefficient	χ^2
Intercept	-1.318	11.91 *
Defendant has history of physical abuse as a child	1.008	6.74 *
Defendant maintains innocence	0.973	1099 *
Defendant forced his/her way into place of murder of any of the victims	1.168	10.42 *
Victim was a law enforcement officer	2.748	6.60 *
County = Anne Arundel	1.215	3.50
County = Baltimore City	0.851	2.76
County = Baltimore County	1.511	14.92 *
County = Harford	-0.342	0.30
County = Montgomery	-0.028	0.00
County = Prince George's	-0.132	0.12
County = Other Counties (Reference Category)	--------	
White Defendant - White Victim	0.042	0.01
Black Defendant - Black Victim	-0.676	3.50
Other Combinations	-0.921	2.26
Black Defendant - White Victim (Reference Category)	--------	

Type III Test For Effect of Defendant-Victim Race: $\chi^2_{(3)}$ = 6.202; $p > .05$

* $p < .05$

Table 13D
Logistic Regression Model Estimating Effects of Defendant and
Victim Race on Whether Case Advances to a Penalty Trial (N = 198 - 1 Missing = 197)

Covariate	Coefficient	χ^2
Intercept	-1.153	0.96
Any prior violent felony convictions	1.922	8.26 *
Any of the victims a stranger to defendant	1.677	7.62 *
Defendant unable to control conduct due to mental/emotional problems	3.364	7.63 *
Defendant has spouse and/or family	1.241	3.56
Defendant has history of drug or alcohol use/abuse	0.788	1.64
Defendant has no major criminal history	2.402	10.67 *
Defendant tried to hide or dispose of bodies of any of the victims	-0.846	1.42
Any of the victims' murder took a long time to complete	-1.887	4.12 *
White Defendant - White Victim	-0.036	0.00
Black Defendant - Black Victim	-0.013	0.00
Black Defendant - White Victim	1.082	0.77
Other Combinations (Reference Category)	--------	

Type III Test For Effect of Defendant-Victim Race: $\chi^2_{(3)} = 3.19$; $p > .05$

Log-likelihood (Reduced Model; 12 Parameter Estimates)	-50.12	
Log-likelihood (Full Model; 41 Parameter Estimates)	-36.00 [NS]	
Likelihood Ratio Test of Full v. Reduced Model w/29 df	28.24 [NS]	

* $p < .05$

Table 13E
Logistic Regression Model Estimating Effects of Defendant
and Victim Race on Whether Death Sentence is Imposed (N = 169)

Covariate	Coefficient	χ^2
Intercept	-2.308	4.07 *
Any prior violent felony convictions	0.565	2.75
Any of the victims a stranger to defendant	0.373	0.99
Defendant was sexually abused as a child	0.901	2.74
Defendant implicated in other killing(s)	1.557	4.71 *
White Defendant - White Victim	1.113	0.96
Black Defendant - Black Victim	1.449	1.49
Black Defendant - White Victim	1.441	1.66
Other Combinations (Reference Category)	--------	

Type III Test For Effect of Defendant-Victim Race: $\chi^2_{(3)} = 2.25$; $p > .05$

Log-likelihood (Reduced Model; 8 Parameter Estimates)	-106.35	
Log-likelihood (Full Model; 43 Parameter Estimates)	-89.95	
Likelihood Ratio Test of Full v. Reduced Model w/35 df	32.80 NS	

* $p < .05$

Table 13F

Logistic Regression Model Estimating Effects of Defendant and
Victim Race on Imposition of Death Sentence (N = 1,202 - 141 Missing = 1,061)

Covariate	Coefficient	χ^2
Intercept	-4.292	31.52 *
Number of prior violent felony convictions	0.506	14.84 *
Multiple victim case	1.643	20.11 *
Any of the victims a stranger to defendant	0.486	2.03
Defendant was sexually abused as a child	1.858	15.19 *
Defendant implicated in other killing(s)	1.331	6.95 *
Defendant forced his/her way into place of murder of any of the victims	0.979	8.91 *
Defendant tried to hide or dispose of bodies of any of the victims	1.163	8.60 *
Any of the victims sexually abused after killing	-0.040	0.00
Defendant made full confession to first-degree murder to police	-0.801	2.77
Defendant made full confession to aggravating circumstances	1.498	11.89 *
One eyewitness to the event testified	0.870	6.87 *
An informant or jail-house snitch testified against defendant	0.954	5.77 *
County = Anne Arundel	0.491	0.59
County = Baltimore City	-1.338	5.00 *
County = Baltimore County	1.142	6.72 *
County = Harford	0.693	0.81
County = Montgomery	-1.361	1.93
County = Prince George's	-0.478	0.66
County = Other Counties (Reference Category)	--------	
White Defendant - White Victim	-0.932	5.23 *
Black Defendant - Black Victim	-1.340	8.81 *
Other Combinations	-2.423	4.95 *
Black Defendant - White Victim (Reference Category)		

Type III Test For Effect of Defendant-Victim Race: $\chi^2_{(3)}$ = 12.95; $p < .05$

Log-likelihood (Reduced Model; 22 Parameter Estimates)	-165.37	
Log-likelihood (Full Model; 71 Parameter Estimates)	-139.50	
Likelihood Ratio Test of Full v. Reduced Model w/49 df	51.74 [NS]	

* $p < .05$

Table 13G
Estimated Outcome Probability by Defendant-Victim Race Groups

Group	p(death notice filed |death eligible case)		p(death notice sticks |death notice filed) (1)	
	Unadjusted	Adjusted	Unadjusted	Adjusted
White D - White V	0.422	0.207	0.677	0.771
Black D - Black V	0.174	0.174	0.443	0.506
Black D - White V	0.472	0.355	0.712	0.735
Other Combinations	0.286	0.166	0.455	0.411

Group	p(death notice sticks |death notice filed) (2)		p(penalty trial |death notice sticks)	
	Unadjusted	Adjusted	Unadjusted	Adjusted
White D - White V	0.677	0.718	0.870	0.925
Black D - Black V	0.443	0.554	0.769	0.927
Black D - White V	0.712	0.709	0.911	0.974
Other Combinations	0.455	0.493	0.700	0.928

Group	p(death sentence | penalty trial)		p(death sentence | death eligible case)	
	Unadjusted	Adjusted	Unadjusted	Adjusted
White D - White V	0.367	0.377	0.091	0.017
Black D - Black V	0.467	0.459	0.028	0.012
Black D - White V	0.472	0.457	0.145	0.043
Other Combinations	0.143	0.166	0.013	0.004

Table 14

Estimated Race-of-Victim Effects Among Death-Noticed Cases on Likelihood of Receiving a Death Sentence (N = 324)

Parameter	Model 1		Model 2		Model 3		Model 4	
	Coefficient	χ^2	Coefficient	χ^2	Coefficient	χ^2	Coefficient	χ^2
Intercept	-1.835	43.57 *	-2.507	35.09 *	-2.085	25.80 *	-2.804	28.96 *
Anne Arundel					0.760	1.54	0.698	1.26
Baltimore City					0.657	1.49	0.632	1.35
Baltimore County					0.991	7.02 *	0.972	6.63 *
Harford					0.086	0.02	-0.223	0.10
Montgomery					0.050	0.00	-0.157	0.03
Prince George's					-0.314	0.40	-0.370	0.55
Other								
White Victim	0.792	6.18 *	0.773	5.80 *	0.575	2.85	0.557	2.63
Odds Multiplier	2.208		2.166		1.777		1.745	
# of Statutory Aggravating Circumstances (1,2,3+)			0.426	4.96 *			0.484	5.81 *

* $p < .05$

Table 15
Estimated Black Defendant-White Victim Effects Among Death-Noticed Cases on Likelihood of Receiving a Death Sentence (N = 323)

Parameter	Model 1		Model 2		Model 3		Model 4	
	Coefficient	χ^2	Coefficient	χ^2	Coefficient	χ^2	Coefficient	χ^2
Intercept	-1.554	73.75 *	-2.202	37.04 *	-1.839	32.41 *	-2.567	31.74 *
Anne Arundel					0.630	1.06	0.572	0.84
Baltimore City					0.460	0.73	0.437	0.65
Baltimore County					0.955	6.45 *	0.940	6.16 *
Harford					0.096	0.02	-0.231	0.10
Montgomery					-0.126	0.02	-0.356	0.17
Prince George's					-0.441	0.83	-0.496	1.03
Other					--------			
Black D Kills White V	0.736	7.22 *	0.708	6.56 *	0.602	4.44 *	0.593	4.19 *
Odds Multiplier	2.088		2.030		1.826		1.809	
# of Statutory Aggravating Circumstances (1,2,3+)			0.410	4.64 *			0.482	5.74 *

* $p < .05$

Table 16

Estimated Effects of Charging County and White Victim on Death Notices
and Death Sentences Among the Universe of Death Eligible Cases (N = 1,078)

Parameter	Death Notice Logistic Regression Models				Death Sentence Logistic Regression Models			
	Without County Controls		With County Controls		Without County Controls		With County Controls	
	Coefficient	χ^2	Coefficient	χ^2	Coefficient	χ^2	Coefficient	χ^2
Intercept	-1.485	195.84 *	-0.443	4.86 *	-3.646	194.36 *	-3.140	61.35 *
Anne Arundel			-1.132	12.77 *			-0.180	0.11
Baltimore City			-2.485	91.43 *			-1.343	7.29 *
Baltimore County			0.654	7.37 *			1.194	11.43 *
Harford			0.080	0.04			0.102	0.02
Montgomery			-1.083	8.01 *			-0.512	0.43
Prince George's			0.121	0.26			-0.209	0.19
Other (Reference Category)			-------				-------	
White Victim	1.246	79.301 *	0.625	13.36 *	1.603	29.02 *	0.918	7.83 *
Odds Multiplier	3.475		1.869		4.969		2.503	
Estimated p(Notice | White Victim)	0.441		0.288		0.115		0.063	
Estimated p(Notice | Nonwhite Victim)	0.185	} 0.256	0.178	} 0.110	0.025	} 0.090	0.026	} 0.037

* p < .05

Table 17

Estimated Effects of Charging County and Black Defendant-White Victim on
Death Notices and Death Sentences Among the Universe of Death Eligible Cases (N = 1,061)

| Parameter | Death Notice Logistic Regression Models | | | | Death Sentence Logistic Regression Models | | | |
| | Without County Controls | | With County Controls | | Without County Controls | | With County Controls | |
	Coefficient	χ^2	Coefficient	χ^2	Coefficient	χ^2	Coefficient	χ^2
Intercept	-1.063	178.20 *	-0.169	1.03	-3.060	330.90 *	-2.733	76.82 *
Anne Arundel			-1.122	12.19 *			-0.159	0.08
Baltimore City			-2.731	115.46 *			-1.659	11.90 *
Baltimore County			0.585	5.77 *			1.121	9.88 *
Harford			0.160	0.16			0.161	0.06
Montgomery			-1.343	12.12 *			-0.817	1.09
Prince George's			-0.121	0.28			-0.491	1.10
Other (Reference Category)			--------				-------	
Black D - White V	0.953	38.76 *	0.830	20.87 *	1.283	26.26 *	0.993	14.20 *
Odds Multiplier	2.593		2.293		3.607		2.700	
Estimated p(Notice | Black D - White V)	0.472		0.360		0.145		0.082	
		} 0.215		} 0.163		} 0.100		} 0.050
Estimated p(Notice | Other Groups)	0.257		0.197		0.045		0.032	

* $p < .05$

Table 18

Death Notice Rates, Sentencing Rates, White Victim Case Rates, and Black Defendant-White Victim Case Rates by County

County	N =	Death Notice Rate	Death Sentence Rate	White Victim Rate	Black D-White V Rate
Anne Arundel	77	0.234 (-)	0.065 (+)	0.699 (+)	0.243 (+)
Baltimore City	510	0.055 (-)	0.014 (-)	0.242 (-)	0.161 (-)
Baltimore County	142	0.662 (+)	0.232 (+)	0.787 (+)	0.369 (+)
Harford	32	0.531 (+)	0.094 (+)	0.781 (+)	0.258 (+)
Montgomery	55	0.200 (-)	0.036 (-)	0.458 (+)	0.313 (+)
Prince George's	215	0.367 (+)	0.037 (-)	0.335 (-)	0.200 (-)
Other Counties	171	0.468 (+)	0.076 (+)	0.706 (+)	0.241 (+)
State Totals	1,202	0.272	0.059	0.453	0.222

Notes: N = represents the number of death eligible cases in the analysis database. The death notice rate is calculated by dividing the number of death noticed cases by the total number of death eligible cases. The death sentence rate is calculated by dividing the number of death sentences by the total number of death eligible cases. The white victim rate is calculated by dividing the number of death eligible cases where at least one white victim was killed by the total number of death eligible cases. The black defendant - white victim rate is calculated by dividing the total number of black defendant - white victim cases by the total number of death eligible cases. The (+) and (-) signs indicate whether the county is above average or below the state average.

MARYLAND CAPITAL PUNISHMENT STUDY

INITIAL SCREENING INSTRUMENT - REVISED

1. Internal Identification Number   1a. Case Number _____

   _____

2. Defendant's Name
   Last Name _____

   First Name _____ Middle Int._____

3. County where charged.   _____

4. Trial County   _____

5. Date of Offense   Year _____   Month _____ Day _____   not known _____

6. Victim's Name: _____

7. Ineligible due to:

   _____ Age
   _____ No statutory aggravator present
   _____ Not the principal
   _____ Other (specify)

*** If ineligible, but co-defendant(s) may be eligible, see reverse****

7. Original Homicide Charge
        First Degree Murder _____
        Second Degree Murder _____
        Manslaughter _____
        Less _____
        Other _____

8. Conviction Charges (please include all)
        First Degree Murder _____
        Second Degree Murder _____
        Manslaughter _____
        Burglary _____
        HGV _____   use _____
                                       wear/carry _____
                                       transport _____
                                       use in a crime of violence _____
                                       use in commission of a felony _____
                                       conceal _____

        Other   _____

9.   Did Defendant testify against co-defendant(s)?
        _____   no
        _____   yes
        _____   not applicable, no co-defendants

10.   Legal status of defendant?
        _____   charged and tried together with other co-defendant(s)?
        _____   charged together, but entered a plea or was tried separately
        _____   not charged
        _____   charged with less than first degree murder
        _____   other (specify)
        _____   not applicable, no co-defendants

11.   Did Defendant testify in exchange for a plea?
        _____   no
        _____   yes
        _____   not applicable, no co-defendant(s)

MARYLAND CAPITAL PUNISHMENT STUDY

DATA COLLECTION INSTRUMENT FOR
DEATH ELIGIBLE CASES

1. Internal Identification Number   1a. Case Number _____

     _____   DOC # _____

2. Defendant's Name

     Last Name   _____

     First Name   _____

     Middle Int.   _____

3. County where charged.   3a. Charge Number   _____

    _____

1	Allegany County
2	Anne Arundel County
3	Baltimore City
4	Baltimore County
5	Calvert County
6	Caroline County
7	Carroll County
8	Cecil County
9	Charles County
10	Dorchester County
11	Frederick County
12	Garrett County
13	Harford County
14	Howard County
15	Kent County
16	Montgomery County
17	Prince George's County
18	Queen Anne's County
19	St. Mary's County
20	Somerset County
21	Talbot County
22	Washington County
23	Wicomico County
24	Worchester County
-9	not known

4. County where trial was held.

    _____

    County
1   Allegany County
2   Anne Arundel County
3   Baltimore City
4   Baltimore County
5   Calvert County
6   Caroline County
7   Carroll County
8   Cecil County
9   Charles County
10 Dorchester County
11 Frederick County
12 Garrett County
13 Harford County
14 Howard County
15 Kent County
16 Montgomery County
17 Prince George's County
18 Queen Anne's County
19 St. Mary's County
20 Somerset County
21 Talbot County
22 Washington County
23 Wicomico County
24 Worcester County
-9 Not known

5. On the homicide charge, the defendant:

_____ found innocent
_____ pled guilty to 1st degree murder
_____ pled guilty to a lesser charge of homicide (2nd degree or manslaughter)
_____ convicted by judge or jury of 2nd degree murder or manslaughter
_____ convicted by judge or jury of first degree murder (felony murder or 1st degree premeditated murder)
_____ not known

5a. If there was a guilty plea, what did the defendant accept a plea to:
_____ no guilty plea, case went to trial
_____1st degree murder
_____2nd degree murder
_____manslaughter
_____other
_____not known

5b. Did the prosecutor agree to recommend a sentence to the court?

_____ no plea
_____ no
_____ yes   if yes, for   _____ life without parole
                                    _____ life
                                    _____ term of years

6. Case ID or Docket Number

_____

_____ not known

7. Date of Offense (Coders: Code as follows – March 16, 1991 as 91
                                                                03
    Year _____   16)

    Month _____

    Day _____

    not known _____

8. Date Trial Started or Plea Accepted

    Year _____

    Month _____

    Day _____

    not known _____

    8a. Was there a penalty trial?

    _____ No

    _____ Yes

8b. Date penalty trial started:

     _____ No penalty trial

     Year _____

     Month _____

     Day _____

9. Date Sentence Imposed

     Year   _____

     Month _____

     Day   _____

     not known _____

10. The defendant was found guilty by:

     Judge   _____

     Jury   _____

     Plea   _____

     Found Innocent   _____

     not known _____

10a. Did the defendant waive a jury trial?

     _____ No

     _____ Yes

10b. Did the defendant request a change of venue?

     _____ No

     _____ Yes

10c. If yes, was the motion granted?

_____ No

_____ Yes

11. The defendant was sentenced by:

Judge _____

Jury _____

Found Innocent _____

not known _____

12. Trial Judge's Name

_____

13. Prosecutor's Names (option "a" is for lead prosecutor if determinable)

a. _____

b. _____

14. Defense Counsel's Name (option "a" is for lead defense counsel if determinable)

a. _____

b. _____

15. Status of Defense Counsel

Private attorney   _____

Public defender   _____

Panel attorney (assigned public defender)   _____

Not relevant (defendant pled guilty)   _____

Other (describe)   _____

not known _____

16. Was the defendant charged with a felony in addition to homicide?

    No   _____
    Yes   _____
    not known   _____

17. If yes, what were the other felony offenses the defendant was charged with? **(check all that apply.)**

Kidnapping	_____
Armed Robbery	_____
Robbery	_____
Rape (1st degree)	_____
Rape (2nd degree)	_____
Sexual Offense (1st degree)	_____
Sexual Offense (2nd degree)	_____
Sexual Offense (3rd degree)	_____
Arson	_____
Burglary	_____
Use of firearm in felony	_____
Housebreaking	_____
Store breaking	_____
Mayhem	_____
Carjacking	_____
Others	_____
not known	_____

18. Were the charges for any of these other felony offenses dropped?

    No   _____

    Yes   _____

    not known _____

18a. Which felony offenses were dropped? ? **(check all that apply.)**

Kidnapping   _____
Armed Robbery   _____
Robbery   _____
Rape (1st degree)   _____
Rape (2nd degree)   _____
Sexual Offense (1st degree) _____
Sexual Offense (2nd degree) _____
Sexual Offense   (3rd degree) _____
Arson   _____
Burglary   _____
Use of firearm in felony   _____
Housebreaking   _____
Store breaking   _____
Mayhem   _____
Carjacking   _____
Other   _____
not known   _____

19. Was there a penalty trial?

No   _____

Yes   _____

not known   _____

20. What was the defendant's sentence?

Death   _____

Life w/o Parole   _____

Life   _____

Years   _____ (number of years)

Defendant acquitted _____

not known   _____

21. Which statutory aggravating factors *were offered* by the prosecution? (**Please check all that apply)**

_____ The victim was a law enforcement officer who was murdered in the performance of his/her duties.

_____ The defendant committed the murder at a time when he/she was confined in any correction institution.

_____ The defendant committed the murder in furtherance of an escape or an attempt to escape from or evade the lawful custody, arrest, or detention of or by an officer or guard of a correctional institution of by a law enforcement officer.

_____ The victim was taken or attempted to be taken in the course of a kidnapping or abduction or an attempt to kidnap or abduct.

_____ The victim was a child under the age of 12 abducted in violation of Sec. 2 of this article.

_____ The defendant committed the murder pursuant to an agreement or contract for remuneration or the promise of remuneration to commit the murder.

_____ The defendant engaged or employed another person to commit the murder and the murder was committed pursuant to an agreement or contract for remuneration or the promise of remuneration.

_____ At the time of the murder, the defendant was under sentence of death or imprisonment for life.

_____ The defendant committed more than one offense of murder in the first degree arising out of the same incident.

_____ The defendant committed the murder while committing or attempting to commit a carjacking, armed carjacking, robbery, arson in the 1st degree, rape or sexual offense in the 1st degree.

_____ not known

22. Which statutory aggravating factors *were found* by the jury (or judge) and written on the sentencing form? **(Please check all that apply)**

_____ The victim was a law enforcement officer who was murdered in the performance of his/her duties.

_____ The defendant committed the murder at a time when he/she was confined an any correction institution.

_____ The defendant committed the murder in furtherance of an escape or an attempt to escape from or evade the lawful custody, arrest, or detention of or by an officer or guard of a correctional institution of by a law enforcement officer.

_____ The victim was taken or attempted to be taken in the course of a kidnapping or abduction or an attempt to kidnap or abduct.

_____ The victim was a child under the age of 12 abducted in violation of Sec. @ of this article.

_____ The defendant committed the murder pursuant to an agreement or contract for remuneration for the promise of remuneration to commit the murder.

_____ The defendant engaged or employed another person to commit the murder and the murder was committed pursuant to an agreement or contract for remuneration or the promise of remuneration.

_____ At the time of the murder, the defendant was under sentence of death or imprisonment for life.

_____ The defendant committed more than one offense of murder in the first degree arising out of the same incident.

_____ The defendant committed the murder while committing or attempting to commit a carjacking, armed carjacking, robbery, arson in the 1st degree, rape of sexual offense in the 1st degree.

_____ not known

23. Which mitigating factors ***were offered*** by the defense?

   _____   The defendant has not previously:
(i). Been found guilty of a crime of violence
(ii). Entered a plea of guilty or nolo contendere to a charge of a crime of violence
(iii). Had a judgment of probation on stay of entry of judgment entered on a charge of a crime of violence.
"Crime of violence means abduction, arson in the 1st degree, carjacking or armed carjacking, or rape or sexual offense in the 1st or 2nd degree, or an attempt to commit any of these offenses, or the use of a handgun in the commission of a felony or another crime of violence."

   _____   The victim was a participant in the defendant's conduct or consented to the act which caused the victim's death.

   _____   The defendant acted under substantial duress, domination or provocation of another person, but not so substantial as to constitute a complete defense to the prosecution.

   _____   The murder was committed while the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired as a result of mental incapacity, mental disorder or emotional disturbance.

   _____   The youthful age of the defendant at the time of the crime.

   _____   The act of the defendant was not the sole proximate cause of the victim's death.

   _____   It is unlikely that the defendant will engage in further criminal activity that would constitute a continuing threat to society.

   _____   Any other facts which the jury or the court specifically sets forth in writing that it finds as mitigating circumstances in this case.

   _____   not known

24. Which of the following factors were specifically offered in mitigation by the defense?
Coders: Check all that apply.

_____ defendant was under 21
at the time of the offense

_____ defendant is elderly (over 60)

_____ defendant was unable to control his/her
conduct because of alcohol or drugs

_____ defendant was unable to control his/her
conduct because of mental or emotional illness

_____ defendant was under the control or influence of another

_____ defendant's participation in the crime was minor

_____ defendant claims that the killing was an accident

_____ defendant was physically abused as a child

_____ defendant was sexually abused as a child

_____ defendant's generally good character (was a good father, son, daughter, wife, student,
employee, etc.)

_____ defendant had trouble in school

_____ defendant had trouble holding a job

_____ defendant had a history of physical abuse as child

_____ defendant had a history of sexual abuse as a child

_____ defendant has a spouse and/or family

_____ defendant admitted the crime

_____ defendant has expressed remorse for the crime

_____ defendant has a history of mental illness or emotional problems

_____ defendant has a history of drug or alcohol use/abuse

_____ defendant has an organic (brain) disorder than makes him/her violent or otherwise
unable to control their conduct

_____ defendant maintains his/her innocence

11

_____ defendant has no major criminal history

_____ defendant has shown that he/she can behave without difficulty in an institutional/prison setting

_____ defendant aided or assisted victim

_____ defendant surrendered within 24 hours

_____ defendant was not actual killer

_____ others (specify)

_____
_____
_____
_____

_____ not known

25. Which mitigating factors ***were found*** by the jury (or judge) and written on the sentencing form?

_____   The defendant has not previously:
(i). Been found guilty of a crime of violence
(ii). Entered a plea of guilty or nolo contendere to a charge of a crime of violence
(iii). Had a judgment of probation on stay of entry of judgment entered on a charge of a crime of violence.
"Crime of violence means abduction, arson in the 1st degree, carjacking or armed carjacking, or rape or sexual offense in the 1st or 2nd degree, or an attempt to commit any of these offenses, or the use of a handgun in the commission of a felony or another crime of violence."

_____   The victim was a participant in the defendant's conduct or consented to the act which caused the victim's death.

_____   The defendant acted under substantial duress, domination or provocation of another person, but not so substantial as to constitute a complete defense to the prosecution.

_____   The murder was committed while the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired as a result of mental incapacity, mental disorder or emotional disturbance.

_____   The youthful age of the defendant at the time of the crime.

_____   The act of the defendant was not the sole proximate cause of the victim's death.

_____   It is unlikely that the defendant will engage in further criminal activity that would constitute a continuing threat to society.

_____   Any other facts which the jury or the court specifically sets forth in writing that it finds as mitigating circumstances in this case.

_____   not known

26. Which of the following specific mitigating factors were found by the jury on the sentencing form: **Coders: Check all that apply.**

_____ defendant was under 21
at the time of the offense

_____ defendant is elderly (over 60)

_____ defendant was unable to control his/her
conduct because of alcohol or drugs

_____ defendant was unable to control his/her
conduct because of mental or emotional illness

_____ defendant was under the control or influence of another

_____ defendant's participation in the crime was minor

_____ defendant claims that the killing was an accident

_____ defendant was physically abused as a child

_____ defendant was sexually abused as a child

_____ defendant's generally good character (was a good father, son, daughter, wife, student, employee, etc.)
_____ defendant had trouble in school

_____ defendant had trouble holding a job

_____ defendant had a history of physical abuse as child

_____ defendant had a history of sexual abuse as a child

_____ defendant has a spouse and/or family

_____ defendant admitted the crime

_____ defendant has expressed remorse for the crime

_____ defendant has a history of mental illness or emotional problems

_____ defendant has a history of drug or alcohol use/abuse

_____ defendant has an organic (brain) disorder than makes him/her violent or otherwise unable to control their conduct

_____ defendant maintains his/her innocence

_____ defendant has no major criminal history

_____ defendant has shown that he/she can behave without difficulty in an institutional/prison setting

_____ defendant aided or assisted victim

_____ defendant surrendered within 24 hours

_____ defendant was not actual killer

_____ others (specify)

_____
_____
_____
_____

_____ not known

26a. How many mitigating factors were found:

_____ (put in a number)

27. If there was a penalty trial, was the sentence of death based on:

_____ the presence of at least one aggravating factor and no mitigating factors

_____ aggravating factors outweighed the mitigating factors

_____ no penalty trial

_____ no death sentence

_____ defendant acquitted

_____ not known

28. If there was a penalty trial, was the sentence of life based on:

_____ principal in the 1st degree not found

_____ no aggravating factors were found by the jury (or judge)

_____ mental retardation found

_____ aggravating factors did not outweigh mitigating factors

_____ no penalty trial

_____ sentence was death

_____ not known

29. If the sentence was death and no mitigating factors were found, was this because:

_____ the fact finder considered but rejected proffered mitigating evidence

_____ the defendant offered no mitigating evidence

_____ no penalty trial

_____ sentence was life

_____ unknown why no mitigating factors were found

_____ not known

30. In addition to homicide, how many other offenses was the defendant convicted of for the current event?

_____ no other offenses

_____ one

_____ two

_____ three

_____ four

_____ five or more

_____ not known

31. If there were other crimes that the defendant was convicted of for the current event, what were the five most serious?   (check codebook for crime codes)

_____ no other crime besides homicide

_____ manslaughter

_____ kidnapping

_____ rape (1st degree)

_____ rape (2nd degree)

_____ sexual offense (1st degree)

_____ sexual offense (2nd degree)

_____ sexual offense (3rd degree)

_____ arson (1st degree)

_____ arson (lesser degree)

_____ robbery

_____ burglary

_____ aggravated assault

_____ firearm used in connection with a felony

_____ other violent felony

_____ other non-violent felony

_____ violent misdemeanor

_____ non-violent misdemeanor

_____ other _____

_____ not known

32. Check all crimes that the defendant was convicted of for the current event? Check all that apply.   (check codebook for crime codes)

_____ 1st degree murder

_____ 2nd degree murder

_____ manslaughter

_____ kidnapping

_____ rape (1st degree)

_____ rape (2nd degree)

_____ sexual offense (1st degree)

_____ sexual offense (2nd degree)

_____ sexual offense (3rd degree)

_____ arson (1st degree)

_____ arson (lesser degree)

_____ robbery

_____ burglary

_____ aggravated assault

_____ firearm used in connection with a felony

_____ other violent felony

_____ other non-violent felony

_____ violent misdemeanor

_____ non-violent misdemeanor

_____ other _____

_____ not known

33. Was there a direct appeal of the case?

_____ no appeal

_____ appeal with conviction and sentence affirmed

_____ appeal with conviction affirmed, sentence vacated or reduced for legal error

_____   appeal with conviction vacated

_____ appeal pending

_____ appeal made, but outcome unknown

_____ not known

DEFENDANT'S PERSONAL CHARACTERISTICS

34. Defendant's Age

_____

_____ not known

34a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
     prosecuting attorney
_____ other

35. Defendant's gender.

_____ male

_____ female

_____ not known

35a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
     prosecuting attorney
_____ other

36. Defendant's race.

_____ white

_____ african american

_____ hispanic or hispanic surname

_____ asian-american

_____ other

_____ not known

36a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
     prosecuting attorney
_____ other

37. Defendant's religion

_____ Roman Catholic

_____ Lutheran

_____ Presbyterian

_____ Baptist

_____ Jewish

_____ Mormon

_____ Episcopalian

_____ Evangelical Christian (Church of God…)

_____ Non-denominational Christian

_____ Protestant

_____ Muslim/Islamic

_____ Other

_____ Atheist or agnostic

_____ not known

37a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

38. Defendant's county of residence:

_____

01	Allegany County
02	Anne Arundel County
03	Baltimore City
04	Baltimore County
05	Calvert County
06	Caroline County
07	Carroll County
08	Cecil County
09	Charles County
10	Dorchester County
11	Frederick County
12	Garrett County
13	Harford County
14	Howard County
15	Kent County
16	Montgomery County
17	Prince George's County
18	Queen Anne's County
19	St. Mary's County
20	Somerset County
21	Talbot County
22	Washington County
23	Wicomico County
24	Worchester County
99	Not from Maryland
-9	not known

38a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
      prosecuting attorney
_____ other

39. Defendant's education

_____ Currently attending school

_____ didn't go beyond 6th grade

_____ didn't go beyond 9th grade

_____ high school dropout

_____ completed high school or received GED

_____ some formal education (including vocational education) after high school

_____ received college degree

_____ finished graduate school

_____ not known

39a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
      prosecuting attorney
_____ other

40. Defendant's marital status at time of arrest.

_____ single

_____ divorced

_____ separated

_____ living with woman/man

_____ married

_____ not known

40a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
  prosecuting attorney
_____ other

41. With whom was defendant living at the time of the offense?

_____ homeless

_____ living alone

_____ living with spouse or partner (with children)

_____ living with spouse or partner (without children)

_____ living with parents or grandparents

_____ living with other relatives

_____ living with friends, acquaintances, or roommates

_____ inmate in an institution

_____ living with someone of the same sex in a homosexual relationship

_____ traveling on the road at the time

_____ other

_____ not known

_____living with victim

41a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
  prosecuting attorney
_____ other

42. Did the defendant have any children he/she lived with, saw regularly, or supported at the time of the offense?

42a. _____ trial transcript
_____ police report
_____ No children _____ pre-sentence report
_____ Dept of Corrections file
_____ Yes children, known support/contact _____ interview with defense or
       prosecuting attorney
_____ Yes children, no support/contact

_____ Yes children, unknown support/contact

_____ Unknown   _____ Other:

43. What was the defendant's employment status at the time of the offense?

_____ employed full time

_____ employed part time

_____ employed, but unknown if employed full
      or part time

_____ self-employed either full or part time   43a.   _____ trial transcript
_____ police report
_____ unemployed, length of time unknown   _____ pre-sentence report
_____ Dept of Corrections file
_____ unemployed, less than six months   _____ interview with defense or
       prosecuting attorney
_____ unemployed six months or more   _____ other

_____ outside the labor force – on welfare,
      living on disability, unemployment checks
      or social security

_____ outside the labor force – homemaker, retired,
      student, juvenile, supported by family

_____ institutionalized – in prison, jail, drug rehabilitation, mental institution, etc.

_____ employed outside the labor force – underground economy, criminal activity

_____ other _____

_____ employment unknown

44. Defendant's employment history.

_____ never worked

_____ held mainly unskilled jobs in the past

_____ held mainly skilled jobs in the past

_____ held mainly professional, managerial, or white collar jobs in the past

_____ other _____

_____ unknown

44a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections files
_____ interview with defense or
     prosecuting attorney
_____ other

45. Defendant's primary occupation at time offense.

_____

_____ not known

45a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
     prosecuting attorney
_____ other

46. Occupational status score. (See coding appendix)

_____

_____ not known

DEFENDANT'S CRIMINAL HISTORY

47. Number of prior felony **arrests**.

   _____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

   47a.   _____ trial transcript
           _____ police report
           _____ pre-sentence report
           _____ Dept of Corrections file
           _____ interview with defense or
                 prosecuting attorney
           _____ other

48. Number of prior felony **arrests** that are violent offenses (homicide, robbery, kidnapping, burglary, rape, sexual offense in 1st, 2nd, or 3rd degree).

   _____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

   48a.   _____ trial transcript
           _____ police report
           _____ pre-sentence report
           _____ Dept of Corrections file
           _____ interview with defense or
                 prosecuting attorney
           _____ other

49. Number of prior felony **convictions**.

   _____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

   49a.   _____ trial transcript
           _____ police report
           _____ pre-sentence report
           _____ Dept of Corrections file
           _____ interview with defense or
                 prosecuting attorney
           _____ other

50. Number of prior felony **convictions** that are violent offenses (homicide, robbery, kidnapping, burglary, rape, sexual offense in 1st, 2nd, or 3rd degree).

_____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

50a.   _____ trial transcript
        _____ police report
        _____ pre-sentence report
        _____ Dept of Corrections file
        _____ interview with defense or
            prosecuting attorney
        _____ other

51. Number of prior misdemeanor **arrests**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

51a.   _____ trial transcript
        _____ police report
        _____ pre-sentence report
        _____ Dept of Corrections file
        _____ interview with defense or
            prosecuting attorney
        _____ other

52. Number of prior misdemeanor **convictions**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

52a.   _____ trial transcript
        _____ police report
        _____ pre-sentence report
        _____ Dept of Corrections file
        _____ interview with defense or
            prosecuting attorney
        _____ other

53. Age at **first conviction** (juvenile or adult).

_____

_____ no prior convictions

_____ not known

53a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

54. Age at **first felony conviction** (juvenile or adult).

_____

_____ no prior felony convictions

_____ not known

54a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

55. Was the defendant under criminal supervision at the time of the offense?

_____ no

_____ probation

_____ parole

_____ on bail

_____ house arrest

_____ in custody

_____ unknown

55a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

56. Total number of juvenile **arrests**.

_____

_____ no juvenile arrests

_____ not known

56a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

57. Total number of juvenile **convictions**.

_____

_____ no juvenile convictions

_____ not known

57a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
       prosecuting attorney
_____ other

58. Total number of adult **arrests.**

_____

_____ no adult arrests

_____ not known

58a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
       prosecuting attorney
_____ other

59. Total number of adult **convictions.**

_____

_____ no adult convictions

_____ not known

59a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
       prosecuting attorney
_____ other

60. Did the defendant ever serve time in a juvenile correctional facility?

_____ no

_____ yes

_____ not known

60a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
       prosecuting attorney
_____ other

61. Did the defendant ever serve time in an adult correctional facility or jail?

_____ no

_____ yes

_____ not known

61a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
       prosecuting attorney
_____ other

62. Either as an adult or juvenile, has the defendant ever been convicted of murder?

62a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

     prosecuting attorney

_____ other

63. Either as an adult or juvenile, has the defendant ever been convicted of manslaughter?

63a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

     prosecuting attorney

_____ other

64. Either as an adult or juvenile, has the defendant ever been convicted of robbery?

64a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

     prosecuting attorney

_____ other

65. Either as an adult or juvenile, has the defendant ever been convicted of rape in the 1st degree?

65a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

     prosecuting attorney

_____ other

66. Either as an adult or juvenile, has the defendant ever been convicted of sexual offense in the 1st degree?

66a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

     prosecuting attorney

_____ other

67. Either as an adult or juvenile, has the defendant ever been convicted of aggravated assault?

                                                   67a.   _____ trial transcript

_____ no   _____ police report

                                                    _____ pre-sentence report

_____ yes   _____ Dept of Corrections file

                                                    _____ interview with defense or

_____ not known   prosecuting attorney

                                                    _____ other

68. Either as an adult or juvenile, has the defendant ever been convicted of burglary?

                                                   68a.   _____ trial transcript

_____ no   _____ police report

                                                    _____ pre-sentence report

_____ yes   _____ Dept of Corrections file

                                                    _____ interview with defense or

_____ not known   prosecuting attorney

                                                    _____ other

69. Either as an adult or juvenile, has the defendant ever been convicted of selling drugs or possession with intent to distribute?

                                               69a.   _____ trial transcript

_____ no   _____ police report

                                                    _____ pre-sentence report

_____ yes   _____ Dept of Corrections file

                                                    _____ interview with defense or

_____ not known   prosecuting attorney

                                                    _____ other

70. Either as an adult or juvenile, has the defendant ever been convicted of using a firearm in a felony?

                                               70a.   _____ trial transcript

_____ no   _____ police report

                                                    _____ pre-sentence report

_____ yes   _____ Dept of Corrections file

                                                    _____ interview with defense or

_____ not known   prosecuting attorney

                                                    _____ other

DEFENDANT'S HISTORY OF DRUG OR ALCOHOL USE,
MENTAL ILLNESS OR ABUSE

71. Did the defendant have a history of alcohol abuse?

71a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
    prosecuting attorney
_____ other

_____ no

_____ yes

_____ not known

72. Did the defendant have a history of drug abuse?

72a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
    prosecuting attorney
_____ other

_____ no

_____ yes

_____ not known

73. Did the defendant have a history of mental illness or emotional problems?

73a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
    prosecuting attorney
_____ other

_____ no

_____ yes

_____ not known

74. Was the defendant ever in alcohol/drug rehab?

74a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
    prosecuting attorney
_____ other

_____ no

_____ yes

_____ not known

75. Was the defendant ever institutionalized for mental illness or emotional problems?

_____ no	75a. _____ trial transcript
	_____ police report
	_____ pre-sentence report
_____ yes	_____ Dept of Corrections file
	_____ interview with defense or
_____ not known	prosecuting attorney
	_____ other

76. Has the defendant ever participated in any outpatient counseling for drugs or alcohol, and/or mental illness or emotional problems at a community mental health center or elsewhere?

_____ no	76a. _____ trial transcript
	_____ police report
_____ yes, alcohol	_____ pre-sentence report
	_____ Dept of Corrections file
_____ yes, drug	_____ interview with defense or
	prosecuting attorney
_____ yes, mental illness or emotional problems	_____ other

_____ yes, drug and alcohol'

_____ yes, drug/alcohol and mental health

_____ not known

77. Has the defendant been treated in any way for alcohol/drug abuse, mental illness or emotional problems?

_____ no	77a. _____ trial transcript
	_____ police report
	_____ pre-sentence report
_____ yes	_____ Dept of Corrections file
	_____ interview with defense or
_____ not known	prosecuting attorney
	_____ other

78. Is there evidence that the defendant was under the influence of alcohol at the time of the offense (within 24 hours)?

_____ no

_____ yes, slightly

_____ yes, moderately

_____ yes, strongly

_____ not known

78a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
     prosecuting attorney
_____ other

79. Is there evidence that the defendant was under the influence of drugs ("high") at the time of the offense (within 24 hours)?

79a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
     prosecuting attorney
_____ other

_____ no

_____ yes, slightly

_____ yes, moderately

_____ yes, strongly

_____ not known

80. Is there evidence that the defendant was suffering from emotional problems, mental instability or mental illness or under the influence of emotional problems, mental instability or mental illness at the time of the offense (within 24 hours)?

_____ no

_____ yes, slightly

_____ yes, moderately

_____ yes, strongly

_____ not known

80a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
     prosecuting attorney
_____ other

80b. Was the defendant ever diagnosed with a DSM-related disorder?

_____ no

_____ yes

80c. If yes, what was this diagnosis?

_____ drug and/or alcohol dependence

_____ conduct disorder

_____ ADD/ADHSD

_____ Bipolar

_____ Borderline Personality Disorder

_____ Antisocial Personality Disorder

_____ Anxiety Disorder

_____ Other _____-

81. Does the defendant's known IQ qualify him or her as mentally retarded?

_____ no	81a. _____ trial transcript
	_____ police report
_____ yes, borderline retarded (IQ 71-90)	_____ pre-sentence report
	_____ Dept of Corrections file
_____ yes, mildly retarded (IQ 50-70)	_____ interview with defense or
	prosecuting attorney
_____ yes, moderately retarded (IQ 35-49)	_____ other
_____ yes, severely retarded (IQ 20-34)	
_____ yes, profoundly retarded (IQ under 20)	
_____ yes, retarded but exact IQ is not known	
_____ not known	

82. Does the defendant have a physical handicap or abnormality?

	82a. _____ trial transcript
_____ no	_____ police report
	_____ pre-sentence report
_____ yes	_____ Dept of Corrections file
	_____ interview with defense or
_____ not known	prosecuting attorney
	_____ other

83. Is there any evidence that the defendant was either physically or sexually abused as a child?

83a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes, physical abuse

_____ Dept of Corrections file

_____ interview with defense or

_____ yes, sexual abuse

prosecuting attorney

_____ other

_____ yes, physical and sexual abuse

_____ not known

84. Did the defendant have trouble in school, did he/she fail grades, repeatedly truant, suspended, academic or discipline problems?

84a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

prosecuting attorney

____ other

85. Did the defendant have a history of unemployment?

85a. _____ trial transcript

_____ police report

_____ no

_____ pre-sentence report

_____ Dept of Corrections file

_____ yes

_____ interview with defense or

prosecuting attorney

_____ not known

_____ other

_____ not applicable (outside the labor force)

86. Did the defendant spend any of his/her childhood in foster care?

86a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

prosecuting attorney

_____ other

87. Has the defendant had in the past a serious head injury, blow or injury to the head?

87a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

prosecuting attorney

_____ other

88. Has the defendant ever suffered from a loss of consciousness, fainting, blackouts, or seizures?

88a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

prosecuting attorney

_____ other

89. Has the defendant been diagnosed with brain damage, mental deficiency, epilepsy, or other mental disability?

89a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

prosecuting attorney

_____ other

90. What is the defendant's military record?

90a. _____ trial transcript

_____ no military record

_____ police report

_____ pre-sentence report

_____ formerly served in military, honorable
discharge

_____ Dept of Corrections file

_____ interview with defense or

prosecuting attorney

_____ formerly served in military, dishonorable
discharge

_____ other

_____ formerly served in military, other than honorable
or dishonorable discharge

_____ was in military at time of offense

_____ Other _____

_____ not known

91. Has the defendant ever been in military combat or been diagnosed as having post-traumatic stress disorder syndrome?

91a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

   prosecuting attorney

_____ other

VICTIM INFORMATION

Coders: code information for up to four victims, with information for the first victim first…

FIRST OR PRIMARY VICTIM
Name: _____ **DOB:** _____

92. First victim's age.

_____

_____ not known

92a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
     prosecuting attorney
_____ other

93. First victim's gender

_____ male

_____ female

_____ not known

93a. _____ trial transcript.
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
     prosecuting attorney
_____ other

94. First victim's race.

_____ white

_____ african american

_____ hispanic or hispanic surname

_____ asian american

_____ other

_____ not known

94a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
     prosecuting attorney
_____ other

95. Relationship between first victim and defendant.

_____ stranger

_____ acquaintances or friends

_____ spouse, ex-spouse, or lover or
        former lover (intimates)

_____ family member

_____ boy or girlfriend's children

_____ sexual rival

_____ rival or competitor in criminal activity or former rival or competitor

_____ other _____

_____ not known

95a. _____ trial transcript
      _____ police report
      _____ pre-sentence report
      _____ Dept of Corrections file
      _____ interview with defense or
              prosecuting attorney
      _____ other

96. First victim's religion.

_____ Roman Catholic

_____ Lutheran

_____ Presbyterian

_____ Baptist

_____ Jewish

_____ Mormon

_____ Episcopalian

_____ Evangelical Christian (Church of God…)

_____ Muslim/Islamic

_____ Other

_____ Atheist or agnostic

_____ not known

96a. _____ trial transcript
      _____ police report
      _____ pre-sentence report
      _____ Dept of Corrections file
      _____ interview with defense or
              prosecuting attorney
      _____ other

97. First victim's county of residence.

_____

1	Allegany County	97a.	_____ trial transcript
2	Anne Arundel County		_____ police report
3	Baltimore City		_____ pre-sentence report
4	Baltimore County		_____ Dept of Corrections file
5	Calvert County		_____ interview with defense or
6	Caroline County		prosecuting attorney
7	Carroll County		_____ other
8	Cecil County		
9	Charles County		
10	Dorchester County		
11	Frederick County		
12	Garrett County		
13	Harford County		
14	Howard County		
15	Kent County		
16	Montgomery County		
17	Prince George's County		
18	Queen Anne's County		
19	St. Mary's County		
20	Somerset County		
21	Talbot County		
22	Washington County		
23	Wicomico County		
24	Worcester County		
99	not from Maryland		
-9	not known		

98. First victim's education.

98a. _____ trial transcript
_____ Currently attending school   _____ police report
_____ pre-sentence report
_____ didn't go beyond 6th grade   _____ Dept of Corrections file
_____ interview with defense or
_____ didn't go beyond 9th grade   prosecuting attorney
_____ other
_____ high school dropout

_____ completed high school or received GED

_____ some formal education (including vocational education) after high school

_____ received college degree

_____ finished graduate school

_____ not known

42

99. First victim's marital status at time of crime.

_____ single

_____ divorced

_____ separated

_____ living with woman/man

_____ married

_____ not known

99a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
    prosecuting attorney
_____ other

100. With whom was first victim living at the time of the offense?

100a. _____ trial transcript

_____ homeless
_____ police report
_____ pre-sentence report

_____ living alone
_____ Dept of Corrections file
_____ interview with defense or

_____ living with spouse or partner (with children)
    prosecuting attorney
_____ other

_____ living with spouse or partner (without children)

_____ living with parents or grandparents

_____ living with other relatives

_____ living with friends, acquaintances, or roommates

_____ inmate in an institution

_____ living with defendant

_____ living with someone of the same sex in a homosexual

_____ traveling on the road at the time

_____ not known

101.   Did the first victim have any children he/she lived with, saw regularly, or supported at the time of the offense?

101a.   _____ trial transcript

_____ No children

          _____ police report

          _____ pre-sentence report

_____ Yes children, known support/contact

          _____ Dept of Corrections file

          _____ interview with defense or

_____ Yes children, unknown support/contact

              prosecuting attorney

          _____ other

_____ not known

102.   Did the first victim have a family or other dependents?

102a.   _____ trial transcript

_____ no

          _____ police report

          _____ pre-sentence report

_____ spouse

          _____ Dept of Corrections file

          _____ interview with defense or

_____ minor child (18 years or under)

              prosecuting attorney

          _____ other

_____ dependent parents or adult children

_____ other dependent relatives

_____ other dependent persons

_____ not known

103. What was the first victim's employment status at the time of the offense?

_____ employed full time

_____ employed part time

_____ employed, but unknown if
employed full or part time

_____ self-employed either full
or part time

_____ unemployed, length of time
unknown

_____ unemployed, less than six months

_____ unemployed six months or more

_____ outside the labor force – on welfare, living on disability, unemployment checks or
social security

_____ outside the labor force – homemaker, retired, student, juvenile, supported by family

_____ institutionalized – in prison, jail, drug rehabilitation, mental institution, etc.

_____ employed outside the labor force – underground economy, criminal activity

_____ other _____

_____ employment unknown

103a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

104. First victim's employment history.

_____ never worked

_____ held mainly unskilled jobs in the past

_____ held mainly skilled jobs in the past

_____ held mainly professional, managerial,
or white collar jobs in the past

_____ other _____

_____ unknown

104a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

105.   Victim's primary occupation at time offense.   105a.   _____ trial transcript
                                                                    _____ police report
        _____   _____ pre-sentence report
                                                                    _____ Dept of Corrections file
                                                                    _____ interview with defense or
                                                                       prosecuting attorney
                                                                    _____ other

106.   First victim's occupational status score. (See coding appendix)

        _____

FIRST VICTIM'S CRIMINAL HISTORY

107.   Number of prior felony **arrests**.

        _____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

                                                            107a.   _____ trial transcript
                                                                    _____ police report
                                                                    _____ pre-sentence report
                                                                    _____ Dept of Corrections file
                                                                    _____ interview with defense or
                                                                       prosecuting attorney
                                                                    _____ other

108.   Number of prior felony **arrests** that are violent offenses.

        _____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

                                                            108a.   _____ trial transcript
                                                                    _____ police report
                                                                    _____ pre-sentence report
                                                                    _____ Dept of Corrections file
                                                                    _____ interview with defense or
                                                                       prosecuting attorney
                                                                    _____ other

109.   Number of prior felony **convictions**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

109a.   _____ trial transcript
         _____ police report
         _____ pre-sentence report
         _____ Dept of Corrections file
         _____ interview with defense or
              prosecuting attorney
         _____ other

110.   Number of prior felony **convictions** that are violent offenses.

_____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

110a.   _____ trial transcript
         _____ police report
         _____ pre-sentence report
         _____ Dept of Corrections file
         _____ interview with defense or
              prosecuting attorney
         _____ other

111.   Number of prior misdemeanor **arrests**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

111a.   _____ trial transcript
         _____ police report
         _____ pre-sentence report
         _____ Dept of Corrections file
         _____ interview with defense or
              prosecuting attorney
         _____ other

112.   Number of prior misdemeanor **convictions**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

112a.   _____ trial transcript
         _____ police report
         _____ pre-sentence report
         _____ Dept of Corrections file
         _____ interview with defense or
              prosecuting attorney
         _____ other

113.　Was the first victim under criminal supervision at the time of the offense?

_____ no

_____ probation

_____ parole

_____ on bail

_____ house arrest

_____ in custody

_____ unknown

113a.　_____ trial transcript
　　　　_____ police report
　　　　_____ pre-sentence report
　　　　_____ Dept of Corrections file
　　　　_____ interview with defense or
　　　　　　prosecuting attorney
　　　　_____ other

114.　Total number of juvenile **arrests**.

_____

_____ no juvenile arrests

_____ not known

114a.　_____ trial transcript
　　　　_____ police report
　　　　_____ pre-sentence report
　　　　_____ Dept of Corrections file
　　　　_____ interview with defense or
　　　　　　prosecuting attorney
　　　　_____ other

115.　Total number of juvenile **convictions**.

_____

_____ no juvenile convictions

_____ not known

115a.　_____ trial transcript
　　　　_____ police report
　　　　_____ pre-sentence report
　　　　_____ Dept of Corrections file
　　　　_____ interview with defense or
　　　　　　prosecuting attorney
　　　　_____ other

116.　Total number of adult **arrests**.

_____

_____ no adult arrests

_____ not known

116a.　_____ trial transcript
　　　　_____ police report
　　　　_____ pre-sentence report
　　　　_____ Dept of Corrections file
　　　　_____ interview with defense or
　　　　　　prosecuting attorney
　　　　_____ other

117.　Total number of adult **convictions**.

_____

_____ no adult conviction

_____ not known

117a.　_____ trial transcript
　　　　_____ police report
　　　　_____ pre-sentence report
　　　　_____ Dept of Corrections file
　　　　_____ interview with defense or
　　　　　　prosecuting attorney
　　　　_____ other

118. Did the first victim ever serve time in a juvenile correctional facility?

            118a. _____ trial transcript

_____ no   _____ police report

                                    _____ pre-sentence report

_____ yes   _____ Dept of Corrections file

                                    _____ interview with defense or

_____ not known   prosecuting attorney

                                    _____ other

119. Did the first victim ever serve time in an adult correctional facility or jail?

            119a. _____ trial transcript

_____ no   _____ police report

                                    _____ pre-sentence report

_____ yes   _____ Dept of Corrections file

                                    _____ interview with defense or

_____ not known   prosecuting attorney

                                    _____ other

120. Factors or characteristics that pertain to the first victim (**check all that apply**)

_____ was a drug dealer   120a. _____ trial transcript

                                    _____ police report

_____ mentally retarded or low intelligence   _____ pre-sentence report

                                    _____ Dept of Corrections file

_____ mental or emotional problems   _____ interview with defense or

                                    prosecuting attorney

_____ physical handicap   _____ other

_____ under the age of 17 or over the age of 60

_____ under the influence of drugs or alcohol at the time of the offense

_____ precipitated the crime in some way

_____ a military veteran

_____ other _____

_____ not known

CHARACTERISTICS OF THE HOMICIDE – FIRST VICTIM

208.   Where did the homicide occur?

RESIDENCE

_____ residence of the victim

_____ area immediately outside of victim's residence
(yard, driveway, or common area)

_____ residence of victim's immediate family member,
close friend, or relative

_____ residence of defendant

_____ area immediately outside of defendant's residence
(yard, driveway, or common area)

_____ residence of defendant's immediate family member, close friend, or relative

_____ residence of co-defendant

_____ other residence

_____ hotel, motel, or other short-term residence

208a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

BUSINESS

_____ bar, tavern or immediately outside of bar or tavern

_____ liquor store or immediately outside of liquor store

_____ convenience or grocery store

_____ service station

_____ victim's place of business or employment

_____ defendant's place of business or employment

_____ codefendant's place of business or employment

_____ other place of business

PUBLIC AREA

_____ victim's car

_____ defendant's or co-defendant's car

_____ other person's car

_____ field or woods

_____ parking lot or vacant lot

_____ abandoned building

_____ country road or highway

_____ street or sidewalk

_____ cab, bus, or other public transportation

_____ park or school grounds

_____ jail, prison or other correctional institution

_____ hospital

_____ other non-commercial public place

_____ other _____

_____ not known

209.   County of homicide (Use county codes)

      209a.   _____ trial transcript
_____   _____ police report
                                    _____ pre-sentence report
_____ not known   _____ Dept of Corrections file
                                    _____ interview with defense or
                                         prosecuting attorney
                                    _____ other

210.   Did the defendant force his/her way into the place of homicide?

      210a.   _____ trial transcript
_____ no   _____ police report
                                      _____ pre-sentence report
_____ yes   _____ Dept of Corrections file
                                    _____ interview with defense or
_____ not known   prosecuting attorney
                                    _____ other

211.   Did the defendant come to the crime scene armed with the weapon that was used to kill
        the victim?

                                                        211a.   _____ trial transcript
        _____ no   _____ police report
                                                                 _____ pre-sentence report
        _____ yes   _____ Dept of Corrections file
                                                                 _____ interview with defense or
        _____ not known   prosecuting attorney
                                                                 _____ other

212.   Check the circumstances that best captures the defendant's role in the killing
        _____the defendant was the prime mover in planning the crime
        _____ the defendant was co-equal with co-perpetrators in planning the crime
        _____ the defendant was not the planner, but was aware of the plan to commit the murder
        _____ the defendant was not the planner, did not know of the plan to commit murder, but
              knew of the plan to commit another crime (armed robbery, kidnapping)
        _____ the defendant was not aware of a plan to commit any crime
        _____ there was no plan to commit any crime

213.   How was the victim killed? **Check all that apply.**

_____ handgun   213a.   _____ trial transcript
                                                  _____ police report
_____ semi-automatic gun   _____ pre-sentence report
                                                  _____ Dept of Corrections file
_____ other rifle   _____ interview with defense or
                                                           prosecuting attorney
_____ shotgun   _____ other

_____ sawed off shotgun

_____ other firearm (specify) _____

_____ knife

_____ ax or other sharp instrument

_____ other knife or knife-like instrument (specify) _____

_____ baseball bat

_____ other blunt object

_____ beaten with fists or feet

_____ strangulation with hands

_____ strangulation with rope or other cord

_____ suffocation or smothering

_____ drowned

_____ burned

_____ crushed by car or other vehicle

_____ drug overdose

_____ poison

_____ thrown from a high place

_____ other (specify) _____

_____ not known

214. Was the victim killed with a bizarre or unusual weapon (ice pick, claw hammer, hacksaw, chain saw…)?

214a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes (specify) _____

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

      prosecuting attorney

_____ other

215.   Check any of the factors or characteristics that were present at the killing:

_____ victim was forced to beg or plead for their life

_____ homicide was planned for more   215a.   _____ trial transcript
        than 5 minutes   _____ police report
                                                      _____ pre-sentence report
_____ victim offered no resistance   _____ Dept of Corrections file
        (storekeeper turned over money…)   _____ interview with defense or
                                                            prosecuting attorney
_____ victim was not clothed or in bed   _____ other
        clothes at time of killing

_____ victim suffered multiple trauma
        (shot and stabbed, stabbed and choked)

_____ victim was bound and gagged or otherwise restrained

_____ victim was forced to do something against his/her will

_____ victim was held hostage before killing

_____ victim was tortured or mutilated before being killed

_____ victim was mutilated after the homicide

_____ victim was brutally clubbed, beaten, stomped on

_____ victim was shot more than one time

_____ victim was shot in face

_____ victim killed "execution style"

_____ defendant tried to hide, conceal, dispose of or bury body

_____ defendant was lying in wait for the victim

_____ victim was stabbed many times, had his/her throat slashed

_____ more than one murder victim

_____ other victim that was not killed but was injured by defendant

_____ victim killed in front of family member or other person not defendant or co-
defendant

_____ the crime scene was described as a bloody mess or particularly gruesome

_____ the murder took a long time to complete

_____ physical details of the crime are unusually repulsive or horrific (victim drowned in their own blood, victims brains were splattered about the crime scene…)

_____ not known

216. Special vulnerabilities of victim. **Coders, please check all that apply.**

_____ victim was bedridden or physically handicapped

_____ mentally or emotionally impaired   216a. _____ trial transcript
                                                        _____ police report
_____ defenseless because of youth   _____ pre-sentence report
                                                        _____ Dept of Corrections file
_____ defenseless because of advanced age   _____ interview with defense or
                                                              prosecuting attorney
_____ pregnant   _____ other

_____ victim was asleep, just awakened or in bedroom

_____ victim was in own house when defendant intruded

_____ victim was defenseless because of gross difference in size and strength with defendant

_____ victim was defenseless due to intoxication (alcohol or drugs)

_____ victim was defenseless because of frail physical condition or illness

_____ victim had children or grandchildren

_____ victim was killed after kidnapping or abduction

_____ victim or other victim in crime was sexually assaulted in some manner

_____ not known

217.   Was the victim verbally or physically mistreated in any manner prior to the killing?
                                                217a. _____ trial transcript
        _____ no   _____ police report
                                                        _____ pre-sentence report
        _____ yes   _____ Dept of Corrections file
                                                        _____ interview with defense or
        _____ not known   prosecuting attorney
                                                        _____ other

218. If yes, how long did this mistreatment go on for?

     _____ briefly, during the short time period
            it took to cause death   218a.   _____ trial transcript
                                                            _____ police report

     _____ under 15 minutes   _____ pre-sentence report
                                                            _____ Dept of Corrections file

     _____ 15 to 30 minutes   _____ interview with defense or
                                                                  prosecuting attorney

     _____ 30 minutes to 1 hour   _____ other

     _____ between 1-3 hours

     _____ over 3 hours

     _____ not known

     _____ no mistreatment of victim

219.   If there were stab wounds, how many wounds were there. **(Coders, enter the number of wounds)**

                                                      219a.   _____ trial transcript
     _____   _____ police report
                                                      _____ pre-sentence report
     _____ no stab wounds   _____ Dept of Corrections file
                                                      _____ interview with defense or
     _____ stab wounds but unknown as to how many   prosecuting attorney
                                                      _____ other
     _____ not known

220. If there were gunshot wounds, how many wounds were there. **(Coders, enter the number of wounds)**

                                                      220a.   _____ trial transcript
     _____   _____ police report
                                                      _____ pre-sentence report
     _____ no gunshot wounds   _____ Dept of Corrections file
                                                      _____ interview with defense or
     _____ gunshot wounds but unknown as to how many   prosecuting attorney
                                                      _____ other
     _____ not known

221. Before being killed, was the victim:

    _____ dismembered

    _____ mutilated in some way

    _____ sexually abused or offended

    _____ burned

    _____ slapped, punched, kicked

    _____ placed in the trash or dump

    _____ thrown in a body of water

    _____ abuse, but not known what kind

    _____ no abuse

    _____ not known

221a. _____ trial transcript
       _____ police report
       _____ pre-sentence report
       _____ Dept of Corrections file
       _____ interview with defense or
           prosecuting attorney
       _____ other

222. After being killed, was the victim:

    _____ dismembered

    _____ mutilated in some way

    _____ sexually abused or offended

    _____ burned

    _____ slapped, punched, kicked

    _____ placed in the trash or dump

    _____ thrown in a body of water

    _____ abuse, but not known what kind

    _____ no abuse

    _____not known

222a. _____ trial transcript
       _____ police report
       _____ pre-sentence report
       _____ Dept of Corrections file
       _____ interview with defense or
           prosecuting attorney
       _____ other

SECOND VICTIM DATA COLLECTION SUPPLEMENT
MARYLAND CAPITAL PUNISHMENT STUDY

Name: _____ DOB: _____

121.   Second victim's age.

_____

_____ not known

121a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
       prosecuting attorney
_____ other

122.   Second victim's gender.

_____ male

_____ female

_____ not known

122a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
       prosecuting attorney
_____ other

123.   Second victim's race.

_____ white

_____ african american

_____ hispanic or hispanic surname

_____ asian american

_____ other

_____ not known

123a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
       prosecuting attorney
_____ other

124.   Relationship between second victim and defendant.

124a.   _____ trial transcript

_____ stranger

_____ police report

_____ pre-sentence report

_____ acquaintances or friends

_____ Dept of Corrections file

_____ interview with defense or

_____ spouse, ex-spouse, or lover   prosecuting attorney
        or former lover (intimates)   _____ other

_____ family member

_____ boy or girlfriend's child

_____ sexual rival

_____ rival or competitor in criminal activity or former rival or competitor

_____ other _____

_____ not known

125.   Second victim's religion.

125a.   _____ trial transcript

_____ police report

_____ Roman Catholic

_____ pre-sentence report

_____ Dept of Corrections file

_____ Lutheran

_____ interview with defense or
        prosecuting attorney

_____ Presbyterian

_____ other

_____ Baptist

_____ Jewish

_____ Mormon

_____ Episcopalian

_____ Evangelical Christian (Church of God…)

_____ Non-denominational Christian

_____ Protestant

_____ Muslim/Islamic

_____ Other

_____ Atheist or agnostic   _____ not known

126. Second victim's county of residence.

_____

1 Allegany County
2 Anne Arundel County
3 Baltimore City
4 Baltimore County
5 Calvert County
6 Caroline County
7 Carroll County
8 Cecil County
9 Charles County
10 Dorchester County
11 Frederick County
12 Garrett County
13 Harford County
14 Howard County
15 Kent County
16 Montgomery County
17 Prince George's County
18 Queen Anne's County
19 St. Mary's County
20 Somerset County
21 Talbot County
22 Washington County
23 Wicomico County
24 Worchester County
99 not from Maryland
-9 not known

126a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

127. Second victim's education.

_____ Currently attending school

_____ didn't go beyond 6th grade

_____ didn't go beyond 9th grade

_____ high school dropout

_____ completed high school or received GED

_____ some formal education (including vocational education) after high school

_____ received college degree

_____ finished graduate school

127a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

_____ not known

128. Second victim's marital status at time of crime.

128a. _____ trial transcript

_____ single

_____ police report

_____ pre-sentence report

_____ divorced

_____ Dept of Corrections file

_____ interview with defense or

_____ separated

prosecuting attorney

_____ other

_____ living with woman

_____ married

_____ not known

129. With whom was the second victim living at the time of the offense?

_____ homeless

129a. _____ trial transcript

_____ police report

_____ living alone

_____ pre-sentence report

_____ Dept of Corrections file

_____ living with spouse or partner

_____ interview with defense or

(with children)

prosecuting attorney

_____ other

_____ living with spouse or partner
(without children)

_____ living with parents or grandparents

_____ living with other relatives

_____ living with friends, acquaintances, or roommates

_____ inmate in an institution

_____ living with someone of the same sex in a homosexual relationship

_____ living with defendant

_____ traveling on the road at the time

_____ not known

130. Did the second victim have any children he/she lived with, saw regularly, or supported at the time of the offense?

130a. _____ trial transcript
_____ No children   _____ police report
                                                               _____ pre-sentence report
_____ Yes children, known support/contact   _____ Dept of Corrections file
                                                               _____ interview with defense or
_____ Yes children, no support/contact   prosecuting attorney
                                                               _____ other
_____ Yes children, unknown support/contact

_____ Unknown

131. Did the second victim have a family or other dependents?

131a. _____ trial transcript
_____ no   _____ police report
                                                               _____ pre-sentence report
_____ spouse   _____ Dept of Corrections file
                                                               _____ interview with defense or
_____ minor child (18 years or under)   prosecuting attorney
                                                               _____ other
_____ dependent parents or adult children

_____ other dependent relatives

_____ other dependent persons

_____ not known

132.	What was the second victim's employment status at the time of the offense?

_____ employed full time 132a.	_____ trial transcript
                                                          _____ police report
_____ employed part time   _____ pre-sentence report
                                                          _____ Dept of Corrections file
_____ employed, but unknown if   _____ interview with defense or
         employed full or part time   prosecuting attorney
                                                          _____ other
_____ self-employed either full or part time

_____ unemployed, length of time unknown

_____ unemployed, less than six months

_____ unemployed six months or more

_____ outside the labor force – on welfare, living on disability, unemployment checks or
social security

_____ outside the labor force – homemaker, retired, student, juvenile, supported by family

_____ institutionalized – in prison, jail, drug rehabilitation, mental institution, etc.

_____ employed outside the labor force – underground economy, criminal activity

_____ other _____

_____ employment unknown

133.	Second victim's employment history.

_____ never worked 133a.	_____ trial transcript
                                                          _____ police report
_____ held mainly unskilled jobs in the past   _____ pre-sentence report
                                                          _____ Dept of Corrections file
_____ held mainly skilled jobs in the past   _____ interview with defense or
                                                                 prosecuting attorney
_____ held mainly professional, managerial,   _____ other
         or white collar jobs in the past

_____ other _____

_____ unknown

134. Second victim's primary occupation at time offense.

_____ 134a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

135. Second victim's occupational status score. (See coding appendix)

_____

SECOND VICTIM'S CRIMINAL HISTORY

136. Number of prior felony **arrests**.

_____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

136a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

137. Number of prior felony **arrests** that are violent offenses.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

137a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

138.   Number of prior felony **convictions**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

138a.   _____ trial transcript
         _____ police report
         _____ pre-sentence report
         _____ Dept of Corrections file
         _____ interview with defense or
              prosecuting attorney
         _____ other

139.   Number of prior **felony convictions** that are violent offenses.

_____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

139a.   _____ trial transcript
         _____ police report
         _____ pre-sentence report
         _____ Dept of Corrections file
         _____ interview with defense or
              prosecuting attorney
         _____ other

140.   Number of prior **misdemeanor arrests**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

140a.   _____ trial transcript
         _____ police report
         _____ pre-sentence report
         _____ Dept of Corrections file
         _____ interview with defense or
              prosecuting attorney
         _____ other

141.   Number of prior **misdemeanor convictions**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

141a.   _____ trial transcript
         _____ police report
         _____ pre-sentence report
         _____ Dept of Corrections file
         _____ interview with defense or
              prosecuting attorney
         _____ other

142. Was the second victim under criminal supervision at the time of the offense?

_____ no   142a.   _____ trial transcript

_____ police report

_____ probation   _____ pre-sentence report

_____ Dept of Corrections file

_____ parole   _____ interview of defense or

            prosecuting attorney

_____ on bail   _____ other

_____ house arrest

_____ in custody

_____ unknown

143. Total number of juvenile **arrests**.

                                       143a.   _____ trial transcript

_____   _____ police report

_____ pre-sentence report

_____ no juvenile arrests   _____ Dept of Corrections file

_____ interview of defense or

_____ not known   prosecuting attorney

_____ other

144. Total number of juvenile **convictions**.

                                       144a.   _____ trial transcript

_____   _____ police report

_____ pre-sentence report

_____ no juvenile convictions   _____ Dept of Corrections file

_____ interview of defense or

_____ not known   prosecuting attorney

_____ other

145. Total number of adult **arrests**.

                                       145a.   _____ trial transcript

_____   _____ police report

_____ pre-sentence report

_____ no adult arrests   _____ Dept of Corrections file

_____ interview with defense or

_____ not known   prosecuting attorney

_____ other

146. Total number of adult **convictions.**

	146a.	_____ trial transcript
_____		_____ police report
		_____ pre-sentence report
_____ no adult convictions		_____ Dept of Corrections file
		_____ interview with defense or
_____ not known		prosecuting attorney
		_____ other

147. Did the second victim ever serve time in a juvenile correctional facility?

	147a.	_____ trial transcript
_____ no		_____ police report
		_____ pre-sentence report
_____ yes		_____ Dept of Corrections file
		_____ interview with defense or
_____ not known		prosecuting attorney
		_____ other

148. Did the second victim ever serve time in an adult correctional facility or jail?

	148a.	_____ trial transcript
_____ no		_____ police report
		_____ pre-sentence report
		_____ Dept of Corrections file
_____ yes		_____ interview with defense or
		prosecuting attorney
_____ not known		_____ other

149. Characteristics or factors that pertain to the second victim (**check all that apply)**

_____ victim was drug dealer

	149a.	_____ trial transcript
_____ mentally retarded or low intelligence		_____ police report
		_____ pre-sentence report
_____ mental or emotional problems		_____ Dept of Corrections file
		_____ interview with defense or
_____ physical handicap		prosecuting attorney
		_____ other

_____ under the age of 17 or over the age of 60

_____ under the influence of drugs or alcohol at the time of the offense

_____ precipitated the crime in some way

_____ a military veteran

_____ other _____

_____ not known

CHARACTERISTICS OF THE HOMICIDE - SECOND VICTIM

264. Where did the homicide occur?

RESIDENCE

_____ residence of the victim

_____ area immediately outside of victim's residence
(yard, driveway, or common area)

_____ residence of victim's immediate family member,
close friend, or relative

_____ residence of defendant

_____ area immediately outside of defendant's residence
(yard, driveway, or common area)

_____ residence of defendant's immediate family member, close friend, or relative

_____ residence of co-defendant

_____ other residence

_____ hotel, motel, or other short-term residence

BUSINESS

_____ bar, tavern or immediately outside of bar or tavern

_____ liquor store or immediately outside of liquor store

_____ convenience or grocery store

_____ service station

_____ victim's place of business or employment

_____ defendant's place of business or employment

_____ codefendant's place of business or employment

_____ other place of business

PUBLIC AREA

_____ victim's car

_____ defendant's or co-defendant's car

264a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

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_____ other person's car

_____ field or woods

_____ parking lot or vacant lot

_____ abandoned building

_____ country road or highway

_____ street or sidewalk

_____ cab, bus, or other public transportation

_____ park or school grounds

_____ jail, prison or other correctional institution

_____ hospital

_____ other non-commercial public place

_____ other _____

_____ not known

265.   County of homicide (Use county codes)

265a.   _____ trial transcript
            _____ police report
_____   _____ pre-sentence report
            _____ Dept of Corrections file
_____ not known   _____ interview with defense or
                prosecuting attorney
            _____ other

266.   Did the defendant force his/her way into the place of homicide?

266a.   _____ trial transcript
            _____ police report
_____ no   _____ pre-sentence report
            _____ Dept of Corrections file
_____ yes   _____ interview with defense or
                prosecuting attorney
_____ not known   _____ other

267. Did the defendant come to the crime scene armed with the weapon that was used to kill the victim?

267a. _____ trial transcript

_____ no _____ police report

_____ pre-sentence report

_____ yes _____ Dept of Corrections file

_____ interview with defense or

_____ not known prosecuting attorney

_____ other

268. Check the circumstances that best captures the defendant's role in the killing

_____the defendant was the prime mover in planning the crime

_____ the defendant was co-equal with co-perpetrators in planning the crime

_____ the defendant was not the planner, but was aware of the plan to commit the murder

_____ the defendant was not the planner, did not know of the plan to commit murder, but knew of the plan to commit another crime (armed robbery, kidnapping)

_____ the defendant was not aware of a plan to commit any crime

_____ there was no plan to commit any crime

269.   How was the second victim killed? **Check all that apply.**

_____ handgun   269a.   _____ trial transcript
                                                              _____ police report
_____ semi-automatic gun   _____ pre-sentence report
                                                              _____ Dept of Corrections file
_____ other rifle   _____ interview with defense or
                                                                    prosecuting attorney
_____ shotgun   _____ other

_____ sawed off shotgun

_____ other firearm (specify) _____

_____ knife

_____ ax or other sharp instrument

_____ other knife or knife-like instrument (specify) _____

_____ baseball bat

_____ other blunt object

_____ beaten with fists or feet

_____ strangulation with hands

_____ strangulation with rope or other cord

_____ suffocation or smothering

_____ drowned

_____ burned

_____ crushed by car or other vehicle

_____ drug overdose

_____ poison

_____ thrown from a high place

_____ other (specify) _____

_____ not known

270.   Was the second victim killed with a bizarre or unusual weapon (ice pick, claw hammer, hacksaw, chain saw…)?

    270a.   _____ trial transcript

_____ no   _____ police report

                                                 _____ pre-sentence report

_____ yes (specify) _____   _____ Dept of Corrections file

                                                 _____ interview with defense or

_____ not known   prosecuting attorney

                                                 _____ other

271. Check any of the factors or characteristics that were present at the killing:

_____ victim was forced to beg or plead for their life

_____ homicide was planned for more 271a. _____ trial transcript
than 5 minutes _____ police report
_____ pre-sentence report
_____ victim offered no resistance _____ Dept of Corrections file
(storekeeper turned over money…) _____ interview with defense or
prosecuting attorney
_____ victim was not clothed or in bed _____ other
clothes at time of killing

_____ victim suffered multiple trauma
(shot and stabbed, stabbed and choked)

_____ victim was bound and gagged or otherwise restrained

_____ victim was forced to do something against his/her will

_____ victim was held hostage before killing

_____ victim was tortured or mutilated before being killed

_____ victim was mutilated after the homicide

_____ victim was brutally clubbed, beaten, stomped on

_____ victim was shot more than one time

_____ victim was shot in face

_____ victim killed "execution style"

_____ defendant tried to hide, conceal, dispose of or bury body

_____ defendant was lying in wait for the victim

_____ victim was stabbed many times, had his/her throat slashed

_____ more than one murder victim

_____ other victim that was not killed but was injured by defendant

_____ victim killed in front of family member or other person not defendant or
co-defendant

_____ the crime scene was described as a bloody mess or particularly gruesome

_____ the murder took a long time to complete

_____ physical details of the crime are unusually repulsive or horrific (victim drowned in their own blood, victims brains were splattered about the crime scene…)

_____ not known

272. Special vulnerabilities of second victim. **Coders, please check all that apply.**

_____ victim was bedridden or physically handicapped

_____ mentally or emotionally impaired   272a. _____ trial transcript
                                                      _____ police report
_____ defenseless because of youth   _____ pre-sentence report
                                                      _____ Dept of Corrections file
_____ defenseless because of advanced age   _____ interview with defense or
                                                           prosecuting attorney
_____ pregnant   _____ other

_____ victim was asleep, just awakened or in bedroom

_____ victim was in own house when defendant intruded

_____ victim was defenseless because of gross difference in size and strength with defendant

_____ victim was defenseless due to intoxication (alcohol or drugs)

_____ victim was defenseless because of frail physical condition or illness

_____ victim had children or grandchildren

_____ victim was killed after kidnapping or abduction

_____ victim or other victim in crime was sexually assaulted in some manner

_____ not known

273. Was the second victim verbally or physically mistreated in any manner prior to the killing?
                                                 273a. _____ trial transcript
_____ no   _____ police report
                                                      _____ pre-sentence report
_____ yes   _____ Dept of Corrections file
                                                      _____ interview with defense or
_____ not known   prosecuting attorney
                                                      _____ other

274.   If yes, how long did this mistreatment go on for?

_____ briefly, during the short time period
         it took to cause death   274a.   _____ trial transcript
                                                                  _____ police report
_____ under 15 minutes   _____ pre-sentence report
                                                                  _____ Dept of Corrections file
_____ 15 to 30 minutes   _____ interview with defense or
                                                                            prosecuting attorney
_____ 30 minutes to 1 hour   _____ other

_____ between 1-3 hours

_____ over 3 hours

_____ not known

_____ no mistreatment of victim

275.   If there were stab wounds, how many wounds were there. **(Coders, enter the number of wounds)**

                                                          275a.   _____ trial transcript
_____   _____ police report
                                                                  _____ pre-sentence report
_____ no stab wounds   _____ Dept of Corrections file
                                                                  _____ interview with defense or
_____ stab wounds but unknown as to how many   prosecuting attorney
                                                                  _____ other
_____ not known

276.   If there were gunshot wounds, how many wounds were there. **(Coders, enter the number of wounds)**

                                                          276a.   _____ trial transcript
_____   _____ police report
                                                                  _____ pre-sentence report
_____ no gunshot wounds   _____ Dept of Corrections file
                                                                  _____ interview with defense or
_____ gunshot wounds but unknown as to how many   prosecuting attorney
                                                                  _____ other
_____ not known

277.   Before being killed, was the second victim:

_____ dismembered   277a.   _____ trial transcript
                                                          _____ police report
_____ mutilated in some way   _____ pre-sentence report
                                                          _____ Dept of Corrections file
_____ sexually abused or offended   _____ interview with defense or
                                                             prosecuting attorney
_____ burned   _____ other

_____ slapped, punched, kicked

_____ placed in the trash or dump

_____ thrown in a body of water

_____ abuse, but not known what kind

_____ no abuse

_____ not known

278. After being killed, was the second victim:

_____ dismembered   278a.   _____ trial transcript
                                                          _____ police report
_____ mutilated in some way   _____ pre-sentence report
                                                          _____ Dept of Corrections file
_____ sexually abused or offended   _____ interview with defense or
                                                             prosecuting attorney
_____ burned   _____ other

_____ slapped, punched, kicked

_____ placed in the trash or dump

_____ thrown in a body of water

_____ abuse, but not known what kind

_____ no abuse

_____not known

THIRD VICTIM DATA COLLECTION SUPPLEMENT
MARYLAND CAPITAL PUNISHMENT STUDY

Name: _____ DOB: _____

150. Third victim's age.

_____

_____ not known

150a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or prosecuting attorney
_____ other

151. Third victim's gender.

_____ male

_____ female

_____ not known

151a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or prosecuting attorney
_____ other

152. Third victim's race.

_____ white

_____ african american

_____ hispanic or hispanic surname

_____ asian american

_____ other

_____ not known

152a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or prosecuting attorney
_____ other

153. Relationship between third victim and defendant.

153a. _____ trial transcript
_____ stranger   _____ police report
_____ pre-sentence report

_____ acquaintances or friends   _____ Dept of Corrections file
_____ interview with defense or

_____ spouse, ex-spouse, or lover or former lover   prosecuting attorney
(intimates)   _____ other

_____ family member

_____ boy/girlfriend's child

_____ sexual rival

_____ rival or competitor in criminal activity or former rival or competitor

_____ other _____

_____ not known

154. Third victim's religion.

154a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Roman Catholic   _____ Dept of Corrections file
_____ interview with defense or

_____ Lutheran   prosecuting attorney

_____ Presbyterian   _____ other

_____ Baptist

_____ Jewish

_____ Mormon

_____ Episcopalian

_____ Evangelical Christian (Church of God…)

_____ Muslim/Islamic

_____ Other

_____ Atheist or agnostic

_____ not known

155.   Third victim's county of residence.

    _____

<table>
<tr><td>1</td><td>Allegany County</td></tr>
<tr><td>2</td><td>Anne Arundel County</td></tr>
<tr><td>3</td><td>Baltimore City</td></tr>
<tr><td>4</td><td>Baltimore County</td></tr>
<tr><td>5</td><td>Calvert County</td></tr>
<tr><td>6</td><td>Caroline County</td></tr>
<tr><td>7</td><td>Carroll County</td></tr>
<tr><td>8</td><td>Cecil County</td></tr>
<tr><td>9</td><td>Charles County</td></tr>
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<tr><td>11</td><td>Frederick County</td></tr>
<tr><td>12</td><td>Garrett County</td></tr>
<tr><td>13</td><td>Harford County</td></tr>
<tr><td>14</td><td>Howard County</td></tr>
<tr><td>15</td><td>Kent County</td></tr>
<tr><td>16</td><td>Montgomery County</td></tr>
<tr><td>17</td><td>Prince George's County</td></tr>
<tr><td>18</td><td>Queen Anne's County</td></tr>
<tr><td>19</td><td>St. Mary's County</td></tr>
<tr><td>20</td><td>Somerset County</td></tr>
<tr><td>21</td><td>Talbot County</td></tr>
<tr><td>22</td><td>Washington County</td></tr>
<tr><td>23</td><td>Wicomico County</td></tr>
<tr><td>24</td><td>Worcester County</td></tr>
<tr><td>99</td><td>not from Maryland</td></tr>
<tr><td>-9</td><td>not known</td></tr>
</table>

155a.   _____ trial transcript
        _____ police report
        _____ pre-sentence report
        _____ Dept of Corrections file
        _____ interview with defense or
                 prosecuting attorney
        _____ other

156. Third victim's education.

     _____ Currently attending school

     _____ didn't go beyond 6th grade

     _____ didn't go beyond 9th grade

     _____ high school dropout

     _____ completed high school or received GED

     _____ some formal education (including vocational education) after high school

     _____ received college degree

     _____ finished graduate school

     _____ not known

156a.   _____ trial transcript
       _____ police report
       _____ pre-sentence report
       _____ Dept of Corrections file
       _____ interview with defense or prosecuting attorney
       _____ other

157. Third victim's marital status at time of crime.

     _____ single

     _____ divorced

     _____ separated

     _____ living with woman

     _____ married

     _____ not known

157a.   _____ trial transcript
       _____ police report
       _____ pre-sentence report
       _____ Dept of Corrections file
       _____ interview with defense or prosecuting attorney
       _____ other

158.   With whom was third victim living at the time of the offense?

158a.   _____ trial transcript

_____ homeless   _____ police report

_____ pre-sentence report

_____ living alone   _____ Dept of Corrections file

_____ interview with defense or

_____ living with spouse or partner   prosecuting attorney
       (with children)   _____ other

_____ living with spouse or partner
       (without children)

_____ living with parents or grandparents

_____ living with other relatives

_____ living with friends, acquaintances, or roommates

_____ inmate in an institution

_____ living with someone of the same sex in a homosexual relationship

_____ living with defendant

_____ traveling on the road at the time

_____ not known

159.   Did the third victim have any children he/she lived with, saw regularly, or supported at
        the time of the offense?

159a.   _____ trial transcript

_____ No children   _____ police report

_____ pre-sentence report

_____ Yes children, known support/contact   _____ Dept of Corrections file

_____ interview with defense or

_____ Yes children, unknown support/contact   prosecuting attorney

_____ other

_____ not known

160. Did the third victim have a family or other dependents?

160a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ spouse

_____ Dept of Corrections file

_____ interview with defense or

_____ minor child (18 years or under)

prosecuting attorney

_____ other

_____ dependent parents or adult children

_____ other dependent relatives

_____ other dependent persons

_____ not known

161. What was the third victim's employment status at the time of the offense?

161a. _____ trial transcript

_____ employed full time

_____ police report

_____ pre-sentence report

_____ employed part time

_____ Dept of Corrections file

_____ interview with defense or

_____ employed, but unknown if

prosecuting attorney

employed full or part time

_____ other

_____ self-employed either full or part time

_____ unemployed, length of time unknown

_____ unemployed, less than six months

_____ unemployed six months or more

_____ outside the labor force – on welfare, living on disability, unemployment checks or social security

_____ outside the labor force – homemaker, retired, student, juvenile, supported by family

_____ institutionalized – in prison, jail, drug rehabilitation, mental institution, etc.

_____ employed outside the labor force – underground economy, criminal activity

_____ other _____

_____ employment unknown

162.   Third victim's employment history.

                                                          162a.   _____ trial transcript

_____ never worked   _____ police report

                                                          _____ pre-sentence report

_____ held mainly unskilled jobs in the past   _____ Dept of Corrections file

                                                          _____ interview with defense or

_____ held mainly skilled jobs in the past   prosecuting attorney

                                                          _____ other

_____ held mainly professional, managerial,
       or white collar jobs in the past

_____ other _____

_____ unknown

163.   Third victim's primary occupation at time offense.

_____   163a.   _____ trial transcript

                                                          _____ police report

_____ not known   _____ pre-sentence report

                                                        _____ Dept of Corrections file

                                                        _____ interview with defense or

                                                          prosecuting attorney

                                                        _____ other

164.   Third victim's occupational status score. (See coding appendix)

_____

_____ not known

THIRD VICTIM'S CRIMINAL HISTORY

165.   Number of prior **felony arrests**.

_____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

165a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
    prosecuting attorney
_____ other

166.   Number of prior **felony arrests** that are violent offenses.

_____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

166a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
    prosecuting attorney
_____ other

167.   Number of prior **felony convictions**.

_____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

167a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
    prosecuting attorney
_____ other

168.   Number of prior **felony convictions** that are violent offenses.

_____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

168a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
  prosecuting attorney
_____ other

169.   Number of prior **misdemeanor arrests**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

169a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
  prosecuting attorney
_____ other

170.   Number of prior **misdemeanor convictions**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

170a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
  prosecuting attorney
_____ other

171.   Was the third victim under criminal supervision at the time of the offense?

_____ no

_____ probation

_____ parole

_____ on bail

_____ house arrest

_____ in custody

_____ unknown

171a.   _____ trial transcript
        _____ police report
        _____ pre-sentence report
        _____ Dept of Corrections file
        _____ interview with defense or
            prosecuting attorney
        _____ other

172.   Total number of **juvenile arrests**.

_____

_____ no juvenile arrests

_____ not known

172a.   _____ trial transcript
        _____ police report
        _____ pre-sentence report
        _____ Dept of Corrections file
        _____ interview with defense or
            prosecuting attorney
        _____ other

173.   Total number of **juvenile convictions**.

_____

_____ no juvenile convictions

_____ not known

173a.   _____ trial transcript
        _____ police report
        _____ pre-sentence report
        _____ Dept of Corrections file
        _____ interview with defense or
            prosecuting attorney
        _____ other

174.   Total number of **adult arrests**.

_____

_____ no adult arrests

_____ not known

174a.   _____ trial transcript
        _____ police report
        _____ pre-sentence report
        _____ Dept of Corrections file
        _____ interview with defense or
            prosecuting attorney
        _____ other

175.   Total number of **adult convictions**.

    175a.   _____ trial transcript

_____   _____ police report

                             _____ pre-sentence report

_____ no adult convictions   _____ Dept of Corrections file

                             _____ interview with defense or

_____ not known   prosecuting attorney

                             _____ other

176.   Did the third victim ever serve time in a juvenile correctional facility?

    176a.   _____ trial transcript

_____ no   _____ police report

                             _____ pre-sentence report

_____ yes   _____ Dept of Corrections file

                             _____ interview with defense or

_____ not known   prosecuting attorney

                             _____ other

177.   Did the third victim ever serve time in an adult correctional facility or jail?

    177a.   _____ trial transcript

_____ no   _____ police report

                             _____ pre-sentence report

_____ yes   _____ Dept of Corrections file

                             _____ interview with defense or

_____ not known   prosecuting attorney

                             _____ other

178.   Characteristics or factors pertaining to third victim (**check all that apply)**

_____ victim was drug dealer   178a.   _____ trial transcript

                                                  _____ police report

_____ mentally retarded or low intelligence   _____ pre-sentence report

                                                  _____ Dept of Corrections file

_____ mental or emotional problems   _____ interview with defense or

                                                   prosecuting attorney

_____ physical handicap   _____ other

_____ under the age of 17 or over the age of 60

_____ under the influence of drugs or alcohol at the time of the offense

_____ precipitated the crime in some way

_____ a military veteran

_____ other   _____

_____ not known

CHARACTERISTICS OF THE HOMICIDE – THIRD VICTIM

279. Where did the homicide occur?

RESIDENCE

_____ residence of the victim

_____ area immediately outside of victim's residence
(yard, driveway, or common area)

_____ residence of victim's immediate family member,
close friend, or relative

_____ residence of defendant

_____ area immediately outside of defendant's residence
(yard, driveway, or common area)

_____ residence of defendant's immediate family member, close friend, or relative

_____ residence of co-defendant

_____ other residence

_____ hotel, motel, or other short-term residence

279a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

BUSINESS

_____ bar, tavern or immediately outside of bar or tavern

_____ liquor store or immediately outside of liquor store

_____ convenience or grocery store

_____ service station

_____ victim's place of business or employment

_____ defendant's place of business or employment

_____ codefendant's place of business or employment

_____ other place of business

PUBLIC AREA

_____ victim's car

_____ defendant's or co-defendant's car

_____ other person's car

_____ field or woods

_____ parking lot or vacant lot

_____ abandoned building

_____ country road or highway

_____ street or sidewalk

_____ cab, bus, or other public transportation

_____ park or school grounds

_____ jail, prison or other correctional institution

_____ hospital

_____ other non-commercial public place

_____ other _____

_____ not known

280.   County of homicide (Use county codes)

          280a.   _____ trial transcript
_____   _____ police report
                                _____ pre-sentence report
_____ not known   _____ Dept of Corrections file
                                _____ interview with defense or
                                      prosecuting attorney
                                _____ other

281.   Did the defendant force his/her way into the place of homicide?

          281a.   _____ trial transcript
_____ no   _____ police report
                                _____ pre-sentence report
_____ yes   _____ Dept of Corrections file
                                _____ interview with defense or
_____ not known   prosecuting attorney
                                _____ other

282.   Did the defendant come to the crime scene armed with the weapon that was used to kill the third victim?

282a.   _____ trial transcript
_____ no   _____ police report
                                                _____ pre-sentence report
_____ yes   _____ Dept of Corrections file
                                                _____ interview with defense or
_____ not known   prosecuting attorney
                                                _____ other

283.   Check the circumstances that best captures the defendant's role in the killing
_____the defendant was the prime mover in planning the crime
_____ the defendant was co-equal with co-perpetrators in planning the crime
_____ the defendant was not the planner, but was aware of the plan to commit the murder
_____ the defendant was not the planner, did not know of the plan to commit murder, but
          knew of the plan to commit another crime (armed robbery, kidnapping)
_____ the defendant was not aware of a plan to commit any crime
_____ there was no plan to commit any crime

284. How was the third victim killed? **Check all that apply.**

_____ handgun

_____ semi-automatic gun

_____ other rifle

_____ shotgun

_____ sawed off shotgun

_____ other firearm (specify) _____

_____ knife

_____ ax or other sharp instrument

_____ other knife or knife-like instrument (specify) _____

_____ baseball bat

_____ other blunt object

_____ beaten with fists or feet

_____ strangulation with hands

_____ strangulation with rope or other cord

_____ suffocation or smothering

_____ drowned

_____ burned

_____ crushed by car or other vehicle

_____ drug overdose

_____ poison

_____ thrown from a high place

_____ other (specify) _____

_____ not known

284a.   _____ trial transcript
         _____ police report
         _____ pre-sentence report
         _____ Dept of Corrections file
         _____ interview with defense or
               prosecuting attorney
         _____ other

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285.   Was the third victim killed with a bizarre or unusual weapon (ice pick, claw hammer, hacksaw, chain saw…)?

285a.   _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes (specify) _____

_____ Dept of Corrections file

_____ interview with defense or

_____ not known

      prosecuting attorney

_____ other

286.   Check any of the factors or characteristics that were present at the killing:

_____ victim was forced to beg or plead for their life

_____ homicide was planned for more   286a.   _____ trial transcript
       than 5 minutes   _____ police report
                                                                                 _____ pre-sentence report
_____ victim offered no resistance   _____ Dept of Corrections file
       (storekeeper turned over money…)   _____ interview with defense or
                                                                                       prosecuting attorney
_____ victim was not clothed or in bed   _____ other
       clothes at time of killing

_____ victim suffered multiple trauma
       (shot and stabbed, stabbed and choked)

_____ victim was bound and gagged or otherwise restrained

_____ victim was forced to do something against his/her will

_____ victim was held hostage before killing

_____ victim was tortured or mutilated before being killed

_____ victim was mutilated after the homicide

_____ victim was brutally clubbed, beaten, stomped on

_____ victim was shot more than one time

_____ victim was shot in face

_____ victim killed "execution style"

_____ defendant tried to hide, conceal, dispose of or bury body

_____ defendant was lying in wait for the victim

_____ victim was stabbed many times, had his/her throat slashed

_____ more than one murder victim

_____ other victim that was not killed but was injured by defendant

_____ victim killed in front of family member or other person not defendant or
       co-defendant

_____ the crime scene was described as a bloody mess or particularly gruesome

_____ the murder took a long time to complete

_____ physical details of the crime are unusually repulsive or horrific (victim drowned in their own blood, victims brains were splattered about the crime scene…)

_____ not known

287.   Special vulnerabilities of third victim. **Coders, please check all that apply.**

_____ victim was bedridden or physically handicapped

_____ mentally or emotionally impaired   287a. _____ trial transcript
                                                         _____ police report
_____ defenseless because of youth   _____ pre-sentence report
                                                         _____ Dept of Corrections file
_____ defenseless because of advanced age   _____ interview with defense or
                                                                prosecuting attorney
_____ pregnant   _____ other

_____ victim was asleep, just awakened or in bedroom

_____ victim was in own house when defendant intruded

_____ victim was defenseless because of gross difference in size and strength with defendant

_____ victim was defenseless due to intoxication (alcohol or drugs)

_____ victim was defenseless because of frail physical condition or illness

_____ victim had children or grandchildren

_____ victim was killed after kidnapping or abduction

_____ victim or other victim in crime was sexually assaulted in some manner

_____ not known

288.   Was the third victim verbally or physically mistreated in any manner prior to the killing?
                                                 288a. _____ trial transcript
_____ no   _____ police report
                                                        _____ pre-sentence report
_____ yes   _____ Dept of Corrections file
                                                        _____ interview with defense or
_____ not known   prosecuting attorney
                                                        _____ other

289.   If yes, how long did this mistreatment go on for?

     _____ briefly, during the short time period
           it took to cause death   289a.   _____ trial transcript
                                                             _____ police report

     _____ under 15 minutes   _____ pre-sentence report
                                                             _____ Dept of Corrections file

     _____ 15 to 30 minutes   _____ interview with defense or
                                                                  prosecuting attorney

     _____ 30 minutes to 1 hour   _____ other

     _____ between 1-3 hours

     _____ over 3 hours

     _____ not known

     _____ no mistreatment of victim

290.   If there were stab wounds, how many wounds were there. **(Coders, enter the number of wounds)**

                                                   290a.   _____ trial transcript
     _____   _____ police report
                                                               _____ pre-sentence report
     _____ no stab wounds   _____ Dept of Corrections file
                                                             _____ interview with defense or
     _____ stab wounds but unknown as to how many   prosecuting attorney
                                                               _____ other
     _____ not known

291.   If there were gunshot wounds, how many wounds were there. **(Coders, enter the number of wounds)**

                                                   291a.   _____ trial transcript
     _____   _____ police report
                                                               _____ pre-sentence report
     _____ no gunshot wounds   _____ Dept of Corrections file
                                                             _____ interview with defense or
     _____ gunshot wounds but unknown as to how many   prosecuting attorney
                                                               _____ other
     _____ not known

292. Before being killed, was the third victim:

_____ dismembered   292a.   _____ trial transcript
                                                              _____ police report
_____ mutilated in some way   _____ pre-sentence report
                                                              _____ Dept of Corrections file
_____ sexually abused or offended   _____ interview with defense or
                                                                       prosecuting attorney
_____ burned   _____ other

_____ slapped, punched, kicked

_____ placed in the trash or dump

_____ thrown in a body of water

_____ abuse, but not known what kind

_____ no abuse

_____ not known

293. After being killed, was the third victim:

_____ dismembered   293a.   _____ trial transcript
                                                              _____ police report
_____ mutilated in some way   _____ pre-sentence report
                                                              _____ Dept of Corrections file
_____ sexually abused or offended   _____ interview with defense or
                                                                       prosecuting attorney
_____ burned   _____ other

_____ slapped, punched, kicked

_____ placed in the trash or dump

_____ thrown in a body of water

_____ abuse, but not known what kind

_____ no abuse

_____ not known

FOURTH VICTIM DATA COLLECTION SUPPLEMENT
MARYLAND CAPITAL PUNISHMENT STUDY

Name: _____ DOB: _____

179.   Fourth victim's age.

_____

_____ not known

    179a.   _____ trial transcript
                    _____ police report
                    _____ pre-sentence report
                    _____ Dept of Corrections file
                    _____ interview with defense or
                          prosecuting attorney
                    _____ other

180.   Fourth victim's gender.

_____ male

_____ female

_____ not known

    180a.   _____ trial transcript
                    _____ police report
                    _____ pre-sentence report
                    _____ Dept of Corrections file
                    _____ interview with defense or
                          prosecuting attorney
                    _____ other

181.   Fourth victim's race.

_____ white

_____ african american

_____ hispanic or hispanic surname

_____ asian american

_____ other

_____ not known

    181a.   _____ trial transcript
                    _____ police report
                    _____ pre-sentence report
                    _____ Dept of Corrections file
                    _____ interview with defense or
                          prosecuting attorney
                    _____ other

182.   Relationship between fourth victim and defendant.

_____ stranger   182a.   _____ trial transcript
                                                     _____ police report
_____ acquaintances or friends   _____ pre-sentence report
                                                     _____ Dept of Corrections file
_____ spouse, ex-spouse, or lover   _____ interview with defense or
       or former lover (intimates)   prosecuting attorney
                                                     _____ other
_____ family member

_____ boy/girlfriend's child

_____ sexual rival

_____ rival or competitor in criminal activity or former rival or competitor

_____ other _____

_____ not known

183.   Fourth victim's religion.
                                            183a.   _____ trial transcript
                                                     _____ police report
_____ Roman Catholic   _____ pre-sentence report
                                                     _____ Dept of Corrections file
_____ Lutheran   _____ interview with defense or
                                                              prosecuting attorney
_____ Presbyterian   _____ other

_____ Baptist

_____ Jewish

_____ Mormon

_____ Episcopalian

_____ Evangelical Christian (Church of God…)

_____ Muslim/Islamic

_____ Other

_____ Atheist or agnostic

_____ not known

184.   Fourth victim's county of residence.

_____

    1   Allegany County
    2   Anne Arundel County
    3   Baltimore City
    4   Baltimore County
    5   Calvert County
    6   Caroline County
    7   Carroll County
    8   Cecil County
    9   Charles County
  10 Dorchester County
  11 Frederick County
  12 Garrett County
  13 Harford County
  14 Howard County
  15 Kent County
  16 Montgomery County
  17 Prince George's County
  18 Queen Anne's County
  19 St. Mary's County
  20 Somerset County
  21 Talbot County
  22 Washington County
  23 Wicomico County
  24 Worchester County
  99 not from Maryland
  -9 not known

184a.   _____ trial transcript
        _____ police report
        _____ pre-sentence report
        _____ Dept of Corrections file
        _____ interview with defense or
              prosecuting attorney
        _____ other

185. Fourth victim's education.

_____ Currently attending school

_____ didn't go beyond 6th grade

_____ didn't go beyond 9th grade

_____ high school dropout

_____ completed high school or received GED

_____ some formal education (including vocational education) after high school

_____ received college degree

_____ finished graduate school

_____ not known

185a.   _____ trial transcript
        _____ police report
        _____ pre-sentence report
        _____ Dept of Corrections file
        _____ interview with defense or
              prosecuting attorney
        _____ other

186.   Fourth victim's marital status at time of crime.

_____ single   186a.   _____ trial transcript
                                                       _____ police report
_____ divorced   _____ pre-sentence report
                                                       _____ Dept of Corrections file
_____ separated   _____ interview with defense or
                                                              prosecuting attorney
_____ living with woman   _____ other

_____ married

_____ not known

187.   With whom was fourth victim living at the time of the offense?

_____ homeless   187a.   _____ trial transcript
                                                       _____ police report
_____ living alone   _____ pre-sentence report
                                                       _____ Dept of Corrections file
_____ living with spouse or partner   _____ interview with defense or
      (with children)   prosecuting attorney
                                                       _____ other
_____ living with spouse or partner
      (without children)

_____ living with parents or grandparents

_____ living with other relatives

_____ living with friends, acquaintances, or roommates

_____ inmate in an institution

_____ living with someone of the same sex in a homosexual relationship

_____ living with defendant

_____ traveling on the road at the time

_____ not known

188.   Did the fourth victim have any children he/she lived with, saw regularly, or supported at the time of the offense?

188a.   _____ trial transcript

_____ No children   _____ police report

_____ pre-sentence report

_____ Yes children, known support/contact   _____ Dept of Corrections file

_____ interview with defense or

_____ Yes children, unknown support/contact   prosecuting attorney

_____ other

_____ not known

189.   Did the fourth victim have a family or other dependents?

189a.   _____ trial transcript

_____ no   _____ police report

_____ pre-sentence report

_____ spouse   _____ Dept of Corrections file

_____ interview with defense or

_____ minor child (18 years or under)   prosecuting attorney

_____ other

_____ dependent parents or adult children

_____ other dependent relatives

_____ other dependent persons

_____ not known

190.   What was the fourth victim's employment status at the time of the offense?

_____ employed full time   190a.   _____ trial transcript
                                                         _____ police report
_____ employed part time   _____ pre-sentence report
                                                         _____ Dept of Corrections file
_____ employed, but unknown if   _____ interview with defense or
        employed full or part time   prosecuting attorney
                                                         _____ other
_____ self-employed either full
        or part time

_____ unemployed, length of time unknown

_____ unemployed, less than six months

_____ unemployed six months or more

_____ outside the labor force – on welfare, living on disability, unemployment checks or
social security

_____ outside the labor force – homemaker, retired, student, juvenile, supported by family

_____ institutionalized – in prison, jail, drug rehabilitation, mental institution, etc.

_____ employed outside the labor force – underground economy, criminal activity

_____ other _____

_____ employment unknown

191.   Fourth victim's employment history.

                                                191a.   _____ trial transcript
_____ never worked   _____ police report
                                                         _____ pre-sentence report
_____ held mainly unskilled jobs in the past   _____ Dept of Corrections file
                                                         _____ interview with defense or
_____ held mainly skilled jobs in the past   proscuting attorney
                                                         _____ other
_____ held mainly professional, managerial,
        or white collar jobs in the past

_____ other _____

_____ unknown

192.   Fourth victim's primary occupation at time offense.

192.   _____ trial transcript
_____   _____ police report
_____ pre-sentence report
_____ not known   _____ Dept of Corrections file
_____ interview with defense or
    prosecuting attorney
_____ other

193.   Fourth victim's occupational status score. (See coding appendix)

_____

_____ not known

FOURTH VICTIM'S CRIMINAL HISTORY

194.   Number of prior **felony arrests**.

_____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

194a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
    prosecuting attorney
_____ other

195.   Number of prior **felony arrests** that are violent offenses.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

195a.   _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
    prosecuting attorney
_____ other

196.   Number of prior **felony convictions**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

196a.   _____ trial transcript
          _____ police report
          _____ pre-sentence report
          _____ Dept of Corrections file
          _____ interview with defense or
                prosecuting attorney
          _____ other

197.   Number of prior **felony convictions** that are violent offenses.

_____ (if none enter 0; 1 – 99 enter actual number; -9 if not known)

197a.   _____ trial transcript
          _____ police report
          _____ pre-sentence report
          _____ Dept of Corrections file
          _____ interview with defense or
                prosecuting attorney
          _____ other

198.   Number of prior **misdemeanor arrests**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

198a.   _____ trial transcript
          _____ police report
          _____ pre-sentence report
          _____ Dept of Corrections file
          _____ interview with defense or
                prosecuting attorney
          _____ other

199.   Number of prior **misdemeanor convictions**.

_____(if none enter 0; 1 – 99 enter actual number; -9 if not known)

199a.   _____ trial transcript
          _____ police report
          _____ pre-sentence report
          _____ Dept of Corrections file
          _____ interview with defense or
                prosecuting attorney
          _____ other

200.   Was the fourth victim under criminal supervision at the time of the offense?

_____ no

_____ probation

_____ parole

_____ on bail

_____ house arrest

_____ in custody

_____ unknown

200a.   _____ trial transcript
          _____ police report
          _____ pre-sentence report
          _____ Dept of Corrections file
          _____ interview with defense or
               prosecuting attorney
          _____ other

201.   Total number of **juvenile arrests**.

_____

_____ no juvenile arrests

_____ not known

201a.   _____ trial transcript
          _____ police report
          _____ pre-sentence report
          _____ Dept of Corrections file
          _____ interview with defense or
               prosecuting attorney
          _____ other

202.   Total number of **juvenile convictions**.

_____

_____ no juvenile convictions

_____ not known

202a.   _____ trial transcript
          _____ police report
          _____ pre-sentence report
          _____ Dept of Corrections file
          _____ interview with defense or
               prosecuting attorney
          _____ other

203.   Total number of **adult arrests**.

_____

_____ no adult arrests

_____ not known

203a.   _____ trial transcript
          _____ police report
          _____ pre-sentence report
          _____ Dept of Corrections file
          _____ interview with defense or
               prosecuting attorney
          _____ other

204.   Total number of **adult convictions**.

204a.   _____ trial transcript
_____   _____ police report
                 _____ pre-sentence report
_____ no adult convictions   _____ Dept of Corrections file
                 _____ interview with defense or
_____ not known   prosecuting attorney
                 _____ other

205.   Did the fourth victim ever serve time in a juvenile correctional facility?

205a.   _____ trial transcript
_____ no   _____ police report
                 _____ pre-sentence report
_____ yes   _____ Dept of Corrections file
                 _____ interview with defense or
_____ not known   prosecuting attorney
                 _____ other

206.   Did the fourth victim ever serve time in an adult correctional facility or jail?

206a.   _____ trial transcript
_____ no   _____ police report
                 _____ pre-sentence report
_____ yes   _____ Dept of Corrections file
                 _____ interview with defense or
_____ not known   prosecuting attorney
                 _____ other

207.   Characteristics or factors that pertain to the fourth victim (**check all that apply)**

_____ victim was a drug dealer   207a.   _____ trial transcript
                           _____ police report
_____ mentally retarded or low intelligence   _____ pre-sentence report
                           _____ Dept of Corrections file
_____ mental or emotional problems   _____ interview with defense or
                              prosecuting attorney
_____ physical handicap   _____ other

_____ under the age of 17 or over the age of 60

_____ under the influence of drugs or alcohol at the time of the offense

_____ precipitated the crime in some way

_____ a military veteran

_____ other   _____

_____ not known

CHARACTERISTICS OF THE HOMICIDE – FOURTH VICTIM

294.   Where did the homicide occur?

RESIDENCE   294a.   _____ trial transcript

_____ residence of the victim   _____ police report

                                                                      _____ pre-sentence report

_____ area immediately outside of victim's residence   _____ Dept of Corrections file
        (yard, driveway, or common area)   _____ interview with defense or
                                                                              prosecuting attorney
                                                                      _____ other

_____ residence of victim's immediate family member,
        close friend, or relative

_____ residence of defendant

_____ area immediately outside of defendant's residence
        (yard, driveway, or common area)

_____ residence of defendant's immediate family member, close friend, or relative

_____ residence of co-defendant

_____ other residence

_____ hotel, motel, or other short-term residence

BUSINESS

_____ bar, tavern or immediately outside of bar or tavern

_____ liquor store or immediately outside of liquor store

_____ convenience or grocery store

_____ service station

_____ victim's place of business or employment

_____ defendant's place of business or employment

_____ codefendant's place of business or employment

_____ other place of business

PUBLIC AREA

_____ victim's car

_____ defendant's or co-defendant's car

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_____ other person's car

_____ field or woods

_____ parking lot or vacant lot

_____ abandoned building

_____ country road or highway

_____ street or sidewalk

_____ cab, bus, or other public transportation

_____ park or school grounds

_____ jail, prison or other correctional institution

_____ hospital

_____ other non-commercial public place

_____ other _____

_____ not known

295. County of homicide (Use county codes)

_____

_____ not known

295a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
 prosecuting attorney
_____ other

296. Did the defendant force his/her way into the place of homicide?

_____ no

_____ yes

_____ not known

296a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
 prosecuting attorney
_____ other

297.   Did the defendant come to the crime scene armed with the weapon that was used to kill the victim?

297a.   _____ trial transcript

_____ no   _____ police report

                                                 _____ pre-sentence report

_____ yes   _____ Dept of Corrections file

                                                 _____ interview with defense or

_____ not known   prosecuting attorney

                                                 _____ other

298.   Check the circumstances that best captures the defendant's role in the killing

_____the defendant was the prime mover in planning the crime

_____ the defendant was co-equal with co-perpetrators in planning the crime

_____ the defendant was not the planner, but was aware of the plan to commit the murder

_____ the defendant was not the planner, did not know of the plan to commit murder, but knew of the plan to commit another crime (armed robbery, kidnapping)

_____ the defendant was not aware of a plan to commit any crime

_____ there was no plan to commit any crime

299. How was the fourth victim killed? **Check all that apply.**

_____ handgun

_____ semi-automatic gun

_____ other rifle

_____ shotgun

_____ sawed off shotgun

_____ other firearm (specify) _____

_____ knife

_____ ax or other sharp instrument

_____ other knife or knife-like instrument (specify) _____

_____ baseball bat

_____ other blunt object

_____ beaten with fists or feet

_____ strangulation with hands

_____ strangulation with rope or other cord

_____ suffocation or smothering

_____ drowned

_____ burned

_____ crushed by car or other vehicle

_____ drug overdose

_____ poison

_____ thrown from a high place

_____ other (specify) _____

_____ not known

299a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
  prosecuting attorney
_____ other

300. Was the fourth victim killed with a bizarre or unusual weapon (ice pick, claw hammer, hacksaw, chain saw…)?

     300a. _____ trial transcript

_____ no

     _____ police report

     _____ pre-sentence report

_____ yes (specify) _____

     _____ Dept of Corrections file

     _____ interview with defense or

_____ not known

           prosecuting attorney

     _____ other

301. Check any of the factors or characteristics that were present at the killing:

_____ victim was forced to beg or plead for their life

_____ homicide was planned for more   301a.   _____ trial transcript
        than 5 minutes   _____ police report
                                                      _____ pre-sentence report
_____ victim offered no resistance   _____ Dept of Corrections file
        (storekeeper turned over money…)   _____ interview with defense or
                                                               prosecuting attorney
_____ victim was not clothed or in bed   _____ other
        clothes at time of killing

_____ victim suffered multiple trauma
        (shot and stabbed, stabbed and choked)

_____ victim was bound and gagged or otherwise restrained

_____ victim was forced to do something against his/her will

_____ victim was held hostage before killing

_____ victim was tortured or mutilated before being killed

_____ victim was mutilated after the homicide

_____ victim was brutally clubbed, beaten, stomped on

_____ victim was shot more than one time

_____ victim was shot in face

_____ victim killed "execution style"

_____ defendant tried to hide, conceal, dispose of or bury body

_____ defendant was lying in wait for the victim

_____ victim was stabbed many times, had his/her throat slashed

_____ more than one murder victim

_____ other victim that was not killed but was injured by defendant

_____ victim killed in front of family member or other person not defendant or co-
defendant

_____ the crime scene was described as a bloody mess or particularly gruesome

_____ the murder took a long time to complete

_____ physical details of the crime are unusually repulsive or horrific (victim drowned in their own blood, victims brains were splattered about the crime scene…)

_____ not known

302. Special vulnerabilities of fourth victim. **Coders, please check all that apply.**

_____ victim was bedridden or physically handicapped

_____ mentally or emotionally impaired   302a.   _____ trial transcript
                                                  _____ police report

_____ defenseless because of youth   _____ pre-sentence report
                                                  _____ Dept of Corrections file

_____ defenseless because of advanced age   _____ interview with defense or
                                                      prosecuting attorney

_____ pregnant   _____ other

_____ victim was asleep, just awakened or in bedroom

_____ victim was in own house when defendant intruded

_____ victim was defenseless because of gross difference in size and strength with defendant

_____ victim was defenseless due to intoxication (alcohol or drugs)

_____ victim was defenseless because of frail physical condition or illness

_____ victim had children or grandchildren

_____ victim was killed after kidnapping or abduction

_____ victim or other victim in crime was sexually assaulted in some manner

_____ not known

303. Was the fourth victim verbally or physically mistreated in any manner prior to the killing?
                                         303a.   _____ trial transcript
_____ no   _____ police report
                                                _____ pre-sentence report
_____ yes   _____ Dept of Corrections file
                                                _____ interview with defense or
_____ not known   prosecuting attorney
                                                _____ other

304.   If yes, how long did this mistreatment go on for?

_____ briefly, during the short time period
it took to cause death   304a.   _____ trial transcript
_____ police report
_____ under 15 minutes   _____ pre-sentence report
_____ Dept of Corrections file
_____ 15 to 30 minutes   _____ interview with defense or
prosecuting attorney
_____ 30 minutes to 1 hour   _____ other

_____ between 1-3 hours

_____ over 3 hours

_____ not known

_____ no mistreatment of victim

305.   If there were stab wounds, how many wounds were there. **(Coders, enter the number of wounds)**

305a.   _____ trial transcript
_____   _____ police report
_____ pre-sentence report
_____ no stab wounds   _____ Dept of Corrections file
_____ interview with defense or
_____ stab wounds but unknown as to how many   prosecuting attorney
_____ other
_____ not known

306.   If there were gunshot wounds, how many wounds were there. **(Coders, enter the number of wounds)**

306a.   _____ trial transcript
_____   _____ police report
_____ pre-sentence report
_____ no gunshot wounds   _____ Dept of Corrections file
_____ interview with defense or
_____ gunshot wounds but unknown as to how many   prosecuting attorney
_____ other
_____ not known

307. Before being killed, was the fourth victim:

_____ dismembered

_____ mutilated in some way

_____ sexually abused or offended

_____ burned

_____ slapped, punched, kicked

_____ placed in the trash or dump

_____ thrown in a body of water

_____ abuse, but not known what kind

_____ no abuse

_____ not known

307a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
        prosecuting attorney
_____ other

308. After being killed, was the fourth victim:

_____ dismembered

_____ mutilated in some way

_____ sexually abused or offended

_____ burned

_____ slapped, punched, kicked

_____ placed in the trash or dump

_____ thrown in a body of water

_____ abuse, but not known what kind

_____ no abuse

_____ not known

308a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
        prosecuting attorney
_____ other

FACTORS ATTRIBUTED TO DEFENDANT

223. Check off each factor that may have been present in the case: **Coders: Check all that apply.**

223a. _____ trial transcript

_____ defendant was under 21 _____ police report
at the time of the offense _____ pre-sentence report
_____ Dept of Corrections file
_____ defendant is elderly (over 60) _____ interview with defense or
prosecuting attorney
_____ defendant was unable to control his/her _____ other
conduct because of alcohol or drugs

_____ defendant was unable to control his/her
conduct because of mental or emotional illness

_____ defendant was under the control or influence of another

_____ defendant's participation in the crime was minor

_____ defendant claims that the killing was an accident

_____ defendant was physically abused as a child

_____ defendant was sexually abused as a child

_____ defendant's generally good character (was a good father, son, daughter, wife, student,
employee, etc.)
_____ defendant had trouble in school

_____ defendant had trouble holding a job

_____ defendant had a history of physical abuse as child

_____ defendant had a history of sexual abuse as a child

_____ defendant has a spouse and/or family

_____ defendant admitted the crime

_____ defendant has expressed remorse for the crime

_____ defendant has a history of mental illness or emotional problems

_____ defendant has a history of drug or alcohol use/abuse

_____ defendant has an organic (brain) disorder than makes him/her violent or otherwise
unable to control their conduct

_____ defendant maintains his/her innocence

_____ defendant has no major criminal history

_____ defendant has shown that he/she can behave without difficulty in an institutional/prison setting

_____ defendant aided or assisted victim

_____ defendant surrendered within 24 hours

_____ defendant was not actual killer

_____ others (specify)

_____
_____
_____
_____
_____

_____ not known

NON-STATUTORY AGGRAVATING FACTORS
ATTRIBUTED TO DEFENDANT

224. Check as many factors as appropriate:

_____ defendant lay in wait or otherwise
ambushed the victim

_____ defendant showed no remorse
for the killing

_____ defendant expressed pleasure
for the killing

_____ defendant is alleged to have committed additional crimes in the time period immediately before or immediately after the homicide

_____ defendant actively avoided arrest by running, hiding, fighting

_____ defendant was a fugitive from a prior violent crime

_____ defendant escaped from custody

_____ defendant was implicated in other killings

_____ defendant interfered with judicial process by threatening witnesses, judge or other personnel

_____ defendant has threatened to or attempted to kill victim before

_____ defendant threatened victim in front of family

_____ defendant threatened other family members

_____ defendant threatened in advance to kill the victim

_____ defendant abandoned a dying victim who might otherwise have lived

_____ defendant continued with an attack even after it was clear victim was dying or dead
_____ not known

224a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

225. How many victims were killed?

_____

_____ unknown

225a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
prosecuting attorney
_____ other

226. How many victims did the defendant directly kill, either as trigger-man or physically participating in the killing?

226a. _____ trial transcript

_____

_____ police report

_____ pre-sentence report

_____ not known

_____ Dept of Corrections file

_____ interview with defense or
  prosecuting attorney

_____ other

227. How many other people were injured at the crime scene by the defendant or co-defendants?

227a. _____ trial transcript

_____

_____ police report

_____ pre-sentence report

_____ not known

_____ Dept of Corrections file

_____ interview with defense or
  prosecuting attorney

_____ other

228. How many other people at the crime scene were put at risk of death?

228a. _____ trial transcript

_____

_____ police report

_____ pre-sentence report

_____ not known

_____ Dept of Corrections file

_____ interview with defense or
  prosecuting attorney

_____ other

DEFENDANT'S MOTIVES IN KILLING

229. What was the defendant's motive in the killing?

HATRED or REVENGE

_____ long-term hatred of victim

_____ retaliation or revenge for prior harm to defendant or someone defendant knows

_____ revenge against a police officer, correctional officer, officer of the court or other official

_____ racial animosity

_____ animosity against victim because of victim's sexual preference

229a.
_____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or prosecuting attorney
_____ other

FINANCIAL

_____ to obtain money, goods, or property of the victim (a robbery or burglary)

_____ to fulfill a contract or agreement with a third party to kill the victim in exchange for money

_____ collect insurance proceeds

_____ obtain inheritance or property transfer as a result of the victim's death

_____ financial conflict over criminal activity (drug deal or dispute over criminal territory)

RAGE OR IRRATIONAL

_____ immediate rage or frustration

_____ to experience thrill or satisfaction (a thrill kill)

_____ to demonstrate physical power or control over the victim

_____ emotional emptiness indicating a complete indifference to human life

SEXUAL

_____ desire for sexual gratification

_____ retaliation for sexual refusal

_____ retaliation for sexual rivalry (jealousy)

RELATED TO OTHER CRIMES

_____ to facilitate the commission of another crime (kidnapping, robbery, burglary, rape)

_____ panic (defendant became frightened when surprised by crime victim)

_____ victim actively resisted defendant (either by force or by pushing an alarm)

_____ shootout with victim

_____ to silence a witness in this crime

_____ to silence a witness in another crime

_____ to escape custody

OTHER MOTIVES

_____ defendant was in a drug or alcohol stupor

_____ gang affiliated killing

_____ motive not known

Other _____

_____

ROLE OF COPERPETRATOR

230. Number of co-perpetrators.

     _____ none

     _____ (number)

     _____ not known

230a. _____ trial transcript
     _____ police report
     _____ pre-sentence report
     _____ Dept of Corrections file
     _____ interview with defense or
           prosecuting attorney
     _____ other

231. If yes, first co-perpetrator's name.

_____

232. If yes, second co-perpetrator's name

_____

233. If yes, third co-perpetrator's name.

_____

234. If yes, fourth co-perpetrator's name

_____

235. Defendant and co-perpetrator's legal status:

     _____ defendant and co-perpetrator were
          charged together and tried together

     _____ defendant and co-perpetrator were charged
          together but co-perpetrator entered a plea or
          was tried separately

     _____ co-perpetrator was not charged

     _____ co-perpetrator was charged but with less than first degree murder

     _____ other

     _____ not known   _____ not applicable, no co-perpetrator

235a. _____ trial transcript
     _____ police report
     _____ pre-sentence report
     _____ Dept of Corrections file
     _____ interview with defense or
           prosecuting attorney
     _____ other

236. Did one or more co-perpetrators testify against the defendant in exchange for a plea?

236a. _____ trial transcript

_____ no

_____ police report

_____ pre-sentence report

_____ yes

_____ Dept of Corrections file

_____ interview with defense or

_____ not known _____ not applicable

prosecuting attorney

_____ other

237. The co-perpetrator was charged with **(Coders, check all that apply)**

237a. _____ trial transcript

_____ first degree murder

_____ police report

_____ pre-sentence report

_____ second degree murder

_____ Dept of Corrections file

_____ interview with defense or

_____ manslaughter

prosecuting attorney

_____ other

_____ kidnapping

_____ robbery

_____ rape

_____ sexual offense

_____ arson

_____ burglary

_____ assault

_____ other _____

_____ not known _____ not applicable, no co-perpetrator

238. Compared to this defendant, the co-perpetrator was:

_____ much less blameworthy

238a. _____ trial transcript

_____ police report

_____ somewhat less blameworthy

_____ pre-sentence report

_____ Dept of Corrections file

_____ just as blameworthy

_____ interview with defense or

prosecuting attorney

_____ somewhat more blameworthy

_____ other

_____ much more blameworthy

_____ no co-perpetrator

_____ not known

DEFENDANT'S DEFENSE AND TESTIMONY

239. What defense did the defendant have at the *guilt phase or the plea*. Enter as many as applicable.

                                                                  239a.   _____ trial transcript

_____ accident   _____ police report

                                                                  _____ pre-sentence report

_____ mistaken identity   _____ Dept of Corrections file

                                                                  _____ interview with defense or

_____ self-defense or defense of home or property   prosecuting attorney

                                                                   _____ other

_____ insanity

_____ argued that witnesses were not credible

_____ offense did not constitute 1st degree murder

_____ guilt admitted without defense

_____ other _____

        _____

        _____

_____ not known

240. Did a "jail house snitch" or other informant testify against the defendant that they had heard him/her confess to or talk about the crime?

                                                     240a.   _____ trial transcript

_____ no   _____ police report

                                                            _____ pre-sentence report

_____ yes   _____ Dept of Corrections file

                                                      _____ interview with defense or

_____ not known   prosecuting attorney

                                                          _____ other

241. Was there physical evidence of the offender at the scene of the crime, whether or not it was directly linked to the defendant (offender's blood, semen, etc.)?

                                                   241a.   _____ trial transcript

_____ no   _____ police report

                                                            _____ pre-sentence report

_____ yes   _____ Dept of Corrections file

                                                      _____ interview with defense or

_____ not known   prosecuting attorney

                                                          _____ other

242. Were there any fingerprints left by the defendant at the scene of the crime that identified him/her?
_____ no
_____ yes
_____ not known

243. Were there any footprints or tire tracks left by the defendant at the scene of the crime that identified him/her?
_____ no
_____ yes
_____ not known

244. Were there any personal belongings of the defendant found at the scene of the crime that identified him/her?
_____ no
_____ yes
_____ not known

245. Were there any personal belongings of the victim that were found on the defendant that identified him/her?
_____ no
_____ yes
_____ not known

246. Was there physical evidence linking the weapon to the defendant?
_____ no
_____ yes
_____ not known

247. Was there trace evidence (blood, semen, gunpowder) found on victim that identified the defendant?
_____ no
_____ yes
_____ not known

248. Was there trace evidence (blood, semen, gunpowder) found on defendant that identified him/her as the offender?
_____ no
_____ yes
_____ not known

249. Check if any of the following expert witnesses presented testimony at the **guilt phase of the trial. Coders: check all that apply.**

_____ no guilt trial

_____ no expert witnesses presented

_____ defense psychiatrist

_____ defense psychologist

_____ defense social worker or mitigating specialist

_____ defense neurologist or other physician

_____ defense expert, but status unknown

_____ court ordered psychiatrist

_____ court ordered psychologist

_____ court ordered social worker or mitigating specialist

_____ court ordered neurologist or other physician

_____ court ordered expert, but status unknown

_____ prosecution psychiatrist

_____ prosecution psychologist

_____ prosecution social worker or mitigating specialist

_____ prosecution neurologist or other physician

_____ prosecution expert, but status unknown

_____ not known

249a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
     prosecuting attorney
_____ other

250. Check if any of the following expert witnesses presented testimony at the **penalty phase of the trial. Coders: check all that apply.**

_____ no guilt trial

_____ no expert witnesses presented

_____ defense psychiatrist

_____ defense psychologist

_____ defense social worker or mitigating specialist

_____ defense neurologist or other physician

_____ defense expert, but status unknown

_____ court ordered psychiatrist

_____ court ordered psychologist

_____ court ordered social worker or mitigating specialist

_____ court ordered neurologist or other physician

_____ court ordered expert, but status unknown

_____ prosecution psychiatrist

_____ prosecution psychologist

_____ prosecution social worker or mitigating specialist

_____ prosecution neurologist or other physician

_____ prosecution expert, but status unknown

_____ not known

250a. _____ trial transcript
_____ police report
_____ pre-sentence report
_____ Dept of Corrections file
_____ interview with defense or
        prosecuting attorney
_____ other

251. If no expert witness testimony was presented by the defense at either the guilt or penalty phase, was this because:

    251a. _____ trial transcript

_____ the defendant's attorney retained   _____ police report
    experts or funds to retain experts   _____ pre-sentence report
    but no expert testified   _____ Dept of Corrections file
       _____ interview with defense or
_____ the defendant's attorney sought funds   prosecuting attorney
    from the court for one or more experts   _____ other
    but the request was denied

_____ there is no indication that the defendant's
    attorney retained or sought to retain an expert

_____ not known

252. Did a defense investigator testify at the guilt or penalty phase?

_____ no   252a. _____ trial transcript
       _____ police report
_____ yes   _____ pre-sentence report
       _____ Dept of Corrections file
_____ not known   _____ interview with defense or
         prosecuting attorney
_____ no guilt or penalty trial   _____ other

_____ not known

253. If no investigator testimony was presented by the defense at either the guilt or penalty phase, was this because:

    253a. _____ trial transcript

_____ the defendant's attorney retained   _____ police report
    experts or funds to retain an investigator   _____ pre-sentence report
    but no investigator testified   _____ Dept of Corrections file
       _____ interview with defense or
_____ the defendant's attorney sought funds   prosecuting attorney
    from the court for one or more investigators   _____ other
    but the request was denied

_____ there is no indication that the defendant's attorney retained or sought to retain an investigator

_____ not known

_____ no guilt or penalty trial

STRENGTH OF EVIDENCE

254. Check which of the following is true about the defendant's case: **Coders, check all that are appropriate.**

254a. _____ trial transcript
_____ the defendant made a full confession   _____ police report
to first degree murder to the police   ____ pre-sentence report
_____ Dept of Corrections file
_____ the defendant made a full confession   _____ interview with defense or
to 2nd degree murder or manslaughter   prosecuting attorney
_____ other
_____ the defendant made a full confession
to the aggravating circumstance

_____ the defendant made a partial or qualified confession to first degree murder

_____ the defendant made a partial or qualified confession to 2nd degree murder or manslaughter

_____ the defendant made a partial or qualified confession to the aggravating circumstance

_____ there was one eyewitness to the event who testified

_____ there was more than one eyewitness who testified

_____ the eyewitness or eyewitnesses placed the defendant at the scene of the crime and testified that they witnessed the defendant doing the killing

_____ the eyewitness or eyewitnesses had credibility problems

_____ there was physical evidence linking the defendant to the crime (forensic evidence – blood, semen, hairs…)

_____ a co-defendant testified against the defendant

_____ an "informant" or "jail house snitch" testified against the defendant

_____ the defense claimed that the case was built only on circumstantial evidence

_____ the defense claimed that the evidence was insufficient to reach the state's burden of proof
_____ not known

255. Check if any of the following are true about possible witnesses:
_____ no eyewitnesses
_____ the witness observed the face of the defendant
_____ the witness observed the voice, walk, or general appearance of the defendant
_____ the witness observed the clothing of the defendant
_____ not known

256. Check if any of the following are true about possible witnesses:
   _____ no eyewitnesses
   _____ the witness knew the defendant well
   _____ the witness knew the defendant vaguely or only second-hand
   _____ the witness did not know the defendant at all
   _____ not known

257. Check if any of the following are true about the eyewitness:
   _____ no eyewitnesses
   _____ the eyewitness identified the defendant to the police at the crime scene or immediately after
   _____ the eyewitness identified the defendant to the police at a person line up
   _____ the eyewitness identified the defendant to the police at a photo line up
   _____the eyewitness identified the defendant to the police at a show up (one-on-one identification)
   _____ the eyewitness identified the defendant to the police from a single photo
   _____ not known

258. Was the primary eyewitnesses testimony corroborated?
   _____ no eyewitness testimony
   _____ no
   _____ yes
   _____not known

259. What was the length of time between the crime and eyewitness report?
   _____ no eyewitness
   _____ within 24 hours
   _____ more than 24 hours
   _____ not known

260. Data Collector:

_____ Leana Allen	_____ Dawn Marie Campos
_____ Sarah Bacon	_____ Andrew Ditchfield
_____ Karen Beckman	_____ Deanna Perez
_____ David Bierie	_____ Mike Strauch

261. Address of Defendant

_____
_____

262. Address of Victim

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_____

263. Address of the Homicide: _____
_____

NARRATIVE OF HOMICIDE

Coders: Write a detailed description of the offense, the evidence, and
the facts surrounding the case.

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