

Cost of the Death Penalty in Wyandotte County, Kansas

Brittany Street

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I. Qualifications.

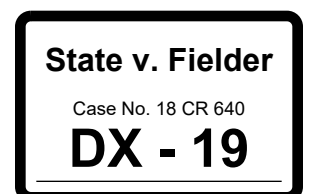
I am an Assistant Professor of Economics at the University of Missouri and Associate Director of the Economic and Policy Analysis Research Center (EPARC). In this role, I have conducted the analysis for the Vehicle Stops Report for the Attorney General’s Office in Missouri for the past four years. My research fields include applied microeconomics, labor economics, crime, and the criminal justice system.

I have published multiple peer reviewed articles in top economics journals, including The Quarterly Journal of Economics, Journal of Law and Economics, and Journal of Policy Analysis and Management.

I have also taught Intermediate Microeconomics at the undergraduate level and Advanced Empirical Methods II: Topics in Policy Analysis at the Ph.D. level.

I received my Ph.D. in Economics from Texas A&M University in 2019 and completed a postdoctoral research year as part of the Criminal Justice Administrative Records System (CJARS) at the University of Michigan.

My curriculum vitae is attached as Appendix A.



II. Introduction

This report aims to synthesize the historic costs of the death penalty detailed in literature evaluating Kansas and other jurisdictions, as well as to provide new analysis on the costs of the death penalty for recent years in Wyandotte County, Kansas specifically.

The key takeaway from the literature, based on every state examined thus far, is that the death penalty is more costly than alternative forms of criminal punishment, across multiple stages of a case.¹ This finding has also been historically true in the State of Kansas, as shown in the 2003 report by the Legislative Division of Post Audit covering cases from 1994 to 2003 (attached as Appendix B), the 2014 Judicial Council report covering cases filed from 1994 to 2011 (attached as Appendix C), and the Baumgartner and Cook 2023 report updating the years between 2014 and 2018 (attached as Appendix D). My additional findings from the report below are consistent with the findings detailed in the overall literature and previous reports for the State of Kansas, and likewise demonstrate consistent trends in Wyandotte County. Namely, in Wyandotte County, initial trial costs alone are approximately \$226,000 more per case when the death penalty is sought than when it is not sought. Those additional costs include \$146,531 in additional defense costs per case, an estimated \$74,040 in additional prosecution costs per case, and \$5,167 in additional district court costs per case. As summarized below and as discussed throughout the

¹ For example, see California Commission on the Fair Administration of Justice 2008 (California), Minsker 2009 (California), Alarcon and Mitchell 2011 (California), Marceau and Whitson 2013 (Colorado), Gould and Greenman 2010 (Federal), Palm Beach Post Capital Bureau 2000 (Florida), Office of Performance Evaluations 2014 (Idaho), Indiana Legislative Services Agency 2015 (Indiana), Legislative Division of Post Audit 2003 (Kansas), Judicial Council 2014 (Kansas), Baumgartner and Cook 2023, Cohen et al 2019 (Louisiana), Roman et al. 2008 (Maryland), Dieter 2009 (National Survey), Goss, Strain and Blalock 2016 (Nebraska), Niethé 2012 (Nevada), Forsberg 2005 (New Jersey), Cook and Slawson 1993 (North Carolina) Cook 2009 (North Carolina), Collins et al. 2017 (Oklahoma) Dieter 2010 (Pennsylvania), Morgan 2004 (Tennessee), Washington State Bar Association 2006 (Washington), Collings et al. 2015 (Washington).

report, these costs are only a subset of costs incurred when the death penalty is sought, and present a lower bound for several reasons.²

Throughout this report, I will give a summary of the current death penalty laws in Kansas, the statistics on usage of the death penalty in Kansas and Wyandotte County specifically, and a breakdown of costs associated with the death penalty, along with the definitions, data, and methodology used to perform that analysis. I will also summarize the three reports on the costs of the death penalty for the State of Kansas that preceded this report, referenced above, and refer to them throughout this report in an effort to make the relevant information self-contained in this report, and to succinctly draw comparisons between my analysis and the prior reports.

While this report will summarize costs of the death penalty with a specific emphasis on cases generated in Wyandotte County, the overall costs of the death penalty are even more dramatic when considering that (i) local and state governments carry their own costs in maintaining this method of punishment, and (ii) there has been similarly extensive costs borne by cases in other counties across Kansas in which the death penalty is sought and imposed, as will be described throughout the report. For instance, historically, local governments have borne the majority of investigation costs (85%) and prosecution costs (75%), while the state government has been responsible for all capital defense and 97% of appeal related costs.³ Although the report will focus on costs based on the caseload in Wyandotte County, residents in Wyandotte County are impacted by the burgeoning costs of the death penalty statewide. For instance, the costs the State has

² Dollar figures are in 2014 dollars for consistency with past cost reports and in reporting dollars over the 30-year period. These costs are much higher (32%) in 2024 dollars when considering inflation and applying the annual Consumer Price Index (CPI) adjustments published by the Minneapolis Federal Reserve Bank. Costs are limited to defense, prosecution, and district court costs for the *initial* trial only. Costs incurred before the trial (e.g., investigation costs) and post-conviction (e.g., appeals) are not included.

³ See Table I-2 on page 12 of the 2003 Legislative Post Audit Report (attached as Appendix B).

incurred for capital cases seeking the death penalty in other counties are in part paid by residents of Wyandotte County through state-imposed taxes.

III. Background and summary of the literature

The death penalty was reinstated in Kansas in 1994 for intentional and premeditated killing in 7 possible circumstances by an adult with one or more aggravating circumstances.⁴ Prosecutors have discretion in charging capital cases and in seeking the death penalty, but must file a death notice indicating their intention to seek the death penalty within 7 days after arraignment.⁵ Capital cases resulting in a guilty conviction where the prosecutor is seeking the death penalty undergo a separate sentencing phase by which the jury must unanimously agree that one or more aggravating circumstances are present and not outweighed by mitigating circumstances beyond a reasonable doubt to administer a death sentence; otherwise, the defendant is sentenced to life without parole.⁶ The court can modify the sentence to life without parole if it determines that a death sentence is not supported by the evidence at the sentencing phase.⁷ A death sentence is automatically subject to a review by, and appeal to, the Kansas Supreme Court, and entitled to an appeal to the U.S. Supreme Court, per federal and state law.⁸

Since 1994, there have been over 3,700 homicides in Kansas, with 129 cases capitally charged, 75 cases in which a death notice was filed, and 15 cases in which defendants were sentenced to death as of February 25, 2022.⁹ Among the 15 people sentenced to death in the State of Kansas, 4 people have had

⁴ Kan. Stat. Ann. § 21-6617.

⁵ Kan. Stat. Ann. § 21-6617.

⁶ Kan. Stat. Ann. § 21-6617.

⁷ Kan. Stat. Ann. § 21-6617.

⁸ Kan. Stat. Ann. §21-6619.

⁹ See Appendix E. The Baumgartner Report, *Homicides, Capital Prosecutions, and Death Sentences in Kansas 1994 to 2021*, use homicides recorded by the CDC from 1994-2004 and the FBI from 2005-2019 in Table 2 of that report. Table 3 of that report shows data on capital prosecutions since the death penalty was reinstated through February 25, 2022.

their sentences changed to life without parole, two people have died from natural causes while in prison, and zero people have been executed to date.

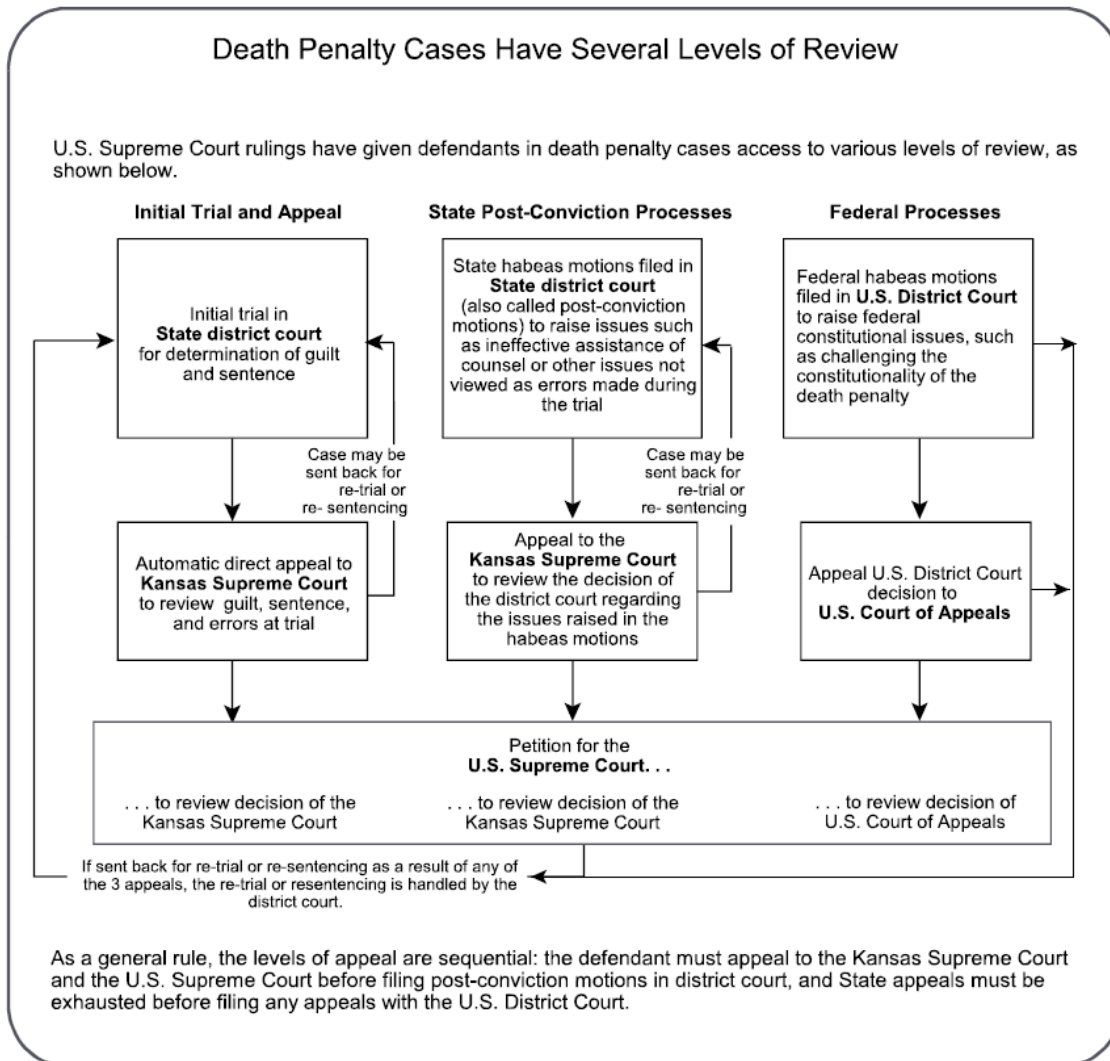
While Sedgwick County has had the highest number of homicides from 1994 to 2019, Wyandotte County has had the highest number of capital charges filed as of February 25, 2022. Specifically, Sedgwick County has had 664 homicides and 25 capital charges filed, while Wyandotte County has had 364 homicides and 27 capital charges filed.¹⁰ The historic literature indicates that both counties have each issued 18 death notices since 1994, with Sedgwick accounting for 6 death sentences since 1994 and Wyandotte accounting for 0 death sentences since 1994.¹¹

Despite the rare use of the death penalty in Kansas (< 1% of homicide cases), there have been significant additional costs statewide since its reinstatement in 1994; this is true in Wyandotte County as well, despite not imposing a death sentence to date. Additional costs occur at every stage of a case when a death sentence is sought or imposed, in part because of the multiple procedural safeguards available to criminal defendants to account for the United States Supreme Court’s 1976 ruling that “death is different.”¹² The Baumgartner and Cook 2023 report (attached as Appendix D, pages 18-22) summarizes some of the key ways capital case proceedings generate additional costs arising from representation, motion practice, jury selection, trial, sentencing, direct appeals to the Kansas Supreme Court, post-conviction proceedings, and retrial and sentencing. The below flow chart also describes the layered level of review for death penalty cases:

¹⁰ See Appendix Table A-1 in the Baumgartner 2023 report (attached as Appendix E).

¹¹ See Appendix Table A-1 in the Baumgartner 2023 report (attached as Appendix E). As detailed below, *see infra* Section IV, more recent analysis indicates that there have been 19 cases capital charged and death noticed in Wyandotte County, Kansas since 1994.

¹² See *Gregg v. Georgia*, 428 U.S. 153, 187 (1976) (“When a defendant’s life is at stake, the Court has been particularly sensitive to insure that every safeguard is observed.”); *Woodson v. North Carolina*, 428 U.S. 280, 305 (1976) (“[T]he penalty of death is qualitatively different from a sentence of imprisonment, however long. . . . Because of that qualitative difference, there is a corresponding difference in the need for reliability in the determination that death is the appropriate punishment in a specific case.”).



Source: Page 6 of the 2003 Legislative Post Audit Report (attached as Appendix B).

Nationwide literature

The Baumgartner and Cook 2023 report (attached as Appendix D), which is summarized further below, surveys nationwide literature on the costs of the death penalty. In particular, it highlights the costs of the death penalty based on 25 different studies of the death penalty, across 18 states and spanning the years of 1973 to 2016. Across all states and studies, the death penalty is calculated to cost more in all three of

the scenarios considered: death penalty versus non-death penalty trials, death penalty versus life without parole sentences, and the comprehensive scenario where death penalty is the maximum sentences compared to life without parole. This is true for the overall costs (Baumgartner and Cook 2023 report, Table 1), the various costs during the trial phase (Baumgartner and Cook 2023 report, Table 2), and the post-conviction phase (Baumgartner and Cook 2023 report, Table 3). The largest cost difference is between the scenario where the maximum sentence is the death penalty versus life without parole due to the additional costs at both the trial stage and post-sentencing. That is, costs accrue by having the death penalty option even if the death penalty is never imposed as a sentence or leads to an execution.

2003 Legislative Post Audit Report

The Legislative Post Audit report, “Costs Incurred for Death Penalty Cases: A K-Goal Audit of the Department of Corrections” (attached as Appendix B), covered a total of 22 cases that went to trial in the State of Kansas from 1994 to 2003. Of the 22 cases considered, there were 7 death penalty cases in which a death sentence was given, 7 death penalty cases in which a lesser sentence was given, and 8 first-degree murder cases in which the death penalty was not sought.

This report received case-level cost information across the lifecycle of a capital case: investigation, trial, appeals, and incarceration/execution. The report covered both realized and projected costs, but because the realized cost data since 2003 was limited beyond the initial investigation and trial costs, it is difficult to offer complete updates for these specific cases. Nonetheless, the estimates serve as a credible estimate to be used in assessing current cases and are summarized below.

Median investigation costs for the death penalty sentence cases were estimated to be 2.2 times larger than the median investigation costs for the cases where the death penalty was sought and not imposed, and 3 times larger than the first-degree murder cases where the death penalty was not sought. Median trial

costs for the death penalty sentence cases were 2.7 times more costly than cases where death penalty was sought and not imposed, and 15.9 times more costly than cases where it was not sought. Median trial costs can be separated by defense, prosecution, and district court costs.

The typical case where the death penalty was imposed was estimated to have \$401,000 in appeal-related costs, which was over 20 times the costs of cases where the death penalty was not imposed, regardless of whether it was initially sought or not.¹³ This difference is likely due to the right for anyone receiving a death sentence to directly appeal to the Kansas Supreme Court to review both the trial and sentence.

The *projected* costs of carrying out the sentence were estimated to be less when the death penalty is imposed. However, these estimates relied on the assumption that pre-execution incarceration would last 11 years, which has proven to be inaccurate, and projected the cost of execution itself. For example, the 2003 report projected that Gary Kleypas, who was initially sentenced to death in 1998, would be re-sentenced to death in 2004 and executed in 2015. However, Mr. Kleypas was resentenced to death in 2008 and has yet to be executed as of August 2024. Moreover, three of the seven individuals sentenced to death as of the 2003 report were resentenced to life in prison. Thus, the projected cost savings from incarceration are likely not borne out in reality due to the lengthy prison term and additional costs of administrative segregation while incarcerated prior to execution or resentencing. The report projected the costs for carrying out an execution, including transportation costs, additional perimeter security, and personnel costs. Unfortunately, the specifics are not included in the report appendices. As a separate reference, the estimated cost for training and execution of four recently executed people in Missouri averaged over \$25,000 per person based on invoices paid by the Missouri Department of Corrections for a subset of costs

¹³ The typical cost for cases where the death penalty was sought and not imposed are estimated to be \$18,000 and the costs when the death penalty was not sought are estimated to be \$19,000.

(attached as Appendix F).¹⁴ In Tennessee, the cost for the lethal drugs alone was \$182,436 from October 2017 through December 2020, with only two executions by lethal injection during this time period (attached as Appendix G).¹⁵

2014 Judicial Council Report

The Judicial Council Report (attached as Appendix C) was commissioned by the Death Penalty Advisory Committee to update prior reports in 2004 and 2009 at the request of Representative Steven Becker. The 2014 report covers and updates the cases in the prior two Judicial Council reports. In total, this report includes the 21 cases used in the 2003 report and 34 capital eligible murder cases filed between 2004 and 2011, of which 16 went to trial and 18 entered a guilty plea.¹⁶

For the cases from 2004 to 2011, the average Kansas State Board of Indigent's Defense Services (BIDS) defense costs for trial cases in which the death penalty was sought were 4 times more than such costs in the trial cases in which the death penalty was not sought (\$395,762/case vs. \$98,963/case).¹⁷ Similarly, on average, defense costs for plea deal cases in which the death penalty was sought were 2 times more than such costs in plea deal cases in which the death penalty was not sought (\$130,595/case vs. \$64,711/case). The average district court costs were twice as much in plea deal cases in which the death penalty was sought, as compared to plea deal cases in which the death penalty was not sought (\$16,263/case vs. \$7,384/case), and were three times as much for trial cases in which the death penalty

¹⁴ The individuals executed in Missouri are Walter Barton (5/19/2020), Russell Bucklew (10/1/2019), Marcellus Williams (9/24/2024) and Mark Christian (1/30/2017). It is unclear what costs were paid in these invoices, but they relate only to confidential execution team member receipts. The costs represent a subset of overall costs paid per execution in Missouri.

¹⁵ Over this time period, a total of 7 people were executed, including Billy Ray Irick (8/9/2018), Edmund Zagorski (11/1/2018), David Miller (12/6/2018), Donnie Johnson (5/16/2019), Stephen West (8/15/2019), Lee Hall (12/5/2019), Nicholas Sutton (2/20/2020). Only Billy Ray Irick and Donnie Johnson died by lethal injection. Following Billy Ray Irick's execution, the lethal injection process in Tennessee was challenged in Tennessee's Supreme Court.

¹⁶ The 2014 report considered 21 or the original 22 cases in the 2003 report. The case that is not included has a minor defendant, Sakone Donesay, at the time of the trial and was not seeking the death penalty.

¹⁷ For information on the individual cases contributing to these averages, see Appendix A: Bids Defense Costs in Cases Filed from FY 2004 to FY 2011 from the 2014 Judicial Council report.

was sought compared to trial cases in which the death penalty was not sought (\$72,530/case vs. \$21,554/case).¹⁸

The report also documented additional costs since January 1, 2004 for the 21 cases included in the 2003 report. The cases that had sought the death penalty incurred, on average, an additional \$137,658 in BIDS defense costs and an additional \$2,885 in district court costs.¹⁹

Beyond these monetary differences, another way to empirically document differences in costs is to consider the number of days expended in the district court. Across all 55 cases reviewed, there were 37 trial cases and 18 plea cases. The district court spent an average of 40.13 court days on trial cases where the death penalty was sought compared to an average of 16.79 court days where it was not. For plea cases, the average was 13.5 court days when the death penalty was sought and 8.83 court days when it was not.

The report did not have information on direct costs incurred by the Kansas Supreme Court. However, justices did provide estimated time costs for a death penalty appeal relative to a non-death penalty case. Specifically, justices estimated that they each spent 5 times more hours on death penalty appeals, and 20 times more hours if they authored an opinion. There are likely additional costs not accounted for in terms of the court's research staff as well.

2023 Baumgartner and Cook report

The Baumgartner and Cook report (attached as Appendix D) was conducted at the request of the defense team for Kyle Young,²⁰ and followed the same methodology as the Judicial Council report. Their report did not have access to case-level costs. Instead, they obtained information on annual costs and were

¹⁸ For information on the individual cases contributing to these averages, see Appendix B: District Court Costs in Cases Filed from FY 2004 to FY 2011 from the 2014 Judicial Council Report.

¹⁹ For information on the individual cases contributing to these averages, see Appendix C: Additional Bids Defense Costs since January 1, 2004 in Pre-2003 Cases Previously Reviewed by Post Audit from the 2014 Judicial Council report.

²⁰ See *State of Kansas v. Kyle D. Young*, Case No. 2020-CR-879 (18th Jud. Dist. Ct., Sedgwick Cnty., KS).

able to attribute costs based on budget categories and relative cost estimates from the 2003 and 2014 reports. They study the period between 2014 and 2018, in which there were 2 newly filed and several ongoing cases.

The Baumgartner and Cook report estimates roughly \$2.1 million *per year* in extra costs to state and local agencies. These costs are largely due to the additional defense costs of capital cases and subsequent representation of the defendants amounting to \$8,980,100 in additional costs. The authors did not have access to information directly on prosecution costs, but estimated them to be roughly 1/5 of the defense costs based on the 2003 Legislative Post Audit report. Beyond that estimate, they also estimated an additional \$1,162,500 in additional prosecution costs. Finally, there was an estimated \$425,000 in district court costs based on the relative differences from the 2014 Judicial Council report.

In total, the report estimates an additional \$10,567,600 in costs for death penalty cases over the four-year period (~\$2.1 million/year). The overall estimate does not include additional costs from the investigation phase, holding death-sentenced inmates in administrative segregation, or the Kansas Supreme Court processing death penalty appeals.

IV. New analysis

Throughout the report, “costs” refer to state and local costs, not personal, private, or federal costs. For example, some defendants may hire a private defense attorney, which would not contribute to the costs considered in this report, but which add an additional layer of expense for the death penalty overall. Additionally, some of the cases have been appealed to or heard by the U.S. Supreme Court, which incur costs at the federal level and are not included in this report. When considering costs, only costs that have accrued will be considered, which is consistent with the 2014 Judicial Council report and the 2023 Baumgartner and Cook report, and in contrast to the 2003 report, which incorporated realized *and*

projected costs. For example, only costs from appeals that have occurred are counted, and not the possibility or expected costs from future appeals. It also does not account the costs of incarceration and expected number of years or the costs of execution. This methodology is more informative, accurate, and straightforward, as it avoids certain shortcomings that arise with projecting costs in complex cases. For instance, the 2003 report included projection for a single case, Gary Kleypas, that has proven to be an underestimate in the 20 years since then. Specifically, it was projected that Mr. Kleypas would be re-sentenced to death in 2004 and executed in 2015; however, as of 2024, Kleypas has not been executed. Additionally, three out of the seven death-sentenced individuals, as of 2003, have had their sentences changed to a life sentence following an appeal in the last 20 years.²¹ All cases receiving a death sentence, have filed between one and five appeals with the state supreme court to date, again making it difficult to project future costs.²² Thus, this report will only account for realized costs.

As described in Appendix J, in support of this report, cost data was requested from the Kansas State Board of Indigents' Defense Services (BIDS), the Kansas Attorney General's Office, the Wyandotte County District Attorney's office, Office of Judicial Administration, Kansas Bureau of Investigation, Kansas City, Kansas Police Department, Wyandotte County Sheriff's Office, Edwardsville Police Department, Bonner Springs Police Department, Lake Quivira Police Department police departments, and the Unified Government of Wyandotte County and Kansas City, Kansas. Cost information was requested at the finest level of detail available, (e.g., at the case level) for the years from 2014 to present. The intent was to obtain detailed case-level information to update the 2014 report, which is the most recent report with case-level cost data. Subject to the data available at these entities, the nature of these information requests was revised and adapted in order to develop the most comprehensive publicly available

²¹ Michael March (sentenced in 1998), Gavin Scott (sentenced in 1998) and Stanley Elms (sentenced 2000) were initially sentenced to death and exited death row in 2009, 2010, and 2004, respectively.

²² Frazier Glenn Cross was sentenced on 11/10/2015 and died while in prison on 5/15/2021.

information on the costs associated with capital and capital eligible cases in Wyandotte County from 2014 to the present.

Data on caseload and outcomes in Wyandotte County since 1994, along with costs paid for materials, witnesses, and experts in Wyandotte murder and homicide cases since 2014, was provided by BIDS. BIDS also provided detailed annual budgets and narratives, including the overall state capital defense budget. The District Attorney's Office and Kansas City, KS Police Department provided overall payroll information from 2014-2023 for prosecuting attorneys and detectives. The other agencies were not able to provide meaningful cost information.

These data come with two main limitations. First, much of the reported data is aggregated at the state level, making specific county-level analysis infeasible. For example, BIDS annual budgets are allocated to provide defense for capital cases across all counties within the State of Kansas. Second, the data is often aggregated across all cases handled by an agency, masking any differences between costs for capital versus non-capital cases. For example, the total payroll for the Wyandotte County District Attorney's Office and Kansas City, Kansas police department was provided from 2014-2023. However, as noted in the provided documents, "...the information is not indicative of the amount of time spent on any particular case, case type or homicide cases in general or even hours worked during this time period." Nonetheless, the information and cost differences documented in past reports can be applied to the caseload and case outcomes in Wyandotte County to calculate estimated additional costs accrued from capital cases seeking the death penalty.

Since the death penalty was reinstated in 1994, there has been a total of 19 cases that have been capitally charged and death noticed in Wyandotte County, Kansas, with an additional 34 cases that could

have been capitally charged and death noticed.²³ In the last 10 years, there has been a total of two capitally charged and death noticed cases and 20 capital eligible cases where the death penalty was not sought. There has not been a capital case where the death penalty was sought and sentenced in Wyandotte County to date. The cases that sought the death penalty all ended in a non-death penalty sentence. Despite the decision to not seek the death penalty in all capital eligible cases and the disposition not ending in a death sentence, Wyandotte County still accrued additional costs due to the death penalty. Specifically, Wyandotte County experienced significant additional costs from seeking the death penalty during the trial phase.

For the analysis, I will rely heavily on the 2003 Legislative Post Audit and 2014 Judicial Council report since these reports contain case-specific cost information. These reports often separately report cases that sought the death penalty and received a death sentence and those that sought the death penalty and did not receive a death sentence. Cases that ultimately impose a death sentence on average cost more during the trial phase than those that sought the death penalty and did not receive a death sentence, signaling that the cases that ultimately lead to a death sentence must have been more complex to generate the additional costs. However, it is unclear that these cases should be treated separately because the defense or prosecution may or may not alter their behavior during the trial phase. It is only after conviction that the jury must unanimously decide whether or not the aggravating, net of the mitigating, factors meet the requirement to impose a death sentence. I will present both calculations throughout the report separately in an effort to provide a lower bound for the additional costs. It is logical to separate the cases for post-conviction costs because the appeal process is fundamentally different depending on whether a death sentence was imposed or not.

²³ For case specific information, see Appendix K, provided by MCNL. The cases provided by BIDS are coded as either seeking the death penalty or not based on whether a death notice is filed.

Finally, I will report the nominal dollars found in the original reports for consistency and ease of reference. However, I will also adjust the dollar amounts to 2014 dollars using the Consumer Price Index (CPI) for consistency with previous reports and make accurate conclusions in light of rising inflation over the 30-year period since the death penalty was initially reinstated.²⁴ Most costs information is collected over two time periods: 1994-2003 and 2004-2014. I consider cost estimates from the 2003 report to be in 2003 dollars and the cost estimates from 2014 to be in 2014 dollars, which will underestimate cost differences in dollar terms.

The following sections provide analysis that is consistent with the analyses from the 2003 Legislative Post Audit report and the 2014 Judicial Council report for the State of Kansas and Wyandotte County separately. Specifically, I aggregate the case-level information contained in each of the reports to present the additional costs incurred from cases statewide and those from Wyandotte County. I also include updated information on cases filed since the 2014 report. The intent of these exercises is two-fold: 1) show statewide patterns extend to Wyandotte County, and 2) show past patterns extend to more recent cases in Wyandotte County. I conclude with an estimate of the additional cost per case in Wyandotte County and an estimate under an alternative scenario where a death sentence was actually imposed.

Additional investigation costs and trial costs

The 2003 Legislative Post Audit contains case-level information on estimated investigation and trial costs for cases seeking the death penalty with a death sentence imposed, cases seeking the death penalty with a lesser sentence imposed, and murder cases that did not seek the death penalty.²⁵ Reported costs included investigation, defense, prosecution, and district court costs. The cases are aggregated to

²⁴ For example, \$1 in 1994 is equivalent to \$2.12 in 2024 in terms of purchasing power based on the Consumer Price Index.

²⁵ See Appendix D in the 2003 Legislative Post Audit Report (page 38).

Table 1 to show the total cost and average cost per case for cases overall in Kansas and in Wyandotte County.

Table 1: Investigation and Initial Trial Costs for Cases (Statewide and Wyandotte, 1994-2003)

Case Type	Total cost for Kansas	Average Cost for Kansas	Total cost for Wyandotte Co	Average cost for Wyandotte Co
Cases seeking the death penalty with a death sentence imposed	\$5,204,761 (N=7)	\$743,537 (N=7)	(N=0)	(N=0)
Cases seeking the death penalty with a lesser sentence imposed	\$2,034,350 (N=7)	\$290,621 (N=7)	\$530,547 (N=3)	\$176,849 (N=3)
Cases not seeking the death penalty	\$878,188 (N=8)	\$109,774 (N=8)	\$95,658 (N=2)	\$47,829 (N=2)

Notes: Calculations are based on individual cases reported in Appendix D of the 2003 Legislative Post Audit Report (page 38).

Overall, cases in Kansas in which the death penalty is sought but not imposed cost 2.6 times more (~\$180,848 per case) than cases that do not seek the death penalty on average. By comparison, cases in Wyandotte County in which the death penalty is sought are 3.7 times more expensive, with an average additional cost of \$129,000 per case (\$165,947 per case in 2014 dollars). The average difference across cases is remarkably similar for cases handled in Wyandotte County relative to all cases handled in Kansas, despite level differences in the costs. In other words, even though costs of seeking the death penalty are comparatively lower in Wyandotte County per case than the rest of the state, the additional costs generated from seeking the death penalty are quite similar. The raw additional cost is high in Kansas overall, but the relative additional cost is actually higher in Wyandotte County. Stated differently, the relative cost of litigating the death penalty rather than not litigating the death penalty is more significant in Wyandotte County than it is statewide.

The length of cases is another factor that empirically documents the costs of the death penalty. While days do not have an inherent cost structure, they are indicative of additional costs borne by the investigation, defense, prosecution, and district courts. In Table 2, I aggregate the case-level information on days from case filing through sentencing from the 2014 Judicial report, which covers cases from 1994 through 2011. Cases in Kansas in which the death sentence was sought but a lesser sentence was imposed were twice as long (~12 days longer) than those cases in which the death penalty was not sought. Similarly, in Wyandotte County, the difference in case length was nearly double (1.9 times or 9 days longer), demonstrating once again the comparatively concentrated costs of seeking the death penalty in Wyandotte County specifically. Notably, this is likely an underestimate since some of the cases that initially sought the death penalty withdrew prior to trial (4 out of the 21 cases in Kansas and 2 out of the 6 cases in Wyandotte County).

**Table 2: Days in Court from Case Filing to Sentencing
(Statewide and Wyandotte County, 1994-2011)**

Case Type	Total days for Kansas	Average days for Kansas	Total days for Wyandotte Co.	Average days for Wyandotte Co.
Cases seeking the death penalty with a death sentence imposed	580 (N=12)	48.33 (N=12)	(N=0)	(N=0)
Cases seeking the death penalty with a lesser sentence imposed	506 (N=21)	24.1 (N=21)	116 (N=6)	19.3 (N=6)
Cases not seeking the death penalty	260 (N=22)	11.82 (N=22)	30 (N=3)	10 (N=3)

Notes: Calculations based on individual cases reported in Appendix D of the 2014 Judicial Council Report. The sample includes cases in the 2003 Legislative Post Audit report and the cases filed between 2004 and 2011 included in the 2014 Judicial Council Report. Cases include those that went to trial or had a plea agreement. Cases that sought the death penalty and withdrew before trial are still considered seeking the death penalty with a lesser sentence imposed.

I extend this analysis in Table 3 to cases that were filed after 2014. Since 2014, there have been two capital eligible cases seeking the death penalty in Wyandotte County. While the cases are not yet resolved, the duration from offense date until September 1, 2024, is already an average of 2,031 days. The average number of days for capital eligible cases that did not seek the death penalty was 1,033 days. Again, for non-resolved cases (2 of the 20 cases), I use the number of days from the date of offense until September 1, 2024. In the last ten years, capital eligible cases that sought the death penalty were nearly *double* the length of capital eligible cases that did not seek the death penalty.

Table 3: Length of Case in Days from Offense Date through Sentence Date (Wyandotte County, 2014-Present)

Case Type	Total days 2014-present	Average days 2014-present
Capital-eligible cases seeking the death penalty	4,062 (N=2)	2,031 (N=2)
Capital-eligible cases not seeking the death penalty	20,668 (N=20)	1,033 (N=20)

Notes: Calculations are based on data of offense until date of disposition. Cases that are not yet resolved are assigned September 1, 2024. The universe of cases is listed in Appendix K.

There are two major differences to note related to the length of cases in Table 2 and 3. Table 2 is aggregating the number of *court days* from the date of *filing* through sentencing. Table 3 reports the duration of the case in terms of *total days* between the *offense* date through sentence date. Nonetheless, cases seeking the death penalty in Wyandotte County are consistently about twice as long, in terms of days in court and duration of case, than cases that do not seek the death penalty.

Components of Trial Costs: Defense

The costs of the death penalty are likewise demonstrated when examining the specific types of trial costs, starting with defense costs. Because of the Sixth Amendment rights at stake in criminal defense and the procedural safeguards necessary to litigate death penalty cases in particular, the American Bar Association (ABA) offers extensive guidelines and minimum standards to help ensure constitutionally effective defense counsel is provided across all stages in death penalty cases.²⁶ Thus, providing defense counsel in cases seeking the death penalty is uniquely costly relative to cases that do not seek the death penalty. One way to summarize the additional defense costs of the death penalty is to compare the overall budget allocated specifically for capital defense in the State of Kansas. The budget has risen dramatically over the past 10 years, increasing by over 6 million dollars or 4.5 million dollars once accounting for inflation (Table 4).²⁷ This increase in the budget and justification for its 2024 budget relates to the additional costs per case seeking the death penalty during the trial phase *and* the additional costs post-conviction from cases already sentenced to death. Since the capital defense offices are funded by the state government, the increasing costs resulting from cases throughout the state are in part shared with Wyandotte County.

The agency describes the need for the increased budget in their most recent budget narrative:

FY 2024: “The agency requests \$700,000 SGF to address casework expenses related to capital cases. These expenditures include all expenses that accompany the handling of a case, including those for attorneys, expert witnesses, evidentiary hearings, and forensic work. The agency has noticed a steady

²⁶ See, e.g., ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases (Rev. Ed., Feb. 2023); ABA Criminal Justice Standards for the Defense Function (4th Ed. 2017); Suppl. Guidelines for the Mitigation Function of Defense Teams in Death Penalty Cases (2008).

²⁷ Dollar amounts are translated into 2014 dollars based on annual Consumer Price Index (CPI) adjustments published by the Minneapolis Federal Reserve Bank here: <https://www.minneapolisfed.org/about-us/monetary-policy/inflation-calculator/consumer-price-index-1913->

increase in capital casework expenditures over the past five years and has indicated that this is due in part to a recognition of updated national standards and expectations for capital case work in general, as well as the increased use of experts for more extensive hearings on mitigation and analysis of forensic work in evidentiary hearings. The agency has seen an increase in the number of capital cases charged by prosecutors across the state, and current cases continue to move through the network of trials, appeals, and now capital habeas proceedings. Historically, the agency has been able to cover expenses in past years with reappropriated funds or by using its operating funds to cover its capital expenditures, but the agency indicates that this is no longer a sustainable solution. The agency notes that since January 2020, its Death Penalty Defense Unit has been appointed to 11 new capital cases across Kansas while still having capital cases that originated in the late 1990s and early 2000s currently cycling through its capital habeas office.”

Table 4: Fiscal Year Budget for Kansas Capital Defense (2014-2024)

FY	Nominal dollar amount	Real dollar amount (2014 dollars)	Increase relative to 2014 budget in real dollars
2014	\$1,185,400 (actual)	\$1,185,400.00	--
2015	\$1,523,538 (actual)	\$1,521,609.47	128%
2016	\$1,662,162 (actual)	\$1,639,307.27	138%
2017	\$1,943,271 (actual)	\$1,876,671.75	158%
2018	\$2,430,626 (actual)	\$2,291,235.26	193%
2019	\$2,966,671 (actual)	\$2,746,230.06	232%
2020	\$2,919,218 (actual)	\$2,669,933.93	225%
2021	\$2,923,268 (actual)	\$2,553,275.04	215%
2022	\$3,517,845 (actual)	\$2,844,803.25	240%
2023	\$4,053,237 (approved)	\$3,148,674.76	266%
2024	\$7,562,693 (requested by agency)	\$5,693,668.68	480%

Notes: Budget totals are sourced from the Kansas Legislative Research Department, *Budget Analysis Report FY16-24, Board of Indigent Defense Services*.

I calculate the additional defense costs accrued in Wyandotte County specifically using the average difference in defense costs reported in the 2014 Judicial Council report based on the individual cases from Wyandotte County. Table 5 aggregates the defense costs reported by BIDS for individual cases filed between 2004 and 2011 for the *initial* trial. I consider cases that initially sought the death penalty but withdrew prior to trial to be cases that sought the death penalty but had a lesser sentence imposed. This decision is due to the fact that additional costs are accumulated in the lead up to the trial since a death notice was filed, although the additional costs during trial had the death sentence not been withdrawn are not captured. The average difference in defense costs between cases in which the death penalty was sought but not imposed, and cases in which the death penalty was not sought, was \$134,468 in Kansas and \$146,531 Wyandotte County, respectively. Again, as with the average total trial costs, the average defense cost per death penalty case is higher in Kansas, but the relative difference in defense costs between death penalty and non-death penalty cases is larger in Wyandotte County. Ultimately, the difference between the statewide patterns and Wyandotte County is quite similar.

Table 5: Defense Costs during the Initial Trial Phase (2004-2011)

Case Type	Total cost for Kansas	Average Cost for Kansas	Total cost for Wyandotte Co	Average cost for Wyandotte Co
Cases seeking the death penalty with a death sentence imposed	\$1,215,551 (N=5)	\$243,110 (N=5)	--- (N=0)	--- (N=0)
Cases seeking the death penalty with a lesser sentence imposed	\$2,649,879 (N=14)	\$189,277 (N=14)	\$470,992 (N=3)	\$156,997 (N=3)
Cases not seeking the death penalty	\$712,518 (N=13)	\$54,809 (N=13)	\$10,460 (N=1)	\$10,460 (N=1)

Notes: Calculations based on individual case costs reported in Appendix A of the 2014 Judicial Council report. The sample includes cases filed from 2004-2011.²⁸

²⁸ There are two cases missing trial costs in the State of Kansas that did not seek the death penalty and are not included in the averages for the first two columns for a total of 13 of the original 15 cases. If these two cases were included as zero in the average, the reported difference would be overstated.

Another empirical measure focuses on one specific type of defense cost during the trial phase: costs paid by the defense attorney. Costs paid by the defense attorney is the only measure that is case specific since the 2014 Judicial Council report, allowing a comparison between capital eligible cases that seek the death penalty and those that do not. The costs cover services paid by defense attorneys in Wyandotte county, such as copies of evidence, generic or expert witnesses, forensic testing, medical records, and psych services to name only a few.²⁹

The costs are aggregated across capital eligible cases filed in 2014 or later by whether or not a death notice was filed in the case in Table 6. In total, defense attorneys have paid \$505,515 since 2014 defending two clients in capital cases in which the death penalty is being sought.³⁰ By comparison, the total cost for 16 out of the 20 capital-eligible cases not seeking the death penalty with case-specific cost information available is \$187,927 over the same time period. On average, capital cases in which the death penalty is being sought in Wyandotte County have cost an additional \$241,012 per case (\$181,449 in 2014 dollars) more than capital-eligible cases in which the death penalty was not sought over the last ten years on trial materials for defense attorneys alone. Mitigation services drive the largest single share of the additional costs, although the additional costs are still \$138,728 higher per case even without these costs.

²⁹ See Appendices B and C for costs disaggregated by each category and costs disaggregated by each case since 2014.

³⁰ Note this is the only recent case-specific cost information and has not been adjusted by the Consumer Price Index (CPI).

Table 6: Costs Paid by Defense (2014-Present)

Case Type	Total dollars 2014-present	Average dollars 2014-present
Capital-eligible cases seeking the death penalty	\$505,515 (N=2)	\$252,757 (N=2)
Capital-eligible cases not seeking the death penalty	\$187,927 (N=16)	\$11,745 (N=16)

Notes: Calculations are based on “Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014” report provided by BIDS. The universe of cases is listed in Appendix K.³¹

These additional costs are considerably larger than other estimates. The difference in additional costs estimates could be from changes in the defense of capital cases seeking the death penalty over time or reflect something unique about the cases included in the expert cost report relative to other cases. For example, the overall additional costs from earlier cases may not have had as many paid expenses. However, the capital defense unit may have adjusted their practices over time as they gained more experience with the initial trials and appeals process causing an increase in defense costs, or they may have experienced changes to their caseload. Alternatively, the higher additional costs for more recent cases could reflect a difference in the composition of cases, which could also lead to difference in costs. For example, two of the three cases that sought the death penalty had withdrawn *prior* to trial leading to significantly lower costs in those two cases, although still substantially more than if the death penalty had not been sought initially. Ultimately, I will use the smaller calculated costs from the 2014 Judicial Council report to summarize the additional costs in Wyandotte County, producing a lower bound of the additional costs under conservative assumptions.

³¹ Four capital cases not seeking the death penalty are not observed in the report provided by BIDS, namely Carta Ramon, Dai’leon Henderson, Demetri Irvin and Ismael Vasquez. It is unclear why BIDS has no such data; it could be that these cases did not have expert costs during the time period selected or the expert costs were not paid by BIDS (e.g., paid by the defendant). The average for capital cases not seeking the death penalty can either be calculated without these four cases (\$11,745) or with the four cases assuming costs zero costs for each case (\$9,396). The Table 6 reports the average without the four cases not observed in the BIDS report in an effort to *underestimate* the *relative* cost difference between cases seeking the death penalty and those not seeking the death penalty.

Wyandotte County has not generated additional post-conviction costs for cases with a death penalty imposed because no Wyandotte case has resulted in the death penalty in the county to date. However, it is reasonable to expect that if the death penalty is imposed in a case in Wyandotte County, that would lead to appeals and post-conviction proceedings that entail additional significant defense costs. For reference, the 2014 Judicial Council report documented an additional \$137,658/case in realized defense costs from additional trials and appeals for the 14 death penalty cases originally included in the 2003 report through 2011.³² The same report had already documented an average of \$168,811 costs to BIDS in appeals for cases with a death sentence filed after 2004 relative to an average of \$15,123 and \$13,353 for cases that had sought the death penalty but did not receive a death sentence and did not seek the death penalty, respectively; these costs are underestimates since the data is capped in 2011 prior to the resolution of the cases and several of these cases have had appeals to the Kansas Supreme Court since 2011. A summary of appeal decisions for cases where the death penalty was imposed is summarized in Appendix I. These additional costs are not currently considered when summarizing the incurred costs from using the death penalty in Wyandotte County.

Components of Trial Costs: Prosecution

In response to defense counsel's requests, the District Attorney did not provide information on prosecution costs at either the state or local level. However, the budget documents they provided did list a special fund for criminal appeals approved by the 2014 Kansas Legislature. The only empirical information received that sheds light on prosecutorial costs relate to the length of each case from offense date to disposition. As outlined under overall trial costs, cases seeking the death penalty are approximately in court twice as many days and the case is open close to twice as long.

³² For information on the individual cases contributing to these averages, see Appendix C: Additional Bids Defense Costs since January 1, 2004 in Pre-2003 Cases Previously Reviewed by Post Audit from the 2014 Judicial Council report.

Prosecution costs for individual cases were also not included in the 2014 Judicial Council Report. Instead, I use the information in Appendix E of the 2003 Legislative Post Audit report on the relative cost differences during the initial trial phase. The average cost of prosecuting a case in which the death penalty was sought but a death sentence was not imposed is \$57,555 more (\$74,040 in 2014 dollars) than prosecuting a case that did not seek the death penalty (~1.3 times more).³³ Cases that received a death sentence are \$354,183 (~3 times) more (\$455,626 in 2014 dollars) than cases in which the death penalty was not sought. As mentioned earlier, it is unclear that the prosecution knows whether or not a death sentence will be imposed at the time of the trial since there is a separate sentencing phase, which is perhaps indicative of Wyandotte County seeking the death penalty in 19 cases and not imposing it to date. It would be reasonable to compare the average among all cases that seek the death penalty regardless of whether or not a death sentence was ultimately imposed, which is considerably higher for the state overall but do not have estimates for Wyandotte specifically.

Components of Trial Costs: District Court

The average difference in court costs for cases filed from 2004 and 2011 in which the death penalty was sought but not imposed, relative to cases that did not seek the death penalty, is \$23,171 in Kansas (4.3 times the cost). The comparable difference in court costs for Wyandotte County is \$5,167 (4.8 times the cost). Again, as with the total costs and defense costs, the court costs are larger for the State of Kansas than in Wyandotte County, yet the relative costs are higher in Wyandotte County. These costs likewise underestimate the initial trial costs because two of the three cases that sought the death penalty in Wyandotte County during this period withdrew the death notice prior to the start of the trial.

³³ Prosecution estimates for cases in which a death penalty sentence is received, cases in which the death penalty is sought but a lesser sentence is received, and cases in which the death penalty was not sought were \$523,373, \$226,745, and \$169,190, respectively.

Table 7: District Court Costs during the Initial Trial Phase (2004-2011)

Case Type	Total cost for Kansas	Average Cost for Kansas	Total cost for Wyandotte Co	Average cost for Wyandotte Co
Cases seeking the death penalty with a death sentence imposed	\$363,988 (N=5)	\$72,798 (N=5)	--- (N=0)	--- (N=0)
Cases seeking the death penalty with a lesser sentence imposed	\$362,335 (N=12)	\$30,195 (N=12)	\$19,565 (N=3)	\$6,522 (N=3)
Cases not seeking the death penalty	\$70,235 (N=10)	\$7,023.5 (N=10)	\$1,355 (N=1)	\$1,355 (N=1)

Notes: Calculations based on individual case costs reported in Appendix B of the 2014 Judicial Council report. The sample includes cases filed from 2004-2011.³⁴

Additional Supreme Court costs

Wyandotte County has not generated a case that has accrued post-conviction costs since their past cases have not resulted in a death sentence. As seen in the national literature and in Kansas, the post-conviction costs create large additional costs from the appeal process and have not created cost savings in the form of reduced incarceration time. The additional trial costs experienced by Wyandotte discussed above are lower than they would be if any of the cases seeking the death penalty had received a death sentence due to the costs of additional trials.

Summary:

Below I provide a summary of some of the additional incurred costs for cases that have sought the death penalty that did not receive a death sentence, relative to cases that did not seek the death penalty, as

³⁴ There is one of the original 13 cases that sought the death penalty and received a lesser sentence that is missing information on trial costs and 5 of the original 15 cases that did not seek the death penalty missing trial costs. Averages are taken among the cases with available information.

defined in Appendix K. The reported per case estimates use the case-specific information from the 2003 Judicial Council report and the 2014 Judicial Council report discussed throughout this report. The itemized costs below represent additional costs from the *initial* trial phase alone and do not include investigation costs or, more importantly, post-conviction costs. The estimates should be thought of as a lower-bound since they are based on the observed difference in costs in Wyandotte County cases where two of the three cases had initially sought the death penalty but withdrew it prior to the start of the trial. The estimates also rely on cases that did not impose a death sentence and, based on statewide estimates, would be considerably higher even for just the initial trial phase. Finally, the below estimates are in 2014 dollars, and are higher in present day dollars.³⁵

Additional costs for capital cases seeking the death penalty in Wyandotte County: 1994 - present

Additional district court costs (\$5,167/case) X (19 cases)	\$98,173
Additional BIDs trial costs (\$146,531/case) X (19 cases)	\$2,784,089
<u>Additional prosecution trial costs (\$74,040 /case) X (19 cases)</u>	<u>\$1,406,760</u>
	\$4,289,022

Additional costs for capital cases seeking the death penalty in Wyandotte County per case:

Additional district court costs	\$5,167
Additional BIDs trial costs	\$146,531
Additional prosecution trial costs	\$74,040
	<u>\$225,738</u>

³⁵ The additional costs during the initial trial phase from 1994 to present were \$5,696,952, or \$299,840 per case, in 2024 dollars.

Since Wyandotte County has not yet imposed a death sentence, state and local governments have saved additional post-conviction costs of \$165,571 per case in trial and appeal costs generated by additional defense costs, prosecution costs, and district court costs.³⁶ The capital cases seeking a death penalty in Wyandotte County alone could generate an additional \$3,145,849 in post-conviction costs had they imposed a death sentence. The additional post-conviction costs are a lower bound since the estimates are based on a short follow-up period (~10 years), are limited to the costs borne by the defense, prosecution, and district court, and did not include any cases going through state habeas corpus.³⁷ The 2003 Legislative Post Audit report projected an additional \$401,000 dollars in post-conviction costs per case (\$515,851 in 2014 dollars), translating to an additional \$9,801,181 had the 19 cases that sought the death penalty actually imposed a death sentence.³⁸

Submitted,

Brittany Street

Brittany R. Street

³⁶ Post conviction defense, prosecution, and court costs of \$137,658, \$25,028.73, and \$2,885 per case, respectively. Post-conviction costs are based on the 2014 Judicial Council report covering a ten-year period. The prosecution costs are based on the 5.5:1 ratio of defense costs to prosecution costs from the 2003 Legislative Post Audit report.

³⁷ The State habeas office was established in FY 2015 to handle cases making it to the next post-conviction phase (See BIDS budget narrative for FY2024, page 102).

³⁸ Post conviction costs are larger in present dollars (i.e., 2024) estimated at \$4,178,517 during a ten-year follow-up window based on the 2014 Judicial Council report and projected costs of \$13,018,552 based on the 2003 Legislative Post Audit report.

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APPENDIX A

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Appointments

University of Missouri, Department of Economics, Assistant Professor, Fall 2020-present;
Associate Director of Economic and Policy Analysis Research Center (EPARC), Fall 2023-present

University of Michigan, Criminal Justice Administrative Records System (CJARS),
Research Affiliate, Fall 2020-present; Postdoctoral Researcher, Fall 2019-Fall 2020

IZA Institute for the Study of Labor, Research Fellow, Spring 2024-present

Education

Ph.D. Economics, Texas A&M University, May 2019

B.S. Economics and Mathematics, *Summa Cum Laude*, Missouri State University, May 2014

Research Fields

Applied Microeconomics, Labor Economics, Crime, Criminal Justice System

Publications

Children's Indirect Exposure to the U.S. Justice System: Evidence from Longitudinal Links between Survey and Administrative Data (with Keith Finlay and Michael Mueller-Smith) *The Quarterly Journal of Economics* 2023

Self-Employment as a Channel for Economic Self-Sufficiency and Criminal Disqualifications in the Pay Check Protection Program (with Keith Finlay and Michael Mueller-Smith) *Journal of Policy Analysis and Management* 2022

The Effect of Own-Gender Juries on Convictions (with Mark Hoekstra), *Journal of Law and Economics* 2021

The Effect of Investments in Physical Education on Student Health and Achievement (with Analisa Packham), *Economics of Education Review* 2019

Working Papers (available online and linked in title)

The Impact of Economic Opportunity on Criminal Behavior: Evidence from the Fracking Boom
revisions requested at Journal of Public Economics

Convictions, Incarceration, and Earnings in an Event Studies Framework (with Keith Finlay and Michael Mueller-Smith) *draft pending disclosure*

Self-Employment, Loan Access, and Criminal Justice Records (with Keith Finlay, Kylie Hwang, and Michael Mueller-Smith) *draft pending disclosure*

The Vicious Circle of Blackouts and Revenue Collection in Developing Economies: Evidence from Ghana (with James Dzansi, Steve Puller, and Belinda Yebuah-Dwamena)

Works in Progress

Children's Indirect Exposure to the U.S. Justice System: Changes over Time and Evolution in Household Structure (with Keith Finlay and Michael Mueller-Smith)

Second Chance for the Second Generation: The Intergenerational Impacts of Felony Diversion (with Michael Mueller-Smith and Kevin Schnepel)

The Effect of Access to Subsidized Housing in the United States (with Emily Leslie)

The Economic Impacts of Substance Abuse Rehabilitation: Evidence from U.S. Drug Courts (with Garrett Anstreicher)

Conferences, Seminars, and Visiting Positions (*scheduled)

2024: University of Nebraska, ViCE, Duke University-DuPRI, Society of Labor Economists, OIGI Fellow at the Minneapolis Federal Reserve, Russell Sage Foundation conference, Cornell University, Association for Public Policy & Management*, Southern Economic Association*

2023: CeMENT (mentee), TxECW (discussant), London School of Economics, U.S. Census Bureau, University of Texas, Federal Reserve Bank of St. Louis, Society of Labor Economists, Helsinki Crime Workshop (participant), NBER SI (participant), University of California—Merced, Center for Health Economics & Policy Studies at San Diego State University, CJARS training workshop (speaker), Transatlantic Workshop on the Economics of Crime (participant)

2022: American University, Association for Public Policy & Management, England-Clark Public and Labor Workshop, Society of Labor Economists, IRP SRW Institute for Research on Poverty, Western Economic Association International Conference, 11th Annual Risky Behaviors Conference, NBER (Children's and Crime), American Law and Economics Association, University of Pennsylvania, Southern Illinois University Carbondale, Harvard Opportunity Insight's Mobility Conference, Federal Committee on Statistical Methodology Research & Policy Conference, Rutgers University, American Society of Criminology, SEA Southern Economic Association, NBER Mobility Conference

2021: University of Florida, Southern Economic Association, Association for Public Policy & Management (moved to 2022), Tulane University, West Virginia University, NBER Gender in the Economy, Institute for Research on Poverty (IRP) SRW (participant), MEA-SOLE

2020: AL CAPONE 11th Annual Conference (cancelled), SEA Southern Economic Association, Notre Dame University, NBER Gender in the Economy, ALEA American Law and Economics Association (cancelled), Purdue University (cancelled), MEA-SOLE (cancelled), Public Choice Conference (cancelled), Endogenous Rules, Risk, and Legal Institutions Workshop, AEA American Economic Association

2019: SOLE Society of Labor Economists, APEE Association of Private Enterprise Education, TxECW Texas Economics of Crime Workshop (participant), AEA American Economic Association, Louisiana State University

2018: APPAM Association for Public Policy & Management, SEA Southern Economic Association, STATA TX Empirical Microeconomics Conference

2017: SEA Southern Economic Association, APPAM Association for Public Policy & Management (poster), WEAI Western Economic Association International, SAAER Symposium

Instructor of Record

University of Missouri

Adv. Empirical Methods II, Topics in Policy Analysis (ECONOM 9447)

SP2021: 14 students, overall rating 4.83/5

SP2022: 8 students, overall rating 4.71/5

SP2023: 4 students, overall rating 4.94/5

Intermediate Microeconomics (ECONOM 4351/7351)

SP2021: 85 students, overall rating 4.57/5

SP2022: 140 students, overall rating 4.47/5

SP2023: 101 students, 4.39/5

Texas A&M University

Intermediate Microeconomics (ECON 323)

SP2018: 228 students, overall instructor rating 4.8/5

Grants, Contracts, and Awards

Arnold Ventures Planning Grant, 2024, \$68,460 Co-PI with Emily Leslie

University of Michigan, Children and the US Justice System, 2023, \$21,000, PI

Russell Sage Foundation Pipeline Grant, 2023, \$30,000, Co-PI with Emily Leslie

University of Michigan, Children and the US Justice System, 2022, \$21,000, PI

Missouri Attorney General's Vehicle Stops Report Contract. 2023-2024 \$25,000, Co-PI with Jeffrey Milyo

Missouri Attorney General's Vehicle Stops Report Contract. 2022-2023 \$25,000, Co-PI with Jeffrey Milyo

Missouri Attorney General's Vehicle Stops Report Contract. 2021-2022 \$20,000, Co-PI with Jeffrey Milyo

Missouri Attorney General's Vehicle Stops Report Contract. 2020-2021 \$15,000, Co-PI with Jeffrey Milyo

NBER's Gender in the Economy Study, The Determinants and Aftermath of Victimization in U.S. households and the Implications of Covid-19, 2020-2021, \$19,930, PI

University of Michigan, Mobility from Poverty Center and National Criminal Justice Data Expansion, 2020, \$59,857, PI

Mizzou Faculty International Travel and Arts & Humanities Domestic Travel funding (2023)

Alumni Leaders Board Faculty Fellowship Award (2023)

Murray Faculty Fellowship (2021)

Best Graduate Instructor Award (2018)

Gail Frey Monson Memorial Scholarship (2018-2019)

Private Enterprise Research Center Graduate Fellow (2016-2018)

Summer Time Advancement in Research (STAR) Award (2017)

First place 4th-year graduate departmental presentations (2018)

First place 3rd-year graduate departmental presentations (2017)

Diversity Fellowship (2014-2017)

APPAM First Place Poster Presentation (2017)

SAAER Top Paper Award (2017)

Related Service

Referee: American Economic Journal: Applied; Canadian Journal of Economics; Contemporary Economic Policy; Economics of Education Review; Economic Inquiry; European Journal of Law and Economics; Journal of Policy

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Student Advising: Brendan Cirillo (PhD co-advisor), Tabitha Juneau (PhD committee member), Jeonghyun Kim (PhD committee member), Sungjin Lee (PhD committee member), Youngbin Lee (PhD committee member), Jorge Martinez (PhD committee member), Savannah McAuley (MA student), Emma Gould (MA student), Dili Maduabum (undergraduate student), Samantha Mackley (undergraduate student and MizzouForward fellow), John Martin (undergraduate student and McNair fellow), Peter Schaefer (undergraduate student), Guthrie Scoblic (PhD advisor), Duan Zhang (PhD Committee Member)

Policy work: Vehicle Stops Report for the Attorney General of Missouri (2020, 2021, 2022, 2023), QSIDE subject matter expert on breaking the cycle of incarceration, Vehicle Stops Report for Lawrence Police Department in Kansas

APPENDIX B



PERFORMANCE AUDIT REPORT

Costs Incurred for Death Penalty Cases: A K-GOAL Audit of the Department of Corrections

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
December 2003**

Legislative Post Audit Committee

Legislative Division of Post Audit

THE LEGISLATIVE POST Audit Committee and its audit agency, the Legislative Division of Post Audit, are the audit arm of Kansas government. The programs and activities of State government now cost about \$9 billion a year. As legislators and administrators try increasingly to allocate tax dollars effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by Legislative Post Audit helps provide that information.

We conduct our audit work in accordance with applicable government auditing standards set forth by the U.S. General Accounting Office. These standards pertain to the auditor's professional qualifications, the quality of the audit work, and the characteristics of professional and meaningful reports. The standards also have been endorsed by the American Institute of Certified Public Accountants and adopted by the Legislative Post Audit Committee.

The Legislative Post Audit Committee is a bipartisan committee comprising five senators and five representatives. Of the Senate members, three are appointed by the President of the Senate and two are appointed by the Senate Minority Leader. Of the Representatives, three are appointed by the Speaker of the House and two are appointed by the Minority Leader.

Audits are performed at the direction of the Legislative Post Audit Committee. Legisla-

tors or committees should make their requests for performance audits through the Chairman or any other member of the Committee. Copies of all completed performance audits are available from the Division's office.

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December 12, 2003

To: Members, Legislative Post Audit Committee

Representative John Edmonds, Chair	Senator Derek Schmidt, Vice-Chair
Representative Tom Burroughs	Senator Bill Bunten
Representative Bill McCreary	Senator Anthony Hensley
Representative Frank Miller	Senator Dave Kerr
Representative Dan Thimesch	Senator Chris Steineger

This report contains the findings, conclusions, and recommendations from our completed performance audit, *Costs Incurred For Death Penalty Cases: A K-GOAL Audit of the Department of Corrections*.

The report also contains appendices showing detailed information about the death penalty cases in Kansas and our sample of other 1st degree murder cases, including time lines, current status and detailed cost estimates.

This report includes a recommendation for the House and Senate Judiciary Committees to seek input from the Judicial Council in considering the cost saving ideas presented in the report. It also recommends that the State Board of Indigents' Defense Services continue pursuing the resources it needs to handle all death penalty cases in Kansas.

We would be happy to discuss the findings or recommendations presented in this report with any legislative committees, individual legislators, or other State officials. These findings are supported by a wealth of data, not all of which could be included in this report because of space considerations. These data may allow us to answer additional questions about the audit findings or to further clarify the issues raised in the report.

Barbara J. Hinton
Legislative Post Auditor

EXECUTIVE SUMMARY

LEGISLATIVE DIVISION OF POST AUDIT

Overview of Costs Incurred for Death Penalty Cases: A K-GOAL Audit of the Department of Corrections

Kansas has had a death penalty law 3 times, but hasn't executed anyone since 1965. *Kansas is one of 38 states that currently have the death penalty. The U.S. Supreme Court struck down the death penalty laws in 40 states, including Kansas, in 1972. After several previous attempts, the 1994 Legislature enacted a new death penalty law, which then-Governor Joan Finney allowed to become law without her signature.* page 3

Kansas doesn't have a separate "death row." The 7 inmates currently sentenced to death are housed in the maximum security prison in El Dorado, along with other prisoners who are in administrative segregation.

Not every murder qualifies for the death penalty. *To seek the death penalty for a crime, several things have to occur:* page 3

- *the circumstances of the crime have to fit the criteria set out in State law*
- *the prosecutor's office must file formal capital murder charges*
- *the prosecutor's office must file formal declaration to seek the death penalty within 5 days of the preliminary hearing.*

Not all capital-eligible crimes are charged capital, and not all capital charges result in the prosecutor seeking the death penalty.

The U.S. Supreme Court has stated that "death is different," which leads to more review and a lengthier process for those cases in which the death penalty is sought. *Death penalty cases are subjected to higher or "super" due process standards. These include:* page 5

- *Jurors for death penalty cases have to be "death penalty qualified." This means jurors go through extensive questioning by both the prosecution and defense to make sure their beliefs about capital punishment wouldn't substantially impair or prevent their performance as jurors.*
- *There's a two-phase trial process. A jury determines the defendant's innocence or guilt in the first trial. In a second, separate trial, usually the same jury decides whether to recommend the death penalty.*
- *The jury must consider aggravating and mitigating circumstances in the sentencing phase. This can be extensive and make the sentencing phase quite lengthy.*
- *State and federal laws require an automatic review of death penalty cases by the State Supreme Court. For most other sentences, the*

Kansas Supreme Court would have the option of deciding whether to consider an appeal.

Costs for death penalty cases are incurred at both the State and local levels. *The State Board of Indigents' Defense Services usually bears the cost of defending capital murder cases. Prosecution costs will be borne by either the counties or the State, depending on who assumes the responsibility for the case. In jurisdictions where local prosecutors don't have staff with the expertise to prosecute a death penalty case, the Kansas Attorney General's Office is called in.* page 8

Question 1: How Does the Cost of Death Penalty Cases in Kansas Compare With the Costs of Cases Involving Non-Death Sentences?

Actual cost figures for death penalty and non-death penalty cases in Kansas don't exist. Some information presented here is based on estimates because judges, attorneys, court staff, and local law enforcement officers don't keep case-by-case time records and projections. Other costs had to be projected because most death penalty cases in Kansas are in the early stages of the process, and there's no way to know how many appeals these cases will have. page 10

During this audit, we obtained and compared estimated cost information for 22 cases. *This included:* page 10

- *7 cases where the death penalty was sought and given*
- *7 cases where the death penalty was sought and not given*
- *8 first degree murder cases where the death penalty was not sought*

All 22 cases had gone to trial and resulted in a conviction.

Cases in which the death penalty was sought and imposed could cost about 70% more than cases in which the death penalty wasn't sought. *The estimated median cost of a case in which the death sentence was given was \$1.2 million, compared to the same estimated costs for a non-death penalty case of about \$740,000.* page 11

The State will bear about 85% of the total estimated and projected costs for the 14 cases in which the death penalty was sought.

Death penalty cases tend to have higher costs at the trial and appeal stages. *The median trial cost for cases in which the death penalty was imposed was more than \$500,000, compared to about \$33,000 for the median non-death penalty cases we reviewed. At just over \$400,000, the projected appeal-related costs for the death penalty cases in our sample was more than 20 times the projected cost for cases in which the death penalty wasn't sought. Numerous factors can make death penalty cases more expensive, such as lengthier proceedings, more experts, and more issues to litigate.* page 13

Question 2: Are There Steps Kansas Could Take To Reduce Overall Costs in a Capital Punishment Case?

Much of the process is mandated by the U.S. Supreme Court. As page 20
such, basic core processes related to the trial, sentencing, and other aspects of death penalty cases were essentially the same between Kansas and the comparison states of Florida, Texas, and North Carolina.

Some aspects of the way Kansas has implemented the death penalty actually save money. page 20
Areas where Kansas was different from one or more of the other states are summarized below:

- *Kansas doesn't require a grand jury indictment*
- *Kansas generally doesn't sequester juries*
- *The Kansas Supreme Court doesn't conduct proportionality reviews (comparing the death sentence in the case before them to the sentences given in other cases involving similar crimes)*

Certain changes to Kansas law potentially could reduce costs associated with the death penalty. page 21
Having a true life sentence without the possibility of parole could reduce costs in 2 ways. First, prosecutors might not be inclined to seek the death penalty in as many cases if they know a conviction will result in the defendant being locked away forever. Second, juries might be more likely to impose a life sentence rather than death, which could reduce appeal costs. Also, deleting statutory provisions that authorize the Supreme Court to look for trial errors beyond those raised on appeal could further reduce costs.

Implementing cost control measures used in other states or suggested by local officials also could reduce costs. page 24
These include:

- *Some sort of screening mechanism could be used to determine which cases merit seeking the death penalty, such as having all cases screened by the Attorney General.*
- *Having State-employed specialists, such as psychological and forensic experts, also could help control some costs by avoiding the need to contract with private-sector specialists.*
- *Other states have implemented limits on fees paid to contracted attorneys, but Kansas officials have conflicting guidance in this area. The Kansas Attorney General recently issued an opinion stating that the Board of Indigents' Defense can consider State resources in adopting regulations for defense of indigent clients. Yet, recent American Bar Association guidelines clearly state that payment limits are improper in death penalty cases.*

Ensuring the Board of Indigents' Defense Services can handle most death penalty cases could save costs. page 27
The Death Penalty Defense Unit within the Board of Indigents' Defense Services was established to provide representation to indigent defendants charged with capital crimes. However, sometimes the Death Penalty Defense Unit can't provide the defense services because of conflicts of interest or excessive caseloads.

When the Board contracts with private counsel, the cost is usually \$100 per hour. A rough estimate of an hourly rate for in-house Death Penalty Defense Unit counsel is about \$32 per hour (based on an average attorney salary of \$55,000 plus fringe benefits, but not including overhead or support staff). The Board currently is pursuing the idea of setting up a conflicts office in Wichita to help avoid the need to contract with private attorneys.

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This audit was conducted by Chris Clarke, Carol Porter, and Ivan Williams. Leo Hafner was the audit manager. If you need any additional information about the audit's findings, please contact Ms. Clarke at the Division's offices. Our address is: Legislative Division of Post Audit, 800 SW Jackson Street, Suite 1200, Topeka, Kansas 66612. You also may call us at (785) 296-3792, or contact us via the Internet at LPA@lpa.state.ks.us.

Costs Incurred for Death Penalty Cases: A K-GOAL Audit of the Department of Corrections

The Kansas Governmental Operations Accountability Law (K-GOAL) requires Legislative Post Audit to conduct a performance audit of specified State agencies each year. K-GOAL audits can help determine the necessity, propriety, and legality of the operations we review and evaluate, and can identify inefficient or ineffective operations. Through this process, the Legislature can, in the words of the Act, “retain and maintain appropriate and effective governmental operations, remediate defective governmental operations, and terminate inappropriate or obsolete governmental operations.” The Legislative Post Audit Committee chose to focus this K-GOAL audit on costs incurred for death penalty cases.

Since 1994, when the death penalty was re-instituted in Kansas, fewer than 20 death penalty cases have been tried in Kansas. The State Board of Indigents’ Defense Services has spent about \$4.7 million on defense costs alone for these capital punishment cases. Nearly \$2 million was spent on just 3 cases.

In addition to defense costs, State and local agencies bear the costs of investigating and prosecuting such cases, and the court system bears the cost of adjudicating them. Further, the Department of Corrections incurs costs for incarcerating and executing individuals sentenced under the death penalty.

Legislators have expressed an interest in knowing what a capital punishment case costs both the State and local units of government, and whether there are less costly ways to pursue it, or whether alternative sentences could be imposed for less cost. This audit answers the following questions:

- 1. What are the total State and local costs of cases involving the death penalty?**
- 2. Are there steps Kansas could take to reduce overall costs in capital punishment cases?**
- 3. Are alternative sentences to the death penalty less costly to governmental entities?**

To answer these questions, we first reviewed literature and studies related to the cost of death penalty cases, and talked to judges, attorneys, and others familiar with these cases to help ensure we captured all costs that were relevant and likely to be significant. We then developed a data collection document and asked local law enforcement officials, local courts and prosecutors, State courts, the Kansas Attorney General’s Office, the Kansas Bureau of Investigation, the Board of Indigents’ Defense Services, Legal Services for Prisoners, and the Department of Corrections to provide information about the costs they incurred for all cases that have been tried seeking the death penalty.

For comparison purposes, we asked those entities to provide the same types of cost information for a sample of 1st degree murder cases that weren’t tried as death

penalty cases, but the defendant received a long prison sentence. Because none of the death penalty cases in Kansas have gone through the entire appeals process and because there haven't yet been any executions, we had to develop methods for estimating those costs. We didn't attempt to capture and apportion overhead costs, such as building costs and utilities, to the individual cases in our sample because of the limited time available for this audit, the difficulty in identifying such costs, and the fact that these costs are likely to be relatively small in relation to other costs. Facility overhead costs are factored into estimated and projected incarceration costs.

We also contacted several other states and officials from the federal government to gather information about their respective death penalty procedures and sentencing options. We compared that information to the procedures outlined in Kansas statutes to identify potential ways to streamline the process for death penalty cases.

In conducting this audit we followed all applicable government auditing standards. However, a number of cautions need to be noted.

1. Most agencies and individuals involved don't have records of time spent on particular cases, so the vast majority of figures reported are estimates.
2. Except for some records maintained by the Board of Indigents' Defense Services and the Kansas Bureau of Investigation, generally there was nothing we could look at to verify the accuracy of any of the data assembled for this report. It was all self-reported by the agencies and individuals involved in the cases.
3. The number of death penalty cases available to be studied in Kansas (14) generally is too small to draw reliable conclusions about average costs. With such a small group, 1 or 2 very costly cases can significantly affect averages.
4. None of the death penalty cases has gone through the execution stage, and only 2 have been through even the 1st appeal stage. Thus, we had to use cost estimates developed by other state studies for certain portions of the death penalty process in Kansas. Further, for direct appeals to the Kansas Supreme Court, we had to apply average costs for 2 Kansas cases that have gone through this process to other cases which hadn't progressed as far. Actual expenses for these phases of the trials and appeals could be significantly higher or lower than the estimates we had to apply.
5. We can't tell how far the estimated individual case costs and projected future costs shown in this report may vary from the true costs that ultimately will be incurred.

For reporting purposes, we've combined questions 1 and 3 from the original scope statement approved by the Legislative Post Audit Committee (see Appendix A) into a single question. Our findings begin on page 10, following an overview of the death penalty in Kansas.

Kansas Has Had a Death Penalty Law 3 Times, But Hasn't Executed Anyone Since 1965

Kansas is one of 38 states that currently has the death penalty. Its first death penalty law was adopted at statehood and abolished in 1907, then re-enacted in 1935. Between 1935 and 1965, 14 people were executed by hanging. The last executions took place in 1965.

In 1972 in *Furman v. Georgia*, the U.S. Supreme Court struck down the death penalty, stating that the conditions under which it was being carried out at the time amounted to cruel and unusual punishment. The Justices disagreed on how, or even if, the death penalty could be carried out fairly and humanely. That case voided death penalty laws in 40 states, including Kansas, and changed the sentences of 629 people on death rows to life in prison.

In its 1976 *Gregg v. Georgia* ruling, the U.S. Supreme Court ruled the death penalty itself was not unconstitutional and allowed states to reinstate capital punishment if they followed certain procedural reforms, including a 2-phase trial and automatic appeals.

After several previous attempts to re-enact a death penalty, the 1994 Kansas Legislature enacted a new death penalty law which then-Governor Joan Finney allowed to become law without her signature. No one has been executed under the current law, but the Department of Corrections currently is housing 7 inmates who have been sentenced to death.

Kansas doesn't have a separate "death row." Inmates sentenced to death are housed in the maximum security prison in El Dorado with other prisoners who are in administrative segregation. Administrative segregation means they are separated from the general prison population and allowed out of their cells one at a time for one hour per day.

Not Every Murder Qualifies for the Death Penalty

To seek the death penalty for a crime, several things have to occur:

- the circumstances of the crime have to fit the criteria set out in State law, as shown in our "Death Penalty at a Glance" box.
- the prosecutor's office must file formal capital murder charges. The prosecutor doesn't have to file capital charges for every crime that fits the criteria outlined in the statute.
- if the prosecutor is going to seek the death penalty, a formal declaration to that effect has to be filed within 5 days of the defendant's arraignment on capital charges.

Death Penalty at a Glance

Date Death Penalty Re-enacted in Kansas - July 1, 1994

Crimes Eligible for the Death Penalty in Kansas -

Capital Murder—intentional and premeditated killing of a person with one or more of the following qualifying circumstances:

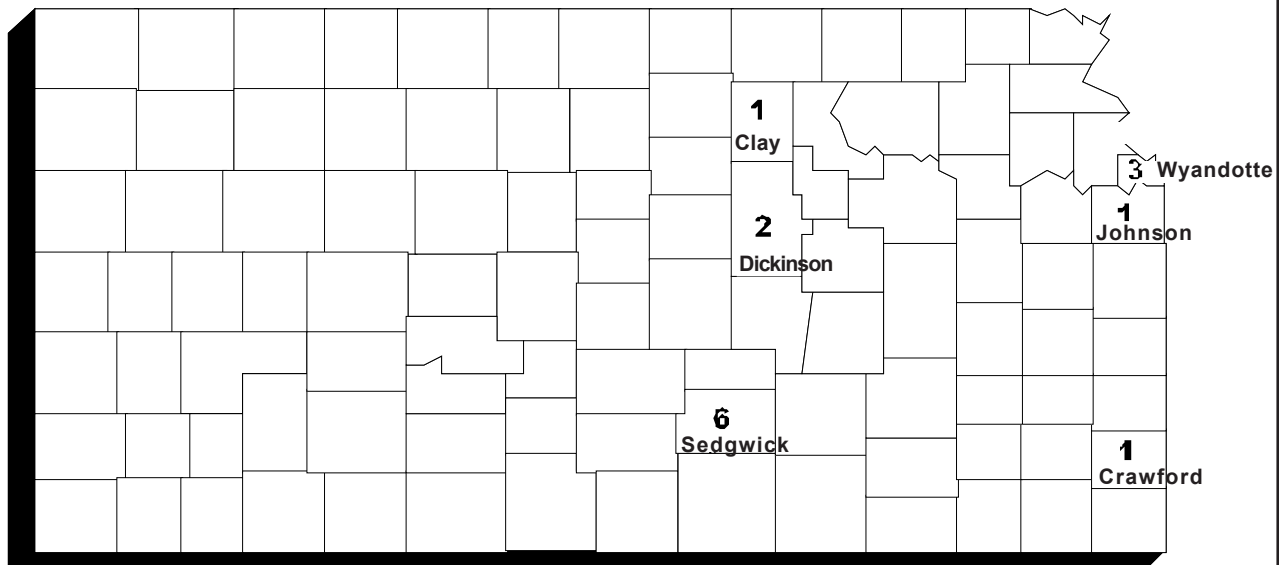
- Kidnaping or aggravated kidnaping for ransom
- Contract murder
- Murder committed by an inmate in a correctional facility
- Murder of a rape or sodomy victim
- Murder of a law enforcement officer
- Murders of more than one person during the same act
- Murder of a child under 14 with the intent to kidnap or commit sex offenses

Execution of defendants who are juveniles, insane, or mentally retarded is prohibited.

Kansas Capital Murder Cases as of June 30, 2003

Cases since 1994 that potentially fit the statutory criteria for seeking the death penalty	79
Cases Tried Seeking the Death Penalty	14
Defendant Convicted and Death Penalty Imposed	7
Defendant Convicted and Prison Sentence Imposed	7
Defendant Acquitted	0
Executions to date	0

Location of Death Penalty Cases in Kansas



The U.S. Supreme Court Has Stated That “Death Is Different,” Which Leads To More Review and a Lengthier Process for Those Cases in Which the Death Penalty Is Sought

Since its 1976 ruling that allowed the death penalty to be reinstated, the Court has developed a vast framework of federal constitutional rules that govern the trial, sentencing, and direct appeal of capital cases. The Supreme Court has said “death is different,” both because of its severity and its finality. Therefore, these cases are subjected to higher or “super” due process standards. When Kansas re-enacted the death penalty in 1994, the Legislature incorporated many of the Supreme Court’s rulings into Kansas law. Items that make death penalty cases different are discussed below:

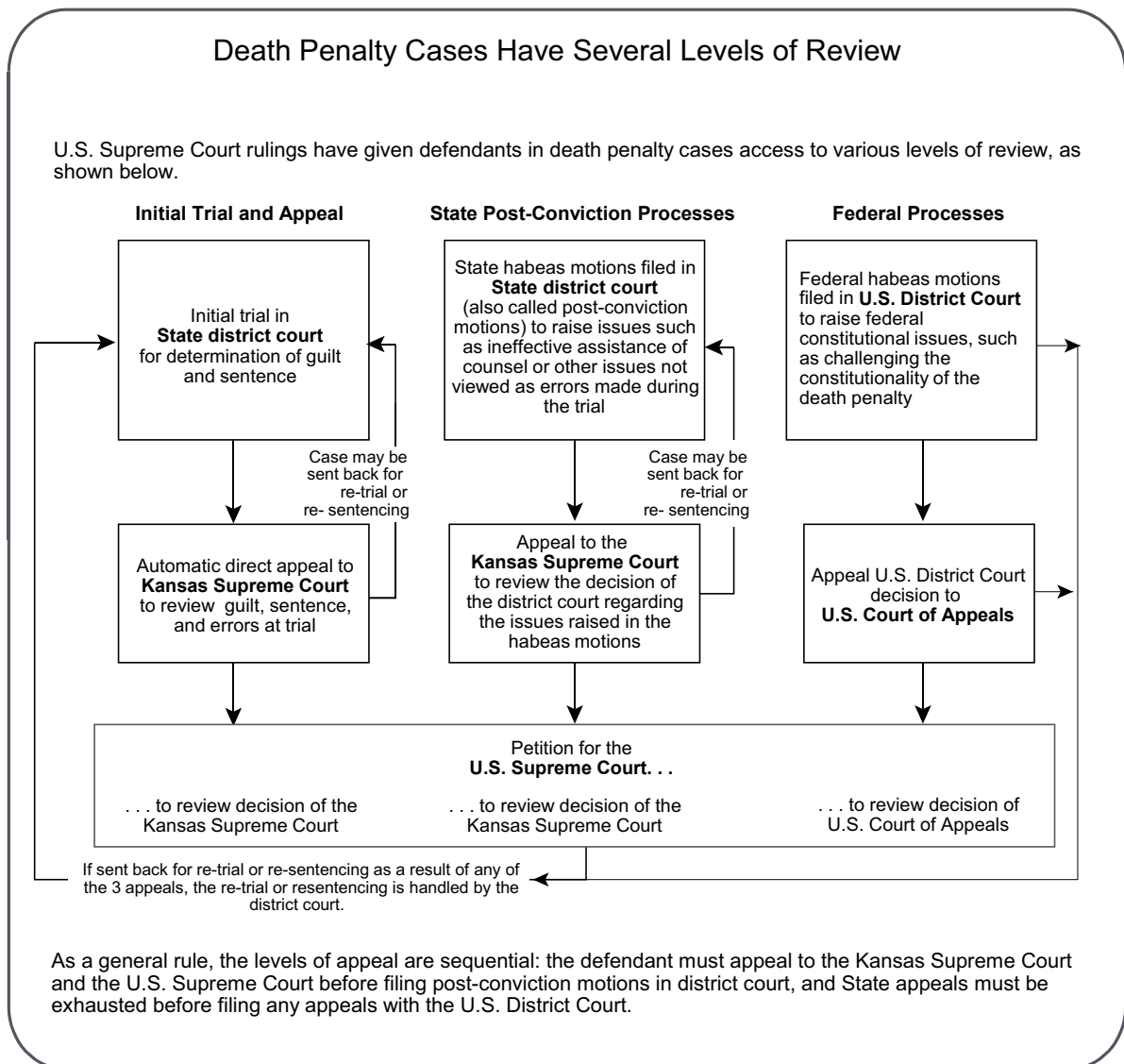
- **Jurors for death penalty cases have to be “death penalty qualified.”** This means jurors go through extensive questioning by both the prosecution and defense to make sure their beliefs about capital punishment wouldn’t substantially impair or prevent their performance as jurors. As a result, more potential jurors are called because of the likelihood that many will be excused during questioning. Because of the extensive questioning, it also takes longer to choose a jury.
- **There’s a two-phase trial process.** This process is often referred to as a bifurcated trial. In the first trial, a jury determines the defendant’s innocence or guilt. In a second, separate sentencing trial, usually the same jury decides whether to recommend the death penalty.
- **The jury must consider aggravating and mitigating circumstances in the sentencing phase.** Under Kansas law, jurors have to consider a number of aggravating and mitigating circumstances in deciding whether to recommend the death penalty, as shown in *Table OV-1*.

Table OV-1 Aggravating and Mitigating Factors Considered by the Jury	
Aggravating circumstances are defined as:	Mitigating circumstances are defined as:
<ul style="list-style-type: none"> ● the defendant was previously convicted of a felony in which the defendant inflicted great bodily harm, disfigurement, dismemberment, or death on another 	<ul style="list-style-type: none"> ● the defendant has no significant history of prior criminal activity
<ul style="list-style-type: none"> ● the defendant knowingly or purposely killed or created a great risk of death to more than one person 	<ul style="list-style-type: none"> ● the crime was committed under the influence of extreme mental or emotional disturbances
<ul style="list-style-type: none"> ● the defendant committed the crime for the defendant’s self or another for the purpose of receiving money or any other thing of monetary value 	<ul style="list-style-type: none"> ● the victim was a participant in, or consented to, the defendant’s conduct
<ul style="list-style-type: none"> ● the defendant authorized or employed another person to commit the crime 	<ul style="list-style-type: none"> ● the defendant was an accomplice, with minor participation in the crime which was committed by another person
<ul style="list-style-type: none"> ● the defendant committed the crime in order to avoid or prevent a lawful arrest or prosecution 	<ul style="list-style-type: none"> ● the defendant acted under extreme distress or under the substantial domination of another person
<ul style="list-style-type: none"> ● the defendant committed the crime in an especially heinous, atrocious, or cruel manner 	<ul style="list-style-type: none"> ● the capacity of the defendant to appreciate the criminality of the conduct was substantially impaired
<ul style="list-style-type: none"> ● the defendant committed the crime while serving a sentence of imprisonment for conviction of a felony 	<ul style="list-style-type: none"> ● the age of the defendant at the time of the crime
<ul style="list-style-type: none"> ● the victim was killed because of the victim’s performance or prospective performance as a witness in a criminal proceeding 	<ul style="list-style-type: none"> ● at the time of the crime, the defendant was suffering from post-traumatic stress syndrome caused by violence or abuse by the victim

Witnesses and evidence may be presented by both sides on these factors, which can make the sentencing phase of the trial fairly lengthy. Jurors must weigh these circumstances, and can recommend the death penalty only if they unanimously decide—beyond a reasonable doubt—that the aggravating circumstances outweigh the mitigating circumstances.

If the jury can't reach a unanimous determination that death is the appropriate sentence, the judge then determines whether the defendant gets life with parole eligibility in 25 years or 50 years—again based on a weighing of aggravating and mitigating circumstances. If the jury unanimously concludes that death is the appropriate sentence, the trial judge may, but is not required to, impose a death sentence.

- **State and federal laws require an automatic review of death penalty cases by the State Supreme Court.** Currently, this requirement also applies to defendants sentenced to a Hard 50 sentence (a life sentence with parole eligibility after 50 years). For all other sentences, the Kansas Supreme Court would have the option of deciding whether to consider any appeal.



In cases where the defendant is sentenced to death, the Kansas Supreme Court must not only review specific issues raised on appeal by the defendant's attorney, but by statute is also "authorized to notice unassigned errors appearing of record if the ends of justice would be served." The justices have interpreted this to mean that, not only do they need to review the issues raised by the parties, but they also are required to "scour the record" for any other potential errors that may have been made during the guilt or sentencing phases of the trial. This extra review is unique to Kansas.

In addition to the automatic appeal to the Kansas Supreme Court, defendants sentenced to death have multiple avenues of appeal, which are summarized in the box to the left.

While these levels of review also are available to non-capital defendants, defendants sentenced to death are more often granted permission to use them.

According to the literature, because of these "super" due process requirements, appeals and collateral proceedings are more likely to be successful in capital cases, which result in more reversals and remands (sending the case back to re-do all or part of it), and multiple trips through the system. Lower courts have to rehear the case until all options are exhausted.

According to the national average, it takes about 11 years from the time a death penalty sentence is given until the actual execution. The profile box below describes a defendant from Florida whose death sentence was overturned after 20 appeals. Timelines for each of the defendants sentenced to death in Kansas and their status at the time of this report can be found in Appendix F.

20 Appeals Finally Lead to a Reduced Sentence

One defendant was sentenced to death in Florida in 1975, and his case was affirmed by the Florida Supreme Court. In 1976, the U.S. Supreme Court heard his case and upheld the death penalty process in Florida. Over the course of the next 14 years, this defendant's case was reviewed (or refused to be reviewed) as follows:

Court	# of times appealed
Florida Circuit Court	4
Florida Supreme Court	5
U.S. District Court	3
11 th Circuit Court of Appeals	3
U.S. Supreme Court	5

Twice, the Florida Supreme Court called the defendant's appeals "legally frivolous" and dismissed them. On his last appeal, however, the Florida Supreme Court reduced his sentence to 25 years without parole.

Costs for Death Penalty Cases Are Incurred At Both the State and Local Levels

The decision to pursue the death penalty in any case is up to the local prosecutor's discretion (unless that person delegates the decision to the State Attorney General). However, the costs associated with prosecuting a death penalty case are incurred at both the State and local level. *Table OV-2* summarizes some of the more common costs for different phases.

Table OV-2 Examples of Common Costs Incurred in Death Penalty Cases		
Examples of Common Costs	State Involvement	Local Involvement
Investigations Costs <ul style="list-style-type: none"> ● Securing the crime scene ● Gathering evidence ● Conducting lab tests on evidence ● Interviewing witnesses ● Cleaning up the crime scene 	Kansas Bureau of Investigation	Police/Sheriff
Confinement Costs Through the Trial	none	Local jail
Prosecution Costs <ul style="list-style-type: none"> ● Salaries of prosecuting attorneys ● Prosecution witness fees ● Travel costs to interview witnesses, take depositions, etc. ● Experts and other services 	Kansas Attorney General	County/District Attorney
Defense Costs <ul style="list-style-type: none"> ● Salaries of Board of Indigents' Defense Service attorneys ● Costs of any contracted attorneys ● Expert witness fees ● Travel costs to interview witnesses, take depositions, etc. 	Board of Indigents' Defense Services	none
Court Personnel Costs <ul style="list-style-type: none"> ● Judge's time for trial, motions, research ● Salary costs for bailiff, court reporter, etc. ● Support staff costs for clerks, etc. 	Judges and court staff (most paid by the State)	Bailiff and security staff (paid by the counties)
Jury Costs <ul style="list-style-type: none"> ● Notification of jurors ● Printing, administration, and analysis of juror questionnaires ● Per diem paid for serving on jury ● Housing and meals if sequestered 	none	Paid by county
Incarceration After Sentencing	Department of Corrections	none
Appeal to Supreme Court	Supreme Court Staff, Attorney General, Board of Indigents' Defense Services	none
Additional Appeals	Attorney General, Board of Indigents' Defense Services, Supreme Court Staff	none
Execution <ul style="list-style-type: none"> ● Salary cost for executioner and staff ● Special security costs at the institution ● Perimeter security 	Department of Corrections	Local police/sheriff for security
Source: LPA survey of the parties involved in these cases.		

The State Board of Indigents' Defense Services usually bears the cost of defending capital murder cases. People accused of capital murder usually don't have the resources to hire their own defense attorneys. In those cases, the Board provides defense counsel. To carry out its mission of providing, supervising, and coordinating constitutionally and statutorily required counsel and related services, the Board oversees a Statewide system of public defender offices and assigned counsel.

In response to the death penalty's re-enactment in 1994, the Board established what has come to be known as the Death Penalty Defense Unit. These attorneys represent people charged with capital murder at the trial level. The Board also has capital appellate defenders to represent them at the appeal levels. *Table OV-3* shows the Board's staff breakdown:

Table OV-3 Board of Indigents' Defense Services FTE Positions by Program (Approved FY 03)	
Administrative Services	11
Appellate Defender Office	29
Trial Level Public Defender Offices	111
Death Penalty Defense Unit	15
Total	166

The Board has had to contract with private counsel in several death penalty cases because of conflicts of interest. For example, one death penalty case involved 2 defendants who jointly committed the crimes. The Death Penalty Defense Unit represented one defendant, but because there was a chance he would testify against the other, the Unit was prohibited from representing the second defendant. Question 2, beginning on page 20, has more detail about this case and the most expensive death penalty case to date, which involved the Board contracting with private attorneys.

Prosecution costs will be borne by either the counties or the State, depending on who assumes responsibility for the case. In jurisdictions where local prosecutors don't have staff with the expertise to prosecute a death penalty case, the Kansas Attorney General's Office is called in.

The Attorney General's Criminal Litigation Division advises and assists county and district attorneys and local law enforcement officials in investigating and prosecuting criminal cases. In many instances, attorneys in the Criminal Litigation Division handle the direct prosecution of cases at the request of local prosecutors throughout the State.

Question 1: How Does the Cost of Death Penalty Cases in Kansas Compare With The Cost of Cases Involving Non-Death Sentences?

Actual cost figures for death penalty and non-death penalty cases in Kansas don't exist. Based on cost estimates we were able to gather, it appears the median death penalty case tried to-date would cost an estimated \$1.2 million through execution, or about 70% more than the estimated cost of the median non-death penalty case through the end of incarceration. Most of those costs will be borne by the State. Trial and appeal costs account for the largest cost differences between the death-penalty and non-death-penalty cases. Trial costs differ because of lengthier and more complicated trials. Appeal costs are higher because more appeals are likely, given that the defendant's life is at stake. These and other findings are discussed in the sections that follow.

During This Audit, We Obtained and Compared Estimated Cost Information for 22 Cases

Our comparisons focused on 3 types of cases filed since the death penalty was re-enacted in 1994. We chose only cases that had been through a full trial and sentencing procedure. Our sample is described below.

- **7 cases where the death penalty was sought and given.** This group includes all the cases where the defendant was convicted at trial and received a death sentence.
- **7 cases where the death penalty was sought but not given.** This group includes all the cases where the defendant was convicted at trial but did not receive a death sentence.
- **8 cases where the death penalty was not sought.** These were 1st degree murder cases in which the defendant was convicted at trial and received a long prison sentence. We used these cases for comparison purposes because the crimes would have been similar to the cases in which the death penalty was sought, but these cases went through the regular trial process, rather than the death penalty process.

As described in the Introduction and in Appendix B, it's important for the reader to be aware that the information and cost estimates we were able to gather or develop for death penalty cases have numerous limitations. For example:

- judges, attorneys, court staff, and local law enforcement officers don't keep case-specific time records. We had to rely on their memories and best estimates of how much time they spent on these cases, many of which occurred several years ago.
- most death penalty cases in Kansas still are at the early stages of the appeal cycle, and it's difficult to reliably predict how many appeals these cases may have, or what those appeals will cost. As mentioned in the profile on page 7, some cases can go through as many as 20 appeals.

We had to rely on some relatively sparse data from other states to estimate the number and costs of future appeals.

- The number of death penalty cases in Kansas is small, and 1 or 2 expensive or inexpensive cases could significantly affect average estimated costs. Because it is not affected by extreme values, throughout this report we present information based on the median for each group of cases.
- The Kansas Supreme Court did not provide estimates for the time the justices spent on the 2 death cases that have had their direct appeal to the Supreme Court, and on other cases they have heard. The Office of Judicial Administration declined to provide information about how long the justices spent on these cases because of “concern about invading the justices’ decision-making process.” Of the entities we surveyed in this audit, they were the only ones who didn’t estimate their time. As a result, we had to rely on sparse comparative data from North Carolina to estimate this.

As a result of these limitations, the figures we present in this report should be viewed only as *estimates of total costs*, not as actual cost figures. Actual experiences in each of these cases could vary significantly from the estimates we received or developed. Also, many officials who worked on these cases worked uncompensated overtime hours. Because these hours aren’t paid, we didn’t assign a value to this time.

Cases in Which the Death Penalty Was Sought and Imposed Could Cost About 70% More Than Cases in Which the Death Penalty Wasn’t Sought

Table I-1 shows the total costs for the 22 cases in our sample, as well as information about the most- and least-expensive cases and the median cost for a case, by type of case. These figures include estimates of all State and local costs incurred to-date, as well as projected costs for things that haven’t yet occurred—such as appeals, incarceration, and executions.

Detailed information about our processes for estimating and gathering costs can be found in Appendix B. Detailed cost estimates for all 22 cases included in this audit can be found in Appendix D.

	Death Sentence (7 cases)	Death Penalty Sought - Sentenced To Prison (7 cases)	Death Penalty Not Sought (8 cases)
Total Costs for Group	\$10.6 million	\$6.3 million	\$6.3 million
Most-Expensive Case	\$2.4 million	\$1.1 million	\$1.0 million
Least-Expensive Case	\$1.1 million	\$0.7 million	\$0.6 million
Median Cost for a Case	\$1.2 million	\$0.9 million	\$0.7 million
Source: LPA survey of the parties involved in each type of case, and calculated projections.			

Several interesting points from the table on the previous page:

- **the estimated median cost of a case in which the death sentence was given was about 70% more than the median cost of a non-death penalty murder case.** That figure was \$1.2 million compared to about \$740,000.
- **there was a lot of variability for the 7 cases in which the death sentence was given.** Their estimated costs ranged from \$2.4 million (State v. Robinson) to \$1.1 million (State v. Scott).
- **death penalty cases weren't always more expensive than non-death penalty cases.** As the table shows, the most expensive non-death penalty case in our sample was estimated to cost \$1.0 million, compared with about \$700,000 for the least expensive case where the death penalty was sought but not given. Overall, 5 non-death penalty cases in our sample had estimated costs higher than \$700,000, in large part because the defendants were young and received long prison sentences, thereby increasing their projected incarceration costs.

The State bears most of the costs of death penalty cases. *Table I-2* summarizes total estimated costs for all 14 cases in which death penalty trials have been held in Kansas. The table breaks those costs down into 4 primary phases, and by the entity that bore the cost.

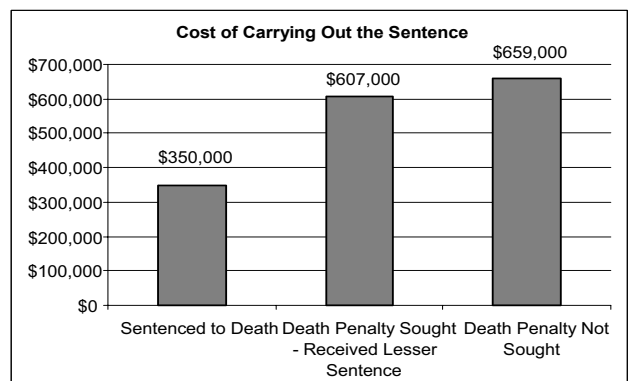
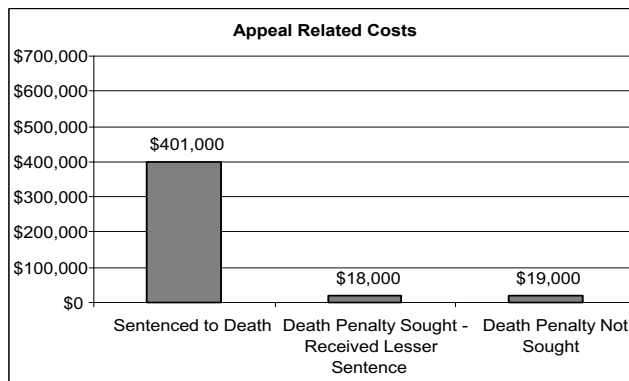
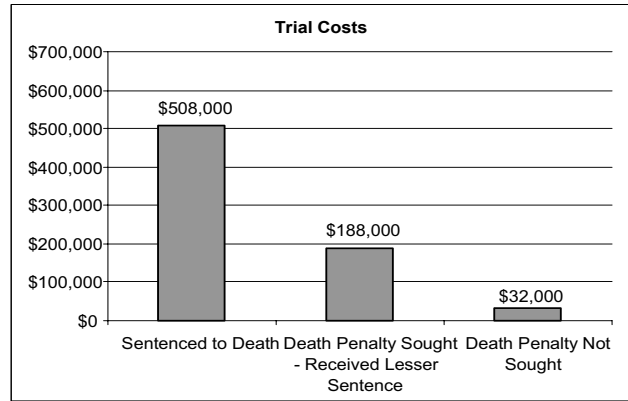
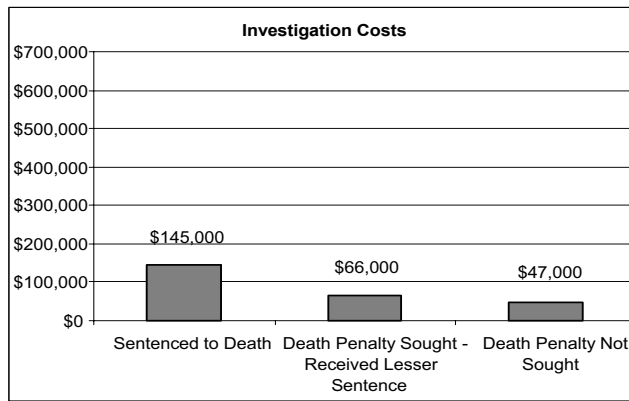
Table I-2 Estimated and Projected Costs for 14 Cases in Which the Death Penalty Was Sought			
Cost Category	State	Local	Total
Investigation	\$281,320	\$1,581,770	\$1,863,090
Trial			
Prosecution	\$191,314	\$558,804	\$750,118
Defense	\$3,959,044	\$0	\$3,959,044
District Courts	\$440,725	\$226,136	\$666,861
Appeal Related	\$3,115,568	\$99,667	\$3,215,235
Incarceration/ Execution	\$6,479,930	\$32,627	\$6,512,557
Total	\$14,467,901	\$2,499,004	\$16,966,905
% of Total	85%	15%	100%
Source: LPA survey of the parties involved in each type of case, and calculated projections.			

The table shows that the State will bear about 85% of the total estimated and projected costs for these cases. Local governments tend to bear the majority of the costs for investigating and prosecuting these cases, whereas the State bears most of the defense, appeal, and incarceration costs.

Death Penalty Cases Tend To Have Higher Costs at the Trial and Appeal Stages

Chart I-1 shows the median estimated and projected costs for 4 phases—investigation, trial, appeals, and incarceration and/or execution—for each of the 3 types of cases included in this audit.

**Chart I-1
Median Estimated Case Costs By Phase**



Source: LPA survey of the parties involved in each case, and calculated projections.

As the chart on the previous page shows, death penalty cases are estimated to be much more costly during the trial and appeals phases, while non-death penalty cases are more costly in the incarceration and/or execution phase. That's because non-death-penalty cases result in long prison terms, whereas in death-penalty cases, we projected that each accused eventually would be executed.

The following sections discuss some of the factors that studies have suggested result in higher costs for death penalty cases, or that make death penalty cases unique, and what we found when we looked at our sample of cases in Kansas.

Factors that can impact investigation costs

This includes work conducted by the local police, county sheriff, or the KBI for investigating the crime scene, interviewing witnesses/leads, doing forensic lab work, and housing the defendant in jail. The factors involved are summarized in *Table I-3*.

Table I-3 Factors That May Make Death Penalty Cases Unique or More Expensive: Investigation Phase	
Factors That Can Increase Costs	What We Saw in Kansas:
<p>More extensive investigations requiring more hours, and more forensic testing. The hypothesis is that there will be more intensive investigation with more hours worked and more lab/forensic testing in cases involving the death penalty.</p>	<p>Reported costs for local police/sheriff and KBI generally were higher for the death penalty cases. It should be noted that cases where prosecutors seek the death penalty are usually the worst-of-the-worst crimes. However, the second highest investigation cost case was a non-death penalty case. This highlights the fact that additional investigation and forensic costs may be due to the nature or location of the crime, not to the fact that the defendant was facing the death penalty.</p>
<p>Source: National Center for State Courts Research Model for Determining Death Penalty Costs, and LPA survey of the parties involved in each type of case.</p>	

Factors that can impact trial costs

This phase includes prosecution, defense, and court costs. Costs are based on attorney and judge time for pre-trial and trial proceedings. These costs also include expert witness expenses, juror costs, travel costs, costs of other court staff and other prosecution and defense staff, and fees for copying documents, etc. The factors involved are summarized in *Table I-4* to the right.

**Table I-4
Factors That May Make Death Penalty Cases Unique or More Expensive:
Trial and Pre-Trial Phases**

Factors that Can Increase Costs	What We Saw in Kansas:
The number of defense and prosecuting attorneys assigned. Because of the complexity and number of motions and issues in death penalty cases, 2 attorneys typically are assigned for the defense and the prosecution.	8 different attorneys have been involved in the trial and appellate defense of Gary Kleypas.
Motion filings and hearings. More issues are raised in motion filings and may be raised in separate motions in order to be thorough.	Although we don't have precise data on all cases, more than 200 motions were filed in the Kleypas case. This reportedly required the judge to hold motion hearings on evenings and weekends.
Change of venue surveys and travel costs. When pre-trial publicity could prejudice potential jurors, the defense may file a motion to have the judge move the trial to another city. Before a decision is made, a change of venue survey may be conducted to assess the level of bias among potential jurors. That can cost as much as \$30,000. When the trial is moved to another city, travel costs will also be incurred for the judge, court staff, and attorneys of the originating county.	Change of venue survey costs were reported for 9 of the 14 death penalty cases and none of the 8 non-death penalty cases we reviewed. These costs ranged between \$6,150 and \$39,915 per case.
Jury selection. Jurors go through extensive questioning by both the prosecution and defense.	Death penalty cases we reviewed averaged 230 jurors at the start of jury selection compared to 89 jurors at the same point in non-death penalty cases. There were 600 potential jurors at the start of jury selection in the Robinson case.
Length of the trial, interrogations, and deliberations. Because capital cases include more than one crime, and sometimes more than one defendant, there often are more witnesses to question. And, because the defendant could be put to death, more care is taken in questioning and jury deliberations.	Death penalty cases we reviewed averaged 28 days from the start of jury selection to the end of the trial, compared with 9 days in non-death penalty cases.
Expert witnesses. DNA and forensic testing are typical, and may be used by the defense or prosecution.	Defense expert witness costs were reported for 11 of the 14 death penalty cases we reviewed and 3 of the 8 non-death penalty cases. These costs ranged between \$400 and \$38,540 per case.
Separate sentencing trial. Only in capital cases where the defendant has been found guilty is a separate trial conducted to determine whether the defendant should be put to death. That decision is based on weighing aggravating and mitigating factors.	On average the separate sentencing trial added an average of 6 days to the length of Death Penalty trials for the cases we reviewed.
Extensive investigations for mitigating evidence. If the defendant is found guilty and there is a second sentencing trial, the defense is allowed to put on <u>any</u> evidence about the defendant's background to convince the jury the defendant should not be put to death. This information is derived from an extensive investigation conducted by the defense. Because the U.S. Supreme Court has ruled a state may not restrict the type or amount of evidence presented as mitigating circumstances, this process involves additional costs for investigations, expert witnesses, and court time.	Contract mitigation specialist costs were reported for 5 of the 14 death penalty cases and none of the 8 non-death penalty cases we reviewed. These costs ranged between \$4,000 and \$52,261 per case.
Psychiatric and medical evaluations. Evaluations are conducted to determine the defendant's sanity and to determine if any medical reasons exist that may explain the criminal behavior.	Defense psychiatric costs were reported for all 14 death penalty cases and 2 of the 8 non-death penalty cases we reviewed. These costs ranged between \$910 and \$71,540 per case.

Source: National Center for State Courts Research Model for Determining Death Penalty Costs, Death Penalty Information Center, and LPA survey of the parties involved in each type of case.

***Kansas' First Capital Case Since 1994
Is Remanded for Re-Sentencing***

Gary Kleypas was convicted of capital murder, attempted rape, and aggravated burglary in connection with the 1996 death of Carrie Williams, a fellow Pittsburg State University student. The trial had a change of venue from Crawford County to Wyandotte County. Kleypas was sentenced to death on March 11, 1998. Jurors had found that all 3 aggravating circumstances that prosecutors said could warrant the death penalty applied in this case - a previous conviction for a felony with great bodily harm; the crime was committed to avoid arrest or prosecution; and the crime was committed in an atrocious or cruel manner.

On direct appeal, the Kansas Supreme Court affirmed the capital murder conviction of Kleypas, but vacated his death sentence and remanded the case back to Crawford County for re-sentencing before a newly empaneled jury. The Court upheld the constitutionality of the Kansas death penalty statute, but ruled that the law prescribing how a jury is to weigh aggravating and mitigating circumstances in arriving at its sentence violated the Eighth Amendment as applied in this case.

The Court held it was improper for the jury to be instructed as the statute requires, that if aggravating circumstances were found but "not outweighed by any mitigating circumstances, the defendant shall be sentenced to death." This has the effect of requiring the death penalty even when the aggravating and mitigating circumstances are found by the jury to be in equal balance. Thus, the majority held, the so-called "weighing equation" which in essence allows a "tie" to go to the state violates the federal constitutional prohibitions against cruel and unusual punishment and the guarantee of due process. The Court ruled that "fundamental fairness" requires that a tie goes to the defendant when life or death is at issue. In reaching its decision, the Court reasoned that the Kansas Legislature intended to enact a constitutional death penalty scheme and concluded that the statute is not void on its face, but only in its application.

Kleypas must now be re-sentenced by a newly impaneled jury that will be instructed that a defendant must be sentenced to death if the aggravating circumstances found to exist outweigh the mitigating circumstances, as opposed to an instruction that the death penalty be imposed if the mitigating circumstances don't outweigh the aggravating circumstances. The first trial cost the State about \$836,000. Crawford County officials estimate that it will cost the county around \$140,000 to conduct the re-sentencing trial, which includes transporting Kleypas to and from court every day, and providing security in and around the courtroom. It is anticipated that the re-sentencing will begin in Spring 2004.

According to Supreme Court staff, the next 3 cases that will come before the Court on direct review have the same erroneous jury instruction that the Kleypas case did. If the Supreme Court holds to its prior ruling in Kleypas, it's very likely that the next 3 cases all will be sent back as well, at least for re-sentencing.

Factors that can impact appeal costs

This phase includes prosecution, defense, the Kansas Supreme Court, and the State’s district courts. Costs included are related to the time spent by attorneys, judges, and justices, as well as support staff. We also calculated projections for any re-trials or re-sentencing proceedings, and for future State or federal post-conviction proceedings, such as writs of habeas corpus and requests for review by the U.S. Supreme Court. The factors involved are summarized in *Table I-5*. The profile box on page 16 details the re-sentencing process for Kansas’ first death penalty case.

Table I-5 Factors That May Make Death Penalty Cases Unique or More Expensive: Appeals Phase	
Factors that Can Increase Costs	What We Saw in Kansas:
<p>More appealable issues from guilt and sentencing trials. Because more issues are objected to at trial and a separate sentencing trial is held, more issues can be raised on appeal.</p>	<p>In his direct appeal, Mr. Kleypas filed a 3-volume brief totaling almost 600 pages and raising 51 issues. The normal page limit on briefs is usually 50 pages.</p>
<p>Cases being reversed or remanded back to the trial court for retrial or re-sentencing. On average, 68% of death sentences are reversed on appeal and have to be retried, re-sentenced, or both. Additional errors made during the retrial can produce further appealable issues.</p>	<p>To date, one death penalty defendant has had his case completely reviewed by the Kansas Supreme Court, and the Court sent the case back to district court for re-sentencing. This means the original district court will have to select another “death qualified” jury, and the parties again will present aggravating and mitigating evidence.</p> <p>Another death penalty case was heard before the Supreme Court on direct appeal in September, but the Court has yet to issue its opinion. This case and 3 others have the same issue that caused the Supreme Court to remand Kleypas back for re-sentencing.</p>
<p>Source: National Center for State Courts Research Model for Determining Death Penalty Costs, Death Penalty Information Center, and LPA survey of the parties involved in each type of case.</p>	

Factors that can impact incarceration/execution costs

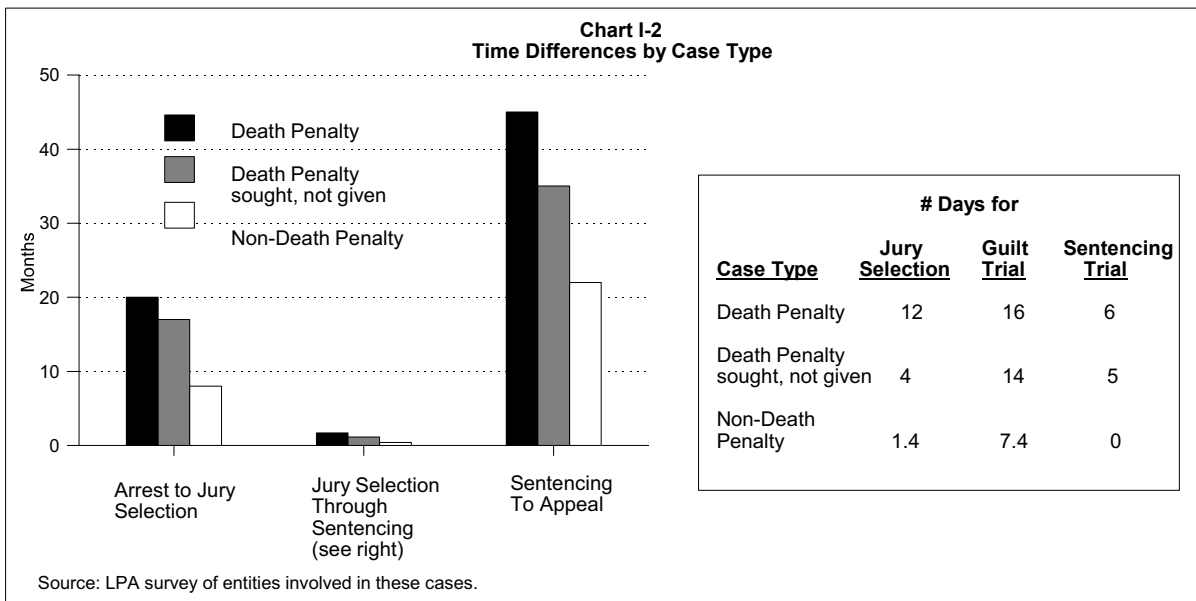
This phase includes the Kansas Department of Corrections and local law enforcement. The costs include incarceration costs for all defendants— those sentenced to death up until the time of execution, and other defendants for the duration of their sentences, or until they reach the age of average life expectancy. Costs also include actual execution costs and site security. The factors involved are summarized in *Table I-6*.

**Table I-6
Factors That May Make Death Penalty Cases Unique:
Incarceration / Execution Phases**

Factors that Can Increase Costs	What We Saw in Kansas:
Sentence not carried out for an average of 11 years. Defendants sentenced to death incur incarceration costs during the time they are incarcerated.	None of the Kansas cases involving the death penalty have been through all the avenues of appeal available to the defendants. Mr. Kleypas (the first death penalty case) was originally sentenced to death in 1998, but in December 2001 his case was remanded for re-sentencing. If he is re-sentenced to death in Spring 2004, we projected the execution would happen in 2015, 11 years after the latest sentence was imposed.
Less than 10% of executions are carried out. The Death Penalty Information Center states, most defendants sentenced to death incur all of the trial and appeals costs, yet end up spending the rest of their lives in prison instead of being executed.	Unknown at this point; no death penalty cases have been through the entire process.
More requests for clemency. All defendants sentenced to death likely apply for clemency when the execution appears imminent, while defendants sentenced to life in prison may not file for clemency.	Unknown at this point; no death penalty cases have been through the entire process.
Execution costs. In Kansas, these costs will include transporting the inmate from El Dorado to the Lansing Correctional Facility, security around the prison in Lansing, and the personnel to carry out the execution.	Unknown at this point; no death penalty cases have been through the entire process.

Source: National Center for State Courts Research Model for Determining Death Penalty Costs, Death Penalty Information Center, and LPA survey of the parties involved in each type of case.

In addition, the “super due process” required for death penalty cases means that, in general, those cases are going to take longer to resolve. *Chart I-2* provides some general information about differences in trial and appeal times for our sample of cases. More detailed time lines for both the death penalty and non-death penalty cases in our sample can be found in Appendix F.



**Officials We Spoke With and Literature Suggest
Both Costs and Benefits
Which We Couldn't Quantify in This Audit**

During this audit, we spoke with a number of knowledgeable officials and reviewed literature related to death penalty costs and systems. From these sources, we learned a number of costs and benefits that may exist as a result of having a death penalty, but that are hard to quantify. Some of those mentioned were:

Examples of costs:

- Creates a sense of brutality in society by sanctioning the taking of a life
- Cost to the system - other cases being neglected because of resources being shifted to capital cases
- Possible execution of innocent persons

Examples of benefits:

- A sense of justice
- Cost savings from trials avoided because the possibility of a death sentence caused a defendant to plead guilty to a lesser charge
- Cost savings from crimes that aren't committed because of a deterrent effect of the death penalty

This audit was not designed to quantify these types of costs or benefits or to render an opinion on whether the costs or benefits from having a death penalty outweighed the other. This audit simply looks at how the direct costs of the various phases of death penalty cases compare with those same types of costs for non-death penalty cases.

Question 2: Are There Steps Kansas Could Take To Reduce Overall Costs in Capital Punishment Cases?

The basic core processes followed by other states we looked at and the federal government are essentially the same as in Kansas. That's because requirements for things like death-penalty-qualified juries, bifurcated trials, and automatic reviews by state supreme courts are either imposed by law or required by the U.S. Supreme Court. Kansas already may be reducing costs in the cases it has pursued by not using certain non-required processes such as grand juries, or the sequestering of jurors during trial. Changes to State law, such as offering a true life sentence with no possibility for parole, possibly could reduce overall costs in Kansas. Having State-employed specialists also could help control some costs. These and other ideas are discussed in the sections that follow.

Much of the Process Is Mandated By the U.S. Supreme Court

In this audit, we compared the process Kansas follows for pursuing the death penalty with processes in Florida, Texas, North Carolina, and the federal government. We chose Florida and Texas because those states have had numerous death penalty trials and executions. North Carolina was selected because one of the most frequently cited studies of death penalty costs came from that state. We also spoke with Kansas officials who have been involved in the prosecution and defense of death penalty cases to solicit ideas for making the process less costly.

In comparing the basic core processes related to the trial, sentencing, and other aspects of death penalty cases, we found them to be basically the same. That's because most of the process has been prescribed by the U.S. Supreme Court. Areas we noted that were different are discussed in the sections that follow.

Some Aspects of the Way Kansas Has Implemented the Death Penalty Actually Save Money

These items are explained below.

- *Kansas doesn't require a grand jury indictment*—Grand juries are panels of citizens assembled to listen to the evidence to decide whether someone should be charged with a crime. Grand juries are required in the federal system and in a number of other states in order to bring indictments in death penalty cases. In Kansas, prosecutors have the option of convening a grand jury, but haven't yet done so.
- *Kansas generally doesn't sequester juries during trials*—Sometimes in sensitive or high-profile cases jurors aren't allowed to go home during the trial to avoid the possibility they'll be prejudiced by news

reports about the case or by people they may talk to. When juries are sequestered, the government has to pick up the cost of feeding and housing them. Although Kansas judges have the authority to order jurors sequestered during the trial or deliberations, our data showed juries have been sequestered in only one death penalty case, and then only during deliberations.

- *The Kansas Supreme Court doesn't conduct proportionality reviews—* These reviews involve the states' Supreme Court justices comparing the death sentence in the case before them to the sentences given in other cases involving similar crimes, to make certain the death sentence isn't excessive. Of the 38 states that currently have the death penalty, 21 states authorize the state Supreme Court to compare sentences. Kansas doesn't.

Certain Changes to Kansas Law Could Potentially Reduce Costs Associated With the Death Penalty

We identified several actions requiring statutory changes that potentially could help contain the costs related to the death penalty—having a true life sentence without the possibility of parole, and removing or clarifying a statutory provision that makes the Supreme Court responsible for “extra” review. Each is described below:

Having a true life sentence without the possibility of parole could potentially reduce costs in 2 ways. Current Kansas law sets the punishment for those convicted of capital murder at either death, or prison with eligibility for parole set at either 25 or 50 years.

The literature we reviewed suggests that prosecutors and juries are most concerned about ensuring that those who commit capital murder can no longer be a threat to the public safety. Having the option of imposing life in prison without parole could reduce costs in 2 ways.

- *Prosecutors might not be inclined to seek the death penalty in as many cases if they know a conviction will result in the defendant being locked away forever.* That means all the costs associated with the bifurcated trial, screening jurors for biases related to the death penalty, automatic appeals to the State Supreme Court, and other associated costs could be avoided.
- *Jurors might be more likely to impose a life sentence rather than death, which could reduce appeal costs.* Even though Kansas' law provides for long-term incarceration if the death penalty isn't imposed, the literature suggests that if jurors think there's even a possibility the offender will be released from prison, they are more likely to impose the death penalty than a prison sentence. That's because jurors don't want some defendants to be released no matter what their age may be at the time of release. Our review also showed that defendants with non-death sentences have fewer issues on appeal, which would save appellate costs.

Opponents of life without parole say a “Hard 50” sentence is basically a life sentence because most offenders won’t be eligible for parole until after they have died in prison. However, of the 38 states that have the death penalty, 35 also offer a life without parole option. Of the 12 states that don’t have the death penalty, 11 have life without parole as the mandatory sentence for 1st degree murder, and 1 allows the judge to set the number of years.

Deleting statutory provisions that authorize the Supreme Court to look for trial errors beyond those raised on appeal could further reduce appeal costs. State law (K.S.A. 21-4627) says:

“The supreme court of Kansas shall consider the question of sentence as well as any errors asserted in the review and appeal and shall be authorized to notice unassigned errors appearing of record if the ends of justice would be served thereby.” (underscoring added)

The Supreme Court’s research attorney told us this provision requires him to review the entire record for trial errors that may have occurred, whether or not those issues were raised in the appeal briefs filed by the defense attorneys. Court records in death penalty cases can be very voluminous. For example, in the Kleypas appeal the record consisted of more than 10,000 pages of documents, which the Supreme Court’s research attorney had to review and digest for the Court. In all, he estimated he spent about 2,500 hours preparing that case for the Court to review. We can’t say how much time this statutory provision added, but it’s likely to be significant.

Clearly, this provision provides a safeguard to help ensure that errors aren’t overlooked that could result in an innocent person being convicted. But neither the federal government nor any of the other 3 states we reviewed had such a provision.

Because Kansas already imposes the death penalty for fewer crimes than other states we looked at, we didn’t see opportunity for savings there. In Kansas, the death penalty can be sought only in cases of pre-meditated intentional killing of another person in which at least 1 of 7 qualifying circumstances also is present.

As noted earlier, about 80 crimes committed in Kansas since July 1994 have involved one or more of these qualifying factors. Only 53 of those cases were actually charged with capital murder. *Table II-1* shows summarized information for those cases.

Table II-1 Types of Capital Crimes Charged From 1994 To Date	
Aggravating factors that make murders eligible for the death penalty under Kansas law	Number of cases charged under this factor
Kidnaping or Aggravated Kidnaping for Ransom	1
Contracted Murder	3
Murder Committed by an Inmate at a Correctional Facility	0
Murder of a Rape or Sodomy Victim	14
Murder of a Law Enforcement Officer	3
Murder of More Than One Person During the Same Act	36
Murder of a Child Under 14 With the Intent to Kidnap or Commit Sex Offenses	0
Total	57(a)
<i>(a) Note: Totals add to more than 53 cases because some crimes qualified under more than one factor</i>	
Source: State Board of Indigents' Defense Services	

As the table shows, the death-penalty-eligible crimes that have occurred most frequently in Kansas were multiple murders and murders involving rape or sodomy.

In theory, further reducing the categories of murder that qualify for the death penalty could save costs, but Kansas already is fairly restrictive in the types of crimes that qualify for the death penalty. Compared to Florida, Texas, and North Carolina, Kansas has the most limited group of crimes in which the death penalty could be sought. *Table II-2* shows some examples of additional crimes that qualify for the death penalty in those 3 other states.

Table II-2 Examples of Additional Capital Crimes In Several Other States			
Number of Additional Crimes Eligible for the Death Penalty	Texas - 6	North Carolina - 16	Florida - 21
Examples:			
murder committed during a robbery	✓	✓	✓
murder committed as a result of arson	✓	✓	✓
murder committed during a burglary	✓	✓	✓
murder while escaping from custody	✓	✓	✓
murder committed during an aircraft hijacking		✓	✓
murder during a terrorist act		✓	✓
murder by discharging explosives		✓	✓
murder during a carjacking			✓
murder associated with stalking			✓
murder involving the abuse of children, elderly, or disabled persons			✓
Source: LPA survey of other states			

Implementing Cost Control Measures Used in Other States or Suggested by Local Officials Also Could Reduce Costs

These measures—including screening cases for “merit” and having State-employed specialists—are described below.

Some sort of screening mechanism could be used to determine which cases merit seeking the death penalty. In Kansas, local prosecutors have sole discretion in deciding whether to seek the death penalty. The only exception occurs when a local prosecutor asks the Attorney General’s Office to take over a case, such as when there’s a lack of resources or expertise. In those cases, the Attorney General makes the decision.

A review process established at the federal level requires cases to be evaluated by a review committee that meets with the attorneys, and gives the defense the opportunity to present any arguments against seeking the death penalty. The committee then makes a recommendation to the U.S. Attorney General, who makes the final decision.

The arguments Kansas attorneys, judges, and others offered for and against implementing this type of screening process in Kansas are summarized below.

Arguments in favor of such a review

- It keeps decisions to seek the death penalty from being based on local politics
- It promotes consistency and fairness across the State
- It eliminates making the decision based on economics (whether the county can afford it)

Arguments against such a review

- Local prosecutors are already using some sort of internal review process
- It wouldn’t reduce the number of cases or save costs
- It wouldn’t streamline the process

Having this type of screening process would reduce costs only if it resulted in fewer cases being tried seeking the death penalty. Otherwise the review process itself would be an additional cost to State or local government.

Having State-employed specialists also could help control some costs.

Some people we talked with during this audit either suggested hiring—or have hired—specialists to provide a more efficient process and help reduce costs.

- *Oklahoma has state-salaried psychological and forensic experts within their indigent defense unit.* These employees’ salaries cost the state less than contracting out for experts on a case-by-case basis to perform psychological or DNA tests and to testify at trial.
- *A panel of specially trained judges could be used for death penalty cases.* The expertise they would acquire possibly could lead to more efficient trials and cut down on the number of errors made during trial, resulting in fewer

issues on appeal and fewer reversals. Alternatively, some states (like Florida) require judges to obtain at least some specific training before they are allowed to sit on the bench for a death penalty case.

- *A panel of law clerks with death penalty expertise could be hired to travel to counties and assist judges who don't have much experience or training with death penalty cases. The experience these clerks would have with the various legal rulings could assist judges in these cases.*

Some other states have employed spending caps or limits on rates paid to contracted attorneys or experts in death penalty cases, but those types of limits appear to be contrary to American Bar Association standards. *Table II-3* shows how Kansas compares with several other states in terms of the limits placed on contracted attorneys or expert witnesses fees.

Table II-3 Capital Case Defense Contracted Attorney and Expert Fees				
	Contracted Attorneys		Contracted Experts	
	Limits on Hours	Limits on Rates	Limits on Hours	Limits on Rates
Kansas	None	None. Kansas normally pays \$100/hour.	None	None
Florida	None	Currently the only limit is \$5,000 for post-conviction appeals. Florida is looking into other limits.	None	None
Texas	None	\$60/hour in court and \$40/hour out of court until death penalty notice is filed. After that, \$60/hour out of court and \$500/day in court.	None	None
North Carolina	None	\$85/hour	None	None
Oklahoma	None	By statute, \$20,000 per case for lead counsel and \$5,000 per case for co-counsel. May request more at \$80/hour for lead counsel and \$60/hour for co-counsel. Appeals are not to exceed \$15,000.	None	None, but Oklahoma has in-house forensic and psychiatric experts.
Missouri	None	\$12,000 per attorney up to 2 attorneys, and can request more if case becomes extended. Appeals are limited to \$75,000 per case.	None	None
Colorado	None	\$65/hour	None	By Supreme Court directive, limited to \$150/hour.
Nebraska	None	None	None	None

Source: LPA survey of other states.

As the table shows, Kansas' \$100/hour rate for contract attorneys in death penalty cases is somewhat higher than the \$60 to \$85 per hour rates several of the other states pay. In addition, some states have placed a cap on the total amount of attorney fees they will pay. Currently Kansas has no such statutory cap, and officials at the Board of Indigents' Defense Services pointed to some conflicting guidance in this area as discussed on the following page.

- *State law says the Board of Indigents' Defense should not interfere with defense counsel in carrying out their professional duties.* K.S.A. 22-4520 states, "the State Board of Indigents' Defense Service shall not make any decision regarding the handling of any case nor interfere with the appointed counsel, contract counsel or public defender, or any member of the staff thereof, in carrying out their professional duties."
- *Recent American Bar Association guidelines say that payment limits are improper in death penalty cases.* The February 2003 ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases state that "Flat fees, caps on compensation, and lump-sum contracts are improper in death penalty cases." Those standards were referenced in a recent U.S. Supreme Court case *Wiggins v. Smith, Warden et al* as being guides for determining what is reasonable.
- *A 2003 Attorney General's Opinion concluded that State law does allow State resources to be considered in determining compensation for appointed counsel or for investigative and other expert services.* In summary, that opinion said "The determination regarding whether expert services are necessary to an adequate defense is a matter left to the sound discretion of the trial court. However, the amount of money that may be expended for such services from State funds is subject to compliance with the Board of Indigents' Defense Services' regulations expressing standards and guidelines for compensation of appointed counsel and investigative, expert and other services within the limits of appropriations."

Staff from the Board of Indigents' Defense Services told us that over the years they have looked to the previously mentioned statute for guidance. They told us they interpreted the non-interference language in the statute as calling for them to be pretty much "hands off," and to let the attorneys handle the case as they saw fit. Nonetheless, they told us they recognized their duty to provide counsel for indigent defendants in the most efficient and economical manner possible. Officials told us they attempt to bargain for lower-cost experts, deny some expert service requests, and review expenses and time sheets submitted by contract attorneys.

We saw denials of hours contracted attorneys claimed for lunches and staff meetings, and the like. We also saw evidence of extensive correspondence back and forth between the contract attorneys and Board staff negotiating expert services and fees. However, until just recently, contracts with private attorneys were written in an open-ended way (with no limit on hours worked), and as long as the attorneys submitted itemized time records, they were paid.

Board officials also told us the Attorney General Opinion seems to indicate they can consider State resources in adopting regulations for the defense of indigent clients. Board regulations currently require any claim for expert services which exceeds \$300 to have prior approval from the Board's executive director. Expert witnesses can be called in by either side to help prove the defendant's guilt or innocence. Examples of expert witnesses include DNA experts, psychologists, blood spatter experts, and the like. While the regulations have some dollar limits specified for expert services, the regulations specify that the director can approve additional amounts.

In addition, Board regulations restrict amounts paid to attorneys who are assigned or appointed by a judge in non-capital felony cases to \$50 an hour. However, those limits don't apply to contracted attorneys for capital cases hired by the Board when the Death Penalty Unit's workload is too heavy, or when there is a conflict that prevents them from taking a case. The regulation relating to contract counsel states that compensation shall be at the rate established and set forth in the contract between the attorney and the Board (currently \$100/hr).

In January 2003, the Board wrote its first contract with a limit of hours for a contracted attorney. The contract states the attorney shall work 800 hours, at which point the parties will review the work remaining to be done and agree on any additional hours. Board staff indicated they will need to see how this approach plays out.

Ensuring the Board of Indigents' Defense Services Can Handle Most Death Penalty Cases Could Save Costs

The Death Penalty Defense Unit within the Board of Indigents' Defense Services was established to provide representation to indigent defendants charged with capital crimes. The current staff of 5 attorneys handle death penalty cases, and occasionally handle non-death penalty cases if their caseload allows it. However, sometimes the Death Penalty Defense Unit can't provide the defense services because of conflicts of interest or excessive caseloads. When this happens, the Board of Indigents' Defense Services contracts with private attorneys to provide the representation, usually at \$100 per hour.

The Carr brothers' case in Sedgwick county presents an example of how costs can differ between in-house Death Penalty Defense Unit attorney costs and costs for contracting with private counsel. The Death Penalty Defense Unit represented one of the brothers, but because of a potential conflict of interest (one brother may testify against the other), the Unit couldn't represent the second brother. The Board contracted with a private attorney to provide representation for the second brother.

Both brothers were involved in essentially the same crimes, and were tried at the same time, in one trial proceeding. However, the defense costs for each brother came out very differently, as shown in *Table II-4*, below.

Name	Type of Counsel	Trial Costs	Direct Appeal	Total Costs	% difference
Carr, R	Contracted Out	\$597,434	\$46,398	\$643,832	48% more
Carr, J	In-House	\$427,400	\$7,443	\$434,843	

Source: LPA survey of the parties involved in each type of case.

The normal rate the Board pays contracted private counsel is \$100 per hour. This compares with a crude estimate of an hourly rate for in-house Death Penalty Defense Unit counsel at \$32 per hour (based on an average attorney salary of \$55,000 plus fringe benefits, but not including overhead or support staff). It should be noted that the contract attorney handled the majority of the litigation relating to media coverage of the trial, and the Death Penalty Defense Unit counsel had a lesser role.

Contracted attorneys also were used in the most expensive case to date—the Robinson case. This was an extraordinary case involving multiple victims over several years and several states. The Death Penalty Defense Unit originally represented Mr. Robinson, but he hired his own counsel and in effect “fired” the Death Penalty Defense Unit attorneys. Because the hired attorney wasn’t qualified to handle a death penalty case, the judge appointed 2 private attorneys to assist him. The original attorney subsequently dropped out of the case. The 2 judge-appointed attorneys entered into a contract with the Board of Indigents’ Defense for \$100 per hour to represent Mr. Robinson. Further, due to the Carr brothers’ cases consuming both Appellate Defender Teams, private counsel was contracted to defend the appeal of Mr. Robinson.

The Board currently is pursuing the idea of setting up a conflicts office in Wichita to help avoid the need to contract with private attorneys. This office would be staffed with death penalty trial attorneys and would be completely separate from the Topeka office. This would not only reduce the need to hire private attorneys for “conflict” cases, but also would provide additional resources for the Board to handle other death penalty cases.

Conclusion

Because so much of the process for prosecuting a death penalty case is required by the U.S. Supreme Court to ensure that due process is followed, there don't appear to be significant opportunities to change the process to save money. That means that other ways to economize will need to be found within the existing processes. One way to avoid some of the expense associated with death penalty cases can come from avoidance of trials or appeals. Some people have suggested that things like having a true life sentence without the possibility of parole, or having screening panels to decide which murder cases warrant seeking the death penalty, could be useful in this area. Others have suggested that having judicial specialists hear death penalty cases could reduce trial errors and associated appeal costs.

Another big area of costs is for the defense of the accused. Attempts to severely restrict what can be spent on the defense could likely be met with court challenges and result in significant retrial costs. However, there may be more economical ways to provide an adequate defense, such as ensuring that the Death Penalty Defense Unit of the Board of Indigents' Defense Services has an adequate number of trained and experienced staff, or possibly establishing a conflicts office, so that cases don't have to be farmed out to higher-cost contracted attorneys. Kansas also could potentially benefit from looking at whether cost control measures instituted in other states are resulting in significant legal challenges, and if not, incorporating those cost control measures into State regulations as appropriate.

Recommendations

1. To ensure that Kansas carries out the law related to the death penalty in a fair, equitable, and economical manner, the House and Senate Judiciary Committees should request the Judicial Council to review potential cost saving measures highlighted in this report, and provide recommendations as to which of those measures are most appropriate to consider in Kansas.
2. To help ensure that the Board of Indigents' Defense Services provides a fair and adequate defense at a reasonable cost to those facing the death penalty, the Board should do the following:
 - a. make sure the Death Penalty Defense Unit has a sufficient number of qualified and trained staff so that death penalty cases don't need to be contracted out because of the workloads of existing staff.
 - b. continue to look into the feasibility of establishing a conflicts office.
 - c. look at whether there are cost controls other states have implemented that won't jeopardize the defendant's right to an adequate defense or conflict with court rulings, and incorporate those measures into its regulations as appropriate.

APPENDIX A

Scope Statement

The Legislative Post Audit Committee approved an audit on the death penalty at its June 17, 2003 meeting. The audit was requested by Senators Hensley and Morris.

Costs Incurred For Death Penalty Cases: A K-GOAL Audit of the Department of Corrections

In Kansas, capital punishment cases that result in conviction at the trial court are subject to automatic appeal to the State Supreme Court, and may be appealed to the U.S. District Court, the U.S. Court of Appeals, and the U.S. Supreme Court. If, at any level, an appeals court remands the case back to a lower court, the appeals process can have even more steps.

The multiple levels of appeal and other factors can make death penalty cases costly. Between 1994 (when the death penalty was re-enacted in Kansas) and 2002, costs for the Board of Indigents Defense Services have increased from about \$316,000 to more than \$2 million annually. Although about 80 cases in Kansas have been eligible for the death penalty since it was re-enacted, it has actually been sought in fewer than 20 cases.

In addition to the defense expenses, costs are incurred locally to prosecute such cases, and the court system bears the cost of adjudicating them. Also, the Department of Corrections incurs costs for incarcerating and executing individuals sentenced under the death penalty. Apparently, no agency tracks court costs or prosecutorial costs related to death penalty cases, either at the State level or at the county or district-court level.

Legislators have expressed an interest in knowing what a capital punishment case costs the State of Kansas and local units of government, and whether there are less costly alternatives to the death penalty. A performance audit in this area would address the following questions:

- 1. What are the total State and local costs of the cases in which the death penalty was sought?** To answer this question, we would review relevant literature and interview officials from the Judiciary, State and local law enforcement agencies, local prosecutors' offices, and officials at the Board of Indigent's Defense Services to identify and understand what aspects of the cases are unique to death penalty cases and what aspects are common to all felony cases. We would identify all cases in which the death penalty has been sought since it was re-imposed in 1994. We would break those cases into two groups – those in which a death sentence was imposed, and those in which a death sentence wasn't imposed. For each of those cases, we would assemble a timeline for the various phases of the case, and try to gather information about the costs incurred at both the State and local level for all phases including investigation, prosecution, defense, adjudication, and incarceration. For execution costs, we would rely on estimates made by Department of Corrections staff.

(Staff note: There haven't been any executions in Kansas since the death penalty has been re-imposed. Therefore, actual costs incurred to date will not be complete. To estimate total costs of these cases, we will need to make assumptions about the number, length, and cost of appeals and about the life-expectancy of inmates who receive life sentences rather than the death penalty.)

- 2. Are there steps Kansas could take to reduce overall costs in capital punishment cases?** To answer this question, we would gather information about the processes for handling death penalty cases in a sample of other states (including Florida and Texas) and at the federal level. We would identify any differences between the processes they follow and the one used in Kansas. In particular, we would look for things Kansas requires that the other states or federal government don't. If it appears that some states may have more streamlined processes, we would explore the pros and cons of adopting some of the things other states might have done.

- 3. Are alternative sentences to the death penalty less costly to governmental entities?** To answer this question, we would select a sample of cases involving crimes eligible for the death penalty but for which the death penalty wasn't sought. We would then develop a timeline and collect costs for those cases to compare with the costs of death penalty cases determined in Question 1. In areas where the costs of these cases varied substantially from the death penalty cases, we would attempt to determine why. Also, we would look at what alternative sentences other states are using for the types of crimes currently eligible for the death penalty in Kansas. We would do additional work as needed.

Estimated completion time: 12-14 weeks

APPENDIX B

Methodology

This appendix contains detail about the methodology used in this audit to generate cost information for the sample of death penalty and non-death penalty cases to-date, and to project future costs for these sample cases.

Purpose of the audit: This audit was authorized to assist Kansas legislators in knowing whether death penalty cases were significantly more expensive than non-death penalty cases, and if so, by how much. It is not a study of whether it is more costly for Kansas to have the death penalty than not to have it. Such a study would have required a much broader look at, and an attempt to place a value on, all the possible positive and negative impacts that having a death penalty brings. Those would include such things as deterrent effects, effects on families of crime victims, possible cost savings from defendants pleading guilty to avoid a trial in which the death sentence could be imposed, and the like.

How We Selected the Cases We Reviewed:

From the Kansas Board of Indigents' Defense Services (BIDS) records, we identified cases since 1994 that have gone to trial seeking the death penalty. Of these cases, 7 resulted in a death penalty sentence, and 7 resulted in a prison sentence.

To create a comparison group similar to the Death Penalty group, we used the BIDS records to select cases in which capital murder charges could have been filed but weren't. Those cases had to meet each of the following criteria:

1. Death Penalty was not sought
2. Defendant received a jury trial
3. Defendant received one or more Hard 40 or Hard 50 sentences

This process yielded 6 cases. We selected two additional cases from the Kansas Sentencing Commission's list of individuals who had received a Hard 40/50 sentence for murder since 1997. These cases were selected based on the aforementioned criteria, the type of offense (capital murder or 1st degree murder) and the county of record – Sedgwick or Wyandotte. These counties were selected because each had multiple cases eligible for capital murder charges. In total, we selected 8 non-death penalty murder cases 7 of which were eligible for capital murder charges. We didn't search for more non-death penalty sample cases because of the audit's time constraints.

State and Local Agencies Whose Costs Were Included:

State	Local
Kansas Department of Corrections	Local Police and Sheriff's Offices
Kansas Bureau of Investigation	District Courts
Kansas Attorney General's Office	County and District Attorneys' Offices
State Board of Indigents' Defense Services	
Kansas Judicial Branch (Supreme Court and Office of Judicial Administration)	
Legal Services For Prisoners	

Types of costs we included:

Investigation Costs: We included direct salary and fringe benefit costs of law enforcement agencies involved in investigating the crime, jailing the defendant, and testifying at trial. We also included miscellaneous travel and out-of-pocket costs for forensic tests conducted in connection with the case.

Prosecution Costs: We included direct salary and fringe benefit costs of attorneys and support staff who worked on the case. We also included fees for contracted attorneys, witnesses, as well as travel, experts, and other costs incurred by the prosecution.

Defense Costs: We included direct salary and fringe benefit costs for attorneys and support staff employed by the Board of Indigents' Defense Services, as well as out-of-pocket costs for change of venue studies, contracted attorneys, witnesses, experts, as well as, travel, transcript fees and other costs incurred by the defense.

Court Costs: We included direct salary and fringe benefit costs of the judges, court clerks, bailiffs, court reporters, or any other staff directly involved in the conduct of the trial. We also included jury expenses and travel costs.

Appeal Costs: We included the cost of the research attorney and other court staffs' time, as well as prosecution and defense attorney time.

Incarceration Costs: We included local jail costs for the defendant up to the sentencing. We also included the total cost of incarceration in Department of Corrections facilities after the sentence is imposed, including a share of the overhead costs of operating the facility.

Execution Costs: We included such things as the cost of overtime for corrections staff on the day of execution, the cost of added security at the facility where the execution takes place, and the cost of conducting the execution and cremating the body.

Historical costs we estimated:

Supreme Court Justices' time - The Judicial Branch declined to provide an estimate of the amount of time justices spent on direct appeals to the Supreme Court. They said:

“As far as estimating the amount of time spent by individual Supreme Court justices and their respective staffs is concerned, we do not believe any meaningful figures could be determined. There has been a great deal of turnover in justices and staff, and as previously indicated, no contemporaneous time records were kept. Further, we have concern about invading the justices' decision-making process.”

As a result, to estimate the justices time we had to rely on data justices from North Carolina Supreme Court provided about the amount of time they spent considering appeals of death penalty cases. Those hours were reported in a study of costs of the death penalty in North Carolina, several years ago.

Costs we didn't include:

Overhead Costs: We generally excluded any share of prosecution, defense and courts' administrative costs, office rent, utilities, and the like, because they were very likely to be too small to significantly affect the findings, and too difficult to assemble in the time available. However, the Department of Corrections included facility overhead costs in its incarceration cost estimates and projections.

Overtime for Salaried Staff: Many salaried officials who worked on these cases reported uncompensated overtime hours. Because these hours aren't paid, we didn't assign a cost value to this time.

How We Gathered Cost Information:

We developed surveys with questions about time spent by various types of staff and specific types of out-of-pocket costs. Surveys were tailored for District Courts, Local Prosecutors, Local Police/Sheriff, the State Attorney General's Office, the Kansas Bureau of Investigation, the Board of Indigents' Defense Services, and the State Supreme Court. We solicited specific cost information from the Department of Corrections and Legal Services for Prisoners by phone, e-mail, or fax.

To measure personnel costs we asked about time spent on each case by different personnel. We also asked for information on current average salaries and fringe benefits for each category of personnel. We asked for estimates when actual costs weren't known. To assist them in responding we provided a Case Chronology of important dates, such as the date of the crime, date of arrest, date the trial started and ended, etc. with each survey. All of the cases where the defendant was sentenced to death, and several of the others, remain open and active on appeal or retrial, so that costs continue to accumulate.

How We Assembled Cost Estimates for Phases That Have Already Happened:

Because the cost of most goods, services, and wages tend to increase over time, we converted all costs to 2003 dollars.

Staffing Costs: We asked for current average annual salaries of employees, and applied current salary figures to time estimates reported. To calculate Kansas Supreme Court justice costs, we had to apply hours estimated by North Carolina justices for similar cases to current Kansas' justice salaries.

Out of pocket expenses: For expenses reported from prior years, we inflated the costs based on the Consumer Price Index.

How We Projected Costs for Phases That Haven't Yet Occurred:

Historical data on the cost of direct appeals, additional appeals, incarceration, execution or retrial/re-sentencing in death penalty cases was very limited or non-existent.

To project costs we made some key assumptions:

- All individuals currently awaiting execution will continue to appeal their case until they are executed.
- Currently available historical cost estimates provide a good estimate of future costs.
- There won't be major changes in the State's death penalty statute or relevant case law that would impact the number, length or cost of appeals.
- The number and cost of appeals in Kansas will be similar to those in North Carolina. North Carolina had data on the number and cost of appeals in their state.
- Future rates of inflation will equal the historical average (1913-2003) rate of inflation.
- Future returns on long-term government bonds will approximately equal their historical (1926-1999) average rate of return.
- Inmates in the study will be incarcerated in Kansas until they are executed or the earliest of the following happens:
 - < the end of their mandatory minimum sentence
 - < they die (estimated based on their current average life expectancy)

Where possible we used historical data, including estimates, as the basis for our projections. When no Kansas data were available (i.e. number of appeals per case) or was not provided to us (i.e. Supreme Court Justice time) we used comparable data from Missouri or North Carolina. For example, we used Missouri data to project how many of our sample cases where the defendant was sentenced to death would proceed through each step. That gave us the number of projected appeals. We used North Carolina data to estimate the time spent on cases by Supreme Court justices, and to project the length and cost of appeals.

To calculate the present value of future incarceration costs we inflated the current annual cost based on the historical average rate of inflation. We converted those costs into 2003 dollars based on the estimated return they could earn if invested in long-term government bonds. The estimated return is the average return on long-term government bonds between 1926 and 1999.

Significant Limitations of the Study:

- Because death penalty cases usually involve the worst-of-the-worst crimes, it's difficult to find comparison cases. We assume some differences in costs between cases can be attributed to differences in the crimes committed. Unfortunately, how much of a difference in cost should be attributed to the nature of the crime(s) involved is unknown.
- In some cases agencies reported actual amounts from invoices or other records, but most costs were based on unverifiable estimates of time spent.
- With many cases open on appeal, complete estimated cost information is only available for the trial stage. The primary cost information available is limited to estimates of costs during the trial phase.
- Our use of the CPI provided only a rough measure of the impact of inflation on the current cost of out-of-pocket expenditures.
- We don't know how accurately the agencies involved reported their costs to us. Some cases date back many years, and agency officials had to provide time and cost estimates.
- We based the cost of direct appeals, additional appeals, incarceration, and execution on projections that are naturally limited by the accuracy of our assumptions. For example:
 - < death penalty convictions may be overturned
 - < trial, appeal, and prison costs may increase slower or faster than the rate of inflation
 - < inmates may die or be executed much sooner or later than predicted
 - < non-death penalty sentenced inmates may die before the end of their minimum sentence or be denied parole after having served their minimum sentence
- Some small unidentified costs may not have been included on our surveys.
- Survey respondents may not have reported all the hours or costs they incurred.
- A prisoner can refuse to continue appealing his/her sentence or may die during the process. When or if this will happen is impossible to predict.
- If a case is remanded on appeal, and the individual is re-convicted or re-sentenced a second direct appeal could result.
- The cost of incarceration until release or execution is difficult to predict and is subject to change drastically if one or more inmates is released, dies, or is executed much sooner or later than expected.

**APPENDIX C
Case Details**

This appendix contains detail about the 22 cases examined in this audit. The information presented includes dates of the crime, charges, age of defendant, and sentence received.

Defendant's Name	D.O.B.	County	Sought Death?	Date of Crime	Age at Time of Crime	Charges	Date Originally Sentenced	Total Length of Consecutive Sentence(s)
Kleypas, Gary	10/8/55	Crawford	Y	3/30/96	40	Capital Murder, Attempted Rape, Aggravated Burglary	3/11/98	Death
Marsh, Michael	8/12/75	Sedgwick	Y	6/17/96	20	Capital Murder, 1st Degree Murder, Aggravated Arson, Aggravated Burglary	4/16/98	Death
Scott, Gavin	3/4/78	Sedgwick	Y	9/13/96	18	Capital Murder, 1st Degree Murder, Aggravated Burglary, Criminal Possession of a Firearm, Felony Theft	8/12/99	Death
Elms, Stanley	8/19/76	Sedgwick	Y	5/4/98	21	Capital Murder, Rape, Aggravated Burglary	2/10/00	Death
Robinson, John	12/27/43	Johnson	Y	2/29/00	56	2 Counts of Capital Murder, 1st Degree Murder, Aggravated Kidnapping, Theft, Aggravated Interference with Parental Custody	1/23/03	Death
Carr, Jonathan	3/30/80	Sedgwick	Y	12/14/00	20	4 Counts Capital Murder, First Degree Murder, Attempted Murder in the 1st Degree, 5 Counts of Aggravated Kidnapping, and 32 other felonies including Rape, Criminal Sodomy and Robbery.	11/15/02	Death
Carr, Reginald	11/14/77	Sedgwick	Y	12/14/00	23	4 Counts Capital Murder, First Degree Murder, Attempted Murder in the 1st Degree, 6 Counts of Kidnapping, and 42 other felonies including Rape, Criminal Sodomy and Robbery.	11/15/02	Death
Bradford, Virgil	11/8/70	Dickinson	Y	2/17/97	26	Capital Murder, 2 Counts of 1st Degree Murder, Aggravated Burglary	2/23/99	60 Years
Verge, Robert	3/11/74	Dickinson	Y	2/17/97	22	Capital Murder, 2 Counts 1st Degree Murder, Aggravated Robbery, Aggravated Burglary, Theft	12/4/98	50 Years
Powell, Richard	12/24/70	Wyandotte	Y	2/5/98	27	Capital Murder, Criminal Possession of a Firearm	8/27/99	44.5 Years

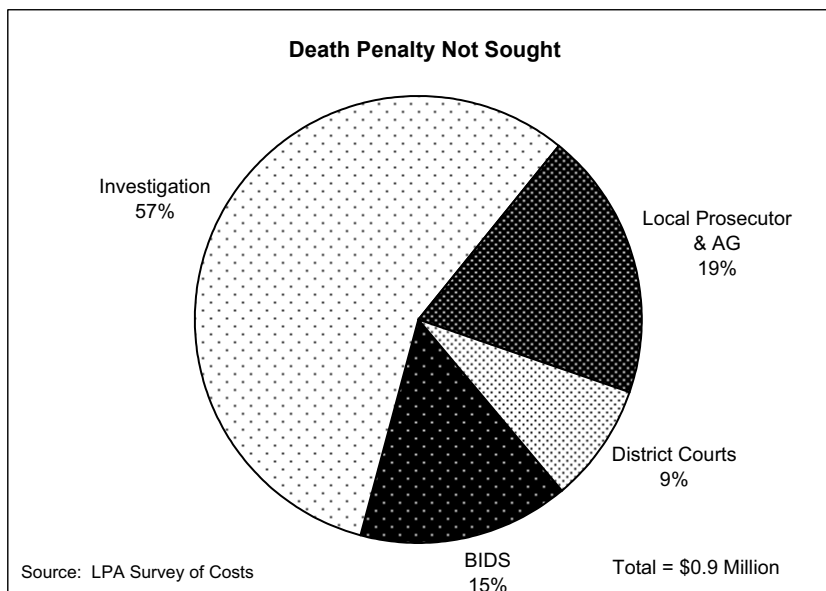
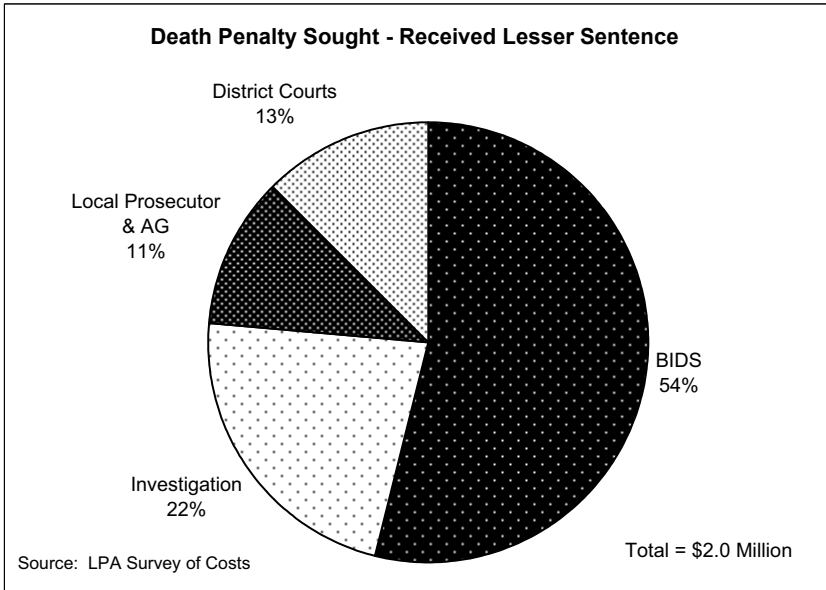
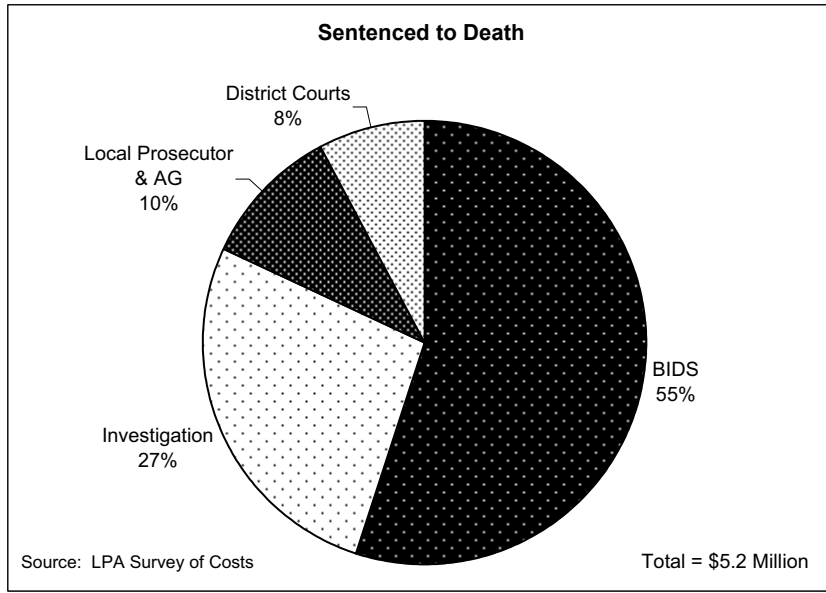
Defendant's Name	D.O.B.	County	Sought Death?	Date of Crime	Age at Time of Crime	Charges	Date Originally Sentenced	Total Length of Consecutive Sentence(s)
Martis, Gordon	4/18/76	Wyandotte	Y	5/19/99	23	Capital Murder, 2 Counts Attempted 1st Degree Murder	6/29/01	40 Years
Hebert, Jeffrey	8/31/77	Clay	Y	11/16/99	22	Capital Murder, Aggravated Battery on a Law Enforcement Officer, Criminal Use of Weapons, Inflicting Death on a Police Dog	3/13/01	59 Years
Oliver, Cornelius Trotter, Christopher	10/17/82 4/24/71	Sedgwick Wyandotte	Y Y	12/6/00 5/21/01	18 30	Capital Murder, 4 Counts of 1st Degree Murder Capital Murder, Murder in the First Degree, Aggravated Robbery	2/26/02 9/4/03	140 Years 50 Years
Barnes, Gordon	6/5/75	Sedgwick	N	4/30/95	19	1st Degree Murder & Aggravated Kidnapping	4/16/96	58 Years
Donesay, Sakone	1/28/81	Sedgwick	N	1/8/96	14	Capital Murder, Aggravated Robbery, 2 Counts Felony Theft, Felony Criminal Damage to Property, and Criminal Possession of a Firearm	9/6/96	53 Years
Wakefield, Jason	7/27/77	Sedgwick	N	9/13/96	19	2 Counts of First Degree Murder, Felony Murder, Aggravated Burglary, Felony Theft	6/19/97	80 Years
Julliano, Ramon	5/20/63	Wyandotte	N	6/11/97	34	1st Degree Murder, Criminal Solicitation to Commit 1st Degree Murder, Felony Theft & Arson	2/13/98	44 Years
Jamison, Chester	11/17/73	Sedgwick	N	10/6/97	23	2 Counts of First Degree Murder	5/28/98	80 Years
Henry, Rodney	3/18/74	Johnson	N	4/26/98	24	1st Degree Murder, Rape & Aggravated Criminal Sodomy	7/15/99	30 Years*
Douglas, Romane	7/3/79	Sedgwick	N	10/3/99	20	2 Counts of First Degree Murder, 2 Counts of Aggravated Robbery	12/1/00	113 Years
James, Tyron	7/14/81	Wyandotte	N	4/16/02	20	2 Counts of 1st Degree Murder	4/24/03	50 Years
*Originally Sentenced to 68 Years								

**APPENDIX D
Cost Summary**

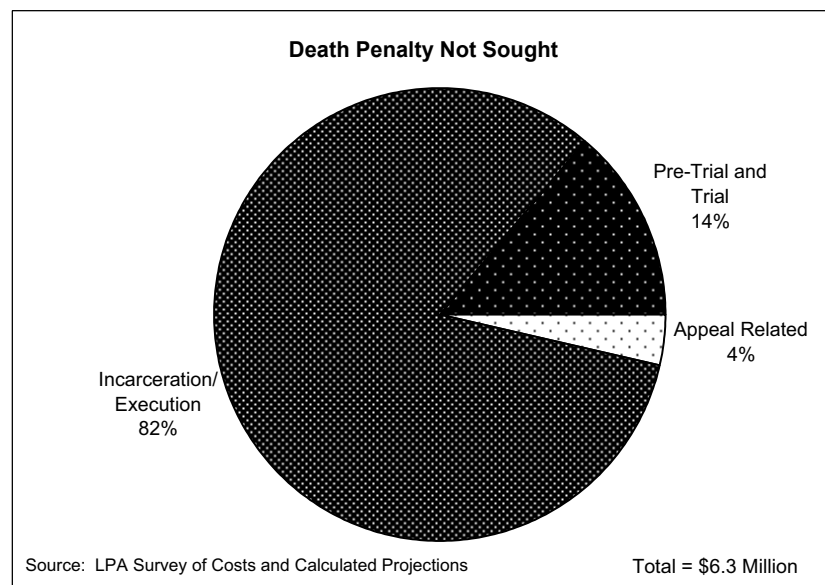
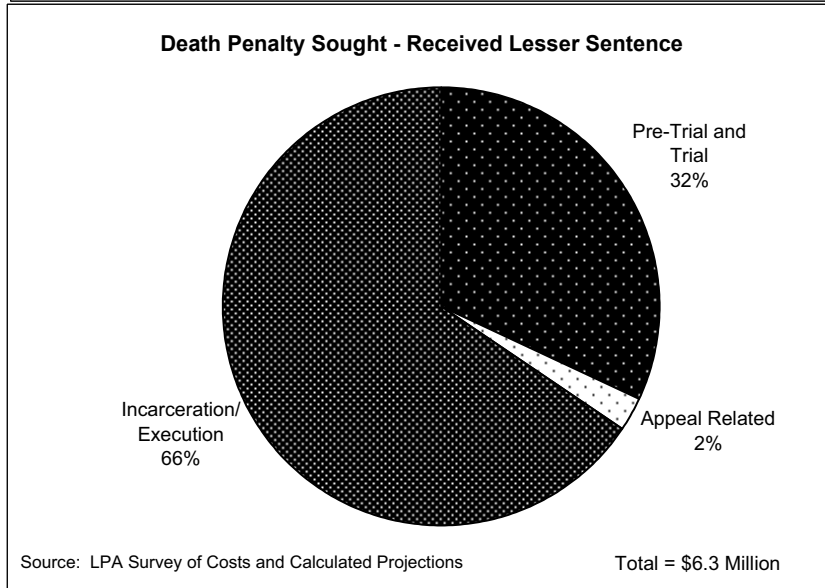
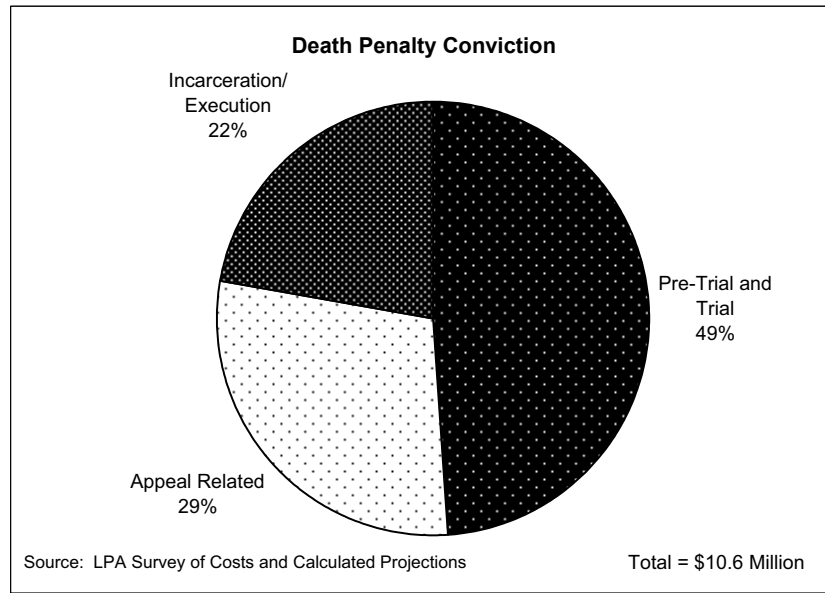
This appendix contains a table that summarizes estimated cost information for the 22 cases examined in this audit. The information presented includes estimated investigation and trial costs, and projected appeal, incarceration, execution and total costs. The pie charts on the following pages show breakdowns of costs by type of case.

Defendant's Name	County	Total Estimated Investigation and Trial Costs	Projected Direct Appeal Costs	Projected Additional Appeal Costs	Projected Incarceration/ Execution Costs	Total Estimated Case Cost
Robinson, John	Johnson	\$1,832,526	\$188,828	\$103,773	\$305,594	\$2,430,721
Kleypas, Gary	Crawford	\$836,001	\$772,611	\$103,773	\$366,865	\$2,079,250
Carr, Reginald	Sedgwick	\$853,547	\$188,828	\$103,773	\$295,191	\$1,441,339
Carr, Jonathan	Sedgwick	\$656,832	\$188,828	\$103,773	\$295,191	\$1,244,624
Marsh, Michael	Sedgwick	\$312,537	\$349,016	\$103,773	\$372,229	\$1,137,555
Elms, Stanley	Sedgwick	\$356,636	\$356,459	\$103,773	\$350,352	\$1,167,220
Scott, Gavin	Sedgwick	\$356,682	\$296,851	\$103,773	\$360,302	\$1,117,608
Death Penalty Sentence:		\$5,204,762	\$2,341,423	\$726,408	\$2,345,724	\$10,618,316
Hebert, Jeffrey	Clay	\$443,042	\$19,271	\$1,177	\$675,641	\$1,139,132
Bradford, Virgil	Dickinson	\$416,785	\$45,560	\$849	\$583,999	\$1,047,193
Verge, Robert	Dickinson	\$368,279	\$12,403	\$850	\$611,199	\$992,730
Oliver, Cornelius	Sedgwick	\$275,697	\$16,508	\$1,177	\$607,092	\$900,474
Martis, Gordon	Wyandotte	\$246,029	\$19,759	\$1,177	\$533,016	\$799,982
Trotter, Christopher	Wyandotte	\$200,456	\$16,335	\$1,177	\$528,772	\$746,740
Powell, Richard	Wyandotte	\$84,062	\$9,982	\$1,177	\$627,115	\$722,336
Death Penalty Sought - Received Lesser Sentence:		\$2,034,350	\$139,819	\$7,585	\$4,166,833	\$6,348,587
Donesay, Sakone	Sedgwick	\$189,000	\$111,562	\$3,738	\$742,961	\$1,047,261
Barnes, Gordon	Sedgwick	\$138,932	\$5,759	\$46	\$765,456	\$910,193
Wakefield, Jason	Sedgwick	\$87,801	\$9,829	\$0	\$707,154	\$804,784
Jamison, Chester	Sedgwick	\$75,239	\$22,541	\$1,235	\$677,295	\$776,310
Douglas, Romane	Sedgwick	\$83,925	\$24,487	\$1,177	\$603,390	\$712,979
Juiliano, Ramon	Wyandotte	\$43,118	\$8,263	\$1,675	\$639,986	\$693,043
Henry, Rodney	Johnson	\$207,633	\$18,363	\$1,177	\$457,836	\$685,009
James, Tyron	Wyandotte	\$52,540	\$16,335	\$1,177	\$573,052	\$643,104
Death Penalty Not Sought:		\$878,189	\$217,139	\$10,225	\$5,167,131	\$6,272,684
Total - All Cases:		\$8,117,301	\$2,698,381	\$744,218	\$11,679,687	\$23,239,587

ESTIMATED TRIAL PHASE COSTS



COSTS BY PHASE



APPENDIX E
State vs. Local Costs

This appendix contains summarized estimated cost information for the 22 cases examined in this audit. The information presented is broken down by case type, by agency or participant, and by State or Local cost. For each group, the locals have significant estimated costs, but the State bears the brunt of the estimated total costs.

Comparison of State and Local Costs for Sample Cases			
7 - Death Penalty Conviction Cases			
	State	Local	Total
Investigation	\$132,029	\$1,274,641	\$1,406,670
Prosecution	\$62,722	\$460,651	\$523,373
Defense	\$2,863,989	--	\$2,863,989
District Court	\$264,761	\$145,969	\$410,730
Appeal Related	\$2,968,164	\$99,667	\$3,067,831
Incarceration/Execution	\$2,313,097	\$32,627	\$2,345,724
Total	\$8,604,762	\$2,013,555	\$10,618,317

7 - Death Penalty - Received Lesser Sentence			
	State	Local	Total
Investigation	\$149,291	\$307,129	\$456,420
Prosecution	\$128,592	\$98,153	\$226,745
Defense	\$1,095,055	--	\$1,095,055
District Court	\$175,964	\$80,167	\$256,130
Appeal Related	\$147,404	--	\$147,404
Incarceration/Execution	\$4,166,833	--	\$4,166,833
Total	\$5,863,139	\$485,449	\$6,348,587

8 - Non-Death Penalty Cases			
	State	Local	Total
Investigation	\$1,392	\$498,253	\$499,645
Prosecution	\$0.00	\$169,190	\$169,190
Defense	\$133,000	--	\$133,000
District Court	\$53,611	\$22,742	\$76,353
Appeal Related	\$160,999	\$66,366	\$227,365
Incarceration/Execution	\$5,167,131	--	\$5,167,131
Total	\$5,516,133	\$756,551	\$6,272,684

Source: LPA survey of the parties involved in each type of case, and calculated projections.

APPENDIX F

Significant Dates and Current Status of Sample Cases

This appendix contains detail about the 22 cases examined in this audit. The information presented includes dates of the crime, trial dates, sentence date and current status as of October, 2003.

Significant Dates & Current Status of the 14 Cases in Which the State Sought the Death Penalty							
	Years Since Crime	Crime Committed	Trial Start	Trial End	Formally Sentenced	Sentence	Current Status
Kleypas	7	3/30/96	7/7/97	8/5/97	3/11/98	death	12/28/01 Supreme Court remanded. Re-sentencing pending.
Marsh	7	6/17/96	11/17/97	1/12/98	4/16/98	death	Direct appeal heard on 9/4/03. No opinion issued yet.
Scott	7	9/13/96	8/3/98	8/21/98	due to juror misconduct, the sentencing phase was redone. See next line.		
			6/14/99	6/24/99	8/12/99	death	Direct appeal pending. State hasn't filed brief yet.
Elms	5	5/4/98	11/1/99	12/2/99	2/10/00	death	Direct appeal pending. State hasn't filed brief yet.
Robinson	3	(various) 2/29/2000	9/16/02	11/2/02	1/23/03	death	Direct appeal pending.
Carr, J	3	(various) 12/14/00	9/9/02	11/15/02	11/15/02	death	Direct appeal pending.
Carr, R	3	(various) 12/14/00	9/9/02	11/15/02	11/15/02	death	Direct appeal pending.
Bradford	6	2/17/97	1/11/99	1/28/99	2/23/99		11/16/01 Supreme Court remanded for resentencing. See next line.
				na	1/9/02	Hard 40 + 238 months	No further appeals filed.
Verge	6	2/17/97	10/23/98	11/20/98	12/4/98		11/16/01 Supreme Court remanded for resentencing. See next line.
				na	1/2/02	Hard 40 + 117 months	No further appeals filed.
Powell	5	2/5/98	6/28/99	na	8/27/99	Hard 25 + 234 months	10/25/02 Supreme Court affirmed. No further action.
Martis	4	5/19/99	4/12/01	5/11/01	6/29/01	Hard 40	Direct appeal pending.
Hebert	4	11/16/99	1/10/01	2/20/01	3/13/01	Hard 50 + 110 months	Direct Appeal heard 9/9/03. No opinion issued yet.
Oliver	3	12/6/00	12/3/01	na	2/26/02	Hard 50 x 2 + Hard 40 x 2	Direct appeal pending. State has not filed brief yet.
Trotter, C	2	5/21/01	6/23/03	7/22/03	9/4/03	Hard 50	Direct appeal pending.
Significant Dates & Current Status of the 8 Sample Cases in Which the State Didn't Seek the Death Penalty							
Barnes	8	4/30/95	1/23/96	2/16/96	4/16/96	Hard 40 + 221 months	11/7/97 Supreme Court affirmed. No further action.
Donesay	7	1/8/96	8/13/96	8/20/96	9/6/96		5/29/98 remanded to trial court. See next line.
			12/7/98	12/14/98	1/6/99	Hard 40 + 158 months	3/9/01 Supreme Court affirmed. No further action.
Wakefield	7	9/13/96	4/28/97	5/6/97	6/19/97	Hard 40 x 2	4/16/99 Supreme Court affirmed. No further action.
Juliano	6	6/11/97	11/17/97	11/26/97	2/13/98	Hard 40 + 49 months	11/5/99 Supreme Court affirmed. Post conviction appeal pending.
Jamison	6	10/6/97	4/27/98	5/1/98	5/28/98	Hard 40 x 2	7/14/00 Supreme Court affirmed. No further action.
Henry	5	4/26/98	5/3/99	5/11/99	7/15/99		6/20/02 Supreme Court reversed. See next line.
				2/20/03 pled guilty	5/9/03	360 months	No further action.
Douglas	4	10/3/99	7/17/00	7/24/00	mistrial see next line.		
			10/2/00	10/10/00	12/1/00	Hard 50 x 2 + 161 months	7/12/02 Supreme Court affirmed. No further action.
James	1	4/16/02	2/24/03	2/27/03	4/24/03	Hard 50	Direct appeal pending.

APPENDIX G

Agency Responses

On October 31st, we provided copies of the draft report to the State Board of Indigents' Defense Services, the Kansas Attorney General, the Office of Judicial Administration, the Kansas Bureau of Investigation and the Kansas Department of Corrections. The Department of Corrections, the Office of Judicial Administration and the State Board of Indigents' Defense Services provided written responses, which are included in this Appendix. We made some minor corrections and clarifications to the draft report which didn't affect any of our findings or conclusions.

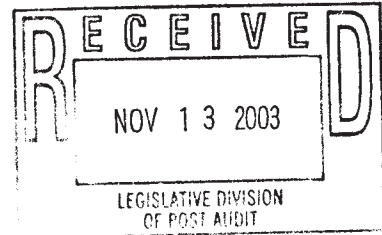
KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Nov. 10, 2003


Ms. Barbara J. Hinton
Legislative Post Auditor
800 SW Jackson, Suite 1200
Topeka, Kansas 66612-2212



Dear Ms. Hinton:

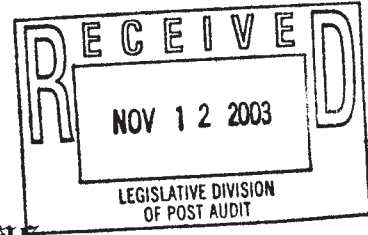
Thank you for providing us with an opportunity to review the draft copy of the report entitled: *Costs Incurred For Death Penalty Cases: A K-GOAL Audit of the Department of Corrections*. The report gives an accurate representation of departmental processes. We do not have any additional comments to offer regarding the findings and recommendations of the report.

Sincerely,



Roger Werholtz
Secretary of Corrections

900 SW Jackson – 4th Floor, Topeka, KS 66612-1284
Voice 785-296-3310 Fax 785-296-0014 <http://www.dc.state.ks.us/>



Supreme Court of Kansas

Kansas Judicial Center

301 S.W. 10th

Topeka, Kansas 66612-1507

HOWARD SCHWARTZ
Judicial Administrator

(785) 296-4873

November 12, 2003

Barbara J. Hinton
Legislative Division of Post Audit
800 Southwest Jackson Street, Suite 1200
Topeka, Kansas 66612-2212

Dear Ms. Hinton:

Thank you for the draft copy of your recently completed performance audit, *Costs Incurred for Death Penalty Cases: A K-GOAL Audit of the Department of Corrections*.

I would like to address statements made regarding proposed cost control measures. Page 24 of the draft report suggests that panels of specially trained judges handle death penalty cases, with the expectation that "[t]he expertise they would acquire over time would cut down on the number of errors made during trial, resulting in fewer appeals and reversals." A similar statement is made regarding law clerks at page 25.

I am somewhat concerned that these two statements could be misconstrued to reach the conclusion either that the absence of trial court error will mean fewer appeals or that trial court errors resulted in the currently existing appeals. Neither of these conclusions is true.

As noted on page 6 of the draft report, appeals in death penalty cases are appeals of right, and will exist even in the absence of trial court error. In relevant part, K.S.A. 21-4627 provides that "[a] judgment of conviction resulting in a sentence of death shall be subject to automatic review by and appeal to the supreme court of Kansas in the manner provided by the applicable statutes and rules of the supreme court governing appellate procedure." Trial court error does not necessarily form the basis for the appeals, which are automatic under K.S.A. 21-4627.


Further, as noted on page 16 of the draft report, the remand of the *Kleypas* case was not based on trial court error, but rather on the language of K.S.A. 21-4624(e), which provides in part that, if "the existence of . . . aggravating circumstances is not outweighed by any mitigating circumstances which are found to exist, the defendant shall be sentenced to death." This

statutory weighing equation was found to impermissibly mandate the death penalty when the jury finds that the mitigating and aggravating circumstances are equal, and the *Kleypas* case was remanded for resentencing.

State v. Kleypas placed a tremendous burden upon the resources of the court system, both at the district court and the Supreme Court level. *Kleypas* involved a great deal of judicial resources as the first case to reach the Supreme Court since the death penalty was reinstated in Kansas by statute in 1994. However, it has been the experience of other jurisdictions that have had a death penalty for much longer periods than Kansas that these cases never become routine. It is not a reasonable expectation that death penalty cases will ever be easily or quickly resolved, given the nature of the cases and nature of the death penalty itself.

Thank you again for the opportunity to review and address the contents of this report.

Sincerely,

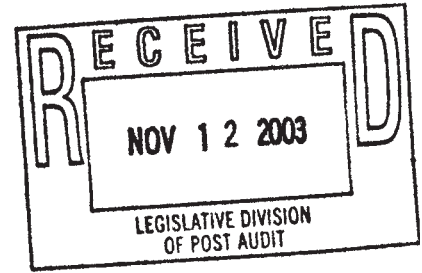

Howard Schwartz
Judicial Administrator

HS:vm



BOARD OF INDIGENTS' DEFENSE SERVICES

**JAYHAWK WALK
714 SW JACKSON, SUITE 200
TOPEKA, KANSAS 66603-3714**



(785) 296-4505

November 12, 2003

Barbara Hinton
Legislative Post Auditor
800 SW Jackson, suite 1200
Topeka, KS 66612-2212

Dear Ms. Hinton:

The State Board of Indigents' Defense Services expresses its appreciation for the hard work and for the recommendations of the audit team. Our response to the recommendations follows.

The audit recommends that the Board "make sure the Death Penalty Defense Unit has a sufficient number of qualified and trained staff so that death penalty cases don't need to be contracted out because of the workloads of existing staff." In response the Board offers that a conflict death penalty appeals office has already been established and that we have requested funds to establish a conflict death penalty trial office in Wichita. Both the appellate and trial conflicts offices will handle case overload as well as conflicts cases. This will avoid the need to hire contract attorneys in almost all instances, the only exception being the possibility of several death penalty cases being filed across the state simultaneously. In that instance, the Board has secured the training for death penalty defense of sufficient regional public defenders with extensive trial experience who would agree to have their positions upgraded and be called upon to defend death penalty cases filed in their region. Additionally, the Board has secured the training for death penalty defense of additional appellate public defenders who would have their positions upgraded and might be called upon to provide appellate death penalty defense. It should be noted that few attorneys are willing to perform death penalty defense. In all circumstances the Board provides and will continue to provide effective assistance of counsel.

The audit recommends that the Board "continue to look into the feasibility of establishing a conflicts (trial) office." In response the Board offers that it requested funds to establish a conflicts trial office in its budget submitted September 15, 2003. If the necessary funds are appropriated, a fully staffed conflicts trial office including attorneys, a mitigator and an investigator as well as paralegal staff will be established in Wichita.

The final recommendation is that the Board should “look at whether there are cost controls other states have implemented that won’t jeopardize the defendant’s right to an adequate defense...”. In response the Board offers that it has established a dialogue with other states and hopes to have a meeting with the executive directors of surrounding states to both offer our experience and to learn from theirs.

Once again the Board appreciates the hard work and the recommendations of the audit team. We look forward to our continued work together.

Yours truly,

A handwritten signature in cursive script that reads "Patricia A. Scalia".

Patricia A. Scalia
Executive Director

APPENDIX C

**REPORT OF THE JUDICIAL COUNCIL
DEATH PENALTY ADVISORY COMMITTEE**

Approved by the Judicial Council

February 13, 2014

EXECUTIVE SUMMARY

This report is based on two sets of data: (1) cases used in a 2003 Legislative Post Audit Report and (2) 34 cases which could have been charged as capital murder filed between 2004 and 2011. Of those 34 cases, 16 had jury trials and 18 were settled by plea agreement for sentences of imprisonment.

BIDS Defense Costs for Cases filed 2004-2011

	<u>Total</u>	<u>Average</u>
• Total BIDS costs (trial & appeal) for 9 trial cases where death penalty sought:	\$ 3,561,856	(\$ 395,762/case)
• Total BIDS costs (trial & appeal) for 6 trial cases where death penalty not sought:	\$ 593,781	(\$ 98,963/case)
• Total BIDS costs for 6 plea cases where death penalty sought:	\$ 783,568	(\$ 130,595/case)
• Total BIDS costs for 11 plea cases where death penalty not sought:	\$ 711,823	(\$ 64,711/case)

District Court Costs for Cases filed 2004-2011

• District Court costs (trial & appeal) for 9 trial cases where death penalty sought:	\$ 652,770	(\$ 72,530/case)
• District Court costs (trial & appeal) for 5 trial cases where death penalty not sought:	\$ 107,770	(\$ 21,554/case)
• District Court costs for 4 plea cases where death penalty sought:	\$ 65,051	(\$ 16,263/case)
• District Court costs for 9 plea cases where death penalty not sought:	\$ 66,454	(\$ 7,384/case)

Pre-2003 Cases Reviewed in Legislative Post Audit Study

Since Post Audit published its study in December 2003, BIDS has incurred additional expenses on the 14 death penalty cases involved in the 2003 study totaling \$1,930,007 (\$137,858/case). The District Courts have documented \$36,561 (\$3,047/case) spent since 2003 on 11 cases (data was not provided in three of the cases). An average of \$200 per case to BIDS was documented for the 7 cases where the death penalty was not sought. Similarly, the District Courts spent an average of \$162 per case since January 1, 2004, on non-death cases.

Measurement by Days Spent in Court

In addition to seeking actual and estimated expenditure of public funds, the Committee attempted to tabulate from court docket sheets the actual number of days counsel appeared before a judge. In the 37 cases which were tried to a jury, cases where the prosecution sought the death penalty averaged 40.13 days in court as compared to 16.79 in tried cases where the death penalty was not sought.

In cases which were terminated by plea agreements, cases in which the death penalty was sought averaged 13.5 court days. When the death penalty was not sought, 8.8 court days was the average.

Supreme Court Costs

Justices assigned to write the opinion of the Court estimate they spend 20 times more hours on a death penalty appeal than they would on a non-death penalty case. Justices who do not write the opinion are estimated to spend five times more hours on a death penalty appeal than they would otherwise. The Court's research staff have devoted some 13,600 hours over the last three years to death penalty appeals.

Future Incarceration Costs

The Committee did not attempt to project future incarceration costs; however, prisoners incarcerated under a sentence of death are housed exclusively in administrative segregation, which is estimated to cost \$49,380 per inmate per year. This is double the average annual cost of \$24,690 to house a prisoner in general population. The marginal cost to house one additional inmate – *i.e.* the adjustment to the DOC's budget that reflects the expenditures directly affected by the addition or subtraction of a single inmate -- is \$3,398 per year.

BACKGROUND

In June 2013, at the request of Representative Steven Becker, the Judicial Council assigned the Death Penalty Advisory Committee to update its previous 2009 study on costs of the death penalty. In his letter requesting the study, Rep. Steve Becker asked the Committee to capture costs to both the state and local government, to examine the trend of reversal on appeal in death penalty cases, and to assess a provision in the new repeal bill that would allocate cost savings to a victims support fund. After discussion at the first meeting, Rep. Becker agreed to withdraw that portion of the study request relating to the victims support fund.

COMMITTEE MEMBERSHIP

The following persons served on the Death Penalty Advisory Committee during the study:

Stephen E. Robison, Wichita; attorney with Fleeson, Gooing, Coulson & Kitch, LLC, and member of the Kansas Judicial Council

Representative Steven Becker, Buhler; retired District Court Judge and current State Representative for the 104th District

Vic Braden, Topeka; Deputy Attorney General, Criminal Litigation Division

Steve Cann, Topeka; Professor of Political Science at Washburn University

Ron Evans, Topeka; Chief Defender, Kansas Death Penalty Defense Unit

Jeffrey D. Jackson, Lawrence; Professor at Washburn University School of Law and former consultant on death penalty issues to the Kansas Supreme Court

Michael Kaye, Topeka; Professor at Washburn University School of Law

Senator Carolyn McGinn, Sedgwick; State Senator for the 31st District

Hon. Donald R. Noland, Girard; retired District Court Judge for the 11th Judicial District

Steven Obermeier, Olathe; Assistant District Attorney for Johnson County

Kim T. Parker, Wichita; Deputy District Attorney for Sedgwick County

Patricia Scalia, Topeka; Executive Director of the Kansas Board of Indigents' Defense Services

Ron Wurtz, Topeka; former Deputy Federal Public Defender and Chief Defender, Kansas Death Penalty Defense Unit

The Committee would also like to acknowledge the advice and assistance of Chris Clarke, Audit Manager with the Legislative Division of Post Audit; Topeka Police Chief Ron Miller; and Washburn law student Tabitha Chapman.

METHOD OF STUDY

In deciding how to approach the study, the Committee began by reviewing its previous studies from 2004 and 2009 as well as the 2003 Legislative Post Audit report, "Costs Incurred for Death Penalty Cases: A K-GOAL Audit of the Department of Corrections." In its 2003 report, Legislative Post Audit compared costs in 22 cases, some of which were death penalty cases and some first degree murder cases. In 2009, the Death Penalty Advisory Committee obtained updated defense cost estimates provided by the Board of Indigents' Defense Services (BIDS) on many of those same cases.

The Committee quickly determined that, given its limited time and resources, it would not be possible to produce as thorough and detailed a report as the 2003 Post Audit report. Instead, the Committee decided that it would try to obtain information about any additional costs that have been incurred since 2003 in the 22 cases that formed the basis for the Post Audit report.

In addition, the Committee decided to seek cost information on a number of newer cases that have been filed since 2003. The Committee chose to review all of the capital-eligible cases filed between FY 2004 and FY 2011, a total of 41 cases. These cases were obtained from a spreadsheet of capital-eligible cases provided by BIDS. The newer cases include cases where the death penalty was sought and cases where it was not sought, as well as cases that went to trial and cases where a guilty plea was entered (whereas the 2003 Post Audit report looked only at cases involving jury trials). For these newer cases, the Committee sought information about all costs incurred from the inception of the case.

The Committee sent surveys for each of the 63 total cases to the following entities: the Supreme Court, the Attorney General, BIDS, the Kansas Bureau of Investigation (KBI), district courts, local prosecutors, county clerks, and local sheriff and police departments. The cases were located in 24 different counties. The Committee used the same survey instruments that Post Audit used for its 2003 report.

Survey Responses

The Committee received survey responses from the Supreme Court, BIDS, the KBI, and most district courts and sheriff's departments. However, the Attorney General and a significant number of prosecutors and police departments either did not respond or could not provide any information. Even after follow-up letters were sent, prosecutors and police departments provided cost estimates in fewer than 20 of the 63 total cases.

The Attorney General sent a letter stating that his office has not kept records of time spent on cases and that, because there are so many variables that affect costs, any attempt to provide an estimate would be purely speculation. This sentiment was echoed by several prosecutors and law enforcement offices that were unable to provide any cost information.

Similarly, in Johnson County, the district court administrator, district attorney, county sheriff and county manager met and unanimously concluded it “would be impossible to reconstruct the hours of personnel time and cost of these cases with any fidelity.” As a result, for the seven cases out of Johnson County, the Committee received data only from BIDS and some local police departments.

While the Committee did receive complete responses from the KBI on the cases it investigated, KBI costs alone do not represent total investigation costs. On any given case, the investigation would have been conducted by some combination of the local police, local sheriff, and the KBI. Without sufficient data from other investigating agencies, the Committee could not draw any conclusions from the KBI costs alone. However, it should be noted that the Committee did receive feedback from a number of law enforcement offices stating that they investigate homicide cases in the same way regardless of whether the case is prosecuted as a death penalty case or not, and the Committee saw no reason to disagree with that conclusion.

This report will summarize results by each category of respondent from whom a sufficient number of responses were received. All of the results are based on estimates of actual costs provided by survey respondents. No future costs were projected.

Counting District Court Days as an Alternative Measure of Costs

The Committee also agreed to implement an alternative approach of measuring the cost of the death penalty in court days, as described in the law review article, Marceau & Whitson, *The Cost of Colorado’s Death Penalty*, Vol. 3 Univ. of Denver Criminal Law Rev. 145 (2013). The Colorado study compared the number of court days -- including pretrial, trial and sentencing -- between death penalty prosecutions and first-degree murder prosecutions with similar facts.

The Committee believes that the comparison of the number of trial court days provides an objective measure of costs that both corroborates cost estimate data and stands on its own as an alternative measure of costs.

COSTS INCURRED IN CAPITAL-ELIGIBLE CASES FILED BETWEEN FY 2004 AND FY 2011

The Committee gathered information about 41 capital-eligible cases filed between FY 2004 and FY 2011. These cases were obtained from a spreadsheet of cases that BIDS considered to be capital eligible, and included cases in which the death penalty was sought and cases in which it was not sought, as well as cases that went to trial and cases in which a guilty plea was entered.

Of the 41 cases on which the Committee gathered information, 5 were dismissed. The Committee did not include the cost estimates from those 5 dismissed cases in the results. In addition, the Committee determined that 2 of the cases involved defendants who were juveniles at the time of the crime. Because the death penalty could not have been pursued in those cases, the Committee agreed not to include those cases in the results either. As a result, the Committee ended up with a total sample of 34 cases, of which 16 were trial cases and 18 were plea cases.

For these cases, the Committee asked survey respondents to provide information about all costs incurred from the inception of the case. Respondents were asked to provide average salary information and to report the hours spent on each case by attorneys, judges, and support staff, as appropriate. They were also asked to provide information about other costs such as expert witness fees, costs of psychiatric testing, cost of any mitigation specialists, costs for transcripts, travel expenses, and juror expenses. While respondents generally estimated the hours spent on each case, they often provided actual cost information for the other costs associated with the case.

The Committee received sufficient responses to report BIDS defense costs and district court costs. BIDS defense costs are borne by the state. Most district court costs are borne by the state, though some costs such as security staff salaries and juror expenses are borne by the county. The costs reported do not include any costs that may have been incurred by defendants who could afford to hire their own private attorney.

It should be noted that the costs reported are only those that have been incurred up to the date of the survey. Additional BIDS defense costs will likely be incurred in the future on many of the cases, especially cases that went to trial and have not yet completed the appeal process. Additional district court costs are less likely but may be incurred if a defendant files a motion for post-conviction relief or if a new trial is ordered. This report makes no attempt to project those future costs.

Limitations

The reader should be aware that the results reported on the following pages are based on a small sample of cases and care should be taken in extrapolating these results.

Also, because these cases range in age from ones that began in FY 2004 to ones that began in FY 2011, some of them have had more years for costs to accrue than others. For example, some of the cases have gone through the entire direct appeal process while others have just begun that process.

The charts that follow reflect all costs reported, whether for trial, direct appeal, or additional appeals or proceedings. This is partly because, when BIDS provided cost estimates, it noted that some of the costs might be in the wrong category (trial vs. appeal) but all were associated with the correct individual case.

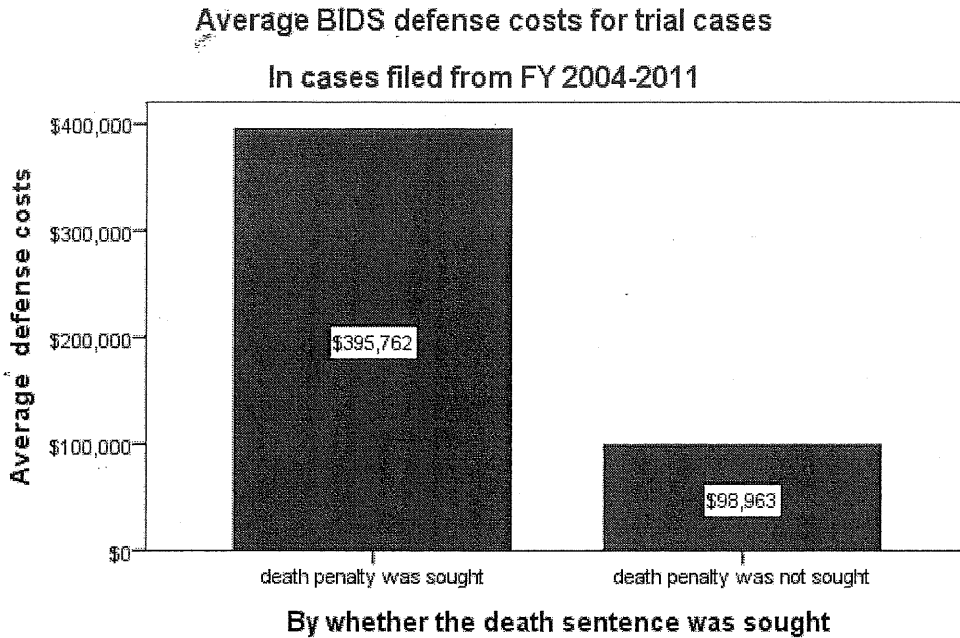
Another point to note about BIDS costs is that a few of the cases involved privately paid attorneys, at least for a portion of the case. For example, in Kahler, BIDS had very few trial costs because a private attorney defended the case at trial; however, BIDS was appointed to represent Kahler on his direct appeal and has incurred significant defense costs on the appeal. As mentioned previously, costs incurred by a defendant who hires his own private attorney are not included in this report.

Finally, there are a number of ways that costs can be compared and analyzed. For example, the Committee chose to group the cases for comparison purposes by whether the death penalty was sought, without regard to whether it was imposed. Those few cases where the death penalty was initially sought but withdrawn before trial are grouped in the same category with cases where the death penalty was not sought.

Appendices A and B contain the raw data on costs for each case including the year the case began, as well as information about whether the death penalty was sought, whether it was withdrawn, and whether it was imposed. The raw data is provided so that a reader who would like to analyze the data in a different way, by comparing different groups of cases, or leaving out individual cases for whatever reason, may do so.

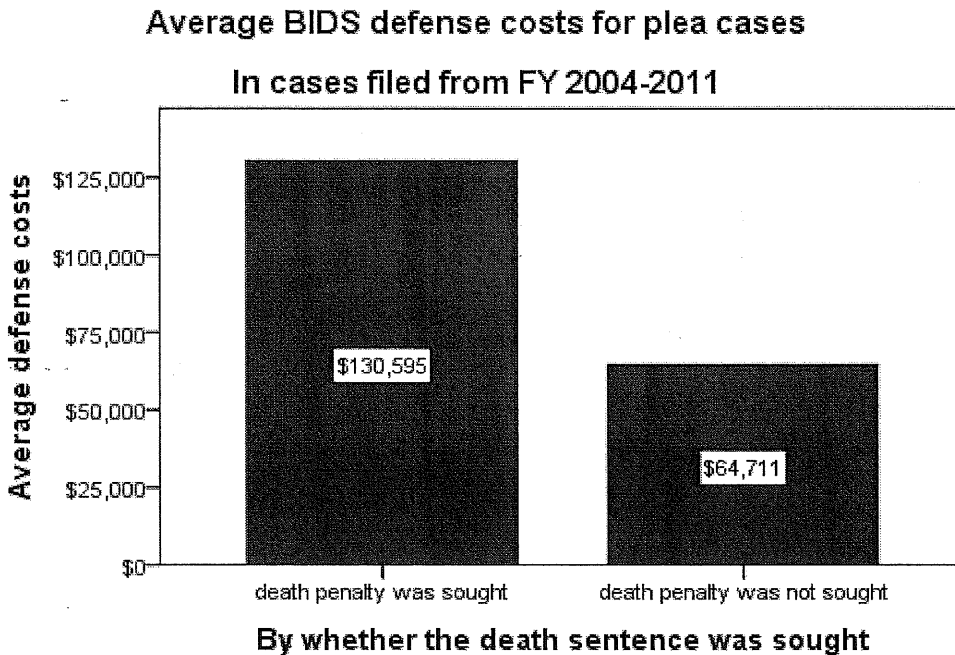
As an example, Appendix E contains two charts that analyze the cost data slightly differently from the other charts contained in this report, by further differentiating between types of cases.

Figure 1:



The graph represents 15 cases, and the average difference in defense costs is \$296,799.

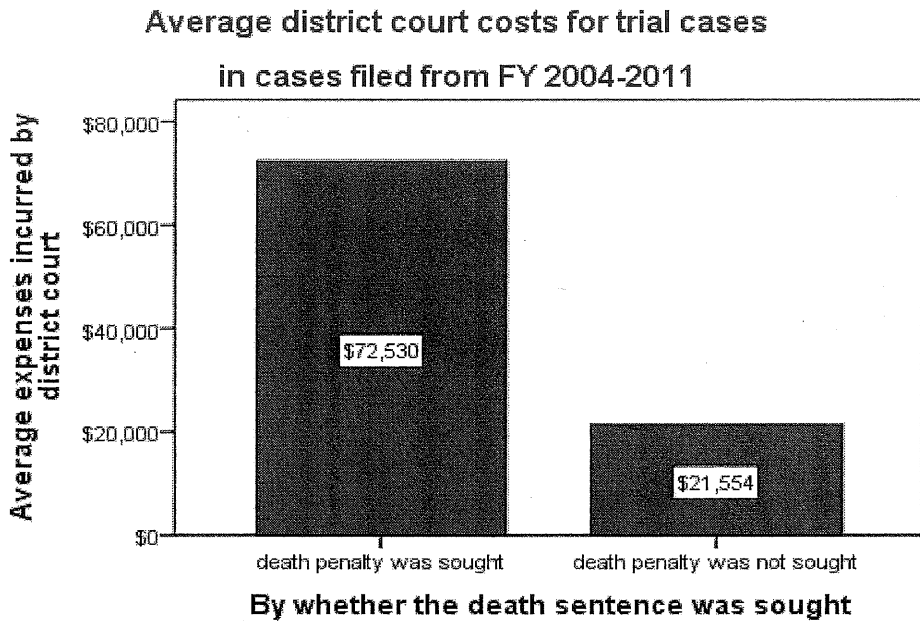
Figure 2:



The graph represents 17 cases, and the average difference in costs is \$65,884.

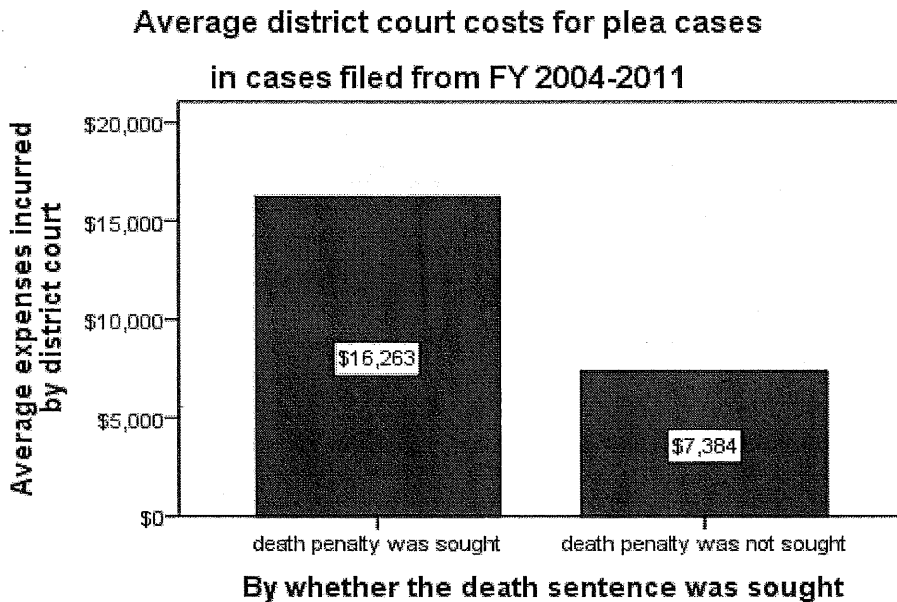
For the cases filed between FY 2004 and FY 2011, BIDS has incurred total defense costs so far of \$ 3,561,856 in the 9 death penalty cases that went to trial and \$ 783,568 in the 6 death penalty cases in which a plea was entered.

Figure 3:



The graph represents 14 cases, and the average difference in district court costs is \$50,976.

Figure 4:



The graph represents 13 cases, and the average difference in district court costs in plea cases is \$8,879.

For the cases filed between FY 2004 and FY 2011, the district courts have incurred total costs so far of \$ 652,770 in the 9 death penalty cases that went to trial and \$ 65,051 in the 4 death penalty cases in which a plea was entered (and for which data was available).

COSTS INCURRED SINCE JANUARY 1, 2004, IN PRE-2003 CASES PREVIOUSLY REVIEWED BY POST AUDIT

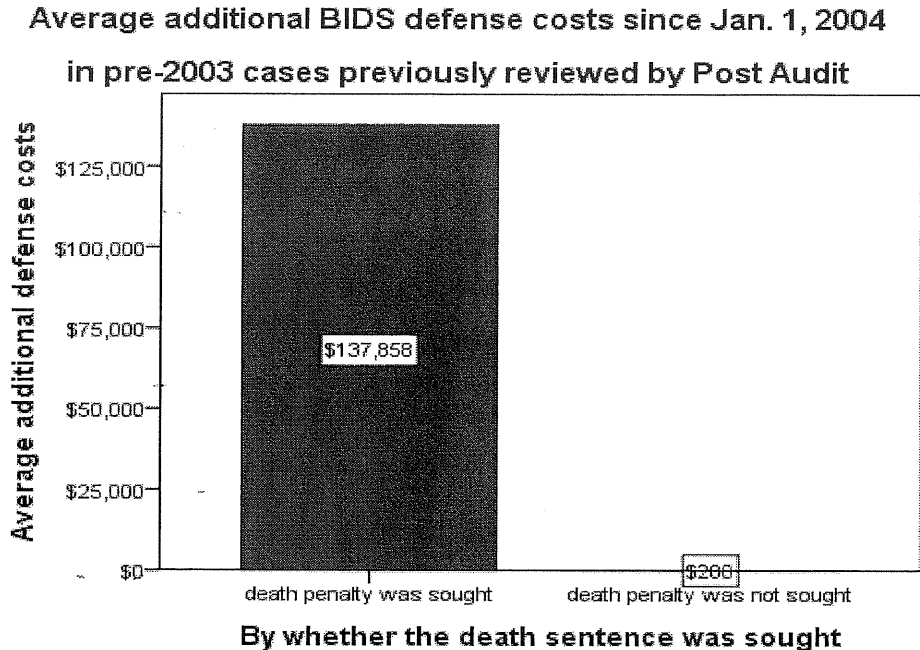
In attempting to update cost information on the 22 older cases that formed the basis for the 2003 Post Audit report, the Advisory Committee asked survey respondents to provide information about any additional costs that were incurred since January 1, 2004. One complication faced by the Committee was the fact that the numbers contained in the 2003 Post Audit report included both estimated actual costs and projected costs, and it was not possible to separate the estimated actual costs from the projected costs. For that reason, the Committee was not able to update the Post Audit report by simply adding the new data it gathered.

Also, the Post Audit report divided the cases it reviewed into three different categories for comparison purposes: seven cases where the death penalty was sought and imposed, seven cases where the death penalty was sought but not imposed, and eight first degree murder cases where the death penalty was not sought. For the current study, the Committee chose to group cases for comparison purposes by whether the death penalty was sought and not by whether it was ultimately imposed.

After determining that one of the cases involved a defendant who was a juvenile at the time of the crime, the Committee agreed not to include that case in the results because the death penalty could not have been pursued in that case. As a result, the total sample of pre-2003 cases was reduced from 22 to 21.

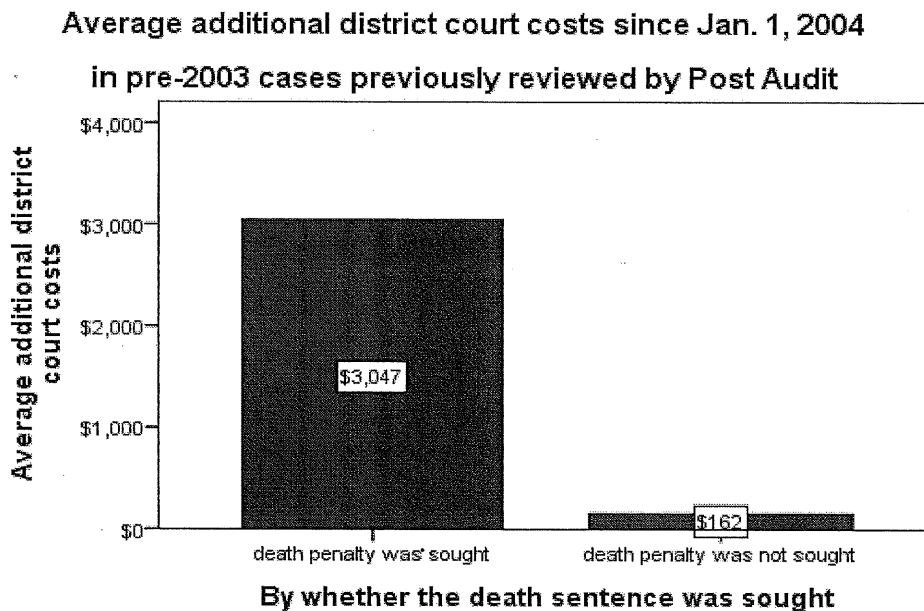
The following charts reflect responses from BIDS and district courts about additional costs that have been incurred on the pre-2003 cases previously reviewed by Post Audit since January 1, 2004. As demonstrated by the responses, there has been additional activity in some of the cases but not in others. Appendix C contains the raw data on additional costs, if any, for each of the cases. And Figure 9 in Appendix E shows an alternative way of analyzing the data, by differentiating the cases based on whether the death penalty was imposed.

Figure 5:



The graph represents 21 cases, and the average difference in additional BIDS defense costs by whether the death penalty was sought is \$137,658.

Figure 6:



The graph represents 18 cases, and the average difference in additional district court costs by whether the death penalty was sought is \$2,885.

BIDS has incurred a total of \$ 1,930,007 in additional defense costs since January 1, 2004, on the 14 pre-2003 death penalty cases previously reviewed by Post Audit.

The district courts have incurred a total of \$ 36,561 additional costs since January 1, 2004, on the 11 pre-2003 death penalty cases for which data was available.

SUPREME COURT COSTS

While the Kansas Supreme Court was not able to provide cost estimates on specific cases, the Court did provide information about the amount of time justices and their staff have spent on death penalty cases over the last three years. The Court was able to provide data based on the last three years because all of the justices currently on the Court have been serving for at least that length of time.

The Court estimated that, over the last three years, the seven justices have spent a total of approximately 2000 hours working on death penalty cases. That time includes preparation and research, oral argument, case conferencing, opinion writing and reviewing draft opinions. Over that same three years, justices' in-chambers research attorneys have spent approximately 1,600 hours working on death penalty appeals, and the two research attorneys in the Court's death penalty unit who work exclusively on death penalty appeals have spent 12,000 hours (2 attorneys x 3 years x 2000 hours per year).

The Court also estimated that justices spend approximately 20 times more hours on a death penalty cases versus a non-death case when the justice is assigned to write the opinion and 5 times more hours when the justice is not writing.

During the past three years, the Court has considered five death penalty appeals. These include *State v. Cheatham*, *State v. Cheever*, *State v. Gleason*, *State v. Reginald Carr*, and *State v. Jonathan Carr*. Several other appeals are pending but have not yet been set for oral argument. At the time the Court provided its response to the Committee, the Carr brothers' appeals had not yet been argued, so the justices have already spent and will continue to spend more hours on those two cases beyond the 2000 hour estimate.

FUTURE INCARCERATION COSTS

The Committee did not attempt to project future incarceration costs for the inmates whose cases form the basis for this report. In order to project incarceration costs for an inmate subject to the death penalty versus an inmate under a sentence of life with or without the possibility of parole, the Committee would need to determine a number of variables including the average number of years an inmate would be incarcerated before execution. Because Kansas has not yet executed an inmate since the death penalty was reinstated in 1994, and because no inmate currently under a sentence of death has completed the appeal process, the Committee decided that it would be nearly impossible to predict that number and make an accurate projection of future incarceration costs.

The Committee did obtain general information from the Department of Corrections (DOC) about the cost to house an inmate, both in the general population and in administrative segregation, which is where inmates sentenced to death are housed before their execution. The DOC indicated that the average annual cost to house an inmate in the general population is \$24,690. This number represents

the DOC's operating costs divided by the average daily inmate population. The marginal cost to house one additional inmate – *i.e.* the adjustment to the DOC's budget that reflects the expenditures directly affected by the addition or subtraction of a single inmate -- is \$3,398 per year.

Inmates who are sentenced to death are housed in administrative segregation; there is no separate "death row." According to the DOC, the average annual cost to house an inmate in administrative segregation is \$49,380, or double the cost to house an inmate in the general population. Administrative segregation is more expensive primarily because of the need for more officers per inmate.

COMPARISON OF DISTRICT COURT DAYS

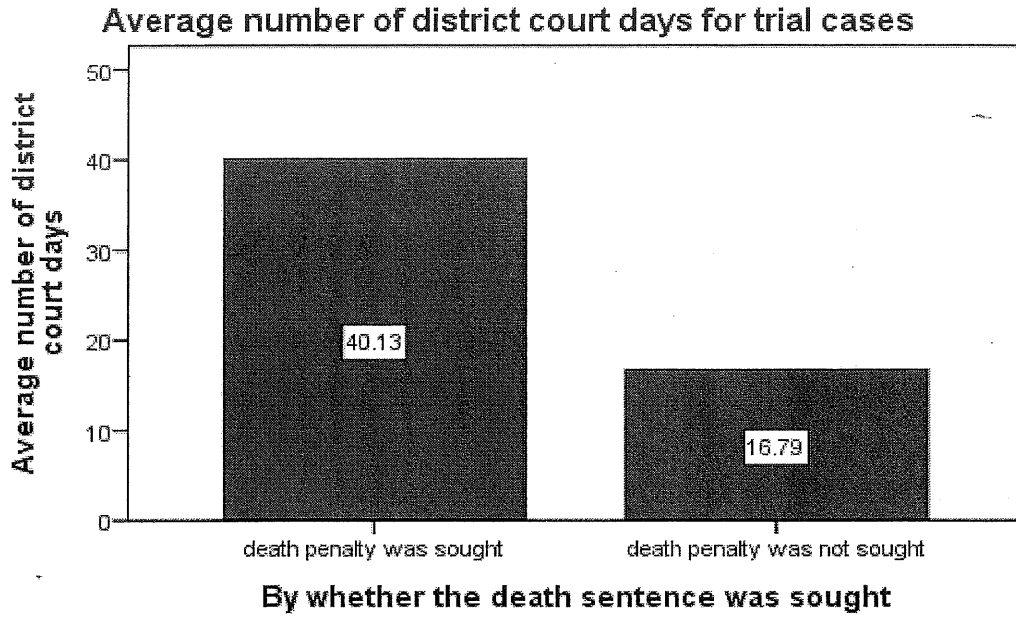
In this part of the report, the Committee analyzed the cost of death penalty by comparing the number of district court days involved for each case from first appearance through sentencing. (The Committee did not include appellate court days or any district court days associated with proceedings that took place after sentencing.)

The Committee first gathered the docket sheets associated with each case and then counted the number of trial court days spent on pretrial proceedings (such as first appearances, arraignments, motion hearings, and preliminary hearings) jury selection, trial and sentencing. For purposes of consistency, every proceeding was counted as a court day even if it did not take the whole day. If more than one proceeding occurred on the same day, only one day was counted.

Because the quality of the docket sheets varied, and some docket sheets more clearly indicated when a hearing was held than others, the Committee adopted a few conventions for the sake of consistency. For example, some docket sheets simply stated that the court had ordered a continuance without indicating whether the parties had actually appeared in court to argue a motion for continuance. For this reason, continuances were not counted in any of the cases even if it was clear that a hearing was held on the issue. The Committee did not count days for hearings that were scheduled unless the docket sheet clearly indicated that the hearing was actually held. For example, if the docket sheet showed that a transcript of a hearing was filed, then a day was counted for that hearing.

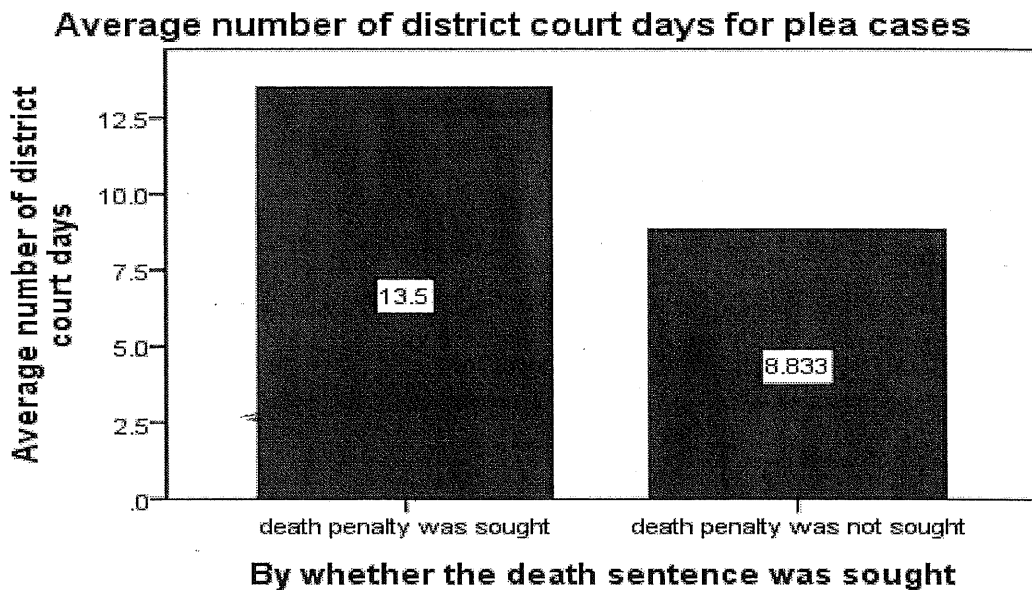
The following charts compare the number of district court days in cases that went to trial and in cases where a plea was entered by whether the death penalty was sought. For purposes of this comparison, all of the cases that went to trial were grouped together regardless of when they were originally filed. In other words, cases filed between FY 2004 and FY 2011 are included as well as the pre-2003 cases previously reviewed by Post Audit. Appendix D contains the raw data on court days for each case.

Figure 7:



The graph represents 37 cases that went to trial, and the average difference in the number of district court days is 23 more days where the death penalty was sought.

Figure 8:



The graph represents 18 cases, and the average difference in district court days for plea cases is 5 days.

CURRENT STATUS OF KANSAS DEATH PENALTY APPEALS

Thirteen defendants have been sentenced to death in Kansas since the death penalty was reinstated in 1994; however, only nine currently remain under a sentence of death. The Kansas Supreme Court has issued an opinion in five death penalty cases so far and has overturned the death sentence in each of those cases (Kleypas, Marsh, Scott, Cheever and Cheatham). Eight direct appeals in death cases are currently pending before the Court.

- **Gary Kleypas**, Crawford County. Kleypas' death sentence was overturned on direct appeal in 2001. After a new penalty phase in 2008, he was again sentenced to death. Kleypas is appealing.
- **Michael Marsh**, Sedgwick County. Marsh's death sentence was overturned on direct appeal in 2004, and he was to receive a new trial. He reached a plea agreement in 2009 and was sentenced to life in prison.
- **Gavin Scott**, Sedgwick County. Scott's death sentence was overturned on direct appeal in 2008. He reached a plea agreement in 2010 and received two consecutive life sentences.
- **Stanley Elms**, Sedgwick County. Elms was sentenced to death in 2000. He later reached a plea agreement and, in 2004, received a life sentence (hard 40) in exchange for his agreement not to appeal.
- **John Robinson**, Johnson County. Sentenced to death in 2003, Robinson's direct appeal is pending.
- **Jonathan Carr**, Sedgwick County. Sentenced to death in 2002, oral argument in Carr's direct appeal was held in December 2013.
- **Reginald Carr**, Sedgwick County. Sentenced to death in 2002, oral argument in Carr's direct appeal was held in December 2013.
- **Douglas Belt**, Sedgwick County. Sentenced to death in November 2004, Belt's direct appeal is pending.
- **Sidney Gleason**, Barton County. Gleason was sentenced to death in 2006. Oral argument in his direct appeal was held in October 2012, but the Supreme Court has not yet released an opinion.
- **Scott Cheever**, Greenwood County. In August 2012, the Kansas Supreme Court reversed Cheever's convictions for capital murder and attempted capital murder; however, in December 2013, the United States Supreme Court vacated the Kansas Supreme Court's decision and remanded for further proceedings.
- **Phillip Cheatham**, Shawnee County. Cheatham's death sentence was overturned on direct appeal in January 2013 due to ineffective assistance of counsel. His retrial in the district court is pending.

- **Justin Thurber**, Cowley County. Sentenced to death in March 2009, Thurber is appealing.
- **James Kraig Kahler**, Osage County. Sentenced to death in October 2011, Kahler is appealing.

CONCLUSION

Because of the short time frame and limited responses from some of the groups surveyed, this study is much narrower in scope than many of the cost studies from other jurisdictions. Nonetheless, its results are consistent with other studies that have found costs in death penalty cases to be significantly higher than in non-death cases. Based on the information provided by survey respondents, the Committee found that both BIDS and the district courts incur costs in trial cases that are 3 to 4 times higher in cases where the death penalty is sought than in cases where it is not. And, in plea cases, costs are roughly twice as high in cases where the death penalty is sought than in cases where it is not.

While the costs reported by BIDS and the district court were largely based on estimates, the Committee's alternative measure of counting district court days corroborates these findings. Death penalty cases simply take more time and resources than non-death cases.

For more information about the reasons why death penalty cases cost more than non-death cases, the Committee would refer the reader to the 2003 Post Audit report, which can be found here: <http://www.kslpa.org/docs/reports/04pa03a.pdf>.

The Judicial Council's January 2004 report also discusses costs and can be found on the Council's website at: <http://www.kansasjudicialcouncil.org/PreviousStudies.shtml>.

BIDS DEFENSE COSTS IN CASES FILED FROM FY 2004 TO FY 2011				
N/A indicates no information was available				
Cases That Went to Trial	County and Case Number	Trial	Appeal	Add'l Appeals
<i>Death penalty sought and imposed</i>				
Cheatham, Phillip	SN 03CR2635	187,882	444,134	
Gleason, Sidney	BT 04CR52	224,634	91,011	
Cheever, Scott	GW 05CR18/ 06CR198	312,639	43,536	
Thurber, Justin E.	CL 07CR45A	486,589	86,621	
Kahler, James Kraig	OS 09CR270	3,807	178,751	
<i>Death penalty sought but not imposed</i>				
Moore, Greg	HV 05CR132	236,194	7,066	
Robinson, Elgin	SG 06CR1523	456,641	26,673	
Burnett, Theodore	SG 06CR1524	242,711		
Aguirre, Luis A.	RL 09CR1072	519,057	13,914	
<i>Death penalty not sought</i>				
Appleby, Benjamin	JO 04CR2934	201,402	18,768	
Solis, Jose B.	JO 06CR3686	45,459		
Lowrance, Christopher M.	MG 07CR4891	85,352		
Mireles, Israel	BU 07CR0524	108,999	18,103	
Jones, Austin N.	SG 09CR1852	N/A		
Hollister, Roger	AT 10CR150	4,589		
<i>Death penalty initially sought but withdrawn before trial</i>				
Longoria, Adam	BT 10CR231	86,581	24,528	

BIDS DEFENSE COSTS IN CASES FILED FROM FY 2004 TO FY 2011				
N/A indicates no information was available				
Cases Where A Guilty Plea Was Entered	Case Number	Trial	Appeal	Add'l Appeals
<i>Death penalty sought</i>				
Beckman, Uriah	BB 03CR286	62,307		
Fox, Robert (Bobby)	SW 04CR197	211,992	3,435	
Hall, Edwin	JO 07CR1474	219,328		
Fox, Sedale	LV 08CR41	47,617		
Gifford, Jr., Marvin Jay	RN 08CR525	35,590		
Burkes, Adrian	WY 09CR0962	203,299		
<i>Death penalty not sought</i>				
Thompson, Damien	BT 04CR52	19,716		10,016
Alford, Achaz	SG 04CR1938	37,070		
Ratliff, Roger D.	MI 06CR131	44,468		
Guerrero, Andrew	WY 08CR219	10,460		
Reed, Brandon	JO 08CR3099	38,149		6,528
Carnoali, James	SN 09CR654	55,012		
Lomas, Marcos	GT 09CR117	32,169		
Holton, Samuel J.	SG 09CR3560	N/A		
Cott, Jr., Jason W.	JO 10CR195	29,673		
<i>Death penalty initially sought but withdrawn before trial</i>				
King, Ernest L.	WY 07CR1683	156,068		
Williams, Kenton	WY 07CR1684	111,625		
Watson, Terrence	SA 09CR156	160,869		

DISTRICT COURT COSTS IN CASES FILED FROM FY 2004 TO FY 2011				
N/A indicates no information was available				
Cases That Went to Trial	County and Case Number	Trial	Appeal	Add'l Appeals or Proceedings
<i>Death penalty sought and imposed</i>				
Cheatham, Phillip	SN 03CR2635	25,215	708	44,282
Gleason, Sidney	BT 04CR52	39,583	2,540	
Cheever, Scott	GW 05CR18/ 06CR198	100,238	4,734	2,418
Thurber, Justin E.	CL 07CR45A	57,582	1,345	
Kahler, James Kraig	OS 09CR270	141,370	200	
<i>Death penalty sought but not imposed</i>				
Moore, Greg	HV 05CR132	19,240	165	
Robinson, Elgin	SG 06CR1523	63,937	9,802	
Burnett, Theodore	SG 06CR1524	64,918	8,899	
Aguirre, Luis A.	RL 09CR1072	65,594		
<i>Death penalty not sought</i>				
Appleby, Benjamin	JO 04CR2934	N/A		
Solis, Jose B.	JO 06CR3686	N/A		
Lowrance, Christopher M.	MG 07CR4891	14,836	4,724	75
Mireles, Israel	BU 07CR0524	20,604	7,279	
Jones, Austin N.	SG 09CR1852	7,622	2,977	
Hollister, Roger	AT 10CR150	8,937	2,786	
<i>Death penalty initially sought but withdrawn before trial</i>				
Longoria, Adam	BT 10CR231	36,378	1,552	

DISTRICT COURT COSTS IN CASES FILED FROM FY 2004 TO FY 2011				
N/A indicates no information was available				
Cases Where A Guilty Plea Was Entered	Case Number	Trial	Appeal	Add'l Appeals or Proceedings
<i>Death penalty sought</i>				
Beckman, Uriah	BB 03CR286	N/A		
Fox, Robert (Bobby)	SW 04CR197	45,872	621	58
Hall, Edwin	JO 07CR1474	N/A		
Fox, Sedale	LV 08CR41	6,502		
Gifford, Jr., Marvin Jay	RN 08CR525	5,411		
Burkes, Adrian	WY 09CR0962	6,587		
<i>Death penalty not sought</i>				
Thompson, Damien	BT 04CR52	580		
Alford, Achaz	SG 04CR1938	245		
Ratliff, Roger D.	MI 06CR131	1,363		
Guerrero, Andrew	WY 08CR219	1,355		
Reed, Brandon	JO 08CR3099	N/A		
Carnoali, James	SN 09CR654	14,139		
Lomas, Marcos	GT 09CR117	N/A		
Holton, Samuel J.	SG 09CR3560	554	322	
Cott, Jr., Jason W.	JO 10CR195	N/A		
<i>Death penalty initially sought but withdrawn before trial</i>				
King, Ernest L.	WY 07CR1683	5,781		
Williams, Kenton	WY 07CR1684	7,197		
Watson, Terrence	SA 09CR156	34,918		

ADDITIONAL BIDS DEFENSE COSTS SINCE JANUARY 1, 2004				
IN PRE-2003 CASES PREVIOUSLY REVIEWED BY POST AUDIT				
All cases went to trial	County and Case Number	Trial	Appeal	Add'l Appeals
<i>Death penalty sought and imposed</i>				
Kleypas, Gary	CR 96CR240G	563,322	109,022	39,325
Marsh, Michael L.	SG 96CR1157	16,535		144,971
Scott, Gavin D.	SG 96CR1748	79,961		
Elms, Stanley M.	SG 98CR1706	2,083	4,548	4,243
Robinson, John	JO 00CR1444	102,083	297,177	
Carr, Reginald	SG 00CR2978	22,215	233,475	
Carr, Jonathan	SG 00CR2979	31,015	224,365	
<i>Death penalty sought but not imposed</i>				
Verge, Robert L.	DK 97CR107			421
Bradford, Virgil S.	DK 97CR114			1,647
Powell, Richard	WY 98CR2384		4,731	1,096
Martis, Gordon	WY 99CR1091		9,275	
Hebert, Jeffrey	CY 99CR102			
Oliver, Cornelius	SG 00CR2945		12,439	
Trotter, Christopher M.	WY 01CR974A		15,859	10,199
<i>Death penalty not sought</i>				
Barnes, Gordon	SG 95CR994			
Wakefield, Jason	SG 96CR1748			
Juiliano, Ramon	WY 97CR1188			
Jamison, Chester R.	SG 97CR2097			
Henry, Rodney W.	JO 98CR1093			
Douglas, Romane	SG 99CR2636			1,400
James, Tyron D.	WY 02CR615			

ADDITIONAL DISTRICT COURT COSTS SINCE JANUARY 1, 2004		
IN PRE-2003 CASES PREVIOUSLY REVIEWED BY POST AUDIT		
All cases went to trial	Case Number	Add'l Appeals or Proceedings
<i>Death penalty sought and imposed</i>		
Kleypas, Gary	CR 96CR240G	N/A
Marsh, Michael L.	SG 96CR1157	158
Scott, Gavin D.	SG 96CR1748	4,858
Elms, Stanley M.	SG 98CR1706	4,836
Robinson, John	JO 00CR1444	N/A
Carr, Reginald	SG 00CR2978	2,676
Carr, Jonathan	SG 00CR2979	2,793
<i>Death penalty sought but not imposed</i>		
Verge, Robert L.	DK 97CR107	1,414
Bradford, Virgil S.	DK 97CR114	930
Powell, Richard	WY 98CR2384	507
Martis, Gordon	WY 99CR1091	39
Hebert, Jeffrey	CY 99CR102	0
Oliver, Cornelius	SG 00CR2945	181
Trotter, Christopher M.	WY 01CR974A	18,169
<i>Death penalty not sought</i>		
Barnes, Gordon	SG 95CR994	127
Wakefield, Jason	SG 96CR1748	64
Juiliano, Ramon	WY 97CR1188	10
Jamison, Chester R.	SG 97CR2097	119
Henry, Rodney W.	JO 98CR1093	N/A
Douglas, Romane	SG 99CR2636	0
James, Tyron D.	WY 02CR615	652

DISTRICT COURT DAYS FROM CASE FILING TO SENTENCING		
Cases That Went to Trial	County and Case Number	From Case Filing to Sentencing
<i>Death penalty sought and imposed</i>		
Kleypas, Gary	CR 96CR240G	57: A-3, M-28, PH-3, T-15, S-8
Marsh, Michael L.	SG 96CR1157	62: A-2, M-26, PH-1, T-26, S-7
Scott, Gavin D.	SG 96CR1748	43: A-1, M-18, PH-1, T-13, S-10
Elms, Stanley M.	SG 98CR1706	34: A-2, M-11, PH-1, T-15, S-5
Robinson, John	JO 00CR1444	64: A-4, M-23, PH-2, T-31, S-4
Carr, Reginald	SG 00CR2978	90: A-2, M-38, PH-2, T-40, S-8
Carr, Jonathan	SG 00CR2979	89: A-2, M-37, PH-2, T-40, S-8
Cheatham, Phillip	SN 03CR2635	19: A-4, M-2, PH 3, T-8, S-2
Gleason, Sidney	BT 04CR52	22: A-1, M-5, PH-1, T-12, S-3
Cheever, Scott	GW 05CR18/ 06CR198	26: A-1, PH-1, M-5, T-16, S-3
Thurber, Justin E.	CL 07CR45A	41: A-2, M-20, PH-2, T-15, S-2
Kahler, James Kraig	OS 09CR270	33: A-5, M-12, PH-2, T-12, S-2
<i>Death penalty sought but not imposed</i>		
Verge, Robert L.	DK 97CR107	40: A-2, M-17, PH-1, T-14, S-6
Bradford, Virgil S.	DK 97CR114	34: A-1, M-19, PH-1, T-8, S-5
Powell, Richard	WY 98CR2384	17: A-1, M-7, PH-1, T-7, S-1
Martis, Gordon	WY 99CR1091	29: A-2, M-13, PH-1, T-12, S-1
Hebert, Jeffrey	CY 99CR102	24: A-1, M-9, PH-1, T-8, S-5
Oliver, Cornelius	SG 00CR2945	33: A-1, M-12, PH-1, T-18, S-1
Trotter, Christopher M.	WY 1CR974A	29: A-5, M-7, PH-2, T-11, S-4
Moore, Greg	HV 05CR132	23: A-1, M-8, PH-1, T-8, S-5
Robinson, Elgin	SG 06CR1523	54: A-4, M-26, PH-2, T-18, S-4
Burnett, Theodore	SG 06CR1524	32: A-3, M-9, PH-2, T-14, S-4
Aguirre, Luis A.	RL 09CR1072	29: A-1, PH-1, M-8, T-14, S-5

A=administrative/formality, M=motion, P=plea, PH=preliminary hearing, T=trial, S=penalty phase and sentencing

DISTRICT COURT DAYS FROM CASE FILING TO SENTENCING		
Cases That Went to Trial	Case Number	From Case Filing to Sentencing
<i>Death penalty not sought</i>		
Barnes, Gordon	SG 95CR994	24: A-2, M-9, T-12, S-1
Wakefield, Jason	SG 96CR1748	13: A-1, M-4, PH-1, T-6, S-1
Juiliano, Ramon	WY 97CR1188	14: A-1, M-2, PH-2, T-8, S-1
Jamison, Chester R.	SG 97CR2097	15: A-1, M-3, PH-1, T-6, S-1
Henry, Rodney W.	JO 98CR1093	15: A-5, M-3, PH-1, T-5, S-1
Douglas, Romane	SG 99CR2636	12:A-1, M-2, PH-1, T-7, S-1
James, Tyron D.	WY 02CR615	9: A-2, M-1, PH-1, T-4, S-1
Appleby, Benjamin	JO 04CR2934	25: A-4, M-11, PH-2, T-7, S-1
Solis, Jose B.	JO 06CR3686	30: A-8, M-11, PH-2, T-7, S-1
Lowrance, Christopher M.	MG 07CR4891	14: A-2, M-4, PH-1, T-6, S-1
Mireles, Israel	BU 07CR0524	16: A-1, M-8, PH-1, T-5, S-1
Jones, Austin N.	SG 09CR1852	11: A-2, M-3, PH-1, T-4, S-1
Hollister, Roger	AT 10CR150	12: A-1, M-2, PH-2, T-6, S-1
<i>Death penalty initially sought but withdrawn before trial</i>		
Longoria, Adam	BT 10CR231	25: A-2; M-9, PH-3, T-10, S-1

A=administrative/formality, M=motion, P=plea, PH=preliminary hearing, T=trial, S=penalty phase and sentencing

DISTRICT COURT DAYS FROM CASE FILING TO SENTENCING		
Cases in Which a Guilty Plea Was Entered	Case Number	From Case Filing to Sentencing
<i>Death penalty sought</i>		
Beckman, Uriah	BB 03CR286	7: A-1, PH-1, M-4, P-1, S-1
Fox, Robert (Bobby)	SW 04CR197	19: A-2, PH-1, M-10, T-4, P-1, S-1
Hall, Edwin	JO 07CR1474	19: A-5, M-12, P-1, S-1
Fox, Sedale	LV 08CR41	10: A-3, M-3, PH-2, P-1, S-1
Gifford, Jr., Marvin Jay	RN 08CR525	5: A-1, M-2, PH-1, P/S-1
Burkes, Adrian	WY 09CR0962	21: A-9, M-8, PH-2, P-1, S-1
<i>Death penalty not sought</i>		
Thompson, Damien	BT 04CR52	3: A-1, P-1, S-1
Alford, Achaz	SG 04CR1938	5: A-1, M-1, PH-1, P-1, S-1
Ratliff, Roger D.	MI 06CR131	3: A-1, P-1, S-1
Guerrero, Andrew	WY 08CR219	7: A-4, M-1, P-1, S-1
Reed, Brandon	JO 08CR3099	4: A-1, M-1, P-1, S-1
Carnoali, James	SN 09CR654	12: A-3, M-5, PH-2, P-1, S-1
Lomas, Marcos	GT 09CR117	5: A-2, PH-1, P-1, S-1
Holton, Samuel J.	SG 09CR3560	6: A-1, M-2, PH-1, P-1, S-1
Cott, Jr., Jason W.	JO 10CR195	5: A-2, PH-1, P-1, S-1
<i>Death penalty initially sought but withdrawn</i>		
King, Ernest L.	WY 07CR1683	8: A-2, M-4, P-1, S-1
Williams, Kenton	WY 07CR1684	12: A-2, M-8, P-1, S-1
Watson, Terrence	SA 09CR156	36: A-10, M-23, PH-1, P-1, S-1

A=administrative/formality, M=motion, P=plea, PH=preliminary hearing, T=trial, S=penalty phase and sentencing

Figure 9:

**Average additional BIDS defense costs since Jan. 1, 2004
in pre-2003 cases previously reviewed by Post Audit
controlling for what the prosecutor sought and jury returned**

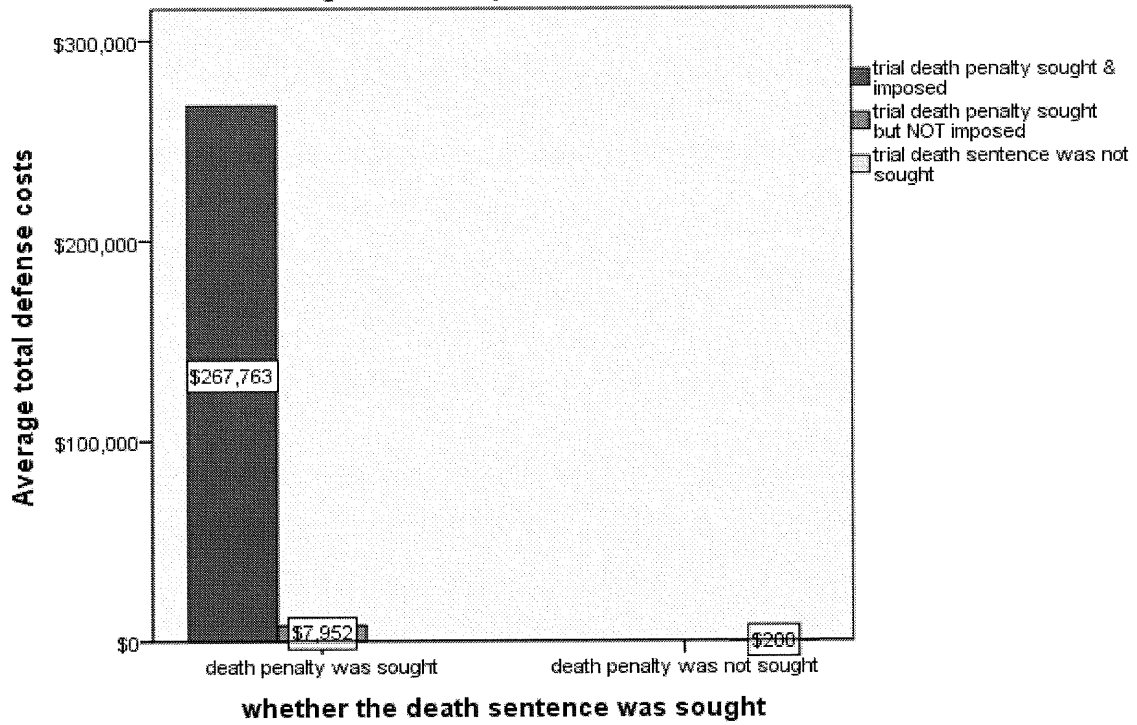
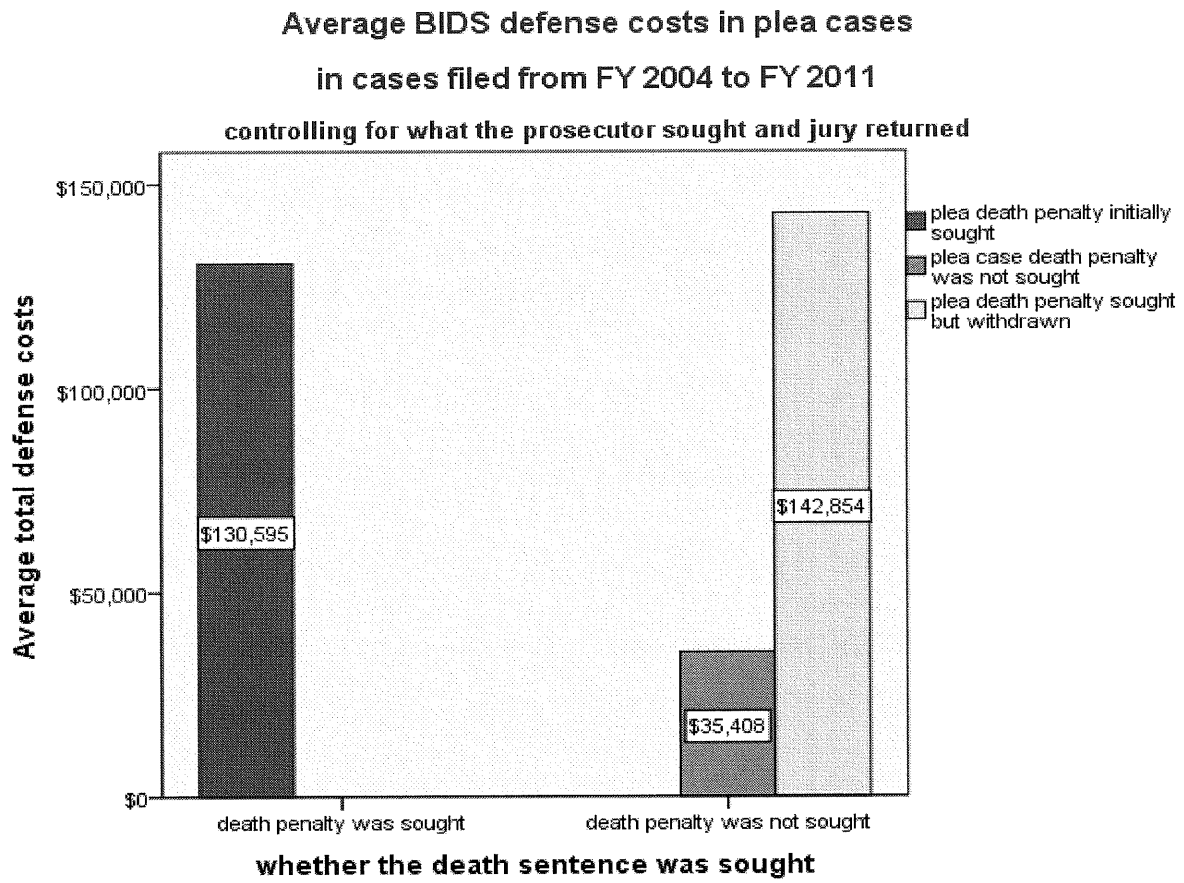


Figure 10:



APPENDIX D

COST OF THE DEATH PENALTY IN KANSAS

Philip J. Cook and Frank R. Baumgartner

January 4, 2023

I. Qualifications.

Philip J. Cook.

I am the Terry Sanford Professor Emeritus of Public Policy and Professor Emeritus of Economics at Duke University. My curriculum vitae is attached as Appendix A.

I received my PH.D. in Economics from the University of California Berkeley in 1973. In that year I accepted a faculty position at Duke University in public policy and economics. I was promoted through the ranks from assistant professor to full professor with tenure, and ultimately awarded a distinguished professorship in 1996.

I am the former Senior Associate Dean for Faculty at the Sanford School of Public Policy. I served as director of the School's predecessor, the Sanford Institute of Public Policy, for a total of seven (7) years. I have held visiting positions at Harvard University, the University of Maryland, the Russell Sage Foundation, and the Collegio Carlo Alberto, among others.

I was appointed Research Associate of the National Bureau of Economic Research in 1991. I have been honored by election as Fellow of the American Society of Experimental Criminology, Fellow of the American Society of Criminology, and Member of the National Academy of Medicine. I have received a number of awards for my research, including, in 2020, the Stockholm Prize in Criminology.

I have published over 100 articles in peer reviewed journals. My research has been published in the leading journals in economics, public policy, medicine, law, and criminology, including the *American Economic Review*, *Quarterly Journal of Economics*, *Economic Journal*, *Journal of Policy Analysis and Management*, *Journal of the American Medical Association*, *American Journal of Public Health*, *Law & Contemporary Problems*, *UCLA Law Review*, *Criminology*, *Journal of Public Economics*, *Journal of Law and Contemporary Problems*, and the *Journal of Quantitative Criminology*. I am also author or editor of several books, including *Gun Violence: The Real Costs* (Oxford University Press) and *Lessons from the Economics of Crime: What Reduces Offending?* (MIT Press).

I have served as a member of nine expert panels convened by the National Academy of Sciences, Engineering, and Medicine. These panels produced and published consensus reports on a variety of topics including injury prevention, violence prevention, and alcohol control. Most relevant to my current testimony is that I served on the expert panel that produced the report titled *Deterrence and the Death Penalty* (National Academy Press 2012).

I have completed two studies of the costs of the death penalty in North Carolina based on my extensive data collection and analysis. The more recent of these was published in the *American*

Law and Economics Review in 2009. While I have served as an expert witness several times, I have not previously provided testimony in conjunction with a lawsuit challenging the death penalty.

Frank R. Baumgartner.

I currently hold the Richard J. Richardson Distinguished Professorship in Political Science at the University of North Carolina at Chapel Hill. I received my BA, MA, and PhD degrees in political science at the University of Michigan (1980, 1983, 1986). I have been a faculty member since 1986 and have taught at the University of Iowa, Texas A&M University, Penn State University, and UNC-Chapel Hill, where I moved in 2009. I taught at Penn State from 1999 through 2009 and served as Head of the Political Science Department there from 1999 through 2004. I regularly teach courses at all levels, many involving significant instruction in research methodology. My curriculum vitae is attached as Appendix B.

My research generally involves statistical analyses of public policy problems, often based on originally collected data or administrative databases. I have published over a dozen books and more than 80 articles in peer-reviewed journals. I have been fortunate to receive a number of awards for my work, including six (6) book awards, awards for database construction, and so on. I am a fellow of the American Academy of Arts and Sciences, an honorary society dating back to 1780. I am a co-author of two books about the death penalty. The first, *The Decline of the Death Penalty and the Discovery of Innocence* (Cambridge University Press, 2008), focused on public opinion toward capital punishment and the impact of the “innocence” argument. My co-authors and I were awarded the Gladys M. Kammerer Award for the best publication in the field of US national policy from the American Political Science Association for this book in 2008. The second book, *Deadly Justice: A Statistical Portrait of the Death Penalty* (Oxford University Press, 2018), provides a statistical overview of a broad range of questions relating to the “modern” (post-*Furman*) application of the death penalty: demographic characteristics of the offenders and victims, rates of use, comparison to homicide numbers, geographical patterns, eligible crimes in different states, cost, deterrence, and so on. The book derives from, and is the main text in, a course I teach about the death penalty that regularly enrolls over 400 students at UNC-Chapel Hill. *Deadly Justice* includes a chapter entitled “Why Does the Death Penalty Cost So Much?”, co-authored with Mr. Justin Cole, currently a student at Yale Law School. That chapter was based on a comprehensive review of studies of the cost of the death penalty.

I have also published a number of death penalty-related studies in law reviews and peer-reviewed academic journals. Many of these articles relate to race- and gender-based disparities in the application of the death penalty. I am the co-author of another book, *Suspect Citizens: What 20 Million Traffic Stops Tell Us about Policing and Race* (Cambridge University Press, 2018; winner of the C. Herman Pritchett Best Book Award from the Law and Courts Section of the American Political Science Association in 2019). This book, and numerous related articles published in peer review journals, also delves deeply into the analysis of race- and gender-based disparities in criminal justice outcomes.

II. Introduction.

Analysis of studies across the nation on the cost of the death penalty are clear: administration of the death penalty is more costly than not. Additional costs are incurred at every stage of litigation, from investigation to post-conviction.

This is also true in Kansas. The modern death penalty was re-instituted in Kansas in 1994 but has been rarely used. Since its adoption, there have been over 3,500 criminal homicides in Kansas,¹ but no executions. There are currently nine (9) people imprisoned in Kansas with a death sentence,² the most recent of whom was sentenced in 2016.³ Two (2) other individuals who were sentenced to death since 1994 died of natural causes while incarcerated, and four (4) individuals have been resentenced to life without the possibility of parole (“LWOP”). But, despite the fact that death sentences are rare, the cost of maintaining the death penalty in Kansas amounts to millions of dollars each year.

This report explains why the death penalty is costly and seeks to quantify the cost by reviewing literature on the cost of the death penalty, discussing available estimates from two previous cost studies performed in Kansas, and building off the previous Kansas studies with an examination of additional data gathered in the years since the conclusion of the last study.

In 2003, the state of Kansas released the Legislative Post Audit report (“2003 Report”) which compared costs in 22 cases, some death penalty and some first-degree murder cases.⁴ In 2014, the Judicial Council Death Penalty Advisory Committee reviewed additional costs incurred in the death penalty cases analyzed by the 2003 Report as well as in all capital-eligible cases filed between fiscal years 2004 and 2011 (“2014 Report”).⁵ The new analysis in our report builds off of the State’s 2003 and 2014 studies and focuses on the five-year period between 2014 and 2018. During that time the State incurred costs associated with ongoing appeals of previous death sentences, as well as active capital cases defined as those that were ongoing, charged, or in a

¹ Between 1994 and 2019, the National Vital Statistics System recorded 3,469 homicides in Kansas (WISQARS.CDC.gov). The Kansas Bureau of Investigation reports 193 murders in 2020.

² Death Penalty Information Center, State and Federal Info Kansas, *see* <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/kansas>.

³ Steve Fry, *Kyle Flack, who killed 3 adults and a toddler, sentenced to the death penalty in Kansas capital murder case*, The Topeka Capital Journal (May 18, 2016), <https://www.cjonline.com/story/news/politics/state/2016/05/18/kyle-flack-who-killed-3-adults-and-toddler-sentenced-death-penalty-kansas-capital/16587105007/>; *see also* <https://www.doc.ks.gov/newsroom/capital>.

⁴ Leg. Post Audit Comm., *Performance Audit Report: Costs Incurred for Death Penalty Cases: A K-GOAL Audit of the Department of Corrections* (Dec. 2003), https://www.ncsl.org/Portals/1/Documents/cj/KS_2003_CostsReport33956.pdf (“2003 Report”).

⁵ Judicial Council Death Penalty Advisory Comm., *Report of the Judicial Council Death Penalty Advisory Committee* (Feb. 13, 2014), <https://kansasjudicialcouncil.org/Documents/Studies%20and%20Reports/2015%20Reports/death%20penalty%20cost%20report%20final.pdf> (“2014 Report”).

retrial posture during this time period. The Counties that had one or more active capital cases between 2014 and 2018 include: Barton, Chautauqua, Franklin, Geary, Harvey, Johnson, Labette, Pratt, Riley, Saline, Sedgwick, Shawnee, and Wyandotte. Within these counties, all investigation, prosecution, and adjudication costs were requested for all active capital and non-capital first degree homicide cases.⁶

Cost data were requested from the following entities: 1) county attorney offices; 2) county clerk offices; 3) county accounting departments; 4) district courts; 5) police departments; 6) sheriff departments; 7) the Kansas Department of Corrections; 8) the Kansas State Board of Indigents' Defense Services (BIDS); 9) the Kansas Supreme Court; 10) the Attorney General's office; 11) the Kansas Bureau of Investigation; and 12) the Kansas Court of Appeals. These requests sought to capture costs from the initial investigation into a capital or non-capital homicide case, through any trial, incarceration, and appeals. The general responsiveness and level of detail provided differed greatly among these entities. The results of these requests are briefly summarized in the attorney declaration attached as Appendix C.

This data collection spanned more entities than the previous studies, but faced similar challenges, including non-centralized databases, inconsistent record keeping, and a failure to track costs by case. The results of the previous studies and this supplemental study make clear one thing: no one can provide a comprehensive accounting of the full cost of the death penalty to the State of Kansas. However, the data available demonstrate that maintaining the death penalty in Kansas is significantly more costly than pursuing other forms of punishment and costs the State and its taxpayers millions of dollars each year.

III. Analysis

1. Conclusions of Cost Studies Across the Country

In the following section, we first explain how we identified the studies used and then review their estimates of overall cost, breaking down these estimates where possible to show which parts of the process seem to be generating most of the cost or savings. This section is based on a chapter in Professor Baumgartner's 2018 book, *Deadly Justice: A Statistical Portrait of the Death Penalty*, and is co-written with Justin Cole, currently a student at Yale Law School and co-author of the original book chapter, which this section updates.

In order to find studies on the cost of the death penalty, we first referred to a page on the Death Penalty Information Center ("DPIC") website that focuses specifically on cost.⁷ We started with all the articles listed in the main sections on this page: "State Studies on Monetary Costs," "State Studies on Time Costs," "DPIC Reports on Costs," and "DPIC Testimony and Presentations on Costs." We then conducted Google Scholar searches for relevant terms such as "death penalty

⁶ Additional costs were sought both in the two years leading up to 2014 and through January 1, 2020, in order to identify any other costs that were not otherwise captured in the period of 2014 to 2018.

⁷ See *Costs*, DEATH PENALTY INFO. CTR., deathpenaltyinfo.org/policy-issues/costs (last visited Feb. 11, 2022).

costs,” “cost of capital punishment,” and “price of capital punishment.” Because the DPIC site is relatively complete, these searches yielded few additional hits. We identified 25 published studies, most of which focus on a single state. The vast majority of the studies were published in academic journals or law reviews, but a few were published in highly professional and systematic journalistic or legislative reviews. We did not include any studies that focused on individual cases or that were of relatively small empirical scope. All the studies reviewed focus on comparisons of the cost of capital cases with non-capital murder trials. Some provide overall cost estimates, and many of them break down the source of the costs by the different phases of the trial or postconviction appeals. In the following sections, we provide a tabular summary of the studies, their time and geographical scopes, the number of cases reviewed, and their cost estimates.

a. Overall Cost Estimates.

Of the 25 studies we reviewed, 15 provide some estimate of the overall cost of a death sentence, an execution, or the entire death penalty system as compared with a first-degree murder trial or a system where capital punishment is not considered or available as an option. All of the studies are in states where the death penalty is legally available, so the comparison is across cases where the State seeks the death penalty to otherwise similar cases where the death penalty is not sought. The studies use slightly different definitions of cost, as we describe below. Table 1 summarizes these results. Where it is possible to give a precise dollar amount, we do so. Where there is only an indication of “more” spending in the capital case, we indicate this with a plus sign (+). We use a minus sign (–) in the rare cases where there are savings.⁸

⁸ See FRANK R. BAUMGARTNER, MARTY DAVIDSON, KANEESHA R. JOHNSON, ARVIND KRISHNAMURTHY & COLIN P. WILSON, *DEADLY JUSTICE: A STATISTICAL PORTRAIT OF THE DEATH PENALTY* app. E (2018), <http://fbaum.unc.edu/books/DeadlyJustice/AppE-Cost.pdf> (replicating the three tables in this report with footnotes explaining each cost estimate).

Table 1. Overall Cost Estimates

Basic Characteristics of Cost Studies				Comparative Costs		
Author and Year	Geographic Scope	Time Period Examined	Cases Sampled	Death Penalty Trials as Compared to Non-Death Penalty Trials	Death Sentence as Compared to a Sentence of Life without Parole	Death Penalty as Compared to a Scenario Where the Maximum Punishment Is Life without Parole
California Commission on the Fair Administration of Justice (2008)	California	1978–2007	1,644	+	+	+\$125,500,000 per year
Minsker (2009)	California	1996–2006	338	+	+	
Alarcón and Mitchell (2011)	California	1978–2010	1,940	+\$1,000,000 per case	+	+\$4,000,000,000 over 31 years (+\$129,000,000 per year)
Marceau and Whitson (2013)	Colorado	1999–2010	154	+123.5 days per case		
Gould and Greenman (2010)	Federal	1998–2004	214	+\$308,376 per case		
Palm Beach Post Capital Bureau (2000)	Florida	1979–1999		+		+\$51,000,000 per year
Office of Performance Evaluations (2014)	Idaho	1998–2013	251	+3.1 months per case		
Indiana Legislative Services Agency (2015)	Indiana	1995–2013	124	+\$342,940 per case		
Legislative Division of Post Audit (2003)	Kansas	1994–2003	22	+\$316,000 per case	+	+
Judicial Council (2014)	Kansas	1994–2011	63	+17.1 days per case		
Cohen et al. (2019)	Louisiana	2007–2016				+\$750,000–\$4,000,000 per case

Roman et al. (2008)	Maryland	1978–1999	1,136	+640,000 per case	+\$851,000 per death sentence	+\$1,491,000 per case
Dieter (2009)	National Survey			+	+	+
Goss, Strain, and Blalock (2016)	Nebraska	1973–2014	119		+	+\$14,600,000 per year
Miethe (2012)	Nevada	2009–2011	138			
Nevada Legislative Counsel Bureau (2014)	Nevada	2000–2012	28	+\$375,000–\$389,000 per case	–\$5,000 per death sentence to +\$86,000 per death sentence	\$375,000–\$475,000 per case
Forsberg (2005)	New Jersey	1982–2004		+	+	+\$253,300,000 over 24 years (+\$11,000,000 per year)
Cook and Slawson (1993)	North Carolina	1990–1991	77	+\$47,793 per case		
Cook (2009)	North Carolina	2005–2006	1,034	+		+\$11,000,000 per year
Collins et al. (2017)	Oklahoma	2004–2010	184			+\$110,000 per case
Kaplan (2013)	Oregon	1984–2013		+	+	+
Dieter (2010)	Pennsylvania	1976–2009		+	+	
Morgan (2004)	Tennessee	1993–2003	240	+	+	+
Washington State Bar Association (2006)	Washington	1981–2005	254	+		
Collins et al. (2015)	Washington	1997–2014	147	+		+\$1,150,000 per case

Key: [+] means an item is more expensive; [-] means an item is less expensive; [=] means the expenses are equivalent; blank means there was no relevant information on the category in the study.

The first column of the table lists the author or authors of the study, as well as the date that the study was published. All but one of these studies were published in the twenty-first century, indicating that the cost of the death penalty has only begun to attract attention in recent years. The second column notes the geographical scope of each cost study. Most of the studies (23 of 25) limit their analysis to one state.⁹ The third column contains the time period that was examined by each study. There are two important points to highlight here. First, most of the studies focus on a time period of a decade or more, but a fair number limit their analysis to a period of only a few years. Second, the vast majority of the studies examine the death penalty prior to 2012, and the data reported does not always take inflation into account. We have not made adjustments for inflation in the table, but report the dollar values listed in the articles we review. For these reasons, it would be fair to consider the cost estimates as low or conservative ones. Real costs are undoubtedly higher.

The fourth column lists the total number of cases examined in each study. The number listed is the total number of homicide cases. For the first entry in the table, the study reviewed 1,644 homicide cases in California between 1978 and 2007. Only a fraction of these cases were prosecuted capitally, and then only a fraction of those led to a death penalty. The *N* reported in the table is the total number of homicide cases the study reviewed, not the number of death sentences. The fifth column compares the cost of a death penalty trial to the cost of a first-degree murder trial where the death penalty was not sought. Of course, not every death penalty trial ends in a death sentence, and trials that end in death sentences are more expensive than those that do not. To account for this, a weighted average of trial costs in these two categories was compiled and then compared to the costs of first-degree murder trials where the death penalty was not sought to get this figure. Some studies examined both trials and pleas. When pleas were included, they were incorporated through a weighted average into both the costs of death penalty trials and the costs of first-degree murder trials where the death penalty was not sought.

The sixth column compares the cost of a capital trial that ends without a death sentence with a capital trial that ends with a death sentence. The costs encompassed by this category are appellate costs garnered in direct appeals, state postconviction proceedings, and federal postconviction proceedings as well as incarceration costs. This category is especially interesting because most people who receive death sentences do not actually end up being executed; thus, the death penalty is effectively an expensive form of LWOP, at least in those cases. The seventh column looks at both the trial and the postconviction phases of a death penalty case and compares the overall cost of a death sentence, an execution, or the entire death penalty system with a first-degree murder trial where capital punishment is not considered. The entries indicate whether the cost estimate is for the entire system, indicating the additional costs of maintaining a death penalty system over a system where there is no capital punishment, or if the estimate is per case. Per-case estimates refer to the additional costs of seeking death over seeking a punishment of life without parole.

⁹ The study by Gould and Greenman (2010) focuses solely on federal death penalty cases and the one by Dieter (2009) is a national survey of police chiefs.

Overall costs of the entire system are perhaps the most important indicators: what does it cost a state to maintain a capital punishment system, per year? Reading down the last column and looking at those estimates, we see approximately \$125-129 million per year in California; \$51 million in Florida; \$15 million in Nebraska; \$11 million in New Jersey; and \$11 million in North Carolina. The per-case estimates are also high, \$750,000 to \$4 million in Louisiana; \$1.5 million in Maryland; \$375,000 to \$475,000 in Nevada; and \$110,000 in Oklahoma. No estimates are negative; the death penalty is always more expensive. How much higher ranges depending on the state. Unsurprisingly, the states with more active death penalty systems show higher costs, as California faces costs over \$100 million per year, Florida sees over \$50 million, and New Jersey is lower at \$11 million. New Jersey, however, maintained these costs over a quarter century and carried out just one execution; that single execution came at a cumulative estimated cost of a quarter-billion dollars. The similar estimates for California, over a longer time period, include a global estimate of more than \$4 billion. As the state has carried out just 13 executions in the period since 1976, this amounts to a price tag of over \$300 million per execution, similar to the New Jersey figure. And once again, these numbers do not take inflation into account. Kansas, of course, has not carried out a single execution in the modern era, so the costs associated with the maintenance of a death penalty are related to no executions at all.

b. Trial Phase Cost Estimates.

The 25 studies listed in Table 1 also break down the costs associated with the different phases of the trial process. Table 2 summarizes these results.

Table 2. Costs Associated with Each Phase of the Death Penalty Trial

Basic Characteristics of the Studies				Costs of the Various Components of Death Penalty Trials					
Author and Year	Geographic Scope	Time Period Examined	Cases Sampled	Death Penalty Trials as Compared to Non-Death Penalty Trials	Defense	Prosecution	Experts	Court	Jury
California Commission on the Fair Administration of Justice (2008)	California	1978–2007	1,644	+	+				+
American Civil Liberties Union of Northern California (2009)	California	1996–2006	338	+	+	+	+	+	+
Alarcón and Mitchell (2011)	California	1978–2010	1,940	+\$1,000,000 per case	+	+	+	+	+
Marceau and Whitson (2013)	Colorado	1999–2010	154	+123.5 days per case	+			+	+24.5 days per case
Gould and Greenman (2010)	Federal	1998–2004	214	+\$308,376 per case	+\$231,753 per case		+\$77,754 per case		+
Palm Beach Post Capital Bureau (2000)	Florida	1979–1999		+	+	+			
Idaho Legislature Office of Performance Evaluations (2014)	Idaho	1998–2013	251	+3.1 months per case					

Legislative Division of Post Audit (2003)	Kansas	1994–2003	22	+ \$316,000 per case	+	+	+	+	+
Judicial Council (2014)	Kansas	1994–2011	63	+17.1 days per case					
Roman et al. (2008)	Maryland	1978–1999	1,136	+640,000 per case	+	+			+
Dieter (2009)	National Survey			+	+	+	+	+	+
Goss, Strain, and Blalock (2016)	Nebraska	1973–2014	119		+		+	+	+
Miethe (2012)	Nevada	2009–2011	138		+1,166 hours per case				
					+ \$116,600–\$145,750 per case				
Nevada Legislative Counsel Bureau (2014)	Nevada	2000–2012	28	+ \$375,000–\$389,000 per case	+ \$176,891–\$225,834 per case	+ \$7,212–\$10,699 per case	+ \$49,000–\$61,025 per case	+	+
Forsberg (2005)	New Jersey	1982–2004		+	+ \$2,300,000 per year	+ \$4,600,000–\$7,800,000 per year	+	+	+
Cook and Slawson (1993)	North Carolina	1990–1991	77	+ \$47,793 per case	+	+	+	+	+
Cook (2009)	North Carolina	2005–2006	1,034	+	+ \$13,180,385 over 2 years	+26,680 hours over 2 years	+ \$3,024,000 over 2 years	+691 days over 2 years	\$224,640 over 2 years
Collins et al. (2017)	Oklahoma	2004–2010	184		+ \$32,700 per case	+ \$17,684 per case	+	+	
Kaplan (2013)	Oregon	1984–2013		+	+	+	+		
Dieter (2010)	Pennsylvania	1976–2009		+	+	+	+		+
Morgan (2004)	Tennessee	1993–2003	240	+	+	+	+	+	+

Washington State Bar Association (2006)	Washington	1981–2005	254	+	+\$246,000 per case	+217,000 per case		+\$46,640–\$69,960 per case	+
Collins et al. (2015)	Washington	1997–2014	147	+	+\$493,500 per case	+\$55,900 per case	+	+\$80,000 per case	

Key: [+] means an item is more expensive; [-] means an item is less expensive; [=] means the expenses are equivalent; blank means there was no relevant information on the category in the study.

Just as in Table 1, the first four (4) columns of Table 2 provide the basic characteristics of each of the studies. The fifth column is also contained within Table 1. The remaining columns, however, deal specifically with various phases of a death penalty trial as compared with a first-degree murder trial where capital punishment is not considered.

Eight (8) studies provide some specific numerical estimate of the costs associated with the defense, and six (6) studies provide some estimate of the costs associated with the prosecution. Each of these shows that attorney costs are substantially higher for capital trials than for first-degree murder trials where capital punishment is not considered. Unsurprisingly, among those studies that provide a precise cost estimate for the defense, costs range from an additional \$32,700 per case in Oklahoma to an additional \$493,500 per case in Washington. For those that provide information on the prosecution, costs range from an additional \$7,212 per case in Nevada to an additional \$217,000 per case in Washington.

Three (3) studies provide some specific numerical estimates explicitly associated with expert testimony, and three (3) studies provide some estimate of court costs, either direct monetary costs or costs in terms of time. Each of these shows that both expert and court costs are substantially higher during capital trials than during first-degree murder trials where capital punishment is not considered. Even studies that do not provide specific numerical data provide some indication that these components are more expensive in capital trials. As science has improved, the defense has increasingly relied on experts who specialize in everything from mental health to hair follicle analysis to bite marks to eyewitness testimony in an attempt to avoid the death penalty for their client. As a result, the prosecution has naturally countered with its own array of experts. Court costs are also higher in capital trials. More capital trials change venues, which is costly. More importantly, capital trials last much longer, which means not only that daily costs of writing transcripts or providing security increase but also that opportunity costs arise. The more time a capital trial takes, the less time there is for other trials in that same courtroom or by that judge. This does not appear as a direct cost in a state budget, but it is nonetheless important, particularly as many states are experiencing significant delays in their criminal justice system associated with the COVID-19 pandemic. With this in mind, additional expert costs range from \$49,000 to \$77,754 per case, and additional court costs range from \$46,640 to \$80,000 per case.¹⁰

Two (2) studies provide some specific numerical estimate of the costs associated with voir dire, or jury selection. Marceau and Whitson (2013) compared six (6) capital prosecutions with 148 noncapital cases in Colorado and found that jury selection took 24.5 days longer in the capital trials. Many more potential jurors are required; individuals who are categorically opposed to the death penalty and would refuse to consider a death sentence are excused, as are many others due to financial hardship, a problem that is far more severe because of the greater length of capital trials. Missing work or childcare responsibilities for a longer time is also more onerous. Once the trial begins, jurors are paid for every day they work, which added up to \$224,640 over two years in North Carolina.

¹⁰ “Additional court costs” are those associated with longer trials: court reporters, court staff, courtroom security, and so on.

It is clear that costs are high and that they stem not from a single easily controlled source but from virtually every element of the trial and investigation. Contrary to popular belief, the costs of the death penalty are not limited to the appeals that come after a conviction; rather, the costs accumulate from the very instant that a case becomes capital.

c. Postconviction Cost Estimates.

We found 19 studies that break down the costs associated with the different phases of the postconviction process; these are a subset of those listed in the previous table. Table 3 summarizes these results.

Table 3. Costs Associated with Each Phase of the Death Penalty Postconviction Process

Basic Characteristics of the Cost Studies				Costs of the Various Phases of the Postconviction Process of the Death Penalty					
Author and Year	Geographic Scope	Time Period Examined	Cases Sampled	Death Sentence as Compared to a Sentence of Life without Parole	Direct Appeal	Postconviction at the State Level	Postconviction at the Federal Level	Incarceration	New Death Row Complex
California Commission on the Fair Administration of Justice (2008)	California	1978–2007	1,644	+	+	+		+\$90,000 per inmate per year	+\$402.6 million overall
Minsker (2008)	California	1996–2006	338	+	+	+		+\$90,000 per inmate per year	+\$356 million overall
Alarcón and Mitchell (2011)	California	1978–2010	1,940	+	+	+\$200,000–\$300,000 per death sentence	\$1.11 million per death sentence	+\$90,000 per inmate per year	+\$402.8 million overall
Idaho Legislature Office of Performance Evaluations (2014)	Idaho	1998–2013	251		+1.2 years per death sentence	+1.4 years per death sentence		+	
Legislative Division of Post Audit (2003)	Kansas	1994–2003	22	+	+			-	
Judicial Council (2014)	Kansas	1994–2011	63		+			+\$24,690 per inmate per year	
Cohen et al. (2019)	Louisiana	2007–2016		+				+\$50,880 per inmate per year	

Roman et al. (2008)	Maryland	1978–1999	1,136	+851,000 per death sentence	+\$340,000 per death sentence	\$43,000 per death sentence	+\$96,000 per death sentence	+\$372,000 per inmate over a lifetime
Dieter (2009)	National Survey			+	+	+		+
Goss, Strain, and Blalock (2016)	Nebraska	1973–2014	119	+	+	+	+	+\$619,000 per year
Nevada Legislative Counsel Bureau (2014)	Nevada	2000–2012	28	–\$5,000 per death sentence to +\$86,000 per death sentence	+	+	+	=
Forsberg (2005)	New Jersey	1982–2004		+	+	+	+	+
Cook and Slawson (1993)	North Carolina	1990–1991	77		+\$13,561 per death sentence	+	+	–\$17,000 per inmate over a lifetime
Cook (2009)	North Carolina	2005–2006	1,034		+	+	+	+\$169,617 over the 2-year time period
Kaplan (2013)	Oregon	1984–2013		+	+		+	
Dieter (2010)	Pennsylvania	1976–2009		+	+	+		
Morgan (2004)	Tennessee	1993–2003	240	+	+	+	+	=
Washington State Bar Association (2006)	Washington	1981–2005	254		+\$118,511 per death sentence	+		
Collins et al. (2015)	Washington	1997–2014	147		+	+		–\$474,000 per inmate over a lifetime

Key: [+] means an item is more expensive; [-] means an item is less expensive; [=] means the expenses are equivalent; blank means there was no relevant information on the category in the study.

Just as in Table 1, the first four columns of Table 3 describe the basic characteristics of all the studies. The fifth column is also contained within Table 1. The remaining columns, however, deal specifically with various phases of the postconviction process when a death sentence was handed down as compared with the postconviction process when a sentence of LWOP was issued.

Four (4) studies provide some specific numerical estimate of the costs associated with direct appeals, three (3) provide some estimate of the costs associated with postconviction proceedings at the state level, and two (2) provide some estimate of the costs associated with postconviction proceedings in federal courts. Each of these shows that the various appeals are expensive. For direct appeals, costs range from an additional \$13,561 to \$340,000 per death sentence; for postconviction appeals at the state level, an additional \$43,000 to \$300,000 per death sentence; and for postconviction appeals at the federal level, from \$96,000 to \$1.1 million per death sentence.¹¹

Ten studies provide some specific numerical estimate of the costs associated with incarceration. Eight (8) of these indicate that incarceration is more expensive for those who are given the death penalty. Of course, in states such as California, like Pennsylvania, and many other jurisdictions, which rarely executes those they condemn, it is clear that costs accumulate but there are few or no offsetting savings. Virginia¹² and Texas, which historically have executed a higher proportion of their death row inmates, may not have the same high costs associated with incarceration rates of prisoners sentenced to death. However, just two (2) studies out of 19 found what many would assume to be true logically: that incarcerating prisoners who had received LWOP was more expensive because death row prisoners are executed prior to their natural death. While, theoretically, one might expect to see lower incarceration costs for those sentenced to death as opposed to LWOP, several factors make this less likely: few of those condemned are executed; death rows are expensive to operate; and many inmates spend decades on death row before being executed (or seeing their sentence reversed).

2. Why the Kansas Death Penalty is Costly

As in other states, and consistent with the United States Supreme Court's ruling that "death is different," capital cases in Kansas are more complex and involve more procedural safeguards than otherwise similar murder cases. As a result, litigating capital cases is more costly to state and local governments than if defendants had been prosecuted for murder without the possibility of a death sentence.

¹¹ The Maryland study focuses only on "costs to Maryland taxpayers," JOHN ROMAN, AARON CHALFIN, AARON SUNDQUIST, CARLY KNIGHT & ASKAR DARMENOV, *THE COST OF THE DEATH PENALTY IN MARYLAND 1* (2008), <http://www.deathpenaltyinfo.org/CostsDPMaryland.pdf>, while the California study discusses costs to federal taxpayers, Arthur L. Alarcón & Paula M. Mitchell, *Executing the Will of the Voters?: A Roadmap to Mend or End the California Legislature's Multi-Billion-Dollar Death Penalty Debacle*, 44 *LOY. L.A. L. REV.* S41, S88-94 (2011).

¹² In March 2021, the state of Virginia repealed the death penalty statute and converted all existing death sentences to life without parole.

What cases are capital eligible?

Kansas law, as enacted in 1994, states that the death penalty is reserved for “intentional and premeditated killing” in one (1) of seven (7) circumstances. In addition, it is required that there be one or more aggravating circumstances, and that the defendant is an adult. Prosecutors are not required to seek the death penalty in cases that are capital eligible, and must indicate their intention to seek the death penalty no later than seven days after the time of arraignment.¹³

How are capital cases sentenced?

A bifurcated trial is required for cases where the prosecutor seeks the death penalty. The jurors must be death-penalty “qualified” during the jury-selection process, meaning potential jurors may be excluded if they would be unable to recommend the death penalty.¹⁴ If the jury decides the defendant is guilty of capital murder during the first phase, then that same jury is seated for a sentencing trial.¹⁵ During the sentencing trial, the jury is presented with evidence on both aggravating and mitigating circumstances to determine whether the defendant should be put to death or be sentenced to life without parole.¹⁶ A sentence of death requires a unanimous finding that one or more aggravating circumstances exist and that the aggravating circumstances outweigh the mitigating circumstances, beyond a reasonable doubt.¹⁷ The trial judge may only impose the death penalty if the jury so recommends.¹⁸

In what specific ways are capital-trial proceedings more costly than if the prosecutor had decided to proceed non-capitally?

As the Kansas’s Judicial Council Death Penalty Advisory Committee summarized in a 2009 Report, “[t]he capital case requires more lawyers on both the prosecution and defense teams, more experts on both sides, more pre-trial motions, longer jury selection time, and a longer trial.”¹⁹ The 2009 Report further describes the post-conviction process as “litigated for years . . . difficult, and time consuming.”²⁰

¹³ Kan. Stat. Ann. § 21-6617.

¹⁴ See Kan. Stat. Ann. § 22-3410(2)(i) ; 2003 Report, at 5.

¹⁵ Kan. Stat. Ann. § 21-6617; see also 2003 Report, at 5

¹⁶ Kan. Stat. Ann. § 21-6617(c) and (e); Kan. Stat. Ann. § 21-6624 (aggravators); Kan. Stat. Ann. § 21-6625 (mitigators); see also 2003 Report, at 5.

¹⁷ Kan. Stat. Ann. §21-6617(e); 2003 Report, at 6.

¹⁸ Kan. Stat. Ann. § 21-6617; Kan. Legislative Research Department, *Death Penalty in Kansas*, 2 (Jan. 27, 2021), http://www.kslegresearch.org/KLRD-web/Publications/JudiciaryCorrectionsJuvJustice/memo_genl_deboer_death_penalty.pdf (“2021 Report”).

¹⁹ Judicial Council Death Penalty Advisory Comm., *Report of the Judicial Council Death Penalty Advisory Committee*, 9 (Dec. 4, 2009), <https://kansasjudicialcouncil.org/Documents/Studies%20and%20Reports/2009%20Reports/Death%20Penalty.pdf> (“2009 Report”).

²⁰ *Id.*

A non-exhaustive list of the ways in which capital-trial proceedings differ includes the following:

- Representation. Because capital trials tend to be complex and require specialized expertise, two (2) attorneys are typically appointed for the defense through BIDS. BIDS provides these attorneys either through the existing public defender offices or by appointing private counsel.²¹ Public defense in capital cases is conducted at the trial-level by the capital defender office, on direct appeal by one (1) of two (2) capital appellate offices, and in post-conviction by the state habeas office.²² Appointed counsel consists of either contract counsel who contract with BIDS to accept cases at rates reduced from market value when the public defender has a conflict or is unable to otherwise take on the case, or of non-contract assigned counsel who are private attorneys who meet established regulatory criteria²³ and who voluntarily serve on appointments panels in each judicial district.²⁴ Contract counsel typically cost more per case than do public defenders.²⁵ Only in rare cases does the defendant retain private counsel for all or part of the proceedings. The trial defense team generally also include—at minimum—a fact investigator and a mitigation specialist.²⁶ On the opposing side, the State is also typically represented by two (2) or more prosecutors.
- Motion practice. In every stage of a capital case, defense counsel have a duty to consider all legal claims potentially available and, if counsel decides to raise an issue, they must “present the claim as forcefully as possible[.]”²⁷ This involves litigating all possible legal and factual bases related to the issue, making supplemental presentations, and ensuring a complete record of the claim has been made. “Because of the possibility that the client will be sentenced to death, counsel must be significantly more vigilant about litigating all potential issues at all levels in a capital case than in any other case.”²⁸ As a member of the Death Penalty Advisory Committee put it in the 2004 Report, “[s]ince the law regulating the imposition of death is much more expansive it requires several dozen motions in, each case... More motion hearings are required and the hearings take longer

²¹ The Board of Indigents’ Defense Services, *A Report on the Status of Public Defense in Kansas*, 1 (Sept. 2020), <http://www.sbids.org/forms/Report%209-30-2020.pdf> (“BIDS Report”).

²² *Id.* at 9

²³ See Kan. Admin. Regs. § 105-3-2(a)(4).

²⁴ BIDS Report, at 10

²⁵ *Id.* at 23

²⁶ Am. Bar. Ass’n, American Bar Association Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases, 31 Hofstra L. Rev. 913, 1028 (Rev. Ed. 2003), Guideline 4.1 commentary (“ABA Guidelines”); see also Judicial Council Death Penalty Advisory Comm., *Report of the Judicial Council Death Penalty Advisory Committee*, 24 (Jan. 29, 2004),

https://kansasjudicialcouncil.org/Documents/Studies%20and%20Reports/Previous%20Judicial%20Council%20Studies/PDF/Death_Penalty_Adv_Comm_Jan04.pdf (“2004 Report”).

²⁷ ABA Guidelines 10.8(B)(1).

²⁸ ABA Guidelines 10.8 commentary

than in a non-death case.”²⁹ As another committee member and trial judge noted “it is certainly not unusual for over 100 motions to be filed in a typical capital case.”³⁰ Based on our analysis of data from the 2014 Report, trials in which the death penalty is sought were preceded by 15 days of motions, compared with five (5) days for trials in which the death penalty was not sought.³¹

- Jury selection. Pools of potential jurors are usually larger in capital cases. Indeed, the 2003 Report found that capital cases averaged 230 jurors at the start of jury selection, compared to 89 jurors at the same point in other first-degree-murder cases.³² The larger pool is in part because voir dire of potential capital jurors typically includes questioning by the prosecution on willingness to impose a death sentence, which often results in the exclusion of jurors who would otherwise be qualified to serve. Jury selection in capital cases in Kansas hence may take longer than it takes to pick a jury in a non-death case.³³
- Trial. Capital trials typically last longer, with more expert witnesses. The 2003 Report estimated that death penalty cases were an average length of 28 days, compared to nine (9) days in non-death cases (from the start of jury selection to the end of trial).³⁴ The 2014 Report provided details for jury trials, showing 16 days for trials in which the death penalty was sought, and seven (7) days for murder cases in which the death penalty was not sought.³⁵
- Sentencing phase. If the jury finds a defendant guilty of capital murder, then it continues to serve for a second phase of the trial to determine a sentencing recommendation of death or life without parole. The 2003 Report found that a separate sentencing proceeding added an average of six (6) days to trials.³⁶ Further, during the penalty phase a capital defense team is required both to put forward a mitigation presentation and to rebut the prosecution’s case on aggravation.³⁷ This testimony may require witnesses familiar with evidence relating to a client’s life and development as well as expert and lay witnesses who can provide medical, psychological, or sociological insights relevant to the client’s mental health, life history, and culpability, or otherwise support a sentence less than death or rebut aggravating evidence.³⁸ A member of the Death Penalty Advisory Committee summarized this issue by stating that in “a homicide in which death is not being sought as a punishment, I do not necessarily need to know my client’s life history. In ‘death’ cases it is essential that the defense team know all aspects of the accused’s

²⁹ 2004 Report, at 11.

³⁰ *Id.* at 13

³¹ 2014 Report, Appendix D.

³² 2003 Report, at 15.

³³ 2004 Report at 11

³⁴ 2003 Report, at 15.

³⁵ 2014 Report, Appendix D.

³⁶ 2003 Report at 15.

³⁷ ABA Guidelines 10.11.

³⁸ *Id.*

family history...school records ...work history[.]”³⁹ This same committee member also noted that death penalty cases typically require more experts, who are not always local.⁴⁰

- Direct appeal to the Kansas Supreme Court. A conviction for capital murder resulting in a death sentence entitles a defendant to automatic review by and appeal to the Kansas Supreme Court.⁴¹ The Kansas Supreme Court is required to consider both the sentence and any errors asserted, and is further “authorized to notice unassigned errors appearing of record if the ends of justice would be served thereby.”⁴² In the 2014 Report, the Kansas Supreme Court estimated that justices spend five (5) times more hours on capital cases than non-capital cases, and that a justice writing the opinion in a capital case spends 20 times the number of hours than in a non-capital case.⁴³ As retired Kansas Supreme Court Justice Six put it “[t]he gargantuan dimensions of a death case, the voluminous trial court record, the great number of issues, and the length of the briefs, not only take over your professional life but also occupy ‘personal family time’ during resolution of the issues on appeal.”⁴⁴ On the defense side, these appeals are handled by the BIDS’ Capital Appeals Office, the Capital Appeals and Conflicts Office, or appointed counsel. On the state side, these appeals are typically handled by the Attorney General’s Office.
- Post-conviction proceedings. If the Kansas Supreme Court affirms the death sentence, other challenges to the verdict or sentence may be brought through both state and federal courts. On the defense side, state appeals are handled either by the Kansas Capital Habeas Office or appointed counsel and on the government side, state appeals are typically handled by the Attorney General’s Office. It should be noted that the Kansas Supreme Court did not affirm any death sentence since the death penalty was reinstated in 1994 until 2015 (Robinson).
- Re-trial and re-sentencing. Since the death penalty was reinstated in 1994, appeals of death sentenced cases have been more successful than appeals of murder convictions that resulted in a sentence of life imprisonment. In this respect the experience in Kansas mirrors that of other states. Indeed, a 2000 study found that there is a nationwide reversal rate of over two (2) out of every three (3) capital judgments due to serious error.⁴⁵ Sometimes the result is to return the case to the state district court for re-trial or re-sentencing, which may be as costly, or even exceed the costs of the original trial.

A flow chart outlining the appeals process following a death sentence is attached as Appendix D.⁴⁶

³⁹ 2004 Report, at 10-11.

⁴⁰ *Id.* at 11.

⁴¹ Kan. Stat. Ann. §21-6619.

⁴² *Id.*

⁴³ 2014 Report, at 11.

⁴⁴ 2004 Report, at 10.

⁴⁵ See Leibman, et al. “A Broken System, Error Rates in Capital Cases 1973-1995” (Columbia University June 2000 research study); see also 2004 Report, at 33.

⁴⁶ 2003 Report, at 6.

Are there additional corrections costs associated with the death penalty?

In the past, Kansas has incarcerated death-sentenced defendants in a maximum-security prison with other prisoners who are being held in administrative segregation. That requirement has now been eased, so that administrative segregation is no longer a requirement.⁴⁷ However, as of the writing of this report, the Kansas Department of Corrections website still lists the nine (9) prisoners serving death sentences as remaining in “special management,” or segregated custody.⁴⁸ In 2009, the Judicial Council Death Penalty Committee estimated that housing a prisoner in administrative segregation costs roughly \$1000 more per a year than housing a prisoner with the general population.⁴⁹

Kansas has not executed anyone since 1965, so there has been no attrition of the number of people serving death sentences due to execution. It appears, then, that if the death penalty had been abolished in, say, 2014, there would have been some subsequent savings associated with moving death-sentenced prisoners out of administrative segregation. Now if administrative segregation is no longer used for death-sentenced prisoners, that potential savings would no longer apply in the future.

Is there any way in which the death penalty may reduce the cost of litigating murder cases?

There is no persuasive empirical evidence supporting the conclusion that the death penalty reduces the cost of litigating murder cases.

First, some suggest that some number of defendants in capital murder cases may be more likely to plead guilty as part of a bargain to avoid the death penalty, which one would think would save the state the cost of a trial. However, this potential savings has not been demonstrated.⁵⁰

Moreover, the costs incurred by a case that is charged capitally begin to incur immediately, given the more substantial pre-trial motion practice, investigation, and attorney team size; it is quite possible that a case that is prosecuted capitally and ultimately settled through a guilty plea would end up being more costly to the state than if it had been prosecuted non-capitally and went to trial.

Second, some have argued that the threat of the death penalty has some deterrent value, and in particular reduces the number of (premeditated) murders. If so, in addition to the obvious benefit to public safety, the resulting reduction in the number of murders would result in savings that should be netted out against the extra costs described above. But persuasive evidence for this deterrent effect is lacking, and there are plausible mechanisms by which abolition of the death

⁴⁷ Kan. Dep’t. of Corrections, Policy Memorandum 21-01-001 (Jan. 19, 2021), <https://www.doc.ks.gov/kdoc-policies/AdultIMPP/chapter-12/12-136/view>.

⁴⁸ <https://www.doc.ks.gov/facilities/faq/custody>.

⁴⁹ 2009 Report, at 13.

⁵⁰ Kuziemko, I. (2006). “Does the Threat of the Death Penalty Affect Plea-Bargaining in Murder Cases? Evidence from New York’s 1995 Reinstatement of Capital Punishment,” 8 American Law and Economics Review 116.

penalty may actually reduce the murder rate. For example, if the death penalty were abolished, then criminal-justice-system resources currently devoted to capital cases would become available to prosecute other cases more intensively with the potential of preventing violent crime.⁵¹ In any event, the evidence on the net effect of the death penalty on the murder rate is so weak as to be irrelevant to reaching a conclusion on this matter.⁵²

Summing up.

In Kansas, as in other states, capital cases are more costly to adjudicate than they would have been if the death penalty had not been an option. These extra “super due process” costs have been documented in several earlier studies.⁵³

3. Analysis of Costs in Kansas

a. The definition of “cost”

We are interested in estimating the “cost” of the death penalty, but that term requires careful definition to be meaningful. The definition that is used here follows an earlier study of the costs of the death penalty in North Carolina,⁵⁴ and is similar to the definition used in the 2014 Report.

- State and local. “Cost” is the expenditures by state and local agencies in Kansas. Excluded from the accounting are private expenditures (by the defendant and his family, for example) or voluntary contributions by private citizens. Also excluded are any costs to the federal judicial system.
- Cash accounting. The accounting method utilized here to assess new costs is “cash accounting,” as opposed to “accrual accounting.”⁵⁵ The difference is largely a matter of timing. Cash accounting records a cost at the time of payment. Accrual accounting records a cost at the time it is obligated, even if payment is in the future. In the case of the death penalty, accrual accounting is speculative. When a death sentence is imposed, it is likely to initiate a costly process in the state and possibly federal courts that may continue for decades. The trajectory of the case following sentencing is highly uncertain, and may depend in part on future US Supreme Court rulings and new state laws. Documenting actual expenditures for some period of time (cash accounting) entails fewer assumptions and is as relevant to understanding the cost burden of the death penalty as accrual accounting.

⁵¹ See 2003 Report; 2004 Report, 2014 Report, 2021 Report.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Philip J. Cook, *Potential Savings from Abolition of the Death Penalty in North Carolina*, 11 AM. L. & ECON. REV. 498 (2009).

⁵⁵ Jae K. Shim Ph.D., Joel G. Siegel Ph.D. CPA, et al., *Barron's Accounting Handbook* (Nov 1, 2014).

- Counterfactual. We seek to estimate the extra cost of processing capital murder cases that resulted from the procedural requirements associated with the death penalty. We focus on the 5-year period 2014 to 2018. One way to understand this accounting is as a comparison between actual costs and the costs that would have been incurred if the state had abolished the death penalty at the beginning of that period. In this hypothetical scenario, it is necessary to specify the alternative regime in some detail. In particular, we assume that the death sentence is no longer an option for cases that are capital eligible under current law. Conviction for capital murder would then result in LWOP. For the nine (9) individuals currently on death row, the death sentence would be replaced with LWOP.

b. Review of previous cost estimates for Kansas

Several reports on death penalty costs in Kansas have been issued by state agencies. The most notable studies have been the 2003 Report and the 2014 Report. Some additional information was provided by the Kansas Legislative Research Department in the 2021 Report. Each of these reports provides relevant information.

2003 Performance Audit Report. The 2003 Report estimates some costs for 22 murder cases that were tried and resulted in convictions between 1994 and 2003. During this period, there were 79 cases that met the statutory criteria for capital murder, of which 53 were capital charged, which is to say that the prosecutor filed notice of the intent to seek the death penalty.⁵⁶ The sample for this study included all 14 capital charged cases that went to trial. Seven (7) of those resulted in the death penalty and seven (7) in conviction but a sentence other than death.⁵⁷ In addition, the sample included eight (8) murder cases that were tried non-capitally, convicted, and given a long sentence.⁵⁸ Cases that were settled by guilty plea rather than trial were not included in this analysis.

Cost information was solicited from state and local agencies involved in all phases of the investigation and processing of murder cases, including local law enforcement officials, local courts and prosecutors, state courts, the Kansas Attorney General's Office, the Kansas Bureau of Investigation, BIDS, Legal Services for Prisoners, and the Department of Corrections.⁵⁹ For the most part, these agencies did not keep records of resources expended on specific cases, and instead provided rough estimates of costs incurred.⁶⁰

The report uses the accrual accounting perspective and attempts to project the costs of cases following conviction. At the time of the report, none of the death penalty cases had completed the entire appeals process and only two (2) had completed the first appeal.⁶¹ Although the Report

⁵⁶ 2003 Report, at 4, 22.

⁵⁷ *Id.* at 4.

⁵⁸ *Id.* at 32.

⁵⁹ *Id.* at 1.

⁶⁰ As the 2003 Report notes, no agency tracks court costs or prosecutorial costs related to death penalty cases. *Id.* at 30.

⁶¹ 2003 Report at 2.

concluded that actual cost figures for death penalty and non-death penalty cases in Kansas are impossible to obtain due to limitations such as a failure to keep case-specific time records, difficulty predicting future appeals, and a failure of the Kansas Supreme Court to estimate time spent on capital cases, it did estimate that the median death penalty case cost the state \$1.2 million through execution, about 70 percent more than the estimated cost of a median non-death penalty case.⁶²

Here is a summary of the actual costs estimated for investigation and trial:

Table 4: Investigation and Trial costs to state and local government (all figures in thousands)

	Capital trial Conviction Death sentence N=7	Capital trial Conviction Other sentence N=7	Capital trial Conviction All cases N = 14	Non-capital trial Conviction Long prison sentence N=8
Total	\$5,205	\$2,034	\$7,239	\$878
Mean	\$744	\$291	\$517	\$110
Median	\$657	\$276	\$363	\$86

Source: 2003 Report, at 38.

The report notes that the samples are necessarily small, and that the costs of investigation and trial differ widely depending on the complexity of the case.⁶³ It appears that among the 14 capital trials, those that ultimately resulted in a death sentence were systematically more complex than the others since they were more costly. Ideally, there would be some way to adjust for the complexity of the case before making comparisons, but that was not attempted in the report. In the third column of Table 4 above, the 14 cases are combined. The combined category represents all capital trials in Kansas between 1994, when the death penalty was reinstated, and 2003. These 14 cases can be compared to the eight (8) cases that were utilized in this study to represent capital-eligible cases that were prosecuted non-capitally and resulted in a conviction at trial. Note that the average cost through conviction of the capitally prosecuted cases was nearly five (5) times as high as for the cases that were not prosecuted capitally (\$517,000 compared to \$110,000). This large difference in average costs is at least in part due to the “super due process” requirements that are unique to capital cases, discussed above.

We are seeking to understand how much those 14 capital trial cases would have cost the state if the death penalty had not been an option, but all else were the same. The sample of eight (8) non-capital murder cases serves as a valid basis for estimating the counterfactual if it is similar to the group of capitally prosecuted cases with respect to average complexity. We note that the

⁶² *Id.* at 10.

⁶³ *Id.* at 10-11.

eight (8) cases were capital eligible, at least at the time they were prosecuted, but detailed information about these cases is lacking. If we assume that they are similar to the 14 capital cases, then it is possible to compute the extra cost borne by the State as a result of proceeding capitally in the 14 capital cases. The 14 capital cases cost on average \$407,000 more than the average case that was not prosecuted capitally. The total extra cost for the period in question, 1994 – 2003, is then \$5,698,000, or about \$570,000 per year statewide. Thus, without the death penalty, processing these 14 murder cases through trial and conviction would arguably have been much less costly.

Finally, during that same 10-year period the death penalty imposed additional costs. The 2003 Report does not consider the additional costs of capital processing for eligible cases that resulted in a plea deal. In addition, the cost of the direct appeals to the Kansas Supreme Court for the seven (7) death-sentenced cases should be included and netted against the average cost of appeal for the murder cases that resulted in a lesser sentence. Those appeals were underway in 2003 but only completed for two (2) of these cases.

2014 Report by the Judicial Council Death Penalty Advisory Committee. The 2014 Report adopts a cash accounting framework for fiscal years 2004-2011 and, unlike the 2003 Report, includes all capital-eligible cases filed between 2004-2011.⁶⁴ During that eight-year period, the State incurred costs associated with 41 capital-eligible cases initiated during this period, and costs associated with appeals of death sentences and the consequences of those appeals. The 2014 Report also includes an accounting of the number of days that capital cases were in the trial court for any reason, including pre-trial motions, trial, and initial sentencing. These “court days” tabulations include both the cases included in the 2003 Report, and the “new” cases initiated during fiscal years 2004-2011.

The Committee sent surveys regarding 63 total cases (41 new capital eligible cases and 22 originally reviewed in the 2003 Report) to the Kansas Supreme Court, Attorney General’s Office, BIDS, Kansas Bureau of Investigation, district courts, local prosecutors’ offices, county clerks’ offices, and local sheriff and police departments.⁶⁵ A number of entities, including local prosecutors, police departments, and the Attorney General’s Office, either did not respond or could not provide the requested information as no case-specific records were kept.⁶⁶ The Committee was able to tabulate data on the number of days each case was in the trial court using docket sheets.⁶⁷

The following tabulations are based on the data presented in the 2014 Report and its detailed appendixes.

⁶⁴ 2014 Report, at 1; 5.

⁶⁵ *Id.* at 3.

⁶⁶ *Id.* at 3-4.

⁶⁷ *Id.* at 12.

Budgetary cost of defense and district trial court work through initial trial phase.

For the fiscal years 2004-2011, 41 cases that were deemed capital-eligible were initiated in Kansas courts. Of these, five (5) were eventually dismissed, and two (2) involved underage defendants, leaving the 34 cases that were the focus of the 2014 Report.⁶⁸ Prosecutors sought the death penalty in 19 of these cases, including 10 that went to trial.⁶⁹ We designate these cases as “capitally prosecuted” or just “capital.” As discussed above, a capital case requires a more extensive defense regardless of whether the case ultimately goes to trial. For the remaining 15 cases, six (6) went to trial.

The Committee grouped the 34 cases according to whether the prosecutor had sought the death penalty (“capital cases”) or not (“non-capital cases”). There were four (4) cases that were classified as “non-capital cases” in the 2014 Report even though the prosecutor had *initially* sought the death penalty. In our judgment those cases should be classified as “capital,” since they did generate extra costs for the early phase of the prosecution. We re-computed the relevant statistics accordingly. In practice, the statistical impact of this reclassification is small.

The Committee canvassed a number of state and local agencies to obtain cost estimates for these cases. The most comprehensive response was from BIDS. BIDS provided defense-cost estimates for 32 of the 34 cases, only lacking data on two (2) of the non-capital prosecutions.⁷⁰ Table 5, below, reports averages for these cases, grouped as in Table 4. The average defense cost for capital cases was \$257,000 and for non-capital cases was \$59,000 implying a difference of \$198,000. Since there were 19 capital cases initiated during the period 2004-2011, the implication is that the overall “extra” defense cost was \$3,762,000, or \$470,000 per year.

Table 5. Average BIDS Costs at trial phase for capital-eligible cases initiated FY 2004-2011
(all figures in thousands)

	Capital cases	Non-Capital Cases	Difference
Trial	\$367 (n=10)	\$97 (n=5)	\$271
Plea	\$135 (n=9)	\$35 (n=8)	\$99
Overall	\$257 (n=19)	\$59 (n=13)	\$198

Source: Computed from data in 2014 Report, Appendix A

Note: No data are available for 2 of the non-capital cases.

Table 6, below, shows similar cost data based on responses received from the district courts. District courts reported the operating costs associated with court days, including salary

⁶⁸ *Id.* at 5.

⁶⁹ *Id.* at Appendix A.

⁷⁰ *Id.* at 1, 7, Appendix A.

information.⁷¹ Extra costs to the district courts are associated with the extra days in court required for a capital prosecution. By the same computation as before, “extra” district court costs averaged \$38,000 per capital case. Since there were 19 capital cases, the total was added up to \$722,000, or about \$90,000 per year.

Table 6. Average District-Court Costs at trial phase for capital-eligible cases initiated FY 2004-2011 (all figures in thousands)

	Capital cases	Non-capital cases	Difference
Trial	\$69 (n=10)	\$17 (n=4)	\$52
Plea	\$16 (n=7)	\$3 (n=6)	\$13
Overall	\$47 (n=17)	\$9 (n=10)	\$38

Source: Computed from data in 2014 Report, Appendix A

Note: No data are available for 2 of the capital cases and 5 of the non-capital cases.

Combining defense costs and district court costs implies a combined average “extra” cost of \$560,000 per year incurred by the state during the 8-year period under consideration.

These estimates do not include the extra burden on prosecutors when representing the state for capital cases. The prosecutorial time devoted to a case during pre-trial and trial is in part indicated by the number of days in court (see below), as well as the time and effort devoted by the defense.

The 2014 Report also provided updated data on the costs of the 22 cases analyzed in the 2003 Report.⁷² BIDS reported that the costs of appeals for the seven (7) death-sentenced cases amounted to \$1,057,000, compared with just \$56,000 for the seven (7) cases that were initially capitally prosecuted but did not result in a death sentence, and therefore proceeded as a non-capital case on appeal.⁷³ Even smaller were the costs associated with the cases that were tried non-capitally, with a total of \$1,000 in representation costs on appeal.

All seven (7) of the death-sentenced cases incurred new costs in trial court following their direct appeals. In some cases the death penalty was vacated and the case returned for re-sentencing. The total cost to BIDS of trial-court representation was \$817,000, including resentencing.⁷⁴ There were zero costs associated with trial-court proceedings for cases that did not receive the death penalty.

⁷¹ 2014 Report, at 5.

⁷² *Id.* at 9-10.

⁷³ *Id.* at Appendix C.

⁷⁴ *Id.*

Total defense representation costs for the seven (7) cases sentenced to death prior to 2004 was \$1,874,000. There were essentially no costs for the murder cases that were convicted following a non-capital trial. The death-penalty-related cost averages to about \$234,000 per year for the period 2004-2011.

Days in court.

The Committee tabulated data on district-court appearances from court dockets for the 34 cases that formed the focus of the 2014 Report and the 21 cases that formed the focus of the 2003 Report (removing 1 juvenile case) for a total sample of 55 cases. Recall that the 2003 Report’s sample of cases is not comprehensive. It included all capital cases that went to trial but excluded those that were settled by plea. For that reason, the estimate of “extra” court days understates the true total. The case list used in the 2014 Report is comprehensive.

For each case, the number of days in which there were district court proceedings were tabulated. This count included court days for motions, trial, and sentencing. In Table 7, cases are grouped according to whether or not the prosecutor ever sought the death penalty (denoted “capital case”), and whether the case went to trial or was settled by a guilty plea. While the Committee classified four (4) cases in which the death penalty was initially sought but eventually withdrawn as non-capital, we classified these cases as capital. Our rationale is that those cases were capitally prosecuted for a while, which would have generated extra costs.

Table 7. Average number of court days for capital-eligible murder cases initiated between 1994 - 2011

	Capital cases	Non-Capital cases	Difference
Trial	39.5 [N=24]	16.2 [N=13]	23.4 [N=37]
Plea	15.2 [N = 9]	5.6 [N=9]	9.7 [N=18]
Overall	32.9 [N = 33]	11.8 [N=22]	21.1 [N=55]

Source: *Computed from data in 2014 Report, Appendix D*

Averages are much higher for cases that were prosecuted capitally both for those that went to trial and those that were settled by a guilty plea. In particular, the capitally prosecuted cases that went to trial utilized between 17 and 90 days in court with an average of 39.5, whereas the range for non-capital trials was from nine (9) to 30 with an average of 16.2 days.⁷⁵ Processing a capital case through trial takes on average over 23 additional days in district court than processing a

⁷⁵ *Id.* at Appendix D.

non-capital case through trial.⁷⁶ (That estimate presumes that the sample of capitally prosecuted cases is a reliable basis for estimating the number of court days that would have been required if they had been prosecuted non-capitally.) All together, capital prosecutions required 561.6 “extra” days in district court, or an average of over 31 additional days per year.

For cases that were settled by plea agreement, the capital cases required 9.7 more court days on average than the non-capital cases, adding substantially to the burden on court usage.

During that period, the trial courts also had proceedings in cases in which a death sentence was vacated on appeal, but no data is available on the number of court days for those proceedings.

Budgetary costs for appeals.

The 2014 Report also tabulates defense representation costs for appeals following convictions for cases initiated during fiscal years 2004-2011. Five (5) defendants were sentenced to death, and they generated almost all of the costs of representation on appeal: a total of \$844,000.⁷⁷ An additional five (5) cases were prosecuted capitally but did not result in a death penalty; representing them on appeal cost BIDS \$72,000, less than 10% of total cost of the death-sentenced cases.⁷⁸ The 15 cases that were not prosecuted capitally cost \$54,000 in BIDS cost of representation on appeal.

It is clear that for capital-eligible murder cases, the great bulk of representation costs on appeal are due to cases that are actually sentenced to death. If the death penalty had not been available, the savings to the state for extra representation costs associated with appeals and subsequent trial-court proceedings would have been about \$2,718,000, or \$340,000 per year during the period 2004-2011, as follows:

- \$1,057,000 – BIDS appellate representation of seven (7) sentenced to death before 2003
- \$817,000 – BIDS representation of those seven (7) defendants in subsequent trial-court proceedings
- \$844,000 – BIDS appellate representation of five (5) sentenced to death, 2003-2011
- \$2,718,000 – total, representation of all death-sentenced defendants, 2003-2011

The 2014 Report does not include estimates of the cost of representing the State during appeals and subsequent proceedings in trial court, although that cost is clearly substantial. It does offer some information on the Kansas Supreme Court’s burden associated with reviewing appeals. In response to a query, the Court estimated that over the previous three (3) years, the staff had devoted 13,600 hours to appeals of death-penalty cases.⁷⁹ Generally speaking, the Court devotes 20 times as much time to death-penalty appeals than other murder cases.

⁷⁶ 2014 Report, at 13.

⁷⁷ *Id.* at A-1.

⁷⁸ *Id.* at A-1.

⁷⁹ *Id.* at 11.

Summary estimate for the period 2004-2011.

The 2014 Report provides data to estimate several of the cost elements for the period 2004-2011. Gathering the estimates detailed above indicates a total of \$7,202,000 for this 8-year period, or \$900,000 per year:

- \$3,762,000 – Extra costs of defense at trial, capital cases filed 2004-2011
- \$722,000 – Extra district court costs for capital cases filed, 2004-2011
- \$2,718,000 – Representation of all death-sentenced defendants following sentencing
- \$7,202,000 – Total, defense representation and district court costs

We note again that these costs reflect actual expenditures by state and local government agencies during the period in question. The total omits several important costs for which no information was provided in the 2014 Report, including the extra costs of prosecution in capital cases, state representation during appeal of death sentences, and the cost to the Kansas Supreme Court of appellate review of death penalty cases. If data on these items were available, the annual figure would be well over \$1 million during that period.

c. New Kansas Cost Study on Costs During 2014-2018

Since the 2014 Report, the death penalty has continued to generate extra costs to state and local government, both from murder cases in which the prosecutor chose to seek the death penalty, and from appeals and other litigation involving defendants who were previously sentenced to death. In this section, we focus on the 5-year period 2014-2018, and seek to estimate the extra death-penalty-related cost of processing murder cases. As explained above, we use a cash-accounting framework for this period and pose the question of how much money the State would have saved on processing murder cases if the death penalty had been abolished before 2014.

Court activity related to the death penalty, 2014-2018.

During these five (5) years, 22 capital-eligible murder cases were filed in Kansas district courts. In nine (9) of these cases the prosecutor filed notice of seeking the death penalty. One of the defendants was sentenced to death (Cross) and three ended in a plea agreement. Eleven (11) of the 22 filed cases were not resolved during the 5-year window, and in fact five (5) of the capitally prosecuted cases are still pending as of 2022.

Ten other capital-eligible cases were filed before 2014 but were concluded in district court during the 5-year window of interest and hence generated costs during that period. One of these cases (Flack) was filed in 2013 and the defendant was convicted and sentenced to death in 2016.

In sum, there were a total of 17 capital murder cases that were resolved or filed during the period 2014-2018. Only two (2) of these cases were both filed and resolved during that period.

As of January 1, 2014, there were eight (8) death-sentenced prisoners in Kansas whose cases were under appeal before the Kansas Supreme Court or otherwise litigated during the 2014-2018 window.⁸⁰

Extra Costs of Defense.

To review, the extra cost generated by the death penalty to the State includes, but is not limited to, the following items:

1. The extra cost of defense during the trial phase in capital cases, and representation of death-sentenced defendants during direct appeal and subsequent litigation;
2. The extra cost of prosecution during the trial phase in capital cases, and representation of the State during direct appeal and subsequent litigation involving death-sentenced defendants; and
3. The extra cost to the district courts resulting from the greater number of days in court (associated with motion practice and longer trials) and Kansas Supreme Court (due to death penalty appeals), as well as the likelihood that death-sentenced cases return to district court following a successful appeal.

Unfortunately, there is scant data available for quantifying these costs. The best available information is on the costs of indigent defense, which is provided by BIDS. The annual BIDS budgets break out the budget for “Capital Defense.”

“Capital Defense represents individuals charged with capital cases, administers a system by which courts may appoint qualified attorneys to represent indigents charged with capital offenses, serves as a resource for attorneys assigned to capital cases, develops training programs and materials for persons involved in capital cases, maintains statistical records about the use of capital punishment, and provides expert and investigative services to trial counsel in capital cases.

“Expenditures for the unit include costs of in-house defense, contracts with private attorneys in conflict cases or because of staff overload, and costs associated with capital cases on appeal.”⁸¹

The actual budget for Capital Defense doubled between FY2014 and FY2018 and was still larger in FY2019, reaching nearly \$3 million in that year. This increase is associated with the increasing costs of death-penalty appeals and other litigation from cases that had first been sentenced years before.

⁸⁰ Kleypas, Robinson, J. Carr, R. Carr, Gleason, Cheever, Thurber, Kahler.

⁸¹ Kansas Legislative Research Department, *Budget Analysis Report FY17, Board of Indigent Defense Services*, 233, <http://www.kslegresearch.org/KLRD-web/Publications/BudgetBookFY17/2017BudgetAnalysisRpts/BIDS.pdf> (“FY2017”).

Fiscal Year Budget (all figures in thousands)

2014	1,185.4 ⁸²
2015	1,523.5 ⁸³
2016	1,662.2 ⁸⁴
2017	1,943.3 ⁸⁵
2018	2,430.6 ⁸⁶
2019	2,966.7 ⁸⁷

The Kansas fiscal year begins July 1, while our 5-year window follows the calendar year. An estimate of total BIDS expenditures on capital defense for the five (5) calendar years (2014-2018) is \$9,635,600, which includes half of the FY2014 budget and half of the FY2019 budget. Thus the expenditure for indigent defense during this period averaged \$1,927,800 annually, or close to \$2 million.

The BIDS summary budget does not distinguish between defense expenditures during the trial phase, and defense expenditures for death-sentenced defendants. During the trial phase, the counterfactual (no death sentence, so no “super due process” requirements) would apply to cases in which the prosecutor was seeking the death sentence. Defense representation would have been costly even if the death sentence were not available. Based on the data from the 2014 Report, we estimate that the cost of defense of capital-eligible murder cases in which the prosecutor did not seek the death penalty averaged \$59,000. An adjustment for general inflation implies an increase to over \$69,000 (based on Consumer Price Index, which increased 17.6% from 2007 to 2016). That estimate can be applied to the two (2) capital cases that were filed and resolved during the window, and a share of these expenses to the 15 cases that were either resolved during the window (but filed earlier), or filed during the window (but not resolved). We assume that half the total expense of defense was incurred for those cases. The 15 partial cases are then the equivalent of 7.5 complete cases, for a total of 9.5. The implied cost (9.5 x \$69,000)

⁸² Kansas Legislative Research Department, *Budget Analysis Report FY16, Board of Indigent Defense Services*, 1206, <https://www.kslegresearch.org/KLRD-web/Publications/BudgetBookFY16/2016BudgetAnalysisRpts/BIDS.pdf>.

⁸³ FY2017, at 233.

⁸⁴ Kansas Legislative Research Department, *Budget Analysis Report FY18, Board of Indigent Defense Services*, 942, <https://www.kslegresearch.org/KLRD-web/Publications/BudgetBookFY18/2018BudgetAnalysisRpts/BIDS.pdf> (“FY2018”).

⁸⁵ Kansas Legislative Research Department, *Budget Analysis Report FY19, Board of Indigent Defense Services*, 240, <http://www.kslegresearch.org/KLRD-web/Publications/BudgetBookFY19/2019BudgetAnalysisRpts/BIDS.pdf> (“FY2019”).

⁸⁶ Kansas Legislative Research Department, *Budget Analysis Report FY20, Board of Indigent Defense Services*, 1135, <http://www.kslegresearch.org/KLRD-web/Publications/BudgetBookFY20/2020BudgetAnalysisRpts/BIDS.pdf>.

⁸⁷ Kansas Legislative Research Department, *Budget Analysis Report FY21, Board of Indigent Defense Services*, 1180, <https://www.kslegresearch.org/KLRD-web/Publications/BudgetBookFY21/2021BudgetAnalysisRpts/BIDS.pdf>.

is \$655,500, the cost of defending these cases without possibility of the death penalty. No such deduction is needed for the cost of death-penalty appeals and other litigation following sentencing, since the cost of representing LWOP-sentenced defendants on appeal has generally been negligible in practice.

Much of the BIDS Capital Defense budgets support representation of death-sentenced defendants on appeal. It is informative in this respect to read some of the notes in the BIDS budget justification:

- In the FY2018 budget request, BIDS requested \$380,000 as a supplement in FY2017 “in order to provide counsel for state capital habeas proceedings in two capital punishment cases: the John E. Robinson case (\$200,000) and the Scott Cheever case (\$180,000).”⁸⁸
- The 2017 Legislature added \$1.1M for FY2018 and \$1.4M for FY2019 for state capital habeas proceedings, estimated by case as: Robinson (\$350,000 in each FY2018 and FY2019), Cheever (\$200,000 in each FY2018 and FY2019), Gleason (\$250,000 in FY2018 and FY2019), the Carr brothers (\$250,000 in each FY2018 and FY2019), and Kleypas (\$300,000 in FY2019).⁸⁹

Additionally, from FY2017 to FY2019, the capital defense unit increased in staff size from 18⁹⁰ positions to 27 in-house capital defense positions. As noted before the increase, “two capital habeas unit attorneys oversee seven cases and four death penalty unit attorneys oversee ten cases.”⁹¹ The capital defense program has been a growing fraction of the overall BIDS budget and number of full time employees.

In sum, the BIDS capital defense budget for the 5-year window was \$9,635,600. From this amount we deduct an estimate of the cost of defending the capital cases under the counterfactual assumption that they had been prosecuted non-capitally, \$655,500. The net amount is then \$8,980,100.

Extra cost of prosecution and representation of the State.

The Attorney General’s Office is responsible for representing the State of Kansas in appeals before state and federal appellate courts, and for providing legal advice, support, and aid to Kansas counties and district attorneys (The 2003 Report found that the bulk of prosecution costs in capital cases was incurred by the State as opposed to local jurisdictions).⁹² Unfortunately the Attorney General’s Office has not provided budget information or other information relevant to

⁸⁸ FY2018, at 946.

⁸⁹ FY2018, at 949, 953; FY2019, at 237

⁹⁰ FY2019, at 250;

⁹¹ FY2019, at 243; FY2021, at 1089.

⁹² 2003 Report, at 9-10.

cost of representation.⁹³ Local jurisdictions also failed to provide any data on the costs of prosecution.

In the absence of any directly relevant data, we can only estimate the extra cost of prosecuting capital cases to the State during appeals and post-conviction proceedings for death-sentenced defendants. Some guidance is provided by the 2003 Report, which found that defense expenditures were 5.3 times as high as prosecution expenses in capital cases.⁹⁴ That was for the trial phase, and does not necessarily apply to litigation following a death sentence. Assuming the ratio applies to both, and that it is a reasonable approximation during the period under consideration, we can estimate the cost of prosecution and representation of the state to have been \$1,818,000 during 2014-2018. From that must be deducted the counterfactual cost of prosecuting the capital cases non-capitally. Assuming the cost for a non-capital prosecution is similar to the cost of defense in such cases, we use the same deduction of \$655,500. As a result, we estimate the extra costs of prosecution due to the death penalty for 2014-18 was \$1,162,500.

Extra cost in District Courts.

We can follow a similar strategy to estimate the costs in the District Courts from 2014-2018. Based on our analysis of the 2014 Report, we estimated that the extra costs of capital cases to the District Courts amounted to \$38,000 per case.⁹⁵ Multiplying this by the 9.5 cases during our 5-year period, and taking inflation into account, results in a total estimate of \$425,000.

Summary estimate of Extra Costs 2014-2018.

We estimate that Kansas state and local agencies incurred the following extra costs between 2014-2018:

- \$8,980,100 –Defense in capital cases and subsequent representation of death-sentenced defendants;
- \$1,162,500 – Prosecution in capital cases and representation of the State for appeal of death sentences;
- \$425,000 District courts; and
- \$10,567,600 – Total sum of defense, prosecution, and district court costs.

Our conclusion is that these extra costs amounted to approximately \$2.1 million per year to state and local agencies.

⁹³ See Appendix C.

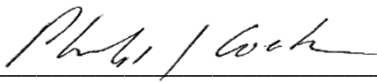
⁹⁴ 2003 Report, at 12, Appendix D (showing the prosecution cost for the 14 capital cases totaled \$750,000, and the defense totaled \$3,962,000).

⁹⁵ 2014 Report, Appendix A.

This estimate understates the true total of public costs, since it omits the costs to the Kansas Supreme Court of processing death-penalty appeals, and the extra costs of holding death-sentenced prisoners in administrative segregation, which was required from 2014-2018.

We deliberately excluded any extra costs to private citizens, including defendants and their families. We also excluded the costs to federal courts; for example, the Supreme Court of the United States heard several appeals of rulings by the Kansas Supreme Court concerning the constitutionality of the death penalty during the period under consideration.

The bottom line is that the death penalty cost government agencies in Kansas over \$2 million per year during the period 2014-2018. If the death penalty had been abolished before 2014, that amount could have been returned to taxpayers or reallocated to serving other public purposes.



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APPENDIX A

December 8, 2021

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B.A. (with high distinction) University of Michigan, 1968
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Positions held:

2017-	Terry Sanford Professor Emeritus of Public Policy, Professor Emeritus of Economics
2018-2019	Visiting scholar, Collegio Carlo Alberto, Turin, Italy (4 months total)
2014-15	Fellow, Russell Sage Foundation, New York
2009-2013	Senior Associate Dean for Faculty, Sanford School of Public Policy
2008-9	Schelling Visiting Professor of Public Policy, University of Maryland
2003	Residency, Bellagio Study and Conference Center (September-October)
2000	Visiting Scholar, Kennedy School of Government, Harvard University
1997-99	Director, Sanford Institute of Public Policy; Chair, Department of Public Policy Studies
1994-2017	ITT/Terry Sanford Professor of Public Policy
1992-2017	Professor of Public Policy Studies, Economics, & Sociology, Duke University
1989-90	Visiting Professor, Fuqua School of Business, Duke University
1985-89	Director, Institute of Policy Sciences and Public Affairs, Duke University and Chairman, Department of Public Policy Studies

1984-2017 Professor of Public Policy and Economics, Duke University

1979-84 Associate Professor; 1973-79 Assistant Professor, Duke University

1982 Expert (part time) Office of Policy and Management Analysis, Criminal Division, U.S. Department of Justice

Fall 1980 Visiting Scholar, Institute for Research in Social Science, University of North Carolina, Chapel Hill

Fellowships and Academic Honors:

Stockholm Prize in Criminology, 2020

Fellow of the Academy of Experimental Criminology, 2012-

Raymond Vernon Memorial Prize for best paper in *JPAM*, 2008

Richard A. Stubbing Teacher Mentor Award, 2008

Member, National Academy of Medicine (formerly Institute of Medicine), 2001-
Who's Who in America 2001 and subsequent issues

Fellow of the American Society of Criminology, 2000-

Vernon Prize for best paper in *Journal of Policy Analysis & Management* (v. 16), 1997

Research Associate, National Bureau of Economic Research 1996-
Who's Who in Economics 3rd edition (1996)

Kenneth J. Arrow Award (for best paper published in health economics), 1994

National Science Foundation Fellowship, 1968-1970

Special Career Fellowship (Ford Foundation), 1968-1972

National Merit Scholar, 1964-1968

Sims Award, Economics Department, University of Michigan, 1967

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Publications

A. Health and Safety Regulation

1. Books and Edited Volumes

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- PJ Cook and SB Sorenson "The Gender Gap Among Teen Survey Respondents: Why are Boys more Likely to Report a Gun in the Home than Girls?" Journal of Quantitative Criminology 22(1) March, 2006: 61-76.
- PJ Cook and J Ludwig "Aiming for evidence-based gun policy" Journal of Policy Analysis and Management 25(3), Summer 2006: 691-735.
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SB Sorenson and PJ Cook “‘We’ve Got a Gun?’: Comparing Reports of Adolescents and their Parents about Household Firearms” Journal of Community Psychology 36(1), January 2008: 1-19.

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“Robbery” in Michael Tonry (ed.) Oxford Handbook on Crime and Public Policy Oxford University Press, 2009.

PJ Cook, J Ludwig, and AM Samaha “Gun Control After *Heller*: Threats and Sideshows from a Social Welfare Perspective” UCLA Law Review 56(5), June 2009: 1041-1093.

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PJ Cook, J Ludwig, and AM Samaha “Gun Control After *Heller*: Litigating against Regulation” in Daniel Kessler, ed., Regulation versus Litigation Chicago: University of Chicago Press, 103-135.

PJ Cook, A Braga, and MH Moore “Gun Control” Crime and Public Policy New York: Oxford University Press, 2010: 257-292.

“Post-*Heller* Strategies to Reduce Gun Violence” Journal of Catholic Social Thought 8(1) Winter, 2011: 93-110.

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The Great American Gun War: Notes from Four Decades in the Trenches. Crime and Justice: A Review of Research Vol. 42, 2013: pp. 19-73.

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PJ Cook, RJ Harris, J Ludwig, and HA Pollack. “Some sources of crime guns in Chicago: Dirty dealers, straw purchasers, and traffickers” Journal of Criminal Law & Criminology 104(4) Fall 2014: pp. 717-760.

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S Smucker, R Kerber and PJ Cook "Suicide and Additional Homicides Associated with Intimate Partner Homicide: North Carolina 2004-2013" Journal of Urban Health 95(3) 2018: 337-343.

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AA Braga and PJ Cook "The Association of Firearm Caliber With Likelihood of Death From Gunshot Injury in Criminal Assaults" JAMA Network Open, (released July 27, 2018).

PJ Cook, AA Braga, BS Turchan, LM Barao. Why Do Gun Murders Have A Higher Clearance Rate than Gunshot Assaults? Criminology & Public Policy August 1, 2019.

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L Barao, AA Braga, B Turchan, PJ Cook. Clearing gang- and drug-involved nonfatal shootings. Policing: An International Journal. 2021.

P.J. Cook, A. Berglund. "More and better video evidence for police investigations of shootings: Chicago's area technology centers. Policing: An International Journal. 2021

3. Commentaries

"Making Handguns Harder to Hide, The Christian Science Monitor, May 29, 1981.

PJ Cook and J Ludwig "Has the Brady Act Been Successful?" The Charlotte Observer August 15, 2000.

PJ Cook and J Ludwig "Toward Smarter Gun Laws" The Christian Science Monitor Feb. 6, 2001.

PJ Cook and J Ludwig "Protecting the Public in Presidential Style" News & Observer June 10, 2001.

PJ Cook and J Ludwig "What did the sniper case teach us? Lessons in Gun Control" News & Observer Nov. 3, 2002, 25A.

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- P.J. Cook and J. Ludwig, *How to cut gun death toll*, CNN.com (January 12, 2011)
- P.J. Cook, *Gun Point*, Times of India - Education Times (December 24, 2012)
- P.J. Cook, *Craig Whitney's Living With Guns*, New York Times (December 26, 2012)
- P.J. Cook, *How we can reduce gun violence*, Chronicle of Higher Education (January 8, 2013)
- P.J. Cook *How dangerous people get their guns*, The Conversation (Posted January 5, 2016) <http://theconversation.com/how-dangerous-people-get-their-guns-52345>
- P.J. Cook “At last, a good estimate of the magnitude of the private-sale loophole for firearms” (editorial) Annals of Internal Medicine Jan. 3, 2017.
- P.J. Cook Ariadne E. Rivera-Aguirre Magdalena Cerdá Garen Wintemute
Letter to the editor RE: “The Hidden Epidemic of Firearm Injury: Increasing Firearm Injury Rates During 2001–2013” American Journal of Epidemiology, 186(7) 1 October 2017, 896.
- P.J. Cook, How to reduce school shootings (arming teachers won’t help) News & Observer March 8, 2018.
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- P.J. Cook, “Expanding the Scope of the Public Health Approach to Gun Violence Prevention” (editorial) Annals of Internal Medicine Oct. 30, 2018.
- AA Braga and PJ Cook “Guns do Kill People” Penn Regulatory Review. Nov. 5, 2018
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- P.J. Cook and J. Ludwig Nov. 6, 2018: “Policing Guns” SSRC Items
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E. Income Distribution

1. Book

RH Frank and PJ Cook The Winner-Take-All Society (New York: The Free Press, 1995). Named a "Notable Book of the Year, 1995" by the *New York Times Book Review*; named one of the ten Best Business Books of 1995 by *Business Week*; given The Critics' Choice Award 1995-96 by the *San Francisco Review of Books*. Paperback edition (Penguin Books, 1996). Named "One of Ten best books of the year, 1996" by *The China Times*. Portuguese, Korean, Chinese, Japanese and Polish editions.

RH Frank and PJ Cook "Preface to the new edition" The Winner-Take-All Society (London: Virgin Books, Random House, 2010).

2. Article

PJ Cook and RH Frank "The Growing Concentration of Top Students at Elite Schools" in Charles T. Clotfelter and Michael Rothschild, eds., Studies of Supply and Demand in Higher Education (Chicago: University of Chicago Press, 1993).

PJ Cook and RH Frank "The Economic Payoff of Attending an Ivy-League Institution" in Richard Delgado and Jean Stefancic, eds., Critical White Studies: Looking Behind the Mirror Temple University Press, 1997.

RH Frank and PJ Cook "The winner-take-all society" in William Darity, ed., The International Encyclopedia of the Social Sciences, 2nd ed. Gale, 2007.

RH Frank and PJ Cook "Winner-Take-All Markets" Studies in Microeconomics 1(2), 2013: 131-154.

3. OpEd and Magazine Articles (with Robert Frank)

USA Today, October 9, 1995, p. 13A

Washington Post, November 12, 1995

Washington Monthly, December 1995

Chronicle of Higher Education, January 5, 1996

F. Education and Other topics

"A 'One Line' Proof of the Slutsky Equation" The American Economic Review, March 1972, 139.

PJ Cook and Robert H. Frank "The Effect of Unemployment Dispersion on the Rate of Wage Inflation" Journal of Monetary Economics 1, 1975, 241-249.

PJ Cook and JW Vaupel "What Policy Analysts Do: Three Research Styles" Journal of Policy Analysis and Management, 4 (3) Spring, 1985, 427-8.

PJ Cook and Jens Ludwig "Weighing the Burden of 'Acting White'; Are there Race Differences in Attitudes Towards Education?" Journal of Policy Analysis and Management 16(2), Spring 1997, 256-278. (Winner of the Vernon Prize for best paper in Volume 16)

PJ Cook and Jens Ludwig "The Burden of 'Acting White:' Do Black Adolescents Disparage Academic Achievement?" in Christopher Jencks and Meredith Phillips (eds.) The Black-White Test Score Gap Brookings Institution Press, Washington DC, 1998: 375-400. Reprinted in Minority status, Oppositional Culture and Academic Engagement John U. Ogbu, Ed. New York: RoutledgeFarmer, forthcoming.

PJ Cook, Robert MacCoun, Clara Muschkin, and Jacob Vigdor "The Negative Impacts of Starting Middle School in Sixth Grade" Journal of Policy Analysis and Management Winter 2008, 104-121. (winner of the Raymond Vernon Memorial Prize, 2008)

"Acting White" in William Darity, ed. International Encyclopedia of the Social Sciences, 2nd ed. Gale, 2007.

Robert MacCoun, PJ Cook, Clara Muschkin, and Jacob Vigdor "Distinguishing Spurious and Real Peer Effects: Evidence from Artificial Societies, Small-Group Experiments, and Real Schoolyards" Review of Law and Economics 4(3), 2008: 695-714.

Erin H-W Kim and PJ Cook, The continuing importance of children in relieving elder poverty: evidence from Korea Ageing & Society 31(06) August 2011, pp 953-976.

Sorensen, Lucy C., PJ Cook, and Kenneth A. Dodge. "From Parents to Peers: Trajectories in Sources of Academic Influence Grades 4 to 8." Educational Evaluation and Policy Analysis 39(4) Dec. 2017: 697-711.

PJ Cook, Elizabeth J Gifford, Kenneth A Dodge, Amy B Schulting. 2017. A new program to prevent primary school absenteeism: Results of a pilot study in five schools. Child and Youth Services Review 82: 262-270.

PJ Cook and Songman Kang. 2020. Girls to the front: How redshirting and test-score gaps are affected by a change in the school-entry cut date. Economics of Education Review. On-line, February. Vol. 76, June.

OpEds, Blogs, Magazine articles.

Phyllis W. Jordan and PJ Cook. 2017. A simple way to confront chronic school absences. Charlotte Observer Oct. 19th.

Book reviews

Of Jack P. Gibbs, Crime, Punishment, and Deterrence in Contemporary Psychology 21:5, 1976.

Of Kenneth Dolbeare (ed.) Public Policy Evaluation in Policy Analysis, Fall 1977, 604-606.

Of David T. Stanley, Prisoners Among Us in Policy Analysis, Winter 1978, 139-141.

Of John Heineke, Economic Models of Criminal Behavior in Southern Economic Journal, April 1980, 1255-1257 (with Anne Witte).

Of Laurence Ross, Deterring the Drinking Driver in Journal of Health Politics, Policy, and Law, Winter 1983, 958-961; and in Popular Government, Winter 1983, 37-38.

Of Robert H. Frank, Choosing the Right Pond: Human Behavior and the Quest for Status in Journal of Policy Analysis and Management, Fall 1986.

Of Michael D. Laurence, John R. Snortum, and Franklin Zimring. eds., Social Control of the Drinking Driver, in Science, July 29, 1988.

Of Michael Tonry and Norval Morris, eds., Drugs and Crime in Journal of Policy Analysis and Management 10(3), Summer 1991.

Of Mark A.R. Kleiman, Against Excess: Drug Policy for Results; and Franklin E. Zimring and Gordon Hawkins, The Search for Rational Drug Control Policy in Journal of Policy Analysis and Management 11(4), Fall 1992.

Of H. Laurence Ross, Confronting Drunk Driving: Social Policy for Saving Lives in Journal of Health Politics, Policy and Law 18(1) Spring 1993, 235-237.

Of Willard Manning et al, The Costs of Poor Health Habits in Policy Currents 2(4), Nov. 1992.

Of Gary Kleck, Point Blank: Guns and Violence in America in New England Journal of Medicine February 3, 1994.

Of Robert L. Rabin and Stephen D. Sugarman, eds., Smoking Policy: Law Politics and Culture in Science 262, December 10, 1993.

Of Trudy Ann Karlson and Stephen W. Hargarten, Reducing Firearm Injury and Death: A public health sourcebook on guns in New England Journal of Medicine, February 5, 1998.

Of Tyler Cowen, What Price Fame? in Journal of Economic Literature September 2001, 933-935.

Of Felix Gutzwiller and Thomas Steffen, Cost-Benefit Analysis of Heroin Maintenance Treatment in Addiction 2001, v. 96, 1071-2.

Of Robert J. MacCoun and Peter Reuter Drug War Heresies in Journal of Policy Analysis and Management v. 21(2), Spring 2002, 303-306.

Of James B. Jacobs Can Gun Control Work? in Journal of Policy Analysis and Management 23(1), Winter 2004, 198-201.

Of S. Selvanathan and E.A. Selvanathan The Demand for Alcohol, Tobacco, and Marijuana: International Evidence in Addiction 102, 2007: 830.

Of Harold Winter The Economics of Crime: An introduction to rational crime analysis in Journal of Economic Literature v. 47: Sept. 2009.

Of Craig Whitney Living with Guns in New York Times Dec. 25, 2012.

Of Franklin E. Zimring When Police Kill in Science 355(6326) Feb. 17, 2017

Unpublished monographs

"The Effect of Legitimate Opportunities on the Probability of Parolee Recidivism," Institute of Policy Sciences and Public Affairs, Duke University, 1973.

"Citizen Cooperation with the Criminal Justice System," Institute of Policy Sciences and Public Affairs, Duke University, 1976.

"A Summary of State Legal Codes Governing Juvenile Delinquency Proceedings" (with Joseph Austin and Richard Levi), Institute of Policy Sciences and Public Affairs, Duke University, 1977.

"Life, Liberty, and the Pursuit of Self Hazardous Behavior" (with James Vaupel), Institute of Policy Sciences and Public Affairs, Duke University, 1978.

"Regulating Handgun Transfers: Current State and Federal Procedures, and an Assessment of the Feasibility and Cost of the Proposed Procedures in the Handgun Crime Control Act of 1979" (with James Blöse), Institute of Policy Sciences and Public Affairs, Duke University, 1980.

Public and Invited Lectures

PJ Cook, San Francisco: MacArthur Foundation Group on Juvenile Justice, 28 February 2003.

PJ Cook, University of Virginia Law School, 11 March 2003.

PJ Cook, University of Virginia Medical Center, 12 March 2003.

PJ Cook, University of Pennsylvania Symposium on Gun Policy, 24 April 2003.

P.J. Cook, Washington, DC: National Institute of Justice, 28 July 2003.

PJ Cook, Washington DC: Robert Wood Johnson Foundation Investigator Award Conference, 9 October 2003.

PJ Cook, UNC-CH Public Health School, 20 October 2003.

P.J.Cook, University of Delaware, 23 October 2003.

The Social Costs of Gun Ownership, Cambridge, MA, March 26, 2004.

Effective gun policy, Fordham Law School, April 13, 2004.

Effective gun policy, Columbia University Law School, April 14, 2004.

The Homicide Epidemic, Emory University Sociology Department, October 28, 2004.

Hochbaum Lecture, UNC School of Public Health, Chapel Hill, April 10, 2006.

European Economic Assn, Vienna, Austria, August 25, 2006.

Symposium honoring Thomas Schelling, University of Maryland, College Park, September 29, 2006.

Robert Wood Johnson Foundation Investigators Award, San Diego, October 6, 2006.

Davis Lectureship, University of Chicago Center for Health Administration Studies, December 6, 2006.

2007 Crime & Population Dynamics Summer Workshop, Aspen Wye River Center, June 04, 2007.

Paying the Tab: The case for higher alcohol taxes, Johns Hopkins University Institute for Policy Studies, February 14, 2008.

Alcohol and Tobacco Taxes as Public Health Measures, Washington DC: American Medical Assn President's Forum, March 31, 2008.

Paying the Tab: The case for raising the alcohol excise tax, Rutgers University School of Social Work, April 23, 2008.

Cost-Benefit Analysis of Crime, Washington DC, June 25, 2008.

The New Second Amendment, Virginia Tech Department of Economics, October 13, 2008.

Paying the Tab: The case for higher alcohol taxes, Bloomberg School of Public Health, Johns Hopkins University, December 03, 2008.

Sussmilch Lecture: Estimating the effects of alcohol taxation on mortality, Max Planck Institute for Demographic Research, Rostock, Germany, December 16, 2008.

Paying the Tab, University of Maryland, February 13, 2009.

Lessons from Alcohol Control Research, San Diego, California, February 20, 2009.

Paying the Tab, University of Maryland Baltimore County, March 04, 2009.

Benefits of Crime Reduction, National Academy of Sciences, March 05, 2009.

School Crime, University of Maryland, March 09, 2009.

Post-Heller Strategies to Reduce Gun Violence, Villanova University, March 24, 2009.

Gun control after Heller, Emory University Department of Economics, December 04, 2009.

Private inputs into crime control, Economics Department, University of Virginia, February 04, 2010.

Private inputs into public safety, Royal Economic Society Annual Conference, Surrey, March 30, 2010.

The case for and against preserving a minimum drinking age of 21, Duke University, May 19, 2010.

The Scientific and Intuitive Case for Higher Alcohol Taxes, Helsinki, Finland, September 22, 2010.

Public safety through private action, Bonn, Germany, October 09, 2010.

Public safety through private action, Harvard Law and Economics Workshop, February 08, 2011.

Public safety through private action, University of Oregon Department of Economics, March 05, 2011.

Crime and the Business Cycle, Andrew Young School of Policy Studies, Georgia State University, March 10, 2011.

Public safety through private action, Vanderbilt Law and Economics Program, April 25, 2011.

Alcohol and Violence, Washington DC, April 28, 2011.

Lessons from an (un)controlled experiment, Jerry Lee Symposium on Criminology and Public Policy, May 03, 2011.

Economical Crime Control, National Institute of Justice *Research for the Real World Seminar series* December 06, 2011

The Virtuous Tax, Santiago, Chile *Latin American and Caribbean Economics Association annual meeting* November 11, 2011

Perspectives on Gun Violence, University of Minnesota Law School *Robina Institute Annual Conference, "Crime and Justice in America, 1975-2025"* April 26, 2012

Calibrating effect sizes, University of Maryland 12th Annual Jerry Lee Crime Prevention Symposium April 24, 2012

Public safety through private action, Southern Illinois University, Vandever Chair Public Lecture in Economics April 12, 2012

Private prevention, John Jay College, New York Guggenheim Symposium on Crime February 06, 2012

Cost of the Death Penalty in North Carolina, University of Maryland September 27, 2012

The Virtuous Tax, Cornell University, Department of Policy Analysis and Management October 10, 2012

The great American gun war, Georgetown Institute of Public Policy, Dec. 3, 2012

Private action to prevent crime, Vera Institute of Justice, Washington DC, Jan 24, 2013

Birthdays, schooling and crime, UNC Charlotte Economics Department, Feb 1, 2013

Reducing public costs of crime via private action: BIDs, AAAS Annual Meeting, Boston, Feb. 16, 2013

The case for using cost-benefit analysis in criminal justice evaluations, Israeli Prison Service, Ramla, Israel, May 20, 2013

Private action for crime prevention, Hebrew University Institute of Criminology, May 21, 2013

The economics of illegal gun markets, Chicago, IL AAAS Annual Meeting – Panel February 16, 2014

The Gun Debate, The Cooper Union for the Advancement of Science and Art May 08, 2014

Birthdays, schooling and crime, Columbia Center for Study of Wealth and Inequality October 09, 2014

Evaluation of an employment-oriented program for released prisoners, Columbia Population Research Center, October 16, 2014

Birthdays, schooling and crime, Stanford Law School, Law and Economics, October 23, 2014

The Underground Gun Market Rutgers University Institute for Health, Health Care Policy and Aging Research, November 13, 2014

Birthdays, Schooling and Crime, Rutgers Department of Economics, March 27, 2015.

The Underground Gun Market University of Pennsylvania Injury Science Center, April 13, 2015.

Paying the Tab. World Bank Group Conference “Winning the Tax Wars.” Washington, DC May 24, 2016.

Reducing access to guns by violent offenders. Yale CHESS Workshop, October 28, 2016.

Keeping guns away from dangerous people. Rockefeller College, SUNY Albany, April 26, 2017.

Preventing Alcohol-Related Driving Fatalities by Raising Alcohol Taxes. Invited presentation, National Academy of Sciences Committee on Accelerating Progress to Reduce Alcohol-Impaired Driving Fatalities, May 9, 2017.

Keeping guns away from dangerous people. Invited talk, University of Michigan Department of Economics, December 8, 2017.

Testing Instrumentality. Invited talk, University of Pennsylvania Department of Criminology, January 17, 2018.

The Underground Gun Market. Invited talk, HF Guggenheim Symposium, John Jay College. February 16, 2018.

Policing Gun Violence. Samuel Levin Memorial Lecture, Wayne State University Department of Economics. March 29, 2019.

Medical Costs of Gun Violence. Conference on Small Arms and Light Weapons. French Ministry of Armed Forces, Paris. May 15, 2019.

Police investigations of shooting assaults and homicides. NISS Forum on Gun Violence, Alexandria VA. June 26, 2019.

Preventing Gun Violence: Public Health and Public Policy Approaches. American University, October 2, 2019.

3 Pillars of Gun Policy. University of Iowa, Symposium on Public Policy and Gun Violence, October 23, 2019.

Selected Research grants

Principal investigator, "Evaluating Policy Options to Increase Citizen Cooperation in Urban Law Enforcement," A Durham Observatory Project, 1975.

Principal investigator, "The Processing of Gun Crimes in D.C. District Court," Institute of Law and Social Research, 1977.

Principal investigator, "Empirical Studies of Robbery and Handgun Control," U.S. Department of Justice.

Principal investigator, "Evaluating Alternative Policy Strategies for Controlling the Distribution of Handguns" (with Mark Moore), Ford Foundation, 1977-79.

Principal investigator, "A Review of the Major Gun Regulation Proposals," Center for the Study and Prevention of Handgun Violence, 1979-80.

Principal investigator, "A Review of Robbery Literature," National Institute of Justice, 1981.

Principal investigator, "Robbery Violence," National Institute of Justice, 1983-85.

Principal investigator, "Vice," The Chicago Resource Center, 1987

Principal investigator, "Costs of the Death Penalty in North Carolina," NC Administrative Office of the Courts, 1991-93.

Principal investigator, "Causes and Effects of Youthful Drinking," National Institute on Alcohol Abuse and Alcoholism, 1992-1994.

Principal investigator, "Markets for Stolen Guns," Harry Frank Guggenheim Foundation, 1993-4.

Principal investigator, "The Costs of Gunshot Wounds," The Joyce Foundation, 1997-99.

Principal investigator, "Community Gun Prevalence and Crime," The Joyce Foundation, 2000-2003.

Investigator Award In Health Policy Research, Robert Wood Johnson Foundation, 2003-4.

Principal Investigator, "evaluations of two programs in Milwaukee designed to reduce serious criminal violence" Joyce Foundation, 2007-2008.

Principal Investigator, "Fiscal Costs of Capital Punishment in NC" Z. Smith Reynolds Foundation, 2007-2008.

Principal Investigator, "An Experimental Evaluation of the Milwaukee Prisoner Re-entry Program" Smith Richardson Foundation, 2008-2011.

Co-Investigator, "Preventing truancy in urban schools through provision of social services by truancy officers: A Goal 3 randomized efficacy trial" US Department of Education/IES: 2010 – 2014.

Principal Investigator, "Truancy Prevention Project" US Department of Education/IES: 2012-2015.

Principal Investigator, "Clearance Rates" National Consortium on Gun Violence Prevention (Arnold Foundation/RAND), 2020-2022.

Service and Administrative Activities at Duke University

Director of Undergraduate Studies, Institute of Policy Sciences and Public Affairs, 1974-75, 1992.

Director of Graduate Studies, Institute of Policy Sciences and Public Affairs, 1977-79, 1984, and 1994-95.

Chairman, Graduate Curriculum Committee, Institute of Policy Sciences and Public Affairs, 1977-79.

Member, Undergraduate Faculty Council of Arts and Sciences, 1977-78, 1991-93.

Author of an evaluation of undergraduate admission policy, commissioned by the Undergraduate Faculty Council, 1978.

Member, Academic Council, Duke University, 1978-79, 1982-84, 1993-95, 1998-2000
Elected to the Executive Committee of the Academic Council, 1982-83.

Associate Director, Institute of Policy Sciences and Public Affairs, 1979-1985, 2005-.

Pre-Major Advisor, 1981-85.

Member, UFCAS Committee on Admissions, 1984-86.

Member, University Committee on Undergraduate Admissions and Financial Aid, 1986 - 87.

Author of a special report on predicting yields from undergraduate admissions, 1987.

Member, Dean White's Ad Hoc Committee on Undergraduate Internships, 1987.

Member, President's Administrative Oversight Committee, 1987-90.

Chairman, Public Policy Studies Committee on Appointments and Promotion, 1990-93.

Chair, Provost's committee to review Dean Earl Dowell for reappointment, 1992.

Member, Arts and Sciences Committee on Planning and Priorities, 1993-95. Chair, 1994-95.

Member, Dean Search Committee, Fuqua School of Business, 1994.

Chair, PPS Diversity Committee, 1994-95.

Member, Executive Committee of the Graduate School, 1995-96

Member, steering committee, Child and Family Policy initiative, 1999

Member, Dean's Search Committee, Duke Law School, 1999

Member, Planning Committee, Institute for Genome Sciences and Policy, 1999

Chair, Arts & Sciences Council Task Force on the Budget, 2001-2

Public and Professional Service

Chairman, Weapons and Violent Crime Workshop, NILECJ, LEAA, U.S. Department of Justice, February 1978.

Presenter, N.C. Governor's Crime Commission, June and September, 1979.

Panel member, National Research Council Study of Alternative Policies Affecting the Prevention of Alcohol Abuse and Alcoholism, 1978-1981.

Member, N.C. Governor's Task Force on Drunken Driving, 1982.

Member, Ad Hoc Workshop on the Future of Criminal Justice Research, U.S. Department of Justice and National Research Council, March 1982.

Testified on alternative gun-control policies before the U.S. Senate Criminal Law Subcommittee, March 4, 1982.

Testified on alcohol tax policy before the Social Security Advisory Council, May 25, 1982.

Participant, Sixty-Sixth American Assembly (Public Policy on Alcohol Problems), Harriman, NY, April 26-29, 1984.

Member, Executive Session on the Juvenile Justice System, Harvard University, 1984-85.

Member, Policy Council of the American Society of Criminology, 1985-86, and 1990-91.

Invited participant, Conference on the Cigarette Excise Tax sponsored by the Harvard Institute for the Study of Smoking Behavior, Washington, DC, April 17, 1985.

Member, "Crime and Violence" working group of the NAS Committee on Basic Research, 1985.

Member, Research Advisory Committee of the U.S. Sentencing Commission, 1986-91 (Chair, 1986).

Associate, Canadian Institute of Advanced Research, 1986.

Member, Board of Advisors, Public Policy Program, College of William & Mary, 1987-1992.

Member, National Academy of Sciences Committee on Law and Justice, 1987-1993.

Treasurer, Association of Public Policy Analysis and Management, 1987-1994.

Testified on the use of alcohol taxation as a public-health measure before the U.S. Senate Committee on Governmental Affairs, September 27, 1988.

Member, Workshop on Health Economics, National Institute of Alcohol Abuse and Alcoholism, September 1988.

Member, National Research Council's Panel on the Understanding and Control of Violent Behavior, 1988-91.

Member, Advisory Board to the Injury Prevention Research Center, University of North Carolina, 1990-.

Witness, "Problems and Prospects for a N.C. Lottery" North Carolina Economic Future Commission, December 5, 1990.

Invited participant, CDC's Forum on Youth Violence in Minority Communities, Atlanta, December 10-12, 1990.

Member, President's Advisory Board of the H. John Heinz III School of Public Policy and Management, Carnegie Mellon University, 1992-96 and subsequently (including 2007).

Consultant, Tax Advisory Program, US Department of Treasury, 1994-95.

Steering Committee, National Consortium on Violence Research, 1995-1997.

Member, Center for Gun Policy Research, Johns Hopkins University, 1995-.

Invited participant, White House Leadership Conference on Youth, Drug Use, and Violence, March 7, 1996.

Invited speaker, U.S. Senate Democratic Policy Council, Wilmington, DE, April 26, 1996.

Member, National Academy of Sciences (IOM) Committee on Injury Prevention and Control, 1997-8.

Member, Advisory Committee to the Harvard Injury Control Research Center, 1998-.

Consultant, US Department of Treasury, Enforcement Division, 1999-2000.

Member, National Academy of Sciences (NRC) Case Studies of School Violence Committee, 2001-2002.

Member, Division Committee for the Behavioral and Social Sciences and Education, National Research Council, 2001-2004.

Member, "Committee to Develop a Strategy to Prevent and Reduce Underage Drinking", Institute of Medicine 2002-3.

Member, Panel on Assessing the Feasibility, Accuracy, and Technical Capability of a National Ballistics Database, The National Academies 2004-5.

Member, *Crime and Justice* editorial board, 2007-2010.

Member, National Research Council Workshop on Understanding Crime Trends, 2007-8

Co-Director, NBER Economics of Crime Working Group, 2007-

Vice Chair, National Research Council Committee on Law and Justice, 2006-2010.

Vice President, Association of Public Policy and Management, 2008-2009 (two years).

Panel member, International Benchmarking Review of UK Sociology: 2009-2010.
http://www.esrcsocietytoday.ac.uk/ESRCInfoCentre/Support/Evaluation/ibr/IBR_Sociology.aspx

Member, International Scientific Advisory Board, Netherlands Institute for the Study of Crime and Law Enforcement (NSCR), 2010-.

Member, National Research Council Committee on Deterrence and the Death Penalty, August 2010 – November 2011.

Member, National Research Council Committee on The Illicit Tobacco Market: Collection and Analysis of The International Experience, 2013-15.

Member, National Research Council Committee on Proactive Policing, 2015-2017.

Refereeing

Associate editor, Law and Contemporary Problems, 1974-78.

Editorial consultant, Journal of Criminal Law and Criminology, 1982-.

Member, Editorial Board, Journal of Policy Analysis and Management, 1986- 2002.

Associate Editor, Criminology, 1987-91.

Editorial board, Criminology & Public Policy 2010-

Editorial board, Journal of Quantitative Criminology 2015-

Occasional refereeing: American Economic Review, Journal of Political Economy, Journal of Public Economics, Economic Inquiry, Journal of Legal Studies, Journal of Law and Economics, New England Journal of Medicine, Journal of the American Medical Association, Criminology and other professional journals.

APPENDIX B

FRANK R. BAUMGARTNER

Richard J. Richardson Distinguished Professor of Political Science
The University of North Carolina at Chapel Hill
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Frankb@unc.edu • <http://fbaum.unc.edu/>

EDUCATION

- Ph.D., 1986, The University of Michigan. (Fields: Comparative, American, methods.)
Dissertation: “Strategies of Policy Making: Education Policy in France, 1983–1984.”
Doctoral fieldwork conducted in Paris, France, 1983–84.
- M.A., 1983, The University of Michigan. *Thesis*: “Models of Incumbent Spending in U.S. House Races.”
- B.A., 1980, The University of Michigan. Honors in Political Science, honors in French, high distinction, Phi Beta Kappa, junior year at Université de Provence, Aix-en-Provence, France, 1978–79.
- Diploma, 1976, Cass Technical High School, Detroit, Michigan. Class rank: 3 of 914.
- Languages: American (native); French (fluent).

PROFESSIONAL EXPERIENCE

Full-Time Academic Appointments

- 2009– Richard J. Richardson Distinguished Professor of Political Science, UNC Chapel Hill (also Adjunct Professor of Public Policy, 2019–)
- 1998–09 The Pennsylvania State University (Professor 1998–2005; Interim Head, 1999–2000; Head, 2000–04; Distinguished Professor, 2005–2007; Bruce R. Miller and Dean D. LaVigne Professor, 2007–09)
- 1998–99 California Institute of Technology, Visiting Professor
- 1987–98 Texas A&M University (Assistant Professor 1987–92; Associate Professor 1992–97; Professor 1997–98)
- 1986–87 The University of Iowa, Visiting Assistant Professor

Temporary and other Appointments

- 2019 Visiting Professor, University of St. Gallen, Switzerland, May–June
- 2016 Fellow, Institute for Advanced Studies in the Humanities, University of Edinburgh, May–June
- 2011–12 Visiting Professor, University of Barcelona, May–June 2011, January–June 2012
- 2006–10 Chercheur associé, Center for European Studies / Cevipof / Sciences Po, Paris; also Professeur invité, Sciences Po (graduate courses in public policy). May–June, 2006–10.
- 2000–10 Professor (honorary appointment), University of Aberdeen
- 2007 Fellow, The Camargo Foundation, Cassis, France, January–May
- 2005 Visiting Professor, Cevipof / Sciences Po, Paris, March–August
- 2004–05 Visiting Fellow, European University Institute, Department of Political and Social Sciences, Florence, September–February
- 1997 Visiting Scholar, The University of Washington, Seattle, Summer

- 1996, 90, 87 Visiting Scholar, The University of Michigan, Ann Arbor, Summers
 1988 Visiting Scholar, Institut de Management Public, Paris, Summer
 1983–84 Visiting Scholar, Institut de Management Public, Paris, September–July
 1981–86 Teaching Assistant, then Instructor, then Lecturer, The University of Michigan
 1981–86 Research Assistant, then Research Associate, The University of Michigan.
 Institute for Public Policy Studies; National Election Studies; Center for Political
 Studies; Inter-university Consortium for Political and Social Research
 1981 Summer intern and interpreter, *Conseil Régional du Nord – Pas-de-Calais*,
 France, M. Pierre Mauroy, President of the Region and Prime Minister of France

Teaching and Research Fields

Public policy, policy process, punctuated equilibrium, agenda-setting, framing, interest groups, lobbying, social movements, budgeting, capital punishment, American politics, comparative politics, race and ethnic politics, racial disparities in criminal justice, traffic stops, and policing.

CURRENT RESEARCH

Comparative Agendas Project (see <http://www.comparativeagendas.net>). Bryan Jones and I started the US Policy Agendas Project in 1994, making available data on the activities of the US government since 1947. It has now expanded internationally to become the Comparative Agendas Project (CAP), with affiliated projects in over 25 countries and political systems.

Capital Punishment Research (see <http://fbaum.unc.edu/Innocence/Innocence.htm> and <http://fbaum.unc.edu/books/DeadlyJustice/index.html>) Following on the research I conducted for books published in 2008 and 2018, I continue to be involved in analyses of the death penalty in the US and in North Carolina.

Traffic Stops and “Driving While Black” (see <http://fbaum.unc.edu/traffic.htm> and <http://fbaum.unc.edu/books/SuspectCitizens/index.html>). After publishing a comprehensive analysis of over 20 million traffic stops in North Carolina since 2000, I have remained active in studying the “driving while black” phenomenon in a series of articles.

Racial Disparities in Criminal Justice Outcomes. With a team of graduate students and other collaborators, I am involved in various studies of jury formation, patterns of arrest, and differences in judicial outcomes for different racial and gender groups in the North Carolina criminal justice system, based on large administrative databases.

Research Under Review or Near Completion:

- Being revised for submission

A Deadly Symbol: Race and Capital Punishment in North Carolina. Under contract, University of North Carolina Press; target for submission: Fall 2022. (Frank R. Baumgartner, Seth Kotch, and Isaac Unah)

Criminal Justice Contact and Outcomes in North Carolina: Race, Poverty, and Inequality. A book-length analysis of arrest records, using comprehensive data from the North Carolina courts with millions of observations from 2013 through 2019. (Frank R. Baumgartner, Christian Caron, Marty A. Davidson, and Kaneesha R. Johnson)

- The Importance of Faculty Diversity for Political Science. Target for submission: Spring 2022. (with Chris Clark and Ray Block, Jr.)
- Geography or Personal Choice: Prosecutor Decisions about the Death Penalty in the 30 Most Active Death Penalty Counties in the US. Target for submission: Summer 2022 (Sally Stanley and Frank R. Baumgartner)
- A Probabilistic Method for Matching Identity in Administrative Records with Application to Criminal Justice. Target for submission: Summer 2022. (Ted Enamorado and Frank R. Baumgartner)
- Physical Characteristics and Severity of Punishments in Prison. Target for submission: Summer 2022 (Kaneesha Johnson and Frank R. Baumgartner)
- A Critique of the Veil of Darkness Method of Assessing Racial Disparities in Traffic Stops. Target for submission: Spring 2022. (with Anthony Lindsey)
- Punctuations and Trends and Super-Trends in Budgetary Change. Target for submission: Spring 2022. (Ehud Segal and Frank R. Baumgartner)
- Purchasing Privilege? Driver Identity, Status Cues, and Unwarranted Police Suspicion. Target for resubmission: Spring 2022. (Frank R. Baumgartner, Colin Case, and Will Spillman)
- Under review
- Racial Resentment and the Death Penalty. Submitted, *British Journal of Political Science*, December, 2021. (Frank R. Baumgartner, Christian Caron, and Scott Duxbury)
- Public Health Critical Race Praxis at the Intersection of Traffic Stops and Injury. Submitted, *Injury Epidemiology*, Commentary Section, December, 2021 (Mike Fliss, Frank R. Baumgartner, Paul Delamater, Steve Marshall, Charles Poole, and Whitney Robinson)
- Innocence and the Death Penalty. In Todd Peppers and Jamie Almellen, eds. *The Death Penalty: A Postmortem*. Edited volume submitted for review September, 2021, New York University Press.

PUBLICATIONS

Authored Books

- The Dynamics of Public Opinion*. New York: Cambridge University Press, Elements Series, 2021. (Mary Layton Atkinson, K. Elizabeth Coggins, James A. Stimson, and Frank R. Baumgartner)
- Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race*. New York: Cambridge University Press, 2018. (Frank R. Baumgartner, Derek A. Epp and Kelsey Shoub).
- Winner of the C. Herman Pritchett Award for the best book published in 2018 from the APSA Section on Law and Courts, 2019.
- Deadly Justice: A Statistical Portrait of the Death Penalty*. New York: Oxford University Press, 2018. (Frank R. Baumgartner, Marty Davidson, Kaneesha R. Johnson, Arvind Krishnamurthy, and Colin P. Wilson).
- Agenda Dynamics in Spain*. London: Palgrave Macmillan, 2015. (Laura Chaqués Bonafont, Anna M. Palau, and Frank R. Baumgartner).
- The Politics of Information: Problem Definition and the Course of Public Policy in America*. Chicago: University of Chicago Press, 2015. (Frank R. Baumgartner and Bryan D. Jones)
- Winner of the Louis Brownlow Award for the best book in public administration, National Academy of Public Administration, 2016.

- Winner of the best book award from the International Public Policy Association, recognizing the best book published in the English language in 2015 on any topic of public policy, 2017.

Lobbying and Policy Change: Who Wins, Who Loses, and Why. Chicago: University of Chicago Press, 2009. (Frank R. Baumgartner, Jeffrey M. Berry, Marie Hojnacki, Beth L. Leech, and David C. Kimball).

- Winner of the Leon D. Epstein Outstanding Book Award, APSA Section on Political Organizations and Parties, 2010.
- Simplified Chinese translation, Nanjing University Press, forthcoming.

Agendas and Instability in American Politics, 2nd ed. Chicago: University of Chicago Press, 2009. (Frank R. Baumgartner and Bryan D. Jones).

The Decline of the Death Penalty and the Discovery of Innocence. New York: Cambridge University Press, 2008. (Frank R. Baumgartner, Suzanna L. De Boef and Amber E. Boydston).

- Winner of the Gladys M. Kammerer Award for the best publication in the field of US national policy, American Political Science Association, 2008.

The Politics of Attention: How Government Prioritizes Problems. Chicago: University of Chicago Press, 2005. (Frank R. Baumgartner and Bryan D. Jones)

Basic Interests: The Importance of Groups in Politics and in Political Science. Princeton: Princeton University Press, 1998. (Frank R. Baumgartner and Beth L. Leech)

Agendas and Instability in American Politics. Chicago: University of Chicago Press, 1993. (Frank R. Baumgartner and Bryan D. Jones)

- Chapter 6, The Dynamics of Media Attention, reprinted in *Mediare la Realtà: Mass Media, Systema Politico, e Opinione Pubblica* (ed. Sara Bentivegna. Milano: Franco Angeli, 1994).
- Winner of the Aaron Wildavsky Award for a work of lasting impact on the field of public policy, APSA Organized Section on Public Policy, 2001.
- Featured in *Oxford Handbook of the Classics of Public Policy and Administration* (Steven Balla, Martin Lodge, and Edward Page, eds., Oxford University Press, 2015)
- Chinese translation, Peking University Press, 2011.

Conflict and Rhetoric in French Policymaking. Pittsburgh: University of Pittsburgh Press, 1989.

Edited Books and Special Issues of Journals

Comparative Policy Agendas: Theory, Tools, Data. New York: Oxford University Press, 2019. (Frank R. Baumgartner, Christian Breunig, and Emiliano Grossman, eds.)

The Dynamics of Policy Change in Comparative Perspective, special issue of *Comparative Political Studies* vol. 44, no. 8, August 2011. (Frank R. Baumgartner, Bryan D. Jones, Sylvain Brouard, Christoffer Green-Pedersen, and Stefaan Walgrave, eds.)

Comparative Studies of Policy Agendas. New York: Routledge, 2008. (Frank R. Baumgartner, Christoffer Green-Pedersen, and Bryan D. Jones, eds.)

- Previously published as a special issue of the *Journal of European Public Policy*, vol. 13, no. 7, September 2006.

Policy Dynamics. Chicago: University of Chicago Press, 2002. (Frank R. Baumgartner and Bryan D. Jones, eds.)

Other Editorial Work

Theoretical Models of the Policy Process, virtual special issue of *Journal of European Public Policy*, 2014. Frank R. Baumgartner and Petya Alexandrova, guest editors. (This is our selection of 11 influential articles from previous issues of *JEPP*, with a short introduction.) <http://explore.tandfonline.com/page/pgas/rjpp-policy-process>

Articles in Peer-Reviewed Journals

- Throwing away the Key: The Unintended Consequences of “Tough-on-Crime” Laws. *Perspectives on Politics* Online version 2021. (Frank R. Baumgartner, Tamira Daniely, Kalley Huang, Sydney Johnson, Alexander Love, Lyle May, Patrice McGloin, Allison Swagert, Niharika Vattikonda, and Kamryn Washington) doi: 10.1017/S153759272100164X.
- Better for Everyone: Black Descriptive Representation and Police Traffic Stops. *Politics, Groups, and Identities*, Online version 2021. (Leah Christiani, Kelsey Shoub, Frank R. Baumgartner, Derek A. Epp, and Kevin Roach) doi: 10.1080/21565503.2021.1892782.
- Fines, Fees, and Disparities: The Link between Municipal Reliance on Fines and Racial Disparities in Policing. *Policy Studies Journal* 49, 3 (2021): 835–859. (Kelsey Shoub, Leah Christiani, Frank R. Baumgartner, Derek A. Epp, and Kevin Roach) doi: 10.1111/psj.12412.
- Intersectional Encounters: Representative Bureaucracy and the Routine Traffic Stop. *Policy Studies Journal* 49, 3 (2021): 860–886. (Frank R. Baumgartner, Kate Bell, Luke Beyer, Tara Boldrin, Libby Doyle, Lindsey Govan, Jack Halpert, Jackson Hicks, Katherine Kyriakoudes, Cat Lee, Mackenzie Leger, Sarah McAdon, Sarah Michalak, Caroline Murphy, Eyan Neal, Olivia O’Malley, Emily Payne, Audrey Sapirstein, Sally Stanley, Kathryn Thacker) doi: 10.1111/PSJ.12382.
- Included in the *PSJ* Virtual Special Issue on Racial Justice, ed. Jamila Michener, July 15, 2020
- At the Intersection: Race, Gender, and Discretion in Police Traffic Stop Outcomes. *Journal of Race, Ethnicity, and Politics*, Online version 2020. (Kevin Roach, Frank R. Baumgartner, Leah Christiani, Derek A. Epp, Kelsey Shoub) doi: 10.1017/rep.2020.35.
- Agenda Dynamics in Latin America: Theoretical and Empirical Challenges. *Revista de Administração Pública (Brazilian Journal of Public Administration)* 54, 6 (2020): 1513–1525. (Frank R. Baumgartner, Bryan D. Jones, and Laura Chaqués Bonafont)
- Learning to Kill: Why a Small Handful of Counties Generates the Bulk of US Death Sentences. *PLoS-ONE*, 15, 10 (2020): e0240401. (Frank R. Baumgartner, Janet M. Box-Steffensmeier, Benjamin W. Campbell, Christian Caron, and Hailey Sherman)
- Race, Place, and Context: The Persistence of Race Effects in Traffic Stop Outcomes. *Journal of Race, Ethnicity, and Politics* 5, 3 (2020): 481–508. (Kelsey Shoub, Derek A. Epp, Frank R. Baumgartner, Leah Christiani, and Kevin Roach) doi: 10.1017/rep.2020.8.
- Re-Prioritizing Traffic Stops to Reduce Motor Vehicle Crash Outcomes and Racial Disparities. *Injury Epidemiology* 7, 3 (2020). (Mike Fliss, Frank R. Baumgartner, Paul Delamater, Steve Marshall, Charles Poole, and Whitney Robinson) doi: 10.1186/s40621-019-0227-6.
- Democracy, Authoritarianism, and Policy Punctuations. *International Review of Public Policy* 1, 1 (2019): 7–26. (Bryan D. Jones, Derek A. Epp, and Frank R. Baumgartner)
- Event Dependence in U.S. Executions. *PLoS-ONE* 13, 1 (2018): e0190244. (Frank R. Baumgartner, Janet M. Box-Steffensmeier, and Benjamin W. Campbell)

- Budgetary Change in Authoritarian and Democratic Regimes. *Journal of European Public Policy* 24, 6 (2017): 792–808. (Frank R. Baumgartner, Marcello Carammia, Derek A. Epp, Ben Noble, Beatriz Rey, and Tefvik Murat Yildirim)
- Complexity, Capacity, and Budget Punctuations. *Policy Studies Journal* 45, 2 (2017): 247–64. (Derek A. Epp and Frank R. Baumgartner)
- Included in the *PSJ* Virtual Special Issue on COVID-19 Crisis, ed. Michael D. Jones, May 26, 2020
- Endogenous Disjoint Change. *Cognitive Systems Research* 44 (2017): 69–73.
- Creating an Infrastructure for Comparative Policy Analysis. *Governance* 30, 1 (2017): 59–65.
- Targeting Young Men of Color for Search and Arrest during Traffic Stops: Evidence from North Carolina, 2002-2013. *Politics, Groups, and Identities* 5, 1 (2017): 107–31. (Frank R. Baumgartner, Derek A. Epp, Kelsey Shoub, and Bayard Love)
- Included in the #BlackLivesMatter *PGI* Micro-Syllabus
- Do the Media Set the Parliamentary Agenda? A Comparative Study in Seven Countries. *European Journal of Political Research* 55 (2016): 283–301. (Rens Vliegthart, Stefaan Walgrave, Frank R. Baumgartner, Shaun Bevan, Christian Breunig, Sylvain Brouard, Laura Chaqués Bonafont, Emiliano Grossman, Will Jennings, Peter B. Mortensen, Anna M. Palau, Pascal Sciarini, and Anke Tresch)
- Assessing Business Advantage in Washington Lobbying. *Interest Groups and Advocacy* 4 (2015): 205–24. (Marie Hojnacki, Kathleen M. Marchetti, Frank R. Baumgartner, Jeffrey M. Berry, David C. Kimball, and Beth L. Leech)
- Images of an Unbiased Interest System. *Journal of European Public Policy* 22, 8 (2015): 1212–31 (David Lowery, Frank R. Baumgartner, Joost Berkhout, Jeffrey M. Berry, Darren Halpin, Marie Hojnacki, Heike Klüver, Beate Kohler-Koch, Jeremy Richardson, and Kay Lehman Schlozman)
- #BlackLivesDon'tMatter: Race-of-Victim Effects in US Executions, 1977-2013. *Politics, Groups, and Identities* 3, 2 (2015): 209–21. (Frank R. Baumgartner, Amanda Grigg, and Alisa Mastro)
- Included in the #BlackLivesMatter *PGI* Micro-Syllabus
- All News is Bad News: Newspaper Coverage of Politics in Spain. *Political Communication* 32, 2 (2015): 268–91. (Frank R. Baumgartner and Laura Chaqués Bonafont).
- Partners in Advocacy: Lobbyists and Government Officials in the Policy Process. *Journal of Politics* 77, 1 (2015): 202–15. (Christine Mahoney and Frank R. Baumgartner)
- Popular Presidents Can Influence Congressional Attention, for a Little While. *Policy Studies Journal* 43, 1 (2015): 22-43. (John Lovett, Shaun Bevan, and Frank R. Baumgartner)
- Included in the *PSJ* Virtual Special Issue on COVID-19 Crisis, ed. Michael D. Jones, May 26, 2020
- Partisan Priorities and Public Budgeting. *Political Research Quarterly* 67, 4 (2014): 864–78. (Derek A. Epp, John Lovett, and Frank R. Baumgartner)
- The Two Worlds of Lobbying: Washington Lobbyists in the Core and on the Periphery. *Interest Groups and Advocacy* 3, 3 (2014): 219–45. (Timothy M. LaPira, Herschel F. Thomas III, and Frank R. Baumgartner).
- The State of the Discipline: Authorship, Research Designs, and Citation Patterns in Studies of EU Interest Groups and Lobbying. *Journal of European Public Policy* 21, 10 (2014): 1412–34. (Adriana Bunea and Frank R. Baumgartner)

- Money, Priorities, and Stalemate: How Lobbying Affects Public Policy. *Election Law Journal* 13, 1 (2014): 194–209. (Frank R. Baumgartner, Jeffrey M. Berry, Marie Hojnacki, David C. Kimball, and Beth L. Leech)
- Divided Government, Legislative Productivity, and Policy Change in the US and France. *Governance* 27, 3 (2014): 423–447. (Frank R. Baumgartner, Sylvain Brouard, Emiliano Grossman, Sebastien G. Lazardeux, and Jon Moody)
- Measuring the Media Agenda. *Political Communication* 31, 2 (2014): 355–80. (Mary Layton Atkinson, John Lovett, and Frank R. Baumgartner)
- Ideas, Paradigms, and Confusions. *Journal of European Public Policy* 21, 3 (2014): 475–80.
- Understanding Time-Lags and Measurement Validity in Secondary Data: The *Encyclopedia of Associations Database*. *Social Science Research* 42 (2013): 1750–64. (Shaun Bevan, Frank R. Baumgartner, Erik W. Johnson, and John McCarthy)
- Ideas and Policy Change. *Governance* 26, 2 (2013): 239–58.
- A Failure to Communicate: Agenda Setting in Media and Policy Studies. *Political Communication* 30, 2 (2013): 175–192. (Michelle Wolfe, Bryan D. Jones, and Frank R. Baumgartner)
- Newspaper Attention and Policy Activities in Spain. *Journal of Public Policy* 13, 1 (2013): 1–24. (Laura Chaqués Bonafont and Frank R. Baumgartner)
- Framing the Poor: Media Coverage and US Poverty Policy, 1960–2008. *Policy Studies Journal* 41, 1 (2013): 22–53. (Max Rose and Frank R. Baumgartner)
- Public Budgeting in the EU Commission: A Test of the Punctuated Equilibrium Thesis. *Politique Européenne* 38 (2012): 70–99. (Frank R. Baumgartner, Martial Foucault and Abel François)
- Who Cares About the Lobbying Agenda? *Interest Groups and Advocacy* 1, 1 (2012): 1–21. (David C. Kimball, Frank R. Baumgartner, Jeffrey M. Berry, Marie Hojnacki, Beth L. Leech, and Bryce Summary)
- From There to Here: Punctuated Equilibrium to the General Punctuation Thesis to a Theory of Government Information Processing. *Policy Studies Journal* 40, 1 (2012): 1–19. (Bryan D. Jones and Frank R. Baumgartner)
- Introduction to special issue on punctuated equilibrium studies of public policy, one of four special issues on the major theoretical approaches to the study of public policy.
- Studying Organizational Advocacy and Influence: Reexamining Interest Group Research. *Annual Review of Political Science* 15 (2012): 379–99. (Marie Hojnacki, David C. Kimball, Frank R. Baumgartner, Jeffrey M. Berry, and Beth L. Leech).
- Comparative Studies of Policy Dynamics. *Comparative Political Studies* 44, 8 (August 2011): 947–72. (Frank R. Baumgartner, Bryan D. Jones and John Wilkerson)
- Policy Attention in State and Nation: Is Anyone Listening to the Laboratories of Democracy? *Publius* 41, 2 (2011): 286–310. (David Lowery, Virginia Gray and Frank R. Baumgartner)
- Replacing Members with Managers? Mutualism Among Membership and Non-Membership Advocacy Organizations in the U.S. *American Journal of Sociology* 116, 4 (January 2011): 1284–1337. (Edward T. Walker, John D. McCarthy, and Frank R. Baumgartner)
- Congressional and Presidential Effects on the Demand for Lobbying. *Political Research Quarterly* 64, 1 (March 2011): 3–16. (Frank R. Baumgartner, Heather A. Larsen, Beth L. Leech, and Paul Rutledge)

- Measuring the Size and Scope of the EU Interest Group Population. *European Union Politics* 11, 3 (September 2010): 463–76. (Arndt Wonka, Frank R. Baumgartner, Christine Mahoney, and Joost Berkhout)
- A General Empirical Law for Public Budgets: A Comparative Analysis. *American Journal of Political Science* 53, 4 (October 2009): 855–73. (Bryan D. Jones, Frank R. Baumgartner, Christian Breunig, Christopher Wlezien, Stuart Soroka, Martial Foucault, Abel François, Christoffer Green-Pedersen, Peter John, Chris Koski, Peter B. Mortensen, Frédéric Varone, and Stefaan Walgrave)
- Punctuated Equilibrium in Comparative Perspective. *American Journal of Political Science*, 53, 3, (July 2009): 602–19. (Frank R. Baumgartner, Christian Breunig, Christoffer Green-Pedersen, Bryan D. Jones, Peter B. Mortensen, Michiel Neytemans, and Stefaan Walgrave)
- Agenda-setting Dynamics in France: Revisiting the “Partisan Hypothesis.” *French Politics*, 7, 2 (2009): 57–95. (Frank R. Baumgartner, Emiliano Grossman and Sylvain Brouard)
- Federal Policy Activity and the Mobilization of State Lobbying Organizations. *Political Research Quarterly* 62, 3 (September 2009): 552–67. (Frank R. Baumgartner, Virginia Gray and David Lowery)
- Public Budgeting in the French Fifth Republic: The End of *La République des partis*? *West European Politics* 32, 2 (2009): 401–19. (Frank R. Baumgartner, Martial Foucault and Abel François)
- Le Projet Agendas Comparés : Objectifs et Contenus. *Revue Internationale de Politique Comparée*, 16, 3 (2009): 365–79. (John Wilkerson, Frank R. Baumgartner, Sylvain Brouard, Laura Chaqués Bonafont, Christopher Green-Pedersen, Emiliano Grossman, Bryan D. Jones, Arco Timmermans, and Stefaan Walgrave)
- Comparer les Productions Législatives : Enjeux et Méthodes. *Revue Internationale de Politique Comparée* 16, 3 (2009): 381–404. (Sylvain Brouard, John Wilkerson, Frank R. Baumgartner, Arco Timmermans, Shaun Bevan, Gerard Breeman, Christian Breunig, Laura Chaqués Bonafont, Christopher Green-Pedersen, Will Jennings, Peter John, Bryan D. Jones, and David Lowery)
- Converging Perspectives on Interest-Group Research in Europe and America. *West European Politics*, 31, 6 (2008): 1251–71. (Christine Mahoney and Frank R. Baumgartner)
- Reprinted in Jan Beyers, Rainer Eising, and William A. Maloney, eds. 2013. *Interest Group Politics in Europe: Lessons from EU Studies and Comparative Politics* (London and New York: Routledge).
- The Two Faces of Framing: Individual-Level Framing and Collective Issue-Definition in the EU. *European Union Politics* 9, 3 (2008): 435–49. (Frank R. Baumgartner and Christine Mahoney)
- Media Framing of Capital Punishment and Its Impact on Individuals’ Cognitive Responses. *Mass Communication and Society* 11, 2 (2008): 115–40. (Frank R. Baumgartner, Suzanna De Boef, Amber E. Boydston, Frank E. Dardis, and Fuyuan Shen)
- EU Lobbying: A View from the US. *Journal of European Public Policy* 14, 3 (March 2007): 482–88.
- Comparative Studies of Policy Agendas. *Journal of European Public Policy* 13, 7 (September 2006): 955–70. (Frank R. Baumgartner, Christoffer Green-Pedersen and Bryan D. Jones)
- Reprinted in Peter Hupe and Michael Hill, eds. 2012. *Public Policy*. London: Sage.

- Punctuated Equilibrium in French Budgeting Processes. *Journal of European Public Policy* 13, 7 (September 2006): 1082–99. (Frank R. Baumgartner, Martial Foucault and Abel François)
- Measuring Association Populations Using the *Encyclopedia of Associations*: Evidence from the Field of Labor Unions. *Social Science Research* 35 (2006): 771–78. (Andrew W. Martin, Frank R. Baumgartner, and John McCarthy)
- A Model of Choice for Public Policy. *Journal of Public Administration Research and Theory* 15, 3 (July 2005): 325–51. (Bryan D. Jones and Frank R. Baumgartner)
- Selected for inclusion in special issue reprinting the most outstanding articles for the 20th anniversary issue of *JPART*, 2010.
- Drawing Lobbyists to Washington: Government Activity and Interest-Group Mobilization. *Political Research Quarterly* 58, 1 (March 2005): 19–30. (Beth L. Leech, Frank R. Baumgartner, Timothy La Pira, and Nicholas A. Semanko)
- Representation and Agenda-Setting. *Policy Studies Journal* 32, 1 (January 2004): 1–24. (Bryan D. Jones and Frank R. Baumgartner)
- Issue Niches and Policy Bandwagons: Patterns of Interest Group Involvement in National Politics. *Journal of Politics* 63, 4 (November 2001): 1191–1213. (Frank R. Baumgartner and Beth L. Leech)
- Reprinted in Phil Harris, ed., *Public Affairs Management* (London: Sage Publications, 2013)
- The Evolution of Legislative Jurisdictions. *Journal of Politics* 62, 2 (May 2000): 321–49. (Frank R. Baumgartner, Bryan D. Jones and Michael C. MacLeod)
- Policy Punctuations: US Budget Authority, 1947–95. *Journal of Politics* 60, 1 (February 1998): 1–33. (Bryan D. Jones, Frank R. Baumgartner, and James L. True)
- Does Incrementalism Stem from Political Consensus or Institutional Gridlock? *American Journal of Political Science* 41, 4 (October 1997): 1319–39. (Bryan D. Jones, James L. True, and Frank R. Baumgartner)
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In *Comparative Policy Agendas: Theory, Tools, Data*, 2019, Oxford University Press. (Frank R. Baumgartner, Christian Breunig, and Emiliano Grossman, eds.)

– The Comparative Agendas Project: Intellectual Roots and Current Developments (Frank R. Baumgartner, Christian Breunig, and Emiliano Grossman), pp. 3–16.

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- Incrémentalisme et les punctuations budgétaires en France. In Philippe Bezes et Alexandre Siné, eds., *Gouverner (par) les finances publiques*. Paris: Presses de Sciences Po, 2011, pp. 299–322. (Frank R. Baumgartner, Martial Foucault, and Abel François)
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- The following chapters in Clive S. Thomas, ed., *Research Guide to US and International Interest Groups*. Westport, CT: Praeger Press, 2004:
- The Origins, Organization, Maintenance, and Mortality of Interest Groups (with Beth L. Leech), pp. 95–111.
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- The following chapters in Frank R. Baumgartner and Bryan D. Jones, eds., *Policy Dynamics*. Chicago: University of Chicago Press, 2002:
- Introduction: Positive and Negative Feedback in Politics (Frank R. Baumgartner and Bryan D. Jones)
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- France: Science within the State. In Etel Solingen, ed. *Between Power and Ethos: Scientists and the State in Comparative Perspective*. Ann Arbor: University of Michigan Press, 1994, pp. 63–91. (with David Wilsford)
- Preface and Epilogue: The Unfinished Research Agenda. In Jack L. Walker, Jr. *Mobilizing Interest Groups in America*. Ann Arbor: University of Michigan Press, 1991. (with Joel D. Aberbach, et al.)
- Strategies of Political Leadership in Diverse Settings. In Bryan D. Jones, ed., *Leadership and Politics: New Perspectives from Political Science*. Lawrence: University Press of Kansas, 1989, pp. 114–34

Invited Essays and Other Publications

Mobilizing Interest Groups in America: Patrons, Professions, and Social Movements: A Retrospective. *Interest Groups and Advocacy* 10, 1 (2021): 72–77. (Joel D. Aberbach, Frank R. Baumgartner, and Mark A. Peterson) doi: 10.1057/s41309-021-00114-3.

- Part of a symposium recognizing the 30th anniversary of the publication of Jack L. Walker Jr.'s book of that title. Other contributors include Andrew S. McFarland, Kathleen Marchetti, and Jesse M. Crosson, Alexander, C. Furnas, and Geoffrey M. Lorenz.

Forward: Political Actors and the Media. In Peter Van Aelst and Stefaan Walgrave, eds. *How*

- Political Actors Use the Media*. London: Palgrave Macmillan, 2017, pp. v–viii.
- Analyzing Patterns of Government Attention and What Drives Them: The Comparative Agendas Project. Introductory essay to a symposium on the Comparative Agendas Project. *Perspectives on Europe* 42, 2 (2012): 7-13. (Arco Timmermans and Frank R. Baumgartner)
- What We Can All Learn from Lin Ostrom. 2010. *Perspectives on Politics* 8, 2: 575–77. Invited essay as part of a symposium on the work of Nobel Prize winner Elinor Ostrom – Reprinted in *Elinor Ostrom and the Bloomington School of Political Economy: A Compendium of Key Statements, Collaborations, and Reactions, Volume 1: Polycentricity and the Bloomington School* (Daniel Cole and Michael McGinnis, eds., Lexington Books, 2015)
- “3. Jack L. Walker Jr. 1969. The Diffusion of Innovation Among the American States. *American Political Science Review* 63 (September): 880–99. Cited 482 times.” 2006. *American Political Science Review* 100, 4 (November): 672. Invited commentary as part of a review of “The APSR Citation Classics.”
- The Growth and Diversity of US Associations, 1956–2004: Analyzing Trends using the *Encyclopedia of Associations*. Working paper on my web site. March 29, 2005.
- Studying Interest Groups Using Lobby Disclosure Reports. *VOX POP* (Newsletter of the Political Organizations and Parties Section of the APSA) Vol. 18, No. 1 (Fall 1999), pp. 1–3. (with Beth L. Leech)
- The Policy Agendas Project: A Public Resource for the Systematic Study of Public Policy. *Policy Currents* (Newsletter of the Public Policy Section of the APSA) Vol. 9, No. 2 (June, 1999): 12–14. (with Bryan D. Jones) (Also published in *PS: Political Science and Politics*, 1999; and at the APSA web site: www.apsanet.org/PS/announcements/)
- Lessons from the Trenches: Ensuring Quality, Reliability, and Usability in the Creation of a New Data Source. *The Political Methodologist* (Newsletter of the Political Methodology Section of the APSA) Vol. 8, No. 2 (Spring 1998), pp. 1–10. (Frank R. Baumgartner, Bryan D. Jones, and Michael C. MacLeod)
- L’aide de l’état aux groupes d’intérêt en France: Le cas de l’éducation. *Problèmes politiques et sociaux* No. 511 (Paris: La Documentation Française), 1985.

Legal / Criminal Justice / Legislative Testimony / Reports

- A Statistical Overview of the Kentucky Death Penalty System, forthcoming 2022.
- Affidavit in support of Mr. Bruce Johnson regarding jury selection in Johnston County, NC, November 9, 2021.
- Affidavit in support of Mr. Nathan Holden regarding capital jury selection in Wake County, NC, June 10, 2021.
- Affidavit in support of Mr. Kendrick Gregory regarding capital jury selection in Wake County, NC, June 10, 2021.
- Expert Report on the cases of *Cox v. Commonwealth of Pennsylvania* and *Marinelli v. Commonwealth of Pennsylvania*, 102 EM 2018. May 4, 2021.
- Oral presentation to the Nevada Legislature regarding AB 379, a bill to remove expiration date stickers from NV automobile license plates as a means to reduce racial disparities, April 1, 2021.
- Aging in Place in the Big House: A Demographic Analysis of the North Carolina Prison Population. (Frank R. Baumgartner and Sydney Johnson) October 11, 2020.

- Expert Report on North Carolina's Disenfranchisement of Individuals on Probation and Post-Release Supervision. Submitted May 8, 2020 in the case of *Community Success Initiative v. Moore*, No. 19-cv-15941 (N.C. Super.). Court testimony before a three-judge panel in Raleigh, NC, August 18, 2021.
- Declining Use of the Death Penalty for Offenders 18, 19 and 20 Years of Age. Submitted, August 1, 2019 as part of the capital appeal of *State v. Guzek*, Marion County OR, No. 17CV08248. Court testimony in Salem OR, October 10, 2019.
- Capital and Non-Capital Murder Prosecutions in East Baton Rouge Parish, Louisiana, 2000–2016. Submitted, March 25, 2019 as part of the capital appeal of *Holliday v. State*. No. 2017-KA-1921.
- Amicus brief to the Supreme Court of Pennsylvania, Eastern District regarding racial bias in the application of the state's death penalty system. Related case is *Cox v. Commonwealth of Pennsylvania*, and *Marinelli v. Commonwealth of Pennsylvania*, 102 EM 2018; brief filed February 2019. (co-signed with Catherine M. Grosso and Jules Epstein as lead signatories and 21 other social scientists)
- Amicus brief to the Supreme Court of the State of Washington regarding racial bias in application of the state's death penalty system. Related case is *State v. Gregory* (no. 88086-7); brief filed January 22, 2018. (co-signed with Catherine Grosso and Jeffrey Fagan as lead signatories and nine other social scientists). In October, 2018, the Supreme Court of Washington ruled the death penalty unconstitutional based on racial and geographic bias, consistent with our brief.
- Analyzing Racial Disparities in Traffic Stops Statistics from the Texas Department of Public Safety. Report to the Texas House of Representatives, Committee on County Affairs, September 20, 2016. (Frank R. Baumgartner, Leah Christiani, and Kevin Roach)
- Amicus brief to the US Supreme Court regarding constitutional defects in the application of the death penalty. Related case is *Tucker v. Louisiana* (15-946); brief filed February 29, 2016. (lead author, with 20 signatories)
- The Impact of Race, Gender, and Geography on Florida Executions. 2016.
- The Impact of Race, Gender, and Geography on Ohio Executions. 2016.
- The Impact of Race, Gender, and Geography on Missouri Executions. 2015.
- Racial Disparities in Texas Department of Public Safety Traffic Stops, 2002-2014. Report to the Texas House of Representatives, Committee on County Affairs, November 18, 2015. (Frank R. Baumgartner, Bryan D. Jones, Julio Zaconet, Colin Wilson, Arvind Krishnamurthy)
- Analysis of Trespass Stops in Grand Rapids Michigan, 2011-2013. Report for the ACLU of Michigan as part of legal action alleging racial bias by the Grand Rapids Police Department. March 5, 2014.
- Affidavit in support of litigants seeking relief under the NC Racial Justice Act to be tried in Forsyth County, NC August 8, 2012.
- Amicus brief to the US Supreme Court regarding mandatory life without parole sentences for juveniles, January 17, 2012; related Supreme Court Decision is *Miller v. Alabama* No. 10–9646, Decided June 25, 2012. (co-signed with Jefferey Fagan lead author and 44 others)
- Member, Task Force on Racial and Ethnic Bias in the Criminal Justice System, North Carolina Advocates for Justice, 2010-2012. Our report (see below) led the Attorney General to create The North Carolina Commission on Racial Disparities in the Criminal Justice

System in September 2012. I am not a member of this commission but have consulted with it.

North Carolina Traffic Stop Statistics Analysis. Report to the North Carolina Advocates for Justice, 1 February 2012. (with Derek A. Epp) These technical reports were based on official statistics provided by the NC Department of Justice and relate to possible racial bias associated with each traffic stop in the state from January 1, 2000 through June 2011. The report was submitted to the Governor, Attorney General, and leaders of both parties in both chambers of the NC legislature in April 2012. In June 2012, it was leaked to the press.

Opinion Pieces / Op Eds

Thousands of prisoners have died of covid-19. Because of the “tough on crime” era, there’s worse to come. *WashingtonPost.com* Monkey Cage, August 26, 2021 (Frank R. Baumgartner, Tamira Daniely, Kalley Huang, Sydney Johnson, Alexander Love, Lyle May, Patrice McGloin, Allison Swagert, Niharika Vattikonda, and Kamryn Washington).

If Biden abolishes the federal death penalty, he’ll have more support than you think. *WashingtonPost.com* Monkey Cage, August 3, 2021.

Why traffic stops can be deadly for people of color. *Los Angeles Times*. April 16, 2021. (Frank R. Baumgartner, Derek Epp and Kelsey Shoub)

Virginia may abolish the death penalty. There’s a racist history behind why a few jurisdictions use it most. *WashingtonPost.com* Monkey Cage, February 4, 2021. (Frank R. Baumgartner and Christian Caron)

Ten Years of Study and the Protesters are Right. What traffic stops tell us about racial bias in policing. *Medium.com/3streams*, June 25, 2020 (Frank R. Baumgartner, Leah Christiani, Derek A. Epp, Kelsey Shoub, and Kevin Roach)

The fears of Driving While Black in NC are true. The data prove it. *Raleigh News and Observer*, July 27, 2018 (Frank R. Baumgartner, Derek A. Epp and Kelsey Shoub)

What 20 Million Traffic Stops Reveal about Policing and Race in America. *SSN Key Findings*, June 2018 (Frank R. Baumgartner and Derek A. Epp)

An American Epidemic: Crimes of Wrongful Liberty. *InjusticeWatch.org*, April 3, 2018. (Jennifer E. Thompson and Frank R. Baumgartner)

America’s Failed Efforts to Reform the Death Penalty. *SSN Key Findings*, February 2018. (Frank R. Baumgartner, Marty Davidson, Kaneesha Johnson, Arvind Krishnamurthy, and Colin Wilson)

A few counties are responsible for the vast majority of executions. This explains why. *WashingtonPost.com* Monkey Cage, February 1, 2018 (Frank R. Baumgartner, Janet M. Box-Steffensmeier, and Benjamin W. Campbell)

There’s been a big change in how the news media covers sexual assault. *WashingtonPost.com* Monkey Cage, May 11, 2017. (Frank R. Baumgartner and Sarah McAdon)

Arkansas plans to execute 7 men in 11 days. They’re likely to botch one. *WashingtonPost.com* Monkey Cage, April 14, 2017 (Frank R. Baumgartner and Kaneesha Johnson)

Does the death penalty target people who are mentally ill? We checked. *WashingtonPost.com* Monkey Cage, April 3, 2017 (Frank R. Baumgartner and Betsy Neill)

U.S. executions and death sentences dropped dramatically in 2016 — except in a few hotspots. *WashingtonPost.com* Monkey Cage, January 27, 2017. (Frank R. Baumgartner, Arvind Krishnamurthy and Emily Williams)

- Is Congress working as it should? Depends on who you are, by Frank R. Baumgartner and Lee Drutman, *Vox.com*, September 15, 2016.
- Forty Years of Experience with the “New and Improved” Death Penalty, 1976–2016, *The American Prospect*, July 5, 2016.
- Study shows racial bias in death penalties in Florida, *The Florida Times Union* (Jacksonville), February 5, 2016
- Racial bias plagues Florida’s death penalty, *The Gainesville (FL) Sun*, January 26, 2016 (online), January 31 (print).
- Americans are turning against the death penalty. Are politicians far behind?
WashingtonPost.com Monkey Cage December 7, 2015 (Frank R. Baumgartner, Emily Williams and Kaneesha Johnson)
- Racial bias plagues state’s death penalty, *Shreveport Times*, September 24, 2015.
- The death penalty is about to go on trial in California. Here’s why it might lose.
WashingtonPost.com Monkey Cage, August 5, 2015.
- Missouri should abandon death penalty, *St. Louis American*, July 22, 2015
- The number of lethal injections is declining. That’s what history would predict.
WashingtonPost.com Monkey Cage, June 29, 2015.
- Differential Policing by Neighborhood, June 11, 2015. *TheUrbanNews.com*
- The Death Penalty: A Symbol of Which Lives Matter, and Which Lives Don’t, April 24, 2015.
90MillionStrong.org
- Most death penalty sentences are overturned. Here’s why that matters. *WashingtonPost.com* Monkey Cage Blog, March 17, 2015. (Frank R. Baumgartner and Anna W. Dietrich)
- North Carolina’s rickety, unreliable death penalty, *Raleigh News and Observer*, February 14, 2015
- NC’s death penalty: Going, going, good riddance. *North Carolina Policy Watch*, November 18, 2013. Reprinted in *Durham Herald-Sun*, December 2, 2013 and in the *Chapel Hill News* under the title of “Death penalty still failed policy.”
- A Half Century after the March on Washington, Little Attention to the Struggles of the Poor.
SSN Key Findings, October 2013. (Frank R. Baumgartner and Max Rose)
- Governor must veto RJA repeal, *Winston Salem Journal*, December 8, 2011
- Detecting bias essential in death penalty cases, *The Burlington Times-News*, November 26, 2011
- On the decline: murders and death sentences, *Raleigh News and Observer*, October 31, 2010.
- Death Penalty Moratorium is Not Enough, *Chapel Hill News*, October 10, 2010.
- Time to Commute N.C.’s Death Sentences. *Carrboro Citizen*, September 20, 2010.
- N.C. Should Commute Death Sentences, *Herald-Sun*, September 16, 2010.
- The Death of the Death Penalty at Hand? *Asheville Citizen-Times*, September 16, 2010.
- In N.C., only 20 percent of condemned are executed. *Charlotte Observer*, March 5, 2010.
- Death penalty’s vanishing point? *Raleigh News and Observer*, January 24, 2010.

Book Reviews

- Strach, Patricia. *Hiding Politics in Plain Sight: Cause Marketing, Corporate Influence, and Breast Cancer Marketing*. (New York: Oxford University Press, 2016). *Perspectives on Politics* 16, 1 (2018): 228–229.
- Agenda Setting in Comparative Perspective. Review of: Christoffer Green-Pedersen and Stefaan Walgrave Agenda Setting, eds. *Policies, and Political Systems: A Comparative Approach*. (Chicago: University of Chicago Press, 2014). *Perspectives on Politics* 14, 2 (2016): 456–60.

- The Gatekeepers of International Human Rights; review of “*Lost*” *Causes: Agenda Vetting in Global Issue Networks and the Shaping of Human Security*, by Charli Carpenter (Ithaca: Cornell University Press, 2014). *International Studies Review* 17, 4 (2015): 711–13.
- Westervelt, Sandra D., and Kimberly J. Cook. *Life After Death Row: Exonerates’ Search for Community and Identity*. (New Brunswick, NJ: Rutgers University Press, 2012).
- Sociation Today* (North Carolina Sociological Association), 11, 1 (Spring/Summer 2013).
- Jacques Gerstlé, *La Communication politique*, 2nd ed. (Paris, Armand Colin, 2008), *International Journal of Public Opinion Research*, 2011.
- David Hanley, *Party, Society, Government: Republican Democracy in France* (Berghahn Books, 2002). *French Politics, Society, and Culture* 23, 2 (Summer 2005): 150–53.
- Stuart N. Soroka, *Agenda-Setting Dynamics in Canada* (University of British Columbia, 2002). *Canadian Journal of Political Science* 37, 2 (2004): 444.
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- Michael S. Lewis-Beck, ed., *How France Votes* (Chatham House, 2000), *French Politics, Society, and Culture* 18, 2 (Summer 2000): 130–32.
- Richard L. Hall, *Participation in Congress* (Yale, 1996), *The Annals of the American Academy of Political and Social Science* 566 (1999): 177–78.
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REVIEWS OF MY BOOKS

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Deadly Justice: A Statistical Portrait of the Death Penalty

- Conklin, Michael. 2019. Painting a Deceptive Portrait: A Critical Review of *Deadly Justice*. *New Criminal Law Review* 22 (2): 223–231.
- Jochnowitz, Leona Deborah. 2018. The (Uncertain) ‘Withering Away’ of the Death Penalty Due to Decreasing Popularity and Super-Regulatory Costs. SSRN.com (December 19). Available at: <https://ssrn.com/abstract=3304003>
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Agenda Dynamics in Spain

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- *Perspectives on Politics* 14, 2 (2016): 540–541, by Thomas Jeffrey Miley
- *West European Politics* 39, 6 (2016): 1347–49, by Luis Bouza García

- *European Political Science* (2016), by Tevfik Murat Yildirim (Joint review of *Politics of Information and Agenda Dynamics in Spain*)

The Politics of Information

- *Political Studies Review* 15, 1 (2017): 157-158, by Tevfik Murat Yildirim
- *European Political Science* (2016), by Tevfik Murat Yildirim (Joint review of *Politics of Information and Agenda Dynamics in Spain*)
- *Governance* 29, 4 (2016): 581-83, by Jacob S. Hacker
- Review Symposium in *Perspectives on Politics* 14, 2 (2016): 498-506, with commentaries by Kuhika Gupta, Kathleen Knight, Eric Patashnik, and Scott E. Robinson
- *Congress & the Presidency* (2016), by Gisela Sin
- *Public Administration* 94, 4 (2016): 1155-57, by Peter Mortensen
- Symposium in *Interest Groups and Advocacy* 4, 3 (2015): 297-310, with reviews by Edward T. Walker, Matt Grossman, and Anne S. Binderkrantz
- *Cognitive Systems Research* 40 (2016): 114-115, by George Kampis
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- Low-Information Lawmakers: Why today's Congress can no longer cope with complex problems. *Washington Monthly* by Lee Drutman, June/July/August 2015
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- *Gouvernement et Action Publique* 2 (2012): 189-192, by H el ene Michel (review in French)
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- *Public Administration* 89, 2 (2011): 698-717, by David A. Rochefort.
- Review Symposium in *Perspectives on Politics* 7, 4 (2009): 921-30. Reviews by James A. Morone; Robert Y. Shapiro; Marie Gottschalk; and Austin Sarat
- *The International Journal of Press/Politics* 14 (2009): 134-140, by James N. Druckman
- *Journal of Politics* 71 (2009): 1604-1606, by Rosalee A. Clawson

- *International Journal of Public Opinion Research* 21, 4 (2009): 547-550, by Robert M. Bohm
- *Criminal Justice Policy Review* 20, 4 (2009): 507-508, by Tiffany Bergin
- *Theoretical Criminology* 13, 2 (2009): 259-62 by Alexander J. Blenkinsopp
- *Law and Politics Book Review* 17, 8 (2008), by Priscilla H. M. Zotti
- *Choice* (August 2008), by M. A. Foley.
- *Research Penn State*, 2008, by Vicki Fong
- *Contemporary Sociology* 37, 5 (2008): 495, Take Note short reviews.

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- *Perspectives on Politics* 4, 3 (2006): 598-9, by Paul E. Johnson
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- *Social Forces* 85, 3 (2006) 1042-43, by John C. Scott
- *Choice* (March 2006), by M. C. Price
- *Significance* 37 (2006): 139, by Ya-Hui Kuo

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- *Journal of Politics* 61, 3 (1999): 844-848, by Anthony Nownes
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- *Political Science Quarterly* 114, 1 (1999): 177-178, by Ken Kollman
- *Australian Journal of Political Science* 34, 2 (1999): 285, by Clive Beauchamp
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- *Journalism and Mass Communication Quarterly* 72, 1 (Spring 1995): 233, by Donald L. Shaw
- *American Political Science Review* 88, 3 (1994): 752-753, by Chris Bosso
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Conflict and Rhetoric in French Policymaking

- *NYU Journal of International Law and Politics* 26 (1993): 150-152, by Alex P. Darrow.
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- *Journal of Politics* 53, 2 (1991): 583–586, by David Wilsford
- *NYU Journal of International Law and Politics* 23 (1990): 329–330.
- *American Political Science Review* 84, 4 (1990): 1416–1417, by John Keeler
- *Social Science Quarterly* 71, 4 (1990): 879, by Jurg Steiner
- *Choice* 1990, by M. G. Roskin
- *The Public Historian* 12, 3 (1990): 155-156, by David Mock
- *Politiques et Management Public* 8, 1 (1990): 157–159, by Luc Rouban (review in French)
- *Perspectives on Political Science* 19, 4: (1990): 233–234, by Vincent E. McHale

SUPREME COURT DECISIONS REFERRING TO MY RESEARCH

Oregon Supreme Court, 365 Or 695 (S066119) *State v. Arreola-Botello*, November 15, 2019, stating that a police officer may not conduct a search following a traffic stop if that search is unrelated to the purpose of the original stop. The Court noted our research on the racial disparities in such searches.

Arizona Supreme Court, CR-11-0107-AP, August 16, 2018, Justice Winthrop concurring in part and dissenting in part in *Arizona v. Bush*, on the issue of geographic concentration of death sentences by county.

United States Supreme Court, 14-7153 and 17-7245, June 28, 2018, Justice Breyer in his dissents to the denial of cert in *Jordan v. Mississippi* and *Evans v. Mississippi*, on three separate issues: increasing delays on death row before execution, high proportions of homicides that are death-eligible, and the increasing geographic concentration of executions in just a few counties.

Iowa Supreme Court, No. 16-0735, June 28, 2018, *Iowa v. Ingram*, on the use of traffic stops as an “unregulated tool in crime control”.

United States Supreme Court, 14-7955, June 29, 2015, Justice Breyer in his dissent in *Glossip v. Gross*, on the rate at which death sentences are overturned.

CONFERENCE PRESENTATIONS

Driving while Black (and Male, and Young, and...): Evidence of Disparities at the Margin and the Intersection. Paper presented at the annual meetings of the American Political Science Association, Boston, MA, August 30–September 2, 2018. (Frank R. Baumgartner, Leah Christiani, Derek Epp, Santiago Olivella, Kevin Roach, and Kelsey Shoub)

Policing the Powerless: How Black Political Power Reduces Racial Disparities in Traffic Stops Outcomes. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago IL, April 5–8, 2018. (Frank R. Baumgartner, Leah Christiani, Derek Epp, Kevin Roach, and Kelsey Shoub)

Why Congressional Capacity Is Not Enough. Paper presented at the State of Congressional Capacity Conference, New America Foundation, Washington, DC, March 1–2, 2018. (Frank R. Baumgartner and Bryan D. Jones)

Author meets critics panel on *Deadly Justice: A Statistical Portrait of the Death Penalty*. Annual meeting of the American Society of Criminology, Philadelphia, November 15–18, 2017.

Stasis and Punctuation in State Tax Policy. Paper presented at the Annual Meeting of the American Political Science Association, San Francisco, August 31–September 3, 2017. (Herschel F. Thomas, Frank R. Baumgartner, and Derek A. Epp)

- Emotional Responses to Racially Disparate Policing. Paper presented at the Annual Meeting of the American Political Science Association, August 31-September 3, 2017. (D'Andra Orey, Frank R. Baumgartner, and Stuart Soroka)
- Assessing Racial Disparities in Traffic Stops. Paper presented at the Annual Meeting of the American Political Science Association, August 31-September 3, 2017. (Frank R. Baumgartner, Derek A. Epp, Leah Christiani, Kevin Roach, and Kelsey Shoub)
- Stasis and Punctuation in State Tax Policy. Paper presented at the Annual Meeting of the Comparative Agendas Project, Edinburgh, June 15-17, 2017. (Herschel F. Thomas, Frank R. Baumgartner, and Derek A. Epp)
- Policing the Powerless: How Black Political Power Reduces Racial Disparities in Traffic Stop Outcomes. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, IL, April 6–8, 2017. (Kelsey Shoub, Frank R. Baumgartner, and Derek A. Epp)
- Author Meets Critics Panel on *The Politics of Information*. Annual meeting of the Public Management Research Association, Aarhus, Denmark, 23 June 2016.
- Geographic Disparities in US Capital Punishment. Paper presented at the *Duke Journal of Constitutional Law and Public Policy* Spring 2016 Symposium: Death Penalty in America Post-Glossip, Durham, NC, February 19, 2016. (Frank R. Baumgartner, Woody Gram, Kaneesha Johnson, Arvind Krishnamurthy, and Colin Wilson)
- Budgeting in Authoritarian and Democratic Regimes. Paper presented at the Political Budgeting across Europe conference, Texas A&M University, December 2015 (Frank R. Baumgartner, Marcello Carammia, Derek A. Epp, Ben Noble, Beatriz Rey, and Tevfik Murat Yildirim)
- Images of an Unbiased Interest System. Paper presented at the annual meetings of the American Political Science Association, San Francisco, CA, September 2–6, 2015. (David Lowery, Frank R. Baumgartner, Joost Berkhout, Jeffrey M. Berry, Darren Halpin, Marie Hojnacki, Heike Klüver, Beate Kohler-Koch, Jeremy Richardson, and Kay Lehman Schlozman)
- Budgeting in Authoritarian and Democratic Regimes. Paper presented at the annual meetings of the Comparative Agendas Project, Lisbon, June 2015. (Frank R. Baumgartner, Petra Bishtawi, Marcello Carammia, Derek A. Epp, Ben Noble, Beatriz Rey, and Tevfik Murat Yildirim)
- Punctuated Equilibrium in Public Budgeting in Authoritarian and Democratic Brazil. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, IL, April 16–19, 2015. (Beatriz Rey, Derek A. Epp, and Frank R. Baumgartner)
- Policy Competition and Friction. Paper presented at the workshop on The Politics of Non-Proportionate Policy Response, ECPR Joint Workshops, Warsaw Poland, 29 March – 2 April 2015.
- The Mayhem of Wrongful Liberty: Documenting the Crimes of True Perpetrators in Cases of Wrongful Incarceration. Paper presented at the Innocence Network Conference, Portland OR, April 11-12 2014. (Frank R. Baumgartner, Amanda Grigg, Rachelle Ramirez, Kenneth J. Rose, and J. Sawyer Lucy)
- How Robust are Distributional Findings of Punctuated Equilibrium in Public Budgets? Paper presented at the annual meetings of the Midwest Political Science Association, Chicago IL, April 2–6, 2014. (Derek A. Epp and Frank R. Baumgartner)

- The Diversity of Internet Media: Utopia or Dystopia? Paper presented at the annual meetings of the Midwest Political Science Association, Chicago IL, April 2–6, 2014. (Bryan J. Dworak, John Lovett, and Frank R. Baumgartner)
- The Hierarchy of Victims in Death Penalty Processing. Paper presented at the annual meeting of the National Conference of Black Political Scientists, Wilmington DE, March 13–15, 2014. (Frank R. Baumgartner, Seth Kotch, and Isaac Unah)
- The Two Worlds of Lobbying: Washington Lobbyists in the Core and on the Periphery. Paper presented at the annual meetings of the American Political Science Association, Chicago, August 29–September 1, 2013. (Tim LaPira, Trey Thomas, and Frank R. Baumgartner).
- Finding the Limits of Partisan Budgeting. Paper presented at the annual meetings of the Association Française de Science Politique, Paris, July 9–11, 2013. (Derek A. Epp, John Lovett, and Frank R. Baumgartner)
- Explaining Punctuations. Paper presented at the annual meetings of the Comparative Agendas Project, Antwerp, Belgium, June 27–29, 2013. (Frank R. Baumgartner and Derek A. Epp)
- All News is Bad News: Newspaper Coverage of Politics in Spain. Paper presented at the annual meetings of the Council for European Studies, Amsterdam, June 24–26, 2013. (Frank R. Baumgartner and Laura Chaqués Bonafont).
- Contraverting Expectations: New Empirical Evidence on Congressional Lobbying and Public Policy. Paper presented at the SUNY Albany Law School Conference, Under the Influence? Interest Groups, Lobbying, and Campaign Finance, March 8–9, 2013.
- When Is There a Single Media Agenda? Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 12–14, 2012. (John Lovett and Frank R. Baumgartner)
- Searching for Election Effects in US Policymaking and Spending. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 12–14, 2012. (Derek A. Epp, John Lovett, and Frank R. Baumgartner)
- Who Cares About the Lobbying Agenda? Paper presented at the Annual Meeting of the American Political Science Association, Seattle, WA, August 30–September 3, 2011. (David C. Kimball, Frank R. Baumgartner, Jeffrey M. Berry, Marie Hojnacki, Beth L. Leech, and Bryce Summary)
- Developing Policy-Specific Conceptions of Mood: The United States. Paper presented at the Annual Meetings of the Comparative Agendas Project, Catania, Italy, June 23–25, 2011. (Mary Layton Atkinson, Frank R. Baumgartner, K. Elizabeth Coggins, and James A. Stimson)
- Legislative Productivity and Divided Government in the US and France. Paper presented at the Council of European Studies, Barcelona, June 20, 2011. (Frank R. Baumgartner, Sylvain Brouard, Emiliano Grossman, Sebastien G. Lazardoux, and Jon Moody)
- Mood and Agendas: Developing Policy-Specific Conceptions of Mood. Paper presented at the annual meeting of the Midwest Political Science Association, Chicago, March 30–April 3, 2011. (Mary Layton Atkinson, Frank R. Baumgartner, Elizabeth Coggins, and James A. Stimson)
- Explaining the Surprising Decline of Capital Punishment in North Carolina. Paper presented at the annual meetings of the National Conference of Black Political Scientists, March 18, 2011, Raleigh, NC. (Frank R. Baumgartner and Isaac Unah)
- Ideas and Policy Change. Paper presented at the *Governance* Symposium on Policy Paradigms and Social Learning Suffolk University, February 11, 2011, Boston.

- Retrospective on 20 years after the publication of Jack L. Walker, Jr.'s *Mobilizing Interest Groups in America*, annual meetings of the Southern Political Science Association, New Orleans, LA, January 8–11, 2011.
- The Decline of Capital Punishment in North Carolina. Paper presented at the annual meetings of the American Society of Criminology, San Francisco, CA, November 17–20, 2010. (Frank R. Baumgartner and Isaac Unah)
- Advocates and Interest Representation in Policy Debates. Paper presented at the Annual Meeting of the American Political Science Association, Washington, DC, September 1–4, 2010. (Marie Hojnacki, Kathleen Marchetti, Frank R. Baumgartner, Jeffrey M. Berry, David C. Kimball, and Beth L. Leech)
- Author meets critics panel on *Lobbying and Policy Change*, annual meetings of the Southern Political Science Association, Atlanta, GA, January 7–10, 2010.
- Taking Advantage of “Crisis.” Paper presented at the workshop on Politics in Times of Crisis, University of Heidelberg, Germany, December 4–5, 2009.
- Dynamic Threshold Modeling of Budget Changes. Paper presented at the annual meeting of the Association for the Advancement of Artificial Intelligence, Washington, DC, November 5–7, 2009. (Bryan D. Jones, László Zalányi, Frank R. Baumgartner, and Péter Érdi)
- Measuring the Size and Scope of the EU Interest Group Population. Paper prepared for the 5th ECPR General Conference, Potsdam, Germany, September 10–12, 2009. (Arndt Wonka, Frank R. Baumgartner, Christine Mahoney, Joost Berkhout)
- The Structure and Stability of Lobbying Networks in Washington. Paper presented at the annual meeting of the Midwest Political Science Association, Chicago, April 2–5, 2009. (with Timothy M. LaPira and Herschel F. Thomas III)
- Comparing the Topics of Front-Page and Full-Paper Stories in the New York Times. Paper presented at the annual meeting of the Midwest Political Science Association, Chicago, April 2–5, 2009. (with Michelle Wolfe, Amber E. Boydstun)
- Author meets critics panel on *The Decline of the Death Penalty*, annual meetings of the Academy for Criminal Justice Sciences, Boston, March 13, 2009.
- Partisanship and Political Attention in France: Agenda Dynamics and Electoral Incentives. Paper presented at the Annual Meeting of the American Political Science Association, Boston, MA, August 28–31, 2008. (with Sylvain Brouard and Emiliano Grossman)
- Tracing Interest-Group Populations in the US and UK. Paper presented at the Annual Meeting of the American Political Science Association, Boston, MA, August 28–31, 2008. (with Grant Jordan, John McCarthy, Shaun Bevan, and Jamie Greenan)
- Advocacy Behavior and Conflict Expansion in Policy Debates. Paper presented at the Annual Meeting of the American Political Science Association, Boston, MA, August 28–31, 2008. (with Marie Hojnacki, Jeffrey M. Berry, David C. Kimball, and Beth L. Leech)
- Policy Attention in State and Nation: Is Anyone Listening to the Laboratories of Democracy? Paper presented at the Annual Meeting of the American Political Science Association, Boston, MA, August 28–31, 2008. (with David Lowery and Virginia Gray)
- Legislative Productivity in Comparative Perspective: An Introduction to the Comparative Agendas Project. Paper presented at the ECPR Joint Sessions, Rennes, April 11–16, 2008. (Sylvain Brouard, Frank Baumgartner, John Wilkerson, Gerard Breeman, Christian Breunig, Laura Chaqués Bonafont, Christopher Green-Pedersen, Will Jennings, Peter John, Bryan Jones, David Lowery, Arco Timmermans, and Shaun Bevan)

- The Structure of Washington Lobbying Networks: Mapping the Ties that Bind. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago IL, April 3–6, 2008. (With Timothy M. La Pira and Herschel F. Thomas III)
- The Discovery of Innocence: Americans and the Death Penalty. Paper presented at the annual meetings of the National Conference of Black Political Scientists, Chicago, March 21, 2008.
- Patterns of Public Budgeting in the French Fifth Republic: From Hierarchical Control to Multi-Level Governance. Paper presented at the annual meetings of the American Political Science Association, Chicago IL, August 30–September 2, 2007. (with Martial Foucault and Abel François)
- Washington: The Real No-Spin Zone. Paper presented at the annual meetings of the American Political Science Association, Chicago IL, August 30–September 2, 2007. (with Jeff Berry, Marie Hojnacki, Beth Leech, and David Kimball)
- Federal Policy Activity and the Mobilization of State Lobbying Organizations. Paper presented at the annual meetings of the American Political Science Association, Chicago IL, August 30–September 2, 2007. (with Virginia Gray and David Lowery)
- The Discovery of Innocence and the Decline of the Death Penalty. Paper presented at the research conference on issue framing, American University, Washington DC, June 21, 2007. (with Suzanna De Boef, and Amber E. Boydston)
- Public Budgeting in EU Commission: A Test of the Punctuated Equilibrium Thesis. Paper presented at the annual meetings of the European Union Studies Association, Montreal, Canada, May, 2007. (with Martial Foucault and Abel François)
- Does Money Buy Power? Interest Group Resources and Policy Outcomes. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 12–15, 2007. (with Jeff Berry, Marie Hojnacki, Beth Leech, and David Kimball)
- Congressional Influence on State lobbying Activity. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 12–15, 2007. (with Virginia Gray and David Lowery)
- Goals, Salience, and the Nature of Advocacy. Paper presented at the annual meetings of the American Political Science Association, Philadelphia, August 31–September 3, 2006. (with Jeff Berry, Marie Hojnacki, Beth Leech, and David Kimball)
- Essays on Policy Dynamics. Paper presented at the European Consortium for Political Research, Nicosia, Cyprus, April 25–30, 2006. (with Bryan D. Jones, Heather Larsen-Price, James L. True, and John Wilkerson)
- Punctuated Equilibrium in French Budgeting Processes. Paper presented at the European Consortium for Political Research, Nicosia, Cyprus, April 25–30, 2006. (with Martial Foucault and Abel François)
- The Structure of Policy Conflict. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 20–23, 2006. (with Jeff Berry, Marie Hojnacki, Beth Leech, and David Kimball)
- Framing Capital Punishment: Morality, Constitutionality, and Innocence, 1960–2004. Paper presented in a plenary address by Baumgartner to the annual meeting of the National Coalition to Abolish the Death Penalty, Austin Texas, October 27–30, 2005. (with Suzanna De Boef, Amber E. Boydston, Frank E. Dardis, and Fuyuan Shen)
- A Model of Choice for Public Policy. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 7–10, 2005. (with Bryan D. Jones)

- The Determinants and Effects of Interest-Group Coalitions. Paper presented at the annual meetings of the American Political Science Association, Chicago, September 2–5, 2004. (with Christine Mahoney)
- An Evolutionary Factor Analysis Approach to the Study of Issue-Definition. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 15–18, 2004. (with Suzanna De Boef and Amber E. Boydston)
- Representation and Agenda-Setting. Paper presented at the annual meetings of the American Political Science Association, August 28–31, 2003. (with Bryan D. Jones) (Nominated, best paper, Public Policy Section.)
- The Co-evolution of Groups and Government. Paper presented at the annual meetings of the American Political Science Association, August 28–31, 2003. (with Beth L. Leech and Christine Mahoney)
- Symbols and Advocacy. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 3–6, 2003. (with Marie Hojnacki)
- Gaining Government Allies: Groups, Officials, and Alliance Behavior. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 25–28, 2002. (with Christine Mahoney)
- The Demand Side of Lobbying: Government Attention and the Mobilization of Organized Interests. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 25–28, 2002. (with Beth L. Leech, Timothy La Pira, and Nicholas A. Semanko)
- Policy Macro-Punctuations: How the US Government Budget Evolved. Paper presented at the conference on Budgetary Policy Change: Measures and Models, Nuffield College, Oxford, March 8–9, 2002. (with Bryan D. Jones and James L. True)
- Patterns and Punctuations in the US Budget. Paper presented at the conference on Budgetary Policy Change: Measures and Models, Nuffield College, Oxford, March 8–9, 2002. (with Bryan D. Jones and James L. True)
- Social Movements and the Rise of New Issues. Paper presented at the Conference on Social Movements, Public Policy, and Democracy at the University of California, Irvine, January 11–13, 2002.
- Issue Advocacy and Interest-Group Influence. Paper presented at the First General Conference, European Consortium for Political Research (ECPR 2001), University of Kent at Canterbury, England, September 6–8, 2001. (with Jeffrey M. Berry, Marie Hojnacki, Beth L. Leech, and David C. Kimball)
- Policy Dynamics. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 18–21, 2001. (with Bryan D. Jones)
- Where is the Public in Public Policy? Paper presented at the conference on Political Participation: Building a Research Agenda, Princeton University, October 12–14, 2000. (with Beth L. Leech)
- Advocacy and Policy Argumentation. Paper presented at the annual meetings of the American Political Science Association, Washington, DC, August 30–September 3, 2000. (with Jeffrey M. Berry, Marie Hojnacki, Beth L. Leech, and David C. Kimball)
- Lobbying Alone or in a Crowd: The Distribution of Lobbying in a Sample of Issues. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 27–29, 2000. (with Beth L. Leech)
- The Evolution of American Government, 1947–1999. Paper presented at the annual meetings of

- the American Political Science Association, Atlanta, GA, September 2–5, 1999. (with Bryan D. Jones)
- Business Advantage in the Washington Lobbying Community: Evidence from the 1996 Lobby Disclosure Reports. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 15–17, 1999. (with Beth L. Leech)
- Trends in the Production of Legislation, 1949–1994. Paper presented at the annual meetings of the American Political Science Association, Washington, DC, August 28–31, 1997. (with Bryan D. Jones, Glen S. Krutz, and Michael C. Rosenstiehl)
- Lobbying with Governmental Allies. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 10–12, 1997. (with Beth L. Leech)
- New Issues and Old Committees: Jurisdictional Change in Congress, 1947–93. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 10–12, 1997. (with Bryan D. Jones and Michael C. Rosenstiehl)
- Normative Perspectives on Interest Groups and Lobbying. Paper presented at the annual meetings of the Southern Political Science Association, Atlanta, GA, November 6–8, 1996. (with Nicole Canzoneri)
- Problems in the Study of Lobbying. Paper presented at the annual meetings of the American Political Science Association, San Francisco, CA, August 29–September 1, 1996. (with Beth L. Leech)
- Shepsle Meets Schattschneider: Conflict Expansion in Congress. Paper presented at the annual meetings of the American Political Science Association, San Francisco, CA, August 29–September 1, 1996. (with Bryan D. Jones and Michael C. Rosenstiehl)
- Tractability and Triviality in Interest-Group Studies. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 18–20, 1996. (with Beth L. Leech)
- The Shape of Change: Incrementalism and Shifts in Federal Budgeting, 1946–1994. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 18–20, 1996. (with Bryan D. Jones and James L. True)
- Producing Legislation in Congress. Paper presented at the annual meetings of the American Political Science Association, Chicago, August 31–September 3, 1995. (with Bryan D. Jones, Jeffery C. Talbert, and Glen Krutz)
- Policy Agendas in the United States since 1945. Poster presented at the annual meetings of the Midwest Political Science Association, Chicago, April 6–8, 1995. (with Bryan D. Jones, Jeffery C. Talbert, Beth L. Leech, Michael C. Rosenstiehl, and James L. True)
- Committee Jurisdictions in Congress, 1980–1991. Paper presented at the annual meetings of the American Political Science Association, New York, NY, September 1–4, 1994. (with Bryan D. Jones, Michael C. Rosenstiehl, and Ronald Lorenzo)
- Public Interest Lobbies in France and the United States. Paper presented at the meetings of the International Political Science Association, Berlin, Germany, August 21–25, 1994.
- The Legislative Importance of Non-Legislative Hearings. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 14–16, 1994 (with Bryan D. Jones and Jeffery C. Talbert)
- Agendas and Instability in American Politics. Paper presented at the annual meetings of the American Political Science Association, Chicago, September 3–6, 1992. (with Bryan D. Jones)
- Congressional Committees and Jurisdictional Dynamics. Paper presented at the annual meetings

- of the Midwest Political Science Association, Chicago, April 8–11, 1992. (with Bryan D. Jones and Jeffery C. Talbert)
- The Dynamics of Bias. Paper presented at the annual meetings of the American Political Science Association, Washington, DC, August 29–September 1, 1991. (with Bryan D. Jones)
- Attention and Valence in Agenda-Setting. Paper presented at the annual meetings of the Southern Political Science Association, Atlanta, GA, November, 1990. (with Jeffery C. Talbert and Bryan D. Jones)
- Towards the Quantitative Study of Agenda-Setting. Paper presented at the annual meetings of the American Political Science Association, San Francisco, CA, August 30–September 2, 1990. (with Bryan D. Jones)
- Interest Groups and Agenda-Setting in America. Paper presented at the Conference on Organized Interests and Democracy, Vith Feltrinelli International Colloquium, Cortona, Italy, May, 1990. (with Bryan D. Jones)
- Keeping Nuclear Power Off the Political Agenda in France. Paper presented at the Workshop on the Comparative Political Economy of Science: Scientists and the State, sponsored by the UCLA Center for International Studies and Overseas Programs, Los Angeles, CA, January 12–14, 1990.
- Explaining Variation in Policy Styles in France. Paper presented at the annual meetings of the American Political Science Association, Atlanta, GA, September 1–3, 1989.
- Shifting Images and Venues of a Public Issue: Explaining the Demise of Nuclear Power in the United States. Paper presented at the annual meetings of the American Political Science Association, Atlanta, GA, September 1–3, 1989. (with Bryan D. Jones)
- Image and Agenda in Urban Politics. Paper presented at the Second annual Conference on Public Policy, Department of Public Administration and Policy, State University of New York at Albany, Albany, NY, April, 1989. (with Bryan D. Jones)
- Changing Image and Venue as a Political Strategy. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 14–15, 1989. (with Bryan D. Jones)
- Changing Images and Venues of Nuclear Power in the United States. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 14–15, 1989. (with Bryan D. Jones)
- Creating and Maintaining Consensus over Nuclear Power in France: A Preliminary Report. Paper presented at the annual meetings of the American Political Science Association, Washington, DC, September 1–4, 1988.
- Policy Communities in France: The Strategic Implications of Conflict and Consensus. Paper presented at the annual meetings of the American Political Science Association, Chicago, September 3–6, 1987.
- Survey Research and Membership in Voluntary Associations. Paper presented at the National Election Studies Conference on Groups and American Politics, Center for Advanced Study in the Behavioral Sciences, Stanford, CA, January 16–17, 1987. (with Jack L. Walker)
- Education Policy Making and the Interest Group Structure in France and the United States: A Commentary on Pluralism and Corporatism. Paper presented at the annual meetings of the American Political Science Association, Washington, DC, August 28–31, 1986. (with Jack L. Walker)
- A New Question on Group Affiliations in the 1986 NES Pilot Study. Report to the Board of

- Overseers of the National Election Study, May 20, 1986. (with Jack L. Walker)
- Politicians and Technicians in the Policy Process: Education Policy in France, 1983–1984. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 10–12, 1986.
- French Interest Groups and the Pluralism-Corporatism Debate. Paper presented at the annual meetings of the American Political Science Association, New Orleans, LA, August 29–September 1, 1985.
- Preemptive and Reactive Spending in U.S. House Races. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago, April 20–23, 1983. (with Edie N. Goldenberg and Michael W. Traugott)
- Chair, discussant, or paper presenter at the following meetings, American Political Science Association, 1985–2019; Midwest Political Science Association, 1983, 1986–87, 1989–2019; European Consortium for Political Research, 2001, 2006, 2008, 2009, 2015; Southern Political Science Association, 1996–97, 2010, 2011; Council on European Studies, 2010, 2011, 2013; International Political Science Association, 1994; Western Political Science Association, 1988, 1999; Southwestern Social Science Association, 1990; Association for the Advancement of Artificial Intelligence, 2009; National Conference of Black Political Scientists, 2008, 2011, 2014, 2018; American Society of Criminology 2010, 2017; Comparative Agendas Project annual meetings 2006 (Aarhus), 2007 (Paris), 2008 (Barcelona), 2009 (The Hague), 2010 (Seattle), 2011 (Catania), 2012 (Reims), 2013 (Antwerp), 2014 (Konstanz), 2015 (Lisbon), 2016 (Geneva), 2017 (Edinburgh), 2018 (Amsterdam), 2019 (Budapest).

EXTERNAL GRANTS AND AWARDS

Grants Submitted / Pending

- Proposal for Study of Jury Pool Formation and Jury Selection. Submitted to the Governor's Task Force on Racial Equity in the Criminal Justice System, January 2021. (Frank R. Baumgartner, Marty Davidson, and Emily Coward)

Grants Funded / Awarded

- National Science Foundation, Developing Policy-Specific Measures of Public Opinion, award number SES 1024291. \$157,989 for the period of July 1, 2010 to August 31, 2013. Jim Stimson, PI; Frank R. Baumgartner, Co-PI.
- National Science Foundation, Framing Policy Debates in the European Union, proposal 1102978. \$300,000 awarded for the period of August 15, 2011 to July 31, 2013. Christine Mahoney (University of Virginia), PI; Frank R. Baumgartner, Co-PI; Heike Kluever, consultant.
- Visiting International Scholar, Catalonia Ministry of Education and Research, funding for eight month visit to the University of Barcelona, December 2011–July 2012 (with Laura Chaqués Bonafont, University of Barcelona)
- Center for Advanced Study in the Behavioral Sciences (CASBS), Stanford University. Expenses for a dozen scholars from the social sciences, computer science, government, and industry to travel to Stanford and attend a one-week workshop: *Tracking, Transcribing, and Tagging Government: Building Digital Records for Computational Social Science*, June 21–25, 2010. Frank R. Baumgartner and James T. Hamilton (Duke University), PIs

- Agence nationale de la recherche (ANR) (France), Les médias, les partis et les agendas politiques de la 5^e République. Emiliano Grossman, Frank Baumgartner, Sylvain Brouard, Manlio Cinalli, Abel François, Martial Foucault, Pierre Lascoumes, Nicolas Sauger. Project funded in October 2008.
- European Science Foundation (European Union), “The Politics of Attention: West European Politics in Times of Change.” Proposal with subprojects in Denmark, Netherlands, United Kingdom, Italy, Switzerland, Belgium, and Spain, with Christoffer Green-Pedersen and others. Submitted April 2007. Projects have been funded starting in 2008 for Denmark, Spain, United Kingdom, Switzerland, the Netherlands, and Belgium.
- National Science Foundation, “New Computer Science Applications in Automated Text Identification and Classification for the Social Sciences.” Grant # SES 0719703, \$55,722, September 1, 2007 to August 31, 2008. Principal investigator, with John McCarthy.
- Camargo Foundation Residential Fellowship for Spring 2007. This covers the period of January to May 2007. The Foundation maintains a residence for scholars in Cassis, France.
- National Science Foundation, “Nanotechnology and Science Federalism.” Grant # NER 0608986, \$85,000, August 1, 2006 to July 31, 2007. Co-PI. Paul Hallacher (Penn State) is PI. Additional Co-PI’s are Roger Geiger, Henry Foley, and Creso Sa.
- National Science Foundation dissertation award for Amber Boydston, “Doctoral Dissertation Research in Political Science: Agenda Setting and Issue Framing Dynamics on Front Page News.” Grant # SES 0617492, \$10,907, July 1, 2006 to June 30, 2007.
- Pennsylvania Policy Agendas Database. State of Pennsylvania appropriation to Temple University for \$480,000 over three years, 2005–08. Penn State subcontract for \$77,888 awarded March 2006. Additional funds of \$26,600 awarded September 2007; \$5,500 in 2008; \$22,500 in 2009. Joe McLaughlin, Temple University, principal investigator.
- National Science Foundation, “Collaborative Research: Database Development for the Study of Public Policy.” Grant # SBR 0111611, \$690,719, January 1, 2002 to December 31, 2007. Co-Principal Investigator, with Bryan D. Jones.
- Policy Agendas Project focus of NSF press release, January 2005; see http://www.nsf.gov/discoveries/disc_summ.jsp?cntn_id=100599&org=NSF.
- National Science Foundation, REU supplemental award for award 0111611, \$15,000, awarded October 12, 2005.
- National Science Foundation, “Lobbying and Issue-Definition.” Grant # SBR 0111224, \$235,930, July 1, 2001 to June 30, 2004. Principal Investigator. Co-Investigators are: Jeff Berry, Marie Hojnacki, Beth Leech, and David Kimball.
- Pew Charitable Trusts / University of Wisconsin, “Lobbying and Television Advocacy,” \$36,503, June 1 to December 31, 2002. With Marie Hojnacki and Ken Goldstein.
- National Science Foundation, “Collaborative Research on Lobbying.” Grant # SBR 9905195, \$80,569, August 1, 1999 to December 31, 2000. Principal Investigator. Co-Investigators are: Jeff Berry, Marie Hojnacki, Beth Leech, and David Kimball.
- Norwegian Science Foundation (Norges forskningsråd), “Agenda Setting and Public Policy” to support teaching a graduate seminar at the University of Bergen, in fall 1998. (69,300 Norwegian Krone, with Richard L. Matland.) Awarded December 1997.
- National Science Foundation dissertation award for Beth L. Leech, “Lobbying Strategies of American Interest Groups,” # SBR 9631232, \$8,476, July 15, 1996 to July 14, 1997
- National Science Foundation, “Policy Agendas in the United States since 1945.” Grant # SBR 9320922, \$245,000, March 15, 1994 to February 28, 1998. (with Bryan D. Jones)

National Science Foundation, Research Opportunities for Undergraduates, supplements to the Policy Agendas grant, \$12,500 per year, 1994, 1995. (with Bryan D. Jones)
 French Government Travel Grant (\$1,000), 1988.

Bourse Chateaubriand, French Government Dissertation Grant, 1983–84.

Awards

C. Herman Pritchett Best Book Award from the Law and Courts Section of the American Political Science Association, 2019 (for *Suspect Citizens*)

Lijphart / Przeworski / Verba Dataset Award, APSA Section on Comparative Politics, 2019 (for the Comparative Agendas Project)

Best reviewer award, *Journal of European Public Policy*, 2018

Member, American Academy of Arts & Sciences, inducted 2017

International Public Policy Association, 2017 award for the best book published in 2015 in English on the topic of public policy (for *The Politics of Information*).

Louis Brownlow Book Award, National Academy of Public Administration, 2016 (for *The Politics of Information*).

Samuel J. Eldersveld Career Achievement Award, APSA Section on Political Organizations and Parties, 2011.

Hometown Hero Award, News Talk 1360 WCHL Chapel Hill NC, concerning career achievement award listed above, July 2011.

Leon D. Epstein Outstanding Book Award, APSA Section on Political Organizations and Parties, 2010 (for *Lobbying and Policy Change*).

Article selected for inclusion in special issue reprinting the most outstanding articles for the 20th anniversary issue of *JPART*, 2010, for “A Model of Choice for Public Policy.”

Gladys M. Kammerer Award, American Political Science Association, for the best publication in the field of US national policy, 2008 (for *The Decline of the Death Penalty*).

Best Instructional Political Science Web Site, for www.policyagendas.org, from the Information Technology and Politics Section of the American Political Science Association, 2007.

Mentoring Award from the Public Policy Section of the American Political Science Association, 2005. For mentoring younger members of the profession.

Winner, vote by the members of the Public Policy Section of the American Political Science Association for *Agendas and Instability in American Politics*; top vote-getter in an election where members of the section were asked to identify the top five policy-related books or articles written in the past ten years. See *Policy Currents* 11 (2), Summer 2001, p. 14.

Aaron Wildavsky Award from the Public Policy Section of the American Political Science Association, 2001, for *Agendas and Instability in American Politics*. The Wildavsky Award recognizes work of lasting impact on the field of public policy.

Phi Beta Kappa, The University of Michigan, 1980.

INTERNAL GRANTS, AWARDS, AND SCHOLARSHIPS

Senior Faculty Research and Scholarly Leave, UNC-CH, 2020–21.

Faculty Fellowship, Institute of African American Research, UNC-CH, Fall 2015.

Charles Robson Award for Excellence in Graduate Instruction, UNC-CH, Department of Political Science, 2013.

Welch Alumni Relations Award, Pennsylvania State University, College of the Liberal Arts,

2008.
 Best Graduate Student Advisor, Pennsylvania State University, Department of Political Science, Spring 2005. Based on a vote by current graduate students.
 Faculty Scholar Medal in Social Sciences, Pennsylvania State University, 2005.
 Distinction in the Social Sciences Award, Pennsylvania State University, College of the Liberal Arts, 2003.
 “Legislative Lobbying,” \$5,000 grant from the Program in American Politics, Texas A&M University (with Beth L. Leech), 1998.
 “Lobbying Congress,” \$7,500 grant from the Texas A&M Office of Associate Provost for Research, Program to Enhance Scholarly and Creative Activities (with Beth L. Leech), 1997.
 “Interest Groups and Lobbying in American Politics,” \$3,000 grant from the Program in American Politics, Texas A&M University (with Beth L. Leech), 1996.
 Jordan Faculty Fellow, Center for Presidential Studies, Texas A&M University, 1994, 1995.
 “Policy Agendas in Congress Since 1945,” \$7,500 grant from the Texas A&M Office of Associate Provost for Research, Program to Enhance Scholarly and Creative Activities (with Bryan D. Jones), 1993.
 International Curriculum Development Grant (\$1,100, with Richard Golsan), 1993.
 Honors Program Curriculum Development Grant (\$6,000, with Bryan D. Jones, Nehemia Geva, and Alex Mintz), 1993.
 Center for Presidential Studies Grant (\$1,000, with Bryan D. Jones), 1993.
 Center for Energy and Mineral Resources Grant, Texas A&M University (\$12,500, with Bryan D. Jones) 1989.
 College of Liberal Arts Summer Research Award (\$7,000), 1988.
 International Enhancement Grant, Texas A&M University (\$1,200), 1988.
 Center for Energy and Mineral Resources Grant, Texas A&M University (\$3,000) 1988.
 Nominee, Gabriel Almond Prize for best dissertation in comparative politics, 1986.
 Rackham Pre-Doctoral Fellowship, The University of Michigan, 1985–86.
 Rackham Dissertation Grant, The University of Michigan, 1983–84.
 Teaching Fellow, The University of Michigan, 1981–83.
 Rackham First Year Fellowship, The University of Michigan, 1980–81.

DOCTORAL STUDENTS ADVISED AND ACADEMIC / POLICY PLACEMENTS

Kelly Tzoumis** (Texas A&M, 1992; DePaul University, tenured)
 Jeffery C. Talbert** (Texas A&M, 1994; University of Kentucky School of Medicine, tenured)
 Shalini Vallabhan* (Texas A&M, 1995; VP for Government Relations, American Cancer Society Cancer Action Network)
 Rachel Gibson** (Texas A&M, 1995; University of Manchester, England, tenured)
 Billy Ray Hall** (Texas A&M, 1995; Baylor, now an attorney in private practice)
 Beth L. Leech* (Texas A&M, 1998; Rutgers, tenured)
 Michael C. MacLeod* (Texas A&M, 1998; Hewitt Associates)
 James L. True* (Texas A&M, 1998; Lamar, tenured, retired)
 Doris McGonagle* (Texas A&M, 1998; Blinn College, tenured)
 Glen Krutz*** (Texas A&M, 1999; Oklahoma State University, Dean of Arts and Sciences)
 Nicole Canzoneri** (Texas A&M, 1999; Alexandria, VA schools)
 Xingsheng Liu** (Texas A&M, 1999; Texas A&M)

Valery Hunt*** (University of Washington, 2002)
Jens Feeley*** (University of Washington, 2002; NASA)
Matthieu Dalle** (Penn State, French, 2002; University of Louisville)
Suzanne Robbins** (SUNY, Stony Brook, 2003; George Mason University)
Chad Lavin** (Penn State, 2003; SUNY Buffalo (English), tenured)
Andrew Martin** (Penn State, Sociology, 2004; Ohio State University, tenured)
Maria Inclan** (Penn State, 2005; CIDE, Mexico City, tenured)
Christine Mahoney*** (Penn State, 2006; University of Virginia, tenured)
Amber Boydston* (Penn State, 2008; University of California, Davis, tenured)
Tim LaPira** (Rutgers University, 2008; James Madison University, tenured)
Manuele Citi** (European University Institute, Florence, 2009; Copenhagen Business School)
Sam Workman** (University of Washington, Seattle, 2009; University of Oklahoma, tenured)
Caelesta Poppelaars** (Leiden University, Netherlands, 2009; Leiden)
Erika Martin** (Yale, 2009; SUNY Albany, Public Health)
Paul Rutledge** (West Virginia University, 2009; University of West Georgia, tenured)
Julianna Sandel Pacheco** (Penn State 2010; University of Iowa, tenured)
Stéphanie Yates** (Université de Laval, Quebec City, Canada, 2010; University of Ottawa)
Joost Berkhout** (Leiden University, Netherlands, 2010; University of Amsterdam)
Chris Faricy** (UNC 2010; Syracuse University, tenured)
Shaun Bevan* (Penn State, 2011; University Edinburg, tenured)
Jiso Yoon* (Penn State, 2011; University of Kansas, tenured)
Isabelle Guinaudeau** (Sciences Po Bordeaux, 2011; CNRS / Sciences Po Bordeaux)
Cecilia Cannon** (Graduate Institute of International and Development Studies, Geneva, 2012)
Jon Moody* (Penn State 2013; Pew Charitable Trusts)
Mary Layton Atkinson* (UNC 2013; UNC-Charlotte, tenured)
C. Elizabeth Coggins** (UNC 2013; Colorado College, tenured)
Roy Gava** (PhD 2014, University of Geneva; University of St. Gallen)
Petya Alexandrova** (PhD 2014, Leiden University; EU Asylum Support Office, Malta)
Tinette Schnatterer** (PhD 2014, Sciences Po Bordeaux; CNRS Sciences Po Bordeaux)
Trey Thomas** (PhD 2015, University of Texas at Austin; University of West Virginia)
Tyler Hughes** (PhD 2015, University of Oklahoma; Cal State Northridge)
Derek Epp* (PhD 2015, UNC; University of Texas at Austin)
Nick Howard** (PhD 2015, UNC; Auburn University at Montgomery)
Greg Wolf** (PhD 2015, UNC; Drake University)
Stephen Weir** (PhD 2015, Trinity University, Dublin)
John Lovett* (PhD 2016, UNC; Wake Forest)
Ehud Segal** (PhD 2017, Hebrew University, Israel; Haifa University, post-doc)
Carmen Huerta* (PhD 2017, UNC Sociology; UNC Office of Student Affairs)
John Wachen** (PhD 2018, UNC Education Policy; Chicago Ill. education consultant)
Zoila Ponce de Leon** (PhD 2018, UNC; Washington and Lee)
Annelise Russell** (PhD 2018, University of Texas; University of Kentucky)
Andrew Tyner** (PhD 2018, UNC; Center for Open Science)
Emily Carty** (PhD 2018 UNC; University of Salamanca, Spain)
Kelsey Shoub* (PhD 2018, UNC; University of South Carolina)
Milad Minooie** (PhD 2018, UNC Mass Communications)
Mike Fliss** (PhD 2019 UNC Epidemiology; post-doc, UNC-Chapel Hill Public Health)

Amy Sentementes** (PhD 2019 UNC; Penn State)
 Serge Severenchuk** (PhD 2019 UNC; post-doc, Dartmouth)
 Leah Christiani* (PhD 2020 UNC; University of Tennessee)
 Emily Wager* (PhD 2020 UNC; Washington DC polling firm)
 Marc Faulkner** (PhD 2020, Université de Montréal; Quebec provincial government)
 Thomas Kristensen** (PhD 2020, Aarhus University, Denmark; City of Aarhus)
 Stefany Ramos* (PhD 2021, UNC Public Policy; RTI International)
 Austin Bussing** (PhD 2021, UNC; Sam Houston State University)
 Beatriz Rey** (PhD 2021, Syracuse University; post-doc, Johns Hopkins and APSA
 Congressional Fellow)
 Kevin Roach* (PhD 2021, UNC)
 Christian Caron* (PhD expected 2022, UNC, current student)
 Bettina Stauffer** (University of Bern, Switzerland, current student)
 Kaneesha Johnson** (Harvard, current student)
 Arvind Krishnamurthy** (Duke, current student)
 Marty Davidson** (Michigan, current student)
 Philip Warncke** (UNC, current student)
 Jonathan Schlosser** (UNC, School of Journalism, current student)
 Colin Case** (UNC, current student)
 Alex Love** (UNC, current student)

* indicates committee chair or co-chair

** indicates committee member

*** indicates another student from the Policy Agendas Project or the Advocacy and Public Policy Project with whom I have worked closely

SENIOR HONORS THESES ADVISED AT UNC

Jasmine Orsini, in progress for 2022
 Alessandra Quattrochi, in progress for 2022
 Rebecca Weisberger, in progress for 2022
 Lucas Cain, in progress for 2022
 Emily Payne, Race, Age, Gender, Attorney Type, and Income on Violent and Non-Violent Felonies in North Carolina, 2021
 Tate Rosenblatt, Sentenced to Die? A Comparison of Factors Leading to Death Sentences and Executions, 2021
 Sally Stanley, on the effect of District Attorneys on capital punishment, 2020
 Sydney Johnson, on the cost implications of LWOP prison sentences, 2020
 Sarah McAdon, on the outcomes of traffic tickets in North Carolina, 2019
 Olivia O'Malley, on the legal treatment of sex trafficking crimes in North Carolina, 2019
 Luke Beyer, on the outcomes of high-level felonies in North Carolina, 2019
 Libby Doyle, on the geographical distribution of racial inequities in North Carolina, 2019
 Betsy Neill, on mental illness and the death penalty, 2017*
 Wallace Gram, on the geographic distribution of executions in the US, 2015
 Anna W. Dietrich, on the conditional probability of execution given a death sentence, 2014*
 BJ Dworak, comparing traditional news media with social media, 2013*
 Alex Loyal, on trends in state legislation concerning the death penalty, 2013

Lindsey Stephens, on the impact of the creation of a statewide Indigent Defense Services office on the use of capital punishment in North Carolina, 2012

Max Rose, on changing media frames associated with poverty, 2012

Alissa Ellis, on North Carolina's use of the death penalty with inmates suffering from mental illness, 2011

(* = Winner of the departmental award for the best senior thesis that year)

COAUTHOR RELATIONSHIPS

- **Faculty mentors:** Jack L. Walker, Jr., Edie N. Goldenberg, Michael W. Traugott, Joel D. Aberbach, John Creighton Campbell
- **Graduate student colleagues:** Mark A. Baskin, Nina P. Halpern
- **Faculty colleagues:** Bryan D. Jones, James A. Stimson, Jeffrey M. Berry, Marie Hojnacki, David C. Kimball, Suzanna De Boef / Linn, Frank E. Dardis, Fuyuan Shen, Martial Foucault, Abel François, John Wilkerson, Virginia Gray, David Lowery, Arco Timmermans, Sylvain Brouard, Gerard Breeman, Laura Chaqués Bonafont, Christopher Green-Pedersen, Will Jennings, Peter John, Grant Jordan, John McCarthy, Emiliano Grossman, Arndt Wonka, Péter Érdi, László Zalányi, Isaac Unah, Seth Kotch, Ben Noble, Marcello Carammia, Darren Halpin, Beate Kohler-Koch, Jeremy Richardson, Kay Lehman Schlozman, D'Andra Orey, Stuart Soroka, Santiago Olivella, Lee Drutman, Janet M. Box-Steffensmeier, David Wilsford, Sandra D. Westervelt, Kimberly J. Cook, Peter B. Mortensen, Michiel Neytemans, Stefaan Walgrave, Frédéric Varone, Christopher Wlezien, Rens Vliegthart, Anna M. Palau, Pascal Sciarini, Anke Tresch, Paul Delamater, Steve Marshall, Charles Poole, Whitney Robinson, Glenn L. Pierce, Ted Enamorado, Scott Duxbury
- **Graduate students:** Jeffery C. Talbert, Beth L. Leech, Michael C. Rosenstiehl / MacLeod, James L. True, Glen S. Krutz, Nicole Canzoneri, Timothy M. La Pira, Herschel F. Thomas III, Christine Mahoney, Amber E. Boydston, Heather A. Larsen-Price, Shaun Bevan, Christian Breunig, Jamie Greenan, Michelle Wolfe, Joost Berkhout, Kathleen Marchetti, Mary Layton Atkinson, K. Elizabeth Coggins, Sebastien G. Lazardoux, Jon Moody, Bryce Summary, Derek A. Epp, John Lovett, Amanda Grigg, Rachelle Ramirez, J. Sawyer Lucy, Beatriz Rey, Petra Bishtawi, Tevfik Murat Yildirim, Heike Klüver, Kelsey Shoub, Leah Christiani, Kevin Roach, Benjamin W. Campbell, Jamie Gold, Andrew W. Martin, Chris Koski, Paul Rutledge, Edward T. Walker, Adriana Bunea, Bayard Love, Petya Alexandrova, Mike Fliss, Alexander Love, Colin Case, Ehud Segal, Oliver Huwyler, Sam Workman, Alex Love, Christian Caron, Anthony Lindsey
- **Undergraduate students:** Ronald Lorenzo, Nicholas A. Semanko, Bryan J. Dworak, Woody Gram, Kaneesha R. Johnson, Arvind Krishnamurthy, Colin P. Wilson, Max Rose, Anna W. Dietrich, Emily Williams, Betsy Neill, Sarah McAdon, Marty Davidson, Julio Zaconet, Emma Johnson, Clarke Whitehead, Alisa Mastro, Kate Bell, Luke Beyer, Tara Boldrin, Libby Doyle, Lindsey Govan, Jack Halpert, Jackson Hicks, Katherine Kyriakoudes, Cat Lee, Mackenzie Leger, Sarah McAdon, Sarah Michalak, Caroline Murphy, Eyan Neal, Olivia O'Malley, Emily Payne, Audrey Sapirstein, Sally Stanley, Kathryn Thacker, Alex Bennett, Tamira Daniely, Kalley Huang, Sydney Johnson, Patrice McGloin, Allison Swagert, Niharika Vattikonda, Kamryn Washington, Will Spillman
- **Non-academics:** Kenneth J. Rose, Jennifer E. Thompson, Tim Lyman, Lyle May

INVITED ACADEMIC TALKS AND CONFERENCES

Manchester University (UK), November 10, 2021*
 John Jay College, Center on Media, Crime, and Justice, November 3, 2021*
 UNC-Charlotte, November 2, 2021*
 UNC Chapel Hill, 27th Annual MURAP Academic Conference, July 23, 2021*
 Kings College (London), Ken Young Annual Lecture in Public Policy, May 18, 2021*
 University of Georgia, George S. Parthemos Lectures, April 5–7, 2021*
 MIT Media Lab, Poetic Justice Group, March 30, 2021*
 Georgetown Law / Howard University / The Lab@DC workshop on Reimagining Police Stops,
 October 16, 2020*
 Dartmouth University, October 7, 2020*
 University of Michigan, ICPSR Summer Program, Blalock Lecture, July 9, 2020*
 Arizona State University, Pi Sigma Alpha lecture, February 22, 2020
 Notre Dame University, November 8, 2019
 University of Tennessee, book workshop, September 20, 2019
 University of Texas at Austin, September 13, 2019
 International Conference on Public Policy, Montreal, Keynote Speaker, June 27, 2019
 University of Stuttgart (Germany), June 3, 2019
 University of Konstanz (Germany), May 27, 2019
 University of St Gallen (Switzerland), May 21, 2019
 UNC-Chapel Hill, Odum Institute 95th Anniversary Speakers Series, April 22, 2019
 UNC-Greensboro, February 7, 2019
 Reed College, book workshop, December 12, 2018
 Johns Hopkins University, conference on policing and race, May 17–18, 2018
 Wayne State University School of Law, conference on congressional oversight, March 23, 2018
 New America Foundation, conference on congressional capacity, Washington DC, March 1–2,
 2018
 University of Michigan, January 19, 2018
 Harvard University, November 6, 2017
 Wake Forest University School of Law, November 3, 2017
 University of Arizona, October 26, 2017
 Hungarian Academy of Sciences, Budapest, September 27, 2017
 Leiden University, The Hague Campus, Netherlands, September 21, 2017
 Aarhus University, Denmark, September 19, 2017
 University of Antwerp, Belgium, September 14, 2017
 ESADE Business School, Madrid, Spain, January 12, 2017
 National Academy of Public Administration, Washington DC, November 17, 2016
 NC State University, Raleigh, graduate seminar on public policy, October 10, 2016
 Columbia University, “Politics at Work” book workshop, August 15, 2016
 University of Edinburgh, Scotland, May 19, May 26, June 16, 2016
 Centro de Investigación y Docencia Económicas (CIDE), Mexico City, May 4, 2016
 Distinguished Lecturer in the Social, Behavioral, and Economic Sciences, National Science
 Foundation, October 14, 2015
 UNC-Chapel Hill School of Journalism, September 11, 2015
 UNC-Chapel Hill Institute of African-American Research, September 9, 2015
 University of Glasgow, Scotland, June 12, 2015

Duke University, Ralph Bunche Summer Institute, June 4, 2015
University of Michigan, May 8, 2015
University of Texas, May 6, 2015
University of Oklahoma, April 30, 2015
University of Houston, February 6, 2015
Princeton University, November 10, 2014
University of Minnesota, November 6, 2014
Center for the Study of the American South, UNC-CH, October 28, 2014
University of California, Irvine, January 30, 2014
University of Geneva, January 27, 2014
University of Michigan, September 13, 2013
University of Malta, May 21, 2013
University of Pennsylvania, March 21, 2013
SUNY at Buffalo, March 8-9, 2013
University of South Carolina, March 1, 2013
University Institute of Lisbon, Portugal, February 6, 2013
University of Maryland, November 30, 2012
Appalachian State University, November 6, 2012
University of Geneva, September 5, 2012
UNC-Chapel Hill Conference on Policy Change in Complex Urban Systems, Keynote, March 31, 2012
Georgetown University, March 26, 2012
Oxford University, All Souls College, March 8, 2012
Aarhus University, Denmark, January 26, 2012
Sciences Po Bordeaux, December 1, 2011
UNC-Charlotte, November 10, 2011
Santa Fe Institute, August 2011
University of Florida, July 14, 2011
SUNY Albany, April 24, 2011
University of Michigan, 100th anniversary of the political science department, April 7, 2011
UCLA, February 27, 2011
Washington State University, February 25, 2011
Suffolk University School of Law, Symposium on Peter Hall, February 11, 2011
Trinity College, Dublin, December 13, 2010
Johns Hopkins University, November 4, 2010
National Press Club, Washington DC, debate on *Lobbying and Policy Change*, September 16, 2010
Hewlett Foundation, San Francisco, symposium on public advocacy, July 2, 2010
Stanford University, CASBS workshop on digital government records, June 21–25, 2010
Sciences Po, Paris, May 19, 2010
University of Milan, Italy, May 12, 2010
Institut National de l'Audiovisuel, Paris France, May 3, 2010
University of Laval, Quebec, April 16, 2010
Northwestern University conference on "Text as Data," March 11–12, 2010
Kalamazoo College workshop on complexity in the social sciences, March 5, 2010
University of North Carolina, Charlotte, February 18, 2010

University of Heidelberg, conference on “Politics in Times of Crisis,” December 3–4, 2009
Witness to Innocence (Death penalty advocacy group), Philadelphia, PA, October 23–24, 2009
University of North Carolina, Department of Public Policy, October 2, 2009
University of Leiden, Den Haag campus, June 16, 2009
University of Mannheim, Germany, MZES, June 8, 2009
University of Lausanne, Switzerland, May 18, 2009
University of Geneva, Switzerland, May 18, 2009
University of Manchester, England, May 15, 2009
University of Leiden, Netherlands, May 8, 2009
Northwestern University, NICO (complexity series), April 1, 2009
University of Michigan, RWJ Health Policy Scholars Program, March 3, 2009
University of Southern California, February 18, 2009
National Coalition to Abolish the Death Penalty, Harrisburg PA, January 23–24, 2009
Sciences Po, Paris, Roundtable on US Elections, January 19, 2009
Sciences Po, Paris, Social Movement Effects on Public Policy, January 5, 2009
Hebrew University of Jerusalem and IDC, Herzliya, Israel, December 14–21, 2008
SPIRIT / Sciences Po, Bordeaux, France, November 28, 2008
University of Nebraska, Lincoln, November 7, 2008
University of Antwerp, October 29, 2008
Wageningen University, NL, keynote speaker, Agriculture in Transition, October 28, 2008
University of Antwerp, workshop on US-EU lobbying, October 23–24, 2008
University of Washington, Seattle, American Politics series, October 10, 2008
Cevipof / Sciences Po, Paris, France, Groupe Argent et Politique, June 23, 2008
SPIRIT / Sciences Po, Bordeaux, France, June 9, 2008
Cevipof / Sciences Po, Paris, France, “Pôle Action Publique” series, May 14, 2008
Syracuse University workshop on US-EU lobbying studies, April 24–25, 2008
Yale University, April 15, 2008
Wayne State University, Detroit, March 20, 2008
CONNEX workshop on lobbying, University of Mannheim, Germany, March 6–8, 2008
University of North Carolina, February 15, 2008
University of Washington, Seattle, November 2, 2007
Harvard University, Graduate School of Education, Askwith Education Forum, October 4, 2007
University of Antwerp, September 20–21, 2007
University of Aberdeen, July 1, 2007
University of Barcelona, June 14, 2007
University of Aarhus, Denmark, June 8, 2007
Netherlands Institute of Government, The Hague, keynote speech, May 23, 2007
University of Geneva, May 7, 2007
Oxford University, March 6, 2007
World Congress Against the Death Penalty, Paris France, February 1–3, 2007
University of Newcastle, January 25–26, 2007
Université de Montréal, November 18, 2006
Public Policy Institute of California, San Francisco, October 27, 2006
University of Newcastle, England, May 3–4, 2006
UCLA Law School, Conference on Capital Punishment, April 8, 2006
University of Manchester, England, March 17, 2006

Mount St. Mary's University, Maryland, February 23, 2006
University of Wisconsin, Madison, February 10, 2006
Indiana University, January 27, 2006
University College, London, England, School of Public Policy, Distinguished Visiting Speaker,
January 16–20, 2006
National Coalition to Abolish the Death Penalty, Austin Texas, October 28, 2005
Yale University, Aspen Conference on Climate Change, October 6–8, 2005
University of Aarhus, Denmark, Workshop on Comparative Agenda-Setting, July 1–2, 2005
University of Aberdeen, Scotland, June 15, 2005
University of Manchester, England, June 14, 2005
Centre de Sociologie des Organisations (CSO–CNRS), Paris, France, June 10, 2005
University of Leiden, Netherlands, Workshop on Reform Miracles, May 27–28, 2005
University of Exeter, England, May 18, 2005
Cevipof / Sciences Po, Paris, France, “Pôle Action Publique” series, May 11, 2005
University of Leiden, Netherlands, Workshop on Interest Groups in the EU, April 14–16, 2005
University of Utrecht, School of Governance, Netherlands, March 17, 2005
University of Antwerp, Belgium, March 15, 2005
University of Mannheim, Germany, Center for European Social Research, January 24, 2005
University of Aarhus, Denmark, January 21, 2005
University of Trento, Italy, January 19, 2005
European University Institute, Florence, Italy, November 22, 2004
University of Aberdeen, Scotland, November 19, 2004
University of Leiden, Netherlands, June 10–12, 2004
University of Aberdeen, Scotland, May 24–June 4, 2004
University of North Carolina, American Politics Research Group, April 2, 2004
University of Pennsylvania, Wharton School, Conference on Management Strategy and the
Business Environment, March 26–27, 2004
Harvard University, Conference on The Transformation of American Politics: Policies,
Institutions, and Participation, March 5–6, 2004
University of Kentucky, Martin School of Public Policy, January 23, 2004
University of Aberdeen, Scotland, December 15–19, 2003
Rutgers University, November 21, 2003
University of Arizona, Conference on Research Policy as an Agent of Change, October 10–11,
2003
Pennsylvania State University, College of Communications, September 26, 2003
University of British Columbia, Vancouver, Canada, August 18–19, 2003
NAACP Legal Defense and Educational Fund, Inc., 24th Annual Capital Punishment Training
Conference, Airlie Conference Center, Warrenton, VA, July 17–20, 2003
Yale University, School of Forestry, Conference on Punctuated Equilibrium Models of
Environmental Policymaking, June 30, 2003
The Justice Project, Washington DC, May 15, 2003
University of Michigan, Robert Wood Johnson Health Policy Fellows Program, April 10, 2003
Pennsylvania State University, Hazelton Campus, November 7, 2002
University of Michigan, Conference on Social Movements and Organizations, May 10–11, 2002
West Virginia University, April 19, 2002
Nuffield College, Oxford University, England, Conference on Budgetary Policy Change:

Measures and Models, March 8–9, 2002
 University of California, Irvine, Conference on Social Movements, Public Policy, and
 Democracy, January 11–13, 2002
 University of Chicago, May 21, 2001
 University of Kentucky, April 13, 2001
 Temple University, March 14, 2001
 Columbia University, January 26, 2001
 Harvard University, November 3, 2000
 Princeton University, Conference on Political Participation: Building a Research Agenda,
 October 13–14, 2000
 University of Aberdeen, Scotland, May 15–19, 2000
 University of Pittsburgh and Carnegie Mellon University, April 10, 2000
 Pennsylvania State University, Department of French, February 28, 2000
 Western Michigan University, Sam Clark Lecturer, March 15–16, 1999
 University of California, Santa Barbara, February 12, 1999
 University of Aberdeen, Scotland, October 1998
 University of Bergen, Norway, October 1998
 University of Texas School of Public Health, October 2, 1997
 Harvard University Conference on Civic Engagement, September 26–28, 1997
 University of Michigan, 5th Annual Jack L. Walker Memorial Conference of Political Affairs:
 The Politics (or Un-Politics) of the Underclass and Unemployed, March 20, 1992
 UCLA Workshop on Comparative Political Economy of Science, January 1990
 Feltrinelli Foundation Conference on Organized Interests and Democracy, Cortona, Italy, 1990

LEGAL EDUCATION TRAININGS PRESENTED

National Law Enforcement Liaison Program, panel discussion on traffic safety enforcement,
 sponsored by the National Highway Traffic Safety Administration and the Governors
 Highway Safety Association, August 12, 2021*
 Guilford County, NC Judicial Conference (Judges, DA's, Court Administrators, Public
 Defenders), October 30, 2020*
 North Carolina Conference of District Court Judges, October 7, 2020*
 North Carolina Conference of Superior Court Judges, August 14, 2020*
 Fair and Just Prosecution, DA workshop on capital punishment, Durham NC, December 6, 2019
 National Police Accountability Project, Durham NC, October 17, 2019
 NC NAACP, Raleigh NC, December 7, 2018
 American Bar Association, Chicago, IL, August 3, 2018
 NC Committee on Racial and Ethnic Disparities in the Criminal Justice System (NC-CRED),
 Wake Forest University School of Law, November 3, 2017
 NC Association of District Court Judges, Asheville NC, October 5, 2016
 UNC School of Government, training for judges, April 6, 2016
 UNC School of Government, Racial Equity Network (public defenders), July 24, 2015
 North Carolina Public Defenders and Investigators, Greensboro NC, May 15, 2015

COMMUNITY PRESENTATIONS ON CRIMINAL JUSTICE

Panelist, Scholars and Local Policymakers: An Essential Collaboration for Change. Scholars
 Strategy Network, Chapel Hill NC, November 16, 2021*

Panelist, Race and the Death Penalty virtual seminar, Quaker Southeast Yearly Meeting, Tampa FL, September 10, 2021*

Hillsborough NC, City Council, Mayor, Police Chief, March 11, 2021*

Arlington County VA, Policing Oversight Group, November 16, 2020*

UNC / Chapel Hill Community Dialogue on Race, November 10, 2020*

Suffolk County, NY, Policing Oversight Group, November 3, 2020*

Chapel Hill Rotary Club, October 30, 2020*

UNC Honors Carolina, Structures of Inequality speakers series, September 23, 2020*

UNC Highway Safety Research Center, September 2, 2020*

Lexis-Nexis, Raleigh NC, July 16, 2020*

City of Berkeley (CA) Fair and Impartial Policing Working Group, July 1, 2020*

NC-CRED, Policing and Racial Justice seminar, June 29, 2020*

UNC General Alumni Association, roundtable on racial justice June 18, 2020*

Greensboro Bound (Greensboro NC), panel discussion on the death penalty, June 11, 2020*

North Carolina Commission on Racial and Ethnic Disparities in the Criminal Justice System (NC-CRED), Raleigh, NC, August 24, 2018

Chapel Hill, NC, Public Library, August 13, 2018

UNC-Chapel Hill THINKposium, August 17, 2016

*Presentation made by remote video technology

PROFESSIONAL SERVICE AND MEMBERSHIP

University / College / Department service at UNC-Chapel Hill:

University

Faculty Co-Chair, Campus Safety Commission, 2019–21

Faculty Council (elected position), 2012–19

Carolina Summer Reading Program Selection Committee, 2013–14; Chair, 2014–15

Member, review team, Institute for African American Research, Spring 2016

Faculty Affiliate, Institute of African American Research, 2014–

Office of Undergraduate Research, Summer Undergraduate Research Fellowship (SURF) selection committee, 2018

College of Arts and Science

Chair, Search Committee for Distinguished Professor and Director of the Center for the Study of the American South (CSAS), 2021–22

Member, Advisory Board, Center for the Study of the American South (CSAS), 2016–

Member, Advisory Committee, Department of Public Policy, 2019–2022

Adjunct Professor of Public Policy, 2019–

Member, Dean’s Faculty Diversity Advisory Group, 2016–2021

Chair, Student Learning Outcomes for General Education Courses Committee, 2017–18

Co-Chair, Diversity Task Force, 2015–16

Member, Interdisciplinary Grants Awards Committee, 2013

Member, Dean’s Task Force on Faculty Diversity, 2010–11

Department of Political Science

Director of PhD Placement, 2014–17, 2018–; interim Placement Director, Fall 2012

Member, post-tenure review committees, 2010–13, 2014–17; Chair 2012–13, 2019–20

Member, Committee on Faculty Mentoring (2016–18)

Diversity Liaison, 2011–17
 Chair, Diversity Affairs and Recruitment, 2010–17 (Member, 2009–10)
 Chair, American Politics Talent Search Committee, 2015–16
 Chair, Dawson Chair Search Committee, 2016–17
 Member, Strategic Planning (SWOT) Committee, 2016–17
 Director of Graduate Admissions, 2013–14
 Member, Salary Review Committee, 2011–12, 2014–15
 Member or chair, ad hoc faculty recruitment committees, 2009–15, 2016–17, 2021–22
 Member, internal evaluation (promotion) committees, 2013–14, 2016–17
 Member, best MA thesis committee, 2013, 2020; best graduate student publication award committee, 2015

Editorial boards

Policy Studies Journal, 2003 –
Journal of European Public Policy, 2004 –
Public Administration, 2008 –
Journal of Public Policy, 2010 –
Gouvernement et Action Publique, 2010 –
Interest Groups and Advocacy, 2011–
Governance, 2012 –
French Politics, Society, and Culture, 2013 –
West European Politics, 2015–
Politics, Groups, and Identities, 2017–
Interdisciplinary Political Studies, 2017–
International Review of Public Policy, 2018–
Korean Journal of Policy Studies, 2021–
Political Research Quarterly, 2006–14
American Journal of Political Science, 2006–09
Journal of Information Technology and Politics, 2006–10
Journal of Politics, 1993–2001

Series editor, Palgrave Macmillan series on Comparative Studies of Political Agendas, with Laura Chaqués Bonafont, Christoffer Green Pedersen, Frédéric Varone, and Arco Timmermans. Publications began in 2012, as listed below:

- Peter Bjerre Mortensen, Matt W. Loftis, and Henrik Bech Seeberg, 2022. *Explaining Local Policy Agendas: Institutions, Problems, Elections and Actors*.
- Miklós Sebök and Zsolt Boda, eds. 2021. *Policy Agendas in Autocracy, and Hybrid Regimes: The Case of Hungary*.
- Alper T. Bulut and Tevfik Murat Yildirim. 2020. *Political Stability, Democracy and Agenda Dynamics in Turkey*
- Eva-Maria Euchner. 2019. *Morality Politics in a Secular Age: Strategic Parties and Divided Governments in Europe*.
- Laura Chaqués Bonafont, Anna M. Palau, and Frank R. Baumgartner. 2015. *Agenda Dynamics in Spain*.
- Peter John, Anthony Bertelli, Will Jennings, and Shaun Bevan. 2013. *Policy Agendas in British Politics*.
- Isabelle Engeli, Christoffer Green-Pedersen and Lars Thorup Larsen, eds. 2012. *Morality*

Politics in Western Europe: Parties, Agendas and Policy Choices.

Book review board, *French Politics, Society, and Culture* (formerly *French Politics and Society*), 1997 – 2012

Tenure and promotion reviews for the following colleges and universities: Aberdeen (Scotland), Alabama-Birmingham, Arizona, Arizona State, Australian National, Barcelona (Spain), Brandeis, British Columbia (Canada), California at Berkeley, California at Los Angeles, California at Riverside, California at San Diego, Chicago, Colorado at Denver, Colorado at Boulder, Columbia, Cornell, Dartmouth, Denver, Duke, East Carolina, Edinbourg (Scotland), Georgia, Georgia State, Georgetown, Harvard, Hebrew University of Jerusalem (Israel), Johns Hopkins, Indiana, Iowa State, Kansas, Kentucky, Lamar, London School of Economics (UK), Malta (Malta), Marquette, Maryland, Massachusetts, Memphis, Miami, Michigan, Michigan State, Minnesota, Missouri, Montana State, New School for Social Research, Ohio, Ohio State, Oklahoma, Pennsylvania, Potsdam (Germany), Pittsburgh, Princeton, Purdue, Reed, Roosevelt, Rutgers, SciencesPo Paris (France), Southampton (UK), SUNY-Albany, SUNY-Buffalo, St. John Fisher College, Syracuse, Tel Aviv (Israel), Temple, Texas at Austin, Texas at Dallas, Villanova, Virginia, Washington, Wellesley, West Virginia, Wisconsin, Yale

Manuscript reviewer, proposal reviewer, or consultant for:

Journals: *American Political Science Review*; *Perspectives on Politics*; *PS*; *American Journal of Political Science*; *Journal of Politics*; *Polity*; *Political Research Quarterly*; *American Politics Quarterly*; *Journal of Theoretical Politics*; *Public Choice*; *Social Science Quarterly*; *Social Forces*; *Social Problems*; *Legislative Studies Quarterly*; *Journal of Legislative Studies*; *Congress and the Presidency*; *Interest Groups and Advocacy*; *Presidential Studies Quarterly*; *Political Behavior*; *Party Politics*; *Journal of Information Technology and Politics*; *Journal of Health Politics, Policy and Law*; *State Politics and Policy Quarterly*; *State and Local Government Review*; *Local Government Studies*; *Electoral Studies*; *Political Communication*; *World Politics*; *Comparative Politics*; *Comparative Political Studies*; *European Union Politics*; *Comparative European Politics*; *Journal of Common Market Studies*; *Canadian Journal of Political Science*; *Scandinavian Political Studies*; *Public Administration Review*; *Policy and Politics*; *Public Administration*; *Administration and Society*; *Governance*; *Politics and Governance*; *Regulation and Governance*; *Journal of Public Administration Research and Theory*; *Urban Affairs Review*; *Government and Policy*; *Economics and Politics*; *Journal of Policy History*; *Human Welfare*; *Journal of Public Policy*; *Journal of European Public Policy*; *West European Politics*; *Journal of European Politics*; *Acta Politica*; *Policy Studies Journal*; *Journal of Comparative Policy Analysis*; *Policy Studies Review*; *Review of Policy Research*; *Political Science Research and Methods*; *Harvard International Journal of Press/Politics*; *Southeastern Political Review*; *Politics and Policy*; *Australian Journal of Political Science*; *Research and Politics*; *Applied Behavioral Science Review*; *International Review of Administrative Sciences*; *Wetlands*; *Environmental Politics*; *Global Environmental Politics*; *Journal of Environmental Policy and Planning*; *International Planning Studies*; *Socio-Economic Planning Sciences*; *Journal of Contingencies and Crisis Management*; *Women and Politics*; *Milibank Quarterly*; *Journal of International Business Studies*; *Business and Politics*; *International Migration Review*; *Education Evaluation and Policy Analysis*;

Computational and Mathematical Organization Theory; Politics; The Social Science Journal; Social Science Research; Cambridge Review of International Affairs; Review of International Political Economy; Journal of Criminal Law and Criminology; Criminology; American Journal of Criminal Justice; International Journal of Applied Criminal Justice; Journal of Experimental Criminology; International Journal of Police Science and Management; Police Quarterly; Journal of Global Governance; KOME; Big Data and Society; Gouvernement et Action Publique; American Sociological Review; Science; Science Advances; Sociological Imagination; Journal of the Center for Policy Analysis and Research; Social Work in Public Health; Stanford Law Review

University Presses: Princeton, Chicago, Harvard, Cambridge, Oxford, Cornell, California, Michigan, Pittsburgh, Kansas, State University of New York, New York University, Ohio State, Georgetown, Manchester (UK), Brookings Institution

Commercial and other Publishers: HarperCollins, Westview, Longman, Routledge, St. Martin's, Allyn & Bacon, Congressional Quarterly, Haworth Press, Resources for the Future Press, Palgrave Macmillan

Funding Agencies: National Science Foundation (US), Social Science Research Council (UK), British Academy, European Social Research Council, European Research Council, European Science Foundation, Social Science and Humanities Research Council (Canada), Irish Research Council for Humanities and Social Sciences, Irish Academy of Science, National Science Foundation (Switzerland), Research Grants Council (Hong Kong), Hungarian Scientific Research Fund, Israeli Science Foundation, Council for the Earth and Life Sciences (Netherlands), Research Foundation – Flanders (Belgium), Danish Council for Independent Research, University of Milan (Italy), Australian Research Council, Agence Nationale de la Recherche (France), Japan Society for the Promotion of Science (Japan), Agency for Management of University and Research Grants (AGAUR) (Catalonia), Hungarian Academy of Sciences, Millennium Science Initiative (Government of Chile), Austrian Science Fund, Royal Society of New Zealand, MacArthur Foundation, Spencer Foundation, Earhart Foundation, Pew Charitable Trusts

Camargo Foundation, selection review board, 2009–14

West European Politics Smith-Wright best article award committee (chair), 2021

Other: Educational Testing Service, Decision Insights, Inc., Handbook of Decision-Making

National Science Foundation, 2000-2021:

Committee of Visitors, Member or Chair, Social Behavioral Sciences, Political Science Panelist, Building and Broadening, Interdisciplinary Behavioral and Social Science Research, Cyber-Enabled Discovery and Innovation, Interdisciplinary Graduate Education, Research and Training

Distinguished Lecturer, SBE Division, 2015

Workshop on Cyberinfrastructure Needs in the Social Sciences, October 22, 2004

Outside evaluations:

University of Glasgow, Policy Scotland external advisory board, 2013–2018

Political Science Department, Purdue University, October 2015

Political Science Department, University of California, Santa Cruz, January 2008

Political Science Department, Graduate Programs, Western Michigan University,
December 2005

Political Science Department, Syracuse University, October 2005

Political Science Department, University of British Columbia, Canada, September 2005

Political Science Department, Michigan State University, Spring 2004

M.A. in Public Policy Program, SUNY-Stony Brook, October 1999

Professional Service and Association Work

American Political Science Association:

Association-wide assignments

Member, Presidential Task Force on the Association's Reponse to the Coronavirus, 2020–
Special Projects Fund Selection Committee, 2018

Vice-President, 2015–16

Member, *APSR* editor selection committee, 2014–15

Member, Lasswell Award Committee, 2012 (for best dissertation in public policy)

Member, Nominating Committee, 2004

Chair, Nominating Committee, 2003

Chair, EE Schattschneider Award Committee, 2002 (for best dissertation in American
politics)

Section on Public Policy

Best paper on comparative public policy committee, 2012, 2013

Short Course on the Comparative Policy Agendas Project, annual meetings, August 30,
2011. (with Bryan D. Jones and others)

President, 2008–09

President-elect (section organizer), 2007–08 (29 panels)

Short Course on Teaching Public Policy, workshop on comparative approaches, annual
meetings, August 27, 2008. (with Kent Weaver)

Member, selection committee for editor, *Policy Studies Journal*, 2008

Short Course on the Comparative Policy Agendas Project, annual meetings, August 30,
2006. (with Bryan D. Jones, John Wilkerson, and others)

Member, Aaron Wildavsky Award selection committee, 2005–06

Short Course on the Policy Agendas Project, annual meetings, August 31, 2005. (with
Bryan D. Jones, John Wilkerson, and others)

Short Course on the Policy Agendas Project, annual meetings, August 27, 2003. (with
Bryan D. Jones, John Wilkerson, and others)

Member, Executive Council, 1997–2000

Member, Nominating Committee, 2000

Short Course on Using the Policy Agendas Project in Your Research, annual meetings,
August 30, 2000 (with Bryan D. Jones)

Chair, Aaron Wildavsky Award selection committee, 1997–98

Section on Political Organizations and Parties

Chair, Samuel Eldersveld Career Achievement Award Committee, 2019

Member, Leon Epstein Award committee for best book, 2011

Member, Selection committee for special issue of *Party Politics*, 2010

Chair, Samuel Eldersveld Career Achievement Award Committee, 2008

Chair, 2003–05

Member, Emerging Scholar Selection Committee, 2002

Member, Nominating Committee, 1999–2000

Division on Politics and Society in Western Europe

Program Chair, annual meetings, 1998 (18 panels)

Conference Group on French Politics and Society

Program organizer, 1993–97 (2 to 4 panels per year)

Member, Stanley Hoffman Award for the best article on French politics, 2009

Midwest Political Science Association:

Member, Best Poster Award Committee, 2010

Member, Patrick J. Fett Award Committee, 2008

Member, Selection Committee for Editorship of the *AJPS*, 2004

Member, Committee on the Annual Program, 1996–97

Program co-chair, annual meetings, 1995 (approx. 300 panels and 2,000 participants)

Southern Political Science Association:

Member, Joseph L. Bernd Best *Journal of Politics* Paper Award Committee, 2018

Member, Malcolm Jewell Award Committee for best paper by a graduate student presented at the 2010 meetings

Chair, Section on Interest Groups, annual meetings, 2002 (8 panels)

Chair, Section on Interest Groups, annual meetings, 1996 (5 panels)

Association Française de Science Politique:

Comité de direction, groupe argent et politique (2005–10)

Other:

Chair, Charles Levine memorial book prize selection committee, International Political Science Association, committee on Structures and Organization of Government, to recognize a distinguished book in the field of comparative public administration, 2005–06

Member, Nominating Committee, Midwest Public Administration Caucus, 2005

Member, National Election Studies 1997 Pilot Study Planning Committee

Member of: American Political Science Association; Midwest Political Science Association; Conference Group on French Politics and Society, APSA Organized Sections on Public Policy, Race and Ethnic Politics, and Political Organizations and Parties

Community Service:

Member, Data Team, NC Task Force for Racial Equity in Criminal Justice, 2020–
Pro-bono consulting for various civil rights, death penalty, and other legal and advocacy causes, 2010–

Member, Board of Directors, Healing Justice Project, Washington DC, 2015–2019

References available on request

APPENDIX C

I, Olivia Ensign, declare and state the following:

1. I made this declaration based upon my personal knowledge, as a former Staff Attorney for the American Civil Liberties Union's Capital Punishment Project.
2. On December 3, 2019, Board of Indigent Defense Services Death Penalty Defense Unit (DPDU) attorney Peter Conley sent a KORA request to the Sedgwick County District Attorney's office requesting homicide data. The Sedgwick County District Attorney's Office provided a response on February 21, 2020. On April 2, 2020, Mr. Conley sent an additional request to the Sedgwick County District Attorney requesting data related to decisions to seek the death penalty, training materials for prosecutors, and costs associated with prosecuting capital cases.
3. On February 5, 2020, Mr. Conley sent KORA requests to the other 104 counties in Kansas. These requests went out to County and District Attorney offices. These requests asked for data on capital and non-capital homicide prosecutions between July 1, 1994 to the present. The requested data included charging materials, training materials, and cost and staffing data.
4. Mr. Conley also filed a KORA request with the Kansas Department of Corrections for the data related to the added cost of housing death row prisoners on August 26, 2020, and received data on September 3, 2020.
5. On April 2, 2020, counsel filed a KORA request with the Kansas Judicial Council for the data collected during the January 29, 2004, December 4, 2009, and February 13, 2014 reports by the Death Penalty Advisory Committee. On August 13, 2020 counsel was granted access to these files.
6. Also on April 2, 2020, counsel filed a KORA request to the Kansas Legislative Division of Post Audit for the December 2003 Performance Audit Report on Costs Incurred for Death Penalty Cases. On that day, the Kansas Legislative Division of Post Audit responded that they had destroyed all records.
7. On June 22, 2020, at the request of counsel, Mr. Conley provided the Kansas State Board of Indigent Defense (BIDS) budgets by fiscal year for the years 2014-2021. On February 16, 2021, counsel sent an additional request to BIDS for trial expenses, direct appeal expenses and habeas expenses for the Counties that had a capital trial prosecution between 2012 and 2019 to ensure the years with an active capital case, 2014 to 2018 were covered. BIDS provided costs for the homicides the agency handled since 2012, pulling from vouchers, for attorney costs, expert costs, and transcript costs in June 2021.
8. On October 20, 2021, counsel sent a KORA request to the Kansas Supreme Court. This request was forwarded to the Office of Judicial Administration and denied in part on October 21, 2021. On November 1, 2021, November 4, 2021, and November 5, 2021, the Office provided documents regarding judicial salary information and annual budgets from 2012-present.
9. On August 30, 2021, counsel sent a KORA request to the Kansas Attorney General's Office. On September 9, 2021, counsel received a response stating the Office had received the request. On September 27, 2021, October 6, 2021, November 2, 2021, and November 8, 2021, counsel

attempted follow up communications via phone and email but received no reply. On December 13, 2021, counsel sent the Office a courtesy copy of a complaint set to be filed in Kansas district court due to this lack of response. On December 15, 2021, counsel conferred with the Attorney General's Office via a phone conference. Following this conference, on December 30, 2021, counsel received a letter denying the request in part and noting that the Attorney General's Office would continue to collect certain documents. On February 8, 2022, the Office provided a list of criminal homicide cases handled by the Office from 2012-2020 and noting that the Office would continue to collect certain documents. On February 22, 2022, the Office sent a request for clarification which counsel responded to on February 23, 2022.

10. On August 26, 2021, counsel sent a KORA request to the Kansas Bureau of Investigation (KBI). On September 1, 2021, counsel received a list of questions regarding the request from KBI and responded on September 14, 2021. On September 24, 2021, counsel received a letter from KBI stating that the KBI website contained a register of all KBI's publicly available digital information. On October 15, 2021, KBI sent a letter stating the request did not contain sufficient information for the relevant documents to be located. On October 27, 2021, and November 1, 2021, counsel sent emails intended to clarify the request for KBI. On November 1, 2021, KBI again stated the request did not contain sufficient information for the relevant documents to be located. On November 15, 2021, counsel again provided an updated request with a focus on documents from a single county. On November 18, 2021, KBI again stated the request did not contain sufficient information for the relevant documents to be located. On January 3, 2022, counsel again provided an updated request. On January 6, 2022, KBI again stated the request did not contain sufficient information for the relevant documents to be located. On January 19, 2022, counsel again provided an updated request. On January 25, 2022, KBI replied stating that they would need until February 21, 2022, to provide an update. On February 21, 2022, KBI sent a letter describing the data available for one investigation and requesting additional clarification. Counsel responded to this letter on February 24, 2022.
11. On January 12, 2022, counsel sent a KORA request to the Kansas Court of Appeals. On January 14, 2022, this request was forwarded to the Office of Judicial Administration. It was denied on January 20, 2022.
12. Beginning in January 2021 extensive follow up efforts were initiated to gather all outstanding data from county officials in counties that had one of more active death penalty cases between 2014 and 2018. These included Barton, Chautauqua, Franklin, Geary, Harvey, Johnson, Labette, Pratt, Riley, Saline, Sedgwick, Shawnee, and Wyandotte counties.
13. Barton: In February 2020, the Barton County attorney issued its initial response to counsel's February 2020 request. On February 24, 2020, they issued a partial response to the KORA request sending itemized budgets from 1998 to 2020, detailing wages, travel, and witness fees, but not providing a breakdown by case. On January 12, 2021, counsel reached out to confirm that, when public health guidelines allowed, that a team member would be able to review physical files for charging documents and individual costs in files. On January 14, 2022 counsel reached out to confirm a time to review and, in the alternative, requested a "filings by statute report" search. On January 20, 2022, the county attorney's office provided a list of capital and first-degree homicide cases from 2012-2020.

14. On August 26, 2021, counsel submitted a KORA request to the Barton County Sheriff's Department. On September 29, 2021, the Barton County Sheriff's Department provided relevant budget documents and reported that they handled no relevant cases between January 1, 2012, to January 1, 2020 and therefore had no relevant cost documents.
15. On August 27, 2021, counsel submitted a KORA request to the Clerk of the Barton County District Court. This was forwarded to the Office of Judicial Administration. On January 5, 2022, counsel submitted an updated request to the Clerk of the Barton County District Court for all complaint(s); the notice of intent to seek the death penalty; the journal entry of judgement; the notice of intent to seek a separate sentencing proceeding; the withdrawal of notice of intent to seek the death penalty; all financial affidavits; all orders appointing counsel; the notice of filing of charge(s), amended charge(s), or additional charge(s); and any documents that appear to be related to expenses/costs for all capital and non-capital homicide cases handled by the court between January 1, 2012 to January 1, 2020 (hereinafter, the "documents requested from the District Courts"). On January 6, 2022, the District Court provided some of these documents.
16. Chautauqua: On March 19 2020, the Chautauqua County Attorney issued a partial response to counsel's February 2020 request. The only information the County Attorney could provide was an estimation of approximately \$300 in witness fees for homicide cases prosecuted since January 2017. The County Attorney also confirmed that she did not maintain time-keeping records. She also referred counsel to the Clerk of District Court for any lists of capital and non-capital homicide prosecutions, the County Clerk of the Court for any annual budgets, and the Office of the Attorney General for any documentation of capital prosecutions originating from the County. A renewed KORA request was sent to the Chautauqua County Attorney's Office in January 2021, but no additional information was provided.
17. On August 26, 2021, counsel submitted a KORA request to the Chautauqua County Sheriff's Office. On October 8, 2021, the Chautauqua County Sheriff's Office provided relevant budget documents, documentation for personnel who would have assisted or investigated non-capital homicides between January 1, 2012, to January 1, 2020, and reported that they handled no relevant capital homicide cases between January 1, 2012, to January 1, 2020 and therefore had no relevant cost documents for capital homicide cases.
18. On August 26, 2021, counsel submitted a KORA request to the Clerk of the Chautauqua County District Court. This was forwarded to the Office of Judicial Administration. On January 6, 2022, counsel submitted an updated request to the Clerk of the Chautauqua County District Court for the documents requested from the District Courts. On January 7, 2022, the District Court provided some of these documents.
19. On August 27, 2021, counsel submitted a KORA request to the Chautauqua County Clerk's Office. On September 27, 2021, the Chautauqua County Clerk's Office provided relevant budget documents and accounts payable, including transcript and jury fees.
20. Franklin: In February 2020, the Franklin County Attorney provided a partial response to counsel's February 2020 request with a list of capital and non-capital homicide cases prosecuted since 1994 and associated charging documents as well as non-itemized annual budgets. In January 2021, counsel submitted a renewed KORA request to the County Attorney and did not

receive any additional information. In their response to this renewed KORA request, the County Attorney noted that prior to his taking over the office in November 2018, the record keeping “was not good” and that no additional responsive information was available.

21. On August 26, 2021, counsel submitted a KORA request to the Franklin County Sheriff’s Office. On October 15, 2021, the Franklin County Sheriff’s Office provided relevant budget documents.
22. On August 26, 2021, counsel submitted a KORA request to the Clerk of the Franklin County District Court. This was forwarded to the Office of Judicial Administration. On December 13, 2021, counsel submitted an updated request to the Clerk of the Franklin County District Court for the documents requested from the District Courts. On December 13, 2021, the District Court provided some of these documents.
23. On August 26, 2021, counsel sent a KORA request to the Franklin County Accounting Department. The County Treasurer forwarded this request to the County Clerk who, on August 30, 2021, provided the relevant budget documents for the Franklin County Attorney from January 1, 2012 to January 1, 2020. Additionally, the Franklin County Clerk provided trial funds from 2013-2017 that contain expenses for the only capital homicide as well as county staff hours and salary for time attributed to that case.
24. Geary: On February 10, 2020, the Geary County Attorney requested additional time to respond to counsel’s February 5, 2020, KORA request. In January 2021, counsel submitted a renewed KORA request. In February 2021, the County Attorney responded to this renewed request and advised that it would take “no less than six months” to produce responsive records. On August 26, 2021, counsel submitted a KORA request to the Geary County Accounting Department and on August 27, 2021, counsel submitted a KORA request to the Geary County Clerk’s Office. The County Treasurer and the County Clerk forwarded this request to the Geary County Attorney’s Office who on September 14, 2021 provided the relevant budget documents for the Geary County Attorney for the years 2014, 2016, 2017, 2018, 2019, and 2020; attorney salaries for 2021; and a list of capital and non-capital homicides from 2012-2020. On September 21, 2021, the County Attorney’s Office provided relevant budget documents for the remaining years of 2012, 2013, and 2015. On October 5, 2021, the County Attorney’s Office provided vouchers associated with the list of capital and non-capital homicide cases.
25. On August 26, 2021, counsel submitted a KORA request to the Geary County Sheriff’s Office. On August 30, 2021, the Geary County Sheriff’s Office provided relevant budget documents. On September 21, 2021, the Geary County Sheriff’s Office provided caseloads and salaries for employees involved in a case that would classify as capital murder.
26. On August 27, 2021, counsel submitted a KORA request to the Clerk of the Geary County District Court. This was forwarded to the Office of Judicial Administration. On December 16, 2021, counsel submitted an updated request to the Clerk of the Geary County District Court for the documents requested from the District Courts. On December 22, 2021, the District Court provided a portion of these documents. On February 16, 2022, counsel received complete paper documents.

27. Harvey: Counsel submitted a KORA request to the Harvey County Attorney on February 5, 2020 and a renewed request on January 27, 2021 to the newly elected Harvey County Attorney. Counsel did not receive a response to either request. As a result, on February 16, 2021, counsel notified Harvey County Attorney Jason Lane that they would be pursuing enforcement actions in the District Court and attached a draft courtesy copy of the related complaint. Lane responded the next day, citing system issues and transition as the reason behind the lack of response. Lane requested additional time to process the request and renewed this request in March 2021. On April 6, 2021, Lane provided lists, but not charging documents, for capital and non-capital homicide cases in the requested time period and lists of decision makers. Lane referred counsel to the Harvey County Office of Administration for annual budgetary information and noted that the “Harvey County Attorney’s Office does not segregate costs and time-keeping specific to the prosecution of capital homicide cases from general prosecution.”
28. On August 26, 2021, counsel submitted a KORA request to the Harvey County Sheriff’s Office and the Harvey County Accounting Department. The County Treasurer and Sheriff forwarded this request to the County Counselor who provided the relevant budget documents for the Harvey County Attorney’s Office and the Harvey County Sheriff’s Office for the years 2013, 2016, and 2017 on October 11, 2021. On October 22, 2021, the County Counselor provided relevant budget documents for both offices for the years 2012, 2014, 2015, 2018, 2019, and 2020.
29. On August 27, 2021, counsel submitted a KORA request to the Clerk of the Harvey County District Court and the Harvey County Clerk’s Office. This was forwarded to the Office of Judicial Administration who provided suggestions. On December 16, 2021, counsel submitted an updated request to the Clerk of the Harvey County District Court for the documents requested from the District Courts. On December 17, 2021, the District Court provided some of these documents.
30. Johnson: On July 31, 2020, the Johnson County District Attorney acknowledged receipt of the July 31, 2020, KORA request. In December 2020, the District Attorney stated that review was still in progress. In March 2021, the District Attorney provided an update that the review would be finalized soon. In May 2021 the District Attorney’s office responded, directing counsel to the Johnson County Budget and Financial Planning Department for any historical budget data and employee salary information, and noting that there were no responsive cost documents because the “Johnson County District Attorney’s Office does not track billable hours or keep timesheets related to specific cases.”
31. On August 26, 2021, counsel submitted a KORA request to the Johnson County Sheriff’s Office. On October 14, 2021, the Johnson County Sheriff’s Office provided relevant documents.
32. On August 27, 2021, counsel submitted a KORA request to the Clerk of the Johnson County District Court. This was forwarded to the Office of Judicial Administration. On December 20, 2021, counsel submitted an updated request to the Clerk of the Johnson County District Court for the documents requested from the District Courts. On February 8, 2022, the District Court provided some of these documents.
33. Labette: On February 13, 2020, the Labette County Attorney acknowledged receipt of the February 5, 2020 request. Later that month, the County Attorney's office requested additional

time to process the request. On January 27, 2021, counsel submitted a renewed KORA request. On March 2, 2021 the Labette County Attorney supplied only budget information for 2013 to 2021. On March 8, 2021 counsel replied, requesting cost estimates for searching individual files for cost information. This estimate was not forthcoming despite follow up by counsel in July and August. On August 25, 2021 the County Attorney requested a phone call, which took place on August 26, 2021. The next day the County Attorney provided in writing a confirmation of the information provided on the call including that the Labette County Attorney's Office did not keep time keeping records and that there were no expert costs expended by the office on homicide cases between 2012 and 2019. The County Attorney also referred counsel to the Attorney General's Office for information about the capital case charged in that period.

34. On August 26, 2021, counsel submitted a KORA request to the Labette County Sheriff's Office and the Labette County Clerk's Office. On September 10, 2021, the Labette County Clerk's Office provided relevant budget documents for the Labette County Sheriff's Office.
35. On August 26, 2021, counsel submitted a KORA request to the Clerk of the Labette County District Court. This was forwarded to the Office of Judicial Administration who provided suggestions. On January 5, 2022, counsel submitted an updated request to the Clerk of the Labette County District Court for the documents requested from the District Courts. On January 6, 2022, the District Court provided some of these documents.
36. Pratt: On February 5, 2020, counsel submitted a KORA request to the Pratt County Attorney. On February 17, 2020, the Pratt County Attorney provided a list of charged homicide cases, all of which were referred to and prosecuted by the State Attorney General's Office. On costs, the County Attorney provided its annual budget and expert witness consulting costs for a single case.
37. On August 26, 2021, counsel submitted a KORA request to the Pratt County Sheriff's Office. On September 7, 2021, the Pratt County Sheriff's Office provided relevant budget documents and reported that they handled no relevant cases between January 1, 2012, to January 1, 2020 and therefore had no relevant cost documents.
38. On August 27, 2021, counsel submitted a KORA request to the Pratt Police Department. On August 31, 2021, the Pratt Police Department directed the inquiry to the Pratt Finance Director. On September 17, 2021, the Pratt Finance Director provided annual certified budget sheets from 2012-2020 and budgets for 2012-2020.
39. On August 26, 2021, counsel submitted a KORA request to the Clerk of the Pratt County District Court. This was forwarded to the Office of Judicial Administration. On December 17, 2021, counsel submitted an updated request to the Clerk of the Pratt County District Court for documents requested from the District Courts. On December 17, 2021, the District Court provided some of these documents.
40. On August 26, 2021, counsel submitted a KORA request to the Pratt County Freedom of Information Officer. On August 27, 2021, this request was forwarded to the Pratt County District Court Clerk and the Pratt County Attorney. On September 17, 2021, and October 13, 2021, the Pratt County Attorney provided relevant cost-related documents for two homicide cases

prosecuted in the county between January 1, 2012, and January 1, 2020, as well as county budget documents.

41. Riley: On February 10, 2020, the Riley County Attorney responded to counsel's February 5, 2020, KORA request. They produced cost information included budgets going back to 2018, but referred counsel to the Riley County Clerk's Office for historical budget information prior to that date. The County Attorney also provided a cost estimate for additional research into cost information. On May 20, 2021 counsel flagged outstanding documents to the County Attorney. On September 9, 2021 the County Attorney's Office provided additional information on costs, however noting that the office did not track hours spent on each case or the "number of hours spent preparing and or responding to motions and preparing for trial." The County Attorney did provide "documented fees" by case, totaling \$34,308.26.
42. On January 12, 2021, counsel sent a KORA request to the Riley County Clerk. The County Clerk forwarded this request to the Deputy Riley County Counselor who provided the budget information for the Riley County Attorney from January 1, 2012 to January 1, 2020.
43. On August 26, 2021, counsel sent a KORA request to the Riley County Police Department. On November 22, 2021, the Riley County Police Department provided budget information from 2012-2020 and the number of hours spent and costs associated with investigating 22 non-capital homicides from 2012-2020.
44. On August 27, 2021, counsel sent a KORA request to the Riley County District Court. Following discussions with the Office of Judicial Administration, counsel sent an updated request on December 13, 2021, to the Clerk of the Riley County District Court for documents requested from the District Courts. The Riley County District Court provided some of these documents on December 22, 2021 and January 28, 2022.
45. Saline: On February 5, 2020, counsel sent a KORA request to the Saline County Attorney. On February 11, 2020, the County Attorney responded by email and provided the annual budget for the County Attorney from 2001 to 2020. The County Attorney also responded that "no such documents exist" relating to prosecuting capital cases and non-capital homicide cases, but did provide an "unofficial...tab of expenses for homicide cases" by year, that did not include time keeping records and included "mostly costs of photographs, exhibits, witness expenses." Counsel submitted an updated KORA request January 12, 2021, identifying a capital case charged in 2017 and requesting associated costs as well as requesting the underlying documentation for the unofficial tab provided in February 2020. An additional request was made by counsel March 17, 2021, identifying another capital case charged in the requested time period. No additional information was provided by the County Attorney who replied "I don't know the numbers for costs or hours handling capital cases" and referred counsel to the Saline County Administrator's Office and the Clerk of the Court.
46. On August 26, 2021, counsel sent a KORA request to the Salina City Police Department. On November 17, 2021, and November 19, 2021, the Police Department provided 2012-2020 budgets, overtime hours submitted by police officers and some civilian support staff, salaries, and benefits of identified officers and support staff broken down by homicide.

47. On August 26, 2021, counsel sent a KORA request to the Saline County Sheriff's Office. The Office provided budget information on August 30, 2021.
48. On August 26, 2021, counsel sent a KORA request to the Saline County District Court. This was forwarded to the Office of Judicial Administration. On December 12, 2021, counsel submitted an updated request to the Clerk of the Saline County District Court for the documents requested from the District Courts. The Saline County District Court provided some of these documents on January 3, 2022, January 7, 2022, January 26, 2022, and January 27, 2022.
49. On August 26, 2021, counsel sent a KORA request to the Saline County Clerk. On August 27, 2021, this request was forwarded to the Saline County Attorney who responded that none of the requested documents were available on October 6, 2021.
50. On August 26, 2021, counsel sent a KORA request to the Saline Accounting Department. On September 9, 2021, the Department provided payroll information for all employees in the County Attorney's Office.
51. Sedgwick: On April 2, 2020, counsel sent a request to the Sedgwick District Attorney requesting data related to decisions to seek the death penalty, training materials for prosecutors, and costs associated with prosecuting capital cases. On June 5, 2020 the Office of the District Attorney provided a response to the KORA request and on June 19, 2020, the Office of the District Attorney provided cost estimates for providing annual budgets and expenses related to criminal cases. The District Attorney also stated that they did not maintain records regarding staff time spent working on homicide cases and did not have compensation data to determine the salaries of staff during the time they worked on specific cases. For the latter they referred counsel to the Sedgwick County Division of Finance. On March 30, 2021, the District Attorney provided counsel with their budget for years 1994 through 2002 as well as case related payments for 813 cases where one or more deaths occurred between the dates of July 1, 1994 and August 2, 2020.
52. On August 30, 2021, counsel sent a KORA request to the Wichita Police Department. On October 13, 2021, the Department provided annual budget information.
53. On August 30, 2021, counsel sent a KORA request to the Sedgwick Sheriff's Office. On September 10, 2021, and October 28, 2021, the Sheriff's Office provided the following information: annual budgets from 2007-2021; annual benefit rates from 2012-2020; excel spreadsheet representing all officers who worked on a homicide case from 2012-2020; and excel spreadsheet including a list of names and dates corresponding to each officer who worked on homicide cases from 2012-2020.
54. On August 30, 2021, counsel sent a KORA request to the Wichita State University Police Department. On December 10, 2021, Wichita State University General Counsel's Office provided records of the Department's involvement in one investigation and annual budget information.
55. On August 30, 2021, counsel sent a KORA request to the Sedgwick County District Court. This was forwarded to the Office of Judicial Administration. On January 25, 2022, counsel submitted an updated request to the Clerk of the Sedgwick County District Court for the documents requested from the District Courts. The Sedgwick County District Court provided some of these

documents on February 9, 2022, February 10, 2022, February 11, 2022, February 16, 2022, February 22, 2022, February 25, 2022, and February 28, 2022.

56. Shawnee: On February 5, 2020, counsel submitted a KORA request to the Shawnee District Attorney. On January 13, 2021, counsel submitted a renewed KORA request to the District Attorney requesting all documents on the costs of investigating, charging, or prosecuting of capital and non-capital homicides between January 1, 2012 and January 1, 2020. On January 15, 2021, the District Attorney responded noting that they were unable to provide expert fees or time keeping records and referring counsel to the Clerk of the District Court for witness fees. On January 26, 2021, the District Attorney submitted an additional response noting that it was not possible to determine staff time on a particular case, but offered to provide information on the special fund created by the County Commission authorized by the District Attorney's Office for any special costs related to prosecuting capital cases. Upon submission of payment, the Shawnee District Attorney's Office provided cost documentation including information on budget line items and totals for the Special Account for Capital Murder, fiscal year 2014-15, trial expenses for fiscal year 2015-18, and information on employee salaries and benefits.
57. On August 26, 2021, counsel submitted a KORA request to the Topeka Police Department. On September 1, 2021, the Department provided annual budget information for fiscal years 2012-2020.
58. On August 26, 2021, counsel submitted a KORA request to the Shawnee County Sheriff's Office. On September 9, 2021, and November 18, 2021, the Office provided the following information: budgets from 2012-2020; a table of case numbers and types; and a table of hours worked during each pay period by the officers assigned to the case while the case was active, along with their wages at the time of the respective case and any overtime.
59. On August 26, 2021, counsel submitted a KORA request to the Shawnee County District Court. This was forwarded to the Office of Judicial Administration. On December 13, 2021, counsel submitted an updated request to the Clerk of the Shawnee County District Court for the documents requested from the District Courts. The Shawnee County District Court provided some of these documents on January 11-14, 2022, and February 4, 2022.
60. On January 13, 2021, counsel submitted a KORA to the Shawnee County Clerk requesting the annual budget of the District Attorney's Office and costs related to the adjudication of capital and non-capital homicide costs. The Shawnee County clerk referred this request to the Deputy District Attorney who on January 20, 2021, provided the annual budgets for their office for 2012-2019. On August 26, 2021, counsel submitted another KORA request to the Shawnee County Clerk's Office and Accounting Department. On August 27, 2021, this request was forwarded to the Shawnee County District Attorney's Office. On September 17, 2021, the District Attorney reported that they had provided all information in their possession.
61. Wyandotte: On February 5, 2020, counsel submitted a KORA request to the Wyandotte County District Attorney. On February 7, 2020, counsel received an email response requiring that a request be made through a specific portal; the request was resubmitted through this platform on July 31, 2020. On July 31, 2020, Wyandotte County acknowledged receipt of the Request and assigned it reference number 20-1541. Wyandotte County did not respond again to Mr. Conley's

request until September 25, 2020. On this date Wyandotte County's Public Records division sent Mr. Conley an unsigned email stating they had reviewed the request and determined none of these records exist in their office. The email stated that "[t]he District Court may have records." On January 22, 2021, counsel sent the District Attorney's office a draft courtesy copy of a complaint seeking additional information. On January 25, 2021, the District Attorney's Office responded referring counsel to the District Court for criminal case records and Unified Government Accounting for records regarding costs. On this same date the District Attorney's Office provided three case names. On February 3, 2021, counsel submitted KORA requests to the District Attorney's Office and Accounting Department. On February 26, 2021, the Accounting Department provided amended and actual budgets of the District Attorney between 2011 and 2020 as well as expenditures, not broken down by case, but including, among other items, witness fees and travel costs. On May 12, 2021 the District Attorney's Office provided a list of homicide cases between 2012 and 2020.

62. On August 26, 2021, counsel sent a KORA request to the Kansas City Police Department. On September 27, 2021, the Department provided their annual budgets from 2012-2020.
63. On August 26, 2021, counsel sent a KORA request to the Wyandotte County Sheriff's Office. On September 21, 2021, the Office provided their annual budget documents.
64. On August 26, 2021, counsel sent a KORA request to the Wyandotte County District Court. This was forwarded to the Office of Judicial Administration. On December 16, 2021, counsel submitted an updated request to the Clerk of the Shawnee County District Court for the documents requested from the District Courts. The Wyandotte County District Court provided certain of these documents on February 11, 2022. On February 16, 2022, counsel followed up for additional documents. The Wyandotte County District Court provided certain of these documents on February 17, 2022.

I declare under the penalty of perjury of perjury under the laws of North Carolina that the foregoing is true and correct and was executed this 4th day of March in Durham, North Carolina.

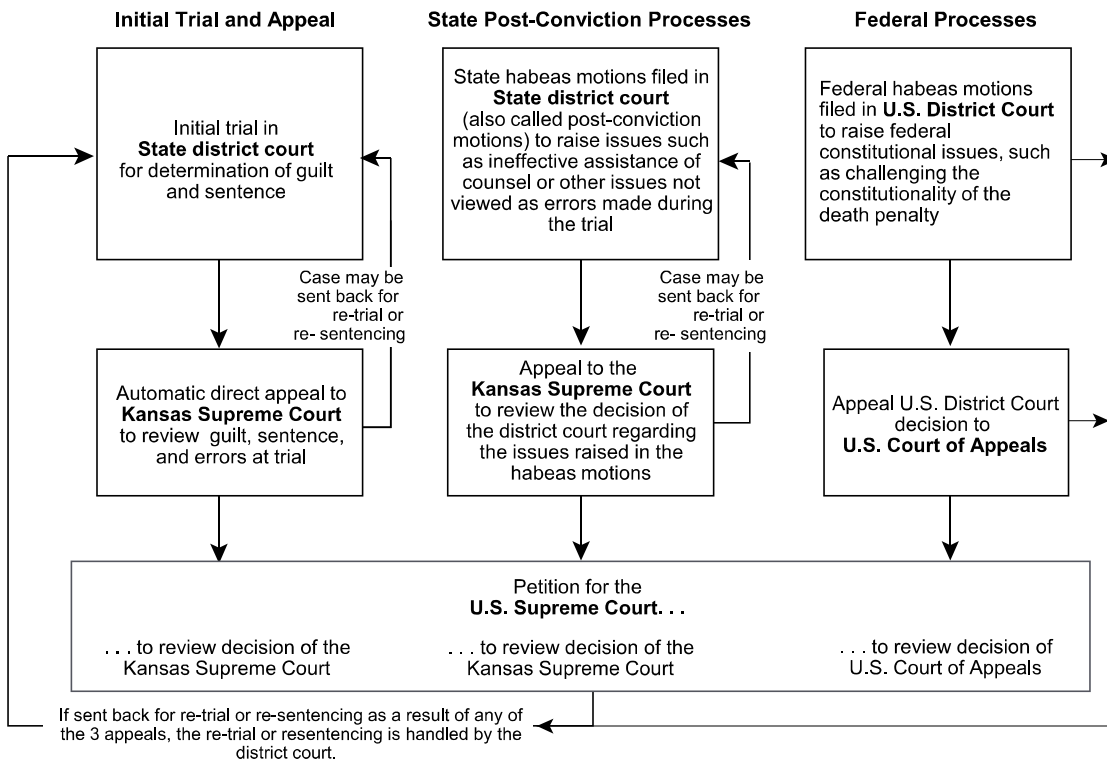


Olivia Ensign

APPENDIX D

Death Penalty Cases Have Several Levels of Review

U.S. Supreme Court rulings have given defendants in death penalty cases access to various levels of review, as shown below.



As a general rule, the levels of appeal are sequential: the defendant must appeal to the Kansas Supreme Court and the U.S. Supreme Court before filing post-conviction motions in district court, and State appeals must be exhausted before filing any appeals with the U.S. District Court.

APPENDIX E

Homicides, Capital Prosecutions, and Death Sentences in Kansas, 1994 to 2021

Frank R. Baumgartner¹
University of North Carolina at Chapel Hill
January 28, 2023

Introduction

In this report, I review statistical comparisons of homicides and capital prosecutions.

I use data on homicides from the Centers for Disease Control (CDC) and the Federal Bureau of Investigation (FBI) to assess their characteristics in terms of numbers over time, distribution across the counties of the state, and demographic characteristics of the offenders and victims. I then compare these with the 129 cases where capital charges have been filed in Kansas, the 75 cases where death notices were filed, and the 15 cases where a death sentence was imposed.² This allows a comparison of rates of capital prosecution at three stages from filing charges to imposing a sentence of death. My study finds important disparities both with regards to the race and gender of the victims of the crime, and in the combined racial characteristics of the offender and victim of the crime. It further demonstrates a very low rate of usage of the death penalty, no statistical correlation at all between homicides and death sentences over time, and very little correlation across counties. I conclude with a discussion of the implications of these facts.

Kansas Death Sentences in the Modern Era

Kansas has imposed 15 death sentences in the period since the current death penalty law took effect in 1994. Table 1 lays out summary demographic factors associated with these cases.

¹ My qualifications are set forth in my report entitled Media Coverage of Sedgwick County Capital Prosecutions, dated January 28, 2023.

² These data on capital prosecutions in Kansas cover the entire modern period through to February 25, 2022.

All of those sentenced to death were male; 11 were white and four were black; two have passed away while under sentence of death, four had their death sentences reversed on appeal, and nine remain on death row today. The 15 offenders were sentenced for crimes involving 37 victims.³ These victims had the following demographic characteristics: 24 female and 13 male; 33 white, two black and two Hispanic; 20 white females, 13 white males, two black females, two Hispanic females, and no black or Hispanic males. Every offender but one (Scott Cheever) had at least one female victim, and 11 of the 15 offenders had at least one white female victim. Looking at the combined races and genders of the offenders and the victims, and remembering that all the offenders are male, we see ten cases involving a white offender with at least one white victim; three cases with a black offender and at least one white victim (of which two included a white female victim); one case with a black offender and two black female victims; and one case with a white offender and Hispanic victim. No cases of a white offender killing a black victim led to a sentence of death and no cases with a black male victim led to a sentence of death. Table 1 summarizes the demographics and dates associated with the 15 modern death sentences in Kansas.⁴

³ Note that Jonathan and Reginald Carr were each convicted of the same crime, involving 5 victims; these victims are counted twice in the present analysis. Including them only once leads to a total of 32 victims.

⁴ The CDC, census, and police reports ask about Hispanic ethnicity separately from race, asking whether individuals are “White/Hispanic” or “White/Non-Hispanic.” Generally, the FBI and CDC data does not consistently record the Hispanic ethnicity category. In the Kansas murder data set of capital charged cases, two female victims have Hispanic surnames, but only one of these victims was identified in the police reports as “White/Hispanic.” As noted below, because of the lack of reliable CDC homicide data by ethnicity I am not able to calculate reliable CDC or FBI percentage rates. For this reason, I have not calculated rates of capital charging, death noticing, or death sentencing for Hispanic victims in the analysis below. Similarly, there are few Asian victims and I have not calculated rates. However, where possible I have included Hispanic and Asian victims in the tables below. For these reasons, most of my analysis is limited to the black-white comparison.

Table 1. Death Sentences in Kansas since 1994

Name	County	Status	Sex	Race	Birth	Crime	Sentence	Exit	Victims
Michael Marsh	Sedgwick	Resentenced to Life with possibility of parole (Hard 40)	M	W	8/12/1975	6/17/1996	4/16/1998	4/3/2009	2WF
Gavin Scott	Sedgwick	Resentenced to Life with possibility of parole (Hard 40)	M	W	3/4/1978	9/13/1996	8/21/1998	3/24/2010	1WM; 1WF
Stanley Elms	Sedgwick	Resentenced to Life with possibility of parole (Hard 40)	M	W	8/19/1976	5/4/1998	2/10/2000	11/19/2004	1WF
Johnathan Daniel Carr	Sedgwick	Currently On Death Row	M	B	3/30/1980	12/11/2000	11/15/2002		3WM; 2WF
Reginald Dexter Carr	Sedgwick	Currently On Death Row	M	B	11/14/1977	12/11/2000	11/15/2002		3WM; 2WF
John Edward Robinson Sr.	Johnson	Currently On Death Row	M	W	12/27/1943	6/3/2000	1/21/2003		3WF
Douglas Stephen Belt	Sedgwick	Natural Death	M	W	11/19/1961	6/24/2002	11/17/2004	4/13/2016	1HF
Phillip Cheatham	Shawnee	Resentenced to Life with possibility of parole (Hard 25)	M	B	1/6/1973	12/13/2003	10/28/2005	3/20/2010	2BF
Sidney John Gleason	Barton	Currently On Death Row	M	B	4/22/1979	2/21/2004	8/28/2006		1WM; 1 HF
Scott Denver Cheever	Greenwood	Currently On Death Row	M	W	8/19/1981	1/19/2005	1/23/2008		1WM
Gary Wayne Kleypas	Crawford	Currently On Death Row	M	W	10/8/1955	3/30/1996	12/3/2008		1WF
Justin Eugene Thurber	Cowley	Currently On Death Row	M	W	3/14/1983	1/5/2007	3/20/2009		1WF
James Kraig Kahler	Osage	Currently On Death Row	M	W	1/15/1963	11/28/2009	10/11/2011		4WF
Glenn Cross Frazier	Johnson	Natural Death	M	W	11/23/1940	4/13/2014	11/10/2015	5/15/2021	2WM; 1WF
Kyle Trevor Flack	Franklin	Currently On Death Row	M	W	6/18/1985	4/20/2013	5/18/2016		2 WM; 2WF

Homicides

How do Kansas death sentences compare to homicides? We can use FBI statistics to note the general characteristics of homicides in Kansas. While Kansas reinstated the death penalty in 1994, it did not report homicide statistics to the FBI Supplemental Homicide Reports system during the years of 1994 through 2004.

In order to estimate whether the lack of reporting from 1994 through 2004 affects any conclusion, I also summarize homicide reports from the Centers for Disease Control (CDC), which uses death certificates for all US deaths to compile a list which includes the cause of death. Homicide is listed as a specific cause of death and this data is available for the period of 1959 through 2004. I have compiled a list of all Kansas homicides from the CDC reports from 1994 through 2004. Note that the CDC and FBI numbers differ in certain important ways. The CDC data relate to the state and county of residence of the decedent, where the FBI numbers refer to where the crime occurred. The CDC data have information about the victim but include no information about the offender. The CDC data captures slightly more cases than the FBI data, as the FBI data relate only to those homicides that are known to the police, whereas the CDC data are derived from death certificates, which are nearly universal. In spite of these differences, the two data sources tend to produce very similar numbers when aggregated on a yearly basis or by county (particularly for larger counties). In particular, as the following analysis demonstrates, the proportions of victims of a given demographic group tend to be very similar.

Table 2 shows the number of homicides across different demographic groups. Both CDC and FBI homicide numbers are reported, with the CDC numbers referring to the period of 1994 to 2004 and the FBI numbers relating to the period of 2005 to 2019. Table 2 also shows the numbers of death sentences, using the same information as in Table 1 above for white and black

victims. This allows the calculation of a rate of death sentencing per 100 homicides of each type, and these rates are presented in the final two columns, separately for the CDC and FBI comparisons.

Table 2. Kansas Homicides and Death Sentences Compared.

Label	CDC		FBI		Death Sentences		Rate per 100 (CDC)	Rate per 100 (FBI)
	N	%	N	%	N	%		
<i>Total by Victims</i>	1,572	100.0	2,137	100.0	37	100.0	2.35	1.73
By Victim Gender								
Male	1,145	72.8	1,577	73.9	13	35.1	1.14	0.82
Female	427	27.2	558	26.1	24	64.9	5.62	4.30
N for analysis	1,572	100.0	2,135	100.0	37	100.0		
Missing, other	0	0.0	0	0.0	0	0.0		
By Victim Race								
Black	643	41.9	739	37.0	2	5.4	0.31	0.27
White	892	58.1	1,260	63.0	33	89.2	3.70	2.62
Hispanic					2	5.4		
N for analysis	1,535	100.0	1,999	100.0	37	100.0		
Missing, other	37	2.4	138	6.5	0	0.0		
By Victim Race and Gender								
Black Male	528	34.4	618	30.9	0	0.0	0.00	0.00
White Male	595	38.8	848	42.4	13	35.1	2.18	1.53
Black Female	115	7.5	121	6.1	2	5.4	1.74	1.65
White Female	297	19.3	412	20.6	20	54.1	6.73	4.85
Hispanic Male					0	0.0		
Hispanic Female					2	5.4		
N for analysis	1,535	100.0	1,999	100.0	37	100.0		
Missing, other	37	2.4	138	6.5	0	0.0		
<i>Total by Offenders</i>			2,014	100.0	15	100.0		0.74
By Offender Gender								
Male			1,535	87.9	15	100.0		0.98
Female			211	12.1	0	0.0		0.00
N for analysis			1,746	100.0	15	100.0		
Missing, other			268	13.3	0	0.0		
By Offender Race								
Black			675	40.4	4	26.7		0.59
White			996	59.6	11	73.3		1.10
N for analysis			1,671	100.0	15	100.0		

Missing, other		343	17.0	0	0.0	
By Offender-Victim Race Combinations						
White kills Black		103	6.5	0	0.0	0.00
Black kills Black		447	28.0	1	6.7	0.22
White kills White		842	52.8	10	66.6	1.19
Black kills White		202	12.7	3	20.0	1.49
White kills Hispanic				1	6.7	
(Black male kills White female)		(66)	(4.1)	(2)	(13.3)	3.03
N for analysis		1,594	100.0	15	100.0	
Missing, other		420	20.9	0	0.0	

Note: CDC data cover the period of 1994 through 2004. FBI data cover the period of 2005 through 2019. Homicide data not shown for Hispanics, as these are not consistently recorded in the FBI and CDC databases. Percentages by race, gender, and by offender-victim combination exclude those with missing information and therefore sum to 100.0 within each group. (See the “N for analysis” for the base on which these percentages are calculated.) The “Missing, other” rows indicate the number and percentage of the total observations where gender or race is missing or other. Rates are calculated as the number of death sentences per 100 homicides. CDC homicide data relate to the victim only, as the CDC collects no information about offenders. Values in the row corresponding to “Black male kills White female” appear in parentheses because these values are also included in the “Black kills White” category; the N for analysis and the percentages summing to 100.0 do not count these values as doing so would count them twice.

Although the FBI data is missing for some years of interest, the data above demonstrates that the demographic characteristics of the homicides in the missing years would likely have been similar to the years that the FBI reported, so we can rely on the FBI reports. I reach this conclusion by comparing the shares of homicides with different types of victims in the CDC and the FBI reports, knowing that these cover different time periods. We can see these comparisons by looking at the first few rows of Table 2. Looking first at the rows labeled “Male” and “Female,” the CDC reports 72.8 percent of all homicide victims in Kansas are male, and the FBI reports 73.9 percent. Looking at the rows indicating the race of the victims (which exclude a small number of victims of other races), the CDC reports 41.9 percent black victims, where the FBI reports 37.0 percent black victims. Black males are 34.4 percent of all victims in the CDC data, and 30.9 percent in the FBI reports. White females constitute 19.3 percent of all victims in

the CDC dataset, and 20.6 percent in the FBI reports. Without reviewing each individual cell in the table, the point is that there is a high correspondence between the two data sources.

I focus here on the FBI dataset because it contains something the CDC dataset does not have: information about the offender. My focus will be on rates of death sentencing per 100 homicides. Recall that the FBI dataset covers only the period from 2005 to 2019, so it excludes homicides in the relevant years of 1994 to 2004, as well as 2020 and 2021, when data were not yet reported. Thus, the rate per 100 homicides that I report is likely to be higher than the actual rate that I would report if the FBI dataset covered all relevant years. The conclusions I will draw in this report, however, do not depend on this overall rate. Rather, the relevant inquiry is the comparison of how the rates differ from one another. (That is, if the rate of death sentencing per 100 homicides with male victims is x , and the rate of death sentencing per 100 homicides with female victims is y , how do these two rates, x and y , compare?). I am therefore confident, given the close correspondence between the FBI statistics and the CDC statistics discussed above, that this is a valid methodology.

Figure 1 presents a graphical summary of the numbers shown in the last column of Table 2. That is, it presents a graphical illustration of the most important elements of Table 2. For the actual numbers underlying Figure 1, the reader can therefore refer to the cell entries in Table 2. (See the appendix, Figure A-1 for a similar figure using the CDC numbers, drawing from the CDC rates shown in Table 2.) To be clear, if rates of death sentencing had nothing to do with the demographics of offenders and victims, then all the rows in Figure 1 would be of the same length. Of course, one might expect some random fluctuation around the overall mean, based on normal random statistical fluctuations. The Figure does not show such a pattern; rather, it shows stark and consistent differences.

Figure 1. Death Sentences per 100 Homicides, by Demographics of Victim and Offender.

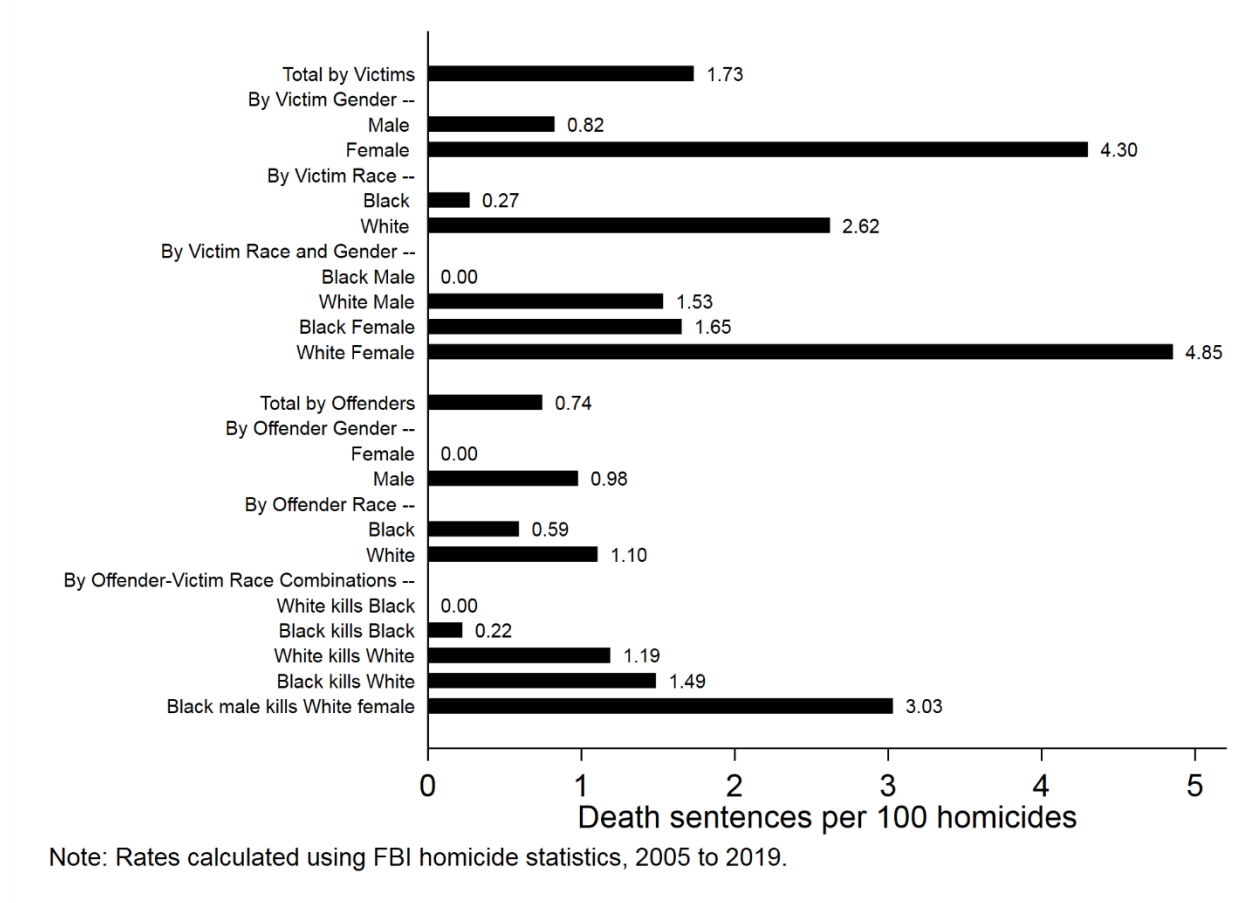


Figure 1 first shows that 1.73 percent of all homicide victims in Kansas were associated with a crime leading to a death sentence.⁵ Looking across victim gender, this rate was 0.82 for male victims and 4.30 for female victims; clearly, very different rates of use. Looking next at the comparison by victim race, homicides with white victims have a death-sentencing rate of 2.62, which is almost 10 times that of homicides with black victims, 0.27. Although 618 black males were the victim of homicide according to the FBI in the period of 2005 to 2019, and an additional 528 were reported by the CDC in the period of 1994 through 2004, not a single homicide with a black male victim has led to a death sentence. By contrast, 1.43 percent of those

⁵ Note that if we add the CDC homicides from the earlier period to the FBI homicides listed, the rate is much lower, approximately 0.4 percent. However, the main interest here is how the rates compare across different race- and gender-based categories.

with white male victims, 1.65 percent of those with black female victims, and 4.85 percent of those with white female victims have led to a death sentence.

Looking at offenders in the bottom half of Figure 1, the overall rate of death sentencing is 0.74. (There are fewer offenders than victims, which explains why the rate is higher when looking at victims as compared to when comparing by offenders.) This rate is zero for female homicide offenders, and 0.98 for male offenders; Table 2 shows that the FBI reports 211 female homicide offenders since 2005. Looking next at the race of the offenders, white offenders have a higher rate of death sentencing than black offenders, 1.10 compared to 0.59. This may be related to the fact that most homicides occur among the same racial group, and there has been no death sentence in Kansas for a crime involving a black male victim, as discussed in the previous paragraph. Looking at the offender-victim combinations shows that crimes with white offenders and black victims have a death sentencing rate of zero and crimes with black offenders and black victims have a rate of 0.22. White-on-white crimes, by contrast, have a rate of 1.19, and crimes with a black offender and a white victim have a rate of 1.49 percent. In the special and historically significant subset of cases where a black male offender has a white female victim, the rate is 3.03 percent. Table 2 and Figure 1 clearly show very substantial differences in the rates of use of the death penalty depending on the demographics of those involved, particularly the victims.

Capital Charging, Death Notices, and Death Sentences Compared

The data reported in the section above relate to death sentences actually imposed. The state has seen 129 cases charged with capital murder in the period since 1994, and prosecutors

have filed death notices in 75 of these cases.⁶ Therefore, we can perform a similar analysis to that above with regard to which types of cases lead to capital charges, death notices, and death sentences. This allows us to assess whether the differences in rates of use of the death penalty relate to the first stage (which cases are deemed capital-eligible); the second stage (whether a death notice is served); or the third stage assessed above (whether a death sentence is imposed). Table 3 shows data similar to Table 2 above but shows the numbers of homicides as well as the numbers of cases charged capitally, where death notices were served, and death sentences imposed. It then shows the rates of each of these three outcomes per 100 homicides. Note that the homicide and death sentencing data shown here are identical to that reported in Table 2. Table 3 simply adds the other two stages of the death-sentencing process. For clarity of presentation, it omits the CDC homicide data. Also note that because the FBI homicide values for Hispanics are not comparable to the capital charging information, these numbers are not reported.

⁶ Fifty-two capital-charged individuals saw no death notice, and decisions regarding whether to file a death notice are pending in two additional cases. In the following sections, I analyze the numbers of capital charges, death notices, and death sentences. Data for capital charges is complete, but two cases are missing with regard to whether the state plans to file a death notice, and these are categorized as no death notice having yet been filed. Similarly, six cases have a death notice but are pending, with no sentence yet having been imposed. They are treated as cases without a death sentence.

Table 3. Homicides, Capital Charges, Death Notices, and Death Sentences in Kansas.

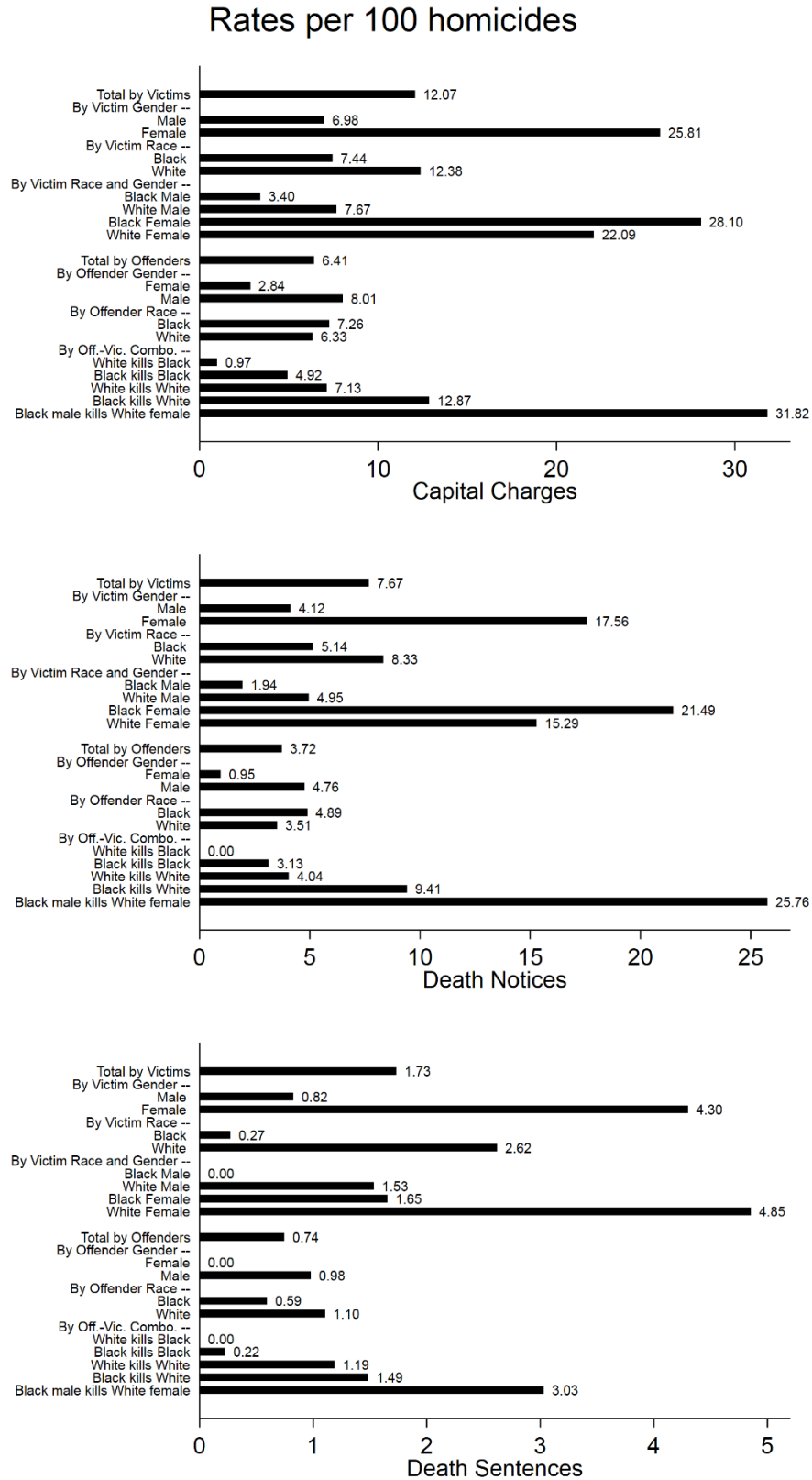
Label	Homicides	Capital Charges	Death Notices	Death Sentences	Rate per 100 Homicides		
					Charges	Notices	Sentences
Total by Victims	2,137	258	164	37	12.07	7.67	1.73
By Victim Gender							
Male	1,577	110	65	13	6.98	4.12	0.82
Female	558	144	98	24	25.81	17.56	4.30
N for analysis	2,135	254	163	37			
Missing, other	2	4	1	0			
By Victim Race							
Black	739	55	38	2	7.44	5.14	0.27
White	1,260	156	105	33	12.38	8.33	2.62
Hispanic		39	16	2			
Asian		3	3	0			
N for analysis	1,999	253	162	37			
Missing, other	138	5	2	0			
By Victim Race and Gender							
Black Male	618	21	12	0	3.40	1.94	-
White Male	848	65	42	13	7.67	4.95	1.53
Black Female	121	34	26	2	28.10	21.49	1.65
White Female	412	91	63	20	22.09	15.29	4.85
Hispanic Male		23	10	0			
Hispanic Female		16	6	2			
Asian Male		1	1	0			
Asian Female		2	2	0			
N for analysis	1,999	253	162	37			
Missing, other	138	5	2	0			
Total by Offenders							
Total by Offenders	2,014	129	75	15	6.41	3.72	0.74
By Offender Gender							
Female	211	6	2	0	2.84	0.95	-
Male	1,535	123	73	15	8.01	4.76	0.98
N for analysis	1,746	129	75	15			

Missing, other	268	0	0	0			
<hr/>							
By Offender Race							
Black	675	49	33	4	7.26	4.89	0.59
White	996	63	35	11	6.33	3.51	1.10
Hispanic		15	6	0			
Asian		2	1	0			
N for analysis	1,671	129	75	15			
Missing, other	343	0	0	0			
<hr/>							
By Offender-Victim Race Combinations							
White kills Black	103	1	0	0	0.97	-	-
Black kills Black	447	22	14	1	4.92	3.13	0.22
White kills White	842	60	34	10	7.13	4.04	1.19
Black kills White	202	26	19	3	12.87	9.41	1.49
(Black male kills White female)	(66)	(21)	(17)	(2)	31.82	25.76	3.03
N for analysis	1,594	109	67	14			
Missing, other	420	20	8	1			

Note: Homicides data from the FBI; see Table 2. As noted above, reliable homicides rate data is not available for Hispanic victims. For each group, the N for analysis shows the number of cases with relevant information. “Missing, other” shows the difference between the total number of observations (e.g., victims or offenders) and the N for analysis. Values in the row corresponding to “Black male kills White female” appear in parentheses because these values are also included in the “Black kills White” category; the N for analysis and the percentages summing to 100.0 do not count these values as doing so would count them twice.

Each of the stages laid out in the columns in Table 3 is a subset of the previous one; in order for a capital charge to occur, there must first be a homicide; for a death notice to be served, there must first be a capital charge, and in order for a death sentence to be imposed, there must first be a death notice. Looking at rates per 100 victims, capital charges follow in 12.07 percent of all homicides; death notices are served in 7.67 percent of the cases; and death sentences are imposed in 1.73 percent of the cases. Looking at the rates per offender, these numbers are 6.41, 3.72, and 0.74 percent, respectively. Table 3 then shows these rates for each of the categories shown, just as in Table 2. Figure 2 summarizes the information in Table 3.

Figure 2. Rates of Capital Charges, Death Notices, and Death Sentences.



Note: Rates calculated from Table 3.

Figure 2 makes clear that there are great similarities across the three stages of the capital prosecution process. Looking first at victim gender, crimes with female victims are much more likely to lead to capital charges, death notices, and death sentences: rounding to the nearest whole number, they show rates of 26, 18, and four percent respectively whereas crimes with male victims show rates of seven, four, and one percent. Similarly, crimes with white victims show higher rates at all three stages: 12, eight, and three, as compared to seven, five, and 0.3 when the victims are black. Crimes with male offenders show a similar pattern compared to those with female offenders: eight, five, and one percent of homicides with male offenders, compared to three, one, and zero percent of those with female offenders. By offender race, we see a more complicated story, but this could be because only four black and 11 white people have been sentenced to death. Three of the four black offenders had white victims, and two had white female victims. Such crimes among black offenders, are relatively rare. Of the 675 black offenders listed in Table 3, 447 (or 66 percent) had black victims. In this group, 0.2 percent received a death sentence (a single person). Whites constituted 30 percent of the victims of black offenders (202 cases), and three of these offenders were sentenced to death, a rate of 1.5 percent. Finally, within that last group, two of the offenders sentenced to death had a white female victim, though there were just 66 such victims state-wide (white female victims constitute 66 of 675 killed by black offenders). The death-sentencing rate there is three percent.

When we look at the race-gender combinations of the victims of homicide, Figure 2 shows very stark differences in all cases: crimes with male victims, especially black male victims, are much less likely to lead to capital charges, death notices, or death sentences. Crimes with female victims have much higher rates. Crimes with black female victims lead to high rates of capital charges and death notices, but not to death sentences. Crimes with white female

victims have rates of capital charging and death noticing similar or even slightly lower than those with black female victims. They are much more likely to lead to a death sentence, however. Note for example that Table 3 shows rates of 28.1 and 21.5 percent of charges and notices for black female victim cases compared to 22.1 and 15.3 percent for white female cases. Looking at the last stage, however, the imposition of a death sentence, just two cases had black female victims (a rate of 1.7 percent), whereas 20 cases had white female victims, 4.9 percent.

Finally, looking at the combined offender-victim races and genders, as shown in the bottom panels of Table 3 and Figure 2, a very consistent pattern emerges. Rounding to the nearest whole number, black offenders with black victims have rates of five percent capital charges, three percent death noticed, and 0.2 percent death sentenced, whereas black male offenders with white female victims have rates of 32, 26, and three percent, respectively. Note that Kansas homicide statistics show 103 cases where a white offender killed a black victim, but just one of these cases was deemed capital-eligible by prosecutors. The case was never death noticed, however, and the state has not condemned a single white offender for the crime of killing a black victim. The rate of capital eligibility in this category, just one out of 103 (0.97 percent), compares to 4.9 percent of cases with a black-black combination, 7.1 percent of white-white homicides, 12.8 percent of black-white cases, and 31.8 percent of black male–white female homicides.

Odds Ratios or “Risk Factors”

It is common to calculate “odds ratios” (sometimes referred to in the literature as “incident rate ratios,” “hazard ratios,” or “risk factors”) to summarize the impact of a given characteristic on the change in odds of a given outcome. For example, how much does obesity increase the odds of a heart attack? If, for example, one group has a rate of heart attacks of 3

percent, and another has a rate of 12 percent, then the ratio of those two rates is $12 / 3 = 4.0$. One group has four times the risk of the event of the other. Such ratios are widely used throughout the social sciences, in epidemiology, and in medicine.

Table 4 uses the data on death sentencing rates from Table 3 and shows relevant odds ratios. In each case it shows the baseline group, the comparisons group, the corresponding rates, and finally the odds-ratio. Part A looks at Capital Charges; Part B, Death Notices; and Part C, Death Sentences. Note that the rates are taken from Table 3. Table 4 adds the odds ratios.

Table 4. Odds Ratios Compared.

A. Capital Charges

Baseline	Comparison	Baseline Rate	Comparison Rate	Odds Ratio
Male victim	Female victim	6.98	25.81	3.70
Black victim	White victim	7.44	12.38	1.66
Black male victim	White male victim	3.40	7.67	2.26
Black male victim	Black female victim	3.40	28.10	8.27
Black male victim	White female victim	3.40	22.09	6.50
Female offender	Male offender	2.84	8.01	2.82
Black offender	White offender	7.26	6.33	0.87
Black kills black	White kills black	4.92	0.97	0.20
Black kills black	White kills white	4.92	7.13	1.45
Black kills black	Black kills white	4.92	12.87	2.62
Black kills black	Black male kills white female	4.92	31.82	6.46

Source: Calculated from values in Table 3.

B. Death Notices

Baseline	Comparison	Baseline Rate	Comparison Rate	Odds Ratio
Male victim	Female victim	4.12	17.56	4.26
Black victim	White victim	5.14	8.33	1.62
Black male victim	White male victim	1.94	4.95	2.55
Black male victim	Black female victim	1.94	21.49	11.07
Black male victim	White female victim	1.94	15.29	7.88
Female offender	Male offender	0.95	4.76	5.02
Black offender	White offender	4.89	3.51	0.72
Black kills black	White kills black	3.13	0.00	0.00
Black kills black	White kills white	3.13	4.04	1.29
Black kills black	Black kills white	3.13	9.41	3.00

	Black male kills white			
Black kills black	female	3.13	25.76	8.22

Source: Calculated from values in Table 3.

C. Death Sentences

Baseline	Comparison	Baseline Rate	Comparison Rate	Odds Ratio
Male victim	Female victim	0.82	4.30	5.22
Black victim	White victim	0.27	2.62	9.68
Black male victim	White male victim	0.00	1.53	∞
Black male victim	Black female victim	0.00	1.65	∞
Black male victim	White female victim	0.00	4.85	∞
Female offender	Male offender	0.00	0.98	∞
Black offender	White offender	0.59	1.10	1.86
Black kills black	White kills black	0.22	0.00	0.00
Black kills black	White kills white	0.22	1.19	5.31
Black kills black	Black kills white	0.22	1.49	6.64
Black kills black	Black male kills white female	0.22	3.03	13.55

Source: Calculated from values in Table 3. Note: ∞ = infinity. Some of the odds ratios differ slightly from what would be calculated by dividing the comparison rate because of rounding. The odds ratios are calculated based on the exact rates, not rounded ones. No substantive difference in results comes from this rounding.

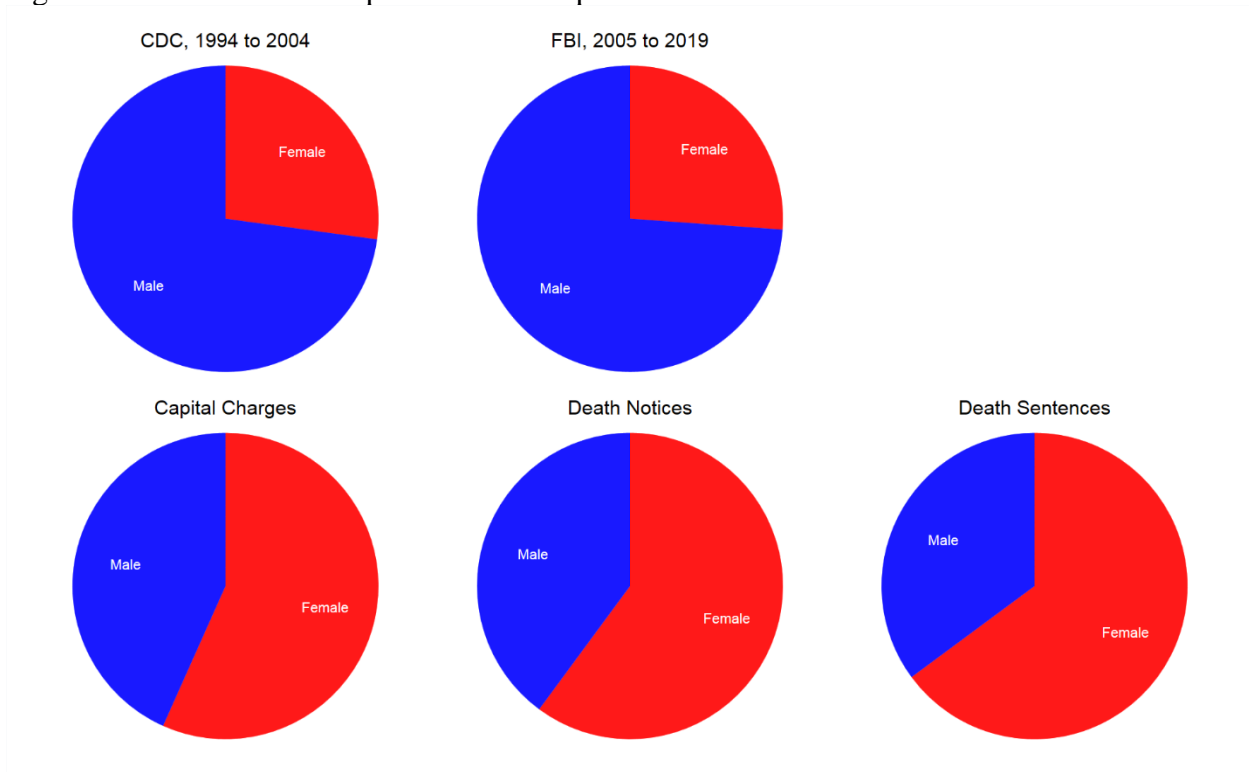
Many of the odds-ratios in Table 4 are very high: Considering just Part C of the Table, focusing on Death Sentences, for female victims compared to male victims, it is 5.22; for white victims compared to black, it is 9.68. Because there are no black male victim cases that went to a sentence of death, all the ratios calculated with that group as the baseline are infinite. In looking at odds ratios, the question of interest is how far do they differ from 1.00, which represents equity (that is, the baseline group and the comparison group showing the same rates). Values far below 1.00, particularly those of zero, are just as revealing as high values; these mean that the comparison group has a lower rate of the outcome than the baseline group. We see this with respect to “white kills black” compared to “black kills black.” While the baseline is already very low (just 0.22 percent of such crimes led to a death sentence), the comparison rate is actually zero. No white kills black crimes have led to a death sentence in Kansas. Looking at black kills white crimes, 1.49 percent have led to a death sentence, a ratio of 6.64 compared to the baseline.

To be clear, this means that a black offender with a white victim is more than six times as likely to receive a sentence of death compared to a black offender with a black victim. And if that black offender wished to avoid the death penalty completely, the rate for killing a black male victim is actually zero (see Table 3). Overall, none of the values shown in Part C are close to equity, and they follow a consistent pattern. Crimes with black victims, and male victims, are much less likely to see a death sentence than crimes with white or female victims. Parts A and B of the Table also show similar results, with many odds ratios being quite far from 1.00.

Comparison of percentages

We can visualize the patterns apparent in Table 3 in another way. The following section shows a series of simple pie charts. These charts convey visually the relative make-up of different groups of cases: homicides cases, capitally charged cases, cases with death notices, and cases with a death sentence. In each pie chart, the share of cases sums to 100 percent, so it illustrates the relative composition of each subset. Gender data is available for almost all cases, and a small number of cases are excluded here that involve individuals of races other than white or black. So the race comparisons can be considered as the share, summing to 100 percent, of all cases with white or black offender and/or victims. This is the vast majority of cases in the state of Kansas. The data are the same as those reported in Table 3. Figure 3 shows victim gender.

Figure 3. Homicides and Capital Cases Compared: Victim Gender.

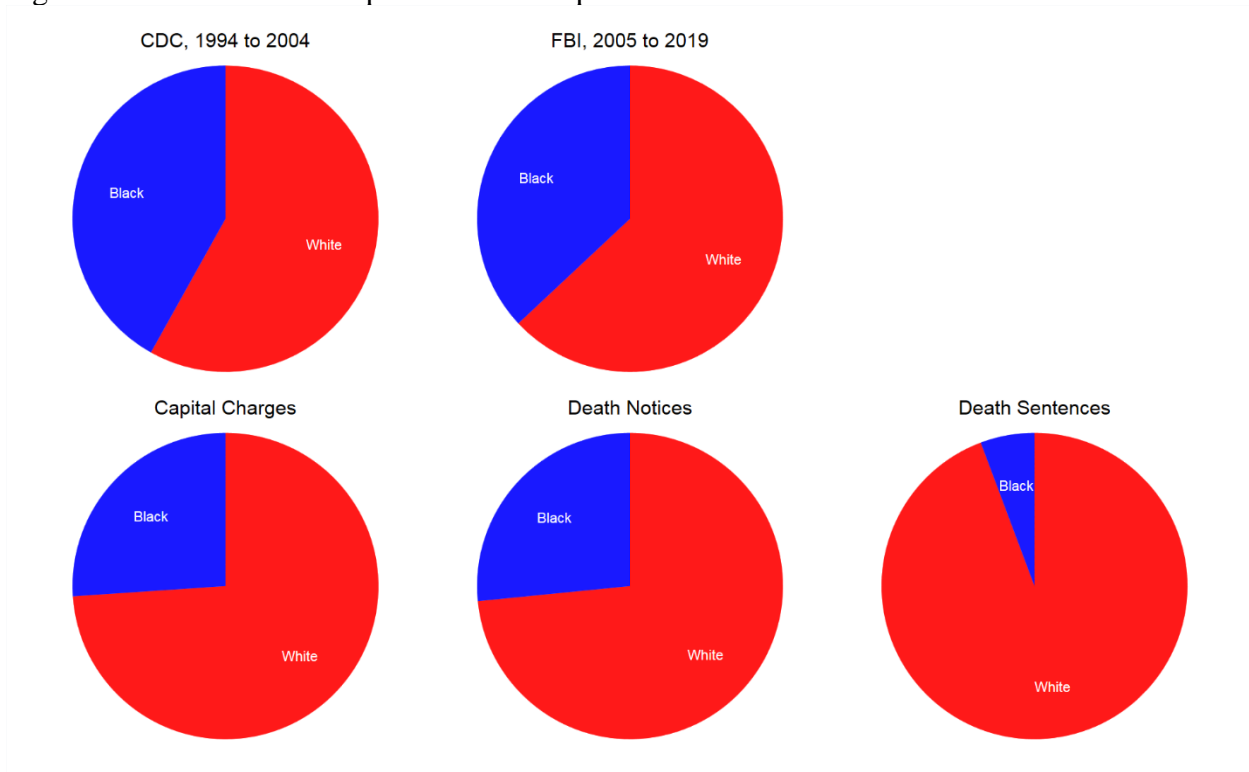


Source: Table 3.

The top row of Figure 3 shows that women constitute roughly a quarter of homicide victims in Kansas (CDC and FBI). In the bottom row, we see that they constitute a much larger share of cases with capital charges, death notices, or death sentences.

Figure 4 shows the equivalent comparison by race; note it includes only black and white victims, excluding victims of other races.

Figure 4. Homicides and Capital Cases Compared: Victim Race.

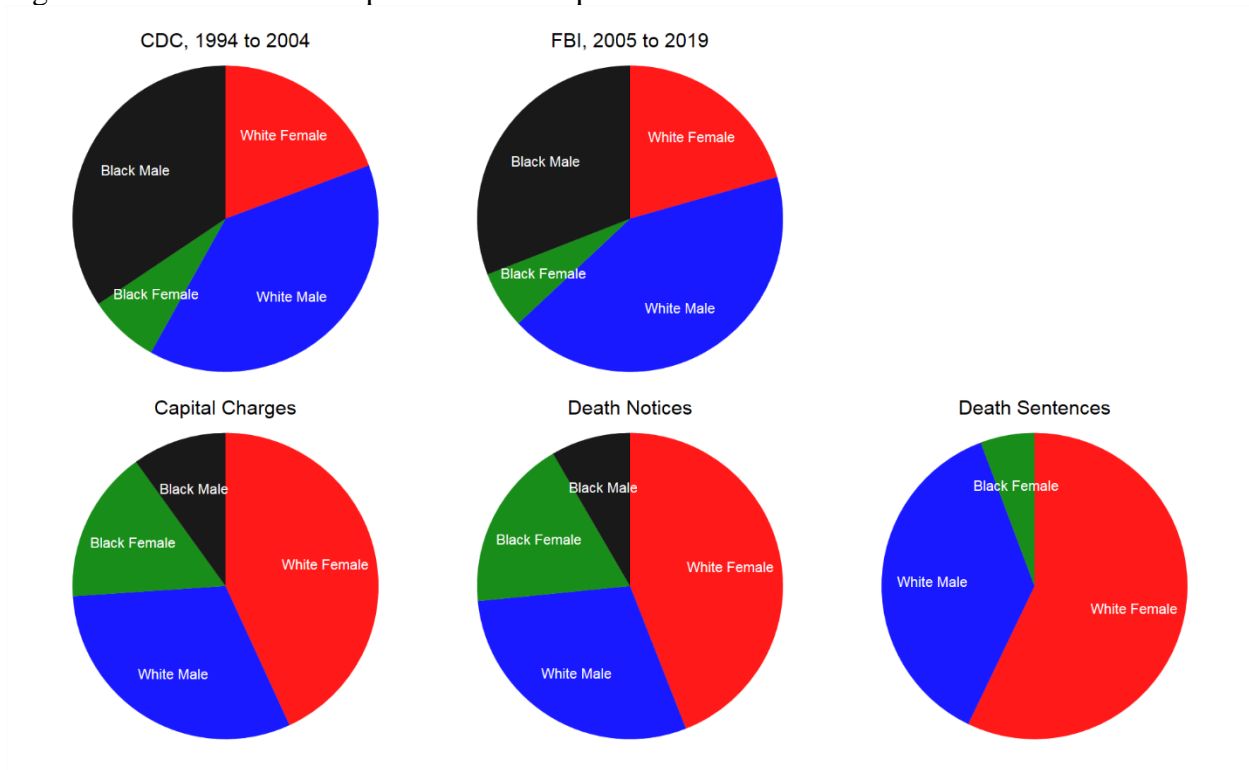


Source: Table 3.

Black victims represent roughly 40 percent of all homicide victims in Kansas, but many fewer in those cases that proceed capitally, and a tiny share of those where a death sentence is imposed.

Figure 5 shows combined race-gender statistics in the same format.

Figure 5. Homicides and Capital Cases Compared: Victim Race and Gender.



Source: Table 3.

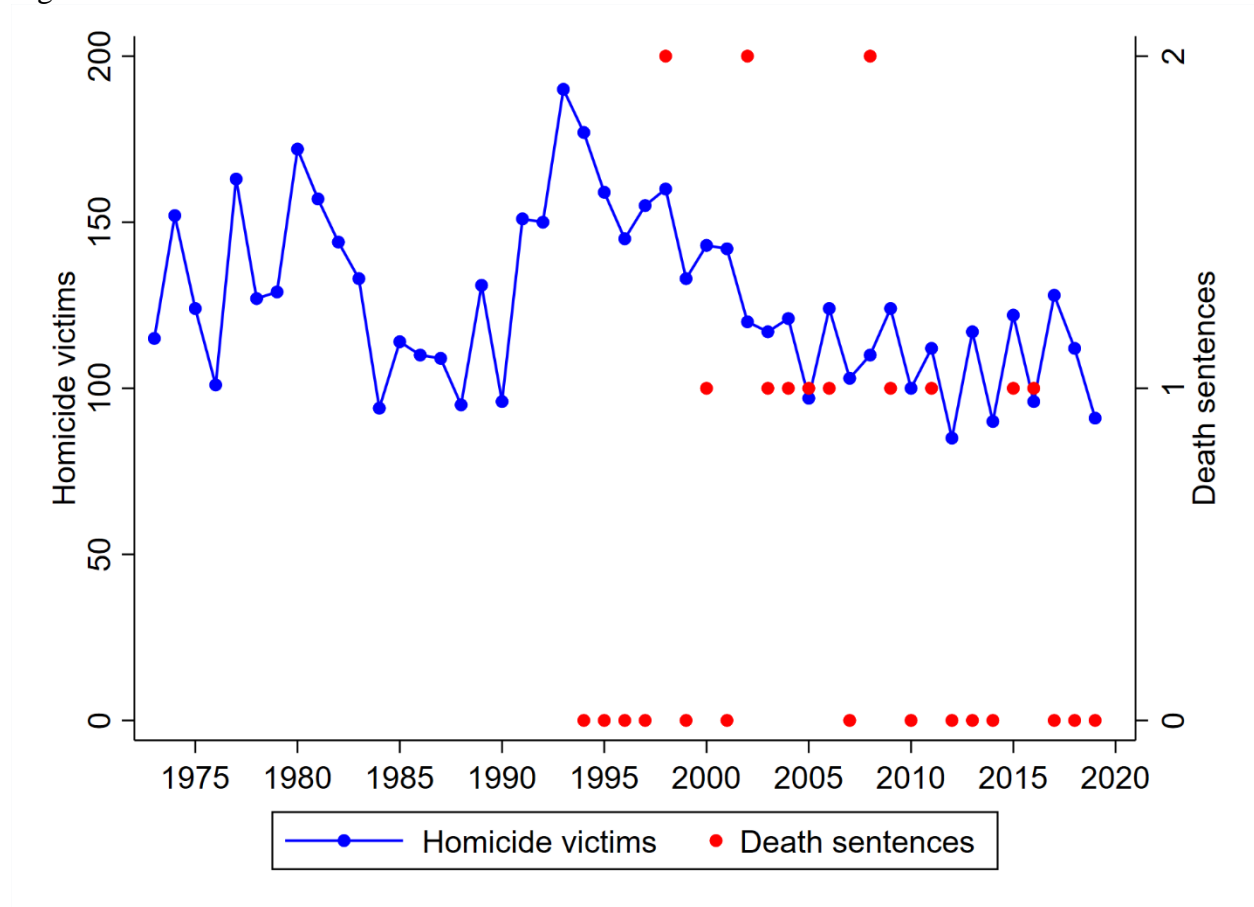
Black men completely disappear from the graph at the bottom-right, reflecting the fact that no death sentence has been imposed on an offender with a black male victim. Black men represent approximately a third of all homicide victims, shown in the upper row, but only small shares of those with capital charges and death notices. White female cases, on the other hand, move from a relatively small share of homicides (shown in the upper row; roughly 20 percent) to a plurality of those with capital charges and death sentences, and a majority of the death-sentenced cases. White male victims are the single largest group in the homicides charts at the top; they constitute smaller shares of the capital charges and death notices, but return to approximately their original share of homicides when considering death sentences actually imposed. Thus, for white male victims, we see a roughly equal share of death sentenced cases as homicides in general, and similarly for black female victims. White female victims are dramatically over-represented in the death sentenced cases compared to homicides, and black

males, who represent the second-largest share of all homicide victims, completely disappear from the cases where death sentences are imposed. These are dramatic and important differences.

Homicides and Death Sentences over Time

The 15 death sentences imposed by the State of Kansas are listed in Table 1. Figure 6 compares the timing of these with the numbers of homicide victims by year, starting with the *Furman* decision in 1972. It uses the CDC homicide figures through 2004 and the FBI totals for the period after 2004.

Figure 6. Homicide Victims and Death Sentences over Time.



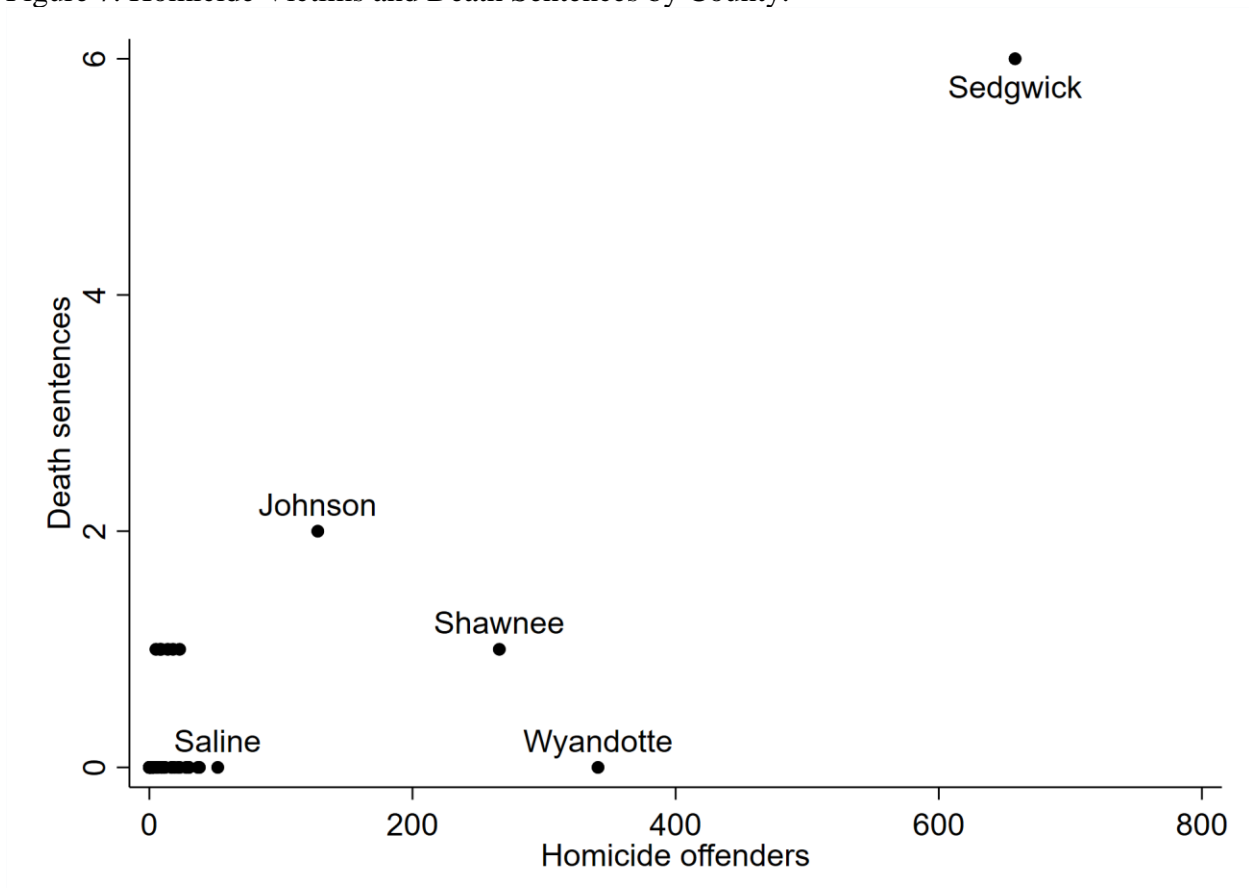
The red circles at the bottom of Figure 6 represent the 14 years during which no death sentences were imposed across the state of Kansas. During those years, the state saw an average of 124 homicide victims per year. A single death sentence was imposed in nine years,

represented in Figure 6 with the red circles corresponding to 1 death sentence (on the right-hand axis); in these nine years there was an average of 117 homicide victims. Three years saw the imposition of two death sentences each (indicated by the red circles at the top of the graph, corresponding to two on the right-hand axis), and these years saw an average of 130 homicide victims. Overall, the correlation between homicides and death sentences is almost exactly zero (-.0008), meaning that there is no tendency for homicides to be higher or lower depending on the number of death sentences. The complete lack of connection between homicides and death sentences suggests no causal relation between the two.

Homicides, Capital Prosecutions, and Death Sentences by County

Just as there is little connection between homicides and death sentences across time, there is little connection from place to place either. Table 1 made clear that Sedgwick County has seen six death sentences; Johnson, two; several others have seen just one; and the vast majority of the 105 counties in Kansas have seen none. Figure 7 shows how these numbers correlate with the number of homicide offenders in each of these counties.

Figure 7. Homicide Victims and Death Sentences by County.



Note: Many Kansas counties have very few homicides, and zero or just one death sentence across the entire time period from 1994 through 2021. Each is represented by a dot in the figure, but many of these dots overlap; these appear in the lower-left area of the Figure. Table A-1 in the Appendix provides the exact numbers for all Kansas counties.

Sedgwick County has the greatest number of homicide offenders and is the outlier with regards to death sentences, with six imposed since 1994. Wyandotte County is the second highest with regards to homicides, but it has seen no death sentences at all. Shawnee, Johnson, and Saline counties are next with regards to homicides, but there is no correlation with death sentences, as they have one, two, and no death sentences, respectively.

Table 5 shows the homicide values described above as well as the numbers and rates of capital charges, death notices, and death sentences for the largest counties in the state. The data are the same used in previous sections but presented here separately for each of the top homicides counties in the state.

Table 5. Homicides, Capital Charges, Death Notices, and Death Sentences by County, Selected Counties.

County	Victims	Offenders	Capital Charges	Death Notices	Death Sentences	Charge Rate	Notice Rate	Sentence Rate
Wyandotte	364	341	27	18	0	7.9	5.3	-
Sedgwick	664	658	25	18	6	3.8	2.7	0.9
Johnson	138	128	11	8	2	8.6	6.3	1.6
Shawnee	287	266	9	3	1	3.4	1.1	0.4
Saline	57	52	5	2	0	9.6	3.8	-
All Others	624	566	52	26	6	9.2	4.6	1.1

Note: See Appendix Table A-1 for a complete version of this Table, showing all 105 counties in the state.

Table 5 shows that the patterns, or lack thereof, shown in Figure 7 are the result of complex processes associated with prosecutorial decision-making. Wyandotte County has more capital charges than Sedgwick; 27 compared to 25. It has the same number of death notices (18). It has zero death sentences, however, whereas Sedgwick has six. The column labeled Charge Rate shows the number of capital charges per 100 homicide offenders; these rates vary quite substantially, from 3.4 percent in Shawnee County to 9.6 percent in Saline. Death Notice Rates also vary widely, with Shawnee County having a rate of just 1.1 and Johnson County having a rate of 6.3. Finally, Sentence Rates are quite variable as well, with many counties having rates of zero but Johnson County having a rate of 1.6 and Sedgwick 0.9. Table A-1 lays out the full data for all 105 counties in the state, making clear that there is significant variability across the geographic units of the state. Of course, because so many counties have seen very few homicides across the period of study, some of the numbers may be affected by random fluctuations. Table 5, with its focus on the larger counties, provides a more substantive demonstration of the wide variability in application of the death penalty across the counties of Kansas. While Sedgwick County does have the highest number of homicide offenders and the highest number of death sentences, it is not the highest user of the death penalty by other metrics. Wyandotte has the greatest number of capital charges; Saline has the highest rate of capital charges per 100

homicide offenders; Johnson has the highest rate of death notices and death sentences per 100 homicide offenders. In sum, the patterns are inconsistent.

Not only are the patterns laid out in Table 5 inconsistent, but they also show substantively wide variability. Whether we look at capital charging rates, death notice rates, or death sentencing rates per 100 homicide offenders, there is little consistency across the counties of the state. These differences are greater at the death sentencing stage than at the capital charging stage, but even there, some counties have charging rates equal to 8 percent or more of all homicides occurring in the county, whereas other counties have rates below 4 percent. The fact that Table 5 is limited to the largest counties in the state, but nonetheless shows differences of this magnitude, suggests that there is substantively very wide variability in the use of the death penalty across the geographic units of the state, rather than equal application with some small residual random variability.

Figures 8, 9, and 10 illustrate the extremely low use of the death penalty across Kansas counties and the lack of connection between homicides and its use. Figure 8 shows the number of death sentences, generally zero. Figure 9 shows the number of homicides, which is considerably more variable. And Figure 10 shows the rate of death sentences per 100 homicide offenders (see Table A-1 for the raw numbers). In each Figure, these comparisons make clear that there is little connection between homicides and the use of the death penalty.

Figure 8. Death Sentences.

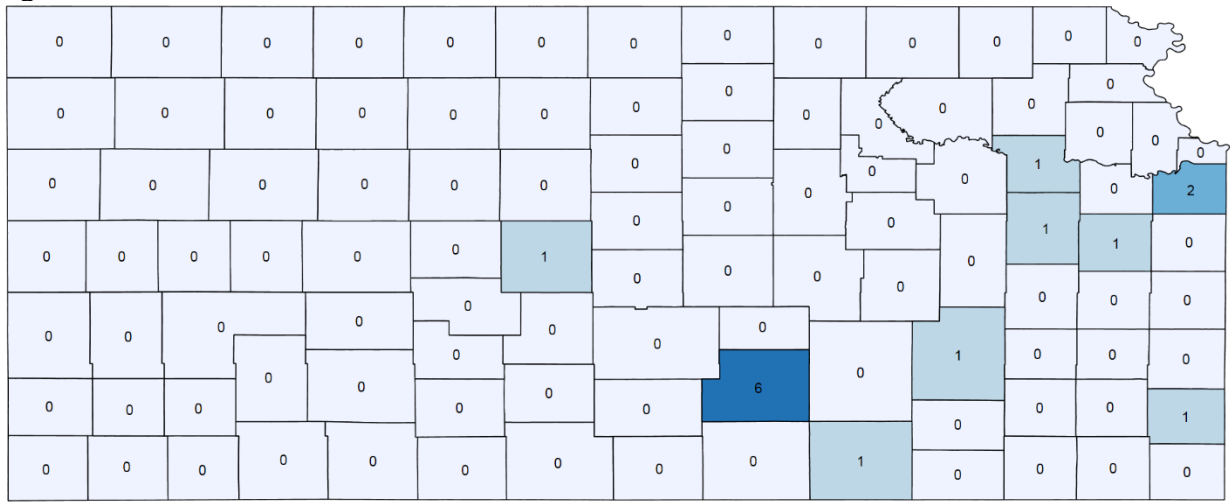


Figure 9. Homicide Offenders.

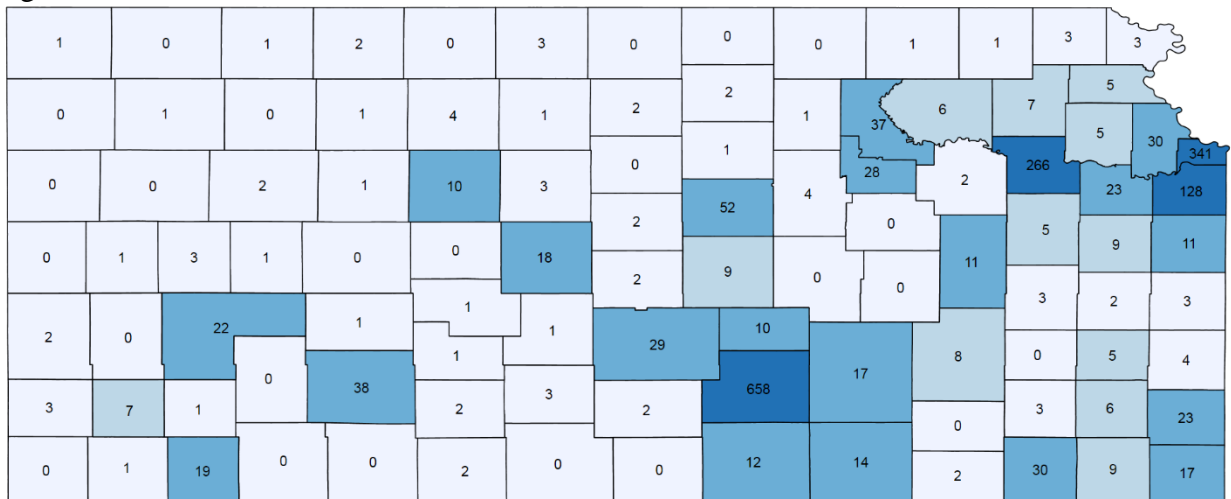
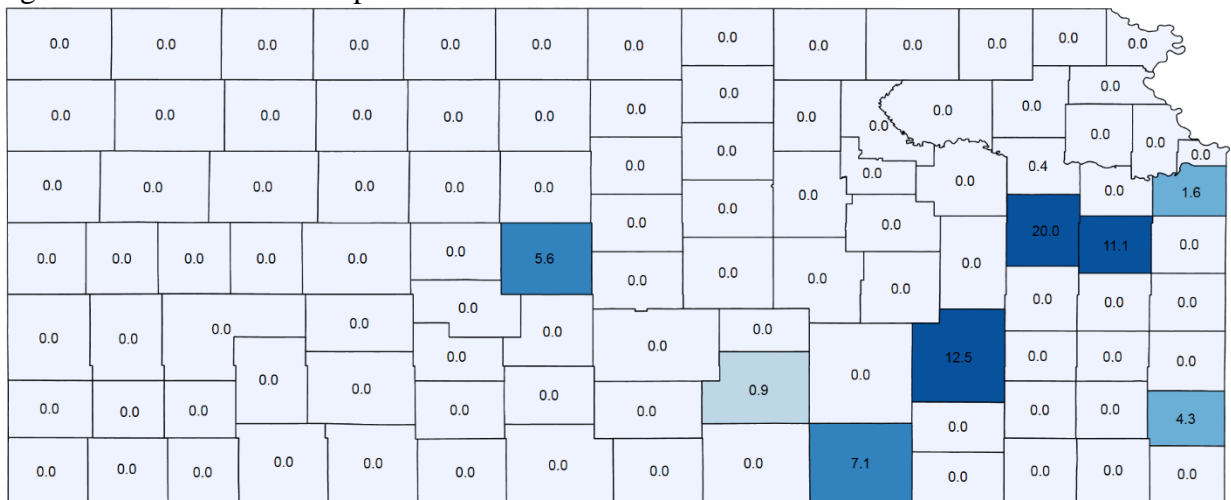


Figure 10. Death Sentences per 100 Homicide Offenders.



Conclusions

In completing this analysis, I have identified three important issues with respect to use of the death penalty in Kansas: general lack of use; capricious or random and arbitrary selection of cases for death sentencing; and racial and gender biases affecting the process.

First, capital punishment is extremely rare. Table 1 showed that there have been 15 death sentences in the state since 1994, but Table 2 showed that there have been 3,709 homicides (1,572 as reported by the CDC during the period of 1994 through 2004 and an additional 2,137 reported by the FBI from 2005 through 2019). Of course, none of those death sentences has led to an execution, so the rate of executions is zero, and the rate of sentencing is 0.4 percent: fewer than one-half of one percent of homicides have led to a death sentence.⁷

Second, I have reviewed correlations among homicides and death penalty usage numbers (capital charging, death noticing, and death sentencing) across time as well as across the geographical units of the state, counties. There is virtually no correlation between homicides and death sentencing behavior, when considered over time. Figure 6 showed that correlation to be almost exactly zero: -0.0008 to be exact. Figure 7 showed what appears to be a correlation between homicides and death sentencing, but further analysis showed that that was driven by just a single county: Sedgwick County has the most homicides as well as the most death sentences, by far. But when we consider the different stages of the process and consider all the counties of the state, or even only the largest five counties, this apparent correlation falls apart. Further, the variability of death sentencing across even the largest counties is not a matter of small random fluctuation around some consistent rate, as might be expected in any naturally occurring variable. Rather, the random component is very high. Rates of charging, noticing, and sentencing, when

⁷ 15 death sentences / 3,709 homicides = 0.00404, or 0.404 percent.

considered per 100 homicide offenders, differ widely. These substantively large variations in rates of death penalty use, even controlling for the number of homicides, suggest a system that is substantially driven by random chance.

Finally, what factors seem to be driving these differences, other than randomness? Unfortunately, here we see something like what the US Supreme Court saw in the *Furman v. Georgia* decision that caused the Court to invalidate all existing US death penalty laws. As here, rates were very low; the justices were concerned about a small number of offenders being selected from a large number of homicide offenders as if they were “struck by lightning.” Moreover, like at the time of *Furman*, very significant racial and gender biases are apparent. Not a single one of the 15 individuals selected by the State of Kansas for the death penalty killed a black male victim, yet black male victims are present in over 30 percent of all homicides in the state.⁸ By contrast, crimes with white female victims were by far the most likely to lead to a death sentence. My analysis above showed strong race effects, gender effects, and race-gender effects with regard to the characteristics of the victims. These effects were also apparent when considered alongside the race and gender of the offender, a significant factor since most crimes have offenders and victims of the same race.

The Kansas death penalty system has never led to a single execution in the almost 30 years it has been in operation. Only a miniscule proportion of homicides have led to a death sentence (0.4 percent). There is strong reason to believe that the distinguishing features that separate the death-sentenced cases from those not leading to a death sentence are the racial and gender characteristics of the victims in the crime, as well as the combined race and gender of the offender and victim, considered together. A system used extremely rarely, and that appears to be

⁸ See Table 2, showing 34.4 percent of all homicides with known race and gender of the victims being black males during the CDC reporting period, and 30.9 percent during the FBI reporting period.

statistically disconnected from patterns of homicides, but potentially has much to do with race and gender, is far from the “evenhanded, rational, and consistent imposition of death sentences under law,” imagined by the Supreme Court when it upheld reinstatement of the death penalty in *Jurek v. Texas*.

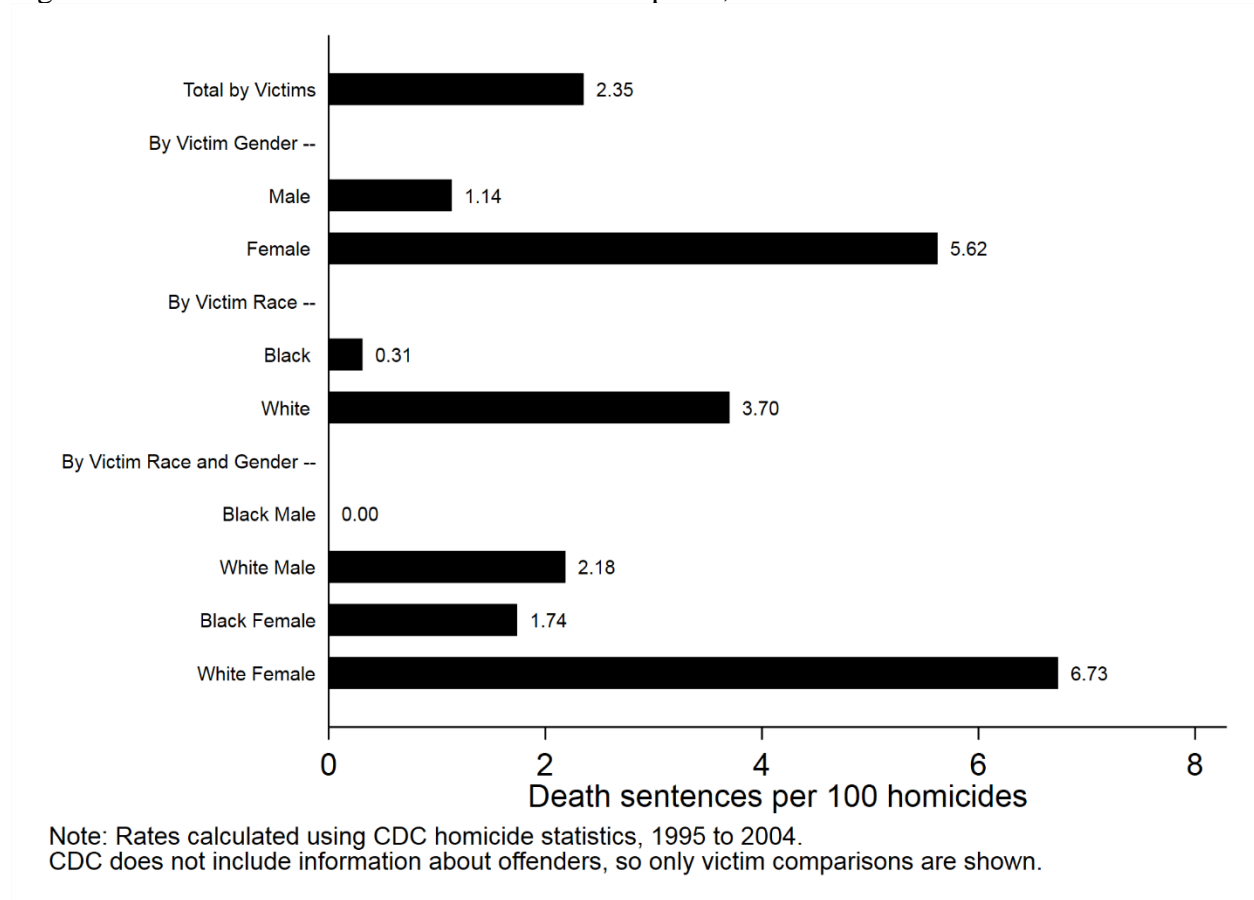
Submitted,

A handwritten signature in black ink, appearing to read "Frank Baumgartner". The signature is stylized and cursive, with a large, sweeping flourish at the end.

Frank R. Baumgartner

Appendix

Figure A-1. Homicides and Death Sentences Compared, CDC Homicide data.



Note: Data from Table 2. See Figure 1 for the corresponding figure based on FBI homicides data. Note that the CDC does not have information about offenders, so this Figure refers only to victims.

Table A-1. Homicides, Charges, Death Notices, and Death Sentences by County.

County	Victims	Offenders	Charges	Notices	Sentences	Charge Rate	Notice Rate	Sentence Rate
Sedgwick	664	658	25	18	6	3.8	2.7	0.9
Wyandotte	364	341	27	18	0	7.9	5.3	-
Shawnee	287	266	9	3	1	3.4	1.1	0.4
Johnson	138	128	11	8	2	8.6	6.3	1.6
Saline	57	52	5	2	0	9.6	3.8	-
Ford	41	38	0	0	0	-	-	-
Riley	38	37	1	1	0	2.7	2.7	-
Montgomery	38	30	3	2	0	10.0	6.7	-
Leavenworth	32	30	3	1	0	10.0	3.3	-
Reno	30	29	4	1	0	13.8	3.4	-
Geary	28	28	3	0	0	10.7	-	-
Douglas	29	23	1	1	0	4.3	4.3	-
Crawford	24	23	2	2	1	8.7	8.7	4.3
Finney	22	22	0	0	0	-	-	-
Seward	23	19	1	1	0	5.3	5.3	-
Barton	21	18	6	2	1	33.3	11.1	5.6
Cherokee	17	17	4	1	0	23.5	5.9	-
Butler	17	17	1	0	0	5.9	-	-
Cowley	14	14	1	1	1	7.1	7.1	7.1
Sumner	13	12	0	0	0	-	-	-
Lyon	11	11	0	0	0	-	-	-
Miami	11	11	1	0	0	9.1	-	-
Ellis	10	10	0	0	0	-	-	-
Harvey	19	10	4	2	0	40.0	20.0	-
McPherson	10	9	1	0	0	11.1	-	-
Labette	12	9	1	1	0	11.1	11.1	-
Franklin	12	9	1	1	1	11.1	11.1	11.1
Greenwood	9	8	1	1	1	12.5	12.5	12.5
Grant	8	7	1	0	0	14.3	-	-
Jackson	7	7	0	0	0	-	-	-
Pottawatomie	6	6	1	1	0	16.7	16.7	-
Neosho	6	6	0	0	0	-	-	-
Jefferson	6	5	0	0	0	-	-	-
Osage	10	5	1	1	1	20.0	20.0	20.0
Allen	6	5	0	0	0	-	-	-
Atchison	5	5	1	0	0	20.0	-	-
Bourbon	5	4	1	1	0	25.0	25.0	-
Dickinson	4	4	2	2	0	50.0	50.0	-
Rooks	4	4	0	0	0	-	-	-

Wilson	4	3	0	0	0	-	-	-
Stanton	3	3	0	0	0	-	-	-
Pratt	3	3	0	0	0	-	-	-
Doniphan	3	3	1	0	0	33.3	-	-
Russell	3	3	0	0	0	-	-	-
Coffey	3	3	0	0	0	-	-	-
Scott	3	3	0	0	0	-	-	-
Smith	3	3	0	0	0	-	-	-
Linn	3	3	0	0	0	-	-	-
Brown	3	3	0	0	0	-	-	-
Cloud	2	2	0	0	0	-	-	-
Hamilton	2	2	0	0	0	-	-	-
Anderson	2	2	0	0	0	-	-	-
Rice	2	2	0	0	0	-	-	-
Wabaunsee	2	2	0	0	0	-	-	-
Kiowa	2	2	0	0	0	-	-	-
Chautauqua	2	2	1	0	0	50.0	-	-
Comanche	2	2	0	0	0	-	-	-
Ellsworth	2	2	0	0	0	-	-	-
Kingman	2	2	0	0	0	-	-	-
Norton	2	2	0	0	0	-	-	-
Mitchell	2	2	0	0	0	-	-	-
Gove	2	2	0	0	0	-	-	-
Ottawa	1	1	0	0	0	-	-	-
Nemaha	1	1	0	0	0	-	-	-
Trego	1	1	0	0	0	-	-	-
Haskell	1	1	2	1	0	200.0	100.0	-
Pawnee	1	1	0	0	0	-	-	-
Osborne	1	1	0	0	0	-	-	-
Stevens	1	1	0	0	0	-	-	-
Decatur	1	1	0	0	0	-	-	-
Hodgeman	1	1	0	0	0	-	-	-
Marshall	1	1	0	0	0	-	-	-
Edwards	1	1	0	0	0	-	-	-
Lane	1	1	0	0	0	-	-	-
Clay	1	1	1	1	0	100.0	100.0	-
Wichita	1	1	1	1	0	100.0	100.0	-
Thomas	1	1	0	0	0	-	-	-
Cheyenne	1	1	0	0	0	-	-	-
Graham	2	1	0	0	0	-	-	-
Stafford	1	1	0	0	0	-	-	-

Wallace	0	0	0	0	0			
Sheridan	0	0	0	0	0			
Rawlins	0	0	0	0	0			
Washington	0	0	0	0	0			
Lincoln	0	0	0	0	0			
Morris	0	0	0	0	0			
Chase	0	0	0	0	0			
Gray	0	0	0	0	0			
Logan	0	0	0	0	0			
Marion	0	0	0	0	0			
Phillips	0	0	0	0	0			
Ness	0	0	0	0	0			
Meade	0	0	0	0	0			
Greeley	0	0	0	0	0			
Republic	0	0	0	0	0			
Clark	0	0	0	0	0			
Elk	0	0	0	0	0			
Woodson	0	0	0	0	0			
Morton	0	0	0	0	0			
Jewell	0	0	0	0	0			
Harper	0	0	0	0	0			
Kearny	0	0	0	0	0			
Sherman	0	0	0	0	0			
Rush	0	0	0	0	0			
Barber	0	0	0	0	0			

Note: Rates are calculated per 100 offenders.

APPENDIX F



Control No. 336

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

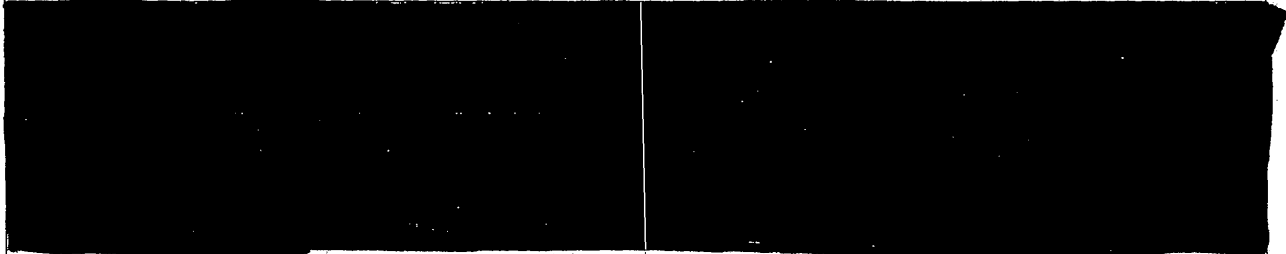
Amount Paid:

2400.00

Amount Returned To Offender Finance Office:

0

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

[Signature]

Date

5/19/20

Director, Division of Adult Institutions

[Signature]

Date

5/19/20

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 336

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Execution	5/19/2020	\$2,400.00
Offender Name	Offender I.D.	Date of Execution
Walter Barton	990108	5/19/2020
Funds Disbursed By:	Date	
<i>[Signature]</i>	5-19-2020	
Funds Received By:	Date	
<i>[Signature]</i>	5/19/20	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 335

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: 3000.00

Amount Returned To Offender Finance Office: 0

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness [Signature]

Date 5/19/20

Director, Division of Adult Institutions

[Signature]

Date 5/19/20

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 335

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Execution	5/18/2020	\$ 3,000.00
Offender Name	Offender I.D.	Date of Execution
Walter Barton	990108	5/19/2020
Funds Disbursed By:	Date	
<u>[Signature]</u>	5-18-2020	
Funds Received By:	Date	
<u>[Signature]</u>	5/18/20	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 334

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

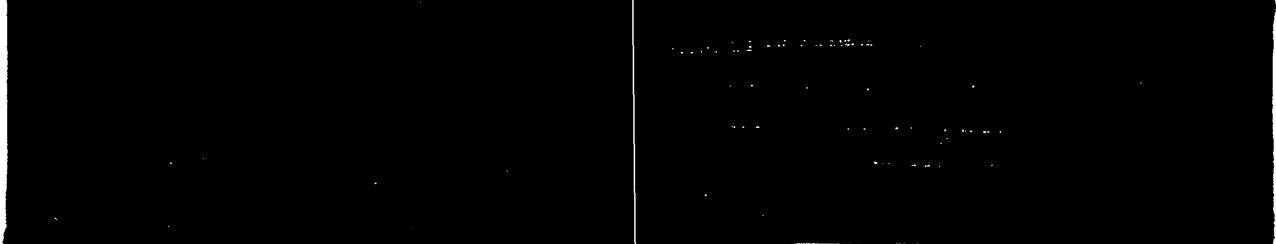
Amount Paid:

913100.00

Amount Returned To Offender Finance Office:

0

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

See attached document confirming receipt
Jeneea Foster

Date

5/7/20

Director, Division of Adult Institutions

[Signature]

Date

5/7/20

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 334

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount:
Execution	5/5 5/6/20	113,100.
Offender Name	Offender I.D.	Date of Execution
Walter Barten	990108	5/19/20
Funds Disbursed By:	Date	
<i>[Signature]</i>	5/6/2020	
Funds Received By:	Date	
<i>[Signature]</i>	5/6/20	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 333

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

300.00

Amount Returned To Offender Finance Office:

0

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

[Signature]

Date

5/1/20

Director, Division of Adult Institutions

[Signature]

Date

5/1/20

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 333

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Execution	4/30/2020	\$300.00
Offender Name	Offender I.D.	Date of Execution
Barton, Walter	990108	5/19/2020
Funds Disbursed By:	Date	
<i>[Signature]</i>	4/30/20	
Funds Received By:	Date	
<i>[Signature]</i>	4/30/20	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 332

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

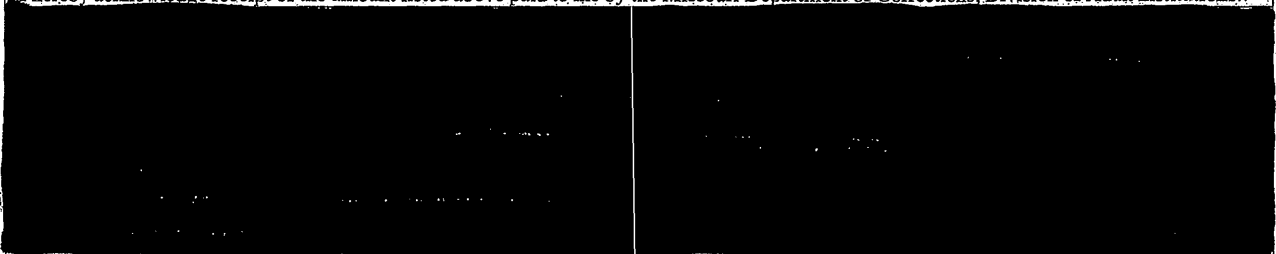
- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

375.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

Date

Director, Division of Adult Institutions

Date

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 332

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Consultation/Training	3/29/2020	\$375.00
Offender Name	Offender I.D.	Date of Execution
n/a	n/a	n/a
Funds Disbursed By:	Date	
<i>[Signature]</i>	3-24-2020	
Funds Received By:	Date	
<i>[Signature]</i>	3/24/2020	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 331

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

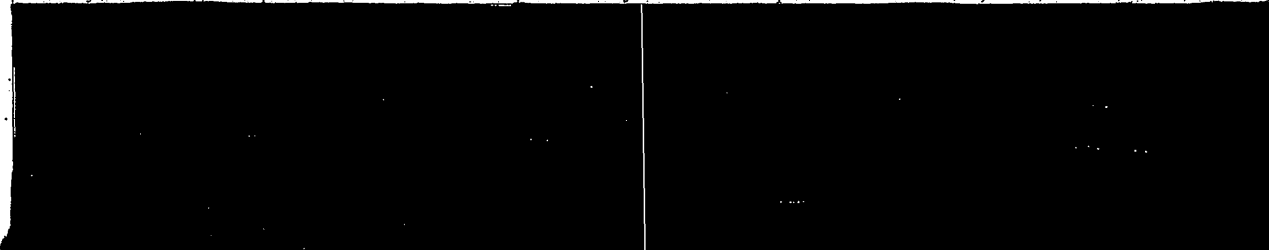
- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

\$2800.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

[Signature]
Director, Division of Adult Institutions

Date

3/29/2020

[Signature]

Date

3/29/2020

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 331

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Consultation/Training	3/29/2020	\$2,800.00
Offender Name	Offender I.D.	Date of Execution
11/1	11/1	11/1
Funds Disbursed By:	Date	
<i>[Signature]</i>	3-24-2020	
Funds Received By:	Date	
<i>[Signature]</i>	3/24/2020	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 330

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

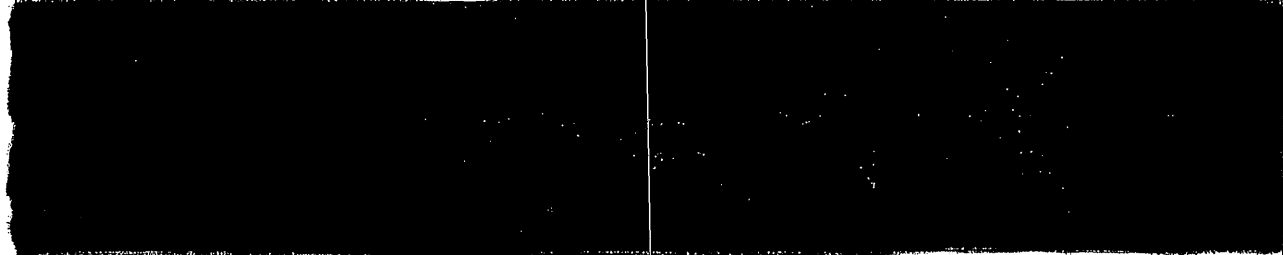
For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: \$ 2,400.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness: [Signature]

Date: 9/31/19

Director, Division of Adult Institutions

[Signature]

Date: 9/30/19

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 330

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Execution</u>	<u>10/1/19</u>	<u>\$ 2,400.00</u>
Offender Name	Offender I.D.	Date of Execution
<u>Russell Bucklew</u>	<u>990137</u>	<u>10/1/19</u>
Funds Disbursed By:	Date	
<u>[Signature]</u>	<u>9-24-19</u>	
Funds Received By:	Date	
<u>[Signature]</u>	<u>9-24-19</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 329

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

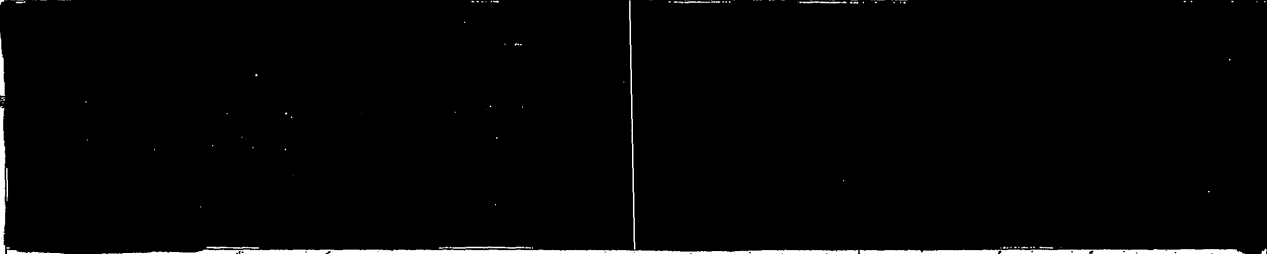
For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: \$3,000.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions,



Witness
Stan [Signature]

Date
9/30/19

Director, Division of Adult Institutions

[Signature]

Date
9-30-19

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 329

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Execution	10/1/19	\$3,600.00
Offender Name	Offender I.D.	Date of Execution
Russell Bucklew	990137	10/1/19
Funds Disbursed By:	Date	
<i>[Signature]</i>	9-24-19	
Funds Received By:	Date	
<i>[Signature]</i>	9-24-19	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 328

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

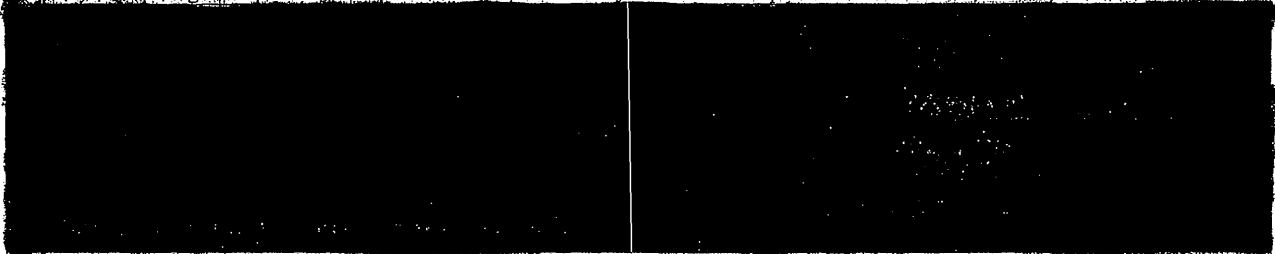
For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: \$ 375.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness
[Signature]

Date
9/30/19

Director, Division of Adult Institutions
[Signature]

Date
9/30/19

Distribution: White – Service Provider; Canary – Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 328

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Consultation/Training</u>	<u>9/30/19</u>	<u>375.00</u>
Offender Name	Offender I.D.	Date of Execution
<u>IA</u>	<u>n/a</u>	<u>n/a</u>
Funds Disbursed By:	Date	
<i>[Signature]</i>	<u>9-24-19</u>	
Funds Received By:	Date	
<i>[Signature]</i>	<u>9.24.19</u>	

Distribution: White – Offender Finance Office; Canary – Division of Adult Institutions; Pink – Offender Finance Office



Control No. 327

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

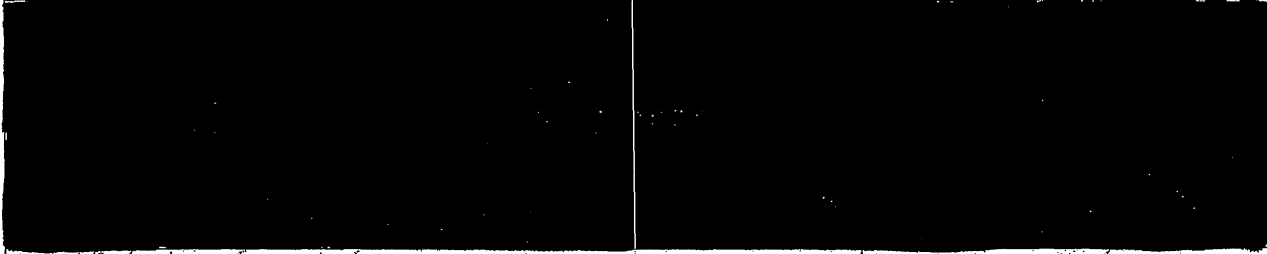
For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: \$ 2800.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness: [Signature]

Date: 9/30/19

Director, Division of Adult Institutions

[Signature]

Date: 9/30/19

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 327

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Consultation/Training</u>	<u>9/30/19</u>	<u>2,800.00</u>
Offender Name	Offender I.D.	Date of Execution
<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
Funds Disbursed By:	Date	
<u>[Signature]</u>	<u>9-24-19</u>	
Funds Received By:	Date	
<u>[Signature]</u>	<u>9-24-19</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 326

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

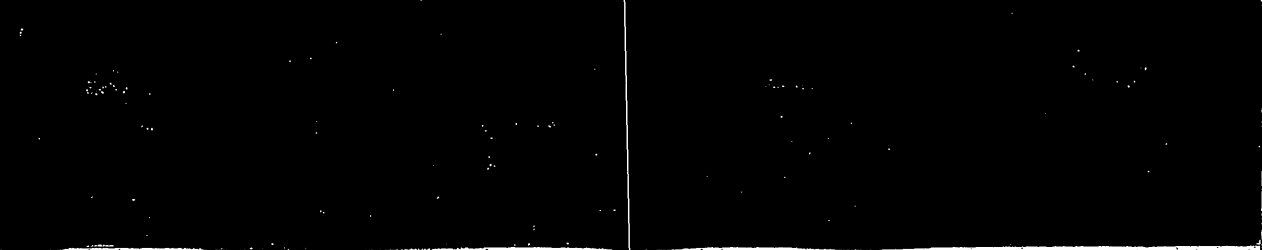
- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

15,500.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

Date

Director, Division of Adult Institutions

Date

[Signature]

8-15-17

Distribution: White ~~/~~ Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 326

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Execution Services	8/12/19	\$15,500.00
Offender Name	Offender I.D.	Date of Execution
Russell Bucklew	990137	Oct 1, 2019
Funds Disbursed By:	Date	
<i>[Signature]</i>	8-12-19	
Funds Received By:	Date	
<i>[Signature]</i>	8-12-19	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 325

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: 300⁰⁰

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness _____ Date _____

Director, Division of Adult Institutions [Signature] Date 7-15-19

Distribution: White – Service Provider; Canary – Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 325

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Execution Services</u>	<u>7-3-19</u>	<u>\$300⁰⁰</u>
Offender Name	Offender I.D.	Date of Execution
<u>Russell Bucklew</u>	<u>990137</u>	<u>Oct 1 2019</u>
Funds Disbursed By:	Date	
<u>[Signature]</u>	<u>7-3-19</u>	
Funds Received By:	Date	
<u>[Signature]</u>	<u>7-3-19</u>	

Distribution: White – Offender Finance Office; Canary – Division of Adult Institutions; Pink – Offender Finance Office



Control No. 324

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

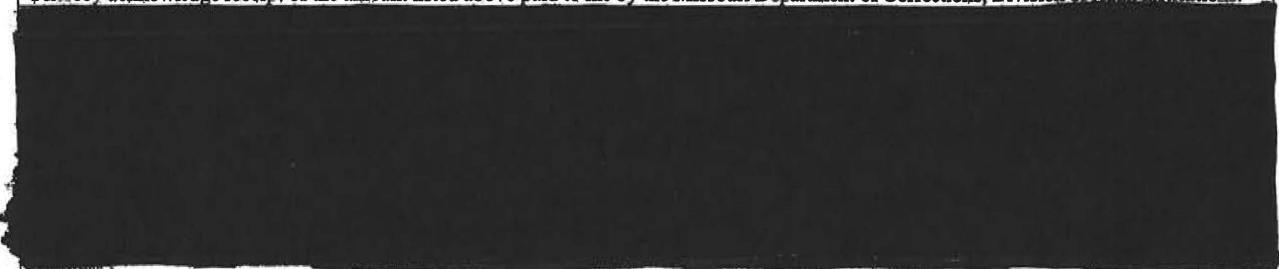
For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: 375

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness <i>[Signature]</i>	Date <u>5/5/19</u>
Director, Division of Adult Institutions <i>[Signature]</i>	Date <u>5-5-19</u>

Distribution: White – Service Provider; Canary – Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 324

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered: <u>Consultation/Training</u>	Date <u>4-25-19</u>	Amount <u>\$375⁰⁰</u>
Offender Name <u>NA</u>	Offender I.D. <u>NA</u>	Date of Execution <u>NA</u>
Funds Disbursed By: <i>[Signature]</i>	Date <u>5-2-19</u>	
Funds Received By: <i>[Signature]</i>	Date <u>5-2-19</u>	

Distribution: White – Offender Finance Office; Canary – Division of Adult Institutions; Pink – Offender Finance Office



Control No. 322

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

\$ 2800

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

[Handwritten signature]

Date

5/1/19

Director, Division of Adult Institutions

[Handwritten signature]

Date

5-5-19

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 322

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Consultatory Training	4-25-19	\$2800 ⁰⁰
Offender Name	Offender I.D.	Date of Execution
NA	NA	NA
Funds Disbursed By:	Date	
<i>[Signature]</i>	5-2-19	
Funds Received By:	Date	
<i>[Signature]</i>	5-2-19	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 321

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

375⁰⁰

Amount Returned To Offender Finance Office:

0

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

[Handwritten signature]

Date

3/24/19

Director, Division of Adult Institutions

[Handwritten signature]

Date

3-24-19

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 321

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Consultation / Training	2/28/19	\$375 ⁰⁰
Offender Name	Offender I.D.	Date of Execution
NA	NA	NA
Funds Disbursed By:	Date	
<i>[Handwritten signature]</i>	3-22-19	
Funds Received By:	Date	
<i>[Handwritten signature]</i>	3-22-19	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 320

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: 2500.00

Amount Returned To Offender Finance Office: 0

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

Witness
[Signature]

Date
3/24/19

Director, Division of Adult Institutions

[Signature]

Date
3-24-19

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 320

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Consultation / Training</u>	<u>2/28/19</u>	<u>\$2800.00</u>
Offender Name	Offender I.D.	Date of Execution
<u>NA</u>	<u>NA</u>	<u>NA</u>
Funds Disbursed By:	Date	
<i>[Signature]</i>	<u>3-22-19</u>	
Funds Received By:	Date	
<i>[Signature]</i>	<u>3-22-19</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 319

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

[Handwritten Signature]

Date

12/16/18

Director, Division of Adult Institutions

[Handwritten Signature]

Date

12-16-18

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 319

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Consultation / Training	12-3-2018	\$ 375 ⁰⁰
Offender Name	Offender I.D.	Date of Execution
NA	NA	NA
Funds Disbursed By:	Date	
<i>[Handwritten Signature]</i>	12-11-18	
Funds Received By:	Date	
<i>[Handwritten Signature]</i>	12-14-18	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 318

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

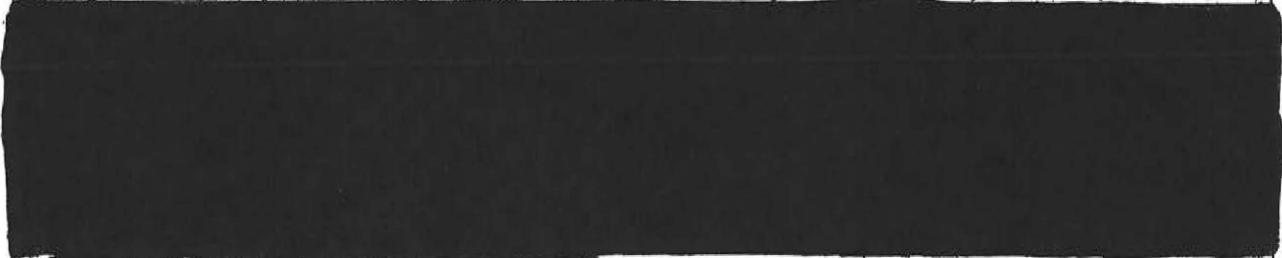
For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

[Signature]

Date

12/16/18

Director, Division of Adult Institutions

[Signature]

Date

12-16-18

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 318

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Consultation / Training	12-3-2018	\$2800 ⁰⁰
Offender Name	Offender I.D.	Date of Execution
NA	NA	NA
Funds Disbursed By:	Date	
<i>[Signature]</i>	12-14-18	
Funds Received By:	Date	
<i>[Signature]</i>	12-11-18	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 317

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness 	Date 9/30/18
Director, Division of Adult Institutions 	Date 9-30-18

Distribution: White – Service Provider; Canary – Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 317

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Consultation / Training	9/28/18	\$ 375.00
Offender Name	Offender I.D.	Date of Execution
NA	NA	NA
Funds Disbursed By:	Date	
	9-28-18	
Funds Received By:	Date	
	9-28-18	

Distribution: White – Offender Finance Office; Canary – Division of Adult Institutions; Pink – Offender Finance Office



Control No. 315

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

[Handwritten signature]

Date

9/30/18

Director, Division of Adult Institutions

[Handwritten signature]

Date

9-30-18

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 315

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Consultation / Training	9/28/18	1,240
Offender Name	Offender I.D.	Date of Execution
NA	NA	NA
Funds Disbursed By:	Date	
<i>[Handwritten signature]</i>	9-28-18	
Funds Received By:	Date	
<i>[Handwritten signature]</i>	9-28-18	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 312

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: 375.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DAI Director shall witness [redacted] signature.

Witness	Date
<i>[Signature]</i>	<u>7/19/18</u>
Director, Division of Adult Institutions	Date
<i>[Signature]</i>	<u>7/19/18</u>

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 312

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Consultation / Training</u>	<u>7/17/18</u>	<u>375.00</u>
Offender Name	Offender I.D.	Date of Execution
<u>NA</u>	<u>NA</u>	<u>NA</u>
Funds Disbursed By:	Date	
<i>[Signature]</i>	<u>7-19-18</u>	
Funds Received By:	Date	
<i>[Signature]</i>	<u>7/19/18</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 311

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

\$ 2800.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The [redacted] for sha [redacted] signature.

Witness

[Handwritten signature]

Date

6/24/18

Director, Division of Adult Institutions

[Handwritten signature]

Date

6-24-18

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 311

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Consultation / Training	6-21-18	\$2800 ⁰⁰
Offender Name	Offender I.D.	Date of Execution
NA	NA	NA
Funds Disbursed By:	Date	
[Handwritten signature]	6-21-18	
Funds Received By:	Date	
[Handwritten signature]	6-21-18	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 310

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: <u>300.00</u>	Amount Returned To Offender Finance Office:
----------------------------	---

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DAI Director shall witness Service Provider's signature.

Witness <u>Acknowledged receipt Jennica Foster</u>	Date <u>3/21/18</u>
Director, Division of Adult Institutions <u>[Signature]</u>	Date <u>3-11-18</u>

Distribution: White – Service Provider; Canary – Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 310

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered: <u>Execution Services</u>	Date <u>3/7/2018</u>	Amount <u>\$300⁰⁰</u>
Offender Name <u>Russell Bucklew</u>	Offender I.D. <u>990137</u>	Date of Execution <u>3/20/2018</u>
Funds Disbursed By: <u>[Signature]</u>	Date <u>3-9-18</u>	
Funds Received By: <u>[Signature]</u>	Date <u>3-7-18</u>	

Distribution: White – Offender Finance Office; Canary – Division of Adult Institutions; Pink – Offender Finance Office



Control No. 309

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: <u>2400.00</u>	Amount Returned To Offender Finance Office:
--------------------------------	---

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Provider's signature.

Witness <u>Joy & Stahl</u>	Date <u>03-20-18</u>
-----------------------------------	-------------------------

Director, Division of Adult Institutions <u>[Signature]</u>	Date <u>3-20-18</u>
--	------------------------

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 309

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered: <u>Execution Services</u>	Date <u>3/7/2018</u>	Amount <u>\$2400⁰⁰</u>
Offender Name <u>Russell Bucklew</u>	Offender I.D. <u>990137</u>	Date of Execution <u>3/20/2018</u>
Funds Disbursed By: <u>[Signature]</u>	Date <u>3-9-18</u>	
Funds Received By: <u>[Signature]</u>	Date <u>3-9-18</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 308

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: <u>3000.00</u>	Amount Returned To Offender Finance Office:
-----------------------------	---

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DAI Director shall witness Service Provider's signature.

Witness <i>[Signature]</i>	Date <u>03-20-18</u>
Director, Division of Adult Institutions <i>[Signature]</i>	Date <u>3.20.18</u>

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 308

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered: <u>Execution Services</u>	Date <u>3/7/2018</u>	Amount <u>\$3,000⁰⁰</u>
Offender Name <u>Russell Bucklew</u>	Offender I.D. <u>990137</u>	Date of Execution <u>3/20/2018</u>
Funds Disbursed By: <i>[Signature]</i>	Date <u>3-9-18</u>	
Funds Received By: <i>[Signature]</i>	Date <u>3-7-18</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 307

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

15,500.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DAI Director shall witness Service Provider's signature.

Witness

Date

Director, Division of Adult Institutions

Date

[Signature]

3-13-18

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 307

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Execution Services	3/7/2018	\$15,500 ⁰⁰
Offender Name	Offender I.D.	Date of Execution
Russell Bucklew	990137	3/20/2018
Funds Disbursed By:	Date	
<i>[Signature]</i>	3-9-18	
Funds Received By:	Date	
<i>[Signature]</i>	3-9-18	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 306

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: \$ 2800⁰⁰

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DAI Director shall witness Service Provider's signature.

Witness <u>Tom E. Hull</u>	Date <u>11-2-17</u>
Director, Division of Adult Institutions <u>[Signature]</u>	Date <u>11-2-17</u>

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 306

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered: <u>Consultation / Training</u>	Date <u>10-16-17</u>	Amount <u>2800⁰⁰</u>
Offender Name <u>NA</u>	Offender I.D. <u>NA</u>	Date of Execution <u>NA</u>
Funds Disbursed By: <u>[Signature]</u>	Date <u>11-2-17</u>	
Funds Received By: <u>[Signature]</u>	Date <u>11-2-17</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 305

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

375.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

Witness

Date

[Signature]

10-31-17

Director, Division of Adult Institutions

Date

[Signature]

10-31-17

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 305

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Consultation / Training	10-16-17	\$375.00
Offender Name	Offender I.D.	Date of Execution
NA	NA	NA
Funds Disbursed By:	Date	
<i>[Signature]</i>	10-31-17	
Funds Received By:	Date	
<i>[Signature]</i>	10-31-17	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 304

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

3000⁰⁰

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The [Redacted] signature.

Witness

[Handwritten Signature]

Date

8-27-17

Director, Division of Adult Institutions

[Handwritten Signature]

Date

8-27-17

Distribution: White – Service Provider; Canary – Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 304

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Execution</u>	<u>8-17-17</u>	<u>\$3000⁰⁰</u>
Offender Name	Offender I.D.	Date of Execution
<u>Marce Hus Williams</u>	<u>163729</u>	<u>8-22-17</u>
Funds Disbursed By:	Date	
<u>[Handwritten Signature]</u>	<u>8-17-17</u>	
Funds Received By:	Date	
<u>[Handwritten Signature]</u>	<u>8-17-17</u>	

Distribution: White – Offender Finance Office; Canary – Division of Adult Institutions; Pink – Offender Finance Office



Control No. 303

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: 12800.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DA [Redacted] Signature. [Redacted]	
Witness <u>Joy L Steele</u>	<u>6-11-17</u>
Director, Division of Adult Institutions <u>[Signature]</u>	Date <u>6-11-17</u>

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 303

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Consultation / Training</u>	<u>5-22-17</u>	<u>\$2800⁰⁰</u>
Offender Name	Offender I.D.	Date of Execution
<u>NA</u>	<u>NA</u>	<u>NA</u>
Funds Disbursed By:	Date	
<u>[Signature]</u>	<u>6-6-17</u>	
Funds Received By:	Date	
<u>[Signature]</u>	<u>6-7-17</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 302

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

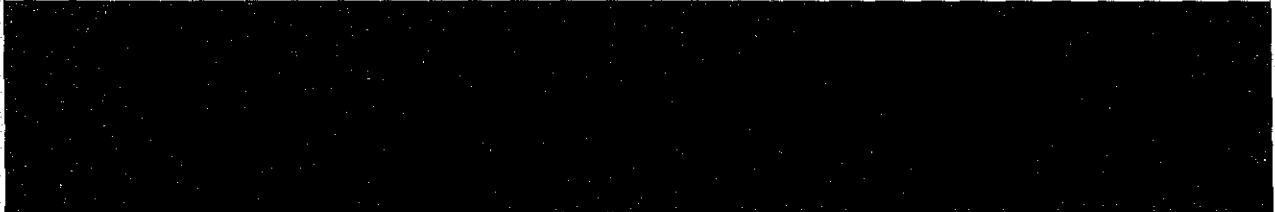
For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: \$375.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



<i>[Signature]</i>	Date <u>6-11-17</u>
Director, Division of Adult Institutions	Date <u>6-11-17</u>

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 302

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Consultation / Training</u>	<u>5-22-17</u>	<u>\$375⁰⁰</u>
Offender Name	Offender I.D.	Date of Execution
<u>NA</u>	<u>NA</u>	<u>NA</u>
Funds Disbursed By:	Date	
<i>[Signature]</i>	<u>6-6-17</u>	
Funds Received By:	Date	
<i>[Signature]</i>	<u>6-6-17</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 301

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: \$ <u>2410⁰⁰</u>	Amount Returned To Offender Finance Office:
--	---

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DAI Director's Signature:	Date: <u>8-32-17</u>
Witness: <u>Greg S. [Redacted]</u>	Date: <u>8-22-17</u>
Director, Division of Adult Institutions: <u>[Redacted]</u>	Date: <u>8-22-17</u>

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 301

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered: <u>Execution</u>	Date: <u>5-12-17</u>	Amount: <u>\$2400⁰⁰</u>
Offender Name: <u>Marcellus Williams</u>	Offender I.D.: <u>163729</u>	Date of Execution: <u>8-22-17</u>
Funds Disbursed By: <u>[Redacted]</u>	Date: <u>8-17-17</u>	
Funds Received By: <u>[Redacted]</u>	Date: <u>8-17-17</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 299

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: \$2400.⁰⁰

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



The Director, Missouri Department of Corrections, witness Secretary signature.

Witness: [Signature]

Date: 1-31-17

Director, Division of Adult Institutions: [Signature]

Date: 1/31/17

Distribution: White – Service Provider; Canary – Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 299

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Execution</u>	<u>1-30-17</u>	<u>\$2400⁰⁰</u>
Offender Name	Offender I.D.	Date of Execution
<u>Mark Christensen</u>	<u>1031687</u>	<u>1-31-2017</u>
Funds Disbursed By:	Date	
<u>[Signature]</u>	<u>1-30-17</u>	
Funds Received By:	Date	
<u>[Signature]</u>	<u>1/30/17</u>	

Distribution: White – Offender Finance Office; Canary – Division of Adult Institutions; Pink – Offender Finance Office



Control No. 298

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:
\$ 3000.⁰⁰

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DAI Director shall witness Service Provider's signature.

Witness <i>[Signature]</i>	Date 1-31-17
-------------------------------	-----------------

Director, Division of Adult Institutions <i>[Signature]</i>	Date 1/31/17
--	-----------------

Distribution: White – Service Provider; Canary – Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 298

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered: <i>Execution</i>	Date: <i>1-30-17</i>	Amount: <i>23,000⁰⁰</i>
Offender Name: <i>Mark Christeson</i>	Offender I.D.: <i>1031687</i>	Date of Execution: <i>1-31-2017</i>
Funds Disbursed By: <i>[Signature]</i>	Date: <i>1-30-17</i>	
Funds Received By: <i>[Signature]</i>	Date: <i>1/30/17</i>	

Distribution: White – Offender Finance Office; Canary – Division of Adult Institutions; Pink – Offender Finance Office



Control No. 297

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: \$2,800.⁰⁰

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DAI Director shall witness Service Provider's signature.

Witness <i>Jim E. Harts</i>	Date 12-20-16
Director, Division of Adult Institutions <i>Walter...</i>	Date 12/20/16

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 297

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered: <i>Consultation / Training</i>	Date <i>12/15/16</i>	Amount <i>\$2,800⁰⁰</i>
Offender Name <i>NA</i>	Offender I.D. <i>NA</i>	Date of Execution <i>NA</i>
Funds Disbursed By: <i>[Signature]</i>	Date <i>12/15/16</i>	
Funds Received By: <i>[Signature]</i>	Date <i>12/15/16</i>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 296

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

\$375.00

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

Signature	
Witness <i>[Signature]</i>	Date 12-20-16
Director, Division of Adult Institutions <i>[Signature]</i>	Date 12/20/16

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 296

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Consultation / Training	12-15-16	\$375.00
Offender Name	Offender I.D.	Date of Execution
NA	NA	NA
Funds Disbursed By:	Date	
<i>[Signature]</i>	12/15/16	
Funds Received By:	Date	
<i>[Signature]</i>	12/15/16	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 290

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

\$7,178⁸⁸

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DAI Director shall witness Service Provider's signature.

Witness

See attached document
confirming receipt

Director, Division of Adult Institutions

[Signature]

Date

Melissa Schouler 5/12/16

Date

5/11/16

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 290

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Execution</u>	<u>2-17-2016</u>	<u>\$7,178⁸⁸</u>
Offender Name	Offender I.D.	Date of Execution
<u>Earl Forrest</u>	<u>#1120209</u>	<u>5-11-2016</u>
Funds Disbursed By:	Date	
<i>[Signature]</i>	<u>5-10-16</u>	
Funds Received By:	Date	
<i>[Signature]</i>	<u>5/10/16</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 283

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

\$7,178.88

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



signature.

Witness

See attached document confirming receipt
Melissa Schenker
Director, Division of Adult Institutions

Date

11-6-15

Director, Division of Adult Institutions

Date

11/3/15

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 283

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<i>Execution</i>	<i>10-14-15</i>	<i>\$7,178.88</i>
Offender Name	Offender I.D.	Date of Execution
<i>Ernest Lee Johnson</i>	<i>#990118</i>	<i>11-3-15</i>
Funds Disbursed By:	Date	
<i>Susan Ward</i>	<i>11/2/15</i>	
Funds Received By:	Date	
<i>[Signature]</i>	<i>11/2/15</i>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 274

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: \$ 7,178.88

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness <u>See attached document</u> <u>Christina Stevens</u>	Date <u>9-2-15</u>
Director, Division of Adult Institutions <u>[Signature]</u>	Date <u>9/1/15</u>

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 274

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered: <u>Execution</u>	Date <u>8-26-15</u>	Amount <u>\$7,178.88</u>
Offender Name <u>Roderick Nunley</u>	Offender I.D. <u>#990088</u>	Date of Execution <u>9-1-15</u>
Funds Disbursed By: <u>[Signature]</u>	Date <u>8/31/15</u>	
Funds Received By: <u>[Signature]</u>	Date <u>9/1/15</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 269

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:
\$7,178.88

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DAI Director shall witness services provided by offender.

Witness See attached document	Date
Director, Division of Adult Institutions <i>Melissa Schreiner</i>	Date 7/15/15
	Date 7/14/15

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 269

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Execution	7-13-15	\$7,178.88
Offender Name	Offender I.D.	Date of Execution
David Fink	#1061231	7-14-15
Funds Disbursed By:	Date	
<i>Jana Weber</i>	7-13-15	
Funds Received By:	Date	
<i>Janice</i>	7/13/15	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 266

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

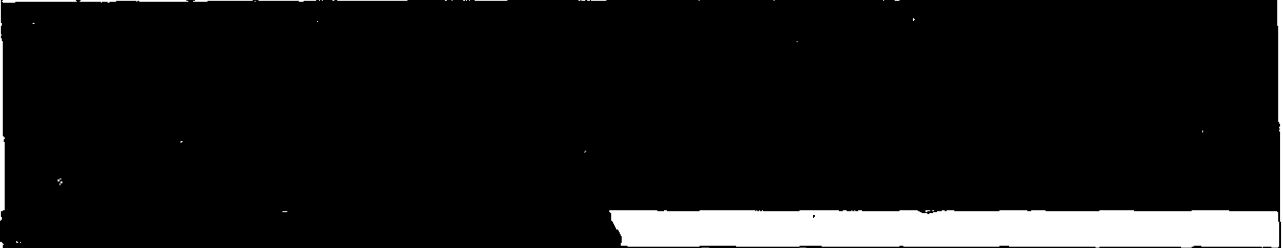
- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

\$ 7,178.88

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

See attached document containing receipt
Michelle Schaefer

Date

6/10/15

Director, Division of Adult Institutions

Date

6/9/15

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 266

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Execution</u>	<u>6-3-15</u>	<u>\$7,178.88</u>
Offender Name	Offender I.D.	Date of Execution
<u>Richard Strong</u>	<u>#141128</u>	<u>6-9-15</u>
Funds Disbursed By:	Date	
<i>[Signature]</i>	<u>6/8/15</u>	
Funds Received By:	Date	
<i>[Signature]</i>	<u>6/8/15</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 260

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid: <u>\$7,178.88</u>	Amount Returned To Offender Finance Office:
-----------------------------------	---

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

[Redacted Signature Area]

Witness <u>See attached documents certifying receipt</u> <u>Melissa S. Kowen</u>	Date <u>4-15-15</u>
Director, Division of Adult Institutions	Date <u>4/14/15</u>

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 260

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Execution Services</u>	<u>4-10-15</u>	<u>\$7,178.88</u>
Offender Name	Offender I.D.	Date of Execution
<u>A. Cole</u>	<u>#299794</u>	<u>4-14-15</u>
Funds Disbursed By:	Date	
<u>Susan Wood</u>	<u>4-13-15</u>	
Funds Received By:	Date	
<u>[Signature]</u>	<u>4/13/15</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office

Control No. 254

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

\$ 7,178.88

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.

The DAI Director shall witness Service Provider's signature.

Witness

See attached - confirming receipt of service
Melissa Schuler

Date

3/18/15

Director, Division of Adult Institutions

[Signature]

Date

3/17/15

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office

Control No. 254

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
<u>Execution</u>	<u>3-16-15</u>	<u>\$ 7,178.88</u>
Offender Name	Offender I.D.	Date of Execution
<u>Cecil Clayton</u>	<u>#990141</u>	<u>3-17-15</u>
Funds Disbursed By:	Date	
<u>Susan Wood</u>	<u>3-16-15</u>	
Funds Received By:	Date	
<i>[Signature]</i>	<u>3/16/15</u>	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office



Control No. 249

MISSOURI DEPARTMENT OF CORRECTIONS

CONFIDENTIAL EXECUTION TEAM MEMBER RECEIPT

For and in consideration of services performed for the State of Missouri identified as follows:

- Execution
- Consultation / Training
- Litigation Preparation and Testimony

Amount Paid:

Amount Returned To Offender Finance Office:

I hereby acknowledge receipt of the amount listed above paid to me by the Missouri Department of Corrections, Division of Adult Institutions.



Witness

Date

See attached chemical control record
Director, Division of Adult Institutions
confirming receipt of service

Melissa Schuman

Date

2/10/15

Distribution: White - Service Provider; Canary - Director, Division of Adult Institutions; Pink - Offender Finance Office



Control No. 249

MISSOURI DEPARTMENT OF CORRECTIONS

Execution Services Voucher

Services Rendered:	Date	Amount
Execution	2-5-15	\$7,178.88
Offender Name	Offender I.D.	Date of Execution
Walter Storey	#990093	2-11-15
Funds Disbursed By:	Date	
<i>[Signature]</i>	2-10-15	
Funds Received By:	Date	
<i>[Signature]</i>	2/10/15	

Distribution: White - Offender Finance Office; Canary - Division of Adult Institutions; Pink - Offender Finance Office

APPENDIX G

INVOICE

BILL TO
TND
TND
320 6TH Avenue North
Nashville, TN 37243

INVOICE TN20200511
DATE 11/05/2020
TERMS NET 10
DUE DATE 11/15/2020

DATE	SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
11/04/2020	KCL-CMPD	KCL 15% Solution 60ml compd. for injection	8	480.00	3,840.00
11/04/2020	MID-CMPD	Midazolam 50mg/ml x 5ml Cmpd for injection	8	667.97	5,343.76

BALANCE DUE **\$9,183.76**

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

INVOICE

BILL TO
TNDOC
TNDOC
320 6TH Avenue North
Nashville, TN 37243

INVOICE [REDACTED]
DATE 07/28/2020
TERMS NET 10
DUE DATE 08/07/2020

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
		Annual Service Fee	1	5,000.00	5,000.00
	[REDACTED]	KCL 15% Solution 60ml compd. for injection	8	480.00	3,840.00
	[REDACTED]	Midazolam 50mg/ml x 5ml Cmpd for injection	8	667.97	5,343.76
	[REDACTED]	2% Lidocaine 20 ml for Injection	25	12.00	300.00
	[REDACTED]	Vecuronium 10mg: 10 x 10 ml	4	750.00	3,000.00

Make all checks payable to [REDACTED]

BALANCE DUE

\$17,483.76

THANK YOU FOR YOUR BUSINESS!



INVOICE NO. [REDACTED]
 DATE February 11, 2020

TO
 TNDOC
 320 6th Avenue North
 Nashville, TN 37243

SHIP TO
 SAME

SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
	TNDOC				[REDACTED]	

QTY	ITEM #	DESCRIPTION	LOT	UNIT PRICE	LINE TOTAL
8.00	[REDACTED]	KCl 15% Solution 60ml compd. for Injection		\$ 480.00	\$ 3,840.00
8.00	[REDACTED]	Midazolam 50mg/ml x 5ml Compd for Inj.		\$ 667.97	\$ 5,343.76
TOTAL DISCOUNT					
				SUBTOTAL	\$ 9,183.76
				SALES TAX	
				TOTAL	\$ 9,183.76





[Redacted]
[Redacted]
[Redacted]

INVOICE NO. [Redacted]
DATE December 20, 2019

TO
TNDOC
320 6th Avenue North
Nashville, TN 37243

SHIP TO
SAME

SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
	[Redacted]				[Redacted]	

QTY	ITEM #	DESCRIPTION	LOT	UNIT PRICE	LINE TOTAL
60.00	[Redacted]	Midazolam Bulk API in grams	[Redacted]	\$ 660.00	\$ 39,600.00
5.00	[Redacted]	2 mEq/ml KCl for Inj 250mL	[Redacted]	\$ 1,920.00	\$ 9,600.00

TOTAL DISCOUNT		
SUBTOTAL	\$	49,200.00
SALES TAX		
TOTAL	\$	49,200.00



INVOICE NO. [REDACTED]
 DATE August 7, 2019

TO
 TNDOC
 320 6th Avenue North
 Nashville, TN 37243

SHIP TO
 SAME

SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
	TNDOC				[REDACTED]	

QTY	ITEM #	DESCRIPTION	LOT	UNIT PRICE	LINE TOTAL
4.00	[REDACTED]	KCl 15% Solution 60ml compd. for injection	[REDACTED]	\$ 480.00	\$ 1,920.00
TOTAL DISCOUNT					
				SUBTOTAL	\$ 1,920.00
				SALES TAX	
				TOTAL	\$ 1,920.00

[REDACTED]



INVOICE NO. [REDACTED]
 DATE August 7, 2019

TO
 TNDOC
 320 6th Avenue North
 Nashville, TN 37243

SHIP TO
 SAME

SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
	TNDOC				[REDACTED]	

QTY	ITEM #	DESCRIPTION	LOT	UNIT PRICE	LINE TOTAL	
1.00		Annual Service Fee	N/A	\$ 5,000.00	\$ 5,000.00	
					\$ -	
					\$ -	
					\$ -	
TOTAL DISCOUNT						
					SUBTOTAL	\$ 5,000.00
					SALES TAX	
					TOTAL	\$ 5,000.00





INVOICE NO. [REDACTED]
 DATE October 31, 2018

TO
 TND0C
 320 6th Avenue North
 Nashville, TN 37243

SHIP TO
 SAME

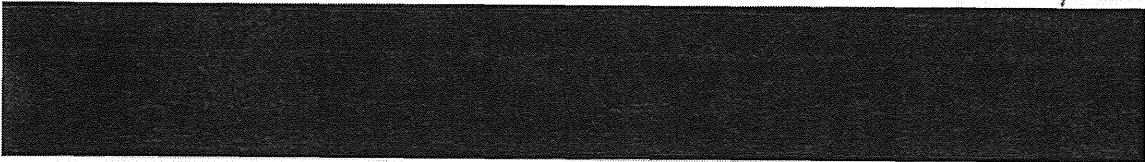
SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
	[REDACTED]					Upon Receipt

QTY	ITEM #	DESCRIPTION	LOT	UNIT PRICE	LINE TOTAL
24.00	[REDACTED]	Midazolam 50mg/ml x 5ml Cmpd for Inj.	[REDACTED]	\$ 667.97	\$ 16,031.28

TOTAL DISCOUNT			
SUBTOTAL	\$	16,031.28	
SALES TAX			
TOTAL	\$	16,031.28	



P.4B



INVOICE NO. [REDACTED]
DATE December 14, 2017

TO
TNDOC
320 6th Avenue North
Nashville, TN 37243

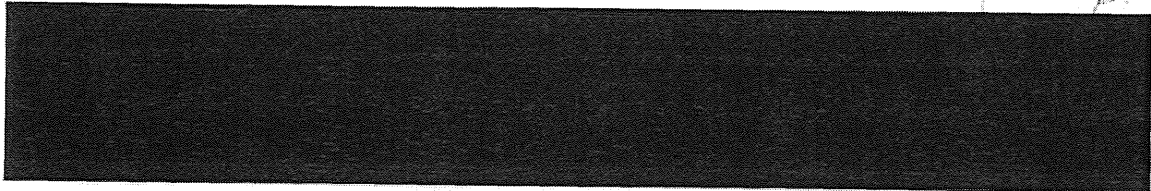
SHIP TO
SAME

SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
[REDACTED]	[REDACTED]					

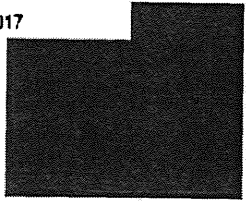
QTY	ITEM #	DESCRIPTION	LOT	UNIT PRICE	LINE TOTAL
4.00	[REDACTED]	Midazolam 5mg/ml; 10 x 5mL	[REDACTED]	\$ 750.00	\$ 3,000.00
1.00	[REDACTED]	Vecuronium 10mg; 10 x 10mL	[REDACTED]	\$ 750.00	\$ 750.00
1.00	[REDACTED]	Vecuronium 10mg; 10 x 10mL	[REDACTED]	\$ 750.00	\$ 750.00
TOTAL DISCOUNT				\$ 2,250.00	
SUBTOTAL				\$	4,500.00
SALES TAX					
TOTAL				\$	4,500.00



D.3B



INVOICE NO. [REDACTED]
DATE November 27, 2017



TO
TNDOC
320 6th Avenue North
Nashville, TN 37243

SHIP TO
SAME

SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
	[REDACTED]					

QTY	ITEM #	DESCRIPTION	LOT	UNIT PRICE	LINE TOTAL
4.00	[REDACTED]	Mklazolam 5mg/ml; 10 x 5mL	[REDACTED]	\$ 750.00	\$ 3,000.00
4.00	[REDACTED]	Vecuronium 10mg; 10 x 10mL	[REDACTED]	\$ 750.00	\$ 3,000.00
					\$

RECEIVED

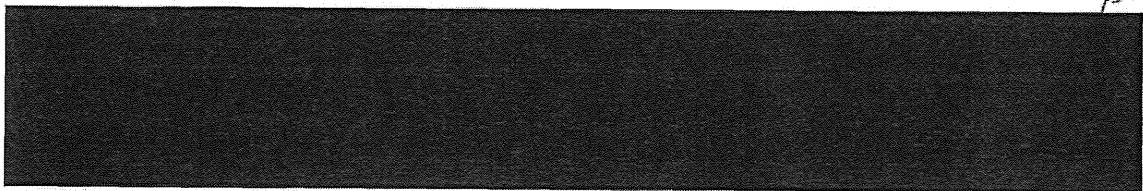
NOV 28 2017

TOTAL DISCOUNT	\$	1,500.00	
SUBTOTAL	\$	6,000.00	
SALES TAX			
TOTAL	\$	6,000.00	

Trust Fund
Riverbend Maximum Security Institution



P.2B



INVOICE NO. [REDACTED]
DATE November 1, 2017

TO
TNDOC
320 6th Avenue North
Nashville, TN 37243

SHIP TO
SAME

SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
	[REDACTED]					

QTY	ITEM #	DESCRIPTION	LOT	UNIT PRICE	LINE TOTAL
8.00	[REDACTED]	Midazolam 5mg/ml; 10 x 5mL	[REDACTED]	\$ 750.00	\$ 6,000.00
4.00	[REDACTED]	Vecuronium 10mg; 10 x 10mL	[REDACTED]	\$ 750.00	\$ 3,000.00
					\$
TOTAL DISCOUNT				\$ 1,500.00	
				SUBTOTAL	\$ 9,000.00
				SALES TAX	
				TOTAL	\$ 9,000.00



APPENDIX H

Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014

"C" indicates known Capital Case

Blank Capital not indicated in BIDSsmart

Type	Case Client	Expert	Last Paid	Amount	KSA	Offense	2nd KSA
WY16CV396 RICHARD T POWELL							
		Erickson, Debera A	2/4/2019	\$2,031.00	60-1501 or 60-1507		
WY17CR871 ORLANDO TAYLOR							
		Sedgwick, Philip R	11/22/2019	\$5,807.50	21-5503	1st Degree Murder/Attem	
PS	Psych Services (Sex Offen	██████████	3/8/2019	\$625.00			
C	WY19CR1144 HUGO VILLANUEVA MORALES						
P50	EV	Evidence Copies/Tapes (P	██████████	2/7/2020	\$105.00		
P50		Evidence Copies/Tapes (P	██████████	12/7/2023	\$102.00		
P50	EV	Evidence Copies/Tapes (P	██████████	8/5/2021	\$75.00		
P50	EV	Evidence Copies/Tapes (P	██████████	10/6/2022	\$15.00		
P50	EW	Generic Expert or Witness	██████████	1/5/2024	\$3,803.73		
P50	EW	Generic Expert or Witness	██████████	11/23/2021	\$5,118.75		
P50	EW	Generic Expert or Witness	██████████	10/14/2022	\$1,905.50		
P50	EW	Generic Expert or Witness	██████████	3/25/2022	\$1,500.00		
P50	EW	Generic Expert or Witness	██████████	9/2/2022	\$3,348.50		
P50	FO	Forensic Testing	██████████	12/22/2023	\$25,893.75		
P50	IT	Interpreter/Translator	██████████	2/2/2024	\$1,750.00		
P50	IT	Interpreter/Translator	██████████	3/8/2024	\$3,763.45		
P50	MI	Mitigation Services/Jury I	██████████	9/8/2023	\$2,250.00		
P50	MI	Mitigation Services/Jury I	██████████	4/26/2024	\$136,981.61		
P50	MI	Mitigation Services/Jury I	██████████	5/17/2024	\$25,309.13		
P50	MR	Medical Records Purchase	██████████	1/24/2020	\$53.76		
P50	MR	Medical Records Purchase	██████████	7/22/2020	\$28.00		
P50	MR	Medical Records Purchase	██████████	1/12/2023	\$46.35		
P50	PS	Psych Services (Sex Offen	██████████	6/24/2022	\$2,850.00		
P50	PS	Psych Services (Sex Offen	██████████	1/7/2022	\$2,867.50		
P50	PS	Psych Services (Sex Offen	██████████	7/21/2023	\$5,850.00		
P50	PS	Psych Services (Sex Offen	██████████	8/18/2023	\$15,458.51		
P50	PS	Psych Services (Sex Offen	██████████	6/16/2021	\$3,150.00		
P50	WV	Witness/Victim Expense	██████████	11/5/2021	\$5,889.11		

Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014

"C" indicates known Capital Case

Blank Capital not indicated in BIDSsmart

<i>Type</i>	<i>Case Client</i>	<i>Expert</i>	<i>Last Paid</i>	<i>Amount</i>	<i>KSA</i>	<i>Offense</i>	<i>2nd KSA</i>
Capital murder.							
	WY06CR1962 FREDRICK DOUGLAS				21-3439		21-3401
		Erickson, Debera A	11/21/2016	\$218.50		Probation Violation	
		Erickson, Debera A	3/24/2015	\$1,252.40		Motion to Correct	
	WY15CR235 Dyron King				21-3439		
		Erickson, Debera A	5/2/2016	\$21,101.30		1st Degree Murder/Attem	
		Highland, Michael G	3/15/2018	\$4,749.33		Criminal appeal	
C	WY16CR355 Curtis R Ayers				21-3439		
P50	DA Drug/Alcohol Evaluations	████████████████████	6/27/2016	\$657.00			
P50	DM Defense Attorney Material	████████████████████	10/6/2016	\$110.00			
P50	MR Medical Records Purchase	████████████████	7/27/2016	\$1,695.05			

Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014

"C" indicates known Capital Case Blank Capital not indicated in BIDSsmart

Type	Case Client	Expert	Last Paid	Amount	KSA	Offense	2nd KSA
C	WY18CR640 ANTOINE FIELDER				21-5401		21-5402
		WARHURST MARTIN D	3/22/2024	\$39,478.50		1st Degree Murder/Attem	
		WARHURST, MARTIN D	2/18/2022	\$60,240.00		1st Degree Murder/Attem	
P50	CV Change of Venue Survey	URBANIK, JULIE LYNN	7/14/2023	\$9,900.00			
P50	DM Defense Attorney Material	BELL DARLYN K	5/3/2024	\$2,250.00			
P50	DM Defense Attorney Material	BELL, DARLYN K	8/18/2023	\$6,827.50			
P50	DN DNA Test/Analysis	ANCESTRY	12/8/2022	\$68.95			
P50	EV Evidence Copies/Tapes (P	BAYSINGER POLICE SUP	6/9/2023	\$245.48			
P50	EV Evidence Copies/Tapes (P	Dazey, Jeff	2/24/2021	\$30.00			
P50	EV Evidence Copies/Tapes (P	Isaacson, Cindy L	6/11/2021	\$100.00			
P50	EV Evidence Copies/Tapes (P	Kansas Office of Vital Statist	12/8/2022	\$145.00			
P50	EV Evidence Copies/Tapes (P	Kinkos, Fed Ex/Fed Ex Kink	3/2/2023	\$96.36			
P50	EV Evidence Copies/Tapes (P	WYANDOTTE COUNTY, T	3/3/2021	\$85.00			
P50	EW Generic Expert or Witness	REISBERG, DANIEL	12/22/2023	\$2,200.00			
P50	FC Forensic Services Comput	ELM GROVE PARTNERS	7/1/2022	\$875.00			
P50	FO Forensic Testing	Johnson, Jennifer Lynn/Johns	10/27/2022	\$10,895.00			
P50	MI Mitigation Services/Jury I	CLS Mitigation & Consulting	4/26/2024	\$40,026.41			
P50	MR Medical Records Purchase	Lab Corp	10/18/2019	\$45.00			
P50	MR Medical Records Purchase	PRIME HEALTHCARE SE	8/3/2018	\$6.50			
P50	PP Photo Processing (PD)	Wolfes Camera Shops Inc	10/18/2019	\$288.62			
P50	PS Psych Services (Sex Offen	JACKSON, YOLANDA	7/21/2023	\$11,525.78			
P50	PS Psych Services (Sex Offen	LAMPINEN, JAMES M	4/12/2024	\$6,336.00			
P50	PS Psych Services (Sex Offen	MCGARRAHAN, ANTOIN	8/4/2023	\$11,484.74			
P50	PS Psych Services (Sex Offen	MENDEL PHD PC, MATTH	3/22/2024	\$16,450.11			
P50	PS Psych Services (Sex Offen	SWANSON, LISA A	2/22/2019	\$1,325.00			
P50	PS Psych Services (Sex Offen	WITCHER LISA A	4/26/2024	\$12,200.00			
P50	PS Psych Services (Sex Offen	WITCHER, LISA A	9/8/2023	\$24,275.00			
C	WY19CR1145 JAVIER ALATORRE				21-5401		
		WARHURST MARTIN D	3/8/2024	\$8,913.00		1st Degree Murder/Attem	
		WARHURST, MARTIN D	3/25/2022	\$21,465.00		1st Degree Murder/Attem	
	WY14CR1226 BRUCE T SHOCKLEY				21-3439		21-5402
		Carney, Richard L	6/25/2015	\$1,333.00		1st Degree Murder/Attem	
		Spies, James L	9/29/2016	\$4,959.73		1st Degree Murder/Attem	
PS	Psych Services (Sex Offen	████████████████████	9/29/2016	\$1,700.00			

Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014

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Type	Case Client	Expert	Last Paid	Amount	KSA	Offense	2nd KSA	
WY15CR234 CECIL MEGGERSON							21-3439	
		Spies, James L	4/13/2016	\$11,256.10		1st Degree Murder/Attem		
		Leiker, Jeffrey C	12/26/2017	\$8,857.50		Criminal appeal		
WY15CR236 CHARLES D BOWSER							21-3439	21-5401
		RICHMAN, BRETT	8/16/2017	\$17,122.12		1st Degree Murder/Attem		
		SPRADLIN, KIANN C	6/11/2018	\$3,479.00		1st Degree Murder/Attem		
		SEXTON, MICHAEL L./Sex	2/22/2016	\$4,724.52		Robbery/Agg Robbery		
C	WY17CR477 JASON TUCKER						21-5401	
		SOKOLOFF, JESSICA	9/1/2021	\$900.50		1st Degree Murder/Attem		
P50	EV Evidence Copies/Tapes (P	██████████	3/5/2018	\$10.00				
P50	MR Medical Records Purchase	██████████	8/23/2017	\$43.00				
P50	MR Medical Records Purchase	██████████	8/23/2017	\$25.00				
P50	MR Medical Records Purchase	██████████	8/30/2017	\$38.00				
P50	PP Photo Processing (PD)	██████████	3/2/2018	\$69.31				
WY23CR447 CORNELL LANCE JONES JR							21-5401	
		BAKER, SEAN	1/2/2024	\$3,360.00		1st Degree Murder/Attem		
Murder in the first degree.								
WY15CR779 CHRIS E LEWIS II							21-5402	
		Bryant, John J./Bryant Law	10/9/2017	\$4,083.61		1st Degree Murder/Attem		
		Dunn, William F	2/8/2017	\$861.00		1st Degree Murder/Attem		
		Cuevas, Christopher	10/4/2016	\$280.00		Material Witness		
	PI Private Investigator	██████████	10/19/2017	\$2,539.77				
C	WY20CR1 ISMAEL CABALLERO						21-3401	
P50	EV Evidence Copies/Tapes (P	██████████	6/3/2021	\$0.00				
P50	FO Forensic Testing	██████████	2/28/2020	\$574.00				
P50	IT Interpreter/Translator	██████████	6/3/2020	\$480.00				
P50	MR Medical Records Purchase	██████████	2/28/2020	\$6.50				
P50	PS Psych Services (Sex Offen	██████████	4/14/2021	\$7,650.00				
WY01CR302 JIBRI LIU KINTE BURNETT							21-3401	
		Spies, James L	5/18/2016	\$2,983.68		1st Degree Murder/Attem		
	FO Forensic Testing	██████████	5/17/2016	\$1,851.79				
WY01CR974 CHRISTOPHER M TROTTER							21-3401	
		ALSOBROOK, LUKE HOF	8/27/2020	\$1,966.38		1st Degree Murder/Attem		
WY03CR2018 ANDRES ESPARZA							21-3401	
		Dent, Paul M	9/1/2021	\$591.00		1st Degree Murder/Attem		

Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014

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Type	Case Client	Expert	Last Paid	Amount	KSA	Offense	2nd KSA
WY04CR287	PATRICK ANGELO JR						21-3401
		Erickson, Debera A	12/30/2015	\$1,300.00		1st Degree Murder/Attem	
		Sedgwick, Philip R	3/24/2015	\$372.00		1st Degree Murder/Attem	
		Highland, Michael G	1/7/2015	\$583.32		Criminal appeal	
		Patty, Kristen	6/17/2022	\$252.00		Criminal appeal	
WY06CR134	MARLON DWANE SHEPPARD						21-3402 21-3402
		Dunn, William F	2/26/2018	\$784.00		2nd Degree Murder/Atte	
		Wells, Gerald	10/31/2018	\$1,298.80		Criminal appeal	
		Wells, Gerald	8/2/2019	\$191.90		Petition for Review	
WY07CR637	TOMMY MACKEY						21-3401
		Dupree, Timothy L/Law Offi	2/10/2014	\$8,815.20		1st Degree Murder/Attem	
WY08CR1604	RICKEY MARKS						21-3401
		DESCH, JOSEPH A	8/16/2021	\$395.95		1st Degree Murder/Attem	
		SCIOLARO, KYLE H/SCIO	10/23/2015	\$843.60		60-1501 or 60-1507	
		DESCH, JOSEPH A	10/4/2021	\$7,717.40		Criminal appeal	
		DESCH, JOSEPH A	12/29/2022	\$182.00		Petition for Review	
WY08CR594	OLIN L COONES						21-3401
		Decoursey, Robert A	3/4/2015	\$620.00		1st Degree Murder/Attem	
WY09CR274	CEDRIC WARREN						21-3401
		BOONE, CLINE I	10/22/2018	\$112.50		1st Degree Murder/Attem	
		BOONE, CLINE I	3/17/2016	\$481.00		Motion to Correct	
WY09CR275	DOMINIC MOORE						21-3401
		Zimmerman, W Frederick	4/27/2016	\$7,363.91		1st Degree Murder/Attem	
		Wells, Gerald	10/5/2017	\$1,312.01		Criminal appeal	
WY10CR130	AARON CLAY						21-3401
		Decoursey, Robert A	3/4/2015	\$589.00		1st Degree Murder/Attem	
WY11CR1137	JEALONI EMON DANIELS						21-5402
		Spies, James L	1/10/2022	\$1,693.04		1st Degree Murder/Attem	
WY11CR1167	DONALD HAYGOOD						21-5402
		SPRADLIN, KIANN C	10/8/2014	\$4,538.40		1st Degree Murder/Attem	
PS	Psych Services (Sex Offen [REDACTED])		7/20/2015	\$1,000.00			
WY11CR1490	CHICO M KELLEY JR						21-5402
		KLEIN, RICHARD P	12/29/2014	\$3,375.08		1st Degree Murder/Attem	

Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014

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Type	Case Client	Expert	Last Paid	Amount	KSA	Offense	2nd KSA	
WY11CR1575 LEE QUINCY HILL							21-5402	
		Martin, Francis G	1/17/2014	\$2,008.80		1st Degree Murder/Attem		
		Sedgwick, Philip R	12/12/2014	\$2,590.85		1st Degree Murder/Attem		
WY12CR1166 LORENZO PULLIAM							21-5403	21-5403
		Highland, Michael G	4/10/2014	\$3,061.58		2nd Degree Murder/Atte		
WY12CR1315 MICHAEL McKEEHAN							21-5402	
		Allen, Joshua K/Joshua K. Al	5/1/2014	\$2,877.07		1st Degree Murder/Attem		
WY12CR1316 DANIEL BARLETT							21-5402	
		Dent, Paul M	6/6/2014	\$12,606.17		1st Degree Murder/Attem		
WY12CR1460 BOBBY E HALE							21-5402	
		SPRADLIN, KIANN C	1/23/2015	\$11,222.00		1st Degree Murder/Attem		
WY12CR1610 HOWARD HICKMAN							21-5402	
		Duma, John M	3/31/2016	\$9,583.60		1st Degree Murder/Attem		
		MATTHEWS, DAVID H	10/28/2014	\$5,239.00		1st Degree Murder/Attem		
FC	Forensic Services Comput	██████████	2/24/2016	\$3,312.50				
FO	Forensic Testing	██████████	6/23/2015	\$875.00				
PI	Private Investigator	██████████	2/24/2016	\$1,031.04				
WY12CR594 ERIC CLAY							21-5402	
		LUBOW, CRAIG A	3/23/2015	\$468.00		1st Degree Murder/Attem		
		SPRADLIN, KIANN C	6/18/2014	\$9,262.80		1st Degree Murder/Attem		
WY12CR628 GUSTIN C BROWNLEE							21-5402	
		Colgan, James P/Colgan Law	6/25/2014	\$2,638.66		1st Degree Murder/Attem		
WY12CR767 TIMOTHY WARREN WEBB							21-5402	
		Alexander, Steven D	12/23/2014	\$5,647.31		1st Degree Murder/Attem		
		HAMILTON, REBECCA	1/9/2014	\$3,106.20		1st Degree Murder/Attem		
		NICHOLS, MICHAEL J/MI	3/11/2014	\$1,067.65		1st Degree Murder/Attem		
		DESCH, JOSEPH A	4/28/2021	\$3,175.75		Criminal appeal		
		Dunn, William F	2/15/2016	\$3,499.30		Criminal appeal		
		Dunn, William F	9/7/2017	\$1,225.00		Petition for Review		
WY13CR1043 LEE EDWARD WILLIAMS							21-5402	
		Allen, Joshua K/Joshua K. Al	1/17/2014	\$824.60		1st Degree Murder/Attem		
		BOONE, CLINE I	7/25/2016	\$7,324.48		1st Degree Murder/Attem		
		Dent, Paul M	8/21/2015	\$5,136.70		1st Degree Murder/Attem		
WY13CR1124 CHARLES CARVIN							21-5402	
		Leiker, Jeffrey C	4/10/2015	\$3,434.80		1st Degree Murder/Attem		

Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014

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<i>Type</i>	<i>Case Client</i>	<i>Expert</i>	<i>Last Paid</i>	<i>Amount</i>	<i>KSA</i>	<i>Offense</i>	<i>2nd KSA</i>
	WY13CR1355 ERIC HALL					21-3401	
		Zimmerman, W Frederick	4/10/2015	\$3,868.80		1st Degree Murder/Attem	
	WY13CR215 TIN CIN					21-5402	
		Carney, Richard L	8/12/2015	\$4,718.10		1st Degree Murder/Attem	
	WY13CR235 DEANDRE HARRIS					21-5402	
		Leiker, Jeffrey C	10/14/2014	\$9,541.80		1st Degree Murder/Attem	
	WY13CR236 DeAARION POTTS					21-5402	
		Erickson, Debera A	11/25/2014	\$9,498.23		1st Degree Murder/Attem	
		Erickson, Debera A	11/21/2016	\$189.00		Sentencing Appeal	
	WY13CR250 KENNETH F COX					21-5402	
		Dent, Paul M	1/15/2014	\$5,205.40		1st Degree Murder/Attem	
	WY13CR421 DARRELL L BROXTON					21-5402	21-5403
		Dent, Paul M	6/12/2015	\$10,969.01		1st Degree Murder/Attem	
		Dupree, Timothy L/Law Offi	1/27/2014	\$6,952.50		1st Degree Murder/Attem	
		Dent, Paul M	9/10/2020	\$1,208.00		2nd Degree Murder/Atte	
	WY13CR47 MARCUS BUTLER					21-5402	
		Allen, Joshua K	12/5/2014	\$3,968.46		1st Degree Murder/Attem	
		DESCH, JOSEPH A	8/16/2021	\$3,123.70		Criminal appeal	
		Patty, Kristen	5/25/2022	\$601.60		Criminal appeal	
	WY13CR614 SHERRICK A SIMS					21-5402	
		Zimmerman, W Frederick	7/1/2015	\$6,317.80		1st Degree Murder/Attem	
	WY13CR618 TIARA N HARDEN					21-5402	
		Erickson, Debera A	4/3/2014	\$2,551.48		1st Degree Murder/Attem	
	WY13CR629 DOMINIC CLARK					21-3401	21-5403
		SPRADLIN, KIANN C	5/16/2014	\$6,838.60		1st Degree Murder/Attem	
		Highland, Michael G	10/21/2014	\$945.48		2nd Degree Murder/Atte	
	WY13CRC737 VERNON TRAVIS					21-5402	
		Allen, Joshua K/Joshua K. Al	6/5/2014	\$1,177.18		1st Degree Murder/Attem	
	WY13CV1433 RICKEY MARKS					21-3401	
		MATTHEWS, DAVID H	4/19/2019	\$1,125.00		1st Degree Murder/Attem	
		Alexander, Steven D	5/9/2018	\$700.00		60-1501 or 60-1507	
		Tahirkheli, Razmi M/TAHIR	10/25/2019	\$2,188.00		60-1501 or 60-1507	
		STEWART, CHERYL ANN	6/10/2014	\$713.00		Civil Appeal	
		Wells, Gerald	8/20/2015	\$391.77		Civil Appeal	

Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014

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Type	Case Client	Expert	Last Paid	Amount	KSA	Offense	2nd KSA
WY14CR1188 GEORGE D LINGENFELSER							21-5402
		RICHMAN, BRETT/BRETT	3/14/2016	\$7,350.00		1st Degree Murder/Attem	
		SEXTON, MICHAEL L./Sex	7/10/2015	\$1,852.16		1st Degree Murder/Attem	
PI	Private Investigator	[REDACTED]	2/24/2016	\$4,377.41			
WY14CR345 DEANDREA JAMAR GOODWIN							21-5402
		Zimmerman, W Frederick	11/13/2015	\$2,108.40		1st Degree Murder/Attem	
WY14CR381 LEOPOLDO LUNA BUSTILLOS							21-3401
		SPRADLIN, KIANN C	7/22/2014	\$93.00		1st Degree Murder/Attem	
WY14CR382 JOSHUA DIAZ							21-5402
		Erickson, Debera A	12/29/2014	\$5,023.39		1st Degree Murder/Attem	
WY15CR1045 MICHAEL JONES							21-5402
		Duma, John M	5/17/2017	\$13,464.05		1st Degree Murder/Attem	
		Zimmerman, W Frederick	3/12/2018	\$504.00		Robbery/Agg Robbery	
PI	Private Investigator	[REDACTED]	6/21/2017	\$1,438.20			
WY15CR1073 HEATHER JONES							21-5402
		SPRADLIN, KIANN C	4/12/2017	\$9,614.17		1st Degree Murder/Attem	
WY15CR241 ANTONIO ALEXANDER MCGEE							21-5402
		Bryant, John J./Bryant Law	5/26/2016	\$2,137.84		1st Degree Murder/Attem	
PI	Private Investigator	[REDACTED]	6/16/2016	\$1,338.96			
PS	Psych Services (Sex Offen	[REDACTED]	1/19/2016	\$950.00			
WY15CR28 WARREN RICHARDSON							21-5402
		Duma, John M	7/11/2016	\$8,128.50		1st Degree Murder/Attem	
PI	Private Investigator	[REDACTED]	2/24/2016	\$1,481.30			
WY15CR291 SCOTTIE E LINDSAY							21-5402
		SEXTON, MICHAEL L./Sex	3/17/2016	\$5,910.29		1st Degree Murder/Attem	
WY15CR506 JAMAL L WHITEHEAD							21-5402
		Spies, James L	6/13/2016	\$1,439.90		1st Degree Murder/Attem	
		Erickson, Debera A	6/9/2016	\$260.00		Material Witness	
WY15CR521 DWIGHT WOOLRIDGE							21-5402
		Spies, James L	9/28/2015	\$434.31		1st Degree Murder/Attem	
WY15CR636 CUNG HNIN							21-5402
		STEWART, CHERYL ANN	11/28/2016	\$12,940.00		1st Degree Murder/Attem	

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WY15CR654 ANTOINE RAMON FIELDER					21-5402		
		Duma, John M	4/5/2017	\$11,027.33		1st Degree Murder/Attem	
		SEXTON, MICHAEL L./Sex	10/19/2017	\$5,715.00		1st Degree Murder/Attem	
FC	Forensic Services Comput	████████████████████	5/24/2017	\$1,625.00			
WY15CR676 TORRY JOHNSON					21-5402		
		Allen, Joshua K	12/16/2015	\$1,264.93		1st Degree Murder/Attem	
WY15CR706 JASON RUCKER					21-3401		
		SPRADLIN, KIANN C	12/17/2015	\$7,387.80		1st Degree Murder/Attem	
		Leiker, Jeffrey C	12/26/2017	\$3,885.00		Criminal appeal	
WY15CR731 WILLIE E PARKER					21-5402		
		Bryant, John J./Bryant Law	8/24/2016	\$1,012.41		1st Degree Murder/Attem	
		Erickson, Debera A	8/14/2017	\$7,970.51		1st Degree Murder/Attem	
		Lewis, Vernon E	8/10/2017	\$4,445.00		1st Degree Murder/Attem	
PS	Psych Services (Sex Offen	████████████████████	6/21/2017	\$1,087.50			
WY15CR966 KIMBERLY CHANTE WINN					21-5402		
		SPRADLIN, KIANN C	11/29/2016	\$1,600.00		1st Degree Murder/Attem	
		SPRADLIN, KIANN C	1/17/2018	\$140.00		Probation Violation	
WY16CR1019 FILIBERTO ESPINOZA					21-5402		
		BOONE, CLINE I	6/11/2018	\$6,852.00		1st Degree Murder/Attem	
		DESCH, JOSEPH A	5/17/2024	\$6,285.85		Criminal appeal	
WY16CR1020 MICHAEL ADAMS JR					21-5402		
		Erickson, Debera A	4/23/2018	\$17,150.01		1st Degree Murder/Attem	
PI	Private Investigator	████████████████████	5/31/2018	\$2,170.00			
WY16CR1062 TYRONE D HAMILTON					21-5402		
		SEXTON, MICHAEL L./Sex	3/5/2018	\$2,743.80		1st Degree Murder/Attem	
WY16CR143 Jennifer Marie COOPER					21-5402		
		BOONE, CLINE I	1/9/2017	\$2,529.60		1st Degree Murder/Attem	
PS	Psych Services (Sex Offen	████████████████████	11/29/2016	\$1,800.00			
WY16CR226 ISAIAH BUTLER					21-5402		21-5403
		Aylward-Kalb, Patricia K	12/21/2016	\$745.00		1st Degree Murder/Attem	
		Spies, James L	1/26/2017	\$926.12		2nd Degree Murder/Atte	

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WY16CR293 MELVIN L SHIELDS					21-3401		
		Cuevas, Christopher	5/10/2017	\$5,663.56	1st Degree Murder/Attem		
		Dent, Paul M	12/3/2019	\$23,252.00	1st Degree Murder/Attem		
		SPRADLIN, KIANN C	3/6/2017	\$315.00	1st Degree Murder/Attem		
CS	Crime Scene Analysis (Fin	████████████████████	6/13/2019	\$600.00			
FO	Forensic Testing	████████████████████	2/14/2019	\$9,840.00			
PI	Private Investigator	████████████████████	3/8/2019	\$3,139.57			
WY16CV388 CHATHA TATUM					21-3401		
		Martin, Francis G	5/25/2017	\$896.00	1st Degree Murder/Attem		
		Erickson, Debera A	11/21/2016	\$703.25	Burglary/Agg Burglary		
		Spies, James L	3/8/2017	\$1,211.00	Civil Appeal		
		Wells, Gerald	11/14/2016	\$152.18	Civil Appeal		
WY16CR492 CARLOS ANTONIO GALLEGOS					21-5402		
		SPRADLIN, KIANN C	8/14/2017	\$7,015.26	1st Degree Murder/Attem		
WY16CR494 LAURENCE C FRAZIER JR					21-5402		
		Allen, Joshua K	5/2/2018	\$1,015.00	1st Degree Murder/Attem		
C	WY16CR525 Jamaal Lewis				21-5402		
		WARHURST, MARTIN D	11/30/2018	\$23,640.00	1st Degree Murder/Attem		
P50	DM Defense Attorney Material	████████████████████	10/6/2016	\$191.95			
P50	DM Defense Attorney Material	████████████████████	10/12/2016	\$44.00			
P50	DM Defense Attorney Material	████████████████████	8/17/2016	\$156.60			
P50	EV Evidence Copies/Tapes (P	████████████████████	8/30/2018	\$35.00			
P50	FO Forensic Testing	████████████████████	11/9/2018	\$6,406.81			
P50	MI Mitigation Services/Jury I	████████████████████	10/27/2016	\$283.89			
P50	MR Medical Records Purchase	████████████████████	6/15/2018	\$6.50			
P50	PP Photo Processing (PD)	████████████████████	3/2/2018	\$8.61			
P50	PS Psych Services (Sex Offen	████████████████████	2/8/2019	\$20,379.96			
P50	PS Psych Services (Sex Offen	████████████████████	1/27/2017	\$1,500.00			
WY16CR729 KAVON JONES					21-5402		
		Bryant, John J./Bryant Law	4/3/2017	\$1,347.70	1st Degree Murder/Attem		
WY16CR730 DADRIAN T JONES					21-5402		
		MARTIN, PATRICK J/MAR	12/21/2016	\$1,484.00	1st Degree Murder/Attem		
WY16CR731 MARCO MCELWEE					21-5402		
		Allen, Joshua K	7/3/2017	\$1,829.18	1st Degree Murder/Attem		

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WY16CR934	ANTOINE RAY RUCKER SR						21-5402
		RICHMAN, BRETT	10/4/2017	\$2,561.00		1st Degree Murder/Attem	
WY16CR945	DEVONDRE L SANDERS						21-5402
		Spies, James L	12/26/2017	\$4,160.40		1st Degree Murder/Attem	
WY16CR946	SIERRA M MITCHELL						21-5402
		Simon, Judy L	1/3/2019	\$4,049.23		1st Degree Murder/Attem	
		Zimmerman, W Fredrick	5/13/2021	\$1,415.00		1st Degree Murder/Attem	
WY16CR965	EDIN H GOMEZ GAVARRETE						21-5402
		SEXTON, MICHAEL L./Sex	4/25/2018	\$1,725.74		1st Degree Murder/Attem	
WY16CV640	DONALD CURLIZZ YOUNG						21-3401
		Patty, Kristen	5/25/2022	\$620.00		1st Degree Murder/Attem	
		Wells, Gerald	12/11/2017	\$976.30		Criminal appeal	
		ALSOBROOK, LUKE HOF	12/13/2019	\$1,767.50		Civil Appeal	
		HUNTER, MICHAEL C/MI	1/28/2019	\$3,431.50		Civil Appeal	
WY17CR1064	ZACHARY TYLER SMITH						21-5402
		MATTHEWS, DAVID H	9/26/2019	\$3,200.00		1st Degree Murder/Attem	
WY17CR119	JEFFREY W PLATT JR						21-5402
		Dunn, William F	3/29/2018	\$22,874.70		1st Degree Murder/Attem	
		BOONE, CLINE I	6/6/2018	\$903.00		Material Witness	
	PI Private Investigator	████████████████████	5/4/2018	\$1,963.15			
WY17CR1197	ZAI DRIOYNE LOVELLE CARTER						21-5402
		Cuevas, Christopher	3/21/2018	\$1,071.00		1st Degree Murder/Attem	
WY17CR1287	DOMINIC E MCGEE						21-5402
		Bryant, John J./Bryant Law	11/19/2018	\$3,818.60		1st Degree Murder/Attem	
WY17CR1337	G ANTE D BUTLER						21-5402
		RICHMAN, BRETT	7/23/2018	\$3,230.37		1st Degree Murder/Attem	
WY17CR1351	KEVYN LOPEZ						21-5402
		MATTHEWS, DAVID H	12/22/2021	\$1,600.00		1st Degree Murder/Attem	
WY17CR1356	TIMOTHY S JONES						21-5402
		Carney, Richard L	10/22/2018	\$1,435.00		1st Degree Murder/Attem	
		RICHMAN, BRETT	9/26/2018	\$90.00		Material Witness	
WY17CR244	DEANDRE MATHIS						21-5402
		MATTHEWS, DAVID H	4/26/2017	\$700.00		1st Degree Murder/Attem	

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WY17CR266	SAMUEL C ROARK III						21-5402
		MATTHEWS, DAVID H	1/8/2018	\$10,710.00		1st Degree Murder/Attem	
		BOONE, CLINE I	6/6/2018	\$734.00		Material Witness	
WY17CR282	VICTOR VELASCO						21-5402
		RICHMAN, BRETT	7/2/2018	\$2,687.00		1st Degree Murder/Attem	
WY17CR283	JOSE RAMIREZ PARILLA						21-5402
		MATTHEWS, DAVID H	9/17/2018	\$10,815.00		1st Degree Murder/Attem	
WY17CR476	ERIEN N KNOX						21-5402
		SPRADLIN, KIANN C	9/25/2019	\$4,108.50		1st Degree Murder/Attem	
WY17CR614	TYRONE HAMILTON						21-5402
		RICHMAN, BRETT	12/19/2018	\$5,576.74		1st Degree Murder/Attem	
		CADDELL, CHRISTY M	1/30/2019	\$1,307.49		Material Witness	
		MATTHEWS, DAVID H	3/12/2019	\$1,290.00		Material Witness	
		SPRADLIN, KIANN C	1/17/2018	\$140.00		Material Witness	
WY17CR616	ZAI DRIOYNE LOVELLE CARTER						21-5402
		Cuevas, Christopher	3/21/2018	\$2,688.00		1st Degree Murder/Attem	
		BOONE, CLINE I	6/6/2018	\$147.00		Material Witness	
WY17CR65	MAURICE W HALL JR						21-5402
		Aylward-Kalb, Patricia K	7/5/2017	\$352.45		1st Degree Murder/Attem	
		SPRADLIN, KIANN C	11/13/2017	\$4,242.00		1st Degree Murder/Attem	
WY17CR745	DORIAN RICHARDSON						21-5402
		LUBOW, CRAIG A	7/2/2018	\$1,443.00		1st Degree Murder/Attem	
WY17CR875	TREMAYNE LOUIS QUINN						21-5402
		Spies, James L	5/3/2018	\$1,455.00		1st Degree Murder/Attem	
WY18CR186	JOSHUA OWENS						21-5402
		Bryant, John J./Bryant Law	11/1/2018	\$1,711.69		1st Degree Murder/Attem	
WY18CR365	MONDALE LEON DOUGLAS						21-5402
		RICHMAN, BRETT	7/1/2019	\$6,121.00		1st Degree Murder/Attem	
		ROOK, JOEL	7/27/2020	\$9,834.00		1st Degree Murder/Attem	
WY18CR383	KEITH MCDONALD						21-5402
		Spies, James L	1/6/2020	\$903.60		1st Degree Murder/Attem	
		MANN, CHRISTOPHER/M	2/20/2019	\$897.00		Batter/Agg Battery/Dome	
		Cuevas, Christopher	7/18/2019	\$540.00		Material Witness	

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WY18CR4	DENIS ALFARO						21-5402
		RICHMAN, BRETT	12/26/2019	\$12,720.14		1st Degree Murder/Attem	
WY18CR492	TIMOTHY R WHITTINGTON JR						21-5402
		MATTHEWS, DAVID H	7/17/2019	\$1,700.00		1st Degree Murder/Attem	
WY18CR639	TYSHEDRA JENICE MITCHELL						21-5402
		LAMB, CHARLES D	11/7/2019	\$1,700.00		1st Degree Murder/Attem	
WY18CR7	JEREMY LEE COMSTOCK						21-5402
		BAKER, SEAN	12/4/2023	\$1,254.00		1st Degree Murder/Attem	
WY18CR818	NICHOLAS SCOTT MAGEE						21-5402
		Dunn, William F	2/14/2020	\$6,409.50		1st Degree Murder/Attem	
WY18CR899	KALEN MICHAEL MOCK						21-5402 21-5403
		RICHMAN, BRETT	1/13/2020	\$9,312.15		1st Degree Murder/Attem	
		GORMAN, JEROME	7/19/2021	\$1,418.00		2nd Degree Murder/Atte	
		DESCH, JOSEPH A	8/29/2023	\$4,264.95		60-1501 or 60-1507	
		DESCH, JOSEPH A	2/20/2024	\$1,233.65		Petition for Review	
WY19CR1108	NICOLE ARLENE JAMES						21-5402
		GORMAN, JEROME	8/17/2020	\$1,360.00		1st Degree Murder/Attem	
WY19CR1268	CODY THOMAS WILSON						21-5402
		Erickson, Debera A	1/13/2021	\$2,687.00		1st Degree Murder/Attem	
WY19CR806	JERMELLE ANDRE LAMONT BYERS						21-5402
		MATTHEWS, DAVID H	8/24/2022	\$12,110.00		1st Degree Murder/Attem	
WY19CR82	CARLISLE R HERVEY						21-5402
		Erickson, Debera A	8/5/2019	\$1,720.00		1st Degree Murder/Attem	
WY19CR826	JOSHUA SHANE DYKES						21-3401
		Aylward-Kalb, Patricia K	3/18/2020	\$892.00		1st Degree Murder/Attem	
WY19CR953	TOBIAS WOMACK						21-5402
		DUMA, MICHAEL	9/12/2023	\$6,934.00		1st Degree Murder/Attem	

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WY19CR972	PATRICK ANTHONY TUCKER						21-5402
		ALSOBROOK, LUKE HOF	6/24/2020	\$2,971.50		1st Degree Murder/Attem	
		DUMA, MICHAEL	3/4/2021	\$1,072.00		1st Degree Murder/Attem	
WY20CR123	LUIS ALFONSO SALAZAR VILLEDA						21-3401
		BOONE, CLINE I	4/9/2020	\$144.00		1st Degree Murder/Attem	
WY20CR134	GARY A WINTERS						21-5402
		SCOTT, CHRISTOPHER R	5/4/2021	\$2,404.00		1st Degree Murder/Attem	
WY20CR139	LACRICIA LEAK MYERS						21-5402
		GORMAN, JEROME	8/17/2020	\$344.00		1st Degree Murder/Attem	
WY20CR188	DERRICK WHITTINGTON						21-5402
		Dent, Paul M	10/25/2023	\$5,859.50		1st Degree Murder/Attem	
PS	Psych Services (Sex Offen [REDACTED])		9/15/2022	\$1,312.50			
WY20CR268	ETHAN MATTHEW RIDINGS						21-5402
		RIVERA, VINCENT JAME	9/29/2021	\$8,044.24		1st Degree Murder/Attem	
WY20CR298	TIRRELL STUART						21-5402
		RICHMAN, BRETT	5/26/2022	\$8,554.00		1st Degree Murder/Attem	
WY20CR319	RENO MIGUEL VALDEZ						21-5402
		Erickson, Debera A	3/16/2022	\$8,396.00		1st Degree Murder/Attem	
PI	Private Investigator [REDACTED]		5/20/2022	\$1,734.92			
WY20CR365	ARON L LOONEY III						21-5402
		Spies, James L	4/15/2024	\$3,393.41		1st Degree Murder/Attem	
PS	Psych Services (Sex Offen [REDACTED])		6/1/2023	\$1,062.50			
WY20CR388	SADIE NICOLE COOK						21-5402
		Sedgwick, Philip R	5/12/2021	\$840.00		1st Degree Murder/Attem	
WY20CR400	TAQEE J BARNES						21-5402
		ALSOBROOK, LUKE HOF	8/18/2022	\$1,324.64		1st Degree Murder/Attem	
		Erickson, Debera A	10/12/2023	\$10,661.71		1st Degree Murder/Attem	
		RICHMAN, BRETT	2/19/2024	\$2,252.00		1st Degree Murder/Attem	
WY20CR453	HOWARD J JANSEN III						21-5402
		Spies, James L	5/18/2022	\$10,586.55		1st Degree Murder/Attem	
PI	Private Investigator [REDACTED]		6/23/2022	\$1,878.30			

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	WY20CR454 JACQULYN A KIRKPATRICK					21-5402	
		Erickson, Debera A	2/11/2022	\$10,579.00		1st Degree Murder/Attem	
	WY20CR544 CHRISTOPHER M WILLIAMS					21-5402	
		SPRADLIN, KIANN C	2/11/2021	\$2,384.00		1st Degree Murder/Attem	
PI	Private Investigator	[REDACTED]	2/15/2021	\$1,195.80			
	WY20CR545 DAVID ANTHONY WRIGHT					21-5402	
		GORMAN, JEROME	7/19/2021	\$802.00		1st Degree Murder/Attem	
	WY20CR603 ALAN GONZALEZ TOLEDANO					21-5403	21-5403
		Erickson, Debera A	1/7/2021	\$1,700.00		1st Degree Murder/Attem	
		SCOTT, CHRISTOPHER R	5/27/2021	\$528.00		2nd Degree Murder/Atte	
	WY20CV247 DONALD HAYGOOD					910	
		DESCH, JOSEPH A	10/10/2022	\$232.00		1st Degree Murder/Attem	
		DESCH, JOSEPH A	1/20/2022	\$588.70		Petition for Review	
		DESCH, JOSEPH A	8/16/2021	\$3,907.90		Civil Appeal	
	WY21CR1065 JOSE DAVID TARRACINO					21-5402	
		GORMAN, JEROME	10/10/2022	\$3,980.00		1st Degree Murder/Attem	
	WY21CR1301 MARQUEZ LYONS					21-5402	
		Allen, Joshua K	5/26/2022	\$950.00		1st Degree Murder/Attem	
	WY21CR1399 MYRON D MAYES					21-5402	
		SCOTT, CHRISTOPHER R	6/1/2022	\$895.00		1st Degree Murder/Attem	
	WY21CR1452 KAYAUN MICHAEL LEE					21-5402	
		Erickson, Debera A	4/12/2023	\$9,447.21		1st Degree Murder/Attem	
		Allen, Joshua K	3/30/2022	\$450.00		Firearms	
	WY21CR306 JESSE ACOSTA					21-5402	
		SCOTT, CHRISTOPHER R	4/7/2022	\$2,248.00		1st Degree Murder/Attem	
	WY21CR319 MIGUEL ANGEL PIZARRO					21-5402	
		LAMB, CHARLES D	12/8/2023	\$1,608.00		1st Degree Murder/Attem	
	WY21CR320 BRIAN ALEJANDRO PIZZARO					21-5402	
		Erickson, Debera A	10/11/2023	\$6,684.00		1st Degree Murder/Attem	
	WY21CR356 CURTIS KING LEE STACKER					21-5402	
		GORMAN, JEROME	2/13/2023	\$9,878.00		1st Degree Murder/Attem	

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WY21CR495	JAMES EDWARD MERRITT JR					21-5402	
		Erickson, Debera A	7/1/2022	\$15,669.32		1st Degree Murder/Attem	
WY21CR710	QUADARIUS SEAN MURRAY					21-5402	
		Erickson, Debera A	10/17/2022	\$5,742.00		1st Degree Murder/Attem	
WY22CR1229	DAIJON ESTELL					21-5402	
		SCOTT, CHRISTOPHER R	4/22/2024	\$2,149.89		1st Degree Murder/Attem	
WY22CR1311	MIGUEL FLORES					21-5402	
		NICHOLS, MICHAEL J	6/2/2023	\$942.00		1st Degree Murder/Attem	
WY22CR1421	ALVARO R LOZANO JR					21-5402	
		LAMB, CHARLES D	12/8/2023	\$1,164.00		1st Degree Murder/Attem	
WY22CR177	DANIEL GARRETT VANBEBBER					21-5402	
		MATTHEWS, DAVID H	11/14/2022	\$6,000.00		1st Degree Murder/Attem	
		RICHMAN, BRETT	12/15/2023	\$3,866.00		1st Degree Murder/Attem	
WY23CR300081	DURAYLE DESHON TRIMAINA JACKSON					21-5402	
		SCOTT, CHRISTOPHER R	3/19/2024	\$522.00		1st Degree Murder/Attem	
WY23CR361	MIGUEL VILLA					21-5402	
		ZENTNER, ADAM YORK	7/3/2023	\$232.38		1st Degree Murder/Attem	
WY81CR1604	RICKEY MARKS					21-3401	
		RIVERA, VINCENT JAME	12/19/2018	\$617.00		1st Degree Murder/Attem	
WY91CR152	JOSEPH M FARMER					21-3401	
		Dent, Paul M	10/17/2014	\$303.80		1st Degree Murder/Attem	
		Dent, Paul M	11/15/2017	\$343.00		Annual Insanity Review	
Murder in the second degree.							
WY01CR2008	SAM JONES					21-3402	
		Sedgwick, Philip R	2/23/2015	\$372.00		2nd Degree Murder/Atte	
WY06CR1963	NOLDEN GARNER					21-3402	21-3401
		NICHOLS, MICHAEL J/MI	11/19/2014	\$657.20		2nd Degree Murder/Atte	
		NICHOLS, MICHAEL J/MI	9/19/2016	\$110.50		Criminal appeal	
WY12CR1345	LAMARIO STAYTON					21-5403	
		Dent, Paul M	11/6/2014	\$16,388.23		2nd Degree Murder/Atte	

Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014

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Blank Capital not indicated in BIDSsmart

Type	Case Client	Expert	Last Paid	Amount	KSA	Offense	2nd KSA
WY12CR412	STEVAUGNO BROWN						21-5403
		Leiker, Jeffrey C	8/12/2014	\$6,200.00		2nd Degree Murder/Atte	
		Wells, Gerald	4/12/2017	\$1,296.56		Criminal appeal	
		Wells, Gerald	10/5/2017	\$161.90		Petition for Review	
WY14CR174	NICHOLAS COLLINS						21-5403
		Spies, James L	5/1/2015	\$5,220.58		2nd Degree Murder/Atte	
		ROOK, JOEL/JOEL ROOK	9/9/2014	\$1,185.16		Robbery/Agg Robbery	
		Spies, James L	7/19/2017	\$98.00		Robbery/Agg Robbery	
WY14CR754	SHAUN E MOTON						21-5403
		Lamb, Charles D	2/8/2016	\$1,830.50		2nd Degree Murder/Atte	
WY14CR762	LUIS HERNANDEZ						21-5403
		Duma, John M	3/24/2015	\$1,240.00		2nd Degree Murder/Atte	
WY14CR913	COREY S METCALF						21-5403
		Aylward-Kalb, Patricia K	5/22/2017	\$1,400.00		2nd Degree Murder/Atte	
		Simon, Judy L	11/3/2016	\$3,583.07		2nd Degree Murder/Atte	
		Williams, Christopher R	8/17/2015	\$1,436.17		2nd Degree Murder/Atte	
WY15CR1084	KEYAUN MICHELLE LEE						21-5403
		Cuevas, Christopher	1/21/2016	\$149.50		2nd Degree Murder/Atte	
WY15CR121	ANDREW M FARISH						21-5403
		NICHOLS, MICHAEL J/MI	9/19/2016	\$4,589.25		2nd Degree Murder/Atte	
WY15CR230	LAKORRI M TERRY						21-5403
		NICHOLS, MICHAEL J/MI	4/13/2016	\$2,633.30		2nd Degree Murder/Atte	
WY15CR231	DEMARKUS M CAMPBELL DONNELL						21-5403
		Cuevas, Christopher	8/9/2017	\$4,679.50		2nd Degree Murder/Atte	
WY15CR8	FAUSTINO SALAZAR						21-5403
		Zimmerman, W Frederick	4/28/2015	\$322.83		2nd Degree Murder/Atte	
WY15CR965	LADARRIOUS RASHAUD WHITE						21-5403
		NICHOLS, MICHAEL J/MI	7/18/2016	\$924.68		2nd Degree Murder/Atte	
WY16CR511	TYRONE M WESSON						21-5403
		SPRADLIN, KIANN C	6/2/2017	\$7,277.20		2nd Degree Murder/Atte	
WY16CR801	JAMON MARSHALL						21-5403
		Bryant, John J./Bryant Law	4/12/2018	\$4,133.50		2nd Degree Murder/Atte	
FP	Forensic Pathologist/Auto		4/13/2018	\$1,200.00			

Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014

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<i>Type</i>	<i>Case Client</i>	<i>Expert</i>	<i>Last Paid</i>	<i>Amount</i>	<i>KSA</i>	<i>Offense</i>	<i>2nd KSA</i>
WY16CR802	JAMAUL HOLMES					21-5403	
		Aylward-Kalb, Patricia K	8/1/2018	\$1,493.54		2nd Degree Murder/Atte	
WY16CR835	RAYMOND J RUCKER					21-5403	
		Dent, Paul M	12/21/2016	\$371.00		2nd Degree Murder/Atte	
		Spies, James L	10/19/2017	\$3,823.49		2nd Degree Murder/Atte	
WY16CR837	PERRON COLEMAN					21-5403	
		BOONE, CLINE I	6/6/2018	\$2,140.00		2nd Degree Murder/Atte	
		SPRADLIN, KIANN C	8/30/2017	\$1,400.00		2nd Degree Murder/Atte	
WY17CR1262	PEDRO ANGEL RIVERA					21-5403	
		MATTHEWS, DAVID H	7/12/2018	\$1,400.00		2nd Degree Murder/Atte	
WY17CR407	ENEMENCIO CORMANO LANSDOWN JR					21-5403	
		SPRADLIN, KIANN C	3/5/2018	\$5,901.00		2nd Degree Murder/Atte	
WY17CR456	KERRY TYLER TILGHMAN					21-5403	
		Highland, Michael G	10/23/2017	\$1,890.04		2nd Degree Murder/Atte	
		Lamb, Charles D	7/2/2018	\$4,064.36		2nd Degree Murder/Atte	
WY17CR458	SERGIO FAVELA					21-5403	
		BOONE, CLINE I	12/28/2017	\$1,672.00		2nd Degree Murder/Atte	
WY17CR646	CLARENCE KELLUM					21-5403	
		Erickson, Debera A	6/14/2018	\$7,069.58		2nd Degree Murder/Atte	
WY17CR757	DOMONIC R LEE MCKINZY					21-5403	
		Erickson, Debera A	7/1/2022	\$1,470.00		2nd Degree Murder/Atte	
WY17CR956	ZACHARY D BARNES					21-5403	
		NICHOLS, MICHAEL J/MI	10/29/2018	\$1,045.00		2nd Degree Murder/Atte	
WY17CR97	DARRELL V SMITH					21-5403	
		Erickson, Debera A	10/12/2023	\$658.00		2nd Degree Murder/Atte	
WY18CR1156	KRESTIN AMIR RIVERS					21-3402	
		Allen, Joshua K	8/21/2019	\$1,365.00		2nd Degree Murder/Atte	
WY18CR1345	DAVION WILKES					21-5403	
		DUMA, MICHAEL	4/30/2020	\$7,364.00		2nd Degree Murder/Atte	
		MATTHEWS, DAVID H	3/26/2020	\$400.00		Material Witness	
	PI Private Investigator	██████████	7/9/2021	\$1,446.86			
WY18CR687	DAVON DORZELL WILSON					21-5403	
		Erickson, Debera A	11/18/2019	\$3,045.50		2nd Degree Murder/Atte	

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Type	Case Client	Expert	Last Paid	Amount	KSA	Offense	2nd KSA
WY18CR858 SAMUEL MEREL BEARD					21-5403		
		Bryant, John J./Bryant Law	2/22/2019	\$1,882.50	2nd Degree Murder/Atte		
		Sedgwick, Philip R	8/26/2019	\$1,500.00	2nd Degree Murder/Atte		
EW	Generic Expert or Witness	██████████	11/13/2019	\$200.00			
WY18CR918 JOSHUA T WASHINGTON					21-5403		
		Bryant, John J./Bryant Law	10/1/2019	\$3,356.94	2nd Degree Murder/Atte		
PI	Private Investigator	██████████	12/9/2019	\$1,520.98			
PI	Private Investigator	██████████	6/13/2019	\$1,894.83			
WY18CR993 COLLAN LEIGH CROSS					21-5403		
		LAMB, CHARLES D	9/11/2019	\$1,500.00	2nd Degree Murder/Atte		
		Russo, Anthony R	8/4/2022	\$427.00	Probation Violation		
WY19CR1088 JASEA ANTONIO SAUNDERS					21-5403		
		RICHMAN, BRETT	3/3/2022	\$5,173.60	2nd Degree Murder/Atte		
WY19CR1392 ELIJIO DANIEL GONZALEZ					21-5403		
		Sedgwick, Philip R	6/24/2020	\$640.00	2nd Degree Murder/Atte		
		Spies, James L	6/24/2022	\$4,770.00	2nd Degree Murder/Atte		
FP	Forensic Pathologist/Auto	██████████	6/1/2022	\$2,587.50			
WY19CR161 DARY J GREEN					21-5403		
		Spies, James L	11/29/2021	\$5,978.73	2nd Degree Murder/Atte		
		SPRADLIN, KIANN C	9/25/2019	\$1,600.00	2nd Degree Murder/Atte		
WY19CR386 DANIEL KIDWELL					21-3402		
		NICHOLS, MICHAEL J	2/9/2022	\$10,482.60	2nd Degree Murder/Atte		
WY19CR575 BILLY C HOLLINGSWORTH IV					21-5403		
		Erickson, Debera A	11/18/2019	\$1,321.50	2nd Degree Murder/Atte		
WY19CR585 CHRISTOPHER HERRING					21-5403		
		NICHOLS, MICHAEL J	7/1/2020	\$4,872.00	2nd Degree Murder/Atte		
WY19CR88 ROBERT DARNELL RICHARD JR					21-5403		
		Spies, James L	3/4/2020	\$5,048.28	2nd Degree Murder/Atte		
WY20CR349 LARON E BETTS					21-5403		
		Spies, James L	9/2/2021	\$5,332.00	2nd Degree Murder/Atte		
PI	Private Investigator	██████████	7/15/2021	\$525.40			
WY20CR381 MATTHEW RAYMOND WALKER					21-5403		
		DUMA, MICHAEL	3/16/2022	\$6,820.00	2nd Degree Murder/Atte		

Wyandotte Murder/Homicide Case Attorneys and Experts Paid After 1/1/2014

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Type	Case Client	Expert	Last Paid	Amount	KSA	Offense	2nd KSA
	WY20CR385	ISAAH TAYLOR					21-5403
		SCOTT, CHRISTOPHER R	7/17/2023	\$1,640.00		2nd Degree Murder/Atte	
PS	Psych Services (Sex Offen		8/12/2021	\$950.00			
	WY20CR393	TIKA SARKI					21-5403
		DUMA, MICHAEL	6/21/2021	\$1,600.00		2nd Degree Murder/Atte	
	WY20CR647	DESHAWN PEOPLES					21-5403
		Spies, James L	6/22/2022	\$1,026.00		2nd Degree Murder/Atte	
	WY20CR736	COOPER ALLAN BECK					21-5403
		GORMAN, JEROME	1/3/2022	\$3,134.00		2nd Degree Murder/Atte	
	WY20CR738	GERALD LEWIS CHATMAN JR					21-5403
		Erickson, Debera A	8/11/2022	\$2,120.00		2nd Degree Murder/Atte	
	WY20CR792	CEBREN NAPOLEON GRIFFIN					21-5403
		DUMA, MICHAEL	3/16/2022	\$2,696.00		2nd Degree Murder/Atte	
	WY20CR812	WILLIAM SCOTT ROBERTSON					21-5402
		ALSOBROOK, LUKE HOF	8/4/2022	\$1,610.00		1st Degree Murder/Attem	
		BAKER, SEAN	5/20/2024	\$1,530.00		1st Degree Murder/Attem	
		RICHMAN, BRETT	4/11/2023	\$4,310.00		1st Degree Murder/Attem	
		SCOTT, CHRISTOPHER R	1/3/2024	\$2,714.57		1st Degree Murder/Attem	
	WY21CR1119	CRESENCIO ROSAS					21-5403
		SCOTT, CHRISTOPHER R	11/10/2022	\$2,725.26		2nd Degree Murder/Atte	
	WY21CR1123	RICKY SALAZAR					21-5403
		Allen, Joshua K	1/6/2023	\$3,350.00		2nd Degree Murder/Atte	
	WY21CR1160	WILBERT RONALD ETIER JR					21-5403
		LAMB, CHARLES D	6/1/2023	\$1,054.00		2nd Degree Murder/Atte	
	WY21CR1166	FREDERICK E PENDLETON					21-5403
		Erickson, Debera A	3/3/2023	\$6,688.00		2nd Degree Murder/Atte	
	WY21CR1264	MARZE LAVELL THOMAS SR					21-5403
		RICHMAN, BRETT	2/9/2023	\$1,388.00		2nd Degree Murder/Atte	
	WY21CR1375	CHRISTOPHER LERMARK HUDSON JR					21-5403
		SCOTT, CHRISTOPHER R	12/20/2022	\$9,564.00		2nd Degree Murder/Atte	
	WY21CR203	DEVIN PARSONS					21-5403
		Allen, Joshua K	10/25/2021	\$880.00		2nd Degree Murder/Atte	
	WY21CR268	ULISES LOPEZ SANCHEZ					21-5403
		Spies, James L	9/20/2021	\$1,130.00		2nd Degree Murder/Atte	

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Type	Case Client	Expert	Last Paid	Amount	KSA	Offense	2nd KSA
	WY21CR367 HAROLD JACOB HOOKS JR					21-5403	
		SPRADLIN, KIANN C	6/2/2022	\$8,000.95		2nd Degree Murder/Atte	
PI	Private Investigator	██████████	4/20/2022	\$3,992.36			
	WY21CR502 GUADALUPE BENITEZ PIZZARO					21-5403	
		SCOTT, CHRISTOPHER R	6/1/2022	\$1,051.52		2nd Degree Murder/Atte	
	WY22CR136 ERIC LARON CARTER					21-5403	
		MATTHEWS, DAVID H	9/2/2022	\$1,600.00		2nd Degree Murder/Atte	
	WY22CR198 PATRICK D HOWARD JR					21-5403	
		LAMB, CHARLES D	12/8/2023	\$1,724.00		2nd Degree Murder/Atte	
	WY22CR411 LEE ELLA BELL					21-5403	
		Erickson, Debera A	12/13/2022	\$1,784.00		2nd Degree Murder/Atte	
	WY22CR473 COURTNEY CROZIER					21-5403	
		Spies, James L	3/2/2023	\$1,363.77		2nd Degree Murder/Atte	
	WY22CR577 JAYLEN BUTLER					21-5403	
		MATTHEWS, DAVID H	5/21/2024	\$8,010.00		2nd Degree Murder/Atte	
	WY22CR736 TANESHA MARIE HORTON					21-5403	
		NICHOLS, MICHAEL J	3/13/2023	\$1,082.00		2nd Degree Murder/Atte	
	WY22CR856 MASON ANDREW COOK					21-5403	
		JA FLOYD LAW	8/3/2023	\$4,558.88		2nd Degree Murder/Atte	
	WY23CR745 KESHAUN DION MARTIN ROBINSON					21-5403	
		BOONE, CLINE I	9/12/2023	\$240.00		2nd Degree Murder/Atte	
	WY23CR958 ROBERT K SIMPSON					21-5403	
		JA FLOYD LAW	5/9/2024	\$2,350.00		2nd Degree Murder/Atte	
	WY88CR1561 CURTIS H JONES					21-3402	
		Dent, Paul M	6/23/2022	\$2,272.50		2nd Degree Murder/Atte	
		Dent, Paul M	3/26/2014	\$508.40		Annual Insanity Review	
	WY92CR2317 JEROME CHEEKS					21-3402	21-5403
		Dent, Paul M	4/22/2019	\$4,509.34		2nd Degree Murder/Atte	
		DESCH, JOSEPH A	9/2/2020	\$335.75		2nd Degree Murder/Atte	
		DESCH, JOSEPH A	4/28/2021	\$5,199.70		Criminal appeal	
Voluntary manslaughter.							
	WY14CR866 TREMAYNE LOUIS QUINN					21-5404	
		Erickson, Debera A	8/15/2016	\$8,707.32		Manslaughter/Vehicular	

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Type	Case Client	Expert	Last Paid	Amount	KSA	Offense	2nd KSA
	WY20CR415 VERTEE PORTER						21-5404
		Patrzykont, David Scott	12/23/2021	\$1,260.00		Manslaughter/Vehicular	
	WY22CR267 JASON ELLIOT HAMILTON						21-5404
		RICHMAN, BRETT	11/22/2022	\$1,784.00		Manslaughter/Vehicular	
Involuntary manslaughter.							
	WY13CR478 JOCK S POWELL						21-5405
		Lamb, Charles D	9/1/2015	\$4,027.60		Manslaughter/Vehicular	
	WY13CR909 RAFAEL TORRES GUTIERREZ						21-5405
		NICHOLS, MICHAEL J/MI	9/3/2015	\$5,465.54		Manslaughter/Vehicular	
AR	Accident Reconstruction	██████████	8/3/2015	\$5,400.00			
	WY14CR566 JAMES L SHAW						21-5405
		CRAWFORD, JOHN PHILI	2/25/2015	\$1,334.31		Manslaughter/Vehicular	
		Telthorst, Thomas R	12/30/2014	\$780.53		Manslaughter/Vehicular	
	WY14CR818 JOSHUA BRAZEAL						21-5405
		Sedgwick, Philip R	3/24/2015	\$788.41		Manslaughter/Vehicular	
	WY15CR102 TAMEKA PLEDGER						21-5405
		Cuevas, Christopher	4/5/2017	\$12,388.82		Manslaughter/Vehicular	
		Duma, John M	6/16/2015	\$1,240.00		Manslaughter/Vehicular	
		SEXTON, MICHAEL L./Sex	5/2/2016	\$2,292.61		Batter/Agg Battery/Dome	
AR	Accident Reconstruction	██████████	9/29/2016	\$5,308.00			
	WY16CR585 ANTHONY LEE HUNTER FIELDS						21-5405
		Sedgwick, Philip R	4/5/2017	\$784.00		Manslaughter/Vehicular	
		Sedgwick, Philip R	4/18/2023	\$619.00		Probation Violation	
	WY16CR888 DAVID WAYNE COLVIN						21-5405
		CRAWFORD, JOHN PHILI	7/2/2018	\$1,190.00		Manslaughter/Vehicular	
	WY17CR492 SERENA M CASH						21-5405
		Sedgwick, Philip R	10/30/2017	\$906.00		Manslaughter/Vehicular	
	WY17CR507 FRANKLYN D HARRISON						21-5405
		DUMA, MICHAEL	10/1/2018	\$1,212.50		Manslaughter/Vehicular	
		RICHMAN, BRETT	12/26/2019	\$1,539.07		Manslaughter/Vehicular	
	WY18CR22 JOHN WILSON III						21-5405
		MATTHEWS, DAVID H	12/28/2020	\$1,200.00		Manslaughter/Vehicular	
	WY21CR541 DIQUAN PERION FANT						21-5405
		PENLAND LAW PA	12/1/2021	\$442.00		Manslaughter/Vehicular	

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WY22CR591	DAMION WASHINGTON				21-5405		
		Sedgwick, Philip R	11/8/2022	\$492.00		Manslaughter/Vehicular	
WY23CR683	SARAH MAST				21-5405		
		Allen, Joshua K	8/15/2023	\$780.00		Manslaughter/Vehicular	
WY97CR921	PERCY RICHARD GUITREAU				21-3404		
		Martin, Francis G	1/26/2018	\$546.00		Manslaughter/Vehicular	

APPENDIX I

Death Sentences in Kansas, 1994 to Present

Name	County	Offense Date	Sentence	Exit	State Supreme Ct Decision Date	Resentencing Date	Current Status
Michael Marsh	Sedgwick	6/17/1996	4/16/1998	4/3/2009	12/17/2004 10/18/2006	04/03/2009	Resentenced to Life with possibility of parole (Hard 40)
Gavin Scott	Sedgwick	9/13/1996	8/21/1998	3/24/2010	05/16/2008 07/11/2008	03/24/2010	Resentenced to Life with possibility of parole (Hard 40)
Stanley Elms	Sedgwick	5/4/1998	2/10/2000	11/19/2004	11/10/2004 10/07/2019	11/17/2004	Resentenced to Life with possibility of parole (Hard 40)
Johnathan Daniel Carr	Sedgwick	12/11/2000 / 12/15/2000	11/15/2002		01/21/2022 07/25/2014		Currently On Death Row
Reginald Dexter Carr	Sedgwick	12/11/2000 / 12/15/2000	11/15/2002		07/25/2014 01/21/2022		Currently On Death Row
John Edward Robinson	Johnson	6/3/2000 / Various	1/21/2003		11/06/2015		Currently On Death Row
Douglas Stephen Belt	Sedgwick	6/24/2002	11/17/2004	4/13/2016	03/28/2008 10/21/2016		Natural Death
Phillip Cheatham (AKA King Phillip Amman Reu-EI)	Shawnee	12/13/2003	10/28/2005	3/20/2010	04/05/1996 05/18/2012 01/25/2013 05/26/2017 10/04/2019		Resentenced to Life with possibility of parole (Hard 25)
Sidney John Gleason	Barton	2/21/2004	8/28/2006		07/18/2014 02/03/2017		Currently On Death Row
Scott Denver Cheever	Greenwood	1/19/2005	1/23/2008		08/24/2012 07/22/2016 11/18/2016 07/20/2017		Currently On Death Row
Gary Wayne Kleypas	Crawford	3/30/1996	12/3/2008		12/28/2001 12/08/2006 10/21/2016 12/16/2022		Currently On Death Row
Justin Eugene Thurber	Cowley	1/5/2007	3/20/2009		06/15/2018 08/13/2021		Currently On Death Row
James Kraig Kahler	Osage	11/28/2009	10/11/2011		02/09/2018		Currently On Death Row
Frazier Glenn Cross	Johnson	4/13/2014	11/10/2015	5/15/2021			Natural Death
Kyle Trevor Flack	Franklin	4/20/2013 / 4/28/2013	5/18/2016				Currently On Death Row

Source: Expert Report of Brent Never, MCNL Appendix

APPENDIX J

I, Joseph J. Cavanaugh, declare and state the following:

1. I am an attorney at the law firm Hogan Lovells US LLP, and counsel for the Accused, Antoine Fielder. I make this declaration based upon my personal knowledge.
2. I have continuously worked with co-counsel, including co-counsel at the Kansas State Board of Indigents' Defense ("BIDS"), to collect documents and data reflecting the public costs of defending capital and non-capital homicide cases. As part of these efforts, BIDS has provided (1) totals paid to attorneys and expert witnesses who worked to defend homicide cases; (2) hours and payroll data for BIDS Appellate Division attorneys that worked on capital cases; (3) summaries of BIDS' annual budget and expenditures; and (4) summaries of overhead costs for BIDS' capital and non-capital homicide defense offices.
3. On February 6, 2024, Hogan Lovells attorney Andrew Norman sent a Kansas Open Records Act ("KORA") request to the Kansas Attorney General's Office, requesting documents relating to (1) the annual budget for the Attorney General's Office for each fiscal year between January 1, 2014 and December 31, 2023; and (2) the annual cost of investigating and litigating capital and non-capital homicide cases and related appeals in Wyandotte County between January 1, 2014 and December 31, 2023. On February 8, Office of the Attorney General Administrative Counsel Matthew Bingesser responded that his office would respond to the request as soon as possible. Following discussions about the scope of the request, Mr. Bingesser wrote on May 3, 2024 that his office would complete the request on or before August 31, 2024. To process the request, Mr. Bingesser requested a fee of \$222.50, which Hogan Lovells paid on May 21, 2024. On May 23, Mr. Norman requested an expedited or rolling production of responsive documents. Mr. Bingesser replied on May 31 that an expedited production was not possible, and he followed up on June 25 that a rolling production was similarly impossible. On August 29, 2024, Mr. Bingesser wrote stating that his office could not respond to the request until September 20, 2024. On September 24, Mr. Bingesser wrote that his office could complete the request on October 4, 2024. On October 4, 2024, the Attorney General's Office produced budget summaries for fiscal years over the relevant period, as well as a timesheet and list of salaries for employees associated with two non-capital homicide cases in Wyandotte County.
4. On February 6, 2024, Andrew Norman sent the Kansas Bureau of Investigation ("KBI") a KORA request seeking documents concerning (1) KBI's annual budget for each fiscal year between January 1, 2014 and December 31, 2023; and (2) the annual cost of investigating all capital and non-capital homicide cases in Wyandotte County between January 1, 2014 and December 31, 2023. On February 12, 2024, KBI directed Mr. Norman to seek out online records of KBI's annual budget and stated that it "could find no way to reliably narrow down the results" of its internal document search to reflect Mr. Norman's request for investigation costs. Because KBI would have to undertake "significant manual work" to sift through the results of any death investigation query, they "[did] not have any records responsive to [the] request." Mr. Norman sent an email on February 19 to request a virtual meet-and-confer, which KBI rebuffed the following day. On February 27, 2024, Mr. Norman sent another letter clarifying the scope of his KORA request and explaining that

KBI's refusal to respond was contrary to Kansas law. On March 4, KBI responded that the clarification was helpful and produced a raft of summaries concerning KBI's annual budget and expenditures. Regarding Mr. Norman's second request for capital and non-capital homicide investigation costs, KBI instructed Mr. Norman to first request Kansas Standard Offense Report ("KSOR") cover sheets for homicide cases in Wyandotte County. Mr. Norman did so on April 23, 2024, attaching a spreadsheet of known homicide cases in Wyandotte County to aid KBI's response. On April 26, KBI wrote back that the spreadsheet did not permit KBI to identify relevant KSORs. On April 29, Mr. Norman reiterated his request for KSOR cover sheets for all homicides in Wyandotte County between January 1, 2014 and December 31, 2024. On May 3, KBI responded that it could not narrow its KSOR search beyond "death investigations." After simply searching for death investigations, KBI identified 173 relevant KSORs statewide. KBI offered to produce these for a fee of \$150, and Hogan Lovells delivered a check on May 24, 2024. On June 18, KBI produced a total of two KSOR cover sheets, only one of which involved intentional homicide. KBI explained that of the 173 KSORs originally identified, only five documented cases from Wyandotte County and that KBI investigated occurred within the requested date window. Out of those five, three were only "limited assistance" cases and lacked a KSOR.

5. On February 6, 2024, Andrew Norman submitted a KORA request to the Office of Judicial Administration, requesting documents from each fiscal year between January 1, 2014 and December 31, 2023 concerning (1) the Wyandotte County District Court annual budget; (2) the Kansas Court of Appeals' annual budget; (3) the Kansas Supreme Court's annual budget; (4) all Wyandotte County District Court, Kansas Court of Appeals, and Kansas Supreme Court documents related to the annual cost of investigating, charging, prosecuting, and/or appealing capital and non-capital homicide cases arising out of Wyandotte County between January 1, 2014 and December 31, 2024; and (5) all documents related to the annual state costs for adjudicating capital and non-capital homicide cases arising out of Wyandotte County over the same period in (a) the Wyandotte County District Court, (b) the Kansas Court of Appeals, and (c) the Kansas Supreme Court. On February 15, Office of Judicial Administration Assistant General Counsel John Houston asked for clarification of the request and explained that his office had no records of costs related to investigating, charging, prosecuting, and/or appealing homicide cases. Mr. Houston further explained that the Kansas Court of Appeals does not adjudicate capital cases. On February 23, Mr. Houston produced budget materials responsive to request Nos. (1) - (3). On April 16, 2024, Mr. Norman provided clarification of the KORA request, and on May 6, he also provided Mr. Houston a list of known homicide cases in Wyandotte County over the relevant time period to aid Mr. Houston's response. On May 22, Mr. Houston provided Mr. Norman a spreadsheet detailing salary information for Kansas justices, judges, and judicial support staff over the relevant time period pursuant to request No. 5. Finally, on July 2, 2024, Mr. Houston produced a spreadsheet detailing costs associated with jury trials for homicide cases listed in Mr. Norman's spreadsheet of known homicide cases.
6. On February 6, 2024, Andrew Norman sent a KORA Request to the Unified Government of Wyandotte County and Kansas City, Kansas ("the Unified Government") seeking (1) the Unified Government District Attorney Office's annual budget for each fiscal year

between January 1, 2014 and December 31, 2023; (2) all documents related to the annual cost of investigating, charging, and/or prosecuting capital and non-capital homicide cases over the same period by the Unified Government District Attorney; and (3) all documents related to annual state costs for adjudicating capital and non-capital homicide cases over the same period. On March 1, the Unified Government Clerk's Office responded that it had no records responsive to the request, but could nonetheless produce annual budgets for the District Attorney over the relevant period. After Hogan Lovells paid a \$35.04 fee, the Unified Government produced the budget documents. On March 11, 2024, Mr. Norman requested, pursuant to K.S.A. § 45-221(a)(16), clarification of why no responsive documents existed for his other requests. The Unified Government replied on March 25 that "[t]he level of detail that you are requesting is not tracked by the Budget Department. The District Attorney's Office also does not keep records of the information requested in that way." Mr. Norman followed up on April 16, reiterating his request and providing a spreadsheet of known homicide cases in Wyandotte County over the relevant period. On June 11, the Unified Government replied that it had no documents responsive to request No. 3, and that it would need 60 days to process request No. 2. Mr. Norman requested clarification as to why no documents responsive to request No. 3 existed, which the Unified Government declined to provide. On August 12, 2024, the Unified Government finally stated that it had no other documents responsive to any request.

7. On February 6, 2024, Andrew Norman submitted a KORA request to the Kansas City, Kansas Police Department ("KCKPD"), seeking (1) documentation of KCKPD's annual budget for each fiscal year between January 1, 2014 and December 31, 2023; and (2) all documents related to the annual cost of investigating capital and non-capital homicide cases over the same period. On March 1, 2024, the Unified Government responded that it could produce annual budgets but otherwise possessed no relevant documents. After Hogan Lovells paid a \$35.04 fee, the Unified Government produced budget data on March 5. On March 11, Mr. Norman sought clarification pursuant to K.S.A. § 45-221(a)(16) as to why the Unified Government and the KCKPD possessed no other relevant records. On March 25, the Unified Government responded that "[t]he level of detail that you are requesting is not tracked by the Budget Department. The Police Department also does not keep records of the information requested in that way." In response, Mr. Norman provided a spreadsheet of known homicide cases in Wyandotte County and requested documents concerning those cases pertaining to (1) the names, caseloads, salaries, overtime, and any other payment/benefits of the officers, investigators, and support staff who worked on each case; (2) time-keeping records noting the number of hours every officer, investigator, and support staff worked on each case; (3) any travel costs, including food, housing, or per diems associated with the investigation of the case; and (4) fees and/or payments to laboratories and lab technicians, analysts, or similar professionals. The Unified Government responded on April 30, declining to respond to request Nos. (1) – (3) because "the information [Mr. Norman] has requested is not tracked in this manner" and stating that no responsive records existed to satisfy request No. 4. Mr. Norman again asked for clarification on May 16, but the Unified Government never responded.
8. After a meet-and-confer with the Unified Government Legal Department regarding limited progress on Mr. Norman's February 6, 2024 KORA requests directed to the Unified

Government and the KCKPD, Andrew Norman sent another KORA request to the Unified Government on May 31, 2024. In this request, Mr. Norman incorporated changes proposed by the Unified Government and sought (1) personnel records for each detective, patrolman, investigator, or any other officer from the Kansas City, Kansas Police Department who worked on a homicide investigation between January 1, 2014 and December 31, 2023; and (2) personnel records for each attorney, investigator, and/or paralegal of the Wyandotte County District Attorney's Office that worked on a homicide prosecution over the same period. On July 9, 2024, the District Attorney's Office responded directly to Mr. Norman, stating that it maintained no records responsive to request No. 2 and directing him to consult Unified Government Human Resources. Mr. Norman did so on July 11, and on August 22, the Unified Government produced District Attorney and KCKPD Major Case Unit salary data for the relevant period. The Unified Government then closed out the KORA request.

9. On or about August 13, 2024, Mr. Fielder filed a motion for specific discovery, Filing #110, requesting that the Court permit him to discover all documents related to the annual cost of investigation, charging, and/or prosecution of capital and non-capital homicide cases by the Wyandotte County District Attorney's Office between January 1, 2014 and December 31, 2023. The Court denied his motion at a hearing the following week, based on the District Attorney's representation that they had no responsive documents in their possession.
10. On February 6, 2024, Andrew Norman submitted a KORA request to the Wyandotte County Sheriff's Office seeking (1) documentation of the Sheriff's Office annual budget for each fiscal year between January 1, 2014 and December 31, 2023; and (2) all documents related to the annual cost of investigating capital and non-capital homicide cases over the same period. On February 8, the Unified Government provided Mr. Norman with access to budget summaries for 2016 through 2018, but stated that the Sheriff's Office had not investigated any capital cases since 2014. On March 5, the Unified Government produced budget data for the remainder of the relevant period and closed out Mr. Norman's request.
11. On February 6, 2024, Andrew Norman sent a KORA request to the Edwardsville Police Department, seeking (1) documentation of the police department's annual budget for each fiscal year between January 1, 2014 and December 31, 2023; and (2) all documents related to the annual cost of investigating capital and non-capital homicide cases over the same period. On February 28, 2024, the Edwardsville Police Department produced records of annual budgets over the relevant period as well as cost data for one reckless driving homicide in 2020.
12. On February 6, 2024, Andrew Norman sent a KORA request to the Bonner Springs Police Department, seeking (1) documentation of the police department's annual budget for each fiscal year between January 1, 2014 and December 31, 2023; and (2) all documents related to the annual cost of investigating capital and non-capital homicide cases over the same period. After Hogan Lovells paid a \$15 fee, the Bonner Springs Police Department produced the requested budgets and confirmed that it had not investigated any homicide cases over the relevant period.

13. On February 6, 2024, Andrew Norman sent a KORA request to the Lake Quivira Police Department, seeking (1) documentation of the police department's annual budget for each fiscal year between January 1, 2014 and December 31, 2023; and (2) all documents related to the annual cost of investigating capital and non-capital homicide cases over the same period. Chief of Police Manuel Olmos responded promptly but requested numerous successive extensions to the response deadline given limited staffing at his department. On July 8, 2024, Chief Olmos provided the requested budget documents. He also confirmed that the Lake Quivira Police Department had not investigated any capital homicide cases over the relevant period.

APPENDIX K

CaseNum	DefLastName	DefFirstName	CrimeDate	ChargeFiled	Death Notice	DeathNoticeWithdrawn_A	SentDate	DefConvOff
1997CR001036	adams	terry	8/25/1996	capital murder	yes	yes	4/1/1999	first degree murder
2019CR001145	alatorre	javier	10/6/2019	capital murder		NA	12/23/2024	second degree murder
1998CR001984A	almaguer	rodney	10/3/1998	capital murder		NA	9/10/1999	other
2016CR000355	ayers	curtis	5/9/2016	capital murder		NA	3/14/2017	capital murder
1997CR002581	bolton	gentry	12/28/1997	capital murder	yes	no	2/19/1999	first degree murder
1995CR000100	brady	joseph	1/7/1995	capital murder	yes	no	7/13/1995	first degree murder
2009CR000962	burks	adrian	6/22/2009	capital murder	yes	no	10/1/2012	first degree murder
2020CR000001	caballero	ismael	12/30/2019	capital murder		NA	5/11/2021	capital murder
2018CR000640	fielder	antoine	6/15/2018	capital murder	yes	NA		pending
2008CR000219	guerrero	andrew	2/3/2008	capital murder		NA	1/15/2009	capital murder
1999CR000308	hargrove	demetrius	2/19/1998	capital murder	yes	yes	NA	dismissed
2002CR000975B	harris	errik	6/10/2002	capital murder	yes	yes	10/7/2005	capital murder
2007CR001683	king	ernest l	10/14/2006	capital murder	yes	yes	2/12/2010	other
1998CR000125	law	robert	1/18/1998	capital murder	yes	no	3/23/1999	capital murder
2016CR000525	lewis	jamaal	7/19/2016	capital murder		NA	11/30/2018	first degree murder
1998CR001984B	littlewood	carsey	10/3/1998	capital murder		NA	3/30/2000	manslaughter
1998CR001123A	markee	tracy	6/11/1998	capital murder	yes	yes	1/7/2000	second degree murder
1999CR001091	martis	gordon	5/19/1999	capital murder	yes	no	6/29/2001	first degree murder
1998CR002384	powell	richard	2/5/1998	capital murder	yes	no	8/27/1999	capital murder
2002CR000975A	stallings	darrell	6/10/2002	capital murder	yes	no	1/13/2005	capital murder
2007CR001685	tatum	ataven	10/14/2006	capital murder	yes	no	NA	other
2001CR000468	trober	brian	3/19/2001	capital murder	yes	yes	9/7/2001	first degree murder
2001CR000974A	trotter	christopher	5/21/2001	capital murder	yes	no	9/4/2003	capital murder
2017CR000477	tucker	jason	5/9/2017	capital murder		NA	4/5/2018	capital murder
2019CR001144	villanueva	hugo	10/6/2019	capital murder	yes	NA		pending
1998CR000680	williams	lemarco	4/5/1998	capital murder	yes	yes	9/24/1999	first degree murder
2007CR001684	williams	kenton	10/14/2006	capital murder	yes	yes	9/17/2010	other
2021CR000318	pizarro	miguel	9/26/2020	first degree, felony murder		NA	2/3/2023	second degree murder
2001CR000974C	eddington	kevin	5/21/2001	first degree, intentional murder		NA	4/19/2002	other
2019CR000806	byers	jermelle	7/10/2019	first degree, felony murder		NA	99/99/9999	other
1999CR001974B	diaz	robert	9/22/1999	first degree, felony murder		NA	NA	dismissed
1997CR002446	harper	branden	12/11/1997	first degree, felony murder		NA	NA	dismissed
2021CR000320	pizarro	brian	9/26/2020	first degree, felony murder		NA	NA	other
2017CR000283	ramirez-parrilla	jose	3/13/2017	first degree, felony murder		NA	6/22/2018	second degree murder
2020CR000773	vasquez	ismael	7/19/2020	first degree, felony murder		NA	11/19/2021	second degree murder
2017CR000282	velasco	victor	3/13/2017	first degree, felony murder		NA	5/25/2018	second degree murder
2020CR000320	carta	ramon	11/7/2016	first degree, intentional murder		NA	NA	other
2018CR000356	douglas	mondale	4/2/2018	first degree, intentional murder		NA	3/13/2020	first degree murder
2019CR000951	henderson	dai'leon	8/13/2019	first degree, intentional murder		NA	4/14/2023	manslaughter
1999CR001974A	hill	donta	9/22/1999	first degree, intentional murder		NA	NA	dismissed
2013CR000137	horn	curtis t	2/2/2013	first degree, intentional murder		NA	10/3/2013	first degree murder
2019CR000951	irvin	demetri	8/13/2019	first degree, intentional murder		NA	1/20/2023	second degree murder
2002CR000615	james	tyron	4/16/2002	first degree, intentional murder		NA	4/24/2003	first degree murder
2015CR000779	lewis ii	christopher	8/18/2015	first degree, intentional murder		NA	NA	dismissed
2000CR000257	livingston	edgar	2/10/2000	first degree, intentional murder		NA	9/28/2000	first degree murder
2018CR000899	mock	kalen	5/20/2018	first degree, intentional murder		NA	11/21/2019	second degree murder
2001CR000974B	navarre	michael	5/21/2001	first degree, intentional murder		NA	4/25/2002	other
2001CR000608	sappington	marc	4/10/2001	first degree, intentional murder		NA	12/10/2004, 09/	first degree murder
2012CR001611	smith	adam	12/8/2012	first degree, intentional murder		NA	3/6/2016	other
2020CR000320	valdez	reno	11/7/2016	first degree, intentional murder		NA	1/28/2022	other
2009CR000274	warren	cedric	2/13/2009	first degree, intentional murder		NA	3/4/2016	first degree murder
2019CR000951	womack	tobias	8/13/2019	first degree, intentional murder		NA	1/20/2023	second degree murder
2019CR000082	hervey	carlisle	12/12/2017	first degree, felony murder		NA	NA	dismissed