

No. 84-6811

IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term, 1985

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WARREN McCLESKEY,  
Petitioner,

-v.-

RALPH M. KEMP, Superintendent,  
Georgia Diagnostic & Classification  
Center.

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On Writ of Certiorari to the United States  
Court of Appeals for the Eleventh Circuit

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SUPPLEMENTAL EXHIBITS

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PETITIONER'S EXHIBITS - United States District Court  
for the Northern District of  
Georgia

DB 38

\_\_\_\_\_  
Cocler

Case # \_\_\_\_\_  
(1)

\_\_\_\_\_  
Data Coded Georgia Parole Board Questionnaire  
6/5/81 (S.P.P.)

Inmate # \_\_\_\_\_  
(2)

1. Offender's Name \_\_\_\_\_

3. Sample: Code: 1 = 25% Sample 4 = 25% Sample, death &  
2 = 25% Sample & all death life penalty  
on DOC list 5 = 25% Sample, death,  
3 = Death case not on DOC life penalty & circuit  
List but before Supplementation (3)  
12/31/79 6 = Other \_\_\_\_\_

4. Date of Offense \_\_\_\_\_  
(4)

4A. Date of Arrest \_\_\_\_\_  
(4A)

4B. Date of Sentence \_\_\_\_\_  
(4B)

4C. County of Conviction \_\_\_\_\_ County Code # \_\_\_\_\_  
Name (4C)

5. Indictment # \_\_\_\_\_  
(5)

6. Procedure re: Liability  
Part A Code: 1 = Jury trial 3 = No trial, guilty plea  
2 = Bench trial entered (6)

Part B Code: 1 = First conviction 3 = Subsequent conviction  
2 = Second conviction (specify \_\_\_\_\_) (7)

7. Presiding Judge's last name \_\_\_\_\_  
(1st initial)  
(8)

8. District Attorney's last name \_\_\_\_\_  
(1st initial)  
(9)

9. Status of the defense counsel (10)  
1 = Retained 6 = Georgia Criminal Justice Program  
2 = Appointed-private 7 = Team Defense Project, Inc.  
3 = Public Defender 8 = Appointed, but affiliation  
4 = Legal Aid unknown  
5 = Georgia ACLU

10. Offender's Present Offenses

- Crime Code: 1 = Murder  
 2 = Voluntary Manslaughter  
 3 = Involuntary Manslaughter  
 4 = Armed Robbery  
 5 = Rape  
 6 = Kidnapping  
 7 = Burglary  
 8 = Arson in 1st Degree  
 8A = Aggravated Battery (\$1305) against a victim  
 8B = Aggravated Battery (\$1305) against one not a victim  
 9 = Simple Robbery  
 10 = Aggravated Assault (\$1302) against a victim  
 10A = Aggravated assault (\$1302) against one not a victim  
 11 = Other Personal Violent Felonies  
 12 = Other Felonies  
 13 = Personal Violent Misdemeanors  
 14 = Other Misdemeanors  
 15 = Treason  
 16 = Aircraft Hijacking

- (3) Final Plea: For guilty pleas, enter crime code (e.g., if plea is guilty to murder, enter 01), if multiple guilty pleas, enter plea to most serious offense; 20 = Not Guilty  
 N = file does not indicate whether the defendant ever pleaded or was tried.
- (4) Jury/Bench Decisions: For trials, enter appropriate crime code for guilty findings. 20=Not Guilty  
 N = Not applicable (no trial)
- (5) # Counts Convicted: Enter actual # of counts the individual was convicted of for each crime. 8 = 8 or more  
 N = Not applicable, no conviction
- (6) Term: Fine = 97 Indicate amount in paren: 97 (500); Life = 98; Death = 99. Enter term of years the individual was sentenced to with 96 = 96 or more years. For multiple counts of a single crime, enter the term that is the longest. If there is a range in years, enter the range (e.g., 15-20)  
 N = Not applicable, no conviction. Use P suffix if sentence is probated.

	(1) Crime (code)	(2) # Counts Indicted	(3) Final Plea	(4) Jury/Bench Decision	(5) # Counts Convicted	(6) Term
Crime #1	(11)	(12)	(13)	(14)	(15)	(16) to (16A)
Crime #2	(17)	(18)	(19)	(20)	(21)	(22) to (22A)
Crime #3	(23)	(24)	(25)	(26)	(27)	(28) to (28A)
Crime #4	(29)	(30)	(31)	(32)	(33)	(34) to (34A)
# Additional Felonies Totals		(35)			(36)	

11. Sentence: Total consecutive years sentenced to prison (actual #)

- Code: 98 = life For sentences consecutive to a life sentence, (37)  
 99 = death add # of consecutive years (beyond life) to 500 and enter.

12. If the case resulted in a murder conviction, was there a penalty trial? (omit 12 & 13 if no murder conviction) \_\_\_\_\_  
 Code: 1 = Yes, if answer is 1, go to Q.14 (38)  
 2 = No, go to Q.13

13. If there was no penalty trial, was it because: \_\_\_\_\_  
 Code: 1 = The conviction was the result of a plea bargain under which the prosecution agreed not to seek the death penalty, go to Q.15 (39)  
 2 = Prosecution otherwise waived or refrained unilaterally from seeking the death penalty  
 3 = Prosecution sought death penalty but the judge took the penalty issue away from the jurors and imposed life  
 4 = Other \_\_\_\_\_

14. Was a plea bargain offered or agreed to by the prosecution \_\_\_\_\_  
 Code: 1 = Yes (40)  
 2 = No, go to Q.14D if there was a penalty trial, if no penalty trial, go to Q.15

14A - C. If the prosecutor offered or agreed to a plea bargain,

14A. To what crime was the defendant asked to plead guilty? \_\_\_\_\_  
 Code: (41)  
 1 = Murder  
 2 = Voluntary Manslaughter  
 3 = Other (specify) \_\_\_\_\_

14B. Did the prosecutor agree to recommend a sentence to the court? \_\_\_\_\_  
 Code: (42)  
 1 = Yes If yes, what sentence?  
 2 = No 1 = Life  
 (42) 2 = Term of years (specify) \_\_\_\_\_ (42A)  
 (42A)

14C. If the prosecutor offered the foregoing plea bargain, did the defendant agree to it? \_\_\_\_\_  
 Code: 1 = Yes (43)  
 2 = No

14D. (Omit if no penalty trial) If there was a penalty trial, what aggravating circumstances were charged and found by the jury (or court)?  
 Code: 1 = Charged and found  
 2 = Charged but not found

- |   |   |
|---|---|
| b(1) = Prior record/serious assaultive conduct _____<br>(43A)         | b(6) = Murder for hire _____<br>(43F)     |
| b(2) = Contemporaneous felony/aggravated battery, etc. _____<br>(43B) | b(7) = Outrageous-vile _____<br>(43G)     |
| b(3) = Great risk of death _____<br>(43C)                             | b(8) = Peace officer, etc. _____<br>(43H) |
| b(4) = Monetary gain _____<br>(43D)                                   | b(9) = Defendant on escape _____<br>(43I) |
| b(5) = Judicial officer _____<br>(43E)                                | b(10) = Avoid arrest _____<br>(43J)       |

15. Was there an appeal?

                      
(44)

- Code: 1 = conviction and sentence affirmed  
 2 = conviction affirmed, sentence vacated or reduced  
 3 = conviction reversed and sentence vacated  
 4 = appeal pending, Go to 16  
 5 = yes, but outcome of appeal unknown, Go to 16  
 6 = no appeal, Go to 16

15A. If appealed, date of the Supreme Court decision M/D/Y

    /    /      
          (45)

15B. If there was an appeal, enter cite from Georgia Reports  
volume/page number

    /      
          (45A)

Characteristics of the Defendant

16. Defendant's age at the time of the offense

                      
(46)

17. Defendant's living arrangements prior to apprehension

- Code: 1 = Expressly stated in file  
 2 = Suggested by the file but not specifically indicated  
 Blank = Inconsistent with information in file  
 U = Unable to classify as 1, 2 or Blank

                     Living alone  
(47)

                     Living with friends of both sexes  
(55)

                     Living w/ spouse and no children  
(48) (including common law marriage)

                     Traveling on the road/hitchhiking  
(56) (temporary)

                     Living w/spouse and children  
(49)

                     No home  
(57)

                     Living w/ paramour and no children  
(50)

                     Inmate of institution  
(58)

                     Living w/paramour and children  
(51)

                     Other  
(59)

                     Living with one or more of same sex  
(52)

                     Living with parents or close family  
(53)

                     Living with another family  
(54)

18. Occupational Skill of Defendant  
Part I

(61)

A Professional and Managerial

- 1 = Professional (Doctor, lawyer, etc., other professional)
- 2 = Executive
- 3 = Judicial Officer (or former), District Attorney (or former)
- 4 = Proprietor

B Law Enforcement and Military

- 5 = Policeman, Fireman or Correction Employee
- 6 = Military - enlisted
- 7 = Military - officer

C White Collar

- 8 = White Collar Worker
- 9 = Apartment/Hotel Manager
- 10 = Store Manager

D Blue Collar and Unskilled

- 11 = Blue Collar (all skilled laborers will be considered blue collar; i.e., mechanics, factory workers, truck drivers)
- 12 = Farmer and Fisher
- 13 = Unskilled Laborer

E Outside of Work Force

(61A)

- 14 = Juvenile (too young for school)
- 15 = Student
- 17 = Housekeeper

F Service Workers

- 18 = Security Guard (not sworn)
- 19 = Store Clerk
- 20 = Service Station Attendant
- 21 = Waitress, Bartender, Taxi Driver or similar service person

G Unstable

- 22 = Drifter
- 23 = Professional Criminal
- 24 = No Occupation
- 25 = Prostitute or Pimp

H Other

- 26 = Other \_\_\_\_\_
- 27 = Defendant has worked but precise skill is unknown. (answer part II)

U = Unknown whether defendant has ever worked at all (skip Part II and Question 19.)

Part II

To be answered if your answer to Part I is 27 or if a specific skill is identified in Part I and the file also suggests a skill in a Part II general category.

Code: 1 = Expressly stated in file  
2 = Suggested by the file but not specifically indicated  
Blank = Inconsistent with information in file  
U = Unable to classify as 1, 2 or Blank

Group A \_\_\_\_\_  
(62)

Group E \_\_\_\_\_  
(66)

Group B \_\_\_\_\_  
(63)

Group F \_\_\_\_\_  
(67)

Group C \_\_\_\_\_  
(64)

Group G \_\_\_\_\_  
(68)

Group D \_\_\_\_\_  
(65)



19. Employment status of defendant prior to apprehension
- |  |  |       |
|--|--|-------|
| Code: 1 = Employed full time                   | 6 = Unemployed over 6 months                 | _____ |
| 2 = Employed part time                         | 6A = Unemployed, but unsure how long         | (69)  |
| 3 = Employed but not sure if full or part time | 7 = Has never worked (non student & capable) |       |
| 4 = Seasonal laborer                           | 8 = Incapable of working                     |       |
| 5 = Unemployed 6 months or less                | 9 = Student/Juvenile/Retired/Housewife       |       |
|  | 10 = Unclear because in unstable category    |       |
|  | U = Unknown                                  |       |

- 19A. Defendant's I.Q. (Actual #)
- |  |       |
|--|-------|
| DNC = Offender doesn't comprehend or read or write enough to be tested | _____ |
| I = Under 65 (exact # not given)                                       | (70)  |

Offenders Criminal Record

20. Number of prior felony arrests
- |                 |       |
|-----------------|-------|
| Code: 00 = None | _____ |
|                 | (71)  |

21. Reliability of this answer
- |   |       |
|---|-------|
| Code: 1 = File complete - exhaustive list | _____ |
| 2 = File incomplete - list reliable       | (72)  |
| 3 = File incomplete - list unreliable     |       |
| U = Unable to make a judgment             |       |

22. Number of prior misdemeanor arrests
- |                 |       |
|-----------------|-------|
| Code: 00 = None | _____ |
|                 | (73)  |

23. Reliability of this answer
- |   |       |
|---|-------|
| Code: 1 = File complete - exhaustive list | _____ |
| 2 = File incomplete - list reliable       | (74)  |
| 3 = File incomplete - list unreliable     |       |
| U = Unable to make a judgment             |       |

24. Age of defendant at time of first felony arrest, including juvenile arrests
- |   |       |
|---|-------|
| Code: N = Not applicable/no prior felony arrest | _____ |
|   | (75)  |

25. Date of arrest for most recent violent crime (Specify \_\_\_\_\_)
- |  |                |
|--|----------------|
| Code: N = Not Applicable/no prior violent crime arrest | ____/____/____ |
|  | (76)           |

26. Date of arrest for most recent non-violent crime excluding traffic offenses not involving a homicidal crime or GVI (specify crime) \_\_\_\_\_
- |  |                |
|--|----------------|
|  | ____/____/____ |
|  | (77)           |
| Code: N = Not applicable/no prior non-violent crime arrest |                |

27. Date of most recent release from Prison
- |   |                |
|---|----------------|
| Code: 99 = Offender on escape at time of homicide | ____/____/____ |
| N = Not applicable/no prior incarceration         | (78)           |

28. Total number of years incarcerated in Jail/Prison (enter actual #; years - months)

(79)

Code: N = Not applicable (never incarcerated)

If only approximate # of years incarcerated is known enter:

Code: A = 1-2 E = 12-16
B = 3-5 F = 16-20
C = 5-8 G = 20-25
D = 8-12 H = 26 or more

29A. Has offender ever been convicted of a crime in Georgia or elsewhere?

(80)

Code: 1 = Yes - expressly stated in the file
2 = Yes - suggested by the file
3 = No - expressly stated in the file
4 = No - suggested by the file

If the answer to 29A is 3 or 4 or blank (unknown), go to question 33 after answering 29.

29. Did the homicide occur while the defendant was engaged in the commission of another offense (whether or not the defendant was charged and convicted of the offense)?

Code:

- 1 = No Contemporaneous Offense
2 = Armed Robbery
3 = Rape
4 = Kidnapping
5 = Burglary
6 = Arson in 1st degree
6A = Aggravated Battery against a victim
6B = Aggravated Battery against one not a victim
7 = Aggravated Assault against a victim
7A = Aggravated Assault against one not a victim
8 = Simple Robbery
9 = Theft
10 = Commercial Vice
11 = Narcotics
12 = Motor Vehicle Theft (MVT)
13 = Other personal violent felonies (specify)
14 = Other felonies (specify)
15 = Personal Violent misdemeanors (specify)
16 = Other misdemeanors (specify)
17 = Aircraft Hijacking

Number of Prior Convictions and Sentences

29A. Crime Code:  
Col. (1):

- 1 = Murder
- 2 = Voluntary Manslaughter
- 3 = Involuntary Manslaughter
- 4 = Armed Robbery
- 5 = Rape
- 6 = Kidnapping
- 7 = Burglary

- 8 = Arson in 1st Degree
- 9 = Simple Robbery
- 10 = Aggravated Assault
- 10A = Aggravated Battery
- 11 = Other Personal Violent Felonies
- 12 = Other Felonies
- 13 = Personal Violent Misdemeanors
- 14 = Other Misdemeanors, except non-homicidal and non CMVI traffic offenses

Code: Col. (2):

UC = Exact # Unknown, but  
1 or more

Code: Col. (3):

98 = Life  
99 = Death  
UC = Exact sentence(s)  
unknown but time was  
served following a  
conviction

Code: Col. (4):

99 = 99 or more  
UC = Exact length  
unknown but there  
were one or more  
probated sentences  
N = No probated  
sentence

Code: Col. (3):

97 = Fine, Indicate amount  
in parentheses:  
97 (500)

N = No prison/jail sentence

	(1) Crime Code	(2) Enter Actual # Convictions	(3) Enter Combined Length of Prison/Jail Sen. (excluding concurrents)		(4) Enter Combined Length of Pro- bated Sentences (excluding con.)
#1	(81)	(82)	(83)	83A	(84)
#2	(85)	(86)	(87)	87A	(88)
#3	(89)	(90)	(91)	91A	(92)
#4	(93)	(94)	(95)	95A	(96)
#5	(97)	(98)	(99)	99A	(100)
#6	(101)	(102)	(103)	103A	(104)

30. Prior incarceration following a conviction (jail or prison)

Code: 1 = Yes in Georgia                      Blank = No  
2 = Yes but outside Georgia  
3 = Yes both in and out of Georgia

(105)

31. Number of times incarcerated (prison/jail) for a felony

(Enter actual #) Code: Blank = No felony convictions  
9 = Nine or more  
UC = Exact # unknown but defendant has been  
incarcerated for a felony

(106)

32. Number of times incarcerated (prison/jail) for a misdemeanor, not concurrent to a felony sentence (enter actual #) \_\_\_\_\_  
 Code: Blank = None (107)  
 9 = Nine or more  
 UC = exact # unknown but defendant has been incarcerated for a misdemeanor

33. Stated number of times incarcerated in a youth detention center (enter actual #) \_\_\_\_\_  
 Code: Blank = None (108)  
 9 = Nine or more  
 UC = Exact # unknown but defendant has been incarcerated in a youth detention center

Characteristics of Victim #1  
 (Prepare supplemental sheets for additional victims:  
 add their names to attached worksheet if race is unknown)

34. Victim's Name \_\_\_\_\_  
 (If more than one victim, complete supplemental victim form)

35. Victim's sex  
 Code: 1 = Male 2 = Female \_\_\_\_\_  
 (109)

36. Victim's Race  
 Code: 1 = White 4 = Native American \_\_\_\_\_  
 2 = Black 5 = Other \_\_\_\_\_  
 3 = Spanish Ancestry If unknown, complete worksheet on race of victim. (110)

37. Victim's Age  
 Code: Enter actual # of years, if known \_\_\_\_\_  
 (111)

If only phase of life cycle is known, enter:

- |                               |                         |
|-------------------------------|-------------------------|
| A = Aged adult (over 65)      | D = Teenager (13-19)    |
| B = Middle aged adult (35-65) | E = Child (6-12)        |
| C = Young adult (20-34)       | F = Preschool (under 6) |

38. Occupational skill of victim

(112)

Part I

A Professional and Managerial

- 01 = Professional (Doctor, Lawyer, etc., other professional)
- 02 = Executive
- 03 = Judicial Officer (or former), District Attorney (or former)
- 04 = Proprietor

B Law Enforcement and Military

- 05 = Policeman, Fireman or Correction Employee
- 06 = Military - enlisted
- 07 = Military - officer

C White Collar

- 08 = White Collar Worker
- 09 = Apartment/Hotel Manager
- 10 = Store Manager

D Blue Collar and Unskilled

- 11 = Blue Collar (all skilled laborers will be considered blue collar; i.e., mechanics, factory workers, truck drivers).
- 12 = Farmer and Fisher
- 13 = Unskilled Laborer

E Outside of Work Force

- 14 = Juvenile (too young for school)
- 15 = Student
- 16 = Retired
- 17 = Housekeeper

F Service Workers

- 18 = Security Guard (not sworn)
- 19 = Store Clerk
- 20 = Service Station Attendant
- 21 = Waitress, Bartender, Taxi Driver or similar service person

G Unstable

- 22 = Drifter
- 23 = Professional Criminal
- 24 = No Occupation
- 25 = Prostitute or Pimp

H Other

- 26 = Other \_\_\_\_\_

27 = Victim has worked but precise skill is unknown.

U = Unknown whether victim has ever worked at all. If code Part I with U then skip Part II & question 39.

Part II

To be answered if your answer to Part I is 27 or if a specific skill is identified in Part I and the file also suggests a skill in a Part II general category.

Code: 1 = Expressly stated in file  
 2 = Suggested by the file but not specifically indicated  
 Blank = Inconsistent with information in file  
 U = Unable to classify as 1, 2 or Blank

Group A \_\_\_\_\_  
 (113)

Group B \_\_\_\_\_  
 (114)

Group C \_\_\_\_\_  
 (115)

Group D \_\_\_\_\_  
 (116)

Group E \_\_\_\_\_  
 (117)

Group F \_\_\_\_\_  
 (118)

Group G \_\_\_\_\_  
 (119)

39. Employment Status of Victim

- |  |  |       |
|--|--|-------|
| Code: 1 = Employed full time                   | 6 = Unemployed over 6 months                 | (120) |
| 2 = Employed part time                         | 6A = Unemployed but unsure how long          |       |
| 3 = Employed but not sure if full or part time | 7 = Has never worked (non student & capable) |       |
| 4 = Seasonal laborer                           | 8 = Incapable of working                     |       |
| 5 = Unemployed 6 months or shorter             | 9 = Student/Juvenile/Retired/Housekeeper     |       |
|  | 10 = Unclear because in unstable category    |       |

40. Victim's status in relationship to the Defendant

- |   |   |       |
|---|---|-------|
| Part I Code:  |   | (121) |
| 01 = Husband, wife or ex  | 13 = Other: defendant known to victim   |       |
| 02 = Parent   | 14 = Other: victim known to defendant   |       |
| 03 = Child  | 15 = Employer or ex   |       |
| 04 = Sibling  | 16 = Employee or ex   |       |
| 05 = In-law   | 17 = Co-worker or ex  |       |
| 06 = Other family   | 18 = Business associate (when it can't be determined whether 15, 16 or 17 applies)      |       |
| 07 = Paramour or ex (intimate relationship)                                     | 19 = Current or prior confederate or rival in crime                                     |       |
| 08 = Homosexual relationship  | 20 = Opposing gang member   |       |
| 09 = Friend or ex   | 21 = Stranger   |       |
| 10 = Neighbor   | 22 = Specific relationship unknown but general relationship stated or suggested by file |       |
| 11 = Other acquaintance   | U = Neither specific nor general relationship stated or suggested by the file; unknown  |       |
| 12 = Casual Acquaintance (when it can't be determined whether 10 or 11 applies) |   |       |

Part II If Part I is coded 22, complete Part II. Omit Part II if answer to Part I is 1 through 21 or U.

- |  |                               |       |
|--|-------------------------------|-------|
| 1 = Expressly stated in file                         | Family                        | (122) |
| 2 = Suggested by the file but specifically indicated |                               |       |
| Blank = Inconsistent with information in file        | Friend or Intimate            | (123) |
| U = Unable to classify as 1, 2 or Blank              |                               |       |
|  | Casual Acquaintance           | (124) |
|  |                               |       |
|  | Work Associate                | (125) |
|  |                               |       |
|  | Criminal Association or rival | (126) |
|  |                               |       |
|  | Stranger                      | (127) |

Characteristics of the Offense

41. Where did the homicide occur (enter up to 2 foils)

(128)

Part I

(129)

- |  |   |
|--|---|
| 1 = Residence of victim                                  | 16 = Other place of business  |
| 2 = Residence of victim's<br>close friend or relative    | 17 = Cab/bus/other public vehicle                                   |
| 3 = Residence of defendant                               | 18 = Private vehicle of victim                                      |
| 4 = Residence of defendant's<br>close friend or relative | 19 = Private vehicle of 3d person<br>other than victim              |
| 5 = Residence of copерpetrator                           | 20 = Private vehicle of defendant                                   |
| 6 = Other residence                                      | 21 = Parking lot area   |
| 7 = Residence of victim and defendant                    | 22 = Highway or freeway   |
| 8 = Hotel, motel or other short term<br>residence        | 23 = Country road   |
| 9 = Victim's place of business or<br>employment          | 24 = Street or sidewalk   |
| 10 = Defendant's place of business or<br>employment      | 25 = Park or school grounds   |
| 11 = Co-perpetrator's place of business<br>or employment | 26 = Field or woods   |
| 12 = Convenience or grocery store                        | 27 = Other non-commercial public place                              |
| 13 = Liquor store  | 28 = Jail/prison/lawful custody<br>of police or corrections officer |
| 14 = Service station                                     | 29 = Other  |
| 15 = Bar or cocktail lounge<br>(or immediate environs)   |   |

Part II

Omit Part II if answer for Part I was 20-29. If the answer to Q41 is 1-19, the defendant's method of entry was:

(130)

Code:

- 1 = Forcible entry without permission
- 2 = Other entry without permission
- 3 = Initial entry with permission
- 4 = Outside (invited) - applies only to foils 1-6 in Part I
- 5 = Outside (uninvited) - applies only to foils 1-6 in Part I

42. [Omitted]

43. Defendant's Motive

Code: 1 = Expressly stated in file  
 2 = Suggested by the file but not specifically indicated  
 Blank = Inconsistent with information in file  
 U = Unable to classify as 1, 2 or Blank

<u>      </u> (135)	Long term hatred	<u>      </u> (143)	To silence a witness to a crime just committed by defendant
<u>      </u> (136)	Revenge	<u>      </u> (144)	To silence a witness sought out subsequent to the commission of an earlier crime
<u>      </u> (137)	Sex	<u>      </u> (144A)	Panic e.g., defendant became frightened when surprised in the course of a burglary
<u>      </u> (138)	Jealousy	<u>      </u> (145)	Shoot-out
<u>      </u> (139)	Immediate rage	<u>      </u> (146)	To avoid/prevent/interfere with lawful arrest or lawful custody of defendant or another
<u>      </u> (140)	To avenge the role played by a present or former judicial officer, D.A., or lawyer in the exercise of his/her duty	<u>      </u> (147)	To facilitate the victim's suicide
<u>      </u> (141)	To avenge the role played by a present or former police officer	<u>      </u> (148)	Gun fired during a struggle for the gun.
<u>      </u> (142)	To facilitate obtaining money or any other thing of monetary value for the defendant or another	<u>      </u> (149)	Other _____
<u>      </u> (142A)	Insurance Proceeds		
<u>      </u> (142B)	Racial Animosity		

44. Special Precipitating Events

Code: 1 = Expressly stated in file  
 2 = Suggested by the file but not specifically indicated  
 Blank = Inconsistent with information in file  
 U = Unable to classify as 1, 2 or Blank

<u>      </u> (150)	Dispute between victim and defendant over money or property	<u>      </u> (154)	Lover's or ex-lover's quarrel
<u>      </u> (151)	Disputa while under influence of drugs or alcohol	<u>      </u> (155)	Lover's triangle
<u>      </u> (152)	Disputa between spouses or ex-spouses	<u>      </u> (156)	Other disputes and fights where it is unknown who provoked the fights
<u>      </u> (153)	Disputa between family members other than spouses or ex-spouses		



45. Method of Killing

Victim Was:

- |  |  |       |
|--|--|-------|
| 1 = Shot with gun (specify _____)                                    | 12 = Drowned   |       |
| 2 = Stabbed with sharp instrument (specify _____)                    | 13 = Burned (arson)  | (158) |
| 3 = Slashed or cut w/knife, ax or similar instrument (specify _____) | 14 = Burned by flame or hot substance (but not arson)                | (159) |
| 4 = Beaten with blunt object   | 15 = Electrocuted  | (160) |
| 5 = Beaten with fists or feet  | 16 = Killed by an explosion  |       |
| 6 = Strangled with hands   | 17 = Crushed or struck by an automobile                              |       |
| 7 = Strangled with rope or garrote                                   | 18 = Given overdose of drugs/narcotics                               |       |
| 8 = Hanged   | 19 = Poisoned (including carbon monoxide)                            |       |
| 9 = Smothered (e.g., pillow, blanket)                                | 20 = Neglected or deprived   |       |
| 10 = Buried alive  | 21 = Thrown from high place  |       |
| 11 = Otherwise suffocated (e.g., in a refrigerator)                  | 22 = Traumatized by an assault that caused fatal heart attack/stroke |       |
|  | 23 = Starvation or imprisonment                                      |       |
|  | 24 = Other _____   |       |

46. Special Aggravating Circumstances of Victim

- Code: 1 = Expressly stated in file  
 2 = Suggested by the file but not specifically indicated  
 Blank = Inconsistent with information in file  
 U = Unable to classify as 1, 2 or Blank

- |  |   |
|--|---|
| (161) Bed-ridden/handicapped   | (167) Defenseless because of physical condition or weakness, e.g., frail woman                                    |
| (162) Mental defective   | (168) Peace officer, corrections employee or fireman while engaged in the performance of his/her official duties. |
| (163) Defenseless due to youth   | (169) Supporting children   |
| (164) Defenseless due to advanced age  | (170) Victim offered no provocation   |
| (165) Pregnant   |   |
| (166) Victim was asleep or just awakened   |   |
| (166A) Defenseless because of gross disparity in physical sizes i.e., defendant much larger or two or more people against one, code N for cases where size is irrelevant given mode of killing (e.g., gun) |   |

47. Special Aggravating Features of the Offense

Part A 1 = Torture (methodical infliction of severe pain to punish victim, to extract information or to satisfy sadistic urge; specify \_\_\_\_\_)

Other infliction of unnecessary pain  
 2A = Mental torture (e.g. informing victim of impending death sometime before homicide)  
 2B = Brutal clubbing or other unnecessarily painful method of attack  
 2C = Brutal stamping or beating with hands or feet  
  
 3 = Mutilation during the homicide  
 4 = Mutilation of body after death  
 5 = Shotgun homicide  
 6 = Multiple gunshot wounds (# \_\_\_\_\_)  
 6A = Single shot to head  
 7 = Multiple gunshots to head (# \_\_\_\_\_)  
 8 = Slashed throat  
 9 = Multiple stabbing (# \_\_\_\_\_)  
 9A = Other mode of multiple lethal or painful attack  
 10 = Bloody

11 = Lingering death of victim  
 12 = Victim held hostage (172)  
 13 = Victim bound or gagged  
 14 = Victim forced to disrobe or disrobed by perpetrator (173)  
 15 = Attempt to dispose of/conceal body  
 16 = Multiple victims (174)  
 17 = Bodily harm to one other than a victim  
 18 = Sniper killing (175)  
 19 = Luring/ambushing/lying in wait  
 20 = Victim killed in presence of family members or close friends (175A)  
 21 = Other \_\_\_\_\_ (175B)  
 22 = No Special Aggravating Circumstances

Part B Code : 1 = Expressly stated in file  
 2 = Suggested by the file but not specifically indicated

Blank = Inconsistent with information in file  
 U = Unable to classify as 1, 2 or Blank

_____ Homicide planned for more than 5 min. (176)	_____ Victim pleaded for life (179)
_____ Planned contemporaneous offense (176A) for more than 5 minutes	_____ Victim was not clothed (180) (in whole or in part) at the time of the homicide
_____ Execution style homicide (homicide against subdued or passive victim) (177)	_____ Sexual perversion or abuse other than rape (sodomy etc.) (181)
_____ Case involved contemporaneous felony and homicide was unnecessary to complete the crime (e.g., store keeper hands over money and offers no resistance) (178)	
_____ Victim beaten before killing (178A)	

Part C of Q. 47

Special Aggravating Features of the Offense Specifically Attributable to the Defendant

Code: 1 = Expressly stated in file      Blank = Inconsistent with information in file  
2 = Suggested by the file but not specifically indicated      U = Unable to classify as 1, 2 or Blank

\_\_\_\_ Defendant showed no remorse for homicide  
(183)

\_\_\_\_ Defendant left the scene  
(186) of the crime

\_\_\_\_ Defendant expressed pleasure with  
(184) the homicide.

\_\_\_\_ Defendant otherwise actively  
(187) resisted or avoided arrest

\_\_\_\_ Defendant committed or is alleged  
(185) to have committed additional crimes  
between the time of the homicide  
and the time of his/her arrest  
(whether or not charged)

\_\_\_\_ Defendant was on escape from, or  
(188) in, lawful custody of a peace-  
officer or place of lawful confine-  
ment

\_\_\_\_ Defendant caused or directed  
(189) another to commit murder or  
committed murder as an agent  
or employee of another

Co-perpetrators

48. Were there coperpetrator(s) in the homicide  
or contemporaneous offense?

\_\_\_\_  
(191)

Code: 1 = No, defendant acted alone, go to  
question 49  
2 = Yes  
U = Unknown - go to question 49

48A. Actual Number of coperpetrators (#)

\_\_\_\_  
(192)

Code: 8 = 8 or more  
UC = There were coperpetrators but actual # is  
unknown

48B. Defendant's Role in the Homicide and Any Contemporaneous Offense vis a vis Coperpetrators

Code: 1 = Expressly stated in file  
 2 = Suggested by the file but not specifically indicated  
 Blank = Inconsistent with information in file  
 U = Unable to classify as 1, 2, or Blank

\_\_\_\_ Defendant committed or participated in the act that caused  
 (193) the death of the victim, hereinafter, "the act."

A) Acts of Violence by the Defendant  
 \_\_\_\_ Defendant did not commit the act but committed act(s)  
 (194) of violence against victim(s)

\_\_\_\_ Defendant did not commit the act but committed act(s)  
 (195) of violence in the same incident against a person or persons other than the victim whose death is the basis of the defendant's prosecution.

\_\_\_\_ Defendant committed no acts of violence.  
 (196)

B) Intention to use Deadly Force  
 \_\_\_\_ Defendant intended to use deadly force.  
 (197)

\_\_\_\_ Defendant was aware of an intention by coperpetrators  
 (198) to use deadly force.

\_\_\_\_ Defendant was not aware of an intention to use deadly  
 (199) force when it was inflicted by coperpetrators.

	<u>Homicide</u>	<u>Contemporaneous Offense</u>
	____ Defendant was prime mover in planning the (200)	____ (208)
C) Defendant's Role in Planning	____ Defendant was co-equal in planning the (201)	____ (209)
	____ Defendant was not planner but was aware of (202) plan to commit the	____ (210)
	____ Defendant was not aware of plan to commit the (203)	____ (211)
	____ There was no plan to commit a (204)	____ (212)

	<u>Homicide</u>	<u>Contemporaneous Offense</u>
	____ Defendant was present at scene of the (205)	____ (213)
D) Defendant's Presence	____ Defendant was not present at scene (206) but was present nearby in some capacity related to the	____ (214)
	____ Defendant was neither present nor near the scene of the (207)	____ (215)

If there was a contemporaneous offense (i.e., the foil for question 29 is other than 1), code right-hand margin. If no contemporaneous offense i.e., question 29 is 1, go to Q.48C.

48C. Role of Co-Perpetrators

Co-perpetrator (Names), Code U if Name Unknown	(2)	(3)	(4)		(5)	
	Acts of Violence Against Victim Code A	Intention to Use Deadly Force Code B	A Homicide Code C	B Contempora- neous Offense*	A Scene of Homicide Code D	B Contempora- neous Offense*
1	(216)	(217)	(218)	(219)	(220)	(221)
2	(222)	(223)	(224)	(225)	(226)	(227)
3	(228)	(229)	(230)	(231)	(232)	(233)

List names of other co-perpetrators \_\_\_\_\_

Code A

- 1 = Co-perpetrator committed or participated in the act that caused the death of the victim(s)
- 2 = Co-perpetrator did not commit the act but committed act(s) of violence against victim(s)
- 3 = Co-perpetrator did not commit the act but committed act(s) of violence against a person or persons other than the victim in the same incident.
- 4 = Co-perpetrator committed no acts of violence
- U = Unknown

Code B

- 1 = Co-perpetrator intended to use deadly force
- 2 = Co-perpetrator had no intent to kill where co-perpetrator committed the act which caused the death
- 3 = Co-perpetrator was aware of an intention to use deadly force
- 4 = Co-perpetrator was not aware of an intention to use deadly force when it was inflicted by defendant or another co-perpetrator
- U = Unknown

\*If there was no contemporaneous offense, omit foils under 4B & 5B.

Code C

- 1 = Co-perpetrator was prime mover in planning the (A) Homicide or (B) Contemporaneous Offense
- 2 = Co-perpetrator was co-equal in planning (A) Homicide or (B) Contemporaneous Offense
- 3 = Co-perpetrator was not planner but was aware of plan to commit the (A) Homicide or (B) Contemporaneous Offense
- 4 = Co-perpetrator was not aware of plan to commit the (A) Homicide or (B) Contemporaneous Offense
- 5 = There was no plan to commit a (A) Homicide or (B) Contemporaneous Offense
- U = Unknown

Code D

- 1 = Co-perpetrator was present at scene of (A) Homicide or (B) Contemporaneous Offense
- 2 = Co-perpetrator was not present at scene but was present nearby in some capacity related to (A) the Homicide or (B) Contemporaneous Offense
- 3 = Co-perpetrator was neither present nor nearby the scene of the (A) Homicide or (B) Contemporaneous Offense
- U = Unknown

48D. Disposition of Co-Perpetrators

	A	B	C	D	E
Co-perpetrator Write in name; Code U if unknown (Use same # as in 48C)	Indictment Code A	Manner of Disposition Code B	Conviction Code C	Testimony Code D	Sentence Code E
1 _____	(234)	(235)	(236)	(237)	(238)
2 _____	(239)	(240)	(241)	(242)	(243)
3 _____	(244)	(245)	(246)	(247)	(248)

Enter U if specific answer for a known co-perpetrator is unknown.

Code A: Indictment: Indicate most serious crime

- 1 = Murder
- 2 = Voluntary Manslaughter
- 3 = Involuntary Manslaughter
- 4 = Armed Robbery
- 5 = Rape
- 6 = Kidnapping
- 7 = Burglary
- 8 = Arson in 1st Degree
- 9 = Simple Robbery
- 9A = Aggravated Battery
- 10 = Aggravated Assault
- 11 = Other Violent Personal Felonies
- 12 = Other Felonies
- 13 = Violent Personal Misdemeanors
- 14 = Other Misdemeanors
- 15 = No Indictment, unknown if w/immunity
- 16 = No Indictment, w/immunity
- 17 = No Indictment, w/o immunity

Code B: Manner of Disposition

- 1 = Jury trial as co-defendant
- 2 = Jury trial: separate
- 3 = Bench trial as co-defendant
- 4 = Bench trial: separate
- 5 = Plea w/o bargain
- 6 = Plea bargain including testifying for prosecution
- 7 = Plea but unknown, if there was a bargain
- 8 = Plea bargain not including testimony
- 9 = Case dismissed, dead docketed or nolle prosequi

Code C: Conviction

Enter most serious crime

- 1 = Murder
- 2 = Voluntary Manslaughter
- 3 = Involuntary Manslaughter
- 4 = Armed Robbery
- 5 = Rape
- 6 = Kidnapping
- 7 = Burglary
- 8 = Arson in 1st Degree
- 9 = Simple Robbery
- 9A = Aggravated Battery
- 10 = Aggravated Assault
- 11 = Other Violent Personal Felonies
- 12 = Other Felonies
- 13 = Violent Personal Misdemeanors
- 14 = Other Misdemeanors
- 15 = Acquittal
- N = No indictment, case dismissed, dead docketed or nolle prosequi

Code D: Testimony: Co-perpetrator

- 1 = Testified on own behalf
- 2 = Testified as prosecution witness against defendant
- 3 = Did not testify
- 4 = Testified for Defendant
- N = No trial
- U = Unknown

Code E: Sentence - Enter Actual # of total consecutive years except

- 98 = Life
- 97 = Fine (put amount in paren.)
- 99 = Death

For multiple counts, enter the term that is longest. If a range in years, enter the range (e.g., 15-20)

NC = No conviction

For sentences consecutive to a life sentence, add # of consecutive yrs beyond life to 500 and enter.

If sentence is probated, add P as suffix.

Number of Persons Killed

49. Number of victims killed for whom defendant was either the 'triggerman' or physically participated in the killing (enter actual #)  
 Code: 0 = None UI = Defendant's role unknown + 1 victim (249)  
 U2 = Defendant's role unknown + 2 or more victims
50. Number of victims killed for whom the defendant was not the 'triggerman' and did not physically participate in the killing (enter actual #) Code: 0 = None (omit if no co-perpetrator) (250)  
 U1 = Defendant's role unknown + 1 victim  
 U2 = Defendant's role unknown + 2 or more victims

Number of Persons Injured

51. Number of persons injured other than deceased victims by (enter actual #): by defendant (251)  
 Code: 0 = None although other people were present  
 N = Not applicable; victim only person involved by co-perpetrator (252)  
 (omit if no co-perpetrator)  
 UC = Some people injured but exact # unknown  
 U = Unknown

Number of Shots Fired

52. If no gun used, go to Question 53. If a gun was used, number of shots fired by (enter actual #)  
 Code: 00 = None by defendant (253)  
 UC = One or more shots  
 If more precise estimation is possible:  
 A = 1-2 C = 5-6 by co-perpetrator (254)  
 B = 3-4 D = more than 7 (omit if no co-perpetrator)  
 E = more than one but unclear how many

53. Did defendant create:  
 a) risk of death to one or more people other than one victim?  
 Code: 1 = Yes 2 = No U = Unknown (If code = 2 or U, go to Question 56) (255)
- b) in a public place?  
 Code: 1 = Yes 2 = No U = Unknown (If code = 2 or U, go to Question 56) (256)
- c) with a gun or other device hazardous to live of more than one person? (If code = 2 or U, go to Question 56)  
 Code: 1 = Yes 2 = No U = Unknown (257)  
 If answer is yes, and other than gun used, specify weapon.

54. If answers to 53a, 53b, and 53c are all yes, how many people other than one victim were exposed to risk of death? Omit Q54 if an answer to 53a, 53b, or 53c is either 2 or U. (258)  
 Code: 1 = 1 person 6 = 6-10 people  
 2 = 2 people 7 = 11-15 people  
 3 = 3 people 8 = more than 15 people  
 4 = 4 people UC = more than 1 but exact # unknown  
 5 = 5 people N = 53a, b or c is coded 2 or U.

55. [Omitted]

Mitigating Circumstances

56. Defendant's Behavior

Code: 1 = Expressly stated in file  
 2 = Suggested by the file but not specifically indicated  
 Blank = Inconsistent with information in file  
 U = Unable to classify as 1, 2, or blank

Was diagnosed mentally ill post  
 (268A) arrest (Specify type and time  
 \_\_\_\_\_  
 \_\_\_\_\_)

The defendant:

Used alcohol or drugs  
 (259) immediatly previous to the crime

Did not kill victim deliberately, although he/she caused death. Code N if co-perpetrator caused death.

Was affected by this  
 (260) alcohol or drug consumption  
 1 = Substantially  
 2 = Moderately  
 3 = Slightly

If no co-perpetrator, omit the next 3 questions.

Blank = Not applicable, no alcohol or drugs  
 U = Unknown effect but D/A used

(270) Was not actual killer or participant in killing, only an accomplice.

Had history of mental/emotional  
 (261) illness

(271) His/her acts were not the sole cause of death. Code N if foil 270 is 1 or 2.

Had history of physical  
 (262) illness

(272) Coperpetrator(s) received life sentence(s), a lesser or no sentence before defendant was sentenced

Had history of egregious  
 (263) physical or economic deprivation

(273) Cooperated with authorities (e.g., testified for prosecution)

Had impaired mental capacity  
 (264) to appreciate the wrongfulness of his/her conduct because of mental disease or defect

(274) Showed remorse

Had impaired mental capacity  
 (265) to conform his/her conduct to the law

(275) Acted under the duress or domination of another person

Was under extreme mental or  
 (266) emotional disturbance (specify \_\_\_\_\_)

(276) Surrendered within 24 hours of the homicide (if later code 277A)

(276A) History of drug or alcohol abuse.

Was physically injured by  
 (267) police in connection with the homicide

(277) Acted to aid victim after attack.

Had a moral justification for  
 (268) committing homicide (e.g., needed money for sick child; (specify \_\_\_\_\_)

(277A) Surrendered more than 24 hrs.

(278) Other \_\_\_\_\_



Mitigating Circumstances

57. Victim Behavior

Code: 1 = Expressly stated in file  
 2 = Suggested by the file but not specifically indicated

Blank = Inconsistent with information in file  
 U = Unable to classify as 1, 2, or blank

The victim:

(279) Had used drugs/alcohol immediately previous to homicide

(280) Was affected by this drug/alcohol consumption

Code: 1 = Substantially  
 2 = Moderately  
 3 = Slightly

Blank = Not applicable, because no drug/alcohol use

U = Unknown effect but D/A used

(281) Aroused the defendant's fear for life

(282) Was armed with a deadly weapon

(283) And defendant had history of bad blood

(283A) Accused defendant of misconduct.

(284) physically injured

(285) physically assaulted

(286) verbally threatened

(287) verbally abused

the defendant at the time of the homicide

(288) physically injured

(289) physically assaulted

(290) verbally threatened

(291) verbally abused

(292) Other provocation

the defendant on an earlier occasion

(292A) Aroused defendant's sex desire

(292B) Had a bad criminal reputation.

(293) Showed or talked about large amounts of money

(294) Was a participant in or consented to his/her own death

(295) Was a fugitive at the time of the homicide

(296) Had a criminal record

(297) Was a participant in the contemporaneous crime. Omit if no contemporaneous crime.

(298) physically injured

(299) physically assaulted

(300) verbally threatened

(301) verbally abused

a person that the defendant cared about at the time of the homicide

(302) physically injured

(303) physically assaulted

(304) verbally threatened

(305) verbally abused

a person the defendant cared about on an earlier occasion

(306) Other

58. Defendant's Defense on Liability

Code: 1 = Expressly stated in file  
2 = Suggested by the file but not specifically indicated  
Blank = Inconsistent with information in file  
U = Unable to classify as 1, 2, or blank

<u>Suicide by victim</u> (307)	<u>Coercion</u> (313)
<u>Accident</u> (308)	<u>Defense of self or others</u> (314)
<u>Lack of intent to kill, e.g., (309) mental illness, alcohol, drugs</u>	<u>Defense of home or dwelling</u> (315)
<u>Mistaken identity</u> (310)	<u>Defense of property</u> (316)
<u>Voluntary Manslaughter (where (311) murder is the charge): even if there was an intent to kill, the defendant acted solely as the result of a sudden, violent, and irresistible passion resulting from serious provocation suffi- cient to excite such passion in a reasonable person.</u>	<u>Justification: during course (317) of arrest</u>
<u>Involuntary Manslaughter (where (312) murder or voluntary manslaughter is the charge):</u>	<u>Justification: reasonable dis- (318) cipline of a minor by parent</u>
a) defendant in commission of an unlawful act caused the victim's death without any intention to do so by the commission of an unlawful act other than a felony.	<u>Co-perpetrator caused the (319) death</u>
b) defendant in commission of a lawful act in an unlawful manner caused the victim's death with- out any intention to do so by the commission of a lawful act in an unlawful manner likely to cause death or great bodily harm.	<u>Insanity</u> (320)
	<u>Delusional Compulsion</u> (321)
	<u>Mistake of fact</u> (321A)
	<u>Other _____</u> (321B)
	<u>Unknown if a defense plausible</u> (321C)
	<u>Admitted guilt and no defense (321D) asserted</u>

Strength of Evidence

59. Police report indicates clear guilt

Code: 1 = Yes 2 = No U = No police report in file

(321E)

60. The file indicates that there was an identification witness with infor-  
mation on the items listed in question 60A.

Code: 1 = Yes 2 = No

(322)

(If answer to Q60 is 2, go to Q62)

60A. Witness Accounts

Identification: Enter actual # of witnesses under columns 1-2 & 5-6. Enter the type of I.D. in columns 3-4 & 7-8. I.D. codes are at the bottom of the page. The left-hand columns are for witnesses against the defendant. Omit columns 5-8 if no co-perpetrators. The right hand columns are for witnesses against a co-perpetrator if there are co-perpetrators. For this question the "accused" is the defendant or co-perpetrator. A witness should be included for only one observation regarding the defendant and one observation regarding the co-perpetrator(s). If a witness saw several events, enter him/her only for the most incriminating event. The events are listed in decreasing order of incriminating potential (1 = most incriminating).

re: Defendant

re: a Co-perpetrator

re: Defendant				re: a Co-perpetrator			
Police	Civilian	Type I.D.		Police	Civilian	Type I.D.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(323)	(324)	(325)	(326)	(343)	(344)	(345)	(346)
1. Witness identified accused as person committing the act that resulted in a homicide.							
(327)	(328)	(329)	(330)	(347)	(348)	(349)	(350)
2. Witness identified accused as person with weapon at or near the scene of the homicide either immediately before or immediately after the act.							
(331)	(332)	(333)	(334)	(351)	(352)	(353)	(354)
3. Witness identified accused as person at or near the scene of the homicide either immediately before or immediately after the act (but no weapon was noticed).							
(335)	(336)	(337)	(338)	(355)	(356)	(357)	(358)
4. Witness identified accused as person with the victim close to the time of the homicide.							
(339)	(340)	(341)	(342)	(359)	(360)	(361)	(362)
5. Witness identified accused as person at or near the scene close to the time of the homicide.							
(342A)	(342B)	(342C)	(342D)	(362A)	(362B)	(362C)	(362D)
6. Witness has knowledge of actions taken by the def. in preparation of the crime(s)							

TYPE OF I.D.  
Cols. 3 & 7

- 1 = Witness observed the face of the accused.
- 2 = Witness identified the voice, gait, or general appearance of the accused.
- 3 = Witness identified the clothing of the accused.
- U = Type of I.D. unknown

Columns 4 & 8: Prior Knowledge of the accused

- 1 = Witness knew the accused prior to the offense.
- 2 = Witness did not know the accused prior to the offense.
- 3 = Unknown whether prior knowledge.

If there is more than one witness in a category e.g., 2 witnesses saw the defendant killing, code "type of I.D." for the more incriminating witness measured in terms of prior knowledge of accused, objectivity, clarity of perception.

61. The file indicates that a witness (whether or not reported in Q. 60A) who identified the accused as a person at or near the scene of the homicide made an identification to the authorities before trial (omit if no witness) (363)  
 Code: 1 = Yes (If the answer to Q. 61 is 2, go to Q. 62; if blank go to 63)  
 2 = No

61A. Method of Identification to the authorities: (only one entry per witness - if multiple ID's, enter the most incriminating)

Defendant			Co-Perpetrator	
Police	Civilian		Police	Civilian
			(Omit if no co-perpetrator)	
		1. Identified to police on scene of and immediately after the crime	(374)	(375)
(364)	(365)			
		2. From person line-up	(376)	(377)
(366)	(367)			
		3. From photo line-up	(378)	(379)
(368)	(369)			
		4. Show up - a one on one confrontation with accused subsequent to the crime e.g., at crime scene, police station, etc.	(380)	(381)
(370)	(371)			
		5. From single photo	(382)	(383)
(372)	(373)			
		6. Otherwise reported to police	(383A)	(383B)
(373A)	(373B)			

62. The file has information concerning (Omit if no witness) (384)

- (A) the primary witness' (PW) relationship to defendant/victim/co-perpetrator or
- (B) the PW's status or
- (C) corroborating witnesses or
- (D) the PW's credibility or
- (E) a written statement by PW

1. = Yes      2. = No

(If the answer to Q62 is 2, go to Q63.)

62A. Relationship of the primary witness to the defendant, co-perpetrator(s) and the victim. The primary witness is the witness whose testimony would be most damaging in the case against the defendant or the co-perpetrator(s).

Code: 1 = Family	Primary Witness to Defendant	<u>(385)</u>
2 = Friend or intimate		
3 = Casual acquaintance	Primary Witness to Victim	<u>(386)</u>
4 = Work associate		
5 = Co-perpetrator	Primary Witness to Co-perpetrator	<u>(387)</u>
6 = Stranger	(Code N if witness was sole	
U = Unknown	co-perpetrator; omit if there was	
	no co-perpetrator)	

62B. Primary witness status:

1. Civilian	2. Police Office	3. Unknown	<u>(388)</u>
-------------	------------------	------------	--------------

Name if known \_\_\_\_\_

62C. Was the primary witness' statement corroborated by another witness

1 = Yes by a police witness	4 = Yes by a co-perpetrator	<u>(389)</u>
2 = Yes by a civilian witness	(a second one if the pri-	
3 = Yes by a police and civilian	mary witness is a co-perpe-	
witness	trator)	
PC = Partial corroboration by one or	5 = Yes but witness' status is	
more witnesses	unknown	
	6 = No	
	U = Unknown	

62D. If the primary witness was a civilian, does the file indicate there was any problem with the witness' credibility?

(Specify if yes: \_\_\_\_\_)

1 = Yes	2 = No	U = Unknown	<u>(390)</u>
---------	--------	-------------	--------------

62E. Is there a written copy of the primary witness' statement in the Georgia Parole Board Files?

1 = Yes	2 = No	<u>(391)</u>
---------	--------	--------------

63. The file indicates a statement was made to the authorities by:

a) the defendant

1 = Yes	2 = No	<u>(392)</u>
---------	--------	--------------

(If answer to Q63 is 2, skip 63A Part I and questions 63B, 63C, & 63D, i.e., do 63A Part II if applicable and go to Q64.)

b) a co-perpetrator

1 = Yes	2 = No	<u>(393)</u>
---------	--------	--------------

Omit if no co-perpetrator

(If answer to Q63B is 2, skip 63A Part II)

63A. Statements to police by defendant or a co-perpetrator connecting him/herself to the crime. (Answer for as many as are appropriate)

- Code: 01 = Oral, at scene, before custody  
 02 = Oral, at scene, after custody  
 03 = Oral, at scene, but not sure if before or after custody
- 11 = Oral, not at scene, within 24 hours of homicide, before custody  
 12 = Oral, not at scene, within 24 hours of homicide, after custody  
 13 = Oral, not at scene, within 24 hours of homicide, but not sure if before or after custody
- 21 = Oral, not at scene, more than 24 hours after homicide, before custody  
 22 = Oral, not at scene, more than 24 hours after homicide, after custody  
 23 = Oral, not at scene, more than 24 hours after homicide, not sure if before or after custody
- 31 = Written or transcribed, within 24 hours of homicide  
 32 = Written or transcribed, more than 24 hours after homicide  
 33 = Written or transcribed, but unclear when

63A. Part I Defendant Statement	A. <u>Concerning the Event</u>	Part II Co-perpetrator Statement	(Leave blank if no co-per- petrators)
<u>(394)</u>	Admitted deliberate homicide, no defense asserted		<u>(405)</u>
<u>(395)</u>	Admitted deliberate homicide with defense clearly asserted		<u>(406)</u>
<u>(395A)</u>	Admitted deliberate homicide, no clear defense asserted		<u>(406A)</u>
<u>(396)</u>	Admitted unintentional homicide		<u>(407)</u>
<u>(397)</u>	Admitted participation in homicide		<u>(408)</u>
<u>(398)</u>	Admitted participation in contemporaneous offense		<u>(409)</u>
<u>(399)</u>	Made other inculpatory statement concerning homicide		<u>(410)</u>
<u>(400)</u>	Made other inculpatory remark concerning contemporaneous offense		<u>(411)</u>
<u>(401)</u>	Admitted presence at scene but nothing more		<u>(412)</u>
<u>(402)</u>	Claimed ignorance		<u>(413)</u>
<u>(403)</u>	Claimed alibi		<u>(414)</u>
<u>(404)</u>	Other _____		<u>(415)</u>

B. Concerning Motive

<u>(416)</u>	Described quarrel with victim	<u>(422)</u>
<u>(417)</u>	Claimed self-defense	<u>(423)</u>
<u>(417A)</u>	Claimed other provocation _____	<u>(424)</u>
<u>(418)</u>	Claimed accident	<u>(425)</u>
<u>(419)</u>	Admitted intentional use of force but no intent to kill	<u>(426)</u>
<u>(420)</u>	Claimed under heavy influence of alcohol/drugs	<u>(427)</u>
<u>(420A)</u>	Delusional Compulsion	<u>(427A)</u>
<u>(421)</u>	Other _____	<u>(428)</u>

C. Concerning Statements

- 63B. Did the defendant give conflicting statements to police? \_\_\_\_\_  
Code: 1 = Yes - If so, on what issue(s) \_\_\_\_\_ (428)  
2 = Nothing in file to suggest such statements
- 63C. Were the defendant's statements consistent with a theory of self-defense? \_\_\_\_\_  
Code: 1 = Yes (429)  
2 = No  
N = File does not suggest the claim of self-defense was raised by defendant or that the claim is plausible  
UC = Statements made but significance is unclear
- 63D. Were defendant's statements consistent with a theory of diminished responsibility e.g., voluntary or involuntary manslaughter? \_\_\_\_\_  
Code: 1 = Yes (429A)  
2 = No  
N = File does not suggest the claim of diminished responsibility was raised by def. or that the claim is plausible.  
U = Statements made but significance is unclear
- 63E. The file \_\_\_\_\_  
Code: 1 = Indicates defendant received a Miranda warning (430)  
2 = Indicates defendant did not receive a Miranda warning  
3 = Does not indicate whether defendant received a Miranda warning  
N = Defendant's statements were not incriminating

Co-perpetrator Statement (Omit 64-64D if no co-perpetrator)

64. The file indicates that there was a co-perpetrator who gave a statement to the authorities implicating defendant  
Code: 1 = yes 2 = no (431)  
(If the answer to 64 is 2, go to Q. 65)

64A . What co-perpetrator was the witness in Q48C and Q48D? Code #. \_\_\_\_\_  
(432)

64B . The co-perpetrator implicated the defendant in:  
(check more than one if more than one applies.)

_____ the homicidal act (434)	_____ planning the contemporaneous offense (437)
_____ planning the homicide (435)	_____ unknown (438)
_____ the contemporaneous offense (436)	

65. The file indicates that there was a witness who heard an incriminating remark by the accused or a co-perpetrator (do not include admission to the authorities here)  
Code: 1 = Yes (If the answer to Q. 65 is 2, go to Q. 66.)  
2 = No (446)

65A & B. Incriminatory Remarks

(Enter only the most incriminating remark heard by a single witness)

Code: 1 = Admission of killing	4 = Concerning the contemporaneous crime
2 = Concerning a killing	5 = Concerning weapons
3 = An admission of the commission of a contemporaneous crime	6 = Other inculpatory remarks or behavior (specify _____)

65A. Did witness hear remarks by accused that were (Witness #1) \_\_\_\_\_  
(N = only remark by co-perpetrator; code only (447)  
one foil) (Witness #2) \_\_\_\_\_  
(448)

65B. Did witness hear remarks by co-perpetrator that were (Witness #1) \_\_\_\_\_  
(N = only remark by accused; omit if no co-perpetrator; (449)  
code only one foil) (Witness #2) \_\_\_\_\_  
(450)



66. The file indicates there was scientific or real evidence other than the murder weapon linking the defendant or a co-perpetrator to the event.             
(451)

1 = Yes      2 = No

(If answer to Q66 is 2, go to Q67.)

66A. The accused or a co-perpetrator were linked to the scene of the crime by:

Code: 1 = Fingerprints at scene

2 = Footprints at scene

3 = Tiretracks at scene

4 = Personal belongings of defendant found at the scene

5 = Trace evidence at scene; e.g., defendant's blood type, hair, etc., (specify \_\_\_\_\_)

5A = Trace evidence found on victim

Evidence Against Defendant  
(N = Evidence links only co-perpetrator - first foil only)

            
(452)

            
(453)

            
(454)

6 = Trace evidence found on defendant or belongings of defendant; e.g., victim's blood type, spent gun shells, etc. (specify \_\_\_\_\_)

7 = Money or belongings of the victim or goods associated with the crime found in the defendant's possession and positively identified.

8 = Money or belongings of the victim or goods allegedly associated with the crime found in the defendant's possession but not identified as such.

9 = Other \_\_\_\_\_

Evidence Against Co-Perpetrator  
(N = Evidence links only defendant; omit if no co-perpetrator - first foil only)

            
(455)

            
(456)

            
(457)

66B. If the answer to Q.66A was 4, 6, 7 or 8, answer the following question; otherwise go to Q.67.

How was this property connected to the accused?

Code:

- |   |   |       |
|---|---|-------|
| 1 = Volunteered to police by defendant  | 8 = Found in or traced to co-perpetrator's possession during a search | (458) |
| 2 = Volunteered to police by co-perpetrator   | 9 = Found in close proximity to the defendant                         | (459) |
| 3 = Found on defendant's person upon arrest   | 10 = Found in close proximity to the co-perpetrator                   |       |
| 4 = Found on co-perpetrator's person upon arrest  | 11 = Defendant seen disposing of this property                        |       |
| 5 = Found in or traced to defendant's possession (in house, car, etc.) upon arrest      | 12 = Co-perpetrator seen disposing of this property                   |       |
| 6 = Found in or traced to co-perpetrator's possession (in house, car, etc.) upon arrest | 13 = Passed by defendant (e.g., forgery)                              |       |
| 7 = Found in or traced to defendant's possession during a search                        | 14 = Passed by co-perpetrator, e.g., forgery                          |       |
|   | 15 = Witness saw defendant with property                              |       |
|   | 16 = Witness saw co-perpetrator with property                         |       |
|   | 17 = Unknown  |       |

67. Does the file indicate the defendant or a co-perpetrator sustained any injury at the scene of the crime that linked him/her to the homicide?

Code: 1 = Yes      2 = No

Defendant

(460)

Co-perpetrator

(Omit if no co-perpetrator)  
(461)

68. Does the file indicate defendant took out a life insurance policy that linked him/her to the homicide?

Code: 1 = Yes      2 = No

(462)

69. Did the homicide involve the use of a weapon (other than hands or feet)?

Code: 1 = Yes      2 = No  
U = Unknown

(463)

(If answer to Q69 is 2 or U, go to Q71.)

69A. Was the murder weapon found?

Code: 1 = Yes  
2 = No, if answer is 2, go to Q71.  
U = Unknown, if answer is U, go to Q69C.

(464)

69 B. If yes, how did police get the weapon?

- Code: 1 = Found at scene or nearby  
 2 = Found elsewhere  
 3 = Voluntarily surrendered to police by defendant  
 4 = Voluntarily surrendered to police by co-perpetrator  
 5 = Voluntarily surrendered to police by other persons  
 6 = Accused led or directed the authorities to it  
 7 = Co-perpetrators led or directed the authorities to it  
 8 = Confiscated during a search  
 9 = Other  
 U = Unknown

(465)

(omit 69C if answer to 69B is 3 through 7.)

69 C. How was the weapon connected to defendant (D) or a co-perpetrator (C)?

- Code: 1 = Weapon was not connected to D or C  
 2 = Weapon was found on D's or C's person or in D's or C's possession  
 3 = Weapon was found in close proximity to D or C  
 3A = Saw the D with weapon at scene of the crime  
 4 = Witness positively saw D or C with weapon (on some other occasion than that of the homicide)  
 5 = Witness saw D or C with weapon that looked like the homicide weapon (on some other occasion than that of the homicide)  
 6 = D's or C's fingerprints were on weapon  
 7 = D or C admitted ownership  
 8 = D or C admitted possession  
 9 = Paraphernalia such as holster or spent shells found on accused or co-perpetrator  
 10 = Other  
 U = Unknown

Evidence Against Defendant

Evidence Against Co-Perpetrator  
(omit if no co-perpetrators)

(466)

(468)

(467)

(469)

70. Was there a ballistics report that

- Code: 1 = Positively linked the fatal bullet(s) to the homicide weapon  
 2 = Possibly linked the fatal bullet(s) to the homicide weapon  
 3 = Report failed to link fatal bullet(s) to the homicide weapon  
 4 = Report cleared the defendant's weapon  
 5 = No ballistics report  
 9 = Not applicable, no gun  
 U = Gun and unknown if report  
 N = Not contested that defendant's gun fired the shot

(470)

32

71. Was there a report of medical evidence in the file that clarified the cause of death?

- Code: 1 = Yes and it linked cause of death to accused's or co-perpetrator's actions.  
2 = Yes but it did not link cause of death to accused's or co-perpetrator's actions.  
3 = No indication of medical evidence in file.

Defendant

Co-perpetrator  
(Omit if no co-perpetrator)

(471)

(472)

72. Nature of the arrest of accused and co-perpetrator(s):

- Code: 1 = Voluntarily surrendered at scene shortly after the offense  
2 = Voluntarily surrendered within 24 hours of crime, but not at scene  
3 = Voluntarily surrendered but not within 24 hours of crime  
4 = Apprehended at the scene shortly after the offense  
5 = Apprehended within 24 hours of crime, but not at scene  
6 = Apprehended but not within 24 hours of the crime  
7 = Co-perpetrator not arrested  
8 = Voluntarily submitted to arrest without admission of liability  
9 = Other  
U = Unknown

Defendant's Arrest

Co-perpetrator's Arrest  
(Omit if no co-perpetrator - first foil only)  
(foil for each co-perpetrator)

(473)

#1 (474)

#2 (475)

#3 (476)

#4 (477)

73. The file indicates that there was a witness with information on preparation or precipitating events:

1 = Yes                      2 = No

(If answer to Q73 is 2, go to Q74.)

(477A)

73A. Preparation or Precipitating Events (enter number of witnesses; a witness may be entered for more than one piece of evidence)

Did witness:

<u>Re: defendant</u>			<u>Re: co-perpetrator</u>	
<u>Police</u>	<u>Civilian</u>		<u>Police</u>	<u>Civilian</u>
			<u>(Leave blank if no co-perpetrators)</u>	
<u>(478)</u>	<u>(479)</u>	describe the accused as the aggressor in provoking a fight	<u>(498)</u>	<u>(499)</u>
<u>(480)</u>	<u>(481)</u>	describe the victim as the aggressor in provoking a fight	<u>(500)</u>	<u>(501)</u>
<u>(482)</u>	<u>(483)</u>	describe the accused as armed	<u>(502)</u>	<u>(503)</u>
<u>(484)</u>	<u>(485)</u>	describe the victim as armed	<u>(504)</u>	<u>(505)</u>
<u>(486)</u>	<u>(487)</u>	say that accused could have retreated from the scene but didn't	<u>(506)</u>	<u>(507)</u>
<u>(488)</u>	<u>(489)</u>	describe the accused as being intoxicated or under influence of drugs	<u>(508)</u>	<u>(509)</u>
<u>(490)</u>	<u>(491)</u>	describe the victim as being intoxicated or under influence of drugs	<u>(510)</u>	<u>(511)</u>
<u>(492)</u>	<u>(493)</u>	describe hearing an argument between the accused and the victim	<u>(512)</u>	<u>(513)</u>
<u>(494)</u>	<u>(495)</u>	testify to other events concerning possible claim of self-defense (specify) _____	<u>(514)</u>	<u>(515)</u>
<u>(496)</u>	<u>(497)</u>	testify to other events concerning a claim of diminished responsibility (specify) _____	<u>(516)</u>	<u>(517)</u>

74. The file indicates that there was a witness with information on motive:

1. = Yes            2. = No

(518)

(If answer to Q 74 is 2, omit Q74A.)

74A. Motive for Crime (a witness may be entered for more than one piece of evidence)

Did witness:

Re: defendant  
Police    Civilian

Re: co-perpetrator  
Police    Civilian  
(Leave foils below  
blank if no co-per-  
petrators)

<u>(519)</u>	<u>(520)</u>	ever hear the accused utter threats against the victim or a person the victim cared about	<u>(529)</u>	<u>(530)</u>
<u>(521)</u>	<u>(522)</u>	ever hear the victim utter threats against the accused or a person the accused cared about	<u>(531)</u>	<u>(532)</u>
<u>(523)</u>	<u>(524)</u>	deny that victim uttered threats against the accused	<u>(533)</u>	<u>(534)</u>
<u>(525)</u>	<u>(526)</u>	know of bad blood between accused and victim	<u>(535)</u>	<u>(536)</u>
<u>(527)</u>	<u>(528)</u>	testify to any other motive on the part of the accused to kill the victim (specify) _____	<u>(537)</u>	<u>(538)</u>

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Ambiguities in the File  
(not to be keypunched)

I. Circumstances of the crime, the victim and offender.

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II. Strength of the Evidence.

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Worksheet for Missing Data  
(not to be keypunched)

Case # \_\_\_\_\_

Offender's Name \_\_\_\_\_

1. Complete for all cases (give full names and PRINT)

a. Trial Defense Counsel - Names, Addresses and Phone #'

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. D.A.'s Name

\_\_\_\_\_

c. Name of Ass't D.A. who tried case if D.A. did not

\_\_\_\_\_

d. Homicide indictment # \_\_\_\_\_ Murder

\_\_\_\_\_ Voluntary Manslaughter

} Conviction

e. County of Conviction \_\_\_\_\_ (variable 4C)

f. Date of Sentence \_\_\_\_/\_\_\_\_/\_\_\_\_ (variable 4B)

2. Victim List - list only victims whose race is unknown

1. Victim(s) (enter extra victim data on the bottom of this page)

Date of Death/County of Death,  
if different from county of  
conviction

Victim #      Name

a.	1	_____	____/____/____	_____
b.	2	_____	____/____/____	_____
c.	3	_____	____/____/____	_____
d.	4	_____	____/____/____	_____

Please return to:

David C. Baldus  
College of Law  
University of Iowa  
Iowa City, IA 52242

(319) 353-4157

Supplemental Sheets for  
Multiple Victim

Victim's Name \_\_\_\_\_

Case No. \_\_\_\_\_

Victim Number \_\_\_\_\_

(538A)

(538B)

35S. Sex Male = 1 Female = 2 Unknown = 0

(538C)

36S. Race

White = 1 Black = 2 Spanish = 3 Nat. Am. = 4 Other \_\_\_\_\_ = 5  
Ancestry If unknown, complete worksheet  
on race of victim.

(539)

37S. Age (enter actual # of years)

(540)

If only phase of life cycle is known, enter:

- |                               |                         |
|-------------------------------|-------------------------|
| A = Aged Adult (over 65)      | D = Teenager (13-19)    |
| B = Middle Aged Adult (35-65) | E = Child (6-12)        |
| C = Young Adult (20-35)       | F = Preschool (under 6) |

38S. Occupational skill of victim

(541)

Part I

A Professional and Managerial

- 01 = Professional (Doctor, lawyer, etc., other professional)
- 02 = Executive
- 03 = Judicial Officer (or former), District Attorney (or former)
- 04 = Proprietor

E Outside of Work Force

- 14 = Juvenile (too young for school)
- 15 = Student
- 16 = Retired
- 17 = Housekeeper

B Law Enforcement and Military

- 05 = Policeman, Fireman or Correction Employee
- 06 = Military - enlisted
- 07 = Military - officer

F Service Workers

- 18 = Security Guard (not sworn)
- 19 = Store Clerk
- 20 = Service Station Attendant
- 21 = Waitress, Bartender, Taxi Driver or similar service person

C White Collar

- 08 = White Collar Worker
- 09 = Apartment/Hotel Manager
- 10 = Store Manager

G Unstable

- 22 = Drifter
- 23 = Professional Criminal
- 24 = No Occupation
- 25 = Prostitute or Pimp

D Blue Collar and Unskilled

- 11 = Blue Collar (all skilled laborers will be considered blue collar; i.e., mechanics, factory workers, truck drivers)
- 12 = Farmer and Fisher
- 13 = Unskilled Laborer

H Other

- 26 = Other \_\_\_\_\_
- 27 = Victim has worked but precise skill is unknown.
- U = Unknown whether victim has ever worked at all. If code Part I with U then skip Part II.

Part II of Q.38S.

To be answered if your answer to Part I is 27 or if a specific skill is identified in Part I and the file also suggests a skill in a Part II general category.

Code: 1 = Expressly stated in file	Group <u>A</u>	<u>          </u> (542)
2 = Suggested by the file but not specifically indicated	Group <u>B</u>	<u>          </u> (543)
Blank = Inconsistent with information in file	Group <u>C</u>	<u>          </u> (544)
U = Unable to classify as 1, 2 or Blank	Group <u>D</u>	<u>          </u> (545)
	Group <u>E</u>	<u>          </u> (546)
	Group <u>F</u>	<u>          </u> (547)
	Group <u>G</u>	<u>          </u> (548)

40S. Victim's status in relationship to the Defendant

Part I Code:		<u>          </u> (549)
01 = Husband, wife or ex	13 = Other: defendant known to victim	
02 = Parent	14 = Other: victim known to defendant	
03 = Child	15 = Employer or ex	
04 = Sibling	16 = Employee or ex	
05 = In-law	17 = Co-worker or ex	
06 = Other family	18 = Business associate (when it can't be determined whether 15, 16 or 17 applies)	
07 = Paramour or ex (intimate relationship)	19 = Current or prior confederate or rival in crime	
08 = Homosexual relationship	20 = Opposing gang member	
09 = Friend or ex	21 = Stranger	
10 = Neighbor	22 = Specific relationship unknown but general relationship stated or suggested by file	
11 = Other acquaintance		
12 = Casual Acquaintance (when it can't be determined whether 10 or 11 applies)	U = Neither specific nor general relationship stated or suggested by the file; unknown	

B

Part II of Q. 40S.

If Part I is coded 22, complete Part II. Omit Part II if answer to Part I is 1 through 22 or U.

- 1 = Expressly stated in file
- 2 = Suggested by the file but specifically indicated
- Blank = Inconsistent with information in file
- U = Unable to classify as 1, 2 or Blank

- Family (550)
- Friend or Intimate (551)
- Casual Acquaintance (552)<sup>a</sup>
- Work Associate (553)
- Criminal Association or rival (554)
- Stranger (555)

46S. Special Aggravating Circumstances of Victim

- Code: 1 = Expressly stated in file  
 2 = Suggested by the file but not specifically indicated  
 Blank = Inconsistent with information in file  
 U = Unable to classify as 1, 2 or Blank

- (556) Bed-ridden/handicapped
- (557) Mental defective
- (558) Defenseless due to youth
- (559) Defenseless due to advanced age
- (560) Pregnant
- (561) Victim was asleep or just awakened
- (562) Defenseless because of gross disparity in physical sizes i.e., defendant much larger or two or more people against one, code N for cases where size is irrelevant given mode of killing (e.g., gun)
- (563) Defenseless because of physical condition or weakness, e.g., frail woman
- (564) Peace officer, corrections employee or fireman while engaged in the performance of his/her official duties Supporting children
- (565) Supporting children
- (566) Victim offered no provocation

Mitigating Circumstances

57S. Relating to the offense from the defendant's perspective and relating to the victim

Code: 1 = Expressly stated in file  
 2 = Suggested by the file but not specifically indicated

Blank = Inconsistent with information in file  
 U = Unable to classify as 1, 2, or blank

The victim:

           Had used drugs/alcohol  
 (568) immediately previous to homicide

           Was affected by this drug/alcohol  
 (569) consumption

Code: 1 = Substantially  
 2 = Moderately  
 3 = Slightly  
 N = Not applicable, because no drug/alcohol use  
 U = Unknown effect but D/A used:

           Aroused the defendant's fear  
 (570) for life

           Was armed with a deadly weapon  
 (571)

           And defendant had history of bad  
 (572) blood

           physically injured  
 (573)

           physically assaulted  
 (574)

           verbally threatened  
 (575)

           verbally abused  
 (576)

the defendant at the time of the homicide

           Aroused defendant's sex desire  
 (581A)

           Showed or talked about large  
 (582) amounts of money

           Was a participant in or  
 (583) consented to his/her own death

           Was a fugitive at the time of  
 (584) the homicide

           Had a criminal record  
 (585)

           Was a participant in the contem-  
 (586) poraneous crime. Omit if no contemporaneous crime.

           physically injured  
 (587)

           physically assaulted  
 (588)

           verbally threatened  
 (589)

           verbally abused  
 (590)

a person that the defendant cared about at the time of the homicide

           physically injured  
 (577)

           physically assaulted  
 (578)

           verbally threatened  
 (579)

           verbally abused  
 (580)

the defendant on an earlier occasion

           physically injured  
 (591)

           physically assaulted  
 (592)

           verbally threatened  
 (593)

           verbally abused  
 (594)

a person the defendant cared about on an earlier occasion

           Other provocation  
 (581)

           Other  
 (595)

Sources of Data

DB 39

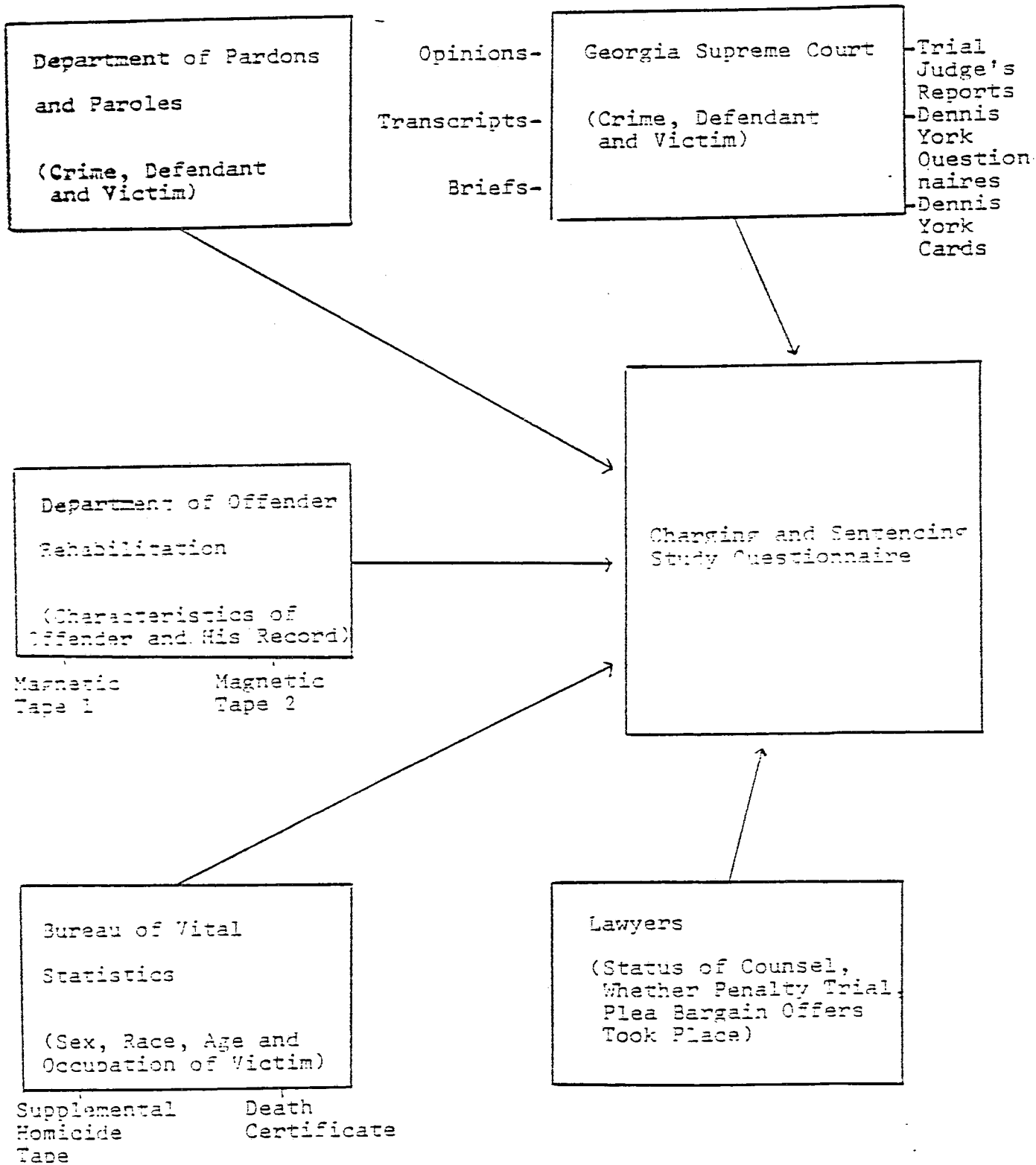


Table AHOMICIDE CASE DISPOSITIONS AND DEATH SENTENCING RATES: 1974-79

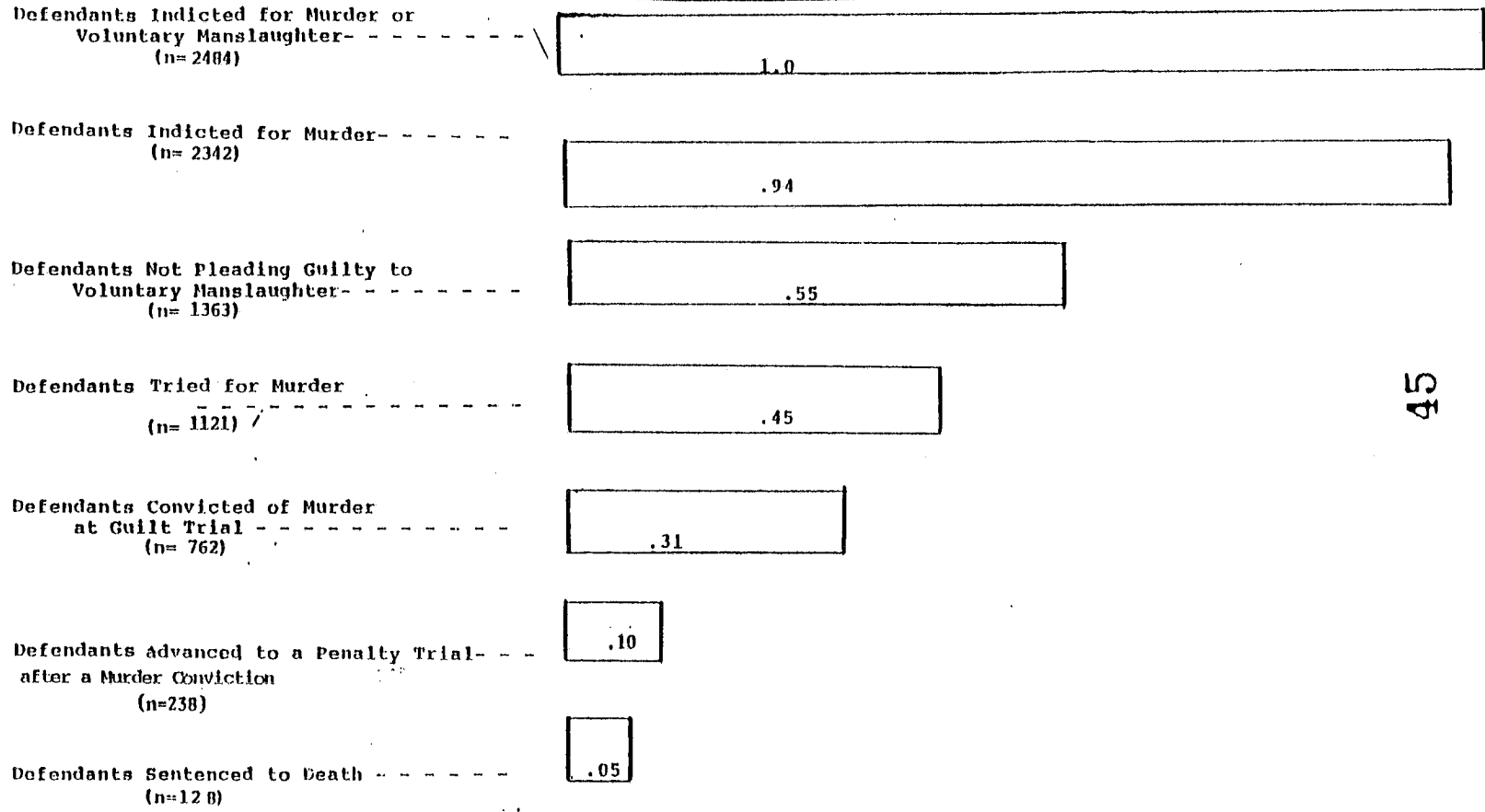
	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
I. Murders & Non-Negligent Homicides						
A. # of murders/non-negligent manslaughter <sup>1/</sup>	868	711	692	593	731	877
B. rate per 100,000	.18	.14	.14	.12	.14	.17
II. Homicide Case <sup>2/</sup> Disposition						
A. death sentences	25	16	22	21	9	20
B. murder convictions with life sentences	149	124	137	115	128	114
C. voluntary manslaughter convictions	240	201	201	196	209	185
III. Death Sentencing Rates Among: <sup>2/</sup>						
A. reported murder and non-negligent manslaughter cases	.03	.02	.03	.04	.01	.02
B. murder convictions (by plea or at trial)	.14	.12	.14	.16	.07	.15

<sup>1/</sup> The proportions included in this table are estimated from the sample of the Charging and Sentencing Study

<sup>2/</sup> Estimates based on data from the Charging and Sentencing Study

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Figure 4  
PROPORTION OF CASES REMAINING IN THE SYSTEM  
AT SUCCESSIVE STAGES IN THE CAPITAL CHARGING AND SENTENCING PROCESS  
(Charging and Sentencing Study)



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Table 4

UNADJUSTED RACE OF VICTIM AND RACE OF DEFENDANT DISPARITIES IN  
DEATH SENTENCING RATES

Death Sentencing Rates & Disparities

I. Race of Victim Disparity

White Victim Cases	.11 (108/973)
<u>Black Victim Cases</u>	<u>.01 (20 /1502)</u>
Difference	10 points
Ratio	11:1

II. Race of Defendant Disparity

Black Defendant Cases	.04 (68 /1666)
<u>White Defendant Cases</u>	<u>.07 (60 / 809)</u>
Difference	- 03 points
Ratio	.51

Table 5DEATH SENTENCING RATES BY DEFENDANT/VICTIM RACIAL COMBINATION

<u>A</u> Black Defendant/ White Victim	<u>B</u> White Defendant/ White Victim	<u>C</u> Black Defendant/ Black Victim	<u>D</u> White Defendant/ Black Victim
.22 (50/228)	.08 (58/745)	.01 (18/1438)	.03 (2/64)

Table 23

THE IMPACT OF RACE OF VICTIM, RACE OF DEFENDANT, NINE STATUTORY  
AGGRAVATING FACTORS AND A VARIABLE FOR PRIOR RECORD ON DEATH  
SENTENCING OUTCOMES

(the numbers are the partial regression coefficients for each  
variable in an analysis in which the dependent measure was death  
sentences among cases indicted for murder)

<u>A</u>	<u>B</u>		<u>C</u>	<u>D</u>
	W.L.S. Regression Results <sup>1/</sup>		Logistic Regression <sup>2/</sup> Results	
	Regression Coefficient & Level of Statistical Significance		Regression Coefficient	Death Odds Multiplier
Race of Victim	.07 <sup>a/</sup> (.0014)		1.02 (.003)	2.8
Race of Defendant	.04 <sup>a/</sup> (.09)		.02 (.93)	1.0
Prior Capital Record (B1)	.07 (.02)		1.1 (.01)	3.0
Enumerated Contempor- aneous Offense (B2)	.11 (.0001)		2.2 (.0001)	9.0
Risk of Death to 2 or More in Public (B3)	-.01 (.57)		.17 (.65)	1.2
Money/Value Motive (B4)	-.01 (.62)		-.08 (.78)	-.93
Murder for Hire (B6)	.08 (.15)		1.9 (.002)	6.7
Murder Vile, Horrible or Inhuman (B7)	.03 (.01)		1.72 (.0001)	5.6
Victim Police/Fire (B8)	-.01 (.81)		.27 (.65)	1.3
Defendant Prisoner or Escapee (B9)	.16 (.001)		2.06 (.0002)	7.8
Killing to Avoid/ Stop Arrest (B10)	.20 (.0001)		.92 (.0006)	2.5
Felony/Violent Misdemeanor Record (FEL_2VM)	.005 (.72)		.19 (.45)	1.2

<sup>1/</sup> The analysis employs weighted data. See Section III B supra for a  
discussion of the weighting scheme used

<sup>2/</sup> The analysis employs unweighted data

<sup>a/</sup> See table 22 note a. The t statistic for race of victim was 2.7 and for  
race of defendant was 1.8.

TABLE 24

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PARTIAL REGRESSION COEFFICIENTS FOR RACE OF VICTIM. RACE OF DEFENDANT AND 10 STATUTORY AGGRAVATING FACTORS, IN A REGRESSION ANALYSIS CONTROLLING SIMULTANEOUSLY FOR THE BACKGROUND EFFECTS OF THESE FACTORS AND 75 ADDITIONAL MITIGATING FACTORS <sup>1/</sup>

(Charging and Sentencing Study)

<u>A</u>	<u>B</u> W.L.S. Regression Results <sup>2/</sup> <u>Regression and Coefficients and Level of Statis- tical Significance</u>	<u>C</u> <u>Logistic Regression Results <sup>3/</sup></u> <u>Regression</u> <u>Coefficient</u>	<u>D</u> <u>Death Odds</u> <u>Multiplier</u>
Race of Victim	.10 <sup>a/</sup> (.001)	2.1 (.001)	8.2
Race of Defendant	.07 <sup>a/</sup> (.01)	.36 (ns)	1.4
Prior Capital Record (B1)	.07 (.01)	1.71 (.01)	5.5
Enumerated Contemporaneous Offense (B2)	.06 (.05)	1.48 (.01)	4.4
Risk of Death to 2 or More in Public	-.01 <sub>b/</sub> (ns)	.55 (ns)	1.7
Money Value Motive (B4)	.03 (ns)	.18 (ns)	1.2
Murder for Hire (B6)	.09 (ns)	1.6 (.05)	5.0
Murder Vile, Horrible or Inhuman (B7)	.03 (.001)	1.9 (.001)	6.7
Victim Police/Fire (B8)	.004 (ns)	.27 (ns)	1.3
Defendant Prisoner or Escapee (B9)	.14 (.05)	2.33 (.01)	10.0
Killing to Avoid/Stop Arrest (B10)	.19 (.001)	.82 (.05)	2.3
Felony/Violent Misdemeanor Record (FEL 2VMD)	-.001 (ns)	-.23 (ns)	.8

<sup>1/</sup> The variables and coefficients for the mitigating factors are not included in this table.

<sup>2/</sup> The analysis employs weighted data. See Section IIIB supra. for a discussion of weighting scheme used.

<sup>3/</sup> The analysis employs unweighted data.

<sup>a/</sup> See table 22 note a. The t statistic for race of victim was 3.8 and for race of defendant was 2.8.

<sup>b/</sup> Not statistically significant at the .10 level.

ADJUSTED REGRESSION COEFFICIENTS ESTIMATED FOR SELECTED AGGRAVATING AND MITIGATING FACTORS  
AND THE RACE OF THE VICTIM AND DEFENDANT IN AN ANALYSIS OF DEATH SENTENCING OUTCOMES

(CHARGING AND SENTENCING STUDY)

Variable Label and Name	<u>B</u> W.L.S. Adjusted Regression Coefficient with level of Statistical Significance in Parenthesis
1. History of drug or alcohol abuse (DRGHIS)	-.01 (.08)
2. Defendant was under 17 years of age (SMYOUTH)	-.05 (.08)
3. Victim a stranger (STRANGER)	.05 (.005)
4. <u>Defendant was black (BLACKD)</u>	<u>.06 (.003)</u>
5. Defendant admits guilt and no defense asserted (DEFADMIT)	-.07 (.004)
6. Multiple stabbing (MULSTAB)	.08 (.0006)
7. <u>One or more white victims (WHVICRC)</u>	<u>.09 (.0001)</u>
8. Prior record of murder, armed robbery, rape, kidnapping with bodily injury (LDFB1)	.09 (.002)
9. Defendant prime mover in planning homicide, contemporaneous offense (DLEADER)	.09 (.01)
10. Killing to avoid, stop arrest of self, other (LDFB10)	.10 (.0001)
11. Serious contemporaneous offense with aggravating circumstances	.10 (.0001)
12. Defendant prisoner or escapee (LDFB9)	.10 (.02)
13. Defendant not triggerman (NOKILL)	-.12 (.0001)
14. Defendant killed two or more people (TWOVIC)	.14 (.0001)
15. Rape involved (RAPE)	.14 (.0002)
16. Mental Torture (MENTORT)	.15 (.002)
17. Victim bed-ridden or handicapped (VBED)	.16 (.09)
18. Victim was drowned (DROWN)	.16 (.01)
19. Kidnapping involved (KIDNAP)	.18 (.0001)
20. Defendant motive to collect insurance (INSMOT)	.24 (.0001)
21. Victim tortured physically (TORTURE)	.31 (.0001)
22. Motive to avenge role by judicial officer, D.A., lawyer (AVENGE)	.44 (.006)

Table 32

RACE OF VICTIM AND DEFENDANT DISPARITIES IN DEATH SENTENCING RATES FOR DEFENDANTS  
INDICTED FOR MURDER AS ESTIMATED WITH REGRESSION COEFFICIENTS, CONTROLLING FOR  
ALTERNATIVE SETS OF NON-RACIAL BACKGROUND CHARACTERISTICS

(CHARGING AND SENTENCING STUDY)

I. W.L.S. REGRESSION RESULTS

A Non-Racial Variables in the Analysis	B Coefficients and Level of Statistical Significance	
	<u>Race of Victim</u>	<u>Race of Defendant</u>
a) 230 + aggravating, mitigating, evidentiary and suspect factors	.06 (.02)	.06 (.02)
b) Statutory aggravating circumstances and 126 factors derived from the entire file by a factor analysis	.07 (.01)	.06 (.01)
c) 44 non-racial variables with a statistically significant relationship ( $P < .10$ ) to death sentencing results <u>1/</u>	.07 (.0002)	.06 (.0004)
d) 14 legitimate, non-arbitrary and statistically significant ( $P < .10$ ) factors screened with W.L.S. regression procedures <u>2/</u>	.06 <u>a/</u> (.001)	.06 (.001)
e) 13 legitimate, non-arbitrary and statistically significant ( $P < .10$ ) factors screened with logistic regression procedures <u>3/</u>	.06 <u>b/</u> (.001)	.05 (.02)

1/ Variables are listed in Schedule 7, Technical Appendix.

2/ Variables are listed in Schedule 5, Technical Appendix.

3/ Variables are listed in Schedule 6, Technical Appendix.

a/ See table 22, note a. The t statistic for race of victim was 2.9  
and for race of defendant was 2.8.

b/ See table 22, note a. The t statistic for race of victim was 3.6 and  
the t statistic for race of defendant was 2.4.

TABLE 52 cont.

II. LOGISTIC REGRESSION RESULTS

Non-Racial Factors in the Analysis	Race of Victim		Race of Defendant	
	<u>Coefficient</u>	<u>Death Odds Multiplier</u>	<u>Coefficient</u>	<u>Death Odds Multiplier</u>
a) 14 legitimate, non-arbitrary and statistically significant (P < .10) factors screened with O.L.S. procedures <u>4/</u>	1.0 (.01)	2.7	.58 (.12)	1.8
b) 13 legitimate, non-arbitrary and statistically significant (P < .10) factors screened with logistic regression procedures <u>5/</u>	.85 (.01)	2.0	-.06 (.36)	.94

4/ Variables are listed in Schedule 5, Technical Appendix.

5/ Variables are listed in Schedule 6, Technical Appendix.

RACE OF VICTIM AND RACE OF DEFENDANT DISPARITIES IN THE LIKELIHOOD OF A DEATH SENTENCE GIVEN A MURDER INDICTMENT ESTIMATED AFTER SIMULTANEOUS ADJUSTMENT FOR THE EFFECTS OF DIFFERENT COMBINATIONS OF BACKGROUND FACTORS

(the numbers are W.L.S. adjusted regression coefficients for the race of victim and race of defendant variables)

(CHARGING AND SENTENCING STUDY)

Population of Cases and Non-Racial Background Factors Controlled for in the Analysis	Partial Regression Coefficients with the Level of Statistical Significance in Parenthesis	
	Race of Victim	Race of Defendant
1. B2 & B7 cases before adjustment for non-racial background controls		
B-2 cases	.20 (.001)	.04 (.46)
B-7 cases	.20 (.0001)	.10 (.01)
B-2 & B-7 cases together	.20 (.0001)	.10 (.01)
2. B2 & B7 cases after adjustment for all statutory aggravating factors		
B-2 cases	.13 (.002)	.02 (.76)
B-7 cases	.09 (.005)	.03 (.29)
B-2 & B-7 cases together	.13 (.0001)	.06 (.07)
3. B2 & B7 cases after simultaneous adjustment for 230+ background controls		
B-2 cases	.10 (.53)	.05 (.79)
B-7 cases	.10 (.02)	.13 (.02)
B-2 & B-7 cases together	.10 (.01)	.10 (.01)
4. All B2 & B7 cases with adjustment for statistically significant (.05 level) background variables selected with stepwise procedure		
B-2 cases	.06 (.13)	.05 (.16)
B-7 cases	.08 (.03)	.08 (.002)
B-2 & B-7 cases together	.07 (.01)	.07 (.01)
5. All cases indicted for murder and 230+ background controls	.06 (.021)	.06 (.02)



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Table 42

RACE OF VICTIM DISPARITIES IN DEATH SENTENCING RATES AMONG DEFENDANTS INDICTED FOR MURDER CONTROLLING FOR THE PREDICTED LIKELIHOOD OF A DEATH SENTENCE AND THE RACE OF THE VICTIM 1/

A Predicted Chance of of a Death Sentence 1 (least) to 8 (highest)	B Average Actual Sentencing Rate for the Cases at Each Level	C Death Sentencing Rates for Black Defendants Involving		E Arithmetic Difference in Race of the Victim Rates (Col.C-Col.D)	F Ratio of Race of the Victim Rates (Col.C/Col.D)	G Death Sentencing Rates for White Defendant Involving		I Arithmetic Difference in Race of the Victim Rates (Col.G-Col.H)	J Ratio of Race of the Victim Rates (Col.G/Col.H)
		White Victim Cases	Black Victim Cases			White Victim Cases	Black Victim Cases		
1	.0 (0/33)	.0 (0/9)	.0 (0/19)	.0	0	.0 (0/5)	-	-	-
2	.0 (0/55)	.0 (0/8)	.0 (0/27)	.0	0	.0 (0/19)	.0 (0/1)	.0	0
3	.08 (6/76)	.30 (3/10)	.11 (2/18)	.19	2.73	.03 (1/39)	.0 (0/9)	.03	0
4	.07 (4/57)	.23 (3/13)	.0 (0/15)	.23	-	.04 (1/29)	-	-	-
5	.27 (15/58)	.35 (9/26)	.17 (2/12)	.18	2.06	.20 (4/20)	-	-	-
6	.17 (11/64)	.30 (3/0)	.05 (1/20)	.33	7.60	.16 (5/32)	.50 (2/4)	-.34	.32
7	.41 (29/71)	.64 (9/14)	.39 (5/13)	.25	1.64	.39 (15/39)	.0 (0/5)	.39	0
8	.88 (51/58)	.91 (20/22)	.75 (6/8)	.16	1.21	.89 (25/28)	-	-	-

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1/ The overall race of victim disparity estimated with a logistic coefficient measure was 1.31 (with a death odds multiplier of 3.7) statistically significant at the .01 level (adjusted  $\chi^2$  was 10.36). These results were produced with the procedure described in Appendix G, Part IV. The overall race of victim measure comparable to a least squares regression coefficient is .06.

34/100 (14/100)  
20/34

TABLE 45B

PROPORTIONS OF WHITE VICTIM CASES AND BLACK DEFENDANT/WHITE VICTIM CASES AT  
 SUCCESSIVE STAGES IN THE CAPITAL CHARGING AND SENTENCING PROCESS, ALL CASES

<u>A</u>	<u>B</u> Proportion of Cases With White Victims	<u>C</u> Proportion of Cases with Black Defendants and White Victims
1. Defendants indicted for murder or voluntary manslaughter	.39	.09
2. Defendants indicted for murder	.40	.10
3. Defendants not pleading guilty to voluntary manslaughter	.52	.15
4. Defendants tried for murder	.50	.13
5. Defendants convicted of murder at guilt trial	.59	.18
6. Defendants advanced to a penalty trial	.81	.36
7. Defendants sentenced to death	.84	.39

Table 44 STATEWIDE

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## DISPOSITION OF CASES AT SIX POINTS IN THE CHARGING AND SENTENCING PROCESS AND OVERALL FOR ALL CASES CONTROLLING FOR THE DEFENDANT/VICTIM RACIAL COMBINATION (CHARGING AND SENTENCING STUDY)

A	B Average Rate	Defendant/Victim Racial Combination			
		C Black/ White	D White/ White	E Black/ Black	F White/ Black
1. Indictment for Murder	.94 (2342/2484)	.99 (231/233)	.95 (710/748)	.93 (1346/1443)	.90 (54/60)
2. Guilty Plea to Voluntary Manslaughter After a Murder Indictment	.42 (979/2342)	.12 (28/231)	.29 (203/710)	.54 (731/1346)	.31 (17/54)
3. Guilty Plea to Murder & No Penalty Trial	.17 (237/1363)	.30 (61/202)	.18 (90/508)	.12 (74/616)	.32 (12/38)
4. Murder Conviction at Guilt Trial	.68 (762/1121)	.96 (136/141)	.76 (314/415)	.54 (289/539)	.89 (23/26)
5. Case Advanced to a Penalty Trial After Murder Conviction at a Guilt Trial	.32 (228/708)	.70 (87/124)	.32 (99/312)	.15 (38/250)	.19 (4/21)
6. Death Sentence Imposed at Penalty Trial <sup>1/</sup>	.56 (141/254)	.60 (56/94)	.56 (64/112)	.43 (19/44)	.50 (2/4)
7. Combined Effect of all Decisions in the System	.05 (128/2484)	.22 (50/233)	.08 (58/748)	.01 (18/1443)	.03 (2/60)

<sup>1/</sup> This pool of cases includes 10 guilty plea cases that advanced to a penalty trial, 13 penalty trials which were the second or third penalty trial for the offender

REGRESSION COEFFICIENTS (WITH THE LEVEL OF STATISTICAL SIGNIFICANCE IN PARENTHESES) FOR RACIAL VARIABLES IN ANALYSES OR PROSECUTORIAL DECISIONS TO SEEK AND JURY DECISIONS TO IMPOSE CAPITAL PUNISHMENT

A	B	C		D	E
		Controlling for			
I. Prosecutor Decision to Seek a Death Sentence	All Statutory Aggravating Factors	Full File of Statutory Aggravating Factors and Mitigating Factors	Factors with Stat. Sig. at the .10 level	Regardless of Statistical Significance	If Statistically Significant at level
		A. Race of Victim			
1) Charging and Sentencing Study	.24 <sup>b/</sup> (.001)	.23 <sup>b/</sup> (.0001)	.27 (.0001)	.21 (.06)	.18 (.0001)
2) Procedural Reform Study	.18 (.0001)	.16 (.0004)	.17 (.0001)	.12 (.01)	.15 (.0001)
B. Race of Defendant					
1) Charging and Sentencing Study	.14 <sup>b/</sup> (.01)	.17 <sup>b/</sup> (.004)	.17 (.0004)	.09 (.42)	.14 (.002)
2) Procedural Reform Study	.04 (.31)	.02 (.67)	.03 (.43)	.01 (.96)	.03 (.41)
II. Jury Sentencing Decisions <sup>1/</sup>					
A. Race of Victim					
1) Charging and Sentencing Study	.12 (.17)	.23 (.02)	.19 (.02)	a/	.05 (.37)
2) Procedural Reform Study	.11 (.23)	.22 (.04)	.14 (.09)	-	.06 (.42)
B. Race of Defendant					
1) Charging and Sentencing Study	-.02 (.82)	-.02 (.84)	.004 (.94)	-	-.04 (.42)
2) Procedural Reform Study	-.01 (.86)	.0 (.96)	-.02 (.79)	-	-.02 (.75)

a/ Simultaneous adjustment for all factors in the files was not possible because of the limited number of penalty trial decisions.

b/ See table 22, note a. The computation of "safe" standard errors did not materially alter the significance.

1/ Unweighted data used

TABLE 48A

## RACE OF VICTIM DISPARITIES IN DEATH SENTENCING

RATES AMONG DEFENDANTS CONVICTED OF MURDER AT TRIAL, ESTIMATED WITH WEIGHTED LEAST SQUARES AND LOGISTIC REGRESSION EFFICIENTS, CONTROLLING FOR ALTERNATIVE SETS OF NON-RACIAL BACKGROUND FACTORS AND THE RACE OF DEFENDANT.

(Procedural Reform Study)

<u>A</u>	<u>B</u>		
Non-Racial Background Variables Controlled For	Weighted Least Squares Regression Coefficient (with Level of Statistical Significance)	Death Odds Multiplier	Regression Coefficient (With Level of Statistical Significance)
1. Five Legitimate Factors <sup>1/</sup>	.09 (.02)	2.7	1.0 (.01)
2. Nine Legitimate Factors <sup>2/</sup>	.09 (.01)	2.7	1.0 (.01)
3. All Statutory Aggravating Factors	.09 (.01)	3.0	1.1 (.01)
4. All Statutory Aggravating Factors and 51 Mitigating Factors <sup>3/</sup>	.10 (.01)	-	- <sup>a/</sup>
5. 160 Non-racial Aggravating and Mitigating Factors and 4 Suspect Factors <sup>4/</sup>	.09 (.02)	-	-
6. 31 Statistically Significant Variables from the File Showing a Statistically Significant Relationship (P < .10) with the Death Sentencing Result	.08 (.01)	-	-

<sup>1/</sup> See Technical Appendix, Schedule 10 for a list of these variables

<sup>2/</sup> See Technical Appendix, Schedule 11 for a list of these variables

<sup>3/</sup> See technical Appendix, Schedule 14 for a list of the mitigating factors in the analysis

<sup>4/</sup> See Technical Appendix, Schedule 15 for a list of the full file of aggravating, mitigating and suspect factors in the analysis

<sup>a/</sup> The analysis involves too many variables for simultaneous adjustment in a logistic analysis

Table 2  
FULTON COUNTY

DISPOSITION OF CASES AT SIX POINTS IN THE CHARGING AND SENTENCING PROCESS  
AND OVERALL FOR ALL CASES CONTROLLING FOR THE DEFENDANT/VICTIM RACIAL COMBINATION

A	B	Defendant/Victim Racial Combination			
		C	D	E	F
	Average Rate	Black/White	White/White	Black/Black	White/Black
1. Indictment for Murder	.92 (581/629)	1.0 (52/52)	.93 (108/116)	.91 (412/452)	1.0 (8/8)
2. Guilty Plea to Voluntary Manslaughter After a Murder Indictment	.59 (340/581)	.38 (20/52)	.48 (52/108)	.63 (260/412)	1.0 (8/8)
3. Guilty Plea to Murder & No Penalty Trial	.21 (51/241)	.25 (8/32)	.34 (19/56)	.16 (24/152)	-
4. Murder Conviction at Guilt Trial	.68 (129/189)	.83 (20/24)	.78 (29/37)	.62 (79/127)	-
5. Case Advanced to a Penalty Trial After Murder Conviction at a Guilt Trial	.17 (19/110)	.29 (5/17)	.21 (6/29)	.13 (8/64)	-
6. Death Sentence Imposed at Penalty Trial	.53 (10/19)	.60 (3/5)	.83 (5/6)	.25 (2/8)	-
7. Combined Effect of Decisions After Murder Indictment, Resulting in a Death Sentence	.02 (10/581)	.06 (3/52)	.05 (5/108)	.005 (2/412)	.0 (0/8)

Table 3

## FULTON COUNTY

RACE OF THE VICTIM DISPARITIES IN THE DISPOSITION OF CASES AT SIX POINTS IN  
THE CHARGING AND SENTENCING PROCESS AND OVERALL, FOR ALL CASES

A	B Average Rate	C Race of Victim		D	E Arithmetic Difference in Race of The Victim Rates (Col.C-Col.D)	F Ratio of Race of The Victim Rates (Col.C/Col.D)
		White Victim Cases	Black Victim Cases			
1. Indictment for Murder (n=629)	.92 (581/629)	.95 (161/169)	.91 (420/460)		.04	1.04
2. Guilty Plea to Voluntary Manslaughter After a Murder Indictment (n=581)	.59 (340/581)	.45 (72/161)	.64 (268/420)		-.19	.70
3. Guilty Plea to Murder & No Penalty Trial (n=241)	.21 (51/241)	.30 (27/89)	.16 (24/152)		.14	1.88
4. Murder Conviction at Guilt Trial (n=189)	.68 (129/189)	.81 (50/62)	.62 (79/127)		.19	1.50
5. Case Advanced to a Penalty Trial After Murder Conviction at a Guilt Trial (n=110)	.17 (19/110)	.24 (11/46)	.13 (8/64)		.11	1.85
6. Death Sentence Imposed at Penalty Trial (n=20)	.55 (10/19)	.73 (8/11)	.25 (2/8)		.48	2.92
7. Combined Effect of Decisions After Murder Indictment, Resulting in a Death Sentence (n=581)	.02 (10/581)	.05 (8/161)	.005 (2/420)		.045	10

FULTON COUNTY POLICE-OFFICER CASES DB116  
 (Post-FURMAN)  
 (Including Supplemental Cases)

	WHITE VICTIM		BLACK VICTIM	
	LIFE	DEATH	LIFE	DEATH
All Cases (17 cases)	875 MACK B/W	<sup>LIV</sup> M <sup>c</sup> Clesky B/W	SUP-8 K. SMITH B/B	
	600 WALLS B/W		SUP-9 WAY B/B	
	SUP-10 BOBO W/W		SUP-2 ADAMS B/B	
	796 MUHAMMID B/W		SUP-4 CARTER B/B	
	862 DEPREE B/W		SUP-5 LEE B/B	
	066 BURNEY B/W		SUP-6 MILLER B/B	
	341 SMITH B/W			
	SUP-3 BRADLEY B/W			
	† SUP-1 CRENCRAW W/W			
	† SUP-7 SWACKARD W/W			
<hr/>				
Aggravated Cases (7 cases)	875 MACK B/W	<sup>LIV</sup> M <sup>c</sup> Clesky B/W	SUP-9 WAY B/B	
	600 WALLS B/W		SUP-6 MILLER B/B	
	796 MUHAMMID B/W			
	SUP-10 BOBO W/W			
<hr/>				
Less Aggravated Cases (10 cases)	862 DEPREE B/W**		SUP-8 SMITH B/B	
	066 BURNEY B/W**		SUP-4 CARTER B/B	
	341 SMITH B/W*		SUP-5 LEE B/B	
	SUP-3 BRADLEY B/W*		SUP-2 ADAMS B/B	
	† SUP-1 CRENCRAW B/W*			
	† SUP-7 SWACKARD B/W*			





FULLTON COUNTY ~~ALL~~ CASES IN ~~ALL~~ DISTRICTS  
 POST-FURMAN POLICE STATION  
 (17 CASES)

RACE OF VICTIM DISPARITIES

	AVE.	WHITE VICTIM	BLACK VICTIM	DIFF	RATIO
ALL CASES (17)	.06 ( $\frac{1}{17}$ )	.09 ( $\frac{1}{11}$ )	.0 ( $\frac{0}{16}$ )	.09	0
Aggravated Cases (7)	.14 ( $\frac{1}{7}$ )	.20 ( $\frac{1}{5}$ )	.0 ( $\frac{0}{7}$ )	.20	0
ALL Aggravated Cases (10)	.0 ( $\frac{0}{10}$ )	.0 ( $\frac{0}{6}$ )	.0 ( $\frac{0}{4}$ )	.0	.0

FULTON COUNTY ~~1978~~ CASES IN WHICH THE VICTIM WAS A POLICE OFFICER  
 (POST-FURMAN)

RACE OF DEFENDANT DISPARITIES

	AVE.	WHITE VICTIM		DIFF	RATIO	BLACK VICTIM		DIFF	RATIO
		BLACK DEFENDANT	WHITE DEFENDANT			BLACK DEFENDANT	WHITE DEFENDANT		
All Cases (17)	.06 ( $\frac{1}{17}$ )	.10 ( $\frac{1}{10}$ )	.0 ( $\frac{0}{1}$ )	.10	0	.0 ( $\frac{0}{6}$ )	—	—	—
More Aggravated Cases (7)	.14 ( $\frac{1}{7}$ )	.25 ( $\frac{1}{4}$ )	.0 ( $\frac{0}{1}$ )	.25	0	.0 ( $\frac{0}{2}$ )	—	—	—
Less Aggravated Cases (10)	.0 ( $\frac{0}{10}$ )	.0 ( $\frac{0}{6}$ )	—	—	—	.0 ( $\frac{0}{4}$ )	—	—	—

(Missing Deleted)

THE IMPACT OF RACE OF VICTIM, RACE OF DEFENDANT, NINE STATUTORY  
AGGRAVATING FACTORS AND A VARIABLE FOR PRIOR RECORD ON DEATH  
SENTENCING OUTCOMES

(the numbers are the partial regression coefficients for each  
variable in an analysis in which the dependent measure was death  
sentences among cases indicted for murder)

<u>A</u>	<u>B</u> O.L.S. Regression Results <u>1/</u>	<u>C</u> Logistic Regression <u>2/</u> Results	<u>D</u>
	Regression Coefficient & Level of Statistical Significance	Regression Coefficient	Death Odds Multiplier
Race of Victim	.09 (.007)	1.1 (.01)	3.0
Race of Defendant	.04 (.22)	.02 (.95)	1.0
Prior Capital Record (B1)	.13 (.01)	1.5 (.01)	4.5
Enumerated Contempor- aneous Offense (B2)	.08 (.02)	1.76 (.0002)	5.8
Risk of Death to 2 or More in Public (B3)	-.01 (.77)	.14 (.78)	1.2
Money/Value Motive (B4)	-.01 (.82)	-.14 (.73)	.87
Murder for Hire (B6)	.09 (.19)	2.0 (.008)	7.4
Murder Vile, Horrible or Inhuman (B7)	.03 (.42)	2.7 (.08)	14.9
Victim Police/Fire (B8)	.41 (.002)	1.82 (.13)	6.2
Defendant Prisoner or Escapee (B9)	.32 (.0002)	2.14 (.006)	8.5
Killing to Avoid/ Stop Arrest (B10)	.25 (.0001)	1.33 (.0001)	3.8
Felony/Violent Misdemeanor Record (FEL_2VM)	.02 (.40)	.28 (.40)	1.5

1/ The analysis employs weighted data. See Section III B supra for a  
discussion of the weighting scheme used

2/ The analysis employs unweighted data

3/ See table 22 note a. The t statistic for race of victim was and for

Table 23  
(W. C. Analysis)

THE IMPACT OF RACE OF VICTIM, RACE OF DEFENDANT, NINE STATUTORY AGGRAVATING FACTORS AND A VARIABLE FOR PRIOR RECORD ON DEATH SENTENCING OUTCOMES

(the numbers are the partial regression coefficients for each variable in an analysis in which the dependent measure was death sentences among cases indicted for murder)

<u>A</u>	<u>B</u> O.L.S. Regression Results	<u>C</u>	<u>D</u>
	Regression Coefficient & Level of Statistical Significance	Logistic Regression Results	
		Regression Coefficient	Death Odds Multiplier
Race of Victim	.05 (.01)	.89 (.02)	2.4
Race of Defendant	.03 (.19)	-.10 (.75)	.95
Prior Capital Record (B1)	.07 (.02)	1.4 (.004)	4.0
Enumerated Contemporaneous Offense (B2)	.07 (.001)	1.7 (.0001)	5.5
Risk of Death to 2 or More in Public (B3)	-.002 (.92)	.36 (.40)	1.4
Money/Value Motive (B4)	-.01 (.70)	-.02 (.95)	
Murder for Hire (B6)	.08 (.13)	2.03 (.001)	7.6
Murder Vile, Horrible or Inhuman (B7)	.04 (.0006)	5.03 (.0001)	152.9
Victim Police/Fire (B8)	-.01 (.83)	.78 (.29)	2.2
Defendant Prisoner or Escapee (B9)	.14 (.003)	1.87 (.003)	6.5
Killing to Avoid/ Stop Arrest (B10)	.32 (.0001)	1.9 (.0001)	6.7
Felony/Violent Misdemeanor Record (FEL_2VM)	.001 (.08)	.20 (.48)	1.2

RACE OF VICTIM AND DEFENDANT DISPARITIES IN DEATH SENTENCING RATES AS ESTIMATED WITH LEAST SQUARES REGRESSION COEFFICIENTS IN A WORST CASE ANALYSIS CONTROLLING FOR ALTERNATIVE SETS OF NON-RACIAL BACKGROUND CHARACTERISTICS 1/

<u>Non-racial Factors Controlled for</u>	<u>Regression coefficient with level of statistical significance in parenthesis</u>	
	<u>Race of Victim</u>	<u>Race of Defendant</u>
Nine legitimate factors <sup>2/</sup>	.06 (.0004)	.03 (.06)
39 legitimate factors <sup>3/</sup>	.06 (.0005)	.04 (.01)
All statutory aggravating <sup>4/</sup> factors and 70+ mitigating factors	.04 (.006)	.02 (.23)

1/ The coding for missed data in this analysis is described in the introduction to Appendix I

2/ See Table 22A for a list of the variables

3/ See Technical Appendix Schedule 4 for a list of the variables

4/ See Table 24 p. 66 for a list of the variables

TABLE X-2

(Worst Case Analysis)

RACE OF VICTIM AND RACE OF DEFENDANT DISPARITIES IN DEATH SENTENCING RATES CONTROLLING FOR FORTY CONCEPTUALLY IMPORTANT VARIABLES, WITH RACE OF VICTIM VARIABLE RECODED FOR MISSING VALUES<sup>2/</sup>

	<u>Race of Victim Regression Coefficient (with level of statistical significance)</u>	<u>Race of Defendant Regression Coefficient (with level of statistical significance)</u>
Weighted Least Squares	.05 (.001) <sup>a/</sup>	.03 (N.S.)
Logistic	1.1 (.05)	-.16 (N.S.)

<sup>2/</sup> Cases with missing data on race of victim are coded "1" for white victims in murder/life sentence and voluntary manslaughter cases and "0" for black victims in death sentence cases.

<sup>a/</sup> See Appendix G for description of the Cressie procedure used to estimate the level of significance of the variable.

GW 4

Table 1 Diagnostic Analysis of Five Models for Death Sentencing

Name of Model	Adj R <sup>2</sup>	Race of Victim				Race of Defendant			
		Coefficient	Std.Error	Safe Std.Error	Interaction(SE)	Coefficient	Std.Error	Safe Std.Error	Interaction(SE)
<b>Seven variable model</b>									
WLS	.15	.078	.021	.024	-	.037	.021	.025	-
OLS		.100	.027	.036	-	.042	.027	.037	-
WLS worst case		.076	.020	-	-	.040	.021	-	-
WLS with 37 most influential cases removed		.054	.021	-	-	.013	.021	-	-
WLS with second order interactions	.17	.048	.028	-	W/A: .74 (.38)	.012	.028	-	Not significant
Weighted logistic		1.37	.31	.31	-	-.08	.24	.27	-
Unweighted logistic		.99	.32	.32	-	-.09	.26	.26	-
Modified Mantel-Haenszel		Chi-Square: 16.8, GOF	Chi-Square (df):	3.2 (4)	Chi-Square: .14, GOF	Chi-Square (df) = 10.2 (4)			
<b>Eleven variable model</b>									
WLS	.24	.080	.020	.023	-	.039	.020	.023	-
OLS		.110	.027	.035	-	.053	.025	.035	-
WLS worst case		.062	.017	-	-	.031	.017	-	-
WLS with 43 most influential cases removed		.051	.020	-	-	.012	.020	-	-
WLS with second order interactions	.30	.062	.024	-	W/A: .74 (.25)	.011	.023	-	Not significant
Weighted logistic		1.44	.33	.35	-	.025	.27	.30	-
Unweighted logistic		1.12	.34	.35	-	.074	.28	.29	-
Modified Mantel-Haenszel		Chi-Square: 15.6, GOF	Chi-Square (df): 5.3 (5)	Chi-Square: .18, GOF	Chi-Square (df): 4.9 (5)				
<b>Midrange Diagnostic Model</b>									
WLS	.35	.076	.020	.023	-	.047	.020	.023	-
OLS		.102	.025	.036	-	.058	.024	.036	-
WLS worst case		.057	.016	-	-	.041	.016	-	-
WLS with 48 most influential cases removed		.041	.019	-	-	.013	.019	-	-
WLS with second order interactions	.39	.117	.021	-	W/A: .92 (.15)	.028	.020	-	Not significant
Weighted logistic		1.45	.41	.45	-	-.66	.46	.42	-
Unweighted logistic		1.24	.42	.45	-	-.07	.37	.39	-
Modified Mantel-Haenszel		Chi-Square: 21.0, GOF	Chi-Square (df): 2.1 (5)	Chi-Square: 3.1, GOF	Chi-Square: 1.9 (5)				

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Table 1 (Continued)

Name of Model	Adj R <sup>2</sup>	Race of Victim				Race of Defendant			
		Coefficient	Std.Error	Safe Std.Error	Interaction (SE)	Coefficient	Std.Error	Safe Std.Error	Interaction (SE)
<b>All Statutory Aggravating Circs</b>									
WLS	.21	.068	.021	.024	-	.035	.021	.024	-
OLS		.085	.028	.035	-	.042	.026	.036	-
WLS worst case		.055		.016	-	.040	.016	-	-
WLS with 40 most influential cases removed		.013	.020	-	-	.003	.020	-	-
WLS with second order interactions	.23	.074	.024	-	W+A: .80 (.31)	.006	.023	-	Not significant
Weighted logistic		1.39	.32	.33	-	.001	.26	.28	-
Unweighted logistic		1.05	.34	.34	-	.04	.28	.28	-
Modified Mantel-Haenszel		Chi-Square=24.4, GOF Chi-Square (df)= 3.5 (5)				Chi-Square=2.0, GOF Chi-Square (df) = 5.5 (5)			
<b>All Statutory Aggravating &amp; 73 mitigating</b>									
WLS	.27	.097	.022	.027	-	.071	.022	.027	-
OLS		.119	.028	.038	-	.080	.027	.039	-
WLS worst case					-				-
WLS with 46 most influential cases removed		.052	.021	-	-	.041	.020	-	-
WLS with second order interactions	.31	.049	.023	-	W+A: .44 (.18)	.005	.023	-	Not significant
Weighted logistic		2.56	.48	.55	-	.54	.40	.43	-
Unweighted logistic		2.07	.49	.47	-	.21	.40	.39	-
Modified Mantel-Haenszel		Chi-Square=11.1, GOF Chi-Square (df) = 1.9 (4)				Chi-Square = 1.4, GOF Chi-Square (df) = 2.8 (5)			

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Notes for Table 1

Diagnostic Analysis of Five Models for  
Death Sentencing

WLS is weighted least squares (Linear regression) using inverse sampling fraction weights.

OLS is ordinary, unweighted least squares.

Std. Error or SE is the nominal standard error of the regression coefficient as printed by the computer.

Safe Std. Error is an estimate of the standard error using Cressie's method (see appendix G)

WLS worst case is a run in which missing values of aggravating factors were set to 1 for death cases and 0 for life cases, and missing values for mitigating factors were coded 0 for death cases and 1 for life cases.

WLS with most influential cases removed is a run in which the cases with high influence on either of the coefficients of the racial variables have been deleted from the analysis

WLS with Second Order Interactions is a weighted regression of death sentence on a variable measuring the level of aggravation, the square of that variable, the race of victim and defendant, their interaction and their linear and nonlinear interactions with the level of aggravation (see appendix G)

Weighted Logistic is weighted by the inverse sampling fraction as a case count.

The Models: All models contained the race of defendant and race of victim and the following additional variables.

7 variables

TWOVIC      BLVICMOD      VPCARBR      FELMUR      STRANGER

11 variables

BLVICMOD      STRANGER      TWOVIC      FELMUR      VPCARBR  
TORTURE      MENTORT      NOKILL      LDFB7D

Midrange Diagnostic

BLVICMOD	DEFADMIT	VWEAK	HATE	DROWN	LDFB3
INSMOT		LDFB10	VICDRUG	VICCHILD	LDFB4
LDFB1	NONPROPC	TWOVIC	LDFB6	MITDFFN	LDPB7D
TORTURE	NOKILL	DRGHIS	SMYOUTH	STRANGER	LDFB8
FEMDEF	AVENGE	VBED	MULSH	KIDNAP	LDFB9
DLEADER	MENTORT	MULSTAB	MURPRIOR	ARTROB	
COBERP	JEALOUS	VPCARBR	CPLESSEN	RAPE	
PRISONX					

Notes for Table 1 (Continued)

All Statutory Aggravating Circumstances

LDFB1 LDFB2 LDFB3 LDFB4 LDFB6  
 LDFB7  
 LDFB8 LDFB9 LDFB10 FEL 2VMD

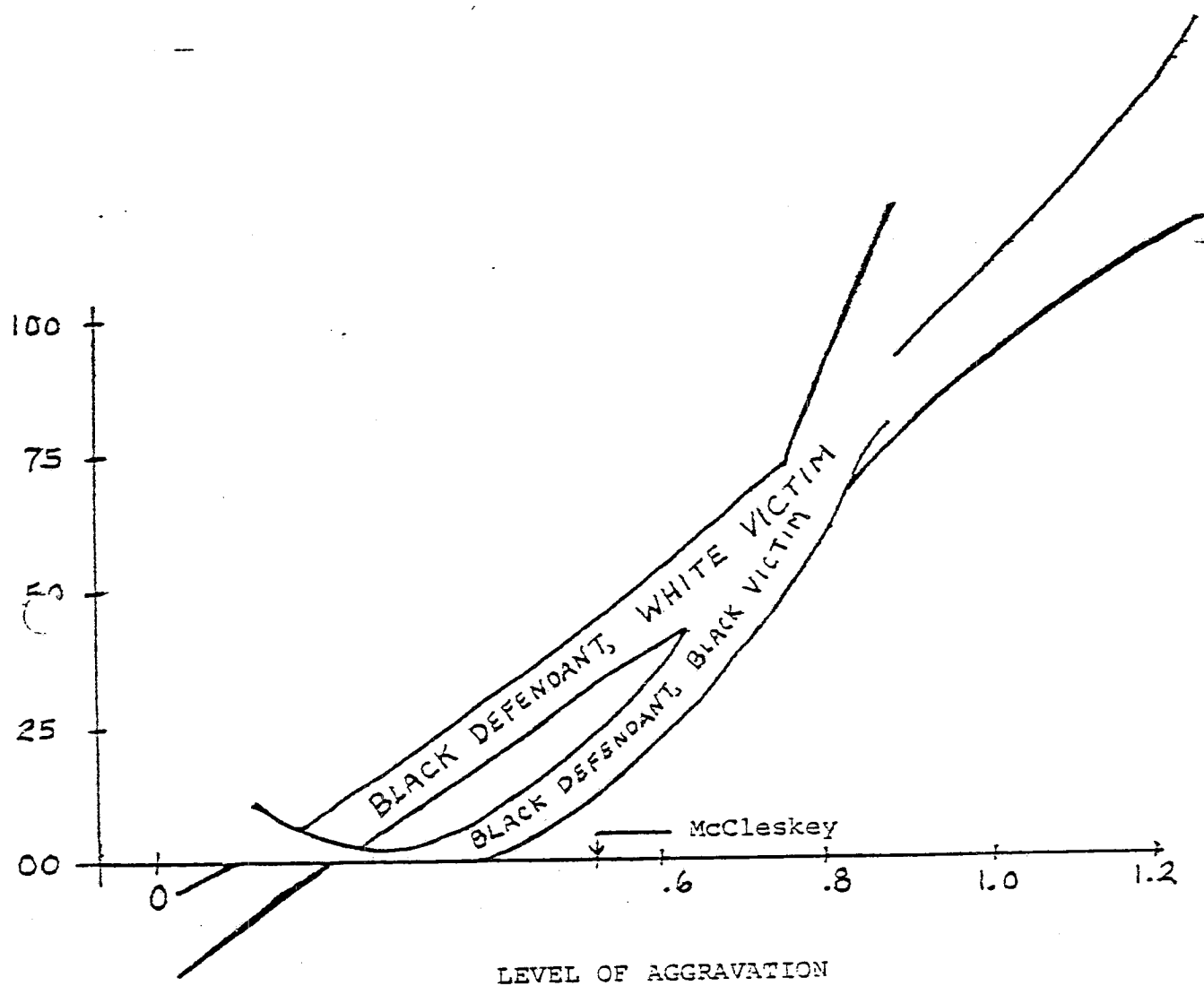
Statutory Aggravating plus 73 Mitigating Circumstances

SMCAPIC	DNOININT	BLVICMOD	
SMDEFCCO	DNOVIOL		
SMDEFJUS	DPROPDEF	VRECORD	BADID
SMDURESS	DRGHIS	VSEXUP	EDBLOOD
SMEMDIST	DRUGDIS	VSHOMON	COPDIDIT
SMPROVOK	FAMDIS	VTHEAEAR	CPLESSEN
SMUNDRLG	GUNSTRUG	VTHREAT	MONDIS
	HATE	VTHREATD	VABUSFRD
SMYOUTH	INSANDEF	VTRIFEAR	VASSAULD
	JEALOUS		VCOPERP
	JOINKIL		COPHURTD
	MITCIR		DIGNORNT
	MITDFFN		DVIOLOTH
CPLESSSN	MITMOTIVE		
DABSENT			SMNOSREC
DEADFACT	NOSPAGCR		SMVICCPR
DCOERCED	PANIC		SUICIDE
DDRINK	PHYILL		VFUGITIV
DEFADMIT	RAGE		VPARTCRM
	REVENGE	VDEFECT	VSUICIDE
DEFCHILD	SHOOTOUT		
DEPRIVED		VICVERB	
	TRIANGLE	VINJDEAR	
DISKID	DSELFDEF	VINJFEAR	
DNOINT	NCONDUCT	VINJURD	
LDFB1	LDFB2	LDFB3	LDFB4
LDFB6	LDFB9	LDFB7	LDFB10
	FEL_2VMD		LDFB8
MTTCIRX	DEFAGE		

MMH is the modified Mantel-Haenszel procedure (see appendix G)

GOF is a Goodness of Fit test of the Poisson distribution and the homogeneity of the death-odds ratio. (see appendix G)

Figure 2: Midrange<sup>a/</sup> Model With Interactions and Nonlinearities--  
Black Defendants



<sup>a/</sup> The curves represent 95% confidence bounds on the average death sentencing rate at increasing levels of aggravation (redrawn from computer output).

RESPONDENT'S EXHIBITS - United States District Court for the  
Northern District of Georgia

COUNTS OF THE NUMBER OF UNKNOWN VARIABLES  
IN THE PROCEDURAL REFORM STUDY

<u>VARIABLE</u>	<u>NUMBER OF UNKNOWNNS</u>	<u>DESCRIPTION OF VARIABLE</u>
W3	1	Defendant's plea to murder indictment
W6	112	Status of principal defense counsel
W7	84	Did prosecution fail to seek the death penalty
W8	73	Judge take penalty issue from jurors
W9	24	Occurrence of penalty trial
W14A	61	Number of prior arrests for defendant
W19	1	Sex of first victim
W20	5	Race of first victim
W22	13	Relationship of defendant to first victim
W23	276	Status of first victim
W24	235	Special aggravating/mitigating factors: first victim
W25	8	Location of murder
W26	6	Contemporaneous offense at time of murder
W27	25	Motive of defendant
W28	29	Special precipitating events
W34	4	Persons other than victim injured by defendant
W35	2	Persons other than victim injured by co-perpetrators
W35A	21	Gun used, number of shots
W36	37	Number of people other than victim exposed to "Great Risk of Death"
W37	2	"Great Risk of Death' in public place
W38	152	Status of defendant
W40	2	Co-perpetrators
W42	14	Defendant mitigating circumstances
W43	12	Victim mitigating circumstances
V13	95	Defendant's general physical condition
V14	251	Defendant's physical limitations
V17	413	Defendant's family behaviour pattern
V23	155	Defendant's guardian status until age 16
V24	165	Defendant's environment background until age 16
V33	135	Employment status of defendant prior to apprehension
V34	129	Defendant's SES status
V35	66	Defendant's marital status
V37	125	Defendant's living arrangement prior to apprehension
V38	281	Defendant's military record
V41	113	Defendant's branch of service
V43	169	Defendant's religious preference
V44	454	Number defendant's previous misdemeanor convictions
V45	45	Number defendant's prior arrests
V46	426	Number of detainers for defendant
V47	257	Prior convictions of defendant (offense #1)
V48	289	Prior convictions of defendant (offense #2)
V49	314	Prior convictions of defendant (offense #3)
V50	323	Prior convictions of defendant (offense #4)
V51	335	Prior convictions of defendant (offense #5)
V52	338	Prior convictions of defendant (offense #6)
V53	372	Detainer offense #1
V54	366	Detainer offense #2
V55	366	Detainer offense #3
V56	366	Detainer offense #4
V70	60	Defendant incarcerated in Georgia prior to offense
V71	517	Defendant's number of prior escapes
V74	111	Inmate behavior problem #1
V83	339	Defendant's organized crime association
V85A	270	Defendant an escapee at time of offense
V85B	267	Defendant a prisoner at time of offense

COUNTS OF THE NUMBER OF UNKNOWNNS FOR VARIABLES  
IN THE GEORGIA CHARGING AND SENTENCING STUDY

STATE 18-A

VARIABLE	NUMBER OF UNKNOWNNS	DESCRIPTION OF VARIABLE
LDF6	6	Procedure for liability Part A
LDF7	4	Procedure for liability Part B
LDF10	262	Status of defense counsel
LDF40	445	Plea bargain
LDF47	37	Defendant living alone
LDF48	19	Defendant living with spouse no children
LDF49	26	Defendant living with spouse and children
LDF50	10	Defendant living with paramour and no children
LDF51	7	Defendant living with paramour and children
LDF52	7	Defendant living with one or more of same sex
LDF53	20	Defendant living with parents or close family
LDF54	6	Defendant living with another family
LDF55	5	Defendant living with friends of both sexes
LDF56	1	Defendant travelling on road/hitchhiking
LDF57	1	Defendant had no home
LDF58	1	Defendant an inmate of an institution
LDF59	1	Defendant had other living arrangements
LDF61	35	Occupational skill of defendant
LDF69	107	Employment status of defendant
LDF109	7	Victim's sex
LDF110	62	Victim's race
LDF111	189	Victim's age
LDF112	721	Occupational skill of victim
LDF120	744	Employment status of victim
LDF121	34	Victim status in relationship to defendant
LDF128	27	Place homicide occurred
LDF131-134A	undetermined	Contemporaneous offense at time of murder
LDF135	284	Defendant's motive was long term hate
LDF136	202	Defendant's motive was revenge
LDF137	68	Defendant's motive was sex
LDF138	130	Defendant's motive was jealousy
LDF139	181	Defendant's motive was immediate rage
LDF140	13	Defendant's motive to avenge judicial officer
LDF141	13	Defendant's motive to avenge police officer
LDF142	49	Defendant's motive to facilitate obtaining money
LDF142A	22	Defendant's motive insurance proceeds
LDF142B	447	Defendant's motive racial animosity
LDF143	72	Defendant's motive silence witness for current crime
LDF144	22	Defendant's motive silence witness for previous crime
LDF145	34	Defendant's motive shoot-out
LDF146	19	Defendant's motive to avoid arrest
LDF147	23	Defendant's motive to facilitate victim's suicide
LDF148	44	Gun fired during a struggle for the gun
LDF149	11	Other defendant motive
LDF150	76	Dispute between victim/defendant over money/property
LDF151	159	Dispute while under influence of drugs or alcohol
LDF152	26	Dispute between spouses or ex-spouses
LDF153	24	Dispute between family members other than spouses ex
LDF154	35	Lover's or ex-lover's quarrel
LDF155	74	Lover's triangle
LDF156	48	Other disputes where unknown who provoked the fight

VARIABLE	NUMBER OF UNKNOWNNS	DESCRIPTION OF VARIABLE
LDF161	21	Victim bed-ridden/handicapped
LDF162	625	Victim mental defective
LDF163	22	Victim defenseless due to youth
LDF164	63	Victim defenseless due to old age
LDF165	239	Victim pregnant
LDF166	46	Victim asleep or just awakened
LDF166A	134	Victim defenseless due to disparity in size/numbers
LDF167	49	Victim defenseless due to physical weakness
LDF168	14	Victim peace officer, corrections officer, fireman
LDF169	781	Victim supporting children
LDF170	192	Victim offered no provocation
LDF172-175B	undetermined	Special aggravating features of offense
LDF176	496	Homicide planned for more than 5 minutes
LDF176A	56	Contemporaneous offense planned more than 5 minutes
LDF177	109	Execution style homicide
LDF178	69	Contemporaneous offense involved killing unnecessary
LDF178A	53	Victim beaten before killing
LDF179	799	Victim pleaded for life
LDF180	52	Victim not clothed in whole or part time of homicide
LDF181	24	Sexual perversion or abuse of victim other than rape
LDF183	902	Defendant showed no remorse for homicide
LDF184	885	Defendant expressed pleasure with homicide
LDF185	28	Defendant committed or alleged to commit other crimes
LDF186	93	Defendant left scene of crime
LDF187	67	Defendant actively resisted arrest
LDF188	14	Defendant on escape from lawful custody
LDF189	20	Defendant caused or directed another to commit murder
LDF191	22	Coperpetrators
LDF192	6	Number of coperpetrators
LDF249	66	Number of victim's killed by defendant
LDF250	54	Number of victims not killed by defendant
LDF251	42	Number of people injured by defendant
LDF252	12	Number of people injured by coperpetrator
LDF255	128	Defendant created risk of death to others
LDF256	5	Defendant created risk to others in public place
LDF259	251	Defendant used alcohol or drugs before crime
LDF260	220	Effect of alcohol on defendant
LDF261	22	Defendant history of mental illness
LDF262	13	Defendant history of physical illness
LDF263	16	Defendant history of physical or economic deprivation
LDF264	15	Defendant had impaired mental capacity
LDF265	16	Defendant had impaired mental capacity to law
LDF266	25	Defendant under extreme emotional disturbance
LDF267	16	Defendant physically injured by police
LDF268	21	Defendant had moral justification for homicide
LDF268A	16	Defendant diagnosed mentally ill after arrest
LDF269	73	Defendant did not kill deliberately
LDF270	34	Defendant not actual killer
LDF271	32	Defendant's acts not sole cause of death
LDF272	41	Coperpetrator received life, lesser, no sentence
LDF273	72	Defendant cooperated with authorities
LDF274	913	Defendant showed remorse
LDF275	50	Defendant acted under duress of others

VARIABLE	NUMBER OF UNKNOWNNS	DESCRIPTION OF VARIABLE
LDF276	105	Defendant surrendered within 24 hours
LDF276A	79	Defendant had history of drug or alcohol abuse
LDF277	45	Defendant acted to aid victim
LDF277A	14	Defendant surrendered more than 24 hours
LDF278	11	Other defendant mitigating circumstances
LDF279	224	Victim used drugs or alcohol before homicide
LDF280	168	Effect of drugs on victim
LDF281	220	Victim aroused defendant fear for life
LDF282	155	Victim armed with deadly weapon
LDF283	173	History of bad blood between defendant and victim
LDF283A	117	Victim accused defendant of misconduct
LDF284	63	Victim physically injured defendant at homicide
LDF285	159	Victim physically assaulted defendant at homicide
LDF286	185	Victim verbally threatened defendant at homicide
LDF287	300	Victim verbally abused defendant at homicide
LDF288	52	Victim physically injured defendant earlier
LDF289	71	Victim physically assaulted defendant earlier
LDF290	100	Victim verbally threatened defendant earlier
LDF291	156	Victim verbally abused defendant earlier
LDF292	61	Other provocation of victim by defendant
LDF292A	39	Victim aroused defendant's sex desire
LDF292B	665	Victim had bad criminal reputation
LDF293	38	Victim showed defendant large amounts of money
LDF294	20	Victim consented to own death
LDF295	19	Victim a fugitive at time of murder
LDF296	946	Victim had criminal record
LDF297	16	Victim a participant in contemporaneous crime
LDF298	34	Victim physically injured friend of defendant/homicide
LDF299	42	Victim assaulted friend of defendant/homicide
LDF300	48	Victim verbally threatened friend defendant/homicide
LDF301	57	Victim abused friend of defendant/homicide
LDF302	37	Victim physically injured friend of defendant/earlier
LDF303	45	Victim assaulted friend of defendant/earlier
LDF304	47	Victim verbally threatened friend defendant/earlier
LDF305	50	Victim abused friend of defendant/earlier
LDF306	14	Other victim mitigating circumstance



TABLE IIIA  
COUNTS OF THE NUMBER OF "OTHER" ITEMS FOR VARIABLES  
IN THE PROCEDURAL REFORM STUDY

<u>QUESTION</u>	<u>ITEM NUMBER FOR "OTHER"</u>	<u>NUMBER OF CASES</u>	<u>DESCRIPTION OF VARIABLE</u>
W24	12	15	Victim aggravating and mitigating features
W25	18	29	Location of murder
W26	6	52	Violent personal crimes at time of murder
W26	10	63	Non-violent crimes at time of murder
W27	17	58	Defendant's motive
W29	24	19	Method of killing
W30	33	80	Aggravating and mitigating circumstances
W38	25	42	Status of defendant
W42	17-20	86	Defendant mitigating circumstances
W43	18-20	31	Victim mitigating circumstances

TABLE IIIB  
COUNTS OF THE NUMBER OF "OTHER" ITEMS FOR VARIABLES  
IN THE GEORGIA CHARGING AND SENTENCING STUDY

<u>QUESTION</u>	<u>NUMBER OF "OTHER" CASES</u>	<u>DESCRIPTION OF VARIABLE</u>
LDF59	16	Defendant's living arrangements
LDF61, LDF61A	13	Occupational skill of defendant
LDF112	13	Occupational skill of victim
LDF128, LDF129	68	Location of homicide
LDF131-LDF134A	45	Contemporaneous offense
LDF149	67	Defendant's motive
LDF158-LDF160	15	Method of killing
LDF172-LDF175B	139	Special aggravating features of offense
LDF278	16	Defendant mitigating circumstances
LDF306	35	Victim mitigating circumstances

TABLE OF NONMATCH COUNTS

STATE 20A

DESCRIPTION	NUMBER OF NONMATCHES	PERCENT OF 361 CASES	PROCEDURAL REFORM STUDY VARIABLE	CHARGING AND SENTENCING VARIABLE
Stat Agg B1	18	5%	PBQB1	LDFB1
Stat Agg B2	23	6%	PBQB2	LDFB2
Stat Agg B3	50	14%	PBQB3	LDFB3
Stat Agg B4	40	11%	PBQB4	LDFB4
Stat Agg B5	0	0%	PBQB5	LDFB5
Stat Agg B6	9	3%	PBQB6	LDFB6
Stat Agg B7	55	15%	PBQB7	LDFB7
Stat Agg B8	1	0%	PBQB8	LDFB8
Stat Agg B9	3	1%	PBQB9	LDFB9
Stat Agg B10	92	25%	PBQB10	LDFB10
Death Eligible	29	8%	DPELIG	DEATHELG
Number of death elg factors	180	50%	PBQDELX	LDFBSUM
Number of prior felonies	120	33%	PRIFEL	PRIFELX
Coperpetrators	27	7%	COPERPS	LDF191
Sex motive	26	7%	SEXMT	LDF137
Jealousy motive	13	4%	JEALOS	LDF138
Immediate rage motive	55	15%	RAGE	LDF139
Insurance proceeds motive	3	1%	INSMOT	LDF142A
Silence witness motive	47	13%	SILWIT	VWITNESS
Drug dispute	38	11%	DRUGDIS	LDF151
Execution style murder	65	18%	EXECK	LDF177
Unnecassary killing	64	18%	UNNEC	LDF178
Victim pleaded for life	27	7%	VICPLEA	LDF179
Sexual perversion	8	2%	PERVR	LDF181
Defendant additional crimes	58	16%	ADCRIM	LDF185
Armed robbery	27	7%	ARMROB	ARMROB
Rape	5	2%	RAPE	RAPE
Kidnap	17	5%	KIDNAP	KIDNAP
Burglary or arson	12	4%	BURGARS	LDF131-134A(5,6)
Racial animosity motive	6	2%	RACE	LDF142B
Multiple stabs	16	4%	MULSTAB	MULSTAB
Hostage	14	4%	HOST	HOSTAGE
Ambush	35	10%	AMBUSH	AMBUSH
Bloody	101	28%	BLOODY	LDF172-175B(10)
Slashed throat	12	3%	SLASETH	LDF172-175B(8)
Defendant drug history	92	25%	DRGHIS	LDF276A
Defendant gave up in 1 day	25	7%	DFSUR24	LDF276
Victim aroused fear	56	16%	DFEAR	LDF281
History bad blood	27	7%	VBDBLD	LDF283
Victim bound and gagged	8	2%	VICBDGAG	LDF172-175B(13)
Def claimed accident	24	7%	ACCD	ACCIDENT
Def fired 5 or more shots	30	8%	SHOT5	DSHOOT5
Def killed 2 or more vic	7	2%	TWOVIC	TWOVIC
Two or more vic in all	289	80%	TWOVICAL	TWOVICAL
Insanity defense	18	5%	INSANE	INSANDEF
Victim 12 or younger	4	1%	YNGVIC	VICCHILD
Victim over 65	13	4%	OLDVIC	VDEFOLD
Def 16 or younger	31	9%	MINOR	SMYOUTH
Def injured 1+ persons	10	3%	INJURE	DEFHURT
Victim a stranger	44	12%	VICSTRAN	STRANGER

TABLE VIII  
COMPARISON OF WHITE AND BLACK VICTIM CASES FOR PROCEDURAL REFORM STUDY

AGGRAVATING FACTORS  
ATTRIBUTE VARIABLES

CONTEMPORANEOUS OFFENSE

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
AGGBATT	23/360	6.4%	10/247	4.0%	2.4%	1.249
ARMROS	144/360	40.0%	45/247	18.2%	21.8%	5.693
BURGARS	16/360	4.4%	6/247	2.4%	2.0%	1.305
KIDNAP	50/360	13.9%	8/247	3.2%	10.7%	4.335
NONVCCF	43/360	11.9%	20/247	8.1%	3.8%	1.527
RAPE	29/360	8.1%	10/247	4.0%	4.1%	1.978
SERCONOF	179/360	49.7%	65/247	26.3%	23.4%	5.778

AGGRAVATED DEFENDANT MOTIVE

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
AGGMOT	202/360	56.1%	81/247	32.8%	23.3%	5.657
ESCAPE	5/360	1.4%	1/247	0.4%	1.0%	1.204
INSMOT	8/360	2.2%	7/247	2.8%	- 0.6%	-0.477
KILLHIRE	5/360	1.4%	5/247	2.0%	- 0.6%	-0.604
NOARREST	46/360	12.8%	15/247	6.1%	6.7%	2.699
NONPCRM	39/360	10.8%	14/247	5.7%	5.1%	2.215
OSTMON	153/360	42.5%	38/247	15.4%	27.1%	7.067
PREESC	46/360	12.8%	15/247	6.1%	6.7%	2.699
RACE	4/360	1.1%	3/247	1.2%	- 0.1%	-0.117
SEXMT	37/360	10.3%	25/247	10.5%	- 0.2%	-0.099
SILWIT	57/360	15.8%	9/247	3.6%	12.2%	4.739

AGGRAVATING CIRCUMSTANCES OF VICTIM

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
HOST	7/360	1.9%	2/247	0.8%	1.1%	1.136
OLDVIC	33/360	9.2%	16/247	6.5%	2.7%	1.195
VICYNG	15/360	4.2%	10/247	4.0%	0.2%	0.072
VICDEFS	59/360	16.4%	23/247	9.3%	7.1%	2.506
VICPFIR	18/360	5.0%	2/247	0.8%	4.2%	2.841

METHOD OF KILLING

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
AGGMETKL	23/360	6.4%	10/247	4.0%	2.4%	1.249

SPECIAL AGGRAVATING FEATURES OF THE OFFENSE

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
ADCRIM	46/360	12.8%	17/247	6.9%	5.9%	2.339
AMBUSH	39/360	10.8%	20/247	8.1%	2.7%	1.118
BLOODY	109/360	30.0%	68/247	27.5%	2.5%	0.559
DEFESC	9/360	2.5%	4/247	1.6%	0.9%	0.736
DEFPLEA	23/360	6.4%	7/247	2.8%	3.6%	1.935
DEFRSARR	54/360	15.0%	23/247	9.3%	5.7%	2.069
EXECK	13/360	3.6%	3/247	1.2%	2.4%	1.811
MULSH	41/360	11.4%	13/247	5.3%	6.1%	2.604
MULSTAB	25/360	6.9%	18/247	7.3%	-0.4%	-0.152
MUTIL	23/360	6.4%	3/247	1.2%	5.2%	3.093
NOPROV	218/360	60.6%	97/247	39.3%	21.3%	5.156
NOVMC	152/360	42.2%	55/247	22.3%	19.9%	5.095
PERVR	18/360	5.0%	2/247	0.8%	4.2%	2.841
PREMED	176/360	48.9%	93/247	37.7%	11.2%	2.738
PREMEDF	122/360	33.9%	42/247	17.0%	16.9%	4.602
PREMECK	108/360	30.0%	65/247	26.3%	3.7%	0.933
SLASHTH	9/360	2.5%	4/247	1.6%	0.9%	0.736
STOMP	14/360	3.9%	11/247	4.5%	-0.6%	-0.344
TORT	18/360	5.0%	6/247	2.4%	2.6%	1.597
TWOVIC	38/360	10.6%	8/247	3.2%	7.4%	3.346
TWOVICAL	40/360	11.1%	8/247	3.2%	7.9%	3.531
UNNEC	52/360	14.4%	16/247	6.5%	7.9%	3.057
UNNEPAIN	26/360	7.2%	13/247	5.3%	1.9%	0.967
VICBGGAG	26/360	7.2%	5/247	2.0%	5.2%	2.858
VICPLEA	35/360	9.7%	21/247	8.5%	1.2%	0.510
YNUODIS	38/360	10.6%	12/247	4.9%	5.7%	2.508

STATUTORY AGGRAVATING FACTORS

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
PBQB1	26/360	7.2%	15/247	6.1%	1.1%	0.554
PBQB2	196/360	54.4%	70/247	28.3%	26.1%	6.368
PBQB3	59/360	16.4%	38/247	15.4%	1.0%	0.332
PBQB4	160/360	44.4%	45/247	18.2%	26.2%	6.712
PBQB5	0/360	0.0%	0/247	0.0%	0.0%	0.000
PBQB6	12/360	3.3%	7/247	2.8%	0.5%	0.347

PBQB7	199/360	55.0%	101/247	40.9%	14.1%	3.416
PBQB7A	37/360	10.3%	9/247	3.6%	6.7%	3.034
PBQB7B	126/360	35.0%	72/247	29.1%	5.9%	1.510
PBQB7C	14/360	3.9%	5/247	2.4%	1.5%	0.990
PBQB7D	54/360	15.0%	11/247	4.5%	10.5%	4.129
PBQB7E	46/360	12.8%	21/247	8.5%	4.3%	1.651
PBQB7F	47/360	13.1%	26/247	10.5%	2.6%	0.941
PBQB8	16/360	4.4%	1/247	0.4%	4.0%	2.363
PBQB9	11/360	3.1%	7/247	2.8%	0.3%	0.158
PBQB10	87/360	24.2%	29/247	15.4%	3.8%	2.629
PELIG	304/360	84.4%	171/247	69.2%	15.2%	4.464

TOTAL VARIABLES

AGGRAVATING CIRCUMSTANCES OF VICTIM

VARIABLE	WHITE VICTIM	BLACK VICTIM	MEAN	Z-VALUE
	MEAN	MEAN	DIFFERENCE	
VICTIR	.628	.348	.280	6.05

SPECIAL AGGRAVATING FEATURES OF THE OFFENSE

VARIABLE	WHITE VICTIM	BLACK VICTIM	MEAN	Z-VALUE
	MEAN	MEAN	DIFFERENCE	
AGGCIRX	2.831	1.964	.867	6.06
MAJARCRX	.550	.275	.275	4.40
MINAGCRX	1.369	.939	.430	5.23

STATUTORY AGGRAVATING FACTORS

VARIABLE	WHITE VICTIM	BLACK VICTIM	MEAN	Z-VALUE
	MEAN	MEAN	DIFFERENCE	
PBQB7X	.900	.587	.313	4.01
PBQDELX	2.125	1.304	.821	7.72
DELS7EX	2.475	1.482	.993	7.59

MITIGATING FACTORS  
ATTRIBUTE VARIABLES

MITIGATING DEFENDANT MOTIVE

VARIABLE	WHITE	(X)	BLACK	(Y)	(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
HATE	57/360	15.8%	65/247	26.3%	-10.5%	-3.166
JEALOS	18/360	5.0%	21/247	8.5%	-3.5%	-1.729
MITMOT	133/360	36.9%	150/247	60.7%	-23.8%	-5.771
RAGE	87/360	24.2%	103/247	41.7%	-17.5%	-4.576

SPECIAL PRECIPITATING EVENTS

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
DRUGDIS	57/360	15.8%	36/247	14.6%	1.2%	0.423
FAMLYDIS	42/360	11.7%	45/247	18.2%	- 6.5%	-2.263
PRECIPEV	107/360	29.7%	98/247	39.7%	-10.0%	-2.547

OFFENDANT MITIGATING CIRCUMSTANCES

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
BELOWAV	93/360	25.8%	97/247	39.3%	-13.5%	-3.507
CCRG	43/360	11.9%	23/247	9.3%	- 2.6%	1.024
DEFREM	18/360	5.0%	13/247	5.3%	- 0.3%	-0.145
DPSUR24	27/360	7.5%	34/247	13.8%	- 6.3%	-2.522

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
DJUST	3/360	0.8%	8/247	3.2%	- 2.4%	-2.183
DNQINT	34/360	9.4%	25/247	10.1%	- 0.7%	-0.277
DRGHIS	48/360	13.3%	28/247	11.3%	2.0%	0.730
DSUR	46/360	12.8%	53/247	21.5%	- 8.7%	-2.843
DULL	24/360	6.7%	29/247	11.7%	- 5.0%	-2.176
MINOR	27/360	7.5%	14/247	5.7%	1.8%	0.384
MITDEFN	15/360	4.2%	9/247	3.6%	0.6%	0.325
NOCONTOF	84/360	23.3%	84/247	34.0%	-10.7%	-2.888
NOCONVIC	165/360	45.8%	112/247	45.3%	0.5%	0.119
NCFEL	237/360	65.8%	169/247	68.4%	- 2.6%	-0.666
NCSERFEL	247/360	68.6%	177/247	71.7%	- 3.0%	-0.804
NOVPC	265/360	73.6%	186/247	75.3%	- 1.7%	-0.469
OLDER	27/360	7.5%	19/247	7.7%	- 0.2%	-0.088
OTHMIT	43/360	11.9%	28/247	11.3%	0.6%	0.229

VICTIM MITIGATING CIRCUMSTANCES

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
DEFENSE	3/360	0.8%	9/247	3.6%	- 2.8%	-2.443
DFEAR	58/360	16.1%	59/247	23.9%	- 7.8%	-2.386
OTHVMIT	19/360	5.3%	11/247	4.5%	0.8%	0.460
VACT	57/360	15.8%	68/247	27.5%	-11.7%	-3.501
VEDBLD	15/360	4.2%	6/247	2.4%	1.8%	1.151
VORINK	41/360	11.4%	18/247	7.3%	4.1%	1.676
VERATK	12/360	3.3%	6/247	2.4%	0.9%	0.645
VFUGIT	2/360	0.6%	3/247	1.2%	- 0.6%	-0.332
VICCRIM	12/360	3.3%	21/247	8.5%	- 5.2%	-2.759
VINJO	6/360	1.7%	5/247	2.0%	- 0.3%	-0.324
VPROV	12/360	3.3%	19/247	7.7%	- 4.4%	-2.397
VORAGE	89/360	24.7%	101/247	40.9%	-16.2%	-4.220

MITIGATING FACTORS

VARIABLE	WHITE	(X)	BLACK	(Y)	(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
MITDEF	114/360	31.7%	114/247	46.2%	-14.5%	-3.621
STMIT1	20/360	5.6%	18/247	7.3%	- 1.7%	-0.265
STMIT2	7/360	1.9%	3/247	1.2%	0.7%	0.694
STMIT3	27/360	7.5%	14/247	5.7%	1.8%	0.334
STMIT4	237/360	65.8%	168/247	68.0%	- 2.2%	-0.561
STMIT5	16/360	4.4%	10/247	4.0%	0.4%	0.237
STMIT6	34/360	9.4%	6/247	2.4%	7.0%	3.422
STMIT7	0/360	0.0%	0/247	0.0%	0.0%	0.000
STMIT8	3/360	0.8%	8/247	3.2%	- 2.4%	-2.183
STMIT9	11/360	3.1%	2/247	0.8%	- 2.3%	1.878
STMIT10	142/360	39.4%	150/247	60.7%	-21.3%	-5.156

TOTAL VARIABLES

SPECIAL PRECIPITATING EVENTS

VARIABLE	WHITE VICTIM	BLACK VICTIM	MEAN	Z-VALUE
	MEAN	MEAN	DIFFERENCE	
PRECIPX	.372	.506	- .134	-2.46

DEFENDANT MITIGATING CIRCUMSTANCES

VARIABLE	WHITE VICTIM	BLACK VICTIM	MEAN	Z-VALUE
	MEAN	MEAN	DIFFERENCE	
MITCIR2	.628	.700	- .072	-1.11

VICTIM MITIGATING CIRCUMSTANCES

VARIABLE	WHITE VICTIM	BLACK VICTIM	MEAN	Z-VALUE
	MEAN	MEAN	DIFFERENCE	
MITCIR3	.864	1.202	- .338	-3.75
VMITCIRX	1.106	1.466	- .360	-4.57

OTHER MITIGATING FACTORS

VARIABLE	WHITE VICTIM	BLACK VICTIM	MEAN	Z-VALUE
	MEAN	MEAN	DIFFERENCE	
MITCIRX	1.028	1.372	- .344	-4.56
MITCIR1	.125	.190	- .065	-1.90

TABLE IX  
COMPARISON OF WHITE AND BLACK VICTIM CASES FOR PROCEDURAL REFORM STUDY  
VARIABLES THAT ARE SIGNIFICANT AT THE .05 LEVEL

AGGRAVATING VARIABLES

CONTEMPORANEOUS OFFENSE

<u>WHITE VICTIM CASES</u>	<u>Z-VALUES</u>	<u>BLACK VICTIM CASES</u>	<u>Z-VALUES</u>
ARMROB	5.693		
KIDNAP	4.385		
RAPE	1.978		
SERCONOF	5.778		

AGGRAVATED DEFENDENT MOTIVE

<u>WHITE VICTIM CASES</u>	<u>Z-VALUE</u>	<u>BLACK VICTIM CASES</u>	<u>Z-VALUE</u>
AGGMT	5.657		
NOARREST	2.699		
NONPCRM	2.215		
OBTMON	7.067		
PREESC	2.699		
SILWIT	4.739		

AGGRAVATING CIRCUMSTANCES OF VICTIM

<u>WHITE VICTIM CASES</u>	<u>Z-VALUES</u>	<u>BLACK VICTIM CASES</u>	<u>Z-VALUES</u>
VICDEFS	2.506		
VICPFIR	2.341		

SPECIAL AGGRAVATING FEATURES OF THE OFFENSE

<u>WHITE VICTIM CASES</u>	<u>Z-VALUE</u>	<u>BLACK VICTIM CASES</u>	<u>Z-VALUE</u>
ADCRIM	2.339		
DEFPLEA	1.985		
DEFRSARR	2.069		
EXECK	1.811		
MULSH	2.604		
MUTIL	3.093		
NOPROV	5.156		
NOVMC	5.095		
PERVR	2.841		
PREMED	2.738		
PREMEDF	4.602		
TWOVIC	3.346		
TWOVICAL	3.531		
UNNEC	3.057		
VICBDGAG	2.858		
YNUDDIS	2.508		



STATUTORY AGGRAVATING FACTORS

<u>WHITE VICTIM CASES</u>	<u>Z-VALUE</u>	<u>BLACK VICTIM CASES</u>	<u>Z-VALUE</u>
PBQB2	6.368		
PBQB4	6.712		
PBQB7	3.416		
PBQB7A	3.034		
PBQB7D	4.128		
PBQB7E	1.651		
PBQB8	2.963		
PBQB10	2.629		
OPELIG	4.464		

TOTAL VARIABLES

AGGRAVATING CIRCUMSTANCES OF VICTIM

<u>WHITE VICTIM CASES</u>	<u>Z-VALUE</u>	<u>BLACK VICTIM CASES</u>	<u>Z-VALUE</u>
VITCIR	6.05		

SPECIAL AGGRAVATING FEATURES OF THE OFFENSE

<u>WHITE VICTIM CASES</u>	<u>Z-VALUE</u>	<u>BLACK VICTIM CASES</u>	<u>Z-VALUE</u>
AGGCIRX	6.06		
MAJARCX	4.40		
MINAGCRX	5.23		

STATUTORY AGGRAVATING FACTORS

<u>WHITE VICTIM CASES</u>	<u>Z-VALUE</u>	<u>BLACK VICTIM CASES</u>	<u>Z-VALUE</u>
PBQB7X	4.01		
PBQDELX	7.72		
DELB7EX	7.59		

MITIGATING FACTORS  
ATTRIBUTE VARIABLES

MITIGATING DEFENDANT MOTIVE

<u>WHITE VICTIM CASES</u>	<u>Z-VALUE</u>	<u>BLACK VICTIM CASES</u>	<u>Z-VALUE</u>
		HATE	-3.166
		JEALOS	-1.729
		MITMOT	-5.771
		RAGE	-4.576

SPECIAL PRECIPITATING EVENTS

<u>WHITE VICTIM CASES</u>	<u>Z-VALUE</u>	<u>BLACK VICTIM CASES</u>	<u>Z-VALUE</u>
		FAMLVDIS	-2.263
		PRECIPEV	-2.547

OFFENDANT MITIGATING CIRCUMSTANCES

WHITE VICTIM CASES      Z-VALUE

BLACK VICTIM CASES      Z-VALUE  
BELJWAV                      -3.507  
OFSUR24                      -2.522  
OJUST                         -2.183  
OSUR                         -2.343  
OULL                         -2.176  
NOCONTOP                    -2.888

VICTIM MITIGATING CIRCUMSTANCES

WHITE VICTIM CASES      Z-VALUE  
VORINK                        1.675

BLACK VICTIM CASES      Z-VALUE  
DEFENSE                      -2.443  
DFEAR                        -2.388  
VACT                         -3.501  
VICCRIM                      -2.759  
VPROV                        -2.397  
VRAGE                        -4.220

MITIGATING FACTORS

WHITE VICTIM CASES      Z-VALUE  
STMIT6                        3.422  
STMIT9                        1.878

BLACK VICTIM CASES      Z-VALUE  
MITDEF                        -3.621  
STMIT8                        -2.183  
STMIT10                      -5.156

TOTAL VARIABLES

SPECIAL PRECIPITATING EVENTS

WHITE VICTIM CASES      Z-VALUE

BLACK VICTIM CASES      Z-VALUE  
PRECIPX                      -2.46

VICTIM MITIGATING CIRCUMSTANCES

WHITE VICTIM CASES      Z-VALUE

BLACK VICTIM CASES      Z-VALUE  
MITCIR3                      -3.75  
VMITCIRX                    -4.57

OTHER MITIGATING FACTORS

WHITE VICTIM CASES      Z-VALUE

BLACK VICTIM CASES      Z-VALUE  
MITCIRX                      -4.56  
MITCIR1                      -1.90

TABLE XXIA  
FIVE REGRESSION MODELS FOR INDEX EVALUATION EXPERIMENT

REGRESSION 1

$$X481C = .10 - .33(AGGBATT) + .35(AGGMOT) + .38(BURGARS) + .40(VICPFIR) \\ - .20(PBQB8) + .05(PBQB10)$$

R-square = .26

REGRESSION 2

$$X481C = .05 + .45(AGGMOT) + .59(VICPFIR) - .11(PBQB8) - .22(PBQB10) \\ - .59(DUNDERLG) + .59(KIDNAP) - .35(KILLHIRE) + .49(MULSH) \\ - .08(MULSTAB) + .94(MUTIL)$$

R-square = .59

REGRESSION 3

$$X481C = .04 - .24(BRIGHT) + .39(KIDNAP) + 1.29(MUTIL) + .26(NOVMC) \\ + .10(PBQDELX) + .53(RAPE) + .19(VICPFIR) + .49(TWOVIC) \\ - .31(UNNEC) - .13(VICBOGAG) - .20(VICHST) - .19(VICLSTAI) \\ + .02(VPERCRX)$$

R-square = .74

REGRESSION 4

$$X481C = .29 - .42(BRIGHT) - .29(DFEM) - .18(DULL) + .35(KIDNAP) + .28(MULSH) \\ + 1.44(MUTIL) - .17(NCKILL) + 1.01(NONPCRM) + .25(NOVMC) \\ - .35(OLDVIC) - .24(PBQB7A) + .07(PBQDELX) + .50(RAPE) \\ - .04(SERCRIMX) + .35(TWOVIC) - .16(UNNEC) - .23(VICBOGAG) \\ - .14(VICHST) - .14(VICLSTAT) + .02(VPERCRX)$$

R-square = .35

REGRESSION 5

$$X481C = .58 - .38(BRIGHT) + .39(BURGARS) - .30(DFEM) - .25(DULL) + .35(KIDNA) \\ + .42(MULSH) + 1.54(MUTIL) - .23(NOARREST) - .11(NCKILL) \\ + 1.33(NONPCRM) - .12(NOVMC) - .61(OLDVIC) + .17(PBQB10) \\ - .39(PBQB7A) - .50(PBQB7E) - .32(PBQB8) + .51(RAPE) \\ - .08(SERCRIMX) - .37(STMIT2) + .21(TWOVIC) + .08(UNNEC) \\ - .11(URBAN) + .18(VICCRIM) + .16(VICDEFS) + .90(VICPFIR) \\ + .73(VICPLEA) - .24(VMITCIR) + .07(VPERCR) + .02(VPERCRX) \\ + .11(PRECIPEV) + .14(PREMEOK)$$

R-square = .95

TABLE XXIB  
A COMPARISON OF PREDICTED OUTCOMES AND ACTUAL SENTENCING OUTCOMES FOR  
5 REGRESSION MODELS OVER THE FIRST 100 CASES IN THE PROCEDURAL REFORM STUDY

LIFE SENTENCE CASES

CASE	(X481C)	REGRESSION	REGRESSION	REGRESSION	REGRESSION	REGRESSION
	ACTUAL SENTENCE OUTCOME	1 PREDICTED OUTCOME	2 PREDICTED OUTCOME	3 PREDICTED OUTCOME	4 PREDICTED OUTCOME	5 PREDICTED OUTCOME
C19	0	-.10	-.14	.15	.27	-.08
C54	0	.50	.27	.24	.27	.08
C55	0	.10	.05	-.20	-.16	.15
C73	0	.10	.05	.03	.06	-.06
C74	0	.10	.05	.04	.29	.35
C76	0	.10	-.02	.17	.05	.12
C79	0	.10	-.05	-.10	-.05	-.05
C80	0	.10	-.05	.04	.00	-.09
C82	0	.50	-.07	-.05	-.05	-.02
C84	0	.10	.05	.06	-.17	-.03
C85	0	.10	.05	-.20	-.12	-.05
C86	0	.10	.05	.04	.00	.02
C87	0	.10	.05	-.03	-.05	.00
C88	0	.45	-.09	-.32	-.30	-.18
C89	0	.10	.05	.05	-.08	-.09
C91	0	.10	.05	-.30	-.35	-.13
C93	0	.12	.50	.13	-.08	.05
C94	0	.50	.27	-.16	.02	.13
C95	0	.10	-.02	-.06	.23	.22
C96	0	.10	.05	.14	.37	-.04
C97	0	.10	.05	.06	.03	-.06
C98	0	.10	.05	-.20	-.12	-.16
D01	0	.50	.86	.32	.12	-.02

TABLE XXXI  
COMPARISON OF ALL CASES BY RACE OF VICTIM

AGGRAVATED FACTORS  
ATTRIBUTE VARIABLES

CONTEMPORANEOUS OFFENSE

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
ARMROB	170/510	33.3%	37/498	7.4%	25.9%	10.179
FELMUR	234/510	45.9%	66/498	13.3%	32.6%	11.328
KIDNAP	68/510	13.3%	11/498	2.2%	11.1%	6.570
NONPROPC	104/510	20.4%	29/498	5.8%	14.6%	6.833
NOVIOLCR	50/510	9.8%	10/498	2.0%	7.8%	5.230
RAPE	29/510	5.7%	15/498	3.0%	2.7%	2.078

AGGRAVATED DEFENDANT MOTIVE

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
AVENGE	1/513	0.2%	2/498	0.4%	- 0.2%	-0.604
INSMOT	12/506	2.4%	6/496	1.2%	1.2%	1.334
LDFB4	222/494	44.9%	55/481	11.4%	33.5%	11.598
LDFB10	108/469	23.0%	19/480	4.0%	19.0%	8.627
RACEMOT	12/298	4.0%	4/302	1.3%	2.7%	2.054
VWITNESS	92/471	19.5%	17/481	3.5%	16.0%	7.751

AGGRAVATING CIRCUMSTANCES OF VICTIM

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
LDFB9	18/512	3.5%	3/498	0.6%	2.9%	3.244
NOVPROV	95/420	22.6%	39/421	9.3%	13.3%	5.291
VDEFENLS	18/511	3.5%	18/492	3.7%	- 0.2%	-0.116
VDEFOLD	38/483	7.9%	7/481	1.5%	6.4%	4.719
VSMALL	65/465	14.0%	32/434	7.4%	6.6%	3.190

METHOD OF KILLING

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
DROWN	9/513	1.8%	4/504	0.8%	1.0%	1.364
STRANGLE	17/512	3.3%	6/504	1.2%	2.1%	2.277

MITIGATING FACTORS  
ATTRIBUTE VARIABLES

MITIGATING DEFENDANT MOTIVE

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
GUNSTRUG	5/500	1.0%	14/483	2.9%	- 1.9%	-2.161
HATE	54/412	13.1%	47/346	13.6%	- 0.5%	-0.192
JEALOUS	29/477	6.1%	70/427	16.4%	-10.3%	-4.957
MITMOTVE	228/421	54.2%	361/429	84.1%	-29.9%	-9.478
PANIC	20/496	4.0%	17/486	3.5%	0.5%	0.440
RAGE	200/423	47.3%	334/428	78.0%	-30.7%	-9.279
REVENGE	56/437	12.8%	73/398	18.8%	- 6.0%	-2.393
SHOOTOUT	15/507	3.0%	6/485	1.2%	1.8%	1.883

SPECIAL PRECIPITATING EVENTS

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
BLVICMGO	165/468	35.3%	284/444	64.0%	-28.7%	-8.668
DISFIGHT	205/464	44.2%	327/450	72.7%	-28.5%	-8.729
ORUGDIS	94/457	20.6%	131/419	31.3%	-10.7%	-3.620
EMOTION	255/434	58.8%	405/452	89.6%	-30.8%	-10.529
MADLOVER	216/427	50.6%	364/433	84.1%	-33.5%	-10.476
MONDIS	50/490	10.2%	65/464	14.0%	- 3.8%	-1.804
PROVPASS	34/451	7.5%	73/417	17.5%	-10.0%	-4.463
SPOUSESK	64/504	12.7%	92/493	18.7%	- 6.0%	-2.591
TRIANGLE	22/495	4.4%	47/463	10.2%	- 5.8%	-3.414

DEFENDANT MITIGATING CIRCUMSTANCES

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
AIDVICT	23/505	4.6%	28/479	5.8%	- 1.2%	-0.913
COULL	194/461	42.1%	201/461	43.6%	- 1.5%	-0.460
DEFINTOX	72/405	17.8%	59/403	14.6%	3.2%	1.210
DEFREMOR	21/91	23.1%	29/71	40.8%	-17.7%	-2.429
DEFSUR	50/486	10.3%	111/441	25.2%	-14.9%	-5.973
DEFSURLT	10/511	2.0%	10/497	2.0%	0.0%	0.000
DLOWIQ	51/461	11.1%	154/461	33.4%	-22.3%	-8.158
DRGHIS	202/480	42.1%	177/465	38.1%	4.0%	1.260
MENTILL	62/508	12.2%	48/491	9.8%	2.4%	1.226
NOCPAGCR	35/512	6.8%	26/493	17.4%	-10.6%	-5.166
PHYILL	29/512	5.7%	37/497	7.4%	- 1.7%	-1.144
SMDEFJUS	8/511	1.6%	6/494	1.2%	0.4%	0.475
SMYOUTH	36/511	7.0%	19/504	3.8%	3.2%	2.304

VICTIM MITIGATING CIRCUMSTANCES

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
BDBLOOD	57/455	12.5%	73/408	17.9%	- 5.4%	-2.200
DEFFEAR	30/437	6.9%	67/383	17.5%	-10.6%	-4.702
SMPROVOK	191/397	48.1%	256/367	69.8%	-21.7%	-6.066
VABUSFRD	27/482	5.6%	24/468	5.1%	0.5%	0.324
VACCUSED	23/467	4.9%	30/447	6.7%	- 1.8%	-1.155
VBADREP	29/245	11.8%	43/154	27.9%	-16.1%	-4.067
VICARMED	52/464	11.2%	65/414	15.7%	- 4.5%	-1.956
VICDRUG	122/447	27.3%	145/374	38.8%	-11.5%	-3.436
VICDRUNK	45/451	10.0%	32/409	7.8%	2.2%	1.105
VICVERS	150/395	38.0%	191/348	54.9%	-16.9%	-4.616
VINJURO	3/492	1.6%	12/475	2.5%	- 0.9%	-0.983
VSEXUP	2/501	0.4%	6/486	1.2%	- 0.8%	-1.463
VSHOMON	12/499	2.4%	6/489	1.2%	1.2%	1.384

TOTAL VARIABLES

MITIGATING FACTORS

VARIABLE	WHITE VICTIM	BLACK VICTIM	MEAN	Z-VALUE
	MEAN	MEAN	DIFFERENCE	
MITCIRX	1.492	1.899	-0.407	-4.43

DEFENDANT/VICTIM STATUS VARIABLES

VARIABLE	WHITE (X)		BLACK (Y)		(X - Y)	Z-VALUE
	VICTIM	PERCENT	VICTIM	PERCENT	PERCENT DIFFERENCE	
CCPERP	227/507	44.8%	65/495	13.3%	31.5%	10.939
OHISTAT	20/493	4.1%	3/494	1.6%	2.5%	2.306
DMIDCLAS	99/469	21.1%	38/488	7.8%	13.3%	5.882
DPCCR	302/469	64.4%	407/488	83.4%	-19.0%	-6.709
STRANGER	184/509	36.1%	55/483	11.4%	24.7%	9.115
VICCLOSE	167/509	32.8%	242/483	50.1%	-17.3%	-5.531
VHISTAT	62/254	24.4%	9/96	9.4%	15.0%	3.121

TABLE XLIII  
COMPARISON OF ALL CASES BY DEFENDANT-VICTIM RACIAL COMBINATION

AGGRAVATED FACTORS  
ATTRIBUTE VARIABLES

CONTEMPORANEOUS OFFENSE

VARIABLE	BLACK KILLS		WHITE KILLS		BLACK KILLS		WHITE KILLS	
	WHITE	PERCENT	WHITE	PERCENT	BLACK	PERCENT	BLACK	PERCENT
ARMROB	96/143	67.1%	74/367	20.2%	31/471	6.6%	6/27	22.2%
FELMUR	114/143	79.7%	120/367	32.7%	58/471	12.3%	3/27	29.6%
KIDNAP	26/143	18.2%	42/367	11.4%	10/471	2.1%	1/27	3.7%
NONPROPC	40/143	28.0%	64/367	17.4%	27/471	5.7%	2/27	7.4%
NOVICLCR	21/143	14.7%	29/367	7.9%	8/471	1.7%	2/27	7.4%
RAPE	14/143	9.8%	15/367	4.1%	15/471	3.2%	0/27	0.0%

AGGRAVATED DEFENDANT MOTIVE

VARIABLE	BLACK KILLS		WHITE KILLS		BLACK KILLS		WHITE KILLS	
	WHITE	PERCENT	WHITE	PERCENT	BLACK	PERCENT	BLACK	PERCENT
AVENGE	1/143	0.7%	0/370	0.0%	2/471	0.4%	0/27	0.0%
INSMOT	0/143	0.0%	12/363	3.3%	6/468	1.3%	0/28	0.0%
LOFB4	106/142	74.6%	116/352	33.0%	46/455	10.1%	9/26	34.6%
LOFB10	59/127	46.5%	49/342	14.3%	16/456	3.5%	3/24	12.5%
RACEMOT	9/46	19.6%	3/252	1.2%	2/291	0.7%	2/11	18.2%
VWITNESS	47/129	36.4%	45/342	13.2%	14/457	3.1%	3/24	12.5%

AGGRAVATING CIRCUMSTANCES OF VICTIM

VARIABLE	BLACK KILLS		WHITE KILLS		BLACK KILLS		WHITE KILLS	
	WHITE	PERCENT	WHITE	PERCENT	BLACK	PERCENT	BLACK	PERCENT
LOFB8	15/142	10.6%	3/370	0.8%	3/472	0.6%	0/26	0.0%
NOVPROV	39/110	35.5%	56/310	18.1%	37/401	9.2%	2/20	10.0%
VDEFENLS	5/143	3.5%	13/371	3.5%	17/477	3.6%	1/28	3.6%
VDEFOLD	19/143	13.3%	19/371	5.1%	7/477	1.5%	0/28	0.0%
VSMALL	14/143	9.8%	51/371	13.7%	30/477	6.3%	2/28	7.1%

METHOD OF KILLING

VARIABLE	BLACK KILLS		WHITE KILLS		BLACK KILLS		WHITE KILLS	
	WHITE	PERCENT	WHITE	PERCENT	BLACK	PERCENT	BLACK	PERCENT
DROWN	3/143	2.1%	6/370	1.6%	3/476	0.6%	1/28	3.6%
STRANGLE	3/143	2.1%	14/370	3.8%	3/476	0.6%	3/28	10.7%



SPECIAL AGGRAVATING FEATURES OF THE OFFENSE

VARIABLE	BLACK KILLS		WHITE KILLS		BLACK KILLS		WHITE KILLS	
	WHITE	PERCENT	WHITE	PERCENT	BLACK	PERCENT	BLACK	PERCENT
ADDCRIME	25/141	18.4%	45/364	12.4%	19/468	4.1%	1/26	3.8
BOGAG	12/143	8.4%	26/369	7.0%	10/467	2.1%	1/26	3.8
BEAT	16/143	11.2%	47/369	12.7%	30/467	6.4%	1/26	3.8
CONCELOD	19/143	12.6%	57/369	15.4%	29/467	6.2%	3/26	11.5
DEFESC	6/143	4.2%	12/369	3.3%	3/471	1.7%	1/26	3.8
DEFLED	128/141	90.8%	239/348	68.7%	292/423	69.0%	17/26	65.4
DEFWAIT	11/143	7.7%	59/369	16.0%	23/467	4.9%	3/26	11.5
DPLEAS	12/28	42.9%	17/69	24.6%	3/79	3.8%	1/7	14.3
DRESIST	37/141	26.2%	75/352	21.3%	37/444	8.3%	5/25	20.0
EXECUT	42/127	33.1%	76/338	22.5%	31/432	7.2%	3/24	12.5
HARMOTH	22/143	15.4%	26/369	7.0%	38/467	8.1%	3/26	11.5
HOSTAGE	3/143	2.1%	2/369	0.5%	3/467	0.6%	0/26	0.0
MENTORT	7/143	4.9%	13/369	3.5%	9/467	1.9%	0/26	0.0
MULHOSHT	23/143	16.1%	25/369	6.8%	19/467	4.1%	0/26	0.0
MULSH	42/143	29.4%	96/369	26.0%	132/467	28.3%	4/26	15.4
MULSTAB	12/143	8.4%	40/369	10.8%	27/467	5.8%	5/26	19.2
MUTILATE	25/143	17.5%	51/369	13.8%	13/467	2.8%	1/26	3.8
NOCLOTH	14/141	9.9%	39/356	11.0%	22/452	7.1%	1/26	3.8
NOREMORE	17/26	65.4%	33/70	47.1%	22/69	31.9%	1/5	20.0
NOVICMIT	20/66	30.3%	20/263	7.6%	14/346	4.0%	2/20	10.0
NUDE	18/143	12.6%	32/369	8.7%	15/467	3.2%	0/26	0.0
PERVER	5/139	3.6%	14/367	3.8%	5/469	1.1%	0/26	0.0
PLANCOF	101/129	78.3%	103/359	28.7%	46/457	10.1%	5/25	20.0
PREMEDK	50/76	65.8%	143/221	64.7%	110/248	44.4%	4/10	40.0
SLODIE	16/143	11.2%	30/369	8.1%	63/467	13.5%	4/26	15.4
THROAT	4/143	2.8%	19/369	5.1%	5/467	1.1%	1/26	3.8
TORTURE	3/143	2.1%	15/369	4.1%	6/467	1.3%	0/26	0.0
TWOVIC	12/142	8.5%	20/364	5.5%	10/477	2.1%	0/23	0.0
TWOVICAL	14/142	9.9%	25/364	6.9%	10/477	2.1%	0/28	0.0
UNNECERY	47/124	37.9%	34/350	9.7%	21/461	4.6%	0/23	0.0
VFAMPRES	10/143	12.6%	101/369	27.4%	125/467	26.8%	5/26	19.2
VICPLEAO	25/43	58.1%	35/113	31.0%	23/108	21.3%	3/9	33.3

STATUTORY AGGRAVATING FACTORS

VARIABLE	BLACK KILLS		WHITE KILLS		BLACK KILLS		WHITE KILLS	
	WHITE	PERCENT	WHITE	PERCENT	BLACK	PERCENT	BLACK	PERCENT
LDFB1	15/138	10.9%	12/353	3.4%	21/469	4.5%	5/27	18.5%
LDFB2	115/143	80.4%	123/368	33.4%	60/469	12.8%	7/24	29.2%
LDFB3	27/134	20.1%	31/330	9.4%	73/410	17.8%	3/23	13.0%
LDFB4	106/142	74.6%	116/352	33.0%	46/455	10.1%	9/26	34.6%
LDFB5	0/143	0.0%	0/370	0.0%	0/471	0.0%	0/27	0.0%
LDFB6	0/142	0.0%	21/368	5.7%	3/470	0.6%	1/25	4.0%
LDFB7A	25/143	17.5%	51/371	13.7%	13/469	2.8%	1/27	3.7%
LDFB7B	73/143	51.0%	155/371	44.5%	179/469	38.2%	10/27	37.0%
LDFB7C	12/140	8.6%	15/369	4.1%	15/475	3.2%	0/28	0.0%
LDFB7D	65/106	61.3%	67/331	20.2%	21/452	4.6%	4/26	15.4%
LDFB7E	21/143	14.7%	75/370	20.3%	37/468	7.9%	4/27	14.8%
LDFB7F	28/44	63.6%	42/118	35.6%	27/111	24.3%	3/9	33.3%
LDFB7	109/114	95.6%	237/267	88.8%	224/276	81.2%	16/22	72.7%
LDFB8	15/142	10.6%	3/370	0.8%	3/472	0.6%	0/26	0.0%
LDFB9	10/143	7.0%	9/368	2.4%	8/467	1.7%	1/24	4.2%
LDFB10	59/127	46.5%	49/342	14.3%	16/456	3.5%	3/24	12.5%
DEATHELG	139/139	100.0%	287/298	96.3%	281/303	92.7%	22/22	100.0%

TOTAL VARIABLES

SPECIAL AGGRAVATING FEATURES OF THE OFFENSE

VARIABLE	BLACK K WHITE		WHITE K WHITE		BLACK K BLACK		WHITE K BLACK	
	MEAN		MEAN		MEAN		MEAN	
MAJAGFCX	1.00		.75		.24		.39	
MINAGFCX	2.35		1.49		.78		.75	

STATUTORY AGGRAVATING FACTORS

VARIABLE	BLACK K WHITE		WHITE K WHITE		BLACK K BLACK		WHITE K BLACK	
	MEAN		MEAN		MEAN		MEAN	
LDFB7EXP	4.00		2.10		1.09		1.82	
LDFB8SUM	3.20		1.62		.95		1.61	

MITIGATING FACTORS  
ATTRIBUTE VARIABLES

MITIGATING DEFENDANT MOTIVE

VARIABLE	BLACK KILLS		WHITE KILLS		BLACK KILLS		WHITE KILLS	
	WHITE	PERCENT	WHITE	PERCENT	BLACK	PERCENT	BLACK	PERCENT
GUNSTRUG	2/139	1.4%	3/361	0.8%	13/457	2.8%	1/26	3.8%
HATE	2/136	1.5%	52/276	18.8%	45/327	13.8%	2/19	10.5%
JEALOUS	0/140	0.0%	29/337	8.6%	70/403	17.4%	0/24	0.0%
MITMOTVE	24/121	19.8%	204/300	68.0%	347/409	84.8%	14/20	70.0%
PANIC	11/130	8.5%	9/366	2.5%	16/460	3.5%	1/26	3.8%
RAGE	22/121	18.2%	178/302	58.9%	321/409	78.5%	13/19	68.4%
REVENGE	9/136	6.6%	47/301	15.6%	70/376	18.6%	5/22	22.7%
SHOOTOUT	8/140	5.7%	7/367	1.9%	6/458	1.3%	0/27	0.0%

SPECIAL PRECIPITATING EVENTS

VARIABLE	BLACK KILLS		WHITE KILLS		BLACK KILLS		WHITE KILLS	
	WHITE	PERCENT	WHITE	PERCENT	BLACK	PERCENT	BLACK	PERCENT
BLVICMOD	10/133	7.5%	155/335	46.3%	273/420	65.0%	11/24	45.8%
DISFIGHT	24/132	18.2%	181/332	54.5%	311/426	73.0%	16/24	66.7%
DRUGDIS	6/131	4.6%	88/326	27.0%	122/394	31.0%	9/25	36.0%
EMOTION	32/118	27.1%	223/316	70.6%	387/429	90.2%	18/23	78.3%
MADLOVER	23/121	19.0%	193/306	63.1%	350/413	84.7%	14/20	70.0%
MONDIS	11/137	8.0%	39/353	11.0%	61/442	13.8%	4/22	18.2%
PROVPASS	4/132	3.0%	30/319	9.4%	67/394	17.0%	6/23	26.1%
SPOUSESK	3/143	2.1%	61/361	16.9%	91/465	19.6%	1/29	3.6%
TRIANGLE	1/141	0.7%	21/354	5.9%	47/435	10.7%	0/25	0.0%

DEFENDANT MITIGATING CIRCUMSTANCES

VARIABLE	BLACK KILLS		WHITE KILLS		BLACK KILLS		WHITE KILLS	
	WHITE	PERCENT	WHITE	PERCENT	BLACK	PERCENT	BLACK	PERCENT
AIDVICT	1/143	0.7%	22/362	6.1%	28/453	6.2%	0/26	0.0%
ADULL	65/122	53.3%	129/339	38.1%	198/433	45.7%	3/28	10.7%
DEFINTGX	3/121	2.5%	69/284	24.3%	53/380	13.9%	6/23	26.1%
DEFREMR	3/22	13.6%	18/69	26.1%	26/67	38.8%	3/4	75.0%
DEFSUR	10/142	7.0%	40/344	11.6%	107/416	25.7%	4/25	16.0%
DEFSURLT	3/143	2.1%	7/368	1.9%	7/471	1.5%	3/26	11.5%
OLQWIC	18/122	14.8%	33/339	9.7%	146/433	33.7%	8/28	28.6%
DRGHIS	30/137	21.9%	172/343	50.1%	166/439	37.8%	11/26	42.3%
MENTILL	8/143	5.6%	54/365	14.8%	42/465	9.0%	6/26	23.1%
NOSPAGCR	8/143	5.6%	27/369	7.3%	31/467	17.3%	5/26	19.2%
PHYILL	3/143	2.1%	26/369	7.0%	31/470	6.6%	6/27	22.2%
SMOEFJUS	3/143	2.1%	5/368	1.4%	6/469	1.3%	0/25	0.0%
SMYOUTH	15/143	10.5%	21/368	5.7%	16/476	3.4%	3/29	10.7%

VICTIM MITIGATING CIRCUMSTANCES

VARIABLE	BLACK KILLS		WHITE KILLS		BLACK KILLS		WHITE KILLS	
	WHITE	PERCENT	WHITE	PERCENT	BLACK	PERCENT	BLACK	PERCENT
BOBLOOD	1/136	0.7%	56/319	17.6%	70/387	18.1%	3/21	14.3%
DEFFEAR	3/129	2.3%	27/308	8.8%	60/361	16.6%	7/22	31.8%
SMPROVOK	38/123	30.9%	153/274	55.8%	242/347	69.7%	14/20	70.0%
VABUSFRD	3/139	2.2%	24/343	7.0%	20/442	4.5%	4/26	15.4%
VACCUSED	4/134	3.0%	19/333	5.7%	29/422	6.9%	1/25	4.0%
VBAOREP	1/92	1.1%	28/153	18.3%	40/140	28.6%	3/14	21.4%
VICARMED	11/138	8.0%	41/326	12.6%	59/390	15.1%	6/24	25.0%
VICORUG	6/136	4.4%	116/311	37.3%	137/354	38.7%	8/20	40.0%
VICORUNK	3/139	2.2%	42/312	13.5%	30/387	7.8%	2/22	9.1%
VICVERB	32/125	25.6%	118/270	43.7%	182/329	55.3%	9/19	47.4%
VINJURD	1/142	0.7%	7/350	2.0%	11/451	2.4%	1/24	4.2%
VSEXUP	0/141	0.0%	2/350	0.6%	6/460	1.3%	0/26	0.0%
VSHOMON	1/140	0.7%	11/359	3.1%	6/464	1.3%	0/25	0.0%

TOTAL VARIABLES

<u>MITIGATING FACTORS</u>		<u>WHITE K WHITE</u>		<u>BLACK K BLACK</u>		<u>WHITE K BLACK</u>	
<u>VARIABLE</u>	<u>BLACK MEAN</u>	<u>WHITE MEAN</u>	<u>WHITE MEAN</u>	<u>BLACK MEAN</u>	<u>WHITE MEAN</u>	<u>BLACK MEAN</u>	<u>WHITE MEAN</u>
MITCIRX	.73		1.79	1.90			1.96

DEFENDANT/VICTIM STATUS VARIABLES

<u>VARIABLE</u>	<u>BLACK KILLS</u>		<u>WHITE KILLS</u>		<u>BLACK KILLS</u>		<u>WHITE KILLS</u>	
	<u>WHITE</u>	<u>PERCENT</u>	<u>WHITE</u>	<u>PERCENT</u>	<u>BLACK</u>	<u>PERCENT</u>	<u>BLACK</u>	<u>PERCENT</u>
CCPERP	32/140	53.6%	145/367	39.5%	53/463	12.4%	3/27	29.6%
DHISTAT	0/133	0.0%	20/360	5.6%	7/466	1.5%	1/29	3.5%
DMIDCLAS	4/125	3.2%	95/344	27.6%	33/460	7.2%	5/23	17.9%
DPOCR	93/125	74.4%	209/344	60.8%	336/460	83.9%	21/23	75.0%
STRANGER	101/143	70.6%	83/366	22.7%	44/457	9.6%	11/26	42.3%
VICCLOSE	7/143	4.9%	160/366	43.7%	235/457	51.4%	7/25	26.9%
VHISTAT	31/111	27.9%	31/143	21.7%	9/83	10.8%	0/13	0.0%