



Limits on Death Penalty Appeals

A great deal of controversy exists surrounding the use of the death penalty in the United States. One area of contention is the amount of time from conviction and sentencing to actually carrying out the penalty. In the United States, the average stay on death row is 10 to 12 years. Some inmates have been on death row for more than 20 years.

All defendants sentenced to death have a right to an automatic direct appeal, whether voluntary or mandatory. The direct appeal is limited to trial issues. The second type of appeal is referred to as postconviction remedies. Petitions are filed first with the original trial court and then appealed to an intermediate court. At this point the defendant can challenge events at trial, such as ineffective assistance of counsel, juror misconduct, and new evidence. Federal habeas corpus is the final appeal that allows the death row inmates to challenge issues outside the trial record. This process may include up to three courts: U.S. District Court, U.S. Court of Appeals, and the U.S. Supreme Court.

One argument for a more efficient and cost-effective system is to reform the appeals process to prevent repeated and frivolous petitions. Proponents of the death penalty argue a more streamlined process will enhance effectiveness, save taxpayers money, and promote justice. Postconviction appeals can cost taxpayers nearly \$1 million per death row inmate. California

has more than 650 death row inmates, and appeals have created a backlog in the state supreme court. Florida's Timely Justice Act of 2013 was introduced to reduce the legal challenges of death row inmates, though the measure may create a number of problems. On the one hand, Florida's death row currently houses just over 400 condemned prisoners, and 40% have been there for 20 years or more. On the other hand, Florida leads the country in the number of death row inmates who were later found innocent: A total of 24 men have been released from the state's death row.

Think About It

1. **Should state or federal courts limit the number of appeals made by death row inmates?**
2. **Why or why not? What are the advantages and disadvantages of limiting the number of appeals?**
3. **How would a more efficient process for carrying out the sentence better serve victims of violent crime?**
4. **Should the risk of killing an innocent person be considered in determining how many appeals are allowed?**
5. **If a death row inmate has exhausted his or her appeals, what happens when new DNA evidence exonerates him or her?**