

FOR IMMEDIATE RELEASE: July 10, 2017
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**A Mid-Year Review of the Death Penalty in the United States
By the Death Penalty Information Center**

Executions, New Death Sentences Remain Near Historic Lows in First Half of 2017

At the mid-point of 2017, executions and new death sentences in the United States are on pace to remain near historic lows, according to the Death Penalty Information Center (DPIC).

“The numbers show that the long-term historic decline in the use of the death penalty across the United States appears to be continuing,” said DPIC’s Executive Director Robert Dunham.

The mid-year review reports that, in the first half of 2017, states carried out 13 of 43 scheduled executions, with 70% of the nation’s executions halted either by governors or the courts or rescheduled. At the same time last year, DPIC said, 14 of 39 scheduled executions had been carried out, with 64% halted or rescheduled. The review indicated that, at the year’s mid-point, **12 active execution dates** were pending for the second half of 2017, with more executions expected to be scheduled, while 8 other executions scheduled for the second half of the year had already been halted.

Dunham said DPIC anticipates “a slight increase” in executions this year from 2016’s 26-year low, but “there will likely be fewer executions than in any other year since 1990.” The three- and five-year execution trends are expected to continue to decline, he said, even with the four executions carried out in [Arkansas](#) from April 20-27. Dunham explained that is because, “in recent years, some state or another has had an execution spree, followed by fewer executions in the years after that. But four of the eight Arkansas executions were stayed, so their spree—

while more compressed in time—will have less of an impact than the nine executions carried out by Georgia last year or the six executions in Missouri in 2015.”

What happens in the Ohio lethal injection litigation may have a greater impact this year and over the long-term, Dunham said. The U.S. Court of Appeals for the Sixth Circuit just lifted an injunction against the state’s execution protocol, and the state has scheduled 30 executions between July 26 and 2021, with five set for the second half of 2017.

Based on its mid-year review, DPIC projects that, like executions, new death sentences will remain near historically low levels. DPIC said its review has confirmed 21 new death sentences so far in 2017. The Center does not attempt to keep a real-time count of new sentences, and Dunham described that figure as “a close estimate.” The pace of new death sentences, he said, is “very close” to the 17 new death sentences imposed by the mid-point of 2016, a year in which a record-low 31 new death sentences were imposed.

The historic trend, Dunham says, remains towards lower numbers of new death sentences. **Florida's** abandonment of non-unanimous jury recommendations of death and **Alabama's** repeal of judicial override of jury recommendations for life, he said, have accounted for close to 20% of new death sentences nationwide in recent years. The new legislation is expected to substantially reduce the number of new death sentences returned in those states.

The DPIC Mid-Year Review also reported several other significant death-penalty developments:

- The nation’s death row continues to decrease in size, as the death sentences of nearly 100 Florida death-row prisoners have been overturned in the wake of the Florida Supreme Court’s declaration that non-unanimous death sentences are unconstitutional, and courts in Delaware and Connecticut have continued emptying those states’ death rows after declaring their state’s death penalty statutes unconstitutional.

- Three more death-row prisoners have been exonerated so far in 2017—**Isaiah McCoy** in Delaware, **Rodricus Crawford** in Louisiana, and **Ralph Daniel Wright, Jr.** in Florida—bringing the number of death-row exonerations in the U.S. since 1973 to 159.
- There have also been three grants of clemency in the first half of 2017, increasing the national total since 1976 to 283. **President Barack Obama granted clemency** to federal death-row prisoner **Abelardo Arboleda Ortiz** and military death-row prisoner **Dwight Loving**, and Virginia Governor Terry McAuliffe granted clemency to **Ivan Teleguz**. All three are now serving sentences of life without parole.
- The U.S. Supreme Court has issued three significant decisions in 2017 in favor of death-row prisoners. On February 22, in **Buck v. Davis**, the Court granted relief to Duane Buck as a result of his lawyer's ineffectiveness in presenting a defense expert who testified that Buck posed an elevated risk of future dangerousness because he is black. A month later, in **Moore v. Texas**, the Court unanimously struck down Texas' outlier practice for determining intellectual disability in capital cases. In **McWilliams v. Dunn**, the Court found on June 19 that James McWilliams' constitutional rights were violated when **Alabama** failed to provide him assistance of an independent mental-health expert. The Court ruled against Texas death-row prisoner **Erick Davila** in *Davila v. Davis* on June 26 on a narrow question of habeas corpus procedural law.

Other states that carried out executions in the first half of 2017 were Texas (4), Alabama (2), Georgia (1), Missouri (1), and Virginia (1).

The Death Penalty Information Center (www.deathpenaltyinfo.org) is a national non-profit organization that for a quarter century has provided information and analysis on issues concerning capital punishment. DPIC prepares in-depth reports and issue analyses, conducts briefings for the media, and serves as a resource to those working on death penalty issues.