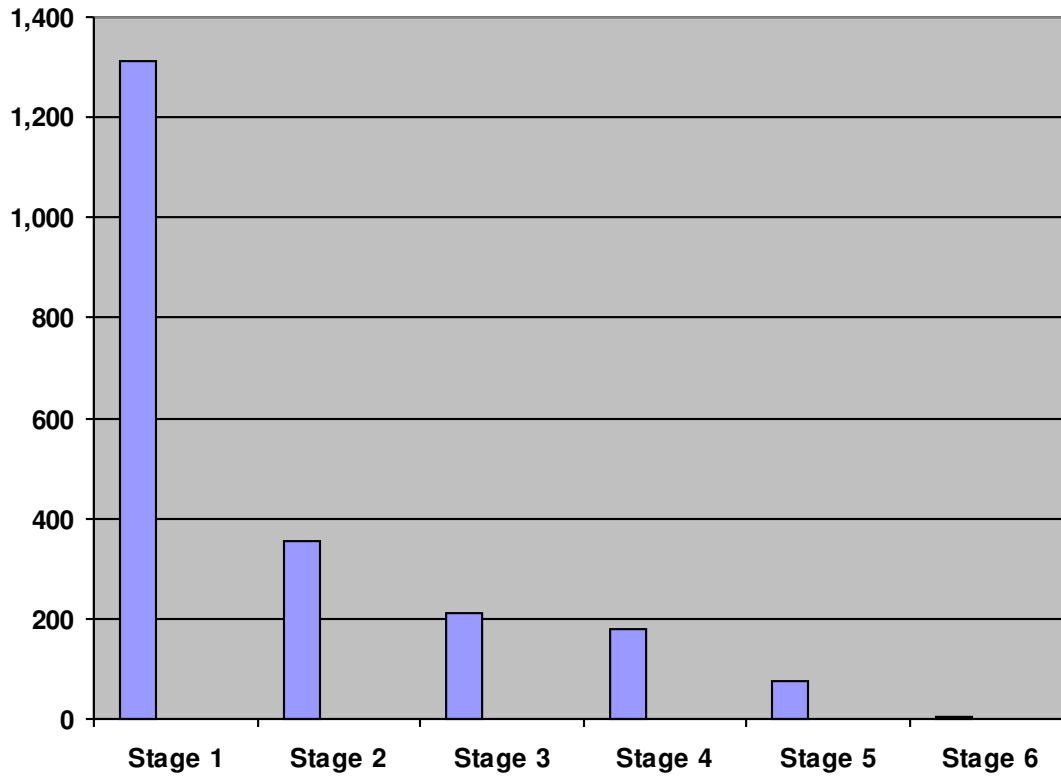


**Figure 1: Filtering of Cases Through Maryland's Death Penalty System: 1978 - 1999**



Stage 1: Number of Death Eligible Crimes (N = 1,311)

Stage 2: Notification to Seek Death (N = 353) 27% of all death eligible crimes

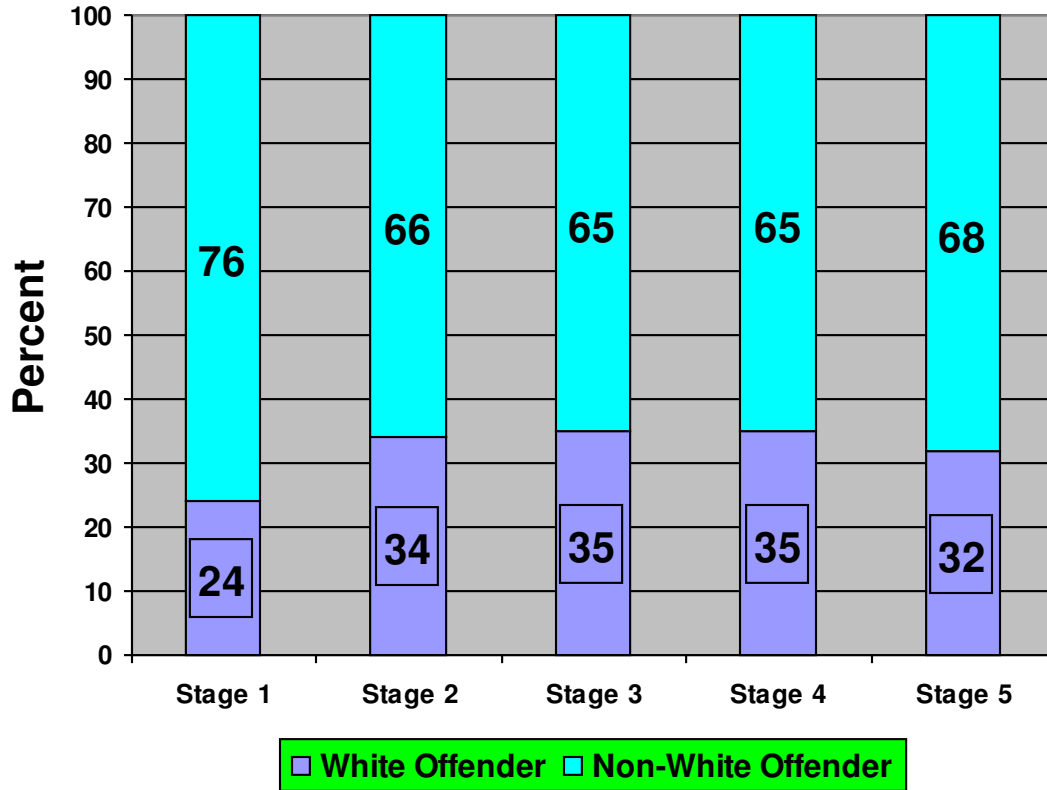
Stage 3: Death Notification not Retracted (N = 213)

Stage 4: Case Advanced to a Penalty Trial (N = 180)

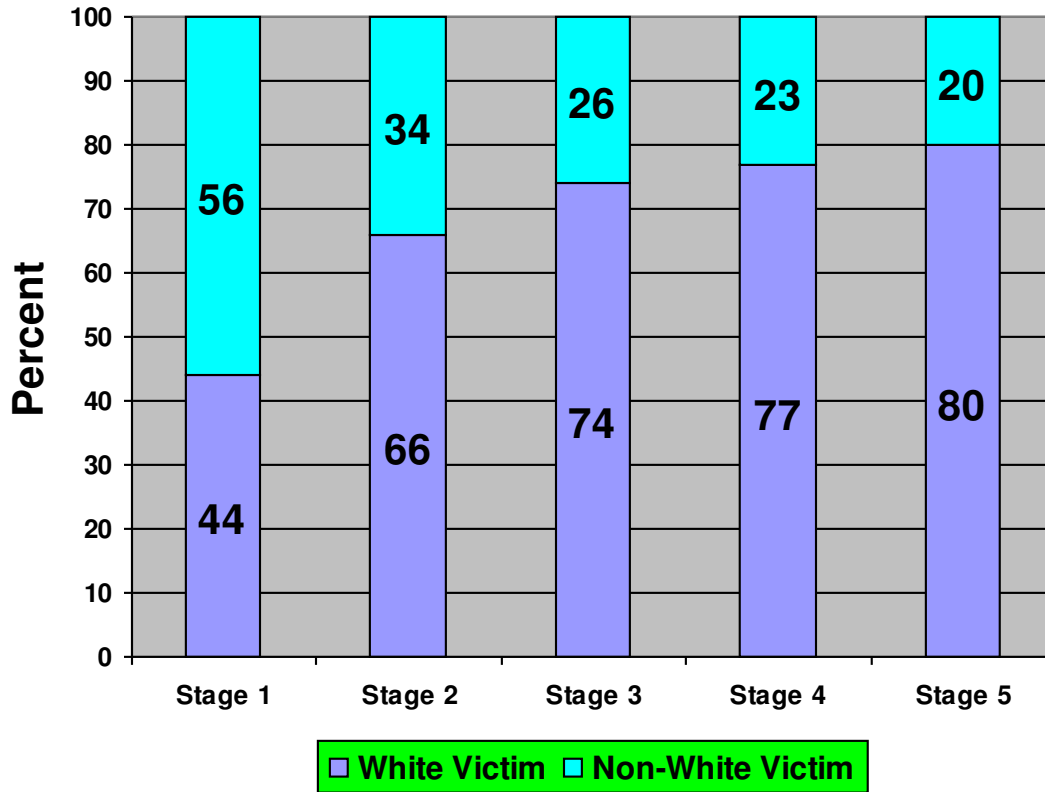
Stage 5: Imposition of a Death Sentence (N = 76) 42% of penalty trials; 6% of all death eligible crimes

Stage 6: Execution (N = 5)

**Figure 2: Filtering of Cases Through Maryland's Death Penalty System by Offender's Race**



**Figure 3: Filtering of Cases Through Maryland's Death Penalty System by Victim's Race**



**Figure 4: Filtering of Cases Through Maryland's Death Penalty System by Offender and Victim's Race**

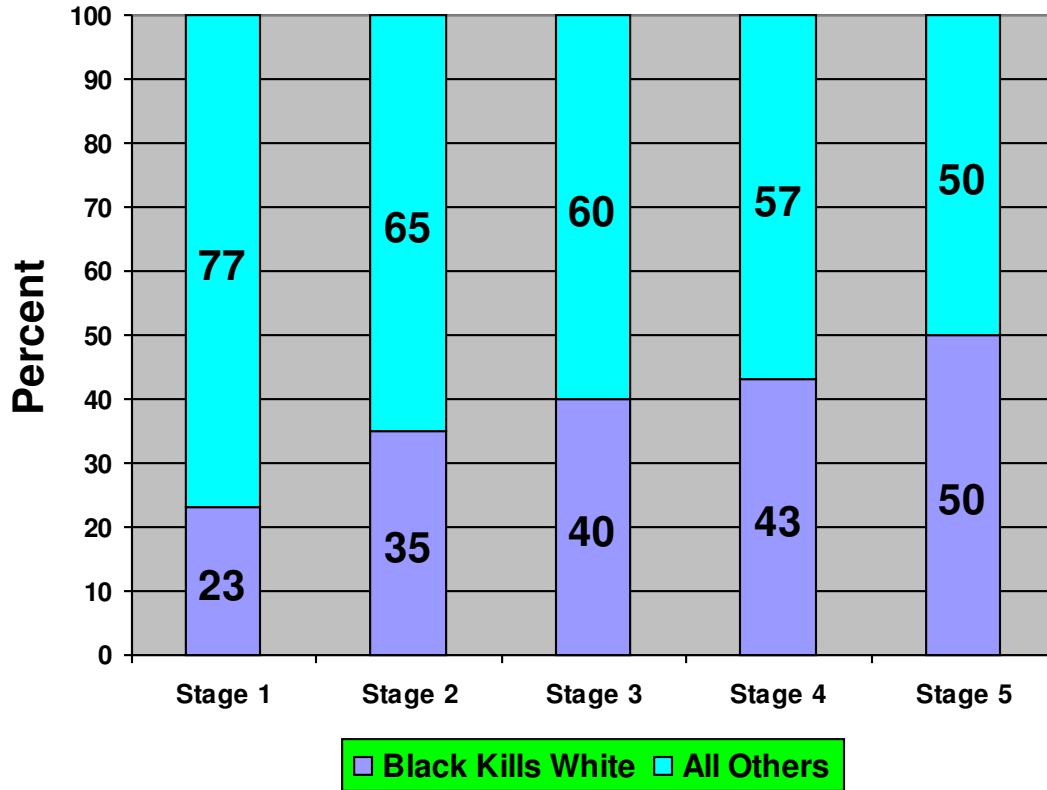
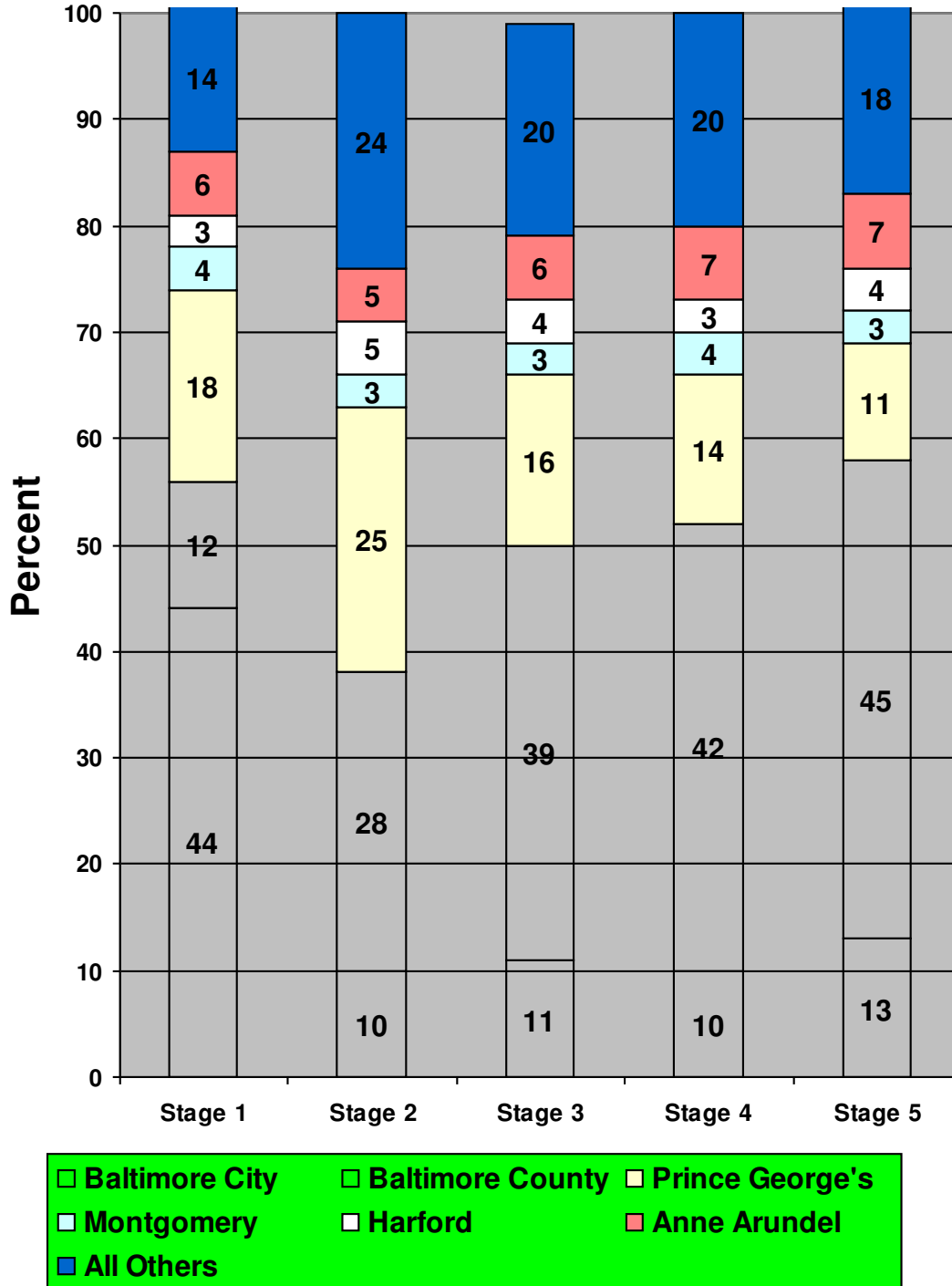
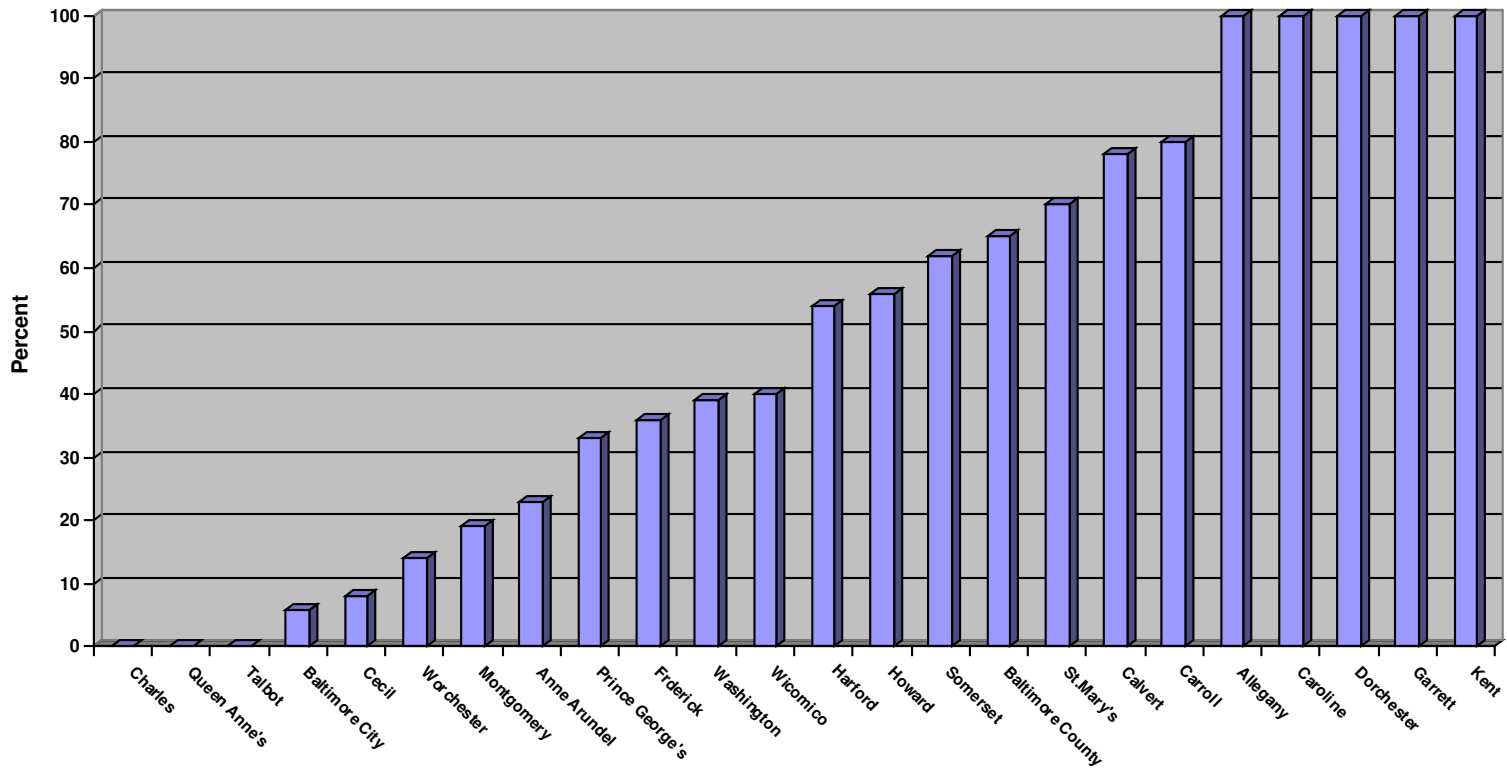


Figure 5: Filtering of Cases Through Maryland's Death Penalty System by Jurisdiction



**Figure 6: Percent of Death Eligible Homicides in Maryland Counties Resulting In A Death Request - 1978-1999**



## SOURCES OF DATA COLLECTION

1. Files of the Maryland Department of Corrections
2. Files of the Maryland Department of Probation and Parole
3. Pre-Sentence Reports
4. Trial Transcripts
5. Files of State's Attorneys
6. Files of Defense Counsel
7. Coroner's Report and Death Certificate from the Maryland Office of Public Health

TABLE 1

INFORMATION ON CASE CHARACTERISTICS COLLECTED IN THE STUDY OF THE MARYLAND DEATH  
PENALTY SYSTEM

1. Number of prior violent felony convictions (0,1,2,3+)
2. Multiple victim case
3. Any of the victims a stranger to defendant
4. Any of the victims has a criminal history
5. Defendant has a history of alcohol abuse
6. Defendant has a history of drug abuse
7. Defendant has history of mental illness/emotional problems
8. Defendant under age 21 at time of offense
9. Defendant over age 60
10. Defendant unable to control conduct due to alcohol/drugs
11. Defendant unable to control conduct due to mental/emotional problems
12. Defendant under control/influence of another person
13. Defendant's participation in crime was minor
14. Defendant claims killing was accidental
15. Defendant was physically abused as a child
16. Defendant was sexually abused as a child
17. Defendant had generally good character
18. Defendant had trouble in school
19. Defendant had trouble holding a job
20. Defendant has history of physical abuse as a child
21. Defendant has history of sexual abuse as a child
22. Defendant has spouse and/or family
23. Defendant admitted crime
24. Defendant expressed remorse for crime
25. Defendant has history of mental illness/emotional problems
26. Defendant has history of drug or alcohol use/abuse
27. Defendant has an organic brain disorder
28. Defendant maintains innocence
29. Defendant has no major criminal history
30. Defendant aided or assisted the victim
31. Defendant surrendered within 24 hours
32. Defendant was not the actual killer
33. Defendant lay in wait for/ambushed the victim
34. Defendant showed no remorse for the killing
35. Defendant expressed pleasure at the killing
36. Defendant alleged to have committed additional crimes contemporaneously
37. Defendant actively evaded arrest
38. Defendant was a fugitive for a prior violent crime



39. Defendant escaped from custody
40. Defendant implicated in other killing(s)
41. Defendant interfered with judicial process
42. Defendant has previously threatened/attempted to kill victim
43. Defendant threatened victim in front of family
44. Defendant threatened other family members
45. Defendant threatened to kill victim in advance
46. Defendant abandoned victim who might otherwise have lived
47. Defendant persisted in attack even after death was certain
48. Defendant forced his/her way into place of murder of any of the victims
49. Weapon brought to the murder scene of any of the victims
50. Any of the victims killed with a bizarre or unusual weapon
51. Any of the victims forced to beg/plead for their lives
52. Any of the victims' murder planned for more than five minutes
53. Any of the victims offered no resistance to killer
54. Any of the victims not clothed or in bedclothes at time of killing
55. Any of the victims suffered multiple trauma
56. Any of the victims bound/gagged or otherwise restrained
57. Any of the victims forced to do something against their will
58. Any of the victims held hostage prior to killing
59. Any of the victims tortured or mutilated before killing
60. Any of the victims mutilated after killing
61. Any of the victims brutally clubbed, beaten, stomped on
62. Any of the victims shot more than one time
63. Any of the victims shot in the face
64. Any of the victims killed execution style
65. Defendant tried to hide or dispose of bodies of any of the victims
66. Defendant lay in wait for any of the victims
67. Any *of* the victims stabbed many times or had throat slashed
68. There was another victim that was injured but not killed by defendant
69. Any *of* the victims killed in front of another person (not co-defendant)
70. Crime scene was described as a bloody mess or particularly gruesome
71. Any *of* the victims' murder took a long time to complete
72. Physical details of crime are unusually repulsive/horrific
73. Any of the victims bedridden or physically handicapped
74. Any *of* the victims mentally/emotionally impaired
75. Any of the victims defenseless due to youth
76. Any of the victims defenseless due to advanced age
77. Any of the victims pregnant
78. Any of the victims asleep, just awakened or in bedroom
79. Any of the victims in own house when defendant intruded
80. Any of the victims defenseless due to gross size/strength disparity
81. Any of the victims defenseless due to intoxication
82. Any of the victims defenseless due to frail condition/illness

83. Any of the victims have children or grandchildren
84. Any of the victims killed after kidnapping/abduction
85. Any of the victims verbally/physically mistreated prior to killing
86. Any of the victims dismembered before killing
87. Any *of* the victims mutilated in some way before killing
88. Any of the victims sexually abused before killing
89. Any of the victims burned before killing
90. Defendant slapped, kicked, or punched any *of* the victims before death
91. Any of the victims thrown in a body of water before being killed
92. Any of the victims subjected to unknown form of abuse before killing
93. Any of the victims dismembered after being killed
94. Any of the victims mutilated after being killed
95. Any of the victims sexually abused after killing
96. Any of the victims burned after killing
97. Defendant slapped, kicked, or punched any of the victims after death
98. Any of the victims put in the trash or dump after death
99. Any of the victims thrown in a body of water after being killed
100. Any of the victims subjected to unknown form of abuse after killing
101. Defendant made full confession to first-degree murder to police
102. Defendant made full confession to second-degree murder
103. Defendant made full confession to aggravating circumstances
104. Defendant made partial/qualified confession to first-degree murder
105. Defendant made partial/qualified confession to second-degree murder
106. Defendant made partial/qualified confession to aggravating circumstances
107. One eyewitness to the event testified
108. More than one eyewitness to the event testified
109. Physical evidence linking defendant to the crime was present
110. An informant or jail-house snitch testified against defendant
111. Defense claims case is based on circumstantial evidence
112. Defense claims state's burden of proof not met

**Statutory Aggravating Factors (Death-Noticed Cases Only; N = 327)**

**Mean/Proportion**

113. Victim was a law enforcement officer
114. Murder committed while defendant was in an institution
115. Murder committed in effort to evade capture by authorities
116. Murder committed in course of kidnapping
117. Victim was a child under the age of 12
118. Defendant carried out a contract killing
119. Defendant solicited killing
120. Defendant was serving a sentence of life imprisonment or death
121. Multiple victim murder
122. Murder committed along with carjacking/robbery/rape/arson

123. Number of Statutory Aggravating Factors Present (1, 2, 3+)

Table 2: Estimated Outcome Probability by Victim Race Controlling for Case Characteristics

| Probability of:   | White Victim | Black Victim | Ratio |
|---|--------------|--------------|-------|
| Death notice filed in all death eligible cases:         | .254         | .149         | 1.70  |
| Death notice is not retracted in death noticed cases:   | .729         | .492         | 1.48  |
| Penalty trial in non-retracted cases:                   | .899         | .793         | 1.13  |
| Probability death sentence after penalty trial:         | .432         | .382         | 1.13  |
| Probability death sentence in all death eligible cases: | .031         | .009         | 3.44  |

Table 3: Estimated Outcome Probability by Offender Race and Victim Race Controlling for Case Characteristics

|  | White Kills<br>White | White Kills<br>Black | Black Kills<br>White | Black Kills<br>Black |
|--|----------------------|----------------------|----------------------|----------------------|
| Probability of:<br>Death notice filed in all death eligible cases: | .187                 | .170                 | .336                 | .141                 |
| Death notice is not retracted in death noticed cases:              | .768                 | .423                 | .767                 | .500                 |
| Penalty trial in non-retracted cases:                              | .925                 | .928                 | .974                 | .927                 |
| Probability death sentence after penalty trial:                    | .377                 | .166                 | .457                 | .459                 |
| Probability death sentence in all death eligible cases:            | .017                 | .006                 | .041                 | .012                 |

Probability of Death Notice

- Ratio of black kills white to black kills black = 2.4 to 1
- Ratio of black kills white to white kills white = 1.8 to 1

Probability of Death Sentence

- Ratio of black kills white to black kills black = 3.4 to 1
- Ratio of black kills white to white kills white = 2.4 to 1

Table 4: Estimated Outcome Probability by County Controlling for Case Characteristics

|  | Anne<br>Arundel | Baltimore<br>City | Baltimore<br>County | Harford<br>County | Montgomery<br>County | Prince<br>George's<br>County | Other<br>Counties |
|--|-----------------|-------------------|---------------------|-------------------|----------------------|------------------------------|-------------------|
| Probability of:<br>Death notice filed in all death eligible cases: | .201            | .046              | .620                | .500              | .117                 | .381                         | .481              |
| Death notice is not retracted in death noticed cases:              | .783            | .648              | .857                | .563              | .579                 | .468                         | .561              |
| Penalty trial in non-retracted cases:                              | .965            | .911              | .946                | .849              | -----                | .847                         | .909              |
| Probability death sentence after penalty trial:                    | .441            | .466              | .537                | .548              | .209                 | .199                         | .290              |
| Probability death sentence in all death eligible cases:            | .047            | .006              | .137                | .045              | .010                 | .017                         | .055              |

Probability of Death Notice

- Ratio of Baltimore County to Baltimore City = 13.5 to 1
- Ratio of Baltimore County to Montgomery County = 5.3 to 1
- Ratio of Baltimore County to Prince George's County = 1.63 to 1
- Ratio of Harford County to Baltimore City = 10.9 to 1
- Ratio of Harford County to Montgomery County = 4.3 to 1

Probability of Death Sentence

- Ratio of Baltimore County to Baltimore City = 22.8 to 1
- Ratio of Baltimore County to Montgomery County = 13.7 to 1
- Ratio of Baltimore County to Prince George's County = 8.1 to 1
- Ratio of Harford County to Baltimore City = 7.5 to 1
- Ratio of Harford County to Montgomery County = 4.5 to 1

# SUPPLEMENTAL ANALYSES

## Supplemental Analysis by County

BALTIMORE COUNTY AND BALTIMORE CITY SEPARATELY  
[TAKES COUNTY EFFECTS OFF THE TABLE FOR ANALYSIS]

### Baltimore City

Probability of Death Imposed Controlling for Case Characteristics\*

|                           | p    | Ratio |
|---------------------------|------|-------|
| White Victim Cases        | .010 | 3.33  |
| Black Victim Cases        | .003 |       |
| Black Kills White         | .016 | 16.00 |
| Other Racial Combinations | .001 |       |

\* only 10 cases where death was imposed in Baltimore City during this time period.

### Baltimore County

Probability of Death Imposed Controlling for Case Characteristics

|                           | p   | Ratio |
|---------------------------|-----|-------|
| White Victim Cases        | .21 | 2.10  |
| Black Victim Cases        | .10 |       |
| Black Kills White         | .28 | 2.80  |
| Other Racial Combinations | .10 |       |

## Supplemental Analysis by Method, Sample, and County “Adjustments”

|                   | WITH COUNTY ADJUSTMENT |                 |
|-------------------|------------------------|-----------------|
|                   | Percent                | Percent         |
| Case Analysis     | Death Noticed          | Death Sentenced |
| Black Kills White | 46%                    | 14%             |
| Other Cases       | 30%                    | 4%              |
| Difference        | 16%                    | 10%             |

|                   |     |     |
|-------------------|-----|-----|
| Person Analysis   |     |     |
| Black Kills White | 41% | 10% |
| Other Cases       | 30% | 4%  |
| Difference        | 11% | 6%  |

|                   | WITHOUT COUNTY ADJUSTMENT |                 |
|-------------------|---------------------------|-----------------|
|                   | Percent                   | Percent         |
| Case Analysis     | Death Noticed             | Death Sentenced |
| Black Kills White | 46%                       | 14%             |
| Other Cases       | 25%                       | 3%              |
| Difference        | 21%                       | 11%             |

|                   |     |     |
|-------------------|-----|-----|
| Person Analysis   |     |     |
| Black Kills White | 41% | 10% |
| Other Cases       | 24% | 3%  |
| Difference        | 17% | 7%  |