

Jane Pierson

From: Sharpjfa@aol.com

Sent: Thursday, February 26, 2009 7:03 AM

Subject: STUDY: COST SAVINGS FROM REPEAL OF DEATH PENALTY MAY BE ELUSIVE

**To: Maryland Legislature, Prosecutors and
media throughout the region**

Forwarded by Dudley Sharp, contact info at bottom

NOTE: I think CJLF is being very generous. Not only do most, if not all, cost evaluations avoid the death penalty credit for plea bargains to life, they usually don't calculate the cost of geriatric care for lifers and, quite often, the evaluations are so biased, against the death penalty, that they don't represent anything close to a balanced review. For example, the Maryland cost review reversed the credit for the plea bargain to a life sentence.

I am not affiliated with CJLF.

CJLF

Criminal Justice Legal Foundation

PRESS RELEASE

09-05

FOR IMMEDIATE RELEASE

February 25, 2009

Michael Rushford, President
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**STUDY: COST SAVINGS FROM REPEAL OF DEATH PENALTY
MAY BE ELUSIVE**

Prior Studies Fail to Account for Savings from Guilty Pleas with Life Sentences

Legislatures expecting a large savings in trial costs from repealing the death penalty may be in for a disappointment, according to a study released today by the Sacramento-based Criminal Justice Legal Foundation. The most widely cited estimates ignore or minimize an important cost-saving effect of having the death penalty available.

In states where the death penalty is the maximum punishment, a larger number of murder defendants are willing to plead guilty and receive a life sentence. The greater cost of trials where the prosecution does seek the death penalty is offset, at least in part, by the savings from avoiding trial altogether in cases where the defendant pleads guilty. Although this effect is well known to people working in the field, there appears to be no prior study to determine the actual size of this effect.

An example of the plea bargaining effect occurred two weeks ago in Navarro County, Texas. Shaun Earl Arender confessed to the sexual assault and murder of six-year-old Hanna Mack and was sentenced to life in prison without the possibility of parole in return for avoiding the death penalty. If Texas did not have the death penalty, this case would almost certainly have gone to trial. Sentencing expert Douglas Berman of Ohio

State University notes on his blog, “I think an important and underexamined aspect of the death penalty is its impact on plea bargaining and other pre-trial aspects of the investigation and prosecution of horrible murders.”

The study released today, *The Death Penalty and Plea Bargaining of Life Sentences*, analyzed data gathered by the U.S. Bureau of Justice Statistics from 33 large urban counties. The study examined how many of the murder cases were resolved by guilty plea, how many went to trial, and how many resulted in a sentence of at least 20 years.

In states with the death penalty, the average county obtained sentences of 20 years or more in 50.7% of cases where the defendant was charged with murder and convicted of murder or voluntary manslaughter. These sentences were obtained through a guilty plea in 18.9% of the cases. In states without the death penalty, sentences of 20 years or more were obtained in 40.5% of such cases, but only 5.0% of those were guilty pleas, a little over a quarter of the number in the death penalty states.

The difference in the two groups of counties is “statistically significant,” meaning it is highly unlikely to have happened at random. A correlational study such as this cannot definitively prove that the death penalty is the cause of the difference observed, but no other explanation is apparent.

This result is consistent with a 2006 study by economist Ilyana Kuziemko, then at Harvard and now at Princeton. She found that the availability of the death penalty did not have a large effect on the total number of cases plea bargained, but without the death penalty more defendants obtained reductions to lower degrees of homicide.

Opponents of the death penalty contend that life imprisonment will serve just as well to incapacitate convicted murderers. (The separate question of deterrence remains hotly disputed.) However, incapacitation will certainly be reduced and more innocent people will be murdered if fewer defendants are actually sentenced to life in prison. Without the threat of the death penalty, either many more cases must go to trial or many more murderers will be released in the future.

In a recent, widely cited study of death penalty costs in Maryland by the Urban Institute, one-third of the cases eligible for the death penalty were resolved by a guilty plea. Yet the study’s estimate of costs makes no allowance for the possibility that percentage would drop sharply if the death penalty were repealed. Study commission reports in New Jersey and California have similarly ignored the issue or made inadequate allowance for it.

“The fact that these studies have omitted an important and obvious factor raises serious questions about their credibility,” said CJLF’s Legal Director Kent Scheidegger, the author of the study. “What else did they leave out?” To take just one example, both the Maryland and California studies calculate death row imprisonment costs on the assumption that inmates sentenced to death will live out their natural lives in prison. With an effective death penalty system executing its judgments in an average of five years, the imprisonment costs would be dramatically lower than these estimates.

“Repeal advocates are promising legislatures a pot of gold,” said Scheidegger. “That pot may be as elusive as the mythical one at the end of the rainbow, or it may be purchased with the lives of innocent people.”

CJLF Legal Director Kent Scheidegger is available for comment at (916) 446-0345.

The working paper for this study may be found on CJLF's web site at:
<http://www.cjlf.org/papers/wpaper09-01.pdf>

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Mr. Sharp has appeared on ABC, BBC, CBS, CNN, C-SPAN, FOX, NBC, NPR, PBS , VOA and many other TV and radio networks, on such programs as Nightline, The News Hour with Jim Lehrer, The O'Reilly Factor, etc., has been quoted in newspapers throughout the world and is a published author.

A former opponent of capital punishment, he has written and granted interviews about, testified on and debated the subject of the death penalty, extensively and internationally.

Pro death penalty sites

homicidesurvivors.com/categories/Dudley%20Sharp%20-%20Justice%20Matters.aspx

www.dpinfo.com
www.cjlf.org/deathpenalty/DPinformation.htm
www.clarkprosecutor.org/html/links/dplinks.htm
www.coastda.com/archives.html see Death Penalty
www.lexingtonprosecutor.com/death_penalty_debate.htm
www.prodeathpenalty.com
<http://yesdeathpenalty.googlepages.com/home2> (Sweden)
www.wesleylowe.com/cp.html

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Jane Pierson

From: Sharpjfa@aol.com
Sent: Thursday, February 26, 2009 6:36 AM
To: Tom Wright; Jane Pierson
Subject: Reply please Can Rev. Carroll Pickett be trusted "At the Death House Door"?

Dear Jane and Tom:

I didn't see this in the record. I may have missed it.

The opposition put a flyer , in the record, regarding this film, In addition, there is an anti death penalty meeting on March 8th, with Rev Pickett as the speaker. <http://www.aadp.info/>

dudley

In a message dated 2/23/2009 2:36:07 P.M. Central Standard Time, Sharpjfa writes:

**Can Rev. Carroll Pickett be trusted "At the Death House Door"?
Dudley Sharp, Justice Matters, contact info below**

**To: Film schools, festivals, institutes, websites and reviewers, worldwide .
Distributed since May, 2008**

Rev. Pickett is on a promotional tour for the anti death penalty film "At the Death House Door". It is, primarily, about the Reverend's experience ministering to 95 death row inmates executed in Texas.

Rev. Pickett's inaccuracies are many and important.

Does Rev. Pickett just make facts up as he goes along, hoping that no one fact checks, or is he just confused or ignorant?

Some of his miscues are common anti death penalty deceptions. The reverend is an anti death penalty activist.

Below are comments or paraphrases of Rev. Pickett, taken from interviews, followed by my REPLY:.

I encourage more fact checking.

1) Pickett: (In 1989) "I was so 100% certain that he couldn't have committed this crime. (Carlos) was a super person to minister to. I knew Carlos was not guilty. " "I knew (executed inmate) Carlos (De Luna) didn't do it." (1)

REPLY: There is this major problem. It appears that Rev. Pickett is, now, either lying about his own 1989 opinions or he is very confused.

In 1999, 4 years after Rev. Pickett had left his death row ministry, and he had become an anti death penalty activist, and 10 years after De Luna's execution, the reverend was asked, in a PBS Frontline interview,

"Do you think there have been some you have watched die who were strictly innocent?"

Pickett's reply: "I never felt that."(2)

For at least 15 years, Pickett never felt that any of the 95 executed were actually innocent.

This directly conflicts with his current statements on Carlos De Luna. Rev. Pickett is, now, saying that he was 100% sure of De Luna's innocence in 1989!

If he was 100% sure of DeLuna's execution in 1989, what's up with the PBS interview?.

How could Rev. Pickett forget the only "innocent" person he saw executed - he was 100% sure of his innocence - on his watch? Wouldn't anyone find that to be 100% impossible to forget, particularly when you are asked, specifically, about it during a formal interview?

When is the first confirmable date that Rev. Pickett stated he believed in DeLuna's actual innocence?

It appears the reverend has either revised history to support his new anti death penalty activism - he's lying - or he is, again, very confused. Reverend?

2) Sara Hickman, musician, anti death penalty activist, and acquaintance of Pickett's, wrote " . . . Rev. Carroll Pickett (the death row minister who witnessed 95 executions in Huntsville; he is convinced that at least 15 of those men were innocent),. . . ". (3)

Reply: In 1999 Rev. Pickett didn't believe any of those 95 executed were innocent, now, in 2008, he is convinced that 15 innocents were executed. Quite remarkable, if true.

Rev. Pickett can you tell us which 15 you are convinced were executed innocents? And what is your evidence? Or did Ms. Hickman get it wrong? Reverend?

I have inquired with Ms. Hickman (sara@sarahickman.com) and Rev Pickett (carrollpickett57@gmail.com) but, so far, no reply.

3) Introduction: In 1974, prison librarian Judy Standley and teacher Von Beseda were murdered during an 11 day prison siege and escape attempt. Ignacio Cuevas was sentenced to death, as one of three prisoners who were involved. The other two died in the shootout.

Ms. Standley and Ms. Beseda were part of Rev. Pickett's congregation, outside of prison.

Pickett: After Cuevas was executed, Rev. Pickett alleges that he met with Judy Standley's family and they told the reverend that "This (the execution) didn't bring closure." "This didn't help us." According to Rev. Pickett, "They didn't want him (Ignacio Cuevas) executed." (1)

Reply: There might be a big problem. Judy Standley's five children wrote a statement, before the execution, which stated: "We are relieved the ordeal may almost be over, but we are also aware that to some, this case represents only one of many in which, arguably, `justice delayed is justice denied," "We are hopeful the sentence will finally be carried out and that justice will at last be served," said the statement, signed by Ty, Dru, Mark, Pam and Stuart Standley. (4)

Sure seemed like the kids wanted Cuevas to be executed. Doesn't it? Reverend?

4) Pickett: spoke of the Soldier of Fortune murder for hire case, stating the husband got the death penalty, while the hired murderer got 6 years. (1)

Reply: Rev. Pickett's point, here, appears to be the unfairness of the sentence disparity. More fact problems. John Wayne Hearn, the hitman, was sentenced to life imprisonment for the murder of Sandra Black.

5) Pickett: "A great majority of them (the 95 executed inmates he ministered to) were black or Hispanic." (1)

Reply: The reverend's point, here, appears to emphasize the alleged racist nature of the death penalty. There is a problem for the reverend- the facts - the "great majority" were 47 white (49%) with 32 black (34%), and 16 Hispanic (17%).

6) Pickett: "Out of the 95 we executed only one that had a college degree. All the rest of them their education was 9th grade and under." (1)

Reply: Not even close. Rev. Pickett's point, here, seems to be that capital murderers are, almost all, idiots who can't be held responsible for their actions. But, there are more fact problems for the reverend. In a review of only 31 of the 95 cases, 5 had some college or post graduate classes and 16 were high school graduates or completed their GED. Partial review (Incomplete Count) , below.

Would Rev. Pickett tell us about the educational achievements of all the true innocent murder victims and those that weren't old enough for school?

7) Pickett: believes that, no way, could someone, so afraid of lightning and thunder, such as Carlos De Luna, use a knife (in a crime). (1)

Reply: Is the reverend not aware of DeLuna's record? In 1980, "De Luna was charged with attempted aggravated rape and driving a stolen vehicle, he pleaded no contest and was sentenced to 2 to 3 years. Paroled in May 1982, De Luna returned to Corpus Christi. Not long after, he attended a party for a former cellmate and was accused of attacking the cellmate's 53-year-old mother. She told police that De Luna broke three of her ribs with one punch, removed her underwear, pulled down his pants, then suddenly left. He was never prosecuted for the attack, but authorities sent him back to prison on a parole violation. Released again in December of that year, he came back to Corpus Christi and got a job as a concrete worker. Almost immediately, he was arrested for public intoxication. During the arrest, De Luna allegedly laughed about the wounding of a police officer months earlier and said the officer should have been killed. Two weeks after that arrest, Lopez was murdered." (Chicago Tribune) Being a long time criminal, we can presume that there were numerous additional crimes committed by De Luna and which remained unsolved.

Was De Luna capable of committing a robbery murder, even though he had big brown eyes and was scared of lightning? Of course. Rev. Pickett?

8) Pickett: speaks of how sincere hostage taker, murderer Ignacio Cuevas was. Rev. Pickett states that "between 11 and midnight (I) believe almost everything" the inmates say, because they are about to be executed. (1)

Reply: Bad judgement. Minutes later, Cuevas lied when on the gurney, stating that he was innocent. This goes to show how Rev. Pickett and many others are easily fooled by these murderers. Pickett concedes the point.

9) Pickett: "In my opinion and in the opinion of the convicts, life in prison, with no hope of parole, is a much worse punishment (than the death penalty)." "Most of these people (death row inmates) fear life in prison more than they do the possibility of execution." (5)

REPLY: More fact problems. We know that isn't the opinion of those facing a possible death sentence of those residing on death row. This gives more support to my suspicion that Rev. Pickett is putting words into the inmates' mouths.

Facts: What percentage of capital murderers seek a plea bargain to a death sentence,

rather than seeking a life sentence? Zero or close to it. They prefer long term imprisonment. What percentage of convicted capital murderers argue for execution in the penalty phase of their capital trial? Zero or close to it. They prefer long term imprisonment. What percentage of death row inmates waive their appeals and speed up the execution process? Nearly zero (less than 2%). They prefer long term imprisonment. This is not, even remotely, in dispute. How could Rev. Pickett not be aware of this? How long was he ministering to Texas' death row? 13 years? So, what? Did he just make this up?

10) Pickett: stated that "doctors can't (check the veins of inmates pending execution), it's against the law." (1)

Reply: Ridiculous. Obviously untrue.

11) Pickett: Pavulon (a paralytic) has been banned by vets but we use it on people. (1)

REPLY: This is untrue and is a common anti death penalty deception. The American Veterinary Medical Association (AVMA) states, "When used alone, these drugs (paralytics) all cause respiratory arrest before loss of consciousness, so the animal may perceive pain and distress after it is immobilized." Obviously, paralytics are never used alone in the human lethal injection process or animal euthanasia. The AVMA does not mention the specific paralytic - Pavulon - used in lethal injection for humans. These absurd claims, falsely attributed to veterinary literature, have been a bald faced lie by anti death penalty activists.

In Belgium and the Netherlands, their euthanasia protocol is as follows: A coma is first induced by intravenous administration of 20 mg/kg sodium thiopental (Nesdonal) (NOTE-the first drug in human lethal injection) in a small volume (10 ml physiological saline). Then a triple intravenous dose of a non-depolarizing neuromuscular muscle relaxant is given, such as 20 mg pancuronium bromide (Pavulon) (NOTE-the second drug, the paralytic, in human lethal injection) or 20 mg vecuronium bromide (Norcuron). The muscle relaxant should preferably be given intravenously, in order to ensure optimal availability (NOTE: as in human lethal injection). Only for pancuronium bromide (Pavulon) are there substantial indications that the agent may also be given intramuscularly in a dosage of 40 mg. (NOTE: That is how effective the second drug in human lethal injection is, that it can be given intramuscularly and still hasten death).

Just like execution/lethal injection in the US, although we give a third drug which speeds up death, even more.

12) Pickett: "Most of the inmates would ask the question, "How can Texas kill people who kill people and tell people that killing people is wrong?" That came out of inmates' mouths regularly and I think it's a pretty good question to ask." (5)

REPLY: I simply don't believe it. Most? Would that be more than 47 out of 95? 10 out of 95? Doubtful. I suspect it is no coincidence that "Why do we kill people to show that killing is wrong" has been a common anti death penalty slogan for a very long time. I suspect that Rev. Pickett has just picked it up, used it and placed it in inmate's mouths. Furthermore, we don't execute murderers to show that murder is wrong. Most folks know that murder is wrong even without a sanction.

13) Pickett: said an inmate said "its burning" "its burning", during an execution. (1)

REPLY: This may have occurred for a variety of reasons and does not appear to be an issue. It is the third drug which is noted for a burning sensation, if one were conscious during its injection. However, none of the inmates that Rev. Pickett handled were conscious after the first drug was administered. That would not be the case, here, as the burning complaints came at the very beginning of the injection process, which would involve a reaction where the burning would be quite minor. Has Rev. Pickett reviewed

the pain and suffering of the real victims - the innocent murdered ones?

Bottom line. Reverend Pickett's credibility is as high as a snakes belly.

Time to edit the movie?!

Incomplete count

this is a review of 31 out of the 95 death row inmates ministered by Rev. Pickett

21 of the 31 below had some college or post graduate classes (5)
or were high school graduates or completed their GED (16)

- 1) Brooks 12
 - 3) O'Bryan post graduate degree - dentist
 - 41 James Russel 10th
 - 42 G Green sophomore college
 - 45 David Clark 10th and GED
 - 46 Edward Ellis 10th
 - 47 Billy White 10th
 - 48 Justin May 11th
 - 49 Jesus Romero 11th and GED
 - 50 Robert Black, Jr. a pilot (probably beyond 12th)
 55. Carlos Santana 11th
 - 57 Darryl Stewart 12th
 - 58 Leonel Herrera 11th and GED
 - 60) Markum Duff Smith Post graduate College
 - 33) Carlos De Luna 9th
 - 95 Ronald Keith Allridge 10th and GED
 - 93 Noble Mays Junior in College
 - 92 Samuel Hawkins 12th
 - 91 Billy Conn Gardner 12th
 - 90 Jeffery Dean Motley 9th
 - 89 Willie Ray Williams 11th
 - 86 Jesse Jacobs 12th
 - 85 Raymond Carl Kinnamon 11th and GED
 - 84 Herman Clark sophomore college
 - 83 Warren Eugene Bridge 11th
 - 82 Walter Key Williams 12th
 - 72 Harold Barnard 12th
 - 73 Freddie Webb 11th and GED
 - 75 Larry Anderson 12th
 - 77 Stephen Nethery 12th
 - 79 Robert Drew 10th
- 1) "Chaplain Discusses 'Death House' Ministry", Interview, Legal Affairs, FRESH AIR, NPR, May 19, 2007.
 - 2) "The Execution: Interview with Reverend Carroll Pickett", PBS, FRONTLINE, 1999
[www\(DOT\)pbs.org/wgbh/pages/frontline/shows/execution/readings/pickett.html](http://www(DOT)pbs.org/wgbh/pages/frontline/shows/execution/readings/pickett.html)
 - 3) "Hickman: Texas needs to start a dialogue on the death penalty", OTHER TAKES, Austin American-Statesman, July 30, 2008
 - 4) "Appellate court refuses to stay killer's execution", Kathy Fair, HOUSTON CHRONICLE, Section A, Page 1, 2 Star edition, 05/23/1991
 - 5) THE FAILURE INTERVIEW: REVEREND CARROLL PICKETT—AUTHOR OF

**"WITHIN THESE WALLS: MEMOIRS OF A DEATH HOUSE CHAPLAIN" Interview, by
Kathleen A. Ervin
[www\(DOT\) failuremag.com/arch_history_carroll_pickett_interview.html](http://www(DOT) failuremag.com/arch_history_carroll_pickett_interview.html)**

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**Mr. Sharp has appeared on ABC, BBC, CBS, CNN, C-SPAN, FOX, NBC, NPR, PBS , VOA
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**A former opponent of capital punishment, he has written and granted interviews about,
testified on and debated the subject of the death penalty, extensively and internationally**

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