



ICPSR 21680

## Multistate Analysis of Time Consumption in Capital Appeals, 1992-2002

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User Guide



National Institute of Justice  
Data Resources Program

# ICPSR

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## **Bibliographic Description**

ICPSR Study No.: 21680

Title: Multistate Analysis of Time Consumption in Capital Appeals, 1992-2002

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## **Scope of Study**

Summary: Despite public controversy over the length of death penalty appeals, little empirical work has been done on the time allocated to the capital appeals process. The purpose of this study was to perform a multistate empirical analysis of the time expended in direct appeals of capital cases. The researchers included decisions from 14 states that they believed to be representative of the 37 states that have enforceable death penalty laws. For each of the 14 states included in the study, the researchers examined every capital case decided on direct appeal by the courts of last resort between the dates January 1, 1992, and December 31, 2002. The researchers developed a case database by examining a variety of sources. For each of the 1,676 cases in the multistate database, the research team collected time consumption data for each of the following five phases of the direct appeal process: (1) the postsentence stage, (2) the preparation stage, (3) the argument stage, (4) the decision stage, and (5) the supreme court stage. Variables include state, case characteristics, court opinion variables, dates, and time consumption variables.

Subject Term(s): appeal procedures, appellate courts, capital punishment, case processing, certiorari, death row inmates, disposition (legal), executions,

judicial decisions, murderers, sentence review, sentencing, Supreme Court decisions, state supreme courts, United States Supreme Court

Smallest Geographic Unit: state

Geographic Coverage: Arizona, Florida, Georgia, Kentucky, Missouri, Nevada, New Jersey, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, Washington, United States

Time Period: January 1, 1992 - December 31, 2002

Date(s) of Collection: 2004 - 2006

Unit of Observation: individual

Universe: All capital cases resolved on direct appeal by the court of last resort (COLR) in 14 states between January 1, 1992, and December 31, 2002. The 14 states are: Arizona, Florida, Georgia, Kentucky, Missouri, Nevada, New Jersey, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, and Washington.

Data Type: administrative records data

Data Collection Notes: Users are encouraged to refer to the final report, available from the National Criminal Justice Reference Service (NCJRS) ([Link](#)), for more detailed information regarding the study design and for complete references to publications mentioned in this description.

## Methodology

Purpose of the Study: Despite public controversy over the length of death penalty appeals, little empirical work has been done on the time allocated to the capital appeals process. The purpose of this study was to perform a multistate empirical analysis of the capital appeals process.

Study Design: This study focused on the time taken to process direct appeals of capital cases in 14 states. These direct appeals are the first stage in the capital appeals process. The researchers included decisions from 14 states that they believed to be representative of the 37 states that have enforceable death penalty laws. For each of the 14 states included in the study, the researchers examined every capital case decided on direct appeal by the courts of last resort between the dates January 1, 1992, and December 31, 2002.

The researchers developed a case database by examining a variety of sources. First, they turned to the clerk's office of each state court of last resort. Practically all of the offices had electronic docket control systems

that identified capital appeals. Second, to confirm completeness, the researchers searched the online legal databases, Westlaw and Lexis, for all years of the study. In addition, for cases decided through 1995, they reviewed the data on direct appeal produced by Liebman, et al. (2002). Once all the cases were identified, the clerks' offices provided, either electronically or through docket sheets, the dates for the completion of various steps in each appeal. Trial court sentencing dates for each case were obtained from the state supreme court clerks' offices, the trial court clerks' offices, appellate briefs, or through public information available over the World Wide Web.

Thus, for each of the 1,676 cases in the multistate database, the research team collected time consumption data for each of the following five phases of the direct appeal process:

1. the postsentence stage,
2. the preparation stage,
3. the argument stage,
4. the decision stage, and
5. the supreme court stage.

**Sample:** The sample selected to represent the universe consists of 1,676 cases. The researchers included in the study decisions from 14 states that they believed to be representative of the 37 states that have enforceable death penalty laws. For state selection, the research team relied initially on the work of Lofquist (2002). Lofquist classified states in terms of their application of the death penalty as measured by three criteria: the number of death sentences, the number of reversals, and the number of executions. He then established six categories of states, which he called Abolitionist, Inactive, Active, Symbolic, Inefficient, and Aggressive.

The researchers included in the study states from each of Lofquist's categories except the Abolitionist and the Inactive. The 12 Abolitionist states (13, if one includes New York) were excluded for the reason that they did not provide for capital punishment. The researchers also rejected the six Inactive states because the researchers concluded that they did not impose enough death sentences to permit fruitful study. The following states were chosen:

- Three Active states - Kentucky, New Jersey, and Washington
- Three Symbolic states - Nevada, Ohio, and Tennessee
- Four Inefficient states - Arizona, Georgia, Florida, and North Carolina
- Four Aggressive states - Missouri, South Carolina, Texas, and Virginia

**Weight:** None.

**Sources of Information:** Data were obtained from the following sources:

- The clerk's office of each state court of last resort
- Online legal databases (Westlaw and Nexis)
- Data on direct appeal produced by Liebman, et al. (2002)
- The state supreme court clerks' offices
- The trial court clerks' offices
- Appellate briefs
- World Wide Web

Description of Variables: Variables include state, case characteristics, court opinion variables, dates, and time consumption variables. Case characteristics include case number, case title, case citation information (volume of reporter in which decision of state court of last resort reported, reporter in which decision of state court of last resort reported, and page number of reporter on which decision begins), intermediate appellate court (IAC) review, rule/statute directed to reduce processing time of capital appeals, scope of review, state court of last resort decision to affirm or reverse trial court decision, and United States Supreme Court decision. Court opinion variables include number of concurring opinions, number of dissenting opinions, page length of majority opinion, and page length of all opinions. Date variables include capital sentencing date, notice of appeal filing date, last brief filing date, oral argument date, state court of last resort decision date (both excluding proportionality decision date for New Jersey cases and using proportionality decision date for New Jersey cases), and United States Supreme Court decision date. Time consumption variables include sentence date to state court of last resort decision date, state court of last resort decision date to United States Supreme Court decision date, sentence date to United States Supreme Court decision date, sentence date to notice of appeal filing date, sentence date to last brief filing date, notice of appeal date to last brief filing date, last brief filing date to oral argument date, oral argument date to state court of last resort decision date, notice of appeal date to state court of last resort decision date, and notice of appeal date to state court of last resort decision date.

Presence of Common Scales: None.

Extent of Processing: ICPSR checked for undocumented codes, produced a codebook and frequencies, and generated SAS, SPSS, and Stata setup files. ICPSR also reformatted the data and standardized missing data codes.

## **Access and Availability**

Extent of Collection: This data collection consists of one data file, a user guide, codebook, and data collection instrument in PDF files, as well as SAS, SPSS, and Stata setup files.



**Restrictions:** To protect respondent privacy, certain identifying information is restricted from general dissemination. Specifically, some variables that facilitate the identification of individual cases are restricted from general dissemination. Users interested in obtaining these data must complete a Restricted Data Use Agreement form and specify the reasons for the request. A copy of the Restricted Data Use Agreement form can be requested by calling 800-999-0960. Researchers can also download this form as a Portable Document Format (PDF) file from the download page associated with this dataset. Completed forms should be returned to: Director, National Archive of Criminal Justice Data, Inter-university Consortium for Political and Social Research, Institute for Social Research, P.O. Box 1248, University of Michigan, Ann Arbor, MI 48106-1248, or by fax: 734-647-8200.

**Data Format:** Logical Record Length with SAS, SPSS, and Stata setup files, SAS transport (CPORT) file, SPSS system file, Stata system file, and tab-delimited ASCII data file

**Original ICPSR Release:** 2008

**Note:** Detailed file-level information (such as LRECL, case count, and variable count) may be found in the file manifest.

## **Publications**

**Final Reports and Other Publication Resources:** A list of publications related to, or based on, this data collection can be accessed from the study's download page on the NACJD Web site or through the ICPSR Bibliography of Data-Related Literature at <http://www.icpsr.umich.edu/ICPSR/citations/index.html>. The list of citations includes links to abstracts and publications in Portable Document Format (PDF) files or text files when available.

Final reports and other publications describing research conducted on a variety of criminal justice topics are available from the National Criminal Justice Reference Service (NCJRS). NCJRS was established in 1972 by the National Institute of Justice (NIJ), an agency of the U.S. Department of Justice, to provide research findings to criminal justice professionals and researchers. NCJRS operates specialized clearinghouses that are staffed by information specialists who supply a range of reference, referral, and distribution services. Publications can be obtained from NCJRS at NIJ/NCJRS, Box 6000, Rockville, MD, 20849-6000, 800-851-3420 or 301-519-5500. TTY Service for the Hearing Impaired is 877-712-9279 (toll-free) or 301-947-8374 (local). The URL for the NCJRS Web site is:

<http://www.ncjrs.org/>

## **NIJ Data Resources Program**

About the DRP: The National Institute of Justice Data Resources Program (DRP) makes datasets from NIJ-funded research and evaluation projects available to the research community and sponsors research and training activities devoted to secondary data analysis. Datasets are archived by the National Archive of Criminal Justice Data (NACJD) at the Inter-university Consortium for Political and Social Research (ICPSR) at the University of Michigan.

The NACJD maintains a World Wide Web site with instructions for transferring files and sending messages. Criminal justice data funded by the Department of Justice are available via the Internet at this site at no charge to the user. NACJD may be contacted at NACJD/ICPSR, P.O. Box 1248, Ann Arbor, MI, 48106-1248, 800-999-0960. The URL for the NACJD Web site is:

<http://www.icpsr.umich.edu/NACJD/>

## Data Completeness Report

Notes: (1) Variables are individually listed only if they have greater than 5% missing data. These variables are listed under the appropriate percentage category in the order in which they appear in the data file. (2) The Data Completeness Report only captures information about system missing or other values that are declared missing. Codes that have a label implying that they are missing but that are not declared missing values are not reflected in this report. Data users should consult the codebook for more specific information about missing values. (3) Some variables that have 100% missing data may have been blanked by ICPSR to protect respondent confidentiality. Data users should consult the codebook for more specific information about blanked variables. (4) Data do not contain skip patterns or skip patterns are not reflected in the data as coded.

**Table 1: Distribution of Variables by Percentage of Missing Values**

Variable Name and Label (Total Cases = 1676 )	Percent of Cases with Missing Values
50.0% ( 16 of 32 variables)	have 0% Missing Values
28.1% ( 9 of 32 variables)	have 0% - 1% Missing Values
0.0% ( 0 of 32 variables)	have 1% - 3% Missing Values
12.5% ( 4 of 32 variables)	have 3% - 5% Missing Values
0.0% ( 0 of 32 variables)	have 5% - 10% Missing Values
0.0% ( 0 of 32 variables)	have 10% - 20% Missing Values
9.4% ( 3 of 32 variables)	have 20% - 40% Missing Values
SUP_CT	US SUPREME COURT DECISION DATE 31.9%
DECTOSCT	STATE COURT OF LAST RESORT DECISION DATE TO US SUPREME COURT DECISION DATE ON CERT OR MERITS (IN DAYS) 31.9%
SENTOSCT	SENTENCE TO US SUPREME COURT DECISION DATE ON CERT OR MERITS (IN DAYS) 31.9%
0.0% ( 0 of 32 variables)	have 40% - 99% Missing Values
0.0% ( 0 of 32 variables)	have 100% missing values