At the Mercy of One

A Study of Prosecutorial Preference in America's Top Death Sentencing Counties

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Senior Honors Thesis

Political Science

University of North Carolina at Chapel Hill

April 3, 2020

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Introduction

"Wantonly and so freakishly imposed … the same way that being struck by lightning is cruel and unusual." This excerpt, espoused by Justice Potter Stewart, is included in the U.S. Supreme Court's 1972 Furman v. Georgia decision to strike down capital punishment in the United States. When the practice was later reinstated, in 1976, it was under the pretense that its arbitrary and discriminatory nature had been assuaged. Since that time, the practice has increasingly become the subject of national debate. While states continue to either outlaw death sentences or impose a moratorium, differences in application are most salient at the county level. Various studies have attempted to explain these vast discrepancies, but few scholars have reached a consensus on what characteristic or other factor is the best predictor of how frequently a county will employ the practice.

Perhaps the most influential actor in the criminal justice system is a prosecutor. Scholars have written on the discretion wielded by these figures and their immense advantage over public defenders and the accused. Of course, a prosecutor is just a piece of the equation. Jurors, judges, witnesses, and defendants themselves all play a role in a sentencing outcome following a conviction. Because prosecutors are generally elected officials, the jurisdiction's electorate can have a significant impact on death sentencing rates as well. Still, very little research exists surrounding the impact of prosecutors specifically on death sentencing rates. I hope to begin to fill that gap with this project.

Making use of a combined database that features the top 30 death sentencing counties[1] in the country, this paper seeks to differentiate between the impact of county characteristics and that of the top prosecutors. Analysis, in fact, shows evidence for the effects of many variables. I

[1] The top 30 death sentencing counties include those that have imposed the most cumulative death sentences since 1976.

find that while most prosecutors do conform to county traditions and precedents set for them, there exist several outliers that substantially deviate from those patterns. The extent of power prosecutors wield that enables them to make these imprints on sentencing averages, or not, is what constitutes an important and novel finding here.

The findings included in this paper raise various questions regarding the use of capital punishment in the United States. Under the 14th Amendment, equal protection under the law is guaranteed to all persons. Has the modern death penalty satisfied the revisions required by Furman and, further, does it satisfy the equal protection clause?

Relevant Research and Precedent

Background on Capital Punishment

America's modern death penalty began in 1976 with the Supreme Court's ruling in Gregg v. Georgia. This decision struck down its previous ruling in Furman v. Georgia (1972), in which the court determined that the arbitrary nature in which the death penalty was being applied was unconstitutional. Since then, the practice has been increasingly narrowed on a national scale and dismissed entirely in multiple states. In the case of Atkins v. Virginia (2002), the court deemed capital punishment for mentally disabled persons to be unconstitutional. In 2005, they increased restriction by outlawing the death penalty for those under 18 years of age. With this narrowing, however, has also come increased geographical concentration.

As explained in Deadly Justice (2017), the Gregg decision included an often-overlooked requirement by the Supreme Court. Georgia was required to review its sentences in order to validate each as "proportionate." The state appellate courts were then tasked with enforcing proportionality review by commuting a sentence if it was found to be inconsistent with others in

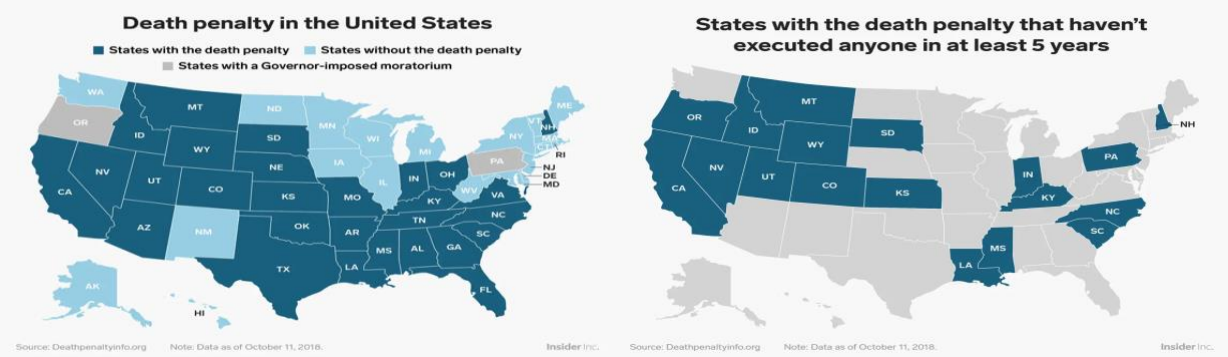
the state. According to Baumgartner et al., proportionality review has been largely abandoned by judges and lawyers alike.

The Modern Death Penalty

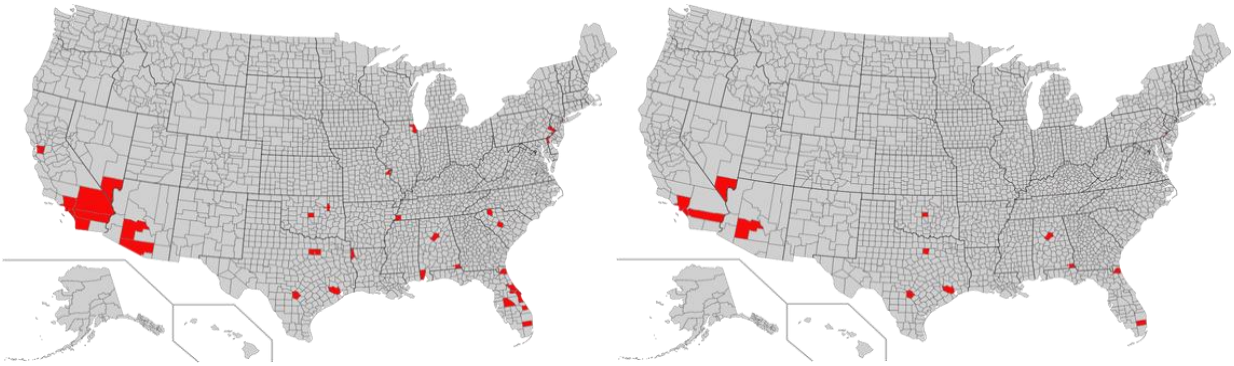
Since the death penalty's reinstatement in 1976, it has been applied arbitrarily, not only across states but within them. There is also strong evidence that death sentences are disproportionately handed down to minority groups, specifically African American men and impoverished persons. It should be noted that the court cited racial bias as a basis for initially striking down the death penalty in Furman. The ACLU reports that 55% of the death row population is people of color and in 80% of capital cases, the victim is white. For reference, 31.7% of the U.S. population was identified as African American or Hispanic in the 2019 U.S. census estimates. White victims make up roughly half of all murder victims. This disparate racial distribution appears to be a theme across crime statistics. Lofstrom and Raphael (2016) presented findings of significant decline in crime within the United States in recent decades, but found heightened populations of inmates. Adjacent to this increase, they found a higher likelihood of incarceration for low-income households, less-educated men, and African Americans. While it is not a new finding that African American men have higher incarceration rates than whites in the U.S., it is further evidence of inconsistent application across the country and across crimes.

Despite these disturbing findings, U.S. counties on average have experienced a drastic decline in death sentences in recent decades, much of which may be attributed to evolving norms. A report by the Death Penalty Information Center (2013) concluded that just 2% of U.S. counties account for the majority of the death row population. The organization also reported that 31 states had outlawed capital punishment or gone 10 years without an execution. Six additional states had not carried out an execution in five years. Gal and Mark (2018) reported on

2018 data from the Center, using the following maps[2], which show continued disparate national application.



When this illustration is reduced to the county level, the separation is even more striking. The first map in the following series, provided by Ford (2015), shows counties with five or more death sentences between 2004 and 2009. The second shows those handing down more than 10 death sentences in the same years. Since death sentencing has continued to decline in the last decade, these maps would likely look even more sparse if created today.



Kovarsky (2016) analyzed capital outcomes, or the number of death sentences and executions combined, through a series of three metrics that he developed. Using four- and five-year periods between 1996 and 2015, he demonstrated that the concentration of death sentences is increasing quickly on the national level and, further, that this pattern holds within those states

[2] At the time of the study, New Hampshire still had the practice on its books. The state abolished the death penalty in 2019.

exercising capital punishment. This finding makes a convincing argument for county-level importance as opposed to state-level. Further, Kovarsky found three county distribution characteristics to be unreflective of the geographic distribution of death sentences seen in the data: concentration of county population, distribution of homicides, and locally differentiated punishment norms.

The decline of the juvenile death penalty reveals trends in years leading up to the 2004 Roper v. Simmons decision, in which the Supreme Court deemed the execution of individuals under the age of 18 to be a constitutional violation under the Eighth Amendment. Just prior to this decision, Fagan and West (2005) studied the near absence of the juvenile death penalty. They found that the steepest decline occurred in 1999 in all states, six years prior to Roper. After controlling for alternative explanations, such as a decline in juvenile crime rates, Fagan and West argued that the drop was largely a result of developing norms or "evolving standards of decency." The three states that applied the punishment most frequently, Texas, Florida, and Alabama, accounted for over 50% of juvenile death sentences. Interestingly, the study found rates of juvenile death sentences to be correlated with rates of total death sentences. This seems to echo the findings of Baumgartner et al., which suggested that historical consistency within a jurisdiction plays a key role in future outcomes. Still, Fagan and West's findings seem to mirror current death sentencing trends and, therefore, suggest that changes in adult death sentencing are imminent.

Theories of Disparate Application

A study by Baumgartner, Box-Steffensmeier, and Campbell (2018) analyzed data from 1,422 executions across 474 counties from 1977 to 2014. Using bootstrapped kolmogorov-smirnov tests and conditional frailty models, they examined the phenomenon of event

dependency in local jurisdictions' execution rates. First, they showed that when controlling for population size, the number of homicides within a county is not correlated with the number of executions within that same county. Their major finding demonstrates that the future likelihood of an execution occurring within a county can be predicted by the number of executions that have occurred there in the past. More specifically, they showed that executions follow a power law, in which future likelihood increases proportionally to past frequency.

The authors set out to determine whether the event dependency phenomenon holds true after introducing confounding variables. They first considered certain characteristics of a county: population size, poverty rate, homicides, and "minority threat." Then, they introduced the number of previous executions carried out in that county to the equation. They found population to have an impact on death sentencing, while poverty and homicides did not. Most importantly, the findings demonstrated the significant impact of event dependence on execution rates in a given county. If county execution data appeared random, a case may be made for natural fluctuation. This data, however, presents itself as a "stretched distribution," which confirms that event dependence plays a role in frequency of county executions. Further, the authors noted that event dependence may have some effect on how legal actors behave. For instance, the knowledge of previous executions in a county may render prosecutors more confident of securing a death sentence, thereby encouraging them to seek it. It is important to note that Baumgartner et al. were exploring the effects of event dependence on executions, not death sentences, which I will be examining. Because both executions and death sentences share the increasingly salient feature of concentration, however, it is reasonable to expect them to behave similarly.

In Brandon Garrett's 2017 book, "End of Its Rope: How Killing the Death Penalty can Revive Criminal Justice," he examined the decline of the death penalty beginning in the late 1990s. Finding a correlation between murder rates and death sentencing, he concluded that the decline in murders may have impacted the decline in death sentencing within counties. He found that capital punishment is now largely absent in rural counties, possibly attributable to cost. Those that still do use the practice, he explained, tend to have relatively large black populations.

Similar to the findings of Baumgartner et al. with regard to executions, Garrett found support for the event dependency, or what he deemed "inertia," within a county. That is, it is possible to predict which counties will likely seek death in the future based on prior numbers and averages. Kovarsky may agree, as he has also written on this impact. As he found in his 2016 article, an overall decline in death sentences in the United States has been accompanied by increased concentration of those death sentences that are handed down. He attributed this phenomenon primarily to what he refers to as "local muscle memory," in which a jurisdiction develops a personality that subsequently acts as a guide in future convictions.

Prosecutorial Role

Another explanation of increasing county concentration is what I refer to as "prosecutorial preference." This theory suggests that the major decision maker in a county criminal justice system, the chief prosecutor, wields enough unbalanced discretion to impose personal decisions on sentencing outcomes, leading sentencing trends and deviations to be largely determined by one actor.

Of course, prosecutorial immunity is a steadfast rule in the United States. As a result of the 1976 decision in Imbler v. Pachtman, in which the court deemed prosecutors immune from any civil suit surrounding their actions while in office, prosecutors were effectively rendered

untouchable in cases of negligence or misconduct. In her 2019 book, "Charged," Emily Bazelon pointed to the introduction of mandatory minimum sentences in the 1980s, when fear of crime reached an all-time high, and politicians capitalized on that fear, ultimately following through with policy. These mandatory sentences, Bazelon explained, led to removing any power of a judge. The prosecutor, however, is still the determinant of the type of charge an accused person will receive.

While not many scholars have pointed to the theory of prosecutorial preference specifically, there are reports on prosecutorial conduct and discretion and the influence of these aspects on sentencing outcomes. A report by the Fair Punishment Project (2016) highlighted the careers of those individuals who the authors believed to be the top five deadliest prosecutors. In addition to the jarring number of death sentences obtained throughout their terms, the report included quotes indicating their stances on crime and punishment. Robert H. Macy, who secured 54 death sentences during his term in Oklahoma County, Oklahoma, stated that sentencing defendants to death was a "patriotic duty," and Lynne Abraham of Philadelphia, Pennsylvania, said she was "passionate" about enforcing the death penalty. Donald V. Myers of South Carolina kept a paperweight in the shape of an electric chair on his desk, while Johnny Holmes from Harris County, Texas, who oversaw 208 death sentence convictions, told the public that "if you kill someone here, the state of Texas is going to kill you." In each of the cases presented in the report, the number of death sentences is noticeably high, suggesting some truth to the theory of prosecutorial preference. These anecdotes certainly give an initial indication of evidence for the imposition of personal beliefs on sentencing trends during a prosecutor's term.

Garrett (2017) touched on the role of prosecutors as well, offering some anecdotal evidence of what he calls overzealous prosecution. He described how Johnny Holmes became

known as the "Texas Terminator" for his capital stance. He noted that just after Holmes left office in 2000, death sentences exhibited a slow decline in Harris County. Garrett attributed this to the possibility of a fading muscle memory. This finding may suggest that while a county can develop sentencing habits, the effect of the prosecutor on those habits may lead to noticeable change once that official is removed from the equation.

In his article, Kovarsky added that local actors, such as law enforcement and legal staff, possess significant discretion in determining the course and outcome of a case, which contributes to consistency across convictions within a jurisdiction. He further discussed the role of prosecutors, deeming them "perhaps the greatest source of local variation." He explained that prosecutors are often involved in every step of the capital process, from the decision to seek death to securing the death warrant. He added, however, that the prosecution, along with defense counsel, judges, and others, are only one part of the process, with numerous other actors involved to balance out the power. For instance, the jury theoretically represents a panel of peers of the accused. Kovarsky refuted the idea that jurors could affect such discrepancies, however, arguing that the level of county variation in capital outcomes is too large to result from juror differences from one county to the next within a state. Further, jurors typically must meet a standard of "death qualified" to even be considered as a juror in a capital trial. This practically guarantees a death sentence should convincing arguments be presented for its use.

While Kovarsky's study did not touch on prosecutorial misconduct, there are important findings that identify a correlation between death sentencing and malpractice. The Fair Punishment Project (2016) presented evidence showing that prosecutors with record high rates of death sentences during their term also maintained higher rates of misconduct. It provided the example of Joe Freeman Britt's term as District Attorney in Robeson County, North Carolina.

While he was District Attorney, criminals were 100 times more likely to receive a death sentence than any other randomly selected person in the United States. The report states that misconduct was found in a third of capital cases overseen by Britt. Ryan Patrick Alfond, a District Attorney in Oklahoma County, worked with a forensic scientist to falsify evidence in death sentences he sought and make misleading claims in court. Nearly all of the death sentences he oversaw were reversed. Moreover, rates within counties where the deadliest prosecutors have served show a rapid decline in rates of death sentences following their term. Consistent with the Fair Punishment Project's report, the 2% Report by the Death Penalty Information Center (2013) also found counties exhibiting the heaviest use of death sentencing to have high rates of reversal on appeal. Florida, home to the second largest death row population in the country, has freed more people than any other state. While the rates of misconduct in high sentencing counties may not seem overtly relevant to the prosecutorial preference theory, they certainly indicate an unchecked power wielded by prosecutors that may have a major impact on sentencing outcomes. This may, therefore, be further evidence for the theory.

Another study conducted by the Fair Punishment Project, in 2017, also highlighted certain prosecutors who have served or currently serve in a top 30 death sentencing county. For instance, Amy Weirich is the current District Attorney in Shelby, Tennessee, which is ranked 19th on the list of top death sentencing counties. The study ranked Shelby first in misconduct and reversal out of the 95 counties in the state. Among many examples, it reported on the instance in which Weirich was reprimanded by the state Supreme Court for withholding evidence from one defendant's attorneys—a violation of the Brady Doctrine[3]—and making "inflammatory comments" about their decision to not provide testimony.

[3] The Brady Doctrine arose from Brady v. Maryland (1963) and requires prosecutors to provide the defense with any and all exculpatory evidence.

The report also ranked Orleans Parish, Louisiana, first in the state for misconduct, citing the high number of Brady violations that have occurred in the jurisdiction. Specifically, the Project found that current District Attorney Leon Cannizarro had committed 20 instances of misconduct. Under his leadership, the District Attorney's Office has been admonished by judges and delayed the delivery of relevant evidence to the defense.

The Project ranked Orange County third for misconduct out of all California counties and second for reversals. Specifically, it highlighted the practices of Tony Rackauckas, reporting that between 1997 and 2009, there were 58 allegations of misconduct against his office. In one instance among many, a judge forbade the Orange County District Attorney's Office from playing a role in a murder trial due to its withholding of information and, subsequently, lying about it.

Prosecutors are typically allocated significantly more and higher quality resources to aid in their prosecution compared to that of the often court-appointed attorneys of defendants. This allows them to control cases with relative ease. Considering this and the low likelihood of retribution, prosecutors appear to be limited in action only by their own beliefs on fair and equal punishment.

The Current Puzzle

This paper explores a puzzle that surrounds two competing theories. The first argues that the extreme county concentration of death sentences is due to characteristics about that county, such as racial threat, homicide levels, population, and cumulative previous death sentences. The second theory, and the one that this paper puts forth, argues that, over and above all other county-level factors, the individual choices of the county prosecutor drive differences in death sentencing rates.

County Characteristics and Demographics

There are reasons to assume that county characteristics would be the main drivers of death sentencing. For instance, the highest numbers of death sentences come from high population counties: Philadelphia, Los Angeles, and Houston. Of course, it is expected that metropolitan areas with large concentrations of people would exhibit higher crime rates and, thus, impose more sentences. At the same time, there are other large metropolitan areas that do not follow the same trend and, in fact, appear to sentence less than those counties with smaller populations. It is, therefore, necessary to explore the validity of this assumption. Similar logic may follow with regard to the number of homicides in a county. With more death-eligible crimes should come more opportunities for death sentencing. Further, an argument could be made that with a high crime rate may come public pressure for harsher and more aggressive sentencing tactics.

There is substantial evidence suggesting that characteristics of a defendant can be strong predictors of whether a sentence will be handed down. With this knowledge, it logically follows that a county in which the demographics reflect those most vulnerable to the system will have a higher number of sentences compared with those that do not. Men of color typically have a higher likelihood of receiving a longer or harsher sentence, compared with their white and female counterparts. It follows, then, that counties with higher percentages of minorities would impose more death sentences than counties with smaller minority populations. On the other hand, the racial threat hypothesis may cause deviation from this pattern. The racial threat hypothesis argues that up to a certain threshold of population percentage, white citizens of a community will perceive a growing threat by the non-white population. After this threshold is

reached, the racial threat becomes null, evidently because rising exposure can lead to increased tolerance by a majority group.

Economic status of the defendant could also logically be relevant to the number of death sentences. Money pervades every part of the criminal justice system and can have a major impact on the experience of a defendant. This can begin from the moment a defendant is taken into custody, based on the ability to post bail or not. Once charges are pressed, the quality of representation received by a defendant can be entirely reliant on the amount the defendant is able to pay. With poor legal representation comes a less lenient sentence, leading counties with higher impoverished populations to encounter higher death sentencing rates. This is all to say that counties with high poverty levels may sentence at higher rates than their wealthier counterparts.

A final and major county characteristic is past sentencing trends or, specifically for the purposes of this paper, cumulative previous death sentences in a county. Various authors have presented and studied the idea of muscle memory, or inertia, in county sentencing patterns. That is the idea that over time, each county develops its own legal precedent, which is subsequently used to guide future decisions. What makes this theory unique are the various moving parts that conform to work in concert with the legal culture. The developed local legal culture can act as a guide to the prosecutors, jurors, judges, police officers, and any other actors involved in the conviction and sentencing processes. For instance, prosecutors may be more inclined to seek death if they are confident that they can secure it. This confidence derives from past sentencing within that same jurisdiction. In the same way, judges may be more likely to hand down a death sentence if they have done so in the past. Prosecutors and other elected officials would need to reflect the culture in order for its development to continue. In this way, the constituents of the jurisdiction and, therefore the jurors, would also be somewhat reflective. There are two

implications to this theory. The first suggests that certain counties will sentence consistently at higher or lower rates compared with what would be expected, simply because they have developed an identity that places a strict emphasis on law and order. The second implication supposes that a county's death sentencing trends over time will reflect event dependence—that is to say, with each death sentence handed down in the county, the likelihood of future use increases. As the legal culture continues to develop and solidify over time, counties across the country diverge and become increasingly distinct in their sentencing trends.

Prosecutorial Preference

The main contribution of this paper addresses the individual impact of the top prosecutor in a county at any given time. While the level of prosecutorial involvement varies by jurisdiction, prosecutors typically take a central role in the sentencing process of a defendant. In some instances, they are involved from the moment of the decision to indict up until seeking the death warrant (Kovarsky). Based on this, it follows that the decisions and personal beliefs of a prosecutor are likely a major factor, if not the driving force, behind a jurisdiction's sentencing trends. There is also little evidence of any check being placed on the prosecutor's decision. That is to say, there is little oversight of the actions of this individual. The validity of the prosecutorial preference theory does not erase the possibility of impact by other county-level characteristics. It does, however, rely on the idea that prosecutors can control whether county sentencing trends are maintained throughout their term. That is, the theory suggests that over and above all other relevant variable effects, individual prosecutors have a statistically significant impact on death sentencing in their county.

Hypotheses

This paper puts forth two competing hypotheses that follow logically from current knowledge of capital punishment. The first hypothesis is derived from the extreme concentration of death sentences in the United States and previous research that has shown the impact of county characteristics and tradition. The second hypothesis—which constitutes the primary contribution of this paper—relies on the idea that the role of the top county prosecutor is accompanied by an immense power that would naturally allow for significant influence on sentencing trends.

H1: Death sentencing rates will vary exclusively by county, with no independent effect of the prosecutor.

H2: Controlling for county characteristics, individual prosecutors will have an additional impact on the county death sentencing rate during their term.

Data and Research Approach

This project makes use of two datasets that have been combined to complete analysis. The first includes every death sentence handed down in the United States since 1976. Those variables for which annual information was unavailable have been computed from estimates. The Population and Poverty variables were taken from the census for 1972-2007, and intercensal years were estimated with linear interpolation. The values for 2008 and later are estimates derived by the American Community Survey. The Homicide variable is taken primarily from CDC and FBI data. For those years in which data is unavailable, predicted values are used as stand-ins. The Racial Threat variable used is computed with the following formula: $100 - |70 - \textit{whitepop}|$.

The second dataset includes a list of the top prosecutors[4] serving in the 30 counties with the highest numbers of death sentences since 1976. The prosecutor variable was collected from various sources. While some jurisdictions maintain a list of their public office history, many names had to be collected through news archives and election results. It is also important to note that some prosecutors do not serve out their entire term in cases of death, appointment to other office, or resignation. For this reason, some years saw more than one prosecutor in office. In those instances, the prosecutor serving the most months out of the year was recorded.

There are three components to the analysis for this study, each of which seeks to bolster the evidence provided by the others. First, I present an overview of the top 30 U.S. counties that have had the most death sentences in the modern era and attempt to determine the impact of population and total homicides. The second component presents the relationship and offers a visual representation of the extent to which prosecutors in each of the top 30 counties sentence at similar rates to the other prosecutors who have served in their county. In the third and most comprehensive part of the results, I present four separate models, each of which adds onto the previous. Each model estimates logistic regressions to determine which county characteristics are most salient in determining future death sentencing in a county and how those resulting coefficients are impacted with the addition of a prosecutor variable.

Analysis

Population and Total Homicides in the Top 30

The following chapter offers the first component of analysis. I present the counties that are home to the most death sentences since 1976 and examine whether a relationship exists between the county's population and number of homicides.

[4] The top prosecutor is defined as the official (typically elected) overseeing all criminal prosecution in a jurisdiction.

Table 1. Counties with Most Cumulative Death Sentences Since 1976

County State	Population	Homicides	Death Sentences	DS Rate
Los Angeles CA	9818605	54248	302	0.56
Harris TX	4092459	20090	291	1.45
Philadelphia PA	1526006	14967	187	1.25
Maricopa AZ	3817117	10296	169	1.64
Cook IL	5194675	35117	157	0.45
Miami-Dade FL	2496435	12952	111	0.86
Clark NV	1951269	5139	114	2.22
Oklahoma OK	718633	3171	114	3.59
Duval FL	864263	4628	103	2.23
Riverside CA	2189641	4053	102	2.52
Dallas TX	2368139	13472	98	0.73
Cuyahoga OH	1280122	6283	81	1.29
Orange CA	3010232	3998	81	2.03
Hamilton OH	802374	2756	70	2.54
Broward FL	1748066	4159	77	1.85
Jefferson AL	658466	5480	78	1.42
Bexar TX	1714773	6510	75	1.15
Hillsborough FL	1229226	3527	70	1.98
Shelby TN	927644	6834	70	1.02
Tarrant TX	1809034	5239	72	1.37
Pima AZ	980263	2939	64	2.18
San Bernardino CA	2035210	6241	57	0.91
Pinellas FL	916542	2003	63	3.14
Alameda CA	1510271	5541	62	1.12
Orleans LA	343829	10523	38	0.36
Orange FL	1145956	2696	49	1.82
Sacramento CA	1418788	3578	48	1.34
San Diego CA	3095313	6142	47	0.77
Mobile AL	412992	2831	46	1.62
Polk FL	602095	1335	41	3.07

Table 1 features the top 30 death sentencing counties in the modern death penalty era as of 2018; that is, those counties with the most cumulative death sentences since 1976. For comparison, it includes the county populations as of 2010, total homicides, cumulative death sentences as of 2018, and the death sentencing rate per 100 homicides. A look at this table can dispel some initial assumptions surrounding the practice. It is logical to think, for instance, that death sentencing would be highly correlated with population because with higher numbers of people would likely come higher rates of crime and, thus, more opportunities for sentencing. One might make a similar assumption about homicides. Table 1, however, provides some initial evidence for refutation of this instinctual hypothesis. If population and homicides were able to predict the number of death sentences in a county, all three variables would be in descending order. Instead, we see evidence for the idea that the effect of the county itself is substantially stronger than any fact or statistic about that county. With regard to the top three counties, population and homicides are in fact in descending order; however, that pattern quickly disappears as we move down the list. Cook County, Illinois, has a population of five million compared with Maricopa County, Arizona, which is home to three million. Cook has had more than three times the number of homicides and, yet, Maricopa has had 12 death sentences more than Cook. We see the highest death sentencing rate in Oklahoma County, where the population doesn't quite reach 720,000 people and where there have been just over 3,000 total homicides. That county has handed down 114 death sentences. That number is close to twice the number handed down in Alameda County, California, home to Oakland, where the population is more than 1.5 million and where there have been over 5,000 homicides.

Map 1. Top 30 Death Sentencing Counties

Map 1 gives a visual depiction of where the top 30 death sentencing counties are located. Evidently, the map is quite sparse, but California, Florida, and Texas house a large portion of these counties. As mentioned, equal protection under the law primarily applies within states, not across them. So, while interstate comparisons help illustrate national disparity, intrastate comparisons are the best determinant of whether the requirements of Gregg are being honored. California and Florida together make up 14—or just about half—of the top 30 death sentencing counties, with seven spots on the list each. California's death sentencing rate in those counties—Los Angeles, San Diego, San Bernardino, Alameda, Sacramento, Orange, and Riverside—are .56, .77, .91, 1.12, 1.34, 2.03, and 2.52, respectively. That means someone who commits a death-eligible crime in Riverside is more than twice as likely to receive a death sentence as someone committing a crime in Los Angeles.

We can conduct a similar analysis in Florida, home to Polk and Pinellas, which are the second and third highest death sentencing rates on our list. In Miami, Orange, Broward, Hillsborough, Duval, Polk, and Pinellas, death sentencing occurred at rates of .86, 1.82, 1.85, 1.98, 2.23, 3.07, and 3.14 respectively. These differences are even more drastic than those within California. In Pinellas, Florida, a county with only 2,003 homicides since 1976, a person is more than three times as likely to receive a death sentence as someone who committed the same crime in Miami, where 12,952 homicides have occurred in that same time period.

Overall, we see death sentencing rates in Table 1 go from .36 in Orleans Parish to 3.59 in Oklahoma County, with two states making up about half of the list. Evidently, the practice is not being applied in a remotely equal manner.

Table 2. Correlation Matrix (Death Sentences, Population, Homicides)

	DSentences.	Pop.	Homs.
DSentences	1.0000		
Population	0.4121	1.0000	
Homicides	0.5116	0.8219	1.0000

Figure 1. Death Sentences by Cumulative County Homicides

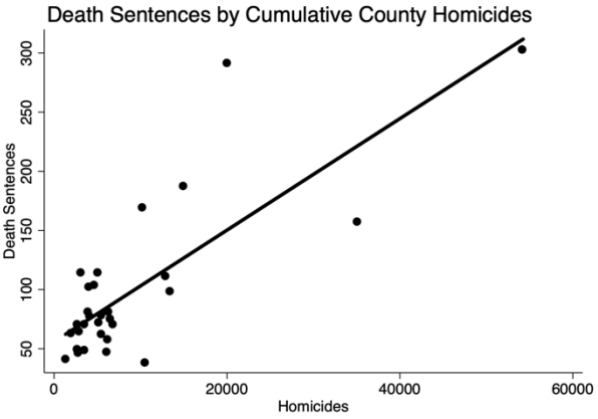
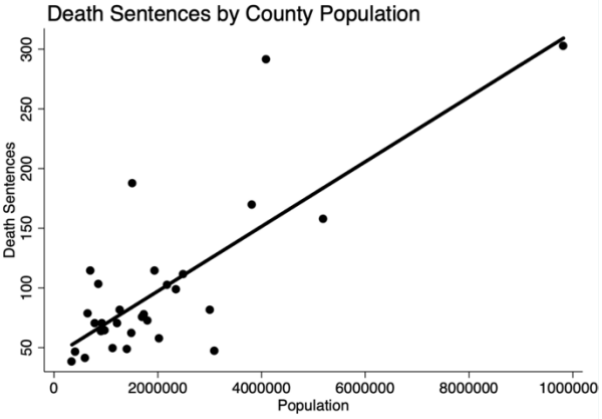


Figure 2. Death Sentences by County Population



Overall, Table 1 offers little evidence of any significant correlation between death sentencing, and population and homicide numbers in a county. I confirm this minimal correlation in Table 2 by running a simple analysis with the annual data for those counties on the top 30 list. While the correlation between Death Sentences and Homicides reaches just over 50%,

population can only account for about 40% of Death Sentences. The scatterplots shown in Figure 1 and Figure 2 offer a visual representation of these correlations and outliers.

This chapter of analysis has offered an overview of the relationship among death sentencing, county population, and homicides. I have established that the top 30 list contains counties with characteristics that vary widely and, thus, found there to be only a mild correlation among these variables. In other words, this section has shown there to be a significant number of sentences that cannot be predicted using population and homicide variables, thereby requiring further analysis.

Prosecutorial Impact

By presenting a number of analyses designed to test prosecutorial impact, the following section of results attempts to account for the discrepancy established in the previous chapter. I will present the levels of similarity among death sentencing rates overseen by prosecutors who have served in the same county.

Figure 3. Prosecutors Compared with Others in their Same County.

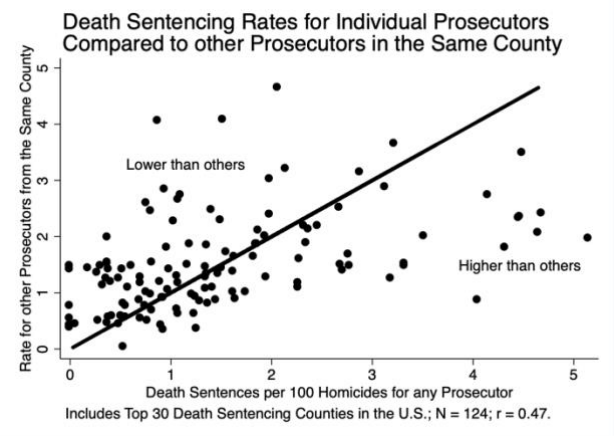


Figure 3 illustrates the relationship between the rate of death sentencing under one prosecutor and that of other prosecutors in the same county. In an initial analysis, we see a correlation of .47 between prosecutors and their peers. With this mid-level correlation value and illustration, we can conclude that there are a substantial number of prosecutors who are deviating

from the patterns of their predecessors and successors. This is evidence for my theory regarding individual prosecutorial impact. If each prosecutor had very little impact and county tradition was the most intense predictor, we would see the majority of points congregating around the correlation line. Of course, this result also shows that there are a number of prosecutors who do in fact align with their predecessors and successors. Still, the fact that it is clearly possible for a prosecutor to impose deviation in sentencing rates is what this study deems important. That is, regardless of whether they do in fact impact the overall county average, the power of a prosecutor to choose to do so or not is the relevant finding.

It should be noted that the analysis presented in Figure 3 does not consider year effects. We know that certain eras in American history have been accompanied by higher and harsher sentences.

Figure 4. National Death Sentencing Trends in the Modern Period

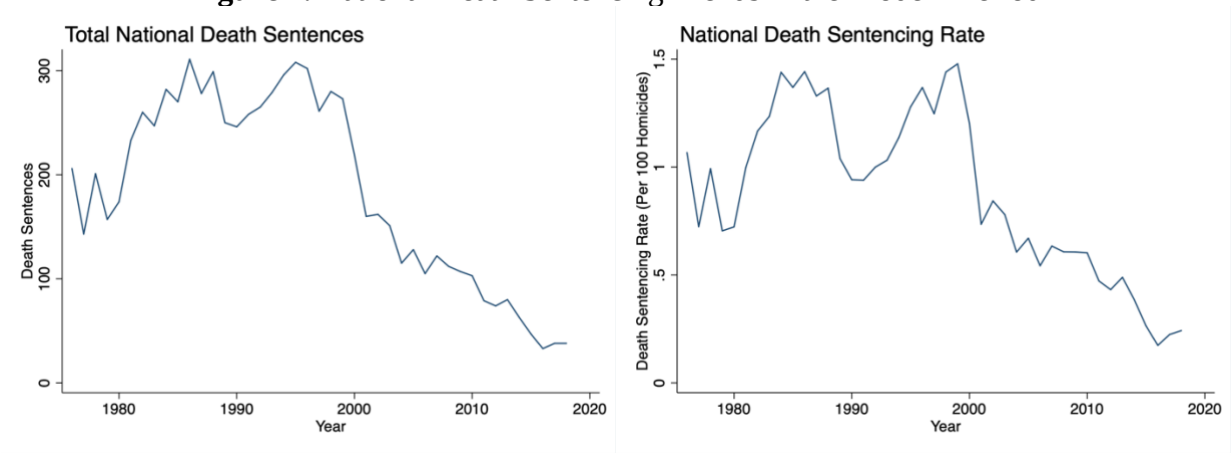
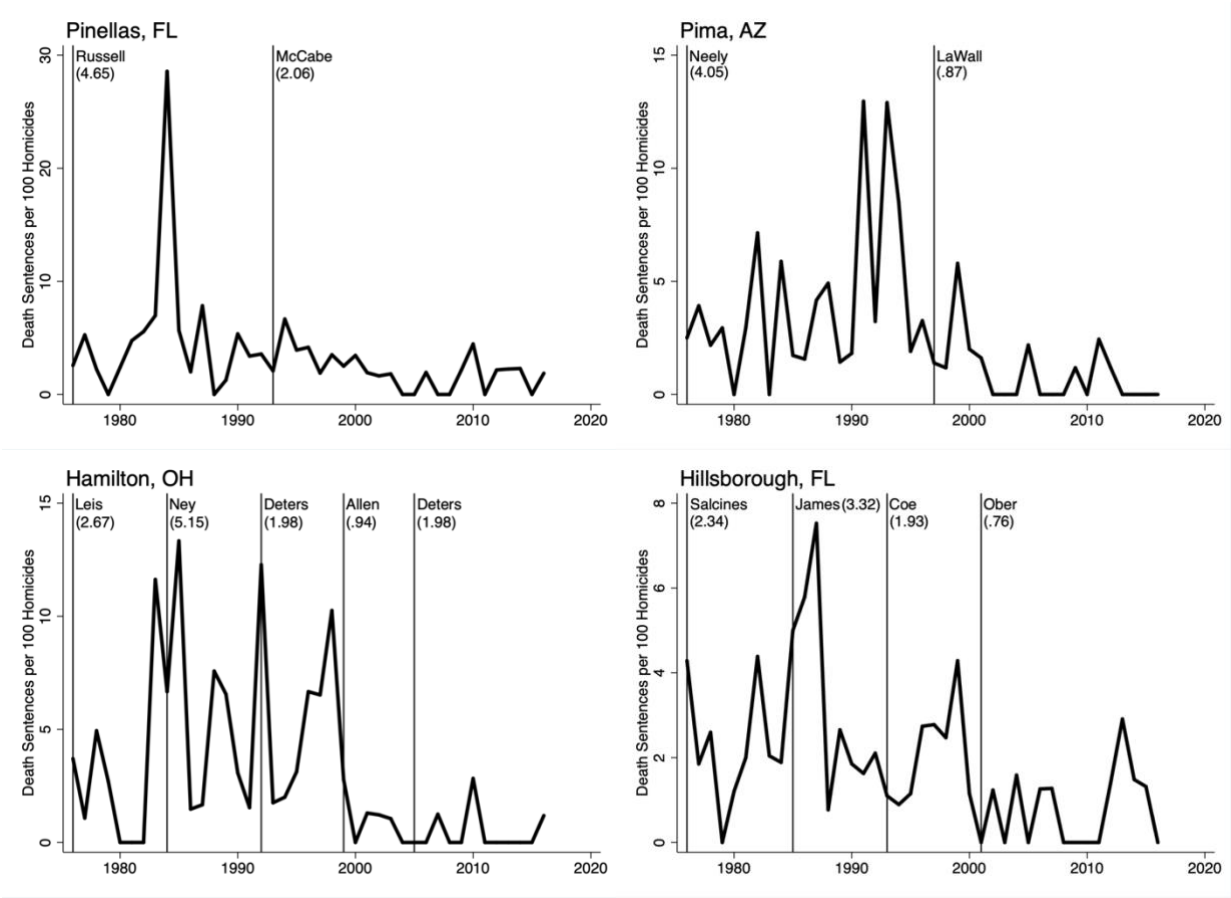


Figure 4 exhibits the highest sentencing times in U.S. history, occurring primarily in the mid-1980s and mid-1990s. As discussed by Emily Bazelon (2019), the 1980s were accompanied by a rise in mandatory minimum sentences, leading to generally harsher practices. A later high-sentencing time period took place in the mid- to late 1990s and was largely driven by the 1994

Crime Bill[5], which left a legacy of mass incarceration still evident today. The impact stretched far beyond the bill itself and into the minds of Americans, who would subsequently vote for leaders who competed for title of "tough on crime." That is to say, year effects can be quite significant in evaluating sentencing patterns and will be relevant in the following county illustrations.

Figure 5. Most Salient Prosecutorial Impact



[5] The 1994 Crime Bill refers to the Violent Crime Control and Law Enforcement Act.

Figure 5 Cont.

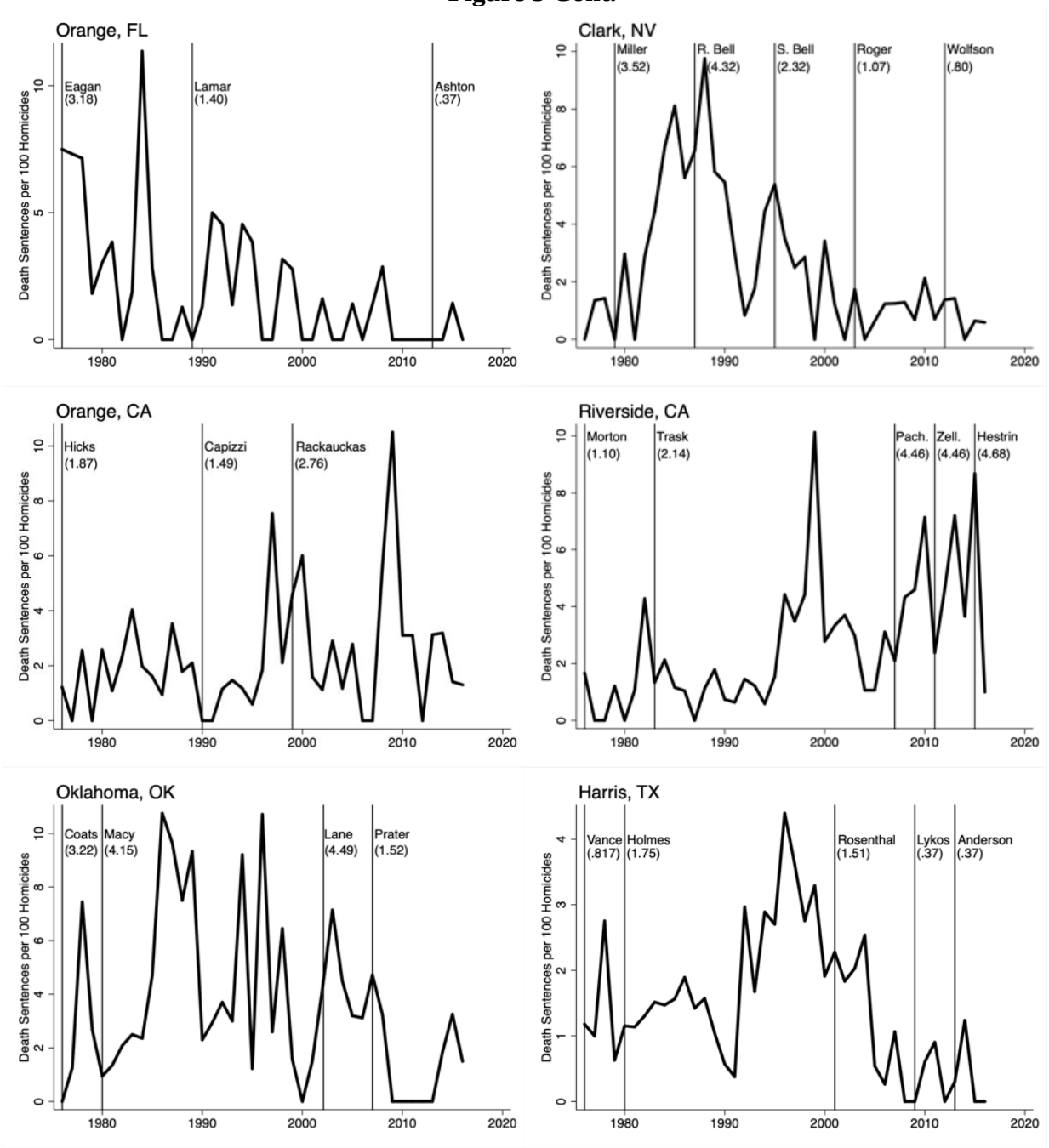


Figure 5 Cont.

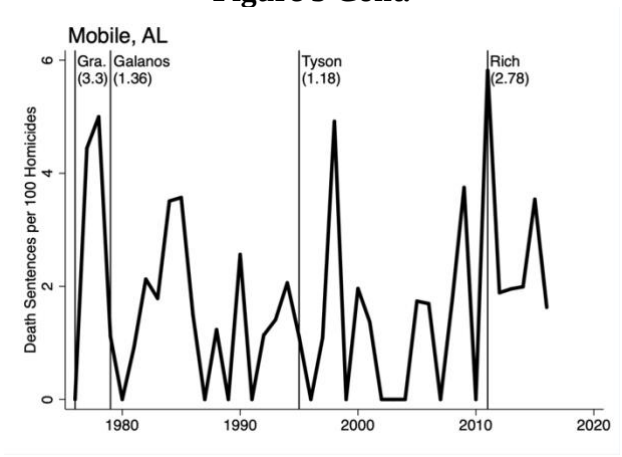


Figure 5 illustrates the most salient impacts of prosecutors in the top 30 sample. In Pinellas County, Florida, James Russell exhibits more than double the death sentencing rate of his successor, Bernie McCabe. Importantly, McCabe was sworn in as national rates began to rise and, yet, he maintained a consistently low rate during his time in office.

We see quite a similar—but even more dramatic—shift in Pima, Arizona, where Barbara LaWall cut the county rate to one-fourth that of her predecessor, Stephen Neely. The timing of the 1990s spikes in Neely's term does align somewhat with national trends, while LaWall took office near the beginning of a national downturn in rates. Nonetheless, the drastic change in rate between prosecutors clearly shows an impact.

The pattern of death sentencing in Hamilton County, Ohio, exhibits significant deviation among prosecutors. Arthur Ney used the practice at a rate of 5.15 per 100 homicides, more than 2.5 times that of his successor, Joseph Deters, who also served during a peak in national death sentencing. This case enables us to take a unique look at the impact of national trends on county prosecutorial behavior. While Deters reached 10 death sentences per 100 homicides at one point during his first term, he barely reached a rate of 2.5 per 100 during his second term. Still, even in his second term, Deters deviated from his predecessor, Michael Allen, by raising the death sentencing rate in the midst of a national decline.

A similar downward trend occurred in Hillsborough, Florida, when Harry Coe substantially deviated from the trend of his predecessor, Bill James. Just after the national trend had begun to descend, Mark Ober took office in Hillsborough and the county's sentencing rate dropped below 1 sentence per 100 homicides. We see a similar 1985 spike followed by a downturn in the 1990s in Orange, Florida, where Robert Eagan sentenced at a rate of over 10 per 100 homicides. His successor, Lawson Lamar, cut that rate in half despite holding office at the height of national sentencing. Surprisingly, his sentencing rate also remained consistent throughout the 2000s until the final years of his term, during which there were no death sentences. An instance of the county trend aligning with a national rate is also illustrated in Clark, Nevada. The highest sentencing occurred in the late 1980s, when prosecutor Rex Bell sentenced at a record high rate before his successors oversaw a steady decline. Still, in the mid-1990s, Stewart Bell oversaw a spike in sentencing, similar to national trends.

Some of the most revealing evidence for the impact of an individual prosecutor comes out of Orange, California, which has followed practically the opposite pattern of the national death sentencing trend in the modern era of the practice. Michael Capizzi secured death sentences at a rate of less than 2 per 100 homicides, with his lowest rates occurring in the early 1990s. His successor, Tony Rackauckas, oversaw the county's highest death sentencing rate of the modern era in 2010 as the national rate hit its lowest point since the practice was reinstated. It is relevant to note that Rackauckas was identified by the Fair Punishment Project (2017) as an overzealous prosecutor who oversaw high rates of misconduct during his term. This offers evidence for the ability of prosecutors to make sentencing trends conform to their beliefs. The pattern in Orange occurred to a lesser degree in neighboring California county Riverside, where the highest rates—by more than double—were overseen by the three prosecutors elected since

2008. Prior to that, Grover Trask maintained a rate of 2.14, despite serving during both heights of national sentencing.

Oklahoma County is home to Bob Macy, who is considered one of the deadliest prosecutors in history. While Macy certainly accounted for a large portion of Oklahoma's death row, this seems to result largely from the length of his term. His successor, Wes Lane, who served for only a fraction of the length of Macy's term and as national death sentencing rates were at an all-time low, managed to garner a higher death sentencing rate. Lane served under Macy before taking over after his retirement. While Macy's legacy may have influenced that of Lane, David Prater immediately oversaw a steep decline in the county's rate after being sworn in, demonstrating significant impact.

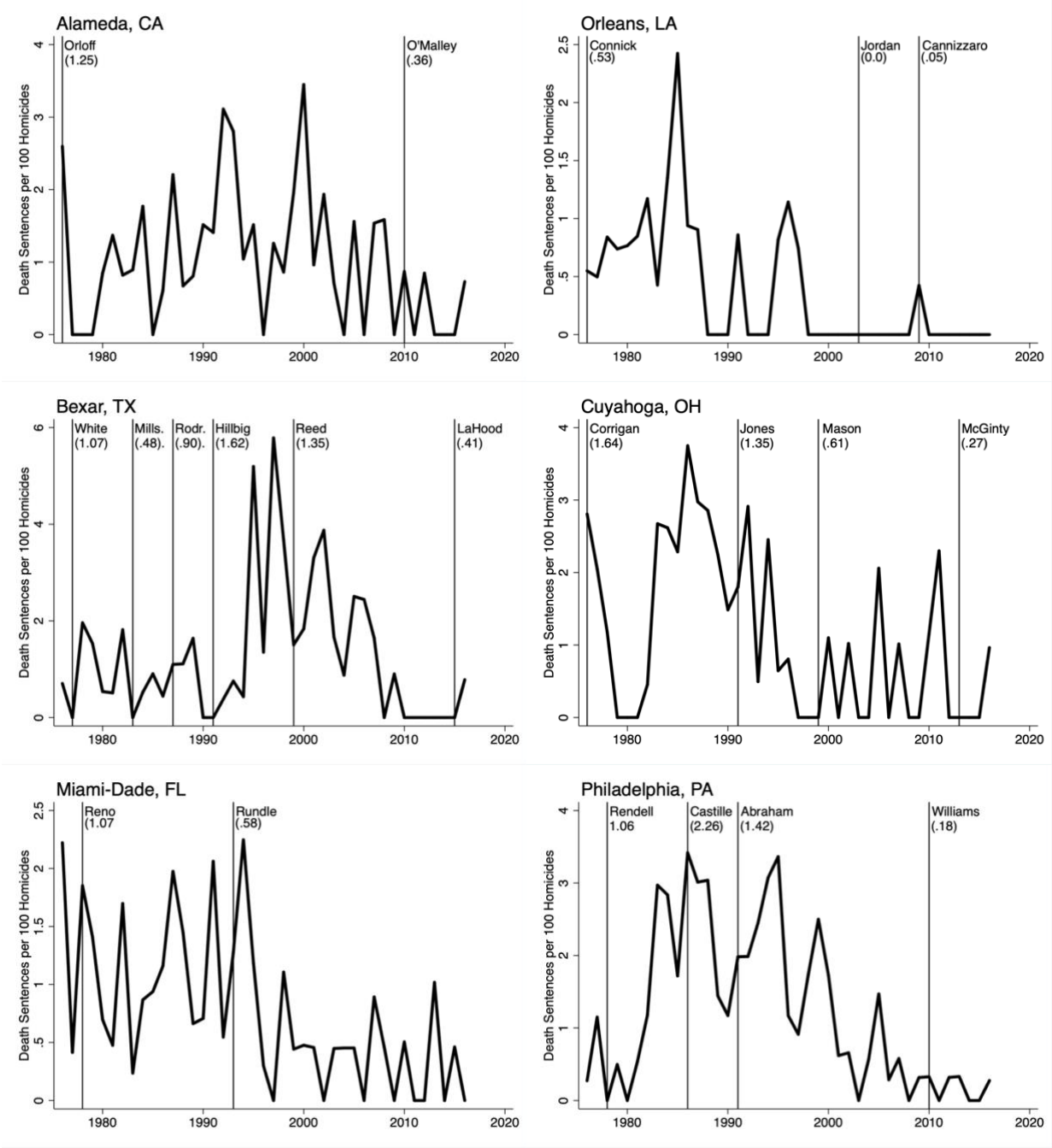
A similar picture is painted in Harris[6], Texas—a county that was also home to an infamous prosecutor, Johnny Holmes. Similar to Macy, a large amount of Texas death sentences can be traced back to Holmes' office. His death sentencing rate over his 20-plus-year term, however, is far from the most aggressive we've seen, especially considering the eras in which he held office. Holmes' legacy carried over to Chuck Rosenthal, who maintained a similar rate throughout his term in the 2000s. A substantial drop subsequently followed their departures when Pat Lykos laid a new legacy for the jurisdiction.

Mobile, Alabama, presents quite an interesting case as well. When he took office in 1979, Chris Galanos made a substantial impact on the county sentencing rate by cutting it to more than half that of his predecessor, Charles Graddick. Galanos' successor, John Tyson Jr., followed his lead, sentencing at a rate of barely more than one per 100 homicides. The most recent prosecutor, Ashley Rich, has overseen aggressive sentencing and brought the rate back up close to that of

[6] Kenneth Magidson, who only served for 11 months in 2008, was excluded from Harris County illustration.

Graddick, who left office in 1978. While Tyson's term may be evidence of county tradition, Rich has certainly challenged that and offered support for the theory of prosecutorial preference.

Figure 6. Mild Prosecutorial Impact



The next grouping of counties from the top 30 are featured in Figure 6 and includes those counties showing a less dramatic prosecutorial influence compared with those in Figure 5, while

still displaying some. The counties shown, however, do exhibit a slight tendency to follow national death sentencing trends. In Alameda, California, Thomas Orloff clearly made an impact by overseeing the county's highest rate in 2000 when death sentencing on the national level was declining. Shortly after, however, his sentencing rate decreased to almost half that peak. Nancy O'Malley then cut the county's rate to less than 1 per 100 homicides as the national trend continued to decline.

While Orleans Parish has maintained a relatively low death sentencing rate, it has still seen a proportionately large decline since the 1990s sentencing period. Harry Connick Sr. interestingly hit his highest sentencing rate in the mid-1980s before cutting that rate by more than half during the next national height. By the end of his term, however, he was not securing any death sentences, setting a precedent that his successor, Eddie Jordan, followed, as did Leon Cannizzaro, Jordan's successor. The case of Orleans illustrates the point that even in counties where prosecutors adhere to national trends, those individuals can still have a significant impact on county rates.

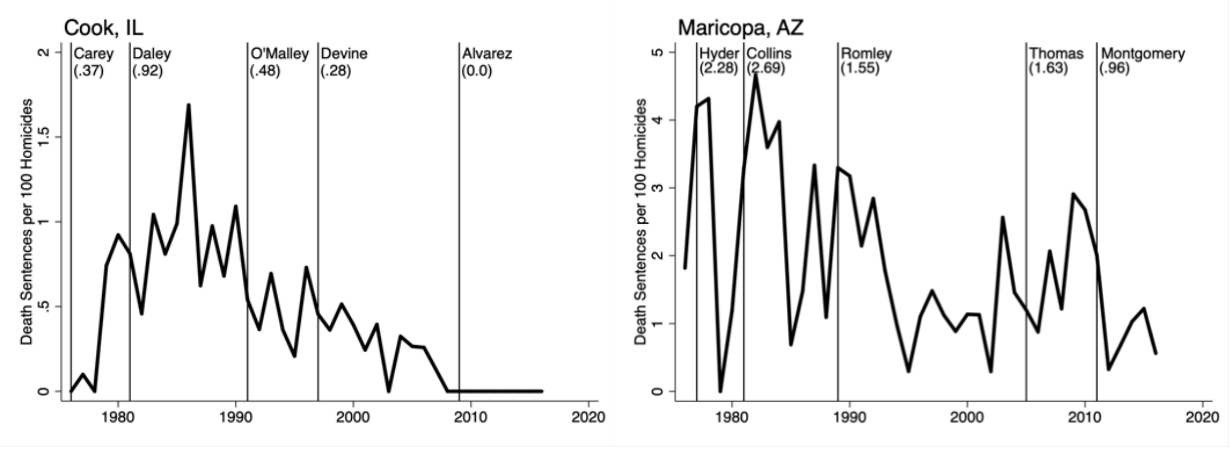
Death sentencing in Bexar County, Texas, has followed the national trend quite closely, with peak rates occurring during Steve Hillbig's term, just after the peak in the national rate. Still, Hillbig almost tripled the rate of his predecessors in the mid-1990s. Cuyahoga County, Ohio, has also seen a steady decline mirroring that of the national rate. Interestingly, however, death sentencing rates under Stephanie Jones declined significantly throughout the 1990s, and the peaks of her term were still lower than those of her predecessor, John Corrigan. Nonetheless, the two most recent Cuyahoga prosecutors, Tim McGinty and William Mason, have maintained substantially lower rates than their predecessors. It is still important to note that sentencing peaks

occurring during Mason's term are a virtual match for certain years of Jones', indicating a likely influence by the latter.

While death sentencing rates in Miami-Dade County[7], Florida, are relatively low compared with others on the list, we see a distinct shift in the practice when Katherine Rundle takes office in the mid-1990s. While the rate peaked during her first year in office, she averaged a rate nearly half that of her predecessor, Janet Reno. It is still important to note, of course, that the rate mirrors the pattern of national death sentencing. At the same time, Reno maintained a relatively consistent rate throughout her term, even throughout high sentencing periods.

Philadelphia[8] similarly saw its death sentencing rate rise and fall with the national trends. Still, Ron Castille and Lynne Abraham—another infamously zealous prosecutor—oversaw peaks in the rate hovering just over 3 per 100 homicides. Despite Abraham's reputation, she maintained an average rate lower than that of her predecessor, even during intense national peaks. While sentencing under her office declined steadily throughout the 2000s, Seth Williams made quite an impact in 2010 when the county rate reached nearly zero.

Figure 7. Minimal Adherence to National Trends



[7] Richard Gerstein, who served through 1977, was excluded from Miami illustration.
[8] F. Emmett Fitzpatrick, who served through 1977, was excluded from Philadelphia illustration.

Figure 7 Cont.

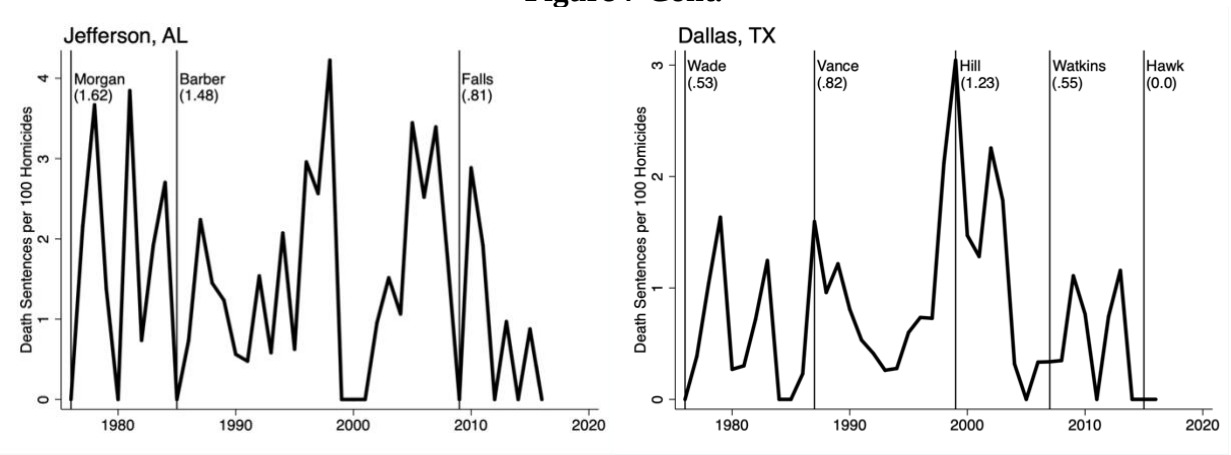


Figure 7 displays the counties that have had some individual impact by prosecutors but minimal alignment with national trends. Cook County[9] experienced a steady decline until the practice was outlawed in 2011, with the only substantial county peak occurring during Richard Daley's term in the 1980s. National sentencing trends in the 1990s were just as high—and at certain points higher—than those in the 1980s. Jack O'Malley, who served in the 1990s, barely sentenced over .5 per 100 homicides, indicating the presence of individual impact. We see a similar case in Maricopa[10], where Richard Romley served during the height of national death sentencing and, yet, had an average rate significantly lower than that of his predecessor, Tom Collins. In fact, Romley's successor, Andrew Thomas—who served as national death sentencing was steeply declining—had a higher rate.

Prosecutors in Jefferson, Alabama, have maintained relatively similar rates to one another, even when accounting for national trends. David Barber, who served during both national peaks, maintained a rate lower than his successor, who served just after the practice's reinstatement in 1976. Aside from one high sentencing year just before 2000, when Barber used the death penalty at a rate of over 4 per 100 homicides, the rest of his term looks quite similar to

[9] Cecil A. Partee, who served from mid-1989 through late 1990, was excluded from Cook illustration.
[10] Richard Romley's second term, which lasted about six months in 2010, was excluded from Maricopa illustration.

that of his successor, Brandon Falls—who has sentenced at a rate of less than 1 per 100 homicides since taking office just prior to 2010.

The final county in this series, Dallas, Texas, has followed national trends quite minimally. The county's highest rates occurred under Bill Hill, who served during the nation's decline in the 2000s. Dallas surprisingly hit one of its lowest rates during the national height in the early to mid-1990s. Chris Watkins, who served from 2008 to 2012, oversaw a rate virtually the same as that in the 1980s under Henry Wade, providing evidence for some prosecutorial preference.

Figure 8. Consistent County Rates

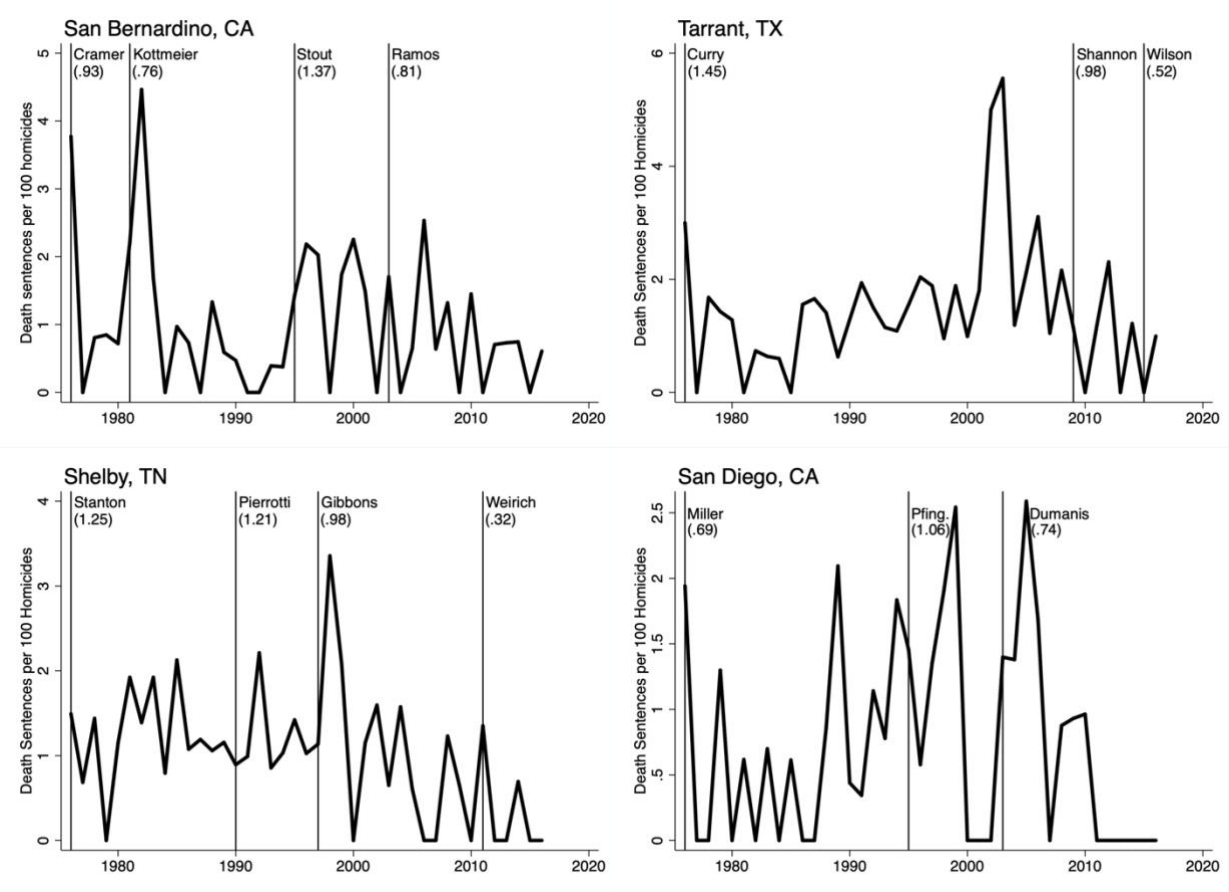


Figure 8 Cont.

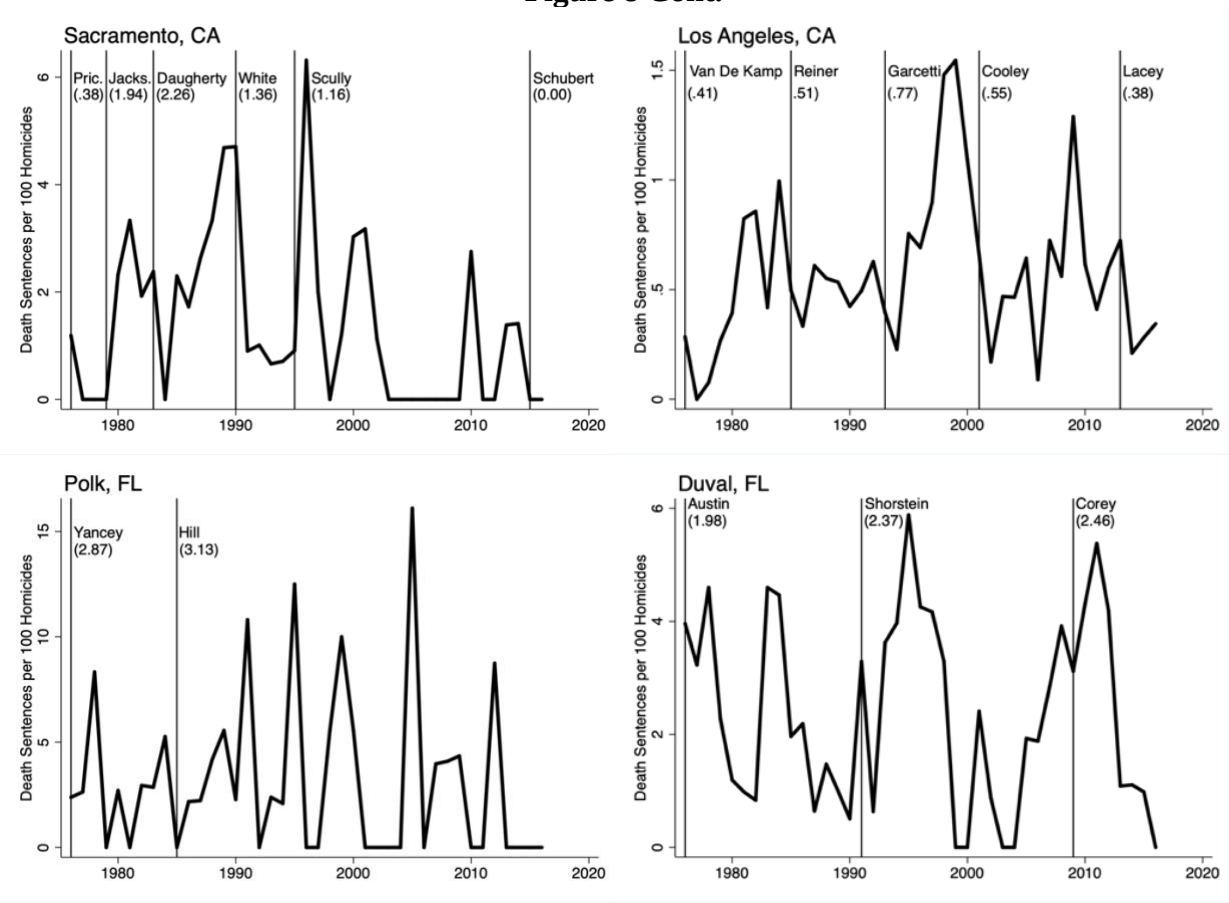


Figure 8 shows those jurisdictions where individual prosecutors have had very minimal—if any—impact; that is, the county rate has remained relatively consistent throughout the modern period. In San Bernardino, California, rates of each prosecutor have all hovered close to 1 per 100 homicides. Michael Ramos, in fact, has maintained a rate virtually identical to that of David Kottmeier, who served from 1981 to 1994.

For Tarrant County, Texas, the graph shows very few deviations from county trends, except in the early 2000s when Tim Curry sentenced at a rate of nearly 6 per 100 homicides. This consistency is especially surprising considering that the rate in Tarrant barely shows any influence of the national trends until very recently.

We see a similar recent drop but otherwise consistent tradition over time in Shelby, Tennessee. Until 2010, when the average rate fell to .32 under Amy Weirich, the rate hovered

around one sentence per 100 homicides. Weirich's impact is surprising, considering the Fair Punishment Project ranked her first for misconduct in Tennessee. Distinguishing itself from Tarrant in regard to the national trend, Shelby shows a recognizable spike in 1992 as aggressive sentencing trends were beginning to rise around the country. While Bill Gibbons maintained a consistent rate around 1 per 100 homicides throughout his term, he oversaw more than triple that rate in his first year in office. This indicates a slight individual impact and also serves as evidence for the possibility of initially aggressive sentencing after an election or appointment in order to make good on "tough on crime" promises made during campaigns. Patterns in San Diego also mimic those of Shelby, as all three prosecutors maintained rates that hovered around 1 per 100 homicides.

Similar to prosecutors in Shelby, those in Sacramento maintained relatively consistent rates in the modern period, with the exception of John Daugherty. Steve White, however, who served in the early 1990s, barely sentenced at a rate above 1 per 100 homicides. Of note is Jan Scully's rate during her first year of office, when she sentenced at a rate of 6 per 100, substantially higher than any other year of her term. Again, this indicates the presence of a first-year effect similar to that of Bill Gibbons in Shelby.

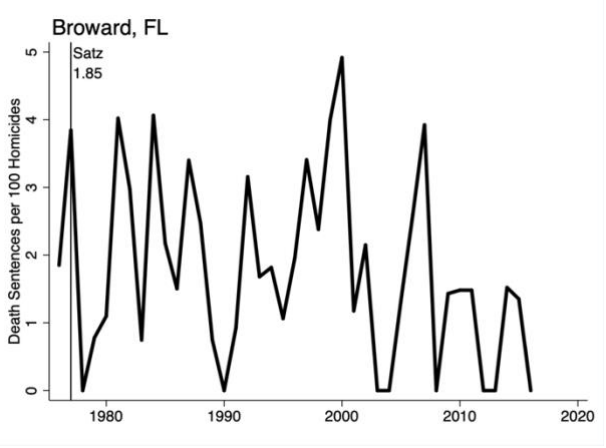
Despite being the county with the highest number of death sentences in the country, Los Angeles[11] has maintained some of the lowest sentencing rates of the top counties. Since 1976, no prosecutor has sentenced at a rate over 1 per 100 on average. The most aggressive sentencing year was 1999, under Gil Garcetti, with a rate of 1.5 per 100 homicides. Los Angeles is evidence of death sentencing tradition taking place on a county level and provides a counter example to the theory of individual prosecutorial impact. Patterns in Polk County echo similar evidence. The

[11] Robert Philibosian, who served from 1983 through late 1984, was excluded from Los Angeles illustration.

Florida jurisdiction exhibits the third highest death sentencing rate on the top 30 list. This aggressive use of the practice has been consistent throughout the modern era under both prosecutors. Interestingly, the rate remained consistent even in times of heightened national sentencing.

The prosecutors in the final county of this series, Duval, Florida, maintained average rates consistent with one another, but also displayed inconsistent patterns within their terms. Both Harry Shorstein and Angela Corey sentenced aggressively in the beginning of their terms, each hitting a rate more than double that of what their average rate would come out to. This is further evidence of the impact of campaigning and public scrutiny on prosecutors early in their terms.

Figure 9. Broward County, Florida



The final illustration includes only one county, Broward, in which a single prosecutor has held office since 1977. The patterns throughout Michael Satz's term demonstrate the fluctuation that can surround the practice. At the same time, however, the peaks of sentencing all congregate around similar numbers until about the last decade and with the exception of 2000. The consistency in Broward suggests an adherence to precedent, all overseen by Satz in the modern era of the practice.

This chapter of analysis on prosecutorial impact has shown there to be numerous counties in which prosecutors deviate substantially from one another in death sentencing rates. The combination of the first three sections of results have offered a bivariate, preliminary analysis. While population, number of homicides, and the individual prosecutor do all appear to impact the county sentencing rate to a certain extent, regression analysis is necessary to determine statistical significance. The key question pertaining to this study is whether—controlling for relevant county factors—prosecutors have an additional effect on county death sentencing patterns.

Regression Analysis

In this final and most comprehensive chapter of analysis, I will present the results of a regression to determine which variables are the most relevant in predicting death sentencing trends in a county. The regression will show the statistical significance of the multiple variables I have explored in the previous chapters. Most importantly, the model will offer a definitive answer regarding whether prosecutors account for an additional impact on county trends.

Table 3. Regression Estimation Results

	(1)	(2)	(3)	(4)
	Baseline	County Fixed Effects	Prosecutors with 4 Years of Service	Prosecutor Included
Homicides	0.342***	0.115	0.125	-0.0730
	(9.01)	(1.64)	(1.80)	(-0.80)
Total Population (Log)	0.350*	2.723***	2.644***	3.402***
	(2.37)	(6.35)	(6.11)	(4.04)
Cumulative Death Sentences	0.0998***	-0.167***	-0.145***	-0.172**

	(5.93)	(-6.15)	(-5.22)	(-2.94)
Racial Threat	1.279	-6.504***	-6.443***	-4.289
	(1.47)	(-4.08)	(-4.07)	(-1.87)
Poverty	0.456**	-0.0650	-0.0132	0.105
	(3.29)	(-0.44)	(-0.09)	(0.45)
National Death Sentences	0.00998***	0.0109***	0.0106***	0.0107***
	(10.34)	(11.50)	(11.15)	(9.34)
_Constant	-7.227***	-30.20***	-29.28***	-41.15***
	(-3.83)	(-5.96)	(-5.70)	(-3.95)
$R2$	0.383	0.493	0.499	0.585
N	1195	1195	1174	1174

t statistics in parentheses
* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 3[12] presents the results of estimating logistic regressions for four different models. The first model is a baseline that includes the most salient predictors of death sentences in one of the top 30 death sentencing counties. As may be expected, homicides do have a significant impact on whether a county will use the practice. The number of death sentences a county has imposed in the past also has a substantial impact on whether that county will impose another in the future. This is evidence for the county momentum or personality theory. Poverty has a statistically significant impact that is similar to the previous variables. Racial threat is a significant predictor as well. Racial threat[13] is the idea that up to a certain threshold, as the minority population increases, sentencing will become harsher as the white population senses a threat. Finally, the number of total death sentences in the U.S. does in fact have a major impact on county-level sentencing trends.

[12] For full regression results, see appendix.
[13] The value of racial threat is computed with the following formula: $100 - |70 - \textit{white population}|$.

The second model adds in county fixed effects to the analysis. If the impact of the county itself was a consistent predictor of death sentences, we would expect to see significant coefficients next to the majority of each county fips. This is not what we see, however. Of the 30 counties, only 10 have a significant effect. We do see that there are a small number of outlier counties that deviate substantially from what should be expected from the regression.

In order to ensure accuracy and reliability, the third model is limited to those counties in which the top prosecutor served for four or more years. This model can then be compared to the final model. Using the exact same set of cases, Model 4 introduces the impact of individual prosecutors. If an individual prosecutor effect was consistently present, we would expect to see significant coefficients next to the majority of prosecutors in the regression. Similar to the county effects, however, the majority of prosecutors have no impact on county death sentences. Exactly 13 prosecutors have a significant impact on death sentencing in their county. At the same time, there are other outliers that result in a coefficient much different than what would be predicted otherwise. Of course, 5% of cases is what can be expected to be statistically significant by chance. Thirteen prosecutors out of 123 comes out to just over 10% of cases and, thus, renders a relevant finding. The following table shows the results of that part of the regression.

Table 4. List of Prosecutors Imposing Individual Impact

Prosecutor	Regression Coefficient (St. err.)	Actual v. Pred DS	Residual Ratio
Ashley Rich (Mobile, AL)	2.025*	+9	+2.78
	(2.25)		
Bill James (Hillsborough, FL)	1.774*	+10	+1.48
	(2.05)		
Carol Vance (Harris, TX)	4.168*	+5	+1.20
	(2.21)		
Chuck Rosenthal (Cook, IL)	3.832**	-5	-0.90

	(3.28)		
Gil Garcetti (Los Angeles, CA)	2.304*	+14	+1.20
	(2.27)		
Grover Trask (Riverside, CA)	-2.114*	-16	+.078
	(-2.03)		
Harry Connick Sr. (Orleans, LA)	-2.068*	-9	-0.80
	(-2.18)		
Janet Reno (Miami, FL)	2.216**	+18	+1.33
	(3.29)		
Johnny Holmes (Harris, TX)	5.556***	+22	+1.12
	(4.56)		
Lawson Lamar (Orange, FL)	-1.473*	-7	-0.76
	(-1.99)		
Lynne Abraham (Philadelphia, PA)	2.885***	+17	+1.20
	(3.41)		
Rex Bell (Clark, NV)	3.656***	+10	+1.39
	(3.77)		
Ron Castille (Philadelphia, PA)	4.679***	+17	+1.56
	(3.64)		

t statistics in parentheses
* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Regression results shown in Table 4[14] identify the 13 prosecutors who had a statistically significant impact on the death sentencing rate in their counties, after controlling for all other variables included in the regression.[15] The table displays the regression coefficient and level of significance of each prosecutor's impact. The adjacent column puts forth the residual value of each prosecutor's deviation; that is, the difference between the number of death sentences they actually oversaw and the number they were predicted to oversee by the regression's estimation.

[14] See appendix for full regression and residual results.
[15] Those variables include: Population, Homicides, Cumulative Death Sentences, Racial Threat, Poverty, National Death Sentences, and County Fixed Effects.

Because the value of the residual can indicate very different impacts based on the county in which it occurs, the final column includes the residual ratio[16] of each prosecutor, to show the impact per 100 homicides.

The most substantial impacts were made by Ron Castille and Lynne Abraham of Philadelphia, Rex Bell of Clark, and Johnny Holmes from Harris. Those making a mild impact were Janet Reno of Miami and Chuck Rosenthal of Cook. Ashley Rich of Mobile, Bill James of Hillsborough, Carol Vance of Harris, Gil Garcetti of Los Angeles, Grover Trask of Riverside, Harry Connick Sr. of Orleans Parish, and Lawson Lamar of Orange County in Florida were the least statistically significant. Looking at the regression, we see that those prosecutors with the most impact did not necessarily deviate from their predicted rate by the highest numbers. For instance, Janet Reno secured 18 more death sentences than she was predicted to and, yet, was not found to be as significant as Rex Bell or Ron Castille, who went over his predicted value by 17 sentences. There are also many prosecutors who were predicted to have sentencing values of zero and, yet, doled out many more. For instance, Bonnie Dumanis (not included in Table 4) was predicted to have just one and, yet, oversaw 12. Perhaps the most striking impact was Ashley Rich, who oversaw nine, but had a predicted value of zero. Rich sentenced at a rate of 2.78 per 100 homicides.

If my first hypothesis is correct—that is, death sentencing rates are exclusively based on county-level factors—we should not see any impact from more than 5% of prosecutors in the regression. We do see a statistically significant impact from a little more than 10%, however, which means H1 cannot be entirely correct. Recalling that H2 argued that controlling for county effects and national trends—as this regression does—individual prosecutors should further

[16] Residual ratio calculated by dividing the actual death sentence value by the predicted value.

impact sentencing rates. Again, we do see this to an extent, thereby confirming some truth to the second hypothesis set forth. As I have mentioned, the fact that prosecutors have the ability to impact a county rate in a statistically significant manner constitutes a relevant finding.

The results from the regression estimates have provided evidence for which factors can predict death sentencing trends. I have established that population, number of homicides, cumulative death sentences, poverty, racial threat, and the number national death sentences all impact the number of death sentences in a county. Some county fixed effects—that is, the county itself—have an additional impact. Most importantly, this section has established the percentage of prosecutors who impose change in county death sentencing trends to the extent that it is statistically significant. Thus, this section has confirmed the existence of prosecutorial preference in some of these top 30 counties.

Discussion

This paper has sought to explore the question of what has caused the immense discrepancy in modern death sentencing seen across the United States. At the onset of this paper, I proposed the idea that there was another explanation that most research had not explored. That is prosecutorial preference, or the idea that individuals can impose their own beliefs and influence on sentencing trends, going beyond adherence to county tradition and practice. I set forth two hypotheses, one that relied exclusively on county effects and a second that suggested that beyond these county effects, there exists the effect of a single person—the top prosecutor in that county. To an extent, both hypotheses were confirmed.

In order to study this impact, I selected only the top 30 counties with the highest cumulative death sentences in the modern period. First, I demonstrated that this total number had only a mild correlation with county population and total homicides, and that the death sentencing

rate itself was virtually random and, therefore, unlikely to be a result of an effort to deter crime with aggressive sentencing practices. That same analysis also demonstrated the substantial discrepancy within states, with Florida and California bouncing from rates of under one death sentence per 100 homicides to over three.

The second part of analysis demonstrated the relationship between prosecutors in the same county. If county-level tradition was the most significant predictor, we should have seen a high correlation. While this correlation was mild, there were clearly a substantial number of outliers established. Expanding on this, I presented an illustration for each of these top 30 counties that demonstrated the difference over time between prosecutors serving in the same county. This part of analysis showed significant impact of some while others clearly adhered to county precedent. It also indicated that national trends greatly influenced those at the county level.

The final and most substantial part of results presented regression estimates to test which—if any—prosecutors had a statistically significant impact after controlling for the most salient predictors that had been established. Homicides, Cumulative Death Sentences, and the number of National Death Sentences were the most significant indicators. Poverty and Racial Threat variables were also significant. Controlling for this model, I added in county fixed effects, which showed large impacts by some counties and minimal to no impact by others. The most important finding, prosecutorial impact, was added into the final model. The results of this addition established that—similar to county effects—while the majority of prosecutors fail to have any significant impact on their county's sentencing rate, about 10% do. This percentage is extremely relevant because it shows an effect of prosecutors above what can be attributed to chance.

Overall, this study has shown that there are numerous factors that impact county death sentencing trends and, thus, impact the extreme concentration of the practice across the country. Those factors vary by county, even when those counties are housed in the same state. Most importantly, trends are in fact impacted by the current prosecutor in office in some instances. In sum, the combination of my analyses shows the practice to be influenced by a number of non-legal and discriminatory factors.

Conclusion

Is a practice that relies on racial discrimination, poverty of citizens, and, in some instances, the mercy of one, an acceptable one? When the Supreme Court ruled in 1976 that American judicial systems would be allowed to resume death sentencing, the implication was that the flaws of the previous system had been removed. Those flaws depicted a system not based on legal factors or justice but, rather, founded on principles of discrimination and randomization. This study has shown that more than 40 years later, the system remains similarly unjust.

While this analysis focuses on the death sentencing practices of the top 30 counties, my findings point to larger issues within the practice of capital punishment. Prosecutors in the United States hold an extensive amount of authority in the criminal justice system. Thus, they wield immense discretion, not only over the fate of each individual who comes in contact with the system in their jurisdiction, but the county's overall sentencing trends.

It is important to consider the fact that prosecutors are, with the exception of only a few, elected officials. The voters, then, are the most powerful force against or in favor of their county prosecutor. While it may be argued that this is a display of a democracy fulfilling its role, it is necessary to consider whether the drastic differences that can occur within a state and at the

national level satisfy the 14th Amendment and the requirements set forth by the Justices in the Furman decision of 1972 as well as the Gregg decision of 1976. The current circumstance of counties within the same state adhering to drastically different sentencing practices is reminiscent of Justice Stewart's words that compared capital punishment practices to the odds of being struck by lightning. As the country approaches the half-century anniversary of that opinion, lawmakers and leaders at every level must ask whether our present situation is acceptable.

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Appendix

Table 3 Cont.

	Baseline	County Fixed Effects	DAs with 4 years of service	DA Included
Homicides	0.342***	0.115	0.125	-0.0730
	(9.01)	(1.64)	(1.80)	(-0.80)
Total Population (Log)	0.350*	2.723***	2.644***	3.402***
	(2.37)	(6.35)	(6.11)	(4.04)
Cumulative Death Sentences	0.0998***	-0.167***	-0.145***	-0.172**
	(5.93)	(-6.15)	(-5.22)	(-2.94)
Racial Threat	1.279	-6.504***	-6.443***	-4.289
	(1.47)	(-4.08)	(-4.07)	(-1.87)
Poverty	0.456**	-0.0650	-0.0132	0.105
	(3.29)	(-0.44)	(-0.09)	(0.45)
National Death Sentences	0.00998***	0.0109***	0.0106***	0.0107***
	(10.34)	(11.50)	(11.15)	(9.34)
1073.fips		0	0	0
		(.)	(.)	(.)
1097.fips		0.706	0.528	0.547
		(1.39)	(1.04)	(0.54)
4013.fips		-1.017	-1.006	-2.083
		(-1.47)	(-1.45)	(-1.57)
4019.fips		-0.607	-0.587	-0.400
		(-1.34)	(-1.31)	(-0.48)
6001.fips		-2.932***	-2.842***	-3.158**
		(-5.06)	(-4.91)	(-3.15)
6037.fips		-1.131	-1.332	-0.515
		(-0.92)	(-1.07)	(-0.23)

6059.fips		-3.593***	-3.456***	-3.779**
		(-4.94)	(-4.73)	(-2.77)
6065.fips		-1.216*	-1.136*	-0.335
		(-2.29)	(-2.14)	(-0.24)
6067.fips		-2.231***	-2.120***	-2.775*
		(-4.43)	(-4.16)	(-2.42)
6071.fips		-2.869***	-2.777***	-3.089**
		(-5.12)	(-4.95)	(-2.64)
6073.fips		-4.493***	-4.340***	-5.763***
		(-6.31)	(-6.06)	(-3.95)
12011.fips		-1.941***	-1.878***	-2.449**
		(-3.59)	(-3.47)	(-2.58)
12031.fips		0.919*	0.891*	0.729
		(2.02)	(1.97)	(0.83)
12057.fips		-0.942*	-0.921*	-1.650
		(-2.02)	(-1.99)	(-1.81)
12086.fips		-1.611**	-1.591**	-2.938**
		(-2.70)	(-2.65)	(-2.63)
12095.fips		-1.113*	-1.074*	-0.307
		(-2.44)	(-2.37)	(-0.34)
12103.fips		-1.549**	-1.494**	-1.545
		(-3.11)	(-3.02)	(-1.60)
12105.fips		-0.220	-0.192	0.406
		(-0.47)	(-0.41)	(0.37)
17031.fips		-3.118**	-3.366***	-4.493*
		(-3.27)	(-3.51)	(-2.56)
22071.fips		-1.841**	-1.903***	0.579
		(-3.20)	(-3.31)	(0.47)

32003.fips		0.132	0.165	-0.176
		(0.28)	(0.34)	(-0.17)
39035.fips		-1.456**	-1.437**	-2.169*
		(-2.87)	(-2.83)	(-2.28)
39061.fips		-0.331	-0.327	-1.752
		(-0.72)	(-0.72)	(-1.69)
40109.fips		1.751***	1.705***	2.732*
		(3.78)	(3.71)	(2.28)
42101.fips		0.521	0.441	-1.027
		(0.82)	(0.69)	(-0.74)
47157.fips		-1.651**	-1.638**	-1.472
		(-3.25)	(-3.24)	(-1.37)
48029.fips		-1.749***	-1.706**	-1.945
		(-3.38)	(-3.30)	(-1.93)
48113.fips		-2.296***	-2.220***	-2.831*
		(-3.79)	(-3.63)	(-2.37)
48201.fips		3.046***	3.400***	-1.143
		(4.11)	(4.55)	(-0.63)
48439.fips		-1.900***	-1.824***	-2.366**
		(-3.66)	(-3.51)	(-2.61)
DANumber1				0.0502
				(0.05)
DANumber2				2.209
				(1.90)
DANumber3				-1.021
				(-0.70)
DANumber4				1.131
				(1.39)

DANumber5				-1.239
				(-1.02)
DANumber6				-0.136
				(-0.09)
DANumber7				1.226
				(1.26)
DANumber8				2.025*
				(2.25)
DANumber9				-0.789
				(-1.23)
DANumber10				0.792
				(0.62)
DANumber11				-0.146
				(-0.23)
DANumber12				0.132
				(0.15)
DANumber13				1.317
				(1.51)
DANumber14				1.774*
				(2.05)
DANumber15				0.701
				(0.61)
DANumber16				-0.0666
				(-0.07)
DANumber17				-1.214
				(-1.26)
DANumber18				0.987
				(0.93)

DANumber19				0.951
				(1.14)
DANumber20				0.513
				(0.49)
DANumber21				-1.659
				(-1.20)
DANumber22				4.168*
				(2.21)
DANumber23				0
				(.)
DANumber24				-1.311
				(-1.81)
DANumber25				0.220
				(0.19)
DANumber26				0
				(.)
DANumber27				-0.430
				(-0.58)
DANumber28				3.832**
				(3.28)
DANumber29				0.130
				(0.15)
DANumber30				-0.123
				(-0.15)
DANumber31				-1.388
				(-1.36)
DANumber32				-1.227
				(-1.32)

DANumber33				-0.729
				(-0.95)
DANumber34				-0.371
				(-0.44)
DANumber35				0
				(.)
DANumber36				0.651
				(0.74)
DANumber37				0
				(.)
DANumber38				-0.555
				(-0.80)
DANumber39				-1.247
				(-0.94)
DANumber40				-1.046
				(-0.98)
DANumber41				-0.0370
				(-0.05)
DANumber42				0
				(.)
DANumber43				-1.116
				(-1.02)
DANumber44				0
				(.)
DANumber45				2.304*
				(2.27)
DANumber46				-2.114*
				(-2.03)

DANumber47				-0.390
				(-0.47)
DANumber48				-2.068*
				(-2.18)
DANumber49				0
				(.)
DANumber50				-0.445
				(-0.54)
DANumber51				1.109
				(0.88)
DANumber52				-0.285
				(-0.32)
DANumber53				-0.512
				(-0.44)
DANumber54				1.492
				(1.53)
DANumber55				-0.696
				(-0.62)
DANumber56				0.447
				(0.38)
DANumber57				0
				(.)
DANumber58				-0.0210
				(-0.02)
DANumber59				2.216**
				(3.29)
DANumber60				-1.782
				(-1.47)

DANumber61				-0.611
				(-0.78)
DANumber62				-0.183
				(-0.21)
DANumber63				0.479
				(0.60)
DANumber64				0.219
				(0.20)
DANumber65				0
				(.)
DANumber66				-2.584
				(-1.81)
DANumber67				0
				(.)
DANumber68				0
				(.)
DANumber69				0
				(.)
DANumber70				0
				(.)
DANumber71				5.556***
				(4.56)
DANumber72				1.572
				(1.69)
DANumber73				0
				(.)
DANumber74				0
				(.)

DANumber75				0
				(.)
DANumber76				-1.473*
				(-1.99)
DANumber77				0
				(.)
DANumber78				2.885***
				(3.41)
DANumber79				0
				(.)
DANumber80				0
				(.)
DANumber81				0.732
				(0.65)
DANumber82				-1.328
				(-1.70)
DANumber83				1.336
				(0.83)
DANumber84				0
				(.)
DANumber85				0
				(.)
DANumber86				0
				(.)
DANumber87				-0.228
				(-0.27)
DANumber88				-0.710
				(-0.50)

DANumber89				0
				(.)
DANumber90				0
				(.)
DANumber91				0.191
				(0.15)
DANumber92				0
				(.)
DANumber93				0
				(.)
DANumber94				1.468
				(1.52)
DANumber95				3.656***
				(3.77)
DANumber96				0
				(.)
DANumber97				0
				(.)
DANumber98				0.178
				(0.21)
DANumber99				0
				(.)
DANumber100				0
				(.)
DANumber101				0
				(.)
DANumber102				4.679***
				(3.64)

DANumber103				-1.931
				(-1.77)
DANumber104				0
				(.)
DANumber105				-0.212
				(-0.15)
DANumber106				0
				(.)
DANumber107				-0.217
				(-0.26)
DANumber108				0
				(.)
DANumber109				0
				(.)
DANumber110				0.180
				(0.22)
DANumber111				0
				(.)
DANumber112				-1.615
				(-1.43)
DANumber113				0
				(.)
DANumber114				0
				(.)
DANumber115				0
				(.)
DANumber116				0
				(.)

DANumber117				0
				(.)
DANumber118				0
				(.)
DANumber119				0.689
				(0.65)
DANumber120				0
				(.)
DANumber121				0
				(.)
DANumber122				0
				(.)
DANumber123				0
				(.)
_cons	-7.227***	-30.20***	-29.28***	-41.15***
	(-3.83)	(-5.96)	(-5.70)	(-3.95)
R_2	0.383	0.493	0.499	0.585
N	1195	1195	1174	1174

t statistics in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 4 Cont.

Prosecutor	Pred. DS	Actual DS	County	State	DS Diff.	Ratio Diff.[17]	PredRate[18]	ActualRate	Rate Resid.[19]
Robert Eagan	13	25	Orange	FL	12	1.97	1.62	3.18	1.57
Paul Zellerbach	8	15	Riverside	CA	7	1.95	1.86	3.63	1.77
Cecil A. Partee	9	17	Cook	IL	8	1.85	0.49	0.90	0.41
Herb Jackson	4	7	Sacramento	CA	3	1.80	1.08	1.94	0.86
Angela Corey	11	19	Duval	FL	8	1.72	1.43	2.46	1.03
Rod Pacheo	9	16	Riverside	CA	7	1.72	2.18	3.74	1.57
Tony Rackauckas	20	35	Orange	CA	15	1.72	1.52	2.61	1.09
Quillian Yancey	5	9	Polk	FL	4	1.68	1.71	2.88	1.17
Wes Lane	8	14	Oklahoma	OK	6	1.67	2.61	4.36	1.74
Brandon Falls	4	7	Jefferson	AL	3	1.59	2.84	4.53	1.68
Ron Castille	30	47	Philadelphia	PA	17	1.56	1.45	2.27	0.81
Richard Daley	43	65	Cook	IL	22	1.49	0.62	0.92	0.31
Bill James	20	30	Hillsborough	FL	10	1.48	2.25	3.32	1.07
Joseph Deters	17	25	Hamilton	OH	8	1.46	1.29	1.88	0.59
Michael A. Ramos	12	17	San Bernardino	CA	5	1.45	0.57	0.82	0.25
Bill Hill	19	28	Dallas	TX	9	1.45	0.89	1.28	0.40
Andrew Thomas	19	27	Maricopa	AZ	8	1.44	1.16	1.66	0.51
Rex Bell	27	37	Clark	NV	10	1.39	3.11	4.32	1.21
Susan Reed	19	25	Bexar	TX	6	1.34	0.93	1.25	0.31
Janet Reno	53	71	Miami	FL	18	1.33	0.81	1.07	0.27
John Corrigan	42	55	Cuyahoga	OH	13	1.30	1.26	1.64	0.38
E.J. Salcines	15	18	Hillsborough	FL	3	1.23	1.91	2.34	0.43
Joe Shannon Jr.	4	5	Tarrant	TX	1	1.22	0.82	1.00	0.18
Bob Miller	22	26	Clark	NV	4	1.21	2.91	3.52	0.61
Stephen D. Neely	41	49	Pima	AZ	8	1.21	3.36	4.05	0.69
Gil Garcetti	72	86	Los Angeles	CA	14	1.20	0.64	0.77	0.13
Carol Vance	26	31	Harris	TX	5	1.20	1.12	1.35	0.22
Lynne Abraham	84	101	Philadelphia	PA	17	1.20	1.14	1.36	0.22
Steve Hillbig	21	25	Bexar	TX	4	1.19	1.36	1.62	0.26

[17] Calculated by dividing the Predicted Death Sentence value by the Actual Death Sentence value.

[18] Predicted Death Sentencing Rate taken from regression.

[19] Rate Residual is the numerical difference between the Predicted and Actual Death Sentencing Rates. Negative values are shown in parentheses.

Bill Montgomery	16	18	Maricopa	AZ	2	1.13	1.12	1.27	0.15
Earl Morgan	15	17	Jefferson	AL	2	1.13	1.43	1.62	0.19
Hugh W. Stanton	24	27	Shelby	TN	3	1.13	1.11	1.25	0.14
Johnny Holmes	188	210	Harris	TX	22	1.12	1.56	1.75	0.19
Thomas J. Orloff	54	59	Alameda	CA	5	1.09	1.11	1.21	0.10
R. Philibosian	18	20	Los Angeles	CA	2	1.08	0.65	0.70	0.05
Arthur Ney Jr.	24	26	Hamilton	OH	2	1.08	4.79	5.15	0.36
Steve Cooley	66	70	Los Angeles	CA	4	1.06	0.59	0.63	0.04
Jackie Lacey	15	16	Los Angeles	CA	1	1.05	0.59	0.63	0.03
James T. Russell	37	39	Pinellas	FL	2	1.05	4.43	4.65	0.22
John Daugherty	13	13	Sacramento	CA	0	1.04	2.18	2.26	0.09
John Pierrotti	17	18	Shelby	TN	1	1.04	1.17	1.21	0.04
Bill White	12	12	Bexar	TX	0	1.04	1.04	1.07	0.04
Tim Curry	64	66	Tarrant	TX	2	1.03	1.42	1.46	0.04
Stewart Bell	27	28	Clark	NV	1	1.02	2.28	2.33	0.05
Andy Coats	11	11	Oklahoma	OK	0	1.00	3.20	3.22	0.01
Craig Watkins	12	12	Dallas	TX	0	1.00	0.70	0.70	0.00
Michael J. Satz	75	75	Broward	FL	0	1.00	1.85	1.85	0.00
Harry Shorstein	48	47	Duval	FL	-1	0.99	2.40	2.37	(0.03)
Jack O'Malley	30	30	Cook	IL	0	0.98	0.49	0.48	(0.01)
Bill Gibbons	22	22	Shelby	TN	0	0.98	0.99	0.97	(0.02)
Steve White	8	8	Sacramento	CA	0	0.98	1.39	1.36	(0.03)
Bob Macy	83	80	Oklahoma	OK	-3	0.97	4.29	4.15	(0.13)
Bernard Carey	20	19	Cook	IL	-1	0.97	0.47	0.46	(0.02)
Bernie McCabe	25	24	Pinellas	FL	-1	0.97	2.13	2.06	(0.07)
Dennis L. Stout	18	17	San Bernardino	CA	-1	0.96	1.43	1.38	(0.06)
Richard Romley	79	74	Maricopa	AZ	-5	0.94	1.67	1.56	(0.11)
John Vance	41	38	Dallas	TX	-3	0.93	0.88	0.82	(0.06)
Jerry Hill	35	32	Polk	FL	-3	0.92	3.39	3.13	(0.26)
Ed Austin	40	37	Duval	FL	-3	0.92	2.15	1.98	(0.18)
David Barber	56	51	Jefferson	AL	-5	0.92	1.60	1.47	(0.13)
Ira Reiner	75	69	Los Angeles	CA	-6	0.92	0.56	0.51	(0.05)
Tom Collins	39	35	Maricopa	AZ	-4	0.90	2.98	2.69	(0.29)
Charles F. Hyder	14	13	Maricopa	AZ	-1	0.90	2.54	2.28	(0.26)
Chuck Rosenthal	45	40	Harris	TX	-5	0.90	1.49	1.34	(0.15)

Jan Scully	22	19	Sacramento	CA	-3	0.87	1.20	1.05	(0.16)
Stephanie Jones	20	17	Cuyahoga	OH	-3	0.85	1.58	1.35	(0.23)
Paul Pfingst	13	11	San Diego	CA	-2	0.85	1.26	1.06	(0.19)
John V.D. Kamp	51	41	Los Angeles	CA	-10	0.80	0.51	0.41	(0.10)
Michael Capizzi	25	20	Orange	CA	-5	0.80	1.86	1.49	(0.37)
Harry Connick Sr.	46	37	Orleans	LA	-9	0.80	0.66	0.53	(0.13)
Grover Trask	72	56	Riverside	CA	-16	0.78	2.66	2.08	(0.58)
Simon Leis Jr.	19	15	Hamilton	OH	-4	0.78	3.42	2.67	(0.75)
Henry Wade	26	20	Dallas	TX	-6	0.78	0.68	0.53	(0.15)
Edwin L. Miller	31	24	San Diego	CA	-7	0.77	0.89	0.69	(0.21)
John Tyson Jr.	16	12	Mobile	AL	-4	0.76	1.63	1.23	(0.40)
Lawson Lamar	30	23	Orange	FL	-7	0.76	1.86	1.40	(0.45)
Cecil Hicks	35	26	Orange	CA	-9	0.75	2.49	1.87	(0.62)
Dennis Kottmeier	24	18	San Bernardino	CA	-6	0.75	1.02	0.76	(0.26)
David Prater	12	9	Oklahoma	OK	-3	0.74	1.44	1.07	(0.37)
Chris Galanos	23	17	Mobile	AL	-6	0.73	1.87	1.36	(0.51)
Mark Ober	12	9	Hillsborough	FL	-3	0.72	1.05	0.76	(0.29)
William Mason	11	8	Cuyahoga	OH	-3	0.71	0.89	0.63	(0.26)
Amy Weirich	4	3	Shelby	TN	-1	0.70	0.41	0.28	(0.12)
Fred Rodriguez	10	7	Bexar	TX	-3	0.69	1.30	0.90	(0.40)
Barbara LaWall	22	15	Pima	AZ	-7	0.67	1.40	0.94	(0.46)
Harry Coe	20	13	Hillsborough	FL	-7	0.67	2.90	1.93	(0.97)
Katherine Rundle	52	34	Miami	FL	-18	0.66	0.88	0.58	(0.30)
Byron Morton	9	6	Riverside	CA	-3	0.65	1.69	1.10	(0.59)
Richard Devine	40	26	Cook	IL	-14	0.65	0.49	0.32	(0.17)
David Roger	24	15	Clark	NV	-9	0.63	1.59	1.00	(0.58)
Ed Rendell	49	30	Philadelphia	PA	-19	0.62	1.71	1.06	(0.65)
Michael Allen	7	4	Hamilton	OH	-3	0.61	1.52	0.94	(0.59)
Nancy O'Malley	6	3	Alameda	CA	-3	0.50	0.65	0.33	(0.32)
Steve Wolfson	13	6	Clark	NV	-7	0.47	1.70	0.80	(0.90)
Sam Millsap Jr.	11	4	Bexar	TX	-7	0.37	1.32	0.49	(0.83)
Devon Anderson	16	4	Harris	TX	-12	0.25	1.27	0.32	(0.95)
Pat Lykos	23	5	Harris	TX	-18	0.22	1.44	0.32	(1.13)
Seth Williams	19	4	Philadelphia	PA	-15	0.21	0.84	0.18	(0.66)
Mike Anderson	6	1	Harris	TX	-5	0.18	1.47	0.26	(1.21)

Anita Alvarez	6	0	Cook	IL	-6	-	0.43	-	(0.43)
Kenneth Magidson	6	0	Harris	TX	-6	-	1.36	-	(1.36)
F. Fitzpatrick	5	5	Philadelphia	PA	0	0.95	0.74	0.70	(0.04)
Michael Hestrin	3	9	Riverside	CA	6	2.80	1.48	4.15	2.67
George Holt	3	2	Clark	NV	-1	0.65	1.58	1.03	(0.55)
John DeCarlo	3	3	Jefferson	AL	0	1.05	2.58	2.70	0.13
Jeff Ashton	3	1	Orange	FL	-2	0.35	1.06	0.37	(0.69)
Richard Gerstein	3	6	Miami	FL	3	2.36	0.54	1.29	0.74
Nico LaHood	2	1	Bexar	TX	-1	0.57	0.53	0.30	(0.23)
Susan Hawk	2	0	Dallas	TX	-2	-	0.32	-	(0.32)
James M. Cramer	1	5	San Bernardino	CA	4	3.62	0.26	0.93	0.67
John Price	1	1	Sacramento	CA	0	0.82	0.47	0.38	(0.08)
Charles Graddick	1	8	Mobile	AL	7	6.63	0.50	3.32	2.82
Bonnie Dumanis	1	12	San Diego	CA	11	15.61	0.05	0.78	0.73
Sharen Wilson	1	1	Tarrant	TX	0	1.40	0.35	0.49	0.14
A.M. Schubert	1	0	Sacramento	CA	-1	-	0.29	-	(0.29)
Ted Butler	0	1	Bexar	TX	1	-	-	0.70	0.70
Phil Shailer	0	2	Broward	FL	2	-	-	1.85	1.85
Moise Berger	0	2	Maricopa	AZ	2	-	-	1.82	1.82
Ashley Rich	0	9	Mobile	AL	10	-	-	2.78	2.78
Tim McGinty	0	1	Cuyahoga	OH	1	-	-	0.27	0.27
Leon Cannizzaro.	0	1	Orleans	LA	10	-	-	0.07	0.07
Keva L-Johnson	0	0	Orleans	LA	1	-	-	-	-
Eddie Jordan	0	0	Orleans	LA	0	-	-	-	-