



**Status Report  
on the  
Death Penalty  
in  
Washington State**

**by  
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## **Death Penalty Status Report Highlights**

- Since 1981, 25 men have been convicted and sentenced to death. Four have had their judgments reversed by the federal courts, 2 have had their sentences reversed by the Washington State Supreme Court, and 3 have been executed.
- Two of the three executed defendants chose not to pursue appeals to the federal courts.
- In Washington all capital defendants have a constitutional right to appeal after conviction.
- After the state court proceedings are concluded, federal law grants all capital defendants a right to review in the federal courts.
- Death penalty trial court records often exceed 10,000 pages.
- The case of one defendant who was sentenced to be executed 18 years ago is still pending.
- For cases completed in the federal courts, state and federal review has taken an average of 11.2 years.
- State review after conviction has averaged 5.5 years.
- \$388,680 was the average cost in Washington for each of 8 death penalty trials in 1997, 1998, and 1999.

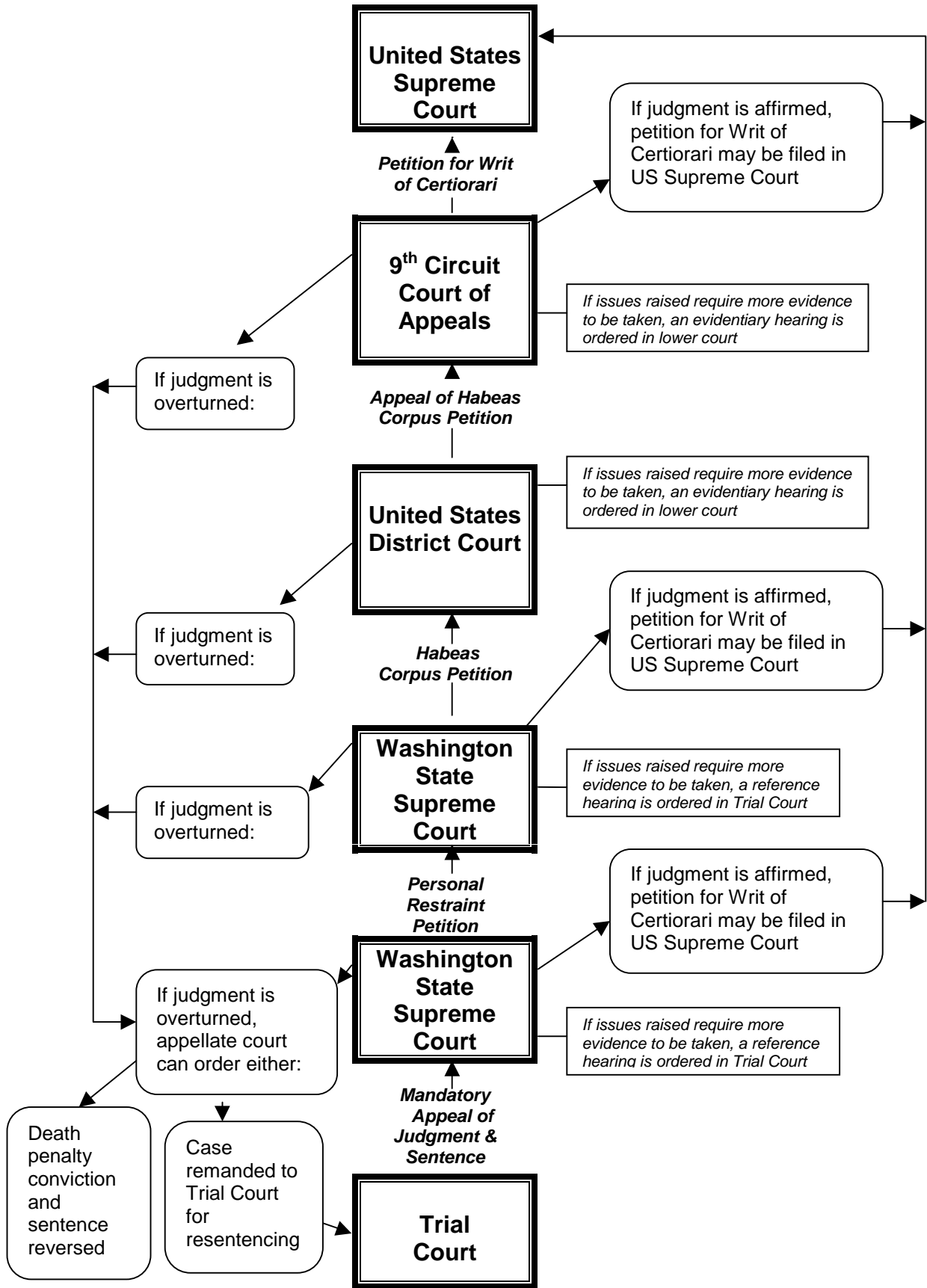
# Status Report on the Death Penalty in Washington State

I have long felt it is important for the judiciary to periodically assess and describe how various laws operate with each other in their actual implementation. The State of Washington adopted new death penalty laws in 1981. It seems appropriate for the judiciary at this time to examine how these laws have worked over the past nineteen years, how much these cases cost, and how much time they take to resolve.

Since the Legislature reinstated the death penalty in 1981, 25 men have been convicted and sentenced to death. Trial and appellate courts adjudicating death penalty cases do so recognizing that “death is different.” Because a death sentence is irreversible, opportunities for proving innocence in addition to those furnished in other felony cases are offered to the defendant in order to avoid erroneous executions. The importance of the review system is illustrated by the current situation in Illinois, a state in which 12 men have been executed since the 1980s but another 13 men sentenced to death have been exonerated. Appellate review of their cases resulted in reversal of their judgments after they were able to prove their innocence through the use of newly discovered DNA techniques or for other reasons.

**Overview of Capital Punishment Laws.** In order to assess how our capital punishment system operates, it is important to have an overview of the functioning of the numerous legal proceedings involved in each capital case. The following chart and text provide descriptions of the various proceedings conducted in the trial, state appellate, and federal courts.

# Standard Death Penalty Appellate Review Process



Both the defendant and the State may file an *appeal* from any lower court decision other than a not guilty finding. Unlawful restraint petitions such as habeas corpus petitions, called personal restraint petitions in Washington, can only be brought by a person.

In addition to these standard proceedings, other types of review may be sought in individual cases depending on the circumstances.

The U.S. Constitution, Washington Constitution, and federal and state statutes require scrupulous review of capital cases due to their considerable potential for error and the irreversible nature of the death sentence. From the beginning of a death penalty case to its final resolution years later, specialized, supplementary death penalty procedures are required by law. Courts at all levels make every effort to prevent wrongful convictions and guarantee fairness. The consensus of death penalty experts across the country is that death penalty law has become increasingly complicated, convoluted, and involved.

Aggravated murder is the only crime for which a death sentence may be imposed in Washington. It is statutorily defined as first degree murder with one or more aggravating circumstances, including, but not limited to, murder of a law enforcement officer or fire fighter, murder committed while the defendant was incarcerated; "murder for hire"; murder occurring during the commission of a felony; or multiple victims. If a defendant is convicted of aggravated murder, the trial court must, under the law, sentence the defendant to either life without the possibility of parole or, if death penalty procedures have been followed and the jury so determines, to the death penalty. An aggravated murder trial matter becomes a death penalty proceeding upon the prosecutor's filing of a notice within 30 days of arraignment on the aggravated murder charge. The notice which requests a death penalty sentencing hearing alleges that there are insufficient mitigating circumstances to merit leniency. The death penalty allegation in the notice is determined in a special death penalty sentencing hearing if the defendant is convicted as charged.

***Appellate Review.*** Once a defendant has been convicted of aggravated murder and sentenced to death, the state constitution mandates appellate review of the trial court's judgment by an appellate court. In addition, state law requires mandatory review of the conviction and death sentence by the Washington State Supreme Court. This review usually encompasses both a general review of the trial court proceedings and a statutorily mandated review of the death sentence, including proportionality of the sentence, whether there was sufficient evidence to support it, whether the defendant was mentally retarded, and whether the sentence was brought about through passion or prejudice. If, after state appeal, an aggravated murder conviction and death sentence is affirmed, the defendant may seek review by the US Supreme Court by filing a petition for writ of certiorari. The US Supreme Court may reverse the conviction or sentence if it decides to accept review.

If the judgment is affirmed on appeal, as a matter of Washington state constitutional law and court rule, capital defendants are entitled to file a personal restraint petition. In these petitions, defendants raise issues that were not covered in their trial court proceedings or appeals, such as allegations of ineffective assistance of counsel or the existence of newly discovered evidence. Additional personal restraint petitions to the Washington State Supreme Court may be requested by any convicted defendant upon a showing of good cause as to why the grounds could not have been raised in a previous proceeding. Only a small percentage are heard by the Court each

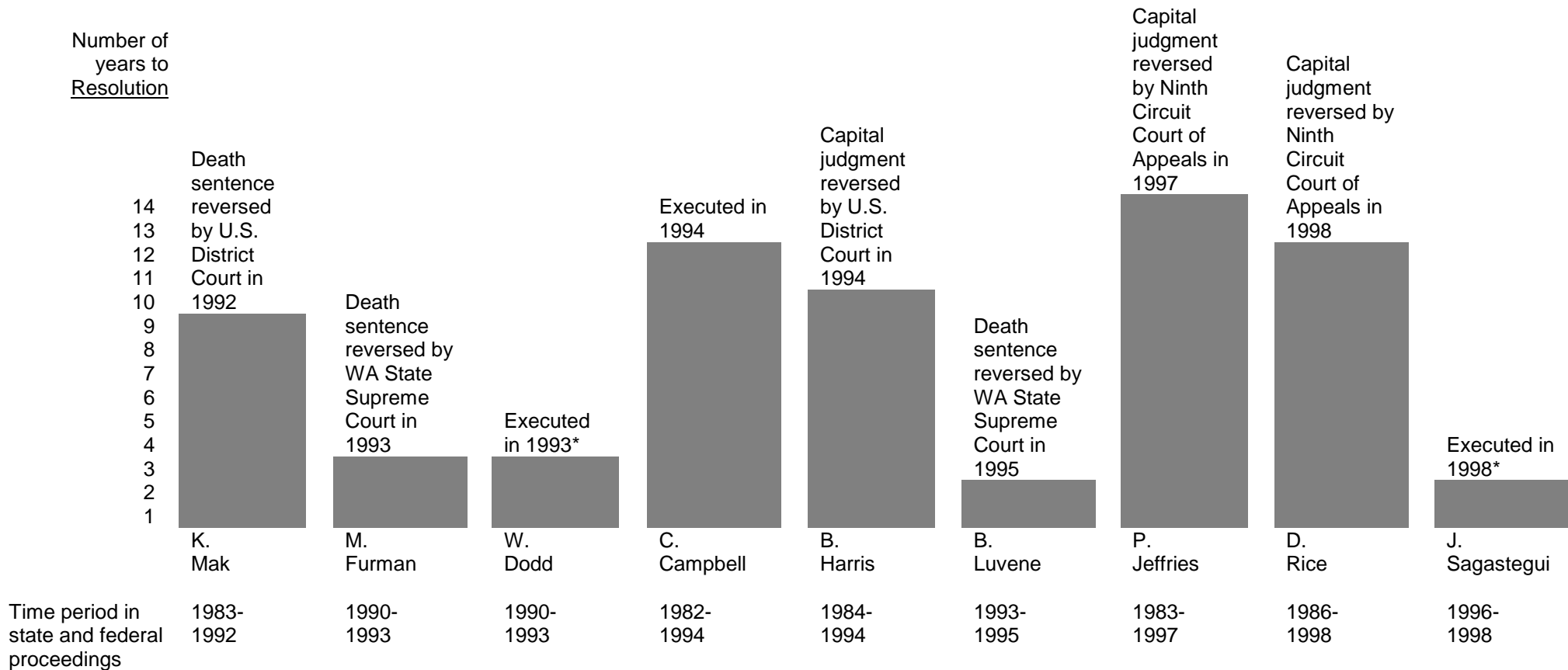
year (no capital defendant's second personal restraint petition has been heard in the past eight years.)

After state court proceedings are completed, as a matter of federal law, all Washington defendants sentenced to death have a right to file a petition for habeas corpus in US District Court and a right to have denial of their petition reviewed by the Ninth Circuit Court of Appeals. During the last nine years, the number of issues raised and considered in the state courts have increased substantially. In 1991, the US Supreme Court announced, in McCleskey v. Zant, 499 U.S. 467, that a death penalty defendant must, for the most part, raise all claims in state appellate court before raising them in federal appellate court. In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act (AEDPA) to further restructure the death penalty review process. This law requires all capital defendants to present all potential claims in state court, and prevents the initiation of new claims at the federal court review level. The McCleskey decision and AEDPA have placed a difficult and complex burden on the state courts to ensure the fairness of capital sentencing proceedings. In death penalty cases, the penalty for the prosecution's failure to adequately provide the defendant's rights can be reversal of the conviction; the penalty for the defendant's failure to timely raise issues can be preclusion of the defendant's ability to raise them in the future.

In death penalty trials, appeals, and habeas corpus or personal restraint petitions, prosecutors and defense counsel often inundate the court with motions raising every conceivable issue that may affect the outcome of the case. For example, prosecutors and defense attorneys filed over 56 motions in In re Gentry, a personal restraint petition recently decided by the Washington State Supreme Court. Each motion requires deliberation and a decision by the Court. In 1997, the Washington State Supreme Court began requiring the appointment of defense co-counsel for death penalty cases at trial and on appeal, consistent with American Bar Association and federal law guidelines. Minimum experience requirements for defense counsel were also set. In the last five years, Washington courts have increasingly appointed experts to assist with psychiatric or DNA questions and other complex scientific issues. These additional counsel and experts add costs to both trial and appellate level proceedings and make them last longer since the courts must hear and evaluate the complex issues raised.

The result of the required reviews for each of Washington's 25 death penalty cases, conducted with the scrupulous attention to constitutional safeguards that must be given to these cases by the courts, has been the execution of three men, two of whom terminated their review process early on, choosing not to pursue appellate review past the first stage. Six capital judgments have been reversed, two by the Washington State Supreme Court, one by the federal district court, and two by the Ninth Circuit. The remaining 16 death penalty sentences are currently in the state or federal review process.

# Final Resolution of Washington's 9 Completed Death Penalty Cases



Of the nine completed death penalty cases, two have been resolved by reversal of the death penalty by the Washington State Supreme Court, two by the U.S. District Court, and two by the Ninth Circuit Court of Appeals. Three defendants have been executed.

\*W. Dodd and J. Sagastegui did not pursue the review process after their first state appeals.



**Trial Proceedings: Length and Cost.** When a death penalty notice is filed, trial court judges, attorneys, and court administrators treat the proceedings with “kid gloves.” The specter of appellate reversal constantly hangs over the case, so that every decision and choice made during trial proceedings is meticulously evaluated. Grounds for reversal have included the shackling of the defendant during the sentencing phase of the trial court proceedings in the Finch case, the disclosure of part of the defendant’s criminal record to the jury by a juror in the Jeffries case, and the fact that the defendant was not present during part of the sentencing phase in the Rice case. One result of the court’s strong desire to avoid error is that death penalty cases at the trial level are far more expensive and lengthy than ordinary aggravated murder cases.

In contrast to other felony proceedings, death penalty trials are required to consist of two separate phases: a guilt phase and a sentencing phase. In other types of cases, upon a jury verdict of guilty, the judge, not the jury, ordinarily sentences the defendant, at a hearing that usually lasts less than one day. Death penalty sentences must be decided by a jury. In terms of length of the proceedings and the complexity of the issues, death penalty sentencing hearings generally are far more substantial than other felony sentencing hearings and are akin to full jury trials. For example, in State v. Marshall, a recent Pierce County case, the defendant pleaded guilty and therefore was convicted without a trial, but his mandatory jury sentencing hearing lasted several weeks. Mandatory considerations at a capital sentencing hearing are whether the state has proved beyond a reasonable doubt, considering the circumstances, that there are insufficient mitigating circumstance to merit leniency, considering specific statutorily enumerated factors.

An example of the cost and length of trial level death penalty proceedings is Okanogan County's State v. Gonzalez, a case in which the defendant was charged with aggravated murder for the slaying of a law enforcement officer on April 2, 1998. On the basis that the cost of this case, originally charged as a death penalty aggravated murder case, had the potential to devastate Okanogan County’s budget, the 1999 Legislature appropriated up to \$1.2 million for county reimbursement. By November 1999, the costs of State v. Gonzalez were \$481,576. A competency hearing held late in 1999 revealed that the defendant was not competent to form the premeditated intent required for aggravated murder, and the death penalty notice was dropped. A jury trial was held from January 10 to early February, resulting in a conviction of aggravated murder. The defendant was sentenced to life without parole, as well as additional sentences for related convictions. The total bill for the case has not yet been determined.

Another current example of trial level death penalty costs is State v. Rupe, which was remanded for resentencing to Thurston County Superior Court pursuant to a federal district court opinion in 1994, affirmed by the Ninth Circuit Court of Appeals in 1996. The Thurston County prosecutor’s office and Rupe’s defense attorneys have actively prepared for the resentencing hearing since 1997. Multiple motions have been filed and argued. To date, Thurston County has spent almost one million dollars on Rupe’s resentencing. If Rupe is resented to death, he may appeal and would be

entitled to obtain a full state and federal appellate review process at public expense.

In recognition of the high cost of trials in aggravated murder cases, the 1999 Legislature passed the Extraordinary Criminal Justice Act, Chapter 303, Laws of 1999, to create a county reimbursement procedure. This law was intended to relieve smaller counties of the extreme financial burden of prosecuting and defending aggravated murder cases. With the consultation of the Washington Association of Prosecuting Attorneys and the Washington Association of Sheriffs and Police Chiefs, the Office of Public Defense evaluates county claims and submits a prioritized list to the Legislature, which can reimburse county aggravated murder expenses in appropriate cases.

The following table, reflecting those 1997-1999 aggravated murder cases detailed by various counties in documents filed pursuant to the Extraordinary Criminal Justice Act, illustrates the additional trial level time required and costs incurred when a death penalty notice is filed in an aggravated murder case. These costs include prosecutor time, defense attorney time, investigation costs, pre-trial jail costs, expert witness costs, and so forth. This table includes only aggravated murder cases claimed by counties, and therefore is not entirely comprehensive as it does not include unclaimed cases. It does, however, provide an opportunity to examine the length, cost, and outcome of 25 recent aggravated murder cases.

## Trial Court Aggravated Murders 1997-1999

Trial Date	County	Case Name	Type of Disposition	Sentence	Death Penalty Notice Filed?	Length of Trial Court Proceedings	Cost
1999	Cowlitz	<u>State v. Kondo</u>	Guilty Plea	Life without Parole	yes	25 months	\$346,882
1999	Kitsap	<u>State v. Phillips</u>	Jury	Life without Parole	no	7 months	\$103,059
1999	Kitsap	<u>State v. Skinner</u>	Guilty Plea	254 months	no	12 months	\$44,227
1998	King	<u>State v. Ford</u>	Guilty Plea	Life without Parole	yes	50 months	\$420,907
1997	King	<u>State v. Roberts</u>	Jury	Death	yes	35 months	\$283,783
1997	King	<u>State v. Cronin</u>	Jury	Life without Parole	yes	34 months	\$547,647
1997	King	<u>State v. Smiley</u>	Jury	400 months	no	35 months	\$273,223
1999	King	<u>State v. Parker</u>	Jury	Life without Parole	yes	42 months	\$480,710
1998	King	<u>State v. Bachmeier</u>	Jury	Life without Parole	no	33 months	\$163,516
1998	King	<u>State v. Leuluai</u>	Jury	Life without Parole	no	31 months	\$236,008
1997	King	<u>State v. Baranyi</u>	Jury	Life without Parole	no	23 months	\$408,713
1998	King	<u>State v. Niko</u>	Guilty Plea	41 months	no	20 months	\$117,012
1998	King	<u>State v. Fosi</u>	Guilty Plea	33 months	no	19 months	\$110,020
1998	King	<u>State v. Ackley</u>	Jury	Life without Parole	no	14 months	\$234,134
1997	King	<u>State v. Francisco</u>	Jury	Life without Parole	no	19 months	\$117,880
1999	King	<u>State v. Yumul</u>	Guilty Plea	264 months	no	18 months	\$99,338
1998	King	<u>State v. Edwards</u>	Dismissed without trial	n/a	no	11 days	\$53,833
1999	Pierce	<u>State v. Rasmussen</u>	Jury	Life without Parole	yes	32 months	\$243,991
1999	Pierce	<u>State v. Davis</u>	Jury	Life without Parole	yes	34 months	\$544,373
1999	Pierce	<u>State v. Lewis</u>	Jury	Life without Parole	no	21 months	\$32,921
1999	Pierce	<u>State v. Kray</u>	Jury	Life without Parole	yes	19 months	\$241,147
1999	Pierce	<u>State v. Vickers</u>	Jury	Life without Parole	no	17 months	\$94,882
1999	Pierce	<u>State v. Shelby</u>	Jury	734 months	no	18 months	\$84,842
1999	Pierce	<u>State v. Vickers</u>	Jury	Life without Parole	no	17 months	\$50,248
1999	Pierce	<u>State v. Ruch</u>	Guilty Plea	Life without Parole	no	13 months	\$15,136

***In King County Superior Court***, four aggravated murder cases involving the death penalty took an average of 40.25 months to decide. Three of the death penalty notice defendants were convicted of aggravated murder and sentenced to life without parole. One defendant was sentenced to death. The average cost of the four death penalty notice cases was \$433,262.

Nine aggravated murder cases without death penalty notices took an average of 23.5 months to resolve. Five of the defendants were convicted of aggravated murder and sentenced to life without the possibility of parole. Four defendants were convicted of related crimes and received lesser sentences. The average cost of the nine non-death penalty notice cases was \$195,538.

One aggravated murder case was dismissed without a trial eleven days after the defendant was charged. It cost \$53,833.

***In Pierce County Superior Court***, three aggravated murder cases involving the death penalty took an average of 28.3 months to resolve. All of the defendants were convicted of aggravated murder; none was sentenced to death, and all were sentenced to life without the possibility of parole. The average cost to the county of the three death penalty notice cases was \$343,170.

Five aggravated murder cases without death penalty notices took an average of 17.2 months to decide. Four of the defendants were convicted of aggravated murder and sentenced to life without the possibility of parole. One defendant was convicted of other crimes and was given a lesser sentence. The average cost of the five non-death penalty notice cases was \$55,606.

***In Kitsap County Superior Court***, two trial level aggravated murder cases without death penalty notices took an average of 9.5 months to resolve. One defendant was convicted of aggravated murder and sentenced to life without the possibility of parole. The other was convicted of another crime and received a lesser sentence. The average cost of the two cases was \$73,643.

***In Cowlitz County Superior Court***, one aggravated murder case involving the death penalty took 25 months to resolve. The defendant pleaded guilty to aggravated murder and was sentenced to life without the possibility of parole. The cost of the case was \$346,882.

**State Appellate Review Proceedings: Length and Cost.** The effort and cost required to pursue death penalty appeals has increased dramatically during the past nineteen years, particularly after the 1991 U.S. Supreme Court McClesky decision and the 1996 passage of the federal Antiterrorism and Effective Death Penalty Act. For example, state appellate capital case briefs averaged 50 pages ten years ago, but now number 250 pages. Defense attorneys, who traditionally keep time records for billing purposes, reported 1,167 attorney hours for the Lord personal restraint petition, and over 3,000 hours for both the Gentry and Brett personal restraint petitions- or over 75 weeks of attorney time. County prosecutors prepare with equal intensity. Prosecutor costs in the 1980s and 1990s are hard to quantify because they are paid by individual

counties rather than by the state, but counties report that one or more experienced higher-level deputy prosecutors often spend many, many months largely concentrating on a single death penalty appellate case. State-paid indigent defense attorney fees are better documented. Defense attorney fees in personal restraint petitions have increased from an average of \$15,619 for cases begun and completed in the 1980s to \$65,615 for personal restraint petition actions completed in the 1990s. Defense fees have reached over \$172,000 in three recent state appellate cases.

Judicial costs are also high. Washington State Supreme Court death penalty cases involve enormous records, often numbering ten thousand pages or more. Death penalty appeals are frequently assigned four hours for oral argument, four times the norm for criminal appeals. The justices and their staffs spend numerous hours reading lengthy briefs and other documents filed. Due to the nature of the sentence, every minute detail of every assertion, request, piece of evidence, or conclusion is analyzed with punctilious care.

In addition, Washington State Supreme Court review not infrequently results in additional trial level hearings in the county where the case originated. If necessary to evaluate a capital defendant's appellate claims, the Court orders a trial court reference hearing. These evidentiary hearings last from one to several days. Recent examples are a November 1998 reference hearing in Clark County in the In re Brett case and a November 1999 Pierce County reference hearing in State v. Marshall. Because a reference hearing is part of the appellate case, the state pays for defense attorney costs and the county pays for prosecutorial costs. A second kind of trial court proceeding often occurs after the reversal of a death sentence by the Washington State Supreme Court, when the sentencing issue is remanded to the trial court for resentencing. For example, in May 1999 the Court reversed C. Finch's death sentence, remanding the case for resentencing proceedings that are presently underway in Snohomish County.

Since 1981, Washington's initial state review process has been completed in 14 cases, and has taken between 2 and 12 years per defendant. Completion of the case by state review (prior to the filing of any federal district court petitions) has resulted in the execution of two defendants, the reversal of the death sentence of two defendants, and the filing of federal review in the remaining 10 cases, and has taken an average of 5.5 years. Presently there are 10 capital defendants undergoing state review in the Washington State Supreme Court.

In comparison, appeals from aggravated murder cases not involving a death sentence are much less costly and are usually of much shorter duration. The defendant is entitled to one appeal of right. The average duration of 21 non-death penalty aggravated murder appeals heard by the Court of Appeals in 1997, 1998, and 1999 was 34 months. Appellate defense counsel were paid an average of \$6,779 to represent the defendant, and prosecutors were paid by the respective counties in an unknown amount. One aggravated murder appeal was decided by the Supreme Court during that time period; it took 51 months to resolve and the defense attorneys were paid \$18,089. An aggravated murder defendant in a case not involving the death penalty is not entitled

to court appointed counsel in pursuing a personal restraint petition in the state courts, nor in a federal habeas corpus petition, but must petition the court and show good cause before counsel will be appointed by the respective courts.

**Federal Appellate Review Proceedings: Length and Cost.** As a matter of federal law, once a state death penalty case appeal and personal restraint petition review process is completed, the federal review process begins. If, after the defendant's appeal and personal restraint petition, the Washington State Supreme Court affirms the capital defendant's death sentence, the defendant has the right to request review by the United States Supreme Court by filing a petition for writ of certiorari. If the US Supreme Court grants certiorari to review the state decision, a hearing is held. Even if the US Supreme Court decides not to review the state decision or reviews it and affirms the death sentence, the defendant has the right to file a writ of habeas corpus in federal district court.

When considering the capital defendant's petition for writ of habeas corpus, the federal district court reviews the state trial court record, as well as the Washington State Supreme Court appeal and personal restraint petition records and decisions, scrutinizing them under constitutional standards to evaluate whether the state trial court conviction and death sentence were properly adjudicated and whether federal statutory and constitutional laws were followed during state review. If the federal district court finds error in the state court proceedings, the death penalty conviction and/or sentence is reversed and, usually, remanded to the state trial court for retrial or resentencing. If the federal district court does not find error, it dismisses the defendant's petition for writ of habeas corpus.

The next review stage occurs if the capital defendant or the state appeals the federal district court's decision to the Ninth Circuit Court of Appeals. The Ninth Circuit evaluates all the preceding records and decisions. If the Ninth Circuit finds error, it may reverse the district court's decision either on behalf of the defendant or on behalf of the state, and also may remand the matter to a lower court for new proceedings. If the Ninth Circuit does not find error, it affirms the federal district court's decision.

The combined state and federal review process of the five Washington death penalty cases that have been completed in federal court, one case by execution and four cases by reversal of the capital judgment, has taken between 9 and 14 years. Combined state and federal review has taken an average of 11.2 years for these cases. A number of Washington death penalty cases are presently awaiting federal review decisions or are in the process of being retried in state court after federal reversals. At present, there are four Washington capital defendants undergoing federal review.

At the federal court level, defense costs are paid by the federal government. The state is the respondent, seeking to uphold the conviction and death sentence, and is represented by the Attorney General. During the past few years, the Attorney General's Office has also begun participating in reference hearings in state court and assisting county prosecutors with state appeals. Attorney General costs for federal court

proceedings are comparable to defense attorney costs in state court; for example, the Attorney General's Office reports spending \$154,034 to defend the Sagastegui death sentence, \$254,209 on the Lord case, and \$78,799 on the Campbell case.

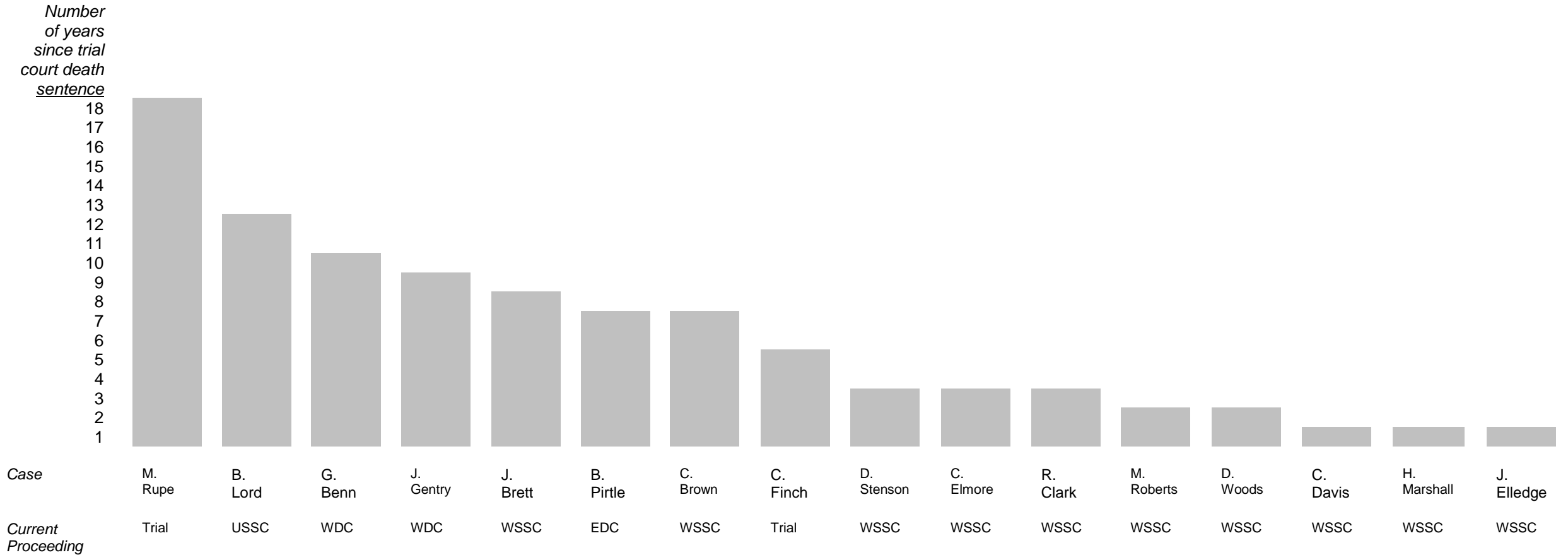
The chart on the following page depicts the number of years each of Washington's sixteen cases have been in state or federal review and the proceedings completed for each case. Also noted are the standard future review proceedings to which each defendant is entitled if the death sentence is affirmed in all preceding court reviews.

## **Conclusion**

There is no doubt but that these cases are unlike all others, given the number of years their adjudication and review takes, the amount of money they cost, and their uncertain results. Partially as a result of a general lack of knowledge of the procedures governing capital cases and partially due to unrealistic expectations that the courts should be able to resolve them expeditiously, many people have articulated a loss of confidence in the justice system when discussing death penalty cases within the court trial and appellate process.

Consideration of how aggravated murder cases should be handled, and how resources should be allocated within the criminal justice system, is in the province of the legislature. It is my hope that the documentation of how capital punishment operates in Washington will be of use to the legislature and the public in assessing the benefits and burdens of death penalty cases.

# Washington Cases Currently in State or Federal Review



**Completed Proceedings:** Rupe - 1982 trial court death sentence, 1984 WSSC appeal, 1987 WSSC appeal, 1990 WSSC PRP, 1992 WSSC PRP, 1993 WSSC PRP, 1994 WDC appeal, 1996 9<sup>th</sup> Cir. appeal; Lord - 1987 trial court death sentence, 1991 WSSC appeal, 1994 WSSC PRP, 1997 WDC appeal, 1999 9<sup>th</sup> Cir. appeal; Benn - 1990 trial court death sentence, 1993 WSSC appeal, 1998 WSSC PRP; Gentry - 1991 trial court death sentence, 1995 WSSC appeal, 1999 WSSC PRP; Brett - 1992 trial court death sentence, 1995 WSSC appeal; Pirtle - 1993 trial court death sentence, 1995 WSSC appeal, 1997 WSSC PRP; Brown - 1993 trial court death sentence, 1997 appeal; Finch - 1995 trial court death sentence, 1999 WSSC appeal; Stenson - 1994 trial court death sentence, 1997 WSSC appeal; Elmore - 1996 trial court death sentence, 1999 WSSC appeal; Clark - 1997 trial court death sentence; Roberts - 1997 trial court death sentence; Woods - 1997 trial court death sentence; Davis - 1998 trial court death sentence; Marshall - 1998 trial court death sentence; Elledge - 1998 trial court death sentence.

**Future Proceedings Available:** Rupe - appeal to WSSC, WSSC PRP, WDC habeas corpus petition, 9<sup>th</sup> Circuit appeal; Benn - WDC habeas corpus petition, 9<sup>th</sup> Circuit appeal; Gentry - WDC habeas corpus petition, 9<sup>th</sup> Circuit appeal; Brett - WDC habeas corpus petition, 9<sup>th</sup> Circuit appeal; Pirtle - EDC habeas corpus petition, 9<sup>th</sup> Circuit appeal; Brown - WDC habeas corpus petition, 9<sup>th</sup> Circuit appeal; Finch - appeal to WSSC, WSSC PRP, WDC habeas corpus petition; 9<sup>th</sup> Circuit appeal; Stenson - WDC habeas corpus petition, 9<sup>th</sup> Circuit appeal; Elmore - WSSC PRP, WDC habeas corpus petition, 9<sup>th</sup> Circuit appeal; Clark - WSSC PRP, WDC habeas corpus petition, 9<sup>th</sup> Circuit appeal; Roberts - WSSC PRP, WDC habeas corpus petition; 9<sup>th</sup> Circuit appeal; Woods - WSSC PRP, WDC habeas corpus petition; 9<sup>th</sup> Circuit appeal; Davis - WSSC PRP, WDC habeas corpus petition; 9<sup>th</sup> Circuit appeal; Marshall - WSSC PRP, WDC habeas corpus petition; 9<sup>th</sup> Circuit appeal; Elledge - WSSC PRP, WDC habeas corpus petition; 9<sup>th</sup> Circuit appeal.

Due to space limitations, petitions filed for writ of certiorari to the U.S. Supreme Court are not noted on this table.

WSSC - Washington State Supreme Court; WDC - U.S. District Court for the Western District of Washington; EDC - U.S. District Court for the Eastern District of Washington; 9<sup>th</sup> Circuit - Ninth Circuit Court of Appeals.