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SUPREME COURT REQUIRES JURY PARTICIPATION IN DEATH SENTENCES

Decision May Overturn Hundreds of Death Verdicts

WASHINGTON, DC -- As questions about the fairness of the death penalty persist in the United States, today's Supreme Court ruling in *Ring v. Arizona* is a significant step forward toward remedying the often criticized practice of having a judge, rather than a jury, decide the critical sentencing issues in a death penalty case. In its decision, the Court held that a death sentence where the necessary aggravating factors are determined by a judge violates a defendant's constitutional right to a trial by jury.

"The Supreme Court, like so many other institutions in our society, has rightly expressed deep reservations about the way the death penalty is being implemented," said Richard C. Dieter, Executive Director of the Death Penalty Information Center. "Today's decision potentially affects hundreds of death row inmates, and demonstrates how important it has become to review the entire capital punishment process, and to halt executions in the meantime."

In 1990, the U.S. Supreme Court held in *Walton v. Arizona* that the Arizona capital sentencing law - which provided that a judge, not a jury, was the ultimate finder of fact with respect to the existence of aggravating circumstances - was constitutional. A decade later, however, the Court held in *Apprendi v. New Jersey* that a judge could not make findings that would increase a defendant's sentence beyond the maximum, since that was comparable to an additional conviction. The Court said that such a decision should be submitted to a jury and require proof beyond a reasonable doubt. Today's ruling extends this right to capital defendants,

and ensures that those facing the death penalty will have critical sentencing decisions made by a unanimous jury of their peers.

Currently, nine of the 38 states retaining the death penalty- including Arizona, Idaho, Montana, Colorado, Nebraska, Alabama, Delaware, Florida, and Indiana - utilize some form of judge sentencing. This number will decrease to eight on July 1, 2002, when Indiana officially changes its policy to make unanimous jury votes for death or life-without-parole binding on the judge, who imposes the formal sentence. Under today's ruling, the remaining states will be required to change sentencing policies for future cases and to review the cases of those capital defendants currently on death row. Nearly 800 of the nation's 3,700 death row inmates were sentenced without the protections extended to capital defendants by *Ring v. Arizona*.

On June 20, in a separate death penalty decision, the Supreme Court held in *Atkins v. Virginia* that execution of those with mental retardation is a violation of the Eighth Amendment's ban on cruel and unusual punishment.

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