

2006

## Appendices A-H to Lightning Still Strikes

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# Appendix A

## DEFENDANTS BY JURISDICTION

Jurisdiction	Death-Sentenced	Sentencer-Spared	Prosecutor-Spared	Total
AL	7	1	1	9
AZ	7	2	3	12
AR	2	1	9	12
CA	12	7	19	38
CO	-	-	3	3
CT	1	2	4	7
DE	2	8	2	12
FL	11	18	25	54
GA	4	2	11	17
ID	-	-	3	3
IL	4	6	9	19
IN	-	-	8	8
KS*	1	1	2	4
KY	2	2	6	10
LA	7	3	11	21
MD	1	2	9	12
MS	3	1	1	5
MO	3	-	6	9
NE	2	1	1	4
NV	1	1	9	11
NJ	1	1	7	9
NM	-	-	4	4
NC	4	5	22	31
OH	5	14	12	31
OK	8	3	9	20
OR	2	2	9	13
PA	5	12	21	38
SC	5	1	8	14
TN	6	2	4	12

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\* In December, 2004, the Kansas death penalty statute was declared unconstitutional by the Kansas Supreme Court. The ruling was stayed during further appeals. Thus, the four Kansas cases remain in the database.

Jurisdiction	Death-Sentenced	Sentencer-Spared	Prosecutor-Spared	Total
TX	24	8	40	72
UT	-	1	4	5
VA	2	3	15	20
WA	-	-	14	14
WY	1	-	-	1
Fed.	7	10	12	29
Total	140	120	323	583

Note: No cases in the database from MT, NH, NY,\*\* and SD.

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\*\* During 2004 New York's death penalty was inactive because it had been ruled unconstitutional by the New York Court of Appeals.

## Appendix B

### YEARS OF OFFENSES

Years	Death-Sentenced	Sentencer-Spared	Prosecutor-Spared
Before 1980	3	-	1
1980-89	3	2	13
1990-94	6	-	8
1995-99	22	22	26
2000	11	11	17
2001	32	18	38
2002	38	38	89
2003	24	28	101
2004	1	1	30
Total	140	120	323

Note: When offenses occurred in several years, the most recent year is used.

## Appendix C

### DEFENDANTS' AGES AT TIMES OF CRIMES AND SENTENCING RESULTS

Ages	Death-Sentenced	Sentencer-Spared	Prosecutor-Spared	Sentencer Death Rate	Overall Death Rate
16-17	2	3	6	40%	18%
18-19	14	13	46	52%	19%
20-21	12	19	41	39%	16%
22-25	25	23	65	52%	22%
26-29	15	18	36	45%	22%
30-39	45	29	73	61%	31%
40-49	15	6	22	71%	35%
50-59	6	-	9	100%	40%
60+	1	-	3	100%	25%
Unknown	5	9	22	36%	14%
Total	140	120	323		

## Appendix D

### DEFENDANTS SENTENCED TO DEATH

**Defendants are in order from highest number of Depravity Points to lowest** (and if Depravity Points are equal, then in alphabetical order by defendants' surnames). Defendants are numbered with the prefix "DS" denoting "Death Sentence." The number in parentheses following the name is the Depravity Point Total. The abbreviation after the Depravity Point Calculation denotes the state or federal district in which the death sentence was imposed. Because Westlaw recently changed news service providers, many of the original sources relied upon for this Article are no longer available via Westlaw; these sources remain on file with the author.

#### 30 OR MORE DEPRAVITY POINTS

**DS 1. Andrew Urdiales (73) IL** Sources: CHICAGO SUN-TIMES 5/25/2004 (2004 WLNR 11579177), 8/18/2004 (2004 WLNR 11532270); CHICAGO TRIBUNE 4/24/2004 (LEXIS, USPAPR File), 4/25/2004 (LEXIS, USPAPR File), 5/11/2004 (LEXIS, USPAPR File), 5/25/2004 (LEXIS, USPAPR File); THE PRESS-ENTERPRISE 5/31/2003 (LEXIS, USPAPR File); Illinois Department of Corrections (<http://www.idoc.state.il.us>).

**DS 2. John Allen Muhammad (63) VA** Sources: LOS ANGELES TIMES 11/19/2003 (LEXIS, USPAPR File), 11/25/2003 (LEXIS, USPAPR File).

**DS 3. Derrick Todd Lee (49) LA** Sources: HOUSTON CHRONICLE 10/14/2004 (on file with author); THE TIMES-PICAYUNE 9/12/2004 (2004 WLNR 1506481), 10/15/2004 (2004 WLNR 1501987), 10/16/2004 (2004 WLNR 1502660); THE CHARLESTON GAZETTE 9/14/2004 (2004 WLNR1187598); THE ADVOCATE (Baton Rouge, LA) 9/21/2004 (on file with author), 9/22/2004 (on file with author); SUN HERALD (Biloxi, MS) 9/22/2004 (2004 WLNR 19137023), 9/24/2004 (2004 WLNR 19143410).

**DS 4. Reinaldo Rivera (45) GA** Sources: THE AUGUSTA CHRONICLE 1/14/2004 (2004 WLNR 1426730), 1/15/2004 (2004 WLNR 1427159), 1/21/2004 (2004 WLNR

1435941), 1/24/2004 (2004 WLNR 1442871), 1/25/2004 (2004 WLNR 1437200), 2/13/2004 (2004 WLNR 1456360).

**DS 5. Scott Thomas Erskine (44) CA** Sources: THE SAN DIEGO UNION-TRIBUNE 8/29/2004 (2004 WLNR 17010302), 9/2/2004 (2004 WLNR 17014193), 9/5/2004 (2004 WLNR 16937890); LOS ANGELES TIMES 9/2/2004 (LEXIS, USPAPR File).

**DS 6. Anthony Shore (41) TX** Sources: HOUSTON CHRONICLE 10/21/2004 (LEXIS, USPAPR File), 10/23/2004 (LEXIS, USPAPR File), 10/28/2004 (LEXIS, USPAPR File).

**DS 7. James Lee Crummel (35) CA** Sources: LOS ANGELES TIMES 6/8/2004 (LEXIS, USPAPR File); THE PRESS-ENTERPRISE 6/14/2004 (LEXIS, USPAPR File); THE MONTEREY COUNTY HERALD 7/11/2004 (2004 WLNR 4265908).

**DS 8. Joseph Clarence Smith, Jr. (35) AZ** (resentencing after appellate reversal) Source: State v. Smith, 599 P.2d 187 (Ariz. 1976).

**DS 9. Juan Raul Navarro Ramirez (32) TX** Sources (on file with author): HOUSTON CHRONICLE 1/7/2003, 1/17/2003; SAN ANTONIO EXPRESS-NEWS 1/25/2003, 2/1/2003, 2/15/2003, 12/21/2004.

**DS 10. Virendra "Victor" Govin (31) CA** Sources: LOS ANGELES TIMES 5/19/2004 (LEXIS, USPAPR File), 6/5/2004 (LEXIS, USPAPR File).

**DS 11. Anthony Quinn Francois (30) TX** Sources: HOUSTON CHRONICLE 7/20/2004 (on file with author), 7/21/2004 (on file with author), 7/22/2004 (on file with author), 7/23/2004 (LEXIS, USPAPR File), 7/24/2004 (on file with author), 7/27/2004 (LEXIS, USPAPR File), 7/29/2004 (LEXIS, USPAPR File).

**DS 12. Gary Lee Sampson (30) Fed-MA** Sources: THE BOSTON GLOBE 1/30/2004 (2004 WLNR 3562870), 1/31/2004 (2004 WLNR 3564460), 2/15/2004 (2004 WLNR 3591470), 5/21/2004 (2004 WLNR 3565701).

## 20-29 DEPRAVITY POINTS

**DS 13. Douglas Belt (27) KS** Sources: THE WICHITA EAGLE 10/21/2004 (2004 WLNR 2907752), 10/22/2004 (2004 WLNR 2907799), 11/2/2004 (on file with author), 11/3/2004 (2004 WLNR 4795220), 11/4/2004 (2004 WLNR 5950513), 11/18/2004 (2004 WLNR 11057985).

**DS 14. Edgardo Cubas (27) TX** Sources: HOUSTON CHRONICLE 5/6/2004 (LEXIS, USPAPR File), 5/11/2004 (LEXIS, USPAPR File), 5/12/2004 (LEXIS, USPAPR File), 5/22/2004 (on file with author), 8/20/2004 (LEXIS, USPAPR File); Texas Department of Criminal Justice (<http://www.tdcj.state.tx.us/stat/cubasedgardo.htm>).

**DS 15. Billy Dale Green (27) AR** Sources: ARKANSAS DEMOCRAT-GAZETTE 8/8/2003 (on file with author), 9/23/2003 (LEXIS, USPAPR File), 5/14/2004 (LEXIS, USPAPR File), 5/15/2004 (on file with author), 5/18/2004 (LEXIS, USPAPR File), 5/21/2004 (on file with author), 5/22/2004 (LEXIS, USPAPR File), 5/28/2004 (on file with author); Arkansas Department of Corrections (<http://www.state.ar.us/doc/deathrow.html>).

**DS 16. Michael Edward Hooper (25) OK** (resentencing after appellate reversal) Sources: THE OKLAHOMAN 10/1/2004 (LEXIS, USPAPR File); Hooper v. State, 947 P.2d 1090 (Okla. Crim. App. 1997).

**DS 17. David Zink (25) MO** Sources: NEWS-LEADER (Springfield, MO) 7/30/2004 (2004 WLNR 16189759), 9/8/2004 (2004 WLNR 16388223).

**DS 18. Kenneth "Pat" Bondurant (23) TN** (resentencing after appellate reversal) Sources: State v. Patterson, 1996 WL 275021 (Tenn. Crim. App. 1996) (unpublished); State v. Bondurant, 4 S.W.3d 662 (Tenn. 1999).

**DS 19. Marco Chapman (23) KY** Sources: THE CINCINNATI POST 10/22/04 (2004 WLNR 6898089), 10/23/2004 (2004 WLNR 6898125), 12/15/2004 (2004 WLNR 14183317).

**DS 20. Sherman Fields (23) Fed-TX** Sources (on file with author): Cox News Service 1/27/2004, 1/28/2004, 2/3/2004, 2/4/2004, 2/7/2004, 4/9/2004.

**DS 21. Ernest Wholaver (23) PA** Sources: BUCKS COUNTY COURIER TIMES (PA) 8/22/2004 (<http://www.phillyburbs.com/pb-dyn/news/103-08222004-352840.html>); CENTRE DAILY TIMES (State College, PA) 9/1/2004 (2004 WLNR 4307685); PATRIOT-NEWS (Harrisburg, PA) 8/31/2004 (on file with author), 9/1/2004 (on file with author).

**DS 22. Chadrick Fulks (22) Fed-SC** Sources: LEXINGTON HERALD-LEADER (KY) 6/1/2004 (2004 WLNR 3131233); THE SUN NEWS (Myrtle Beach, SC) 6/4/2004 (2004 WLNR 328053), 6/25/2004 (2004 WLNR 329054), 6/25/2004 (on file with author), 6/25/2004 (on file with author); EVANSVILLE COURIER & PRESS 6/4/2004 (2004 WLNR 17127677); THE STATE

(Columbia, SC) 6/6/2004 (2004 WLNR 2753469), 6/19/2004 (2004 WLNR 2790700), 6/23/2004 (2004 WLNR 2801209); THE CHARLESTON GAZETTE 6/30/2004 (2004 WLNR 1187704), 7/1/2004 (2004 WLNR 1188814).

**DS 23. Buenka Adams (21) TX** Sources (on file with author): HOUSTON CHRONICLE 9/5/2002; TYLER MORNING TELEGRAPH (TX) 8/21/2004, 8/31/2004.

**DS 24. Teodoro Baez (21) IL** Sources: CHICAGO SUN-TIMES 3/10/2004 (2004 WLNR 17878072); CHICAGO TRIBUNE 3/10/2004 (LEXIS, USPAPR File).

**DS 25. Richard Cobb (21) TX** (*See also* Buenka Adams, *supra* DS 23) Sources (on file with author): HOUSTON CHRONICLE 9/5/2002; TYLER MORNING TELEGRAPH (TX) 8/21/2004, 8/31/2004.

**DS 26. Robert Joe Hood (21) TN** Sources: THE COMMERCIAL APPEAL (Memphis, TN) 4/11/2003 (2003 WLNR 8909080), 5/5/2004 (2004 WLNR 9667346), 5/7/2004 (2004 WLNR 9669170); THE GAZETTE (Colorado Springs, CO) 5/11/2004 (on file with author).

**DS 27. Dale Eaton (20) WY** Sources (on file with author): ROCKY MOUNTAIN NEWS (Denver, CO) 3/19/2004; THE DENVER POST 5/21/2004.

**DS 28. Charles David Ellison (20) AZ** Sources: THE KINGMAN DAILY MINER (<http://www.kingmandailyminer.com>) 2/17/2004, 2/18/2004.

## 15-19 DEPRAVITY POINTS

**DS 29. Curtis Flowers (19) MS** (resentencing after appellate reversal) Sources: THE CLARION-LEDGER (Jackson, MS) 2/7/2004 (on file with author), 2/12/2004 (LEXIS, USPAPR File); THE COMMERCIAL APPEAL (Memphis, TN) 2/13/2004 (2004 WLNR 9636904).

**DS 30. Ronnie K. Williams (19) FL** (resentencing after appellate reversal) Sources: THE MIAMI HERALD 11/4/2003 (2003 WLNR 6163216), 3/2/2004 (2004 WLNR 6271062); SUN-SENTINEL (Ft. Lauderdale, FL) (on file with author) 2/4/2004, 2/11/2004, 2/13/2004, 3/2/2004, 4/17/2004.

**DS 31. Linda Lou Charbonneau (18) DE** Sources: THE NEWS JOURNAL (DE) 6/5/2004 (2004 WLNR 15925429); Delaware Department of Corrections (<http://www.state.de.us/correct/information/deathrow.shtml>).

**DS 32. Quawn Franklin (18) FL** Sources: ORLANDO SENTINEL 4/23/2004 (LEXIS, USPAPR File), 4/27/2004 (LEXIS, USPAPR File), 6/4/2004 (LEXIS, USPAPR File).

**DS 33. Jorge Galindo (18) NE** Sources: OMAHA WORLD-HERALD 6/9/2004 (2004 WLNR 11462158), 10/14/2004 (2004 WLNR 11565430), 10/16/2004 (2004 WLNR 11594941), 11/10/2004 (2004 WLNR 15889111).

**DS 34. Larry Hazlett (18) CA** Sources: LOS ANGELES DAILY NEWS 6/19/2004 (2004 WLNR 2852222), 6/25/2004 (2004 WLNR 2853137), 7/15/2004 (2004 WLNR 2856915).

**DS 35. Brian P. Wakefield (18) NJ** Sources: PRESS OF ATLANTIC CITY 6/27/2004 (on file with author); THE STAR-LEDGER (Newark, NJ) 2/7/2004 (2004 WLNR 18077983), 2/12/2004 (2004 WLNR 18006205).

**DS 36. Joseph Williams (18) GA** Sources (on file with author): Associated Press Newswires 3/29/2004, 4/6/2004; Law Discussion Forums, *Prosecutors Detail Joseph Williams' Assaults Prior to Killing*.

**DS 37. James Brownfield (17) AL** Sources (on file with author): Associated Press Newswire 12/26/2001; THE DAILY SENTINEL (Scottsboro, AL) 2/22/2004, 2/25/2004, 2/26/2004; MOBILE REGISTER 2/16/2004.

**DS 38. Mark Duane Edwards, Jr. (17) PA** Sources: PITTSBURGH POST-GAZETTE 5/6/2004 (LEXIS, USPAPR File), 5/8/2004 (LEXIS, USPAPR File), 5/18/2004 (LEXIS, USPAPR File); Pennsylvania Department of Corrections (<http://www.cor.state.pa.us>).

**DS 39. Earl Forrest II (17) MO** Sources: NEWS-LEADER (Springfield, MO) 12/11/2002 (LEXIS, USPAPR File), 12/19/2002 (LEXIS, USPAPR File).

**DS 40. Arthur Lee Gales (17) NE** (resentencing after appellate reversal) Sources: OMAHA WORLD-HERALD 10/23/2003 (LEXIS, USPAPR File), 10/31/2003 (LEXIS, USPAPR File), 12/4/2003 (2003 WLNR 9999748), 12/9/2003 (2003 WLNR 10016497), 12/10/2003 (2003 WLNR 10000171).

**DS 41. Carroll Joe Parr (17) TX** Sources: COX NEWS SERVICE (on file with author) 3/30/2004, 5/19/2004, 5/20/2004, 5/21/2004, 5/22/2004, 5/25/2004, 5/26/2004, 5/27/2004; Texas Department of Criminal Justice (<http://www.tdcj.state.tx.us/stat/deathrow.htm>).

**DS 42. Michael Rimmer (17) TN** (resentencing after appellate reversal) Sources: State v. Rimmer, 2001 WL 567960 (Tenn. Crim. App. 2001) (unpublished); THE COMMERCIAL

APPEAL (Memphis, TN) (on file with author) 1/8/2004, 1/14/2004.

**DS 43. Shannon Agofsky (16) Fed-TX** Sources (on file with author): TULSA WORLD 7/9/2004; HOUSTON CHRONICLE 7/17/2004; FORT WORTH STAR-TELEGRAM 1/17/2004; THE WICHITA EAGLE 7/16/2004; Press Release, United States Attorney's Office, Eastern District of Texas (Jul. 16, 2004).

**DS 44. Jimmy Lee Brooks (16) AL** Sources: THE LEDGER-ENQUIRER (Columbus, GA) 3/2/2002 (2002 WLNR 1921325), 2/11/2004 (2004 WLNR 2963792), 4/9/2004 (2004 WLNR 2982028); CNN.com, *Alabama Duo Facing New Murder Charges*, 2/20/2002 (LEXIS, USPAPR File).

**DS 45. Troy Burkhart (16) SC** (resentencing after appellate reversal) Sources: State v. Burkhart, 565 S.E.2d 298 (S.C. 2002); THE GREENVILLE NEWS 6/18/2002 (LEXIS, USPAPR File).

**DS 46. Rodrigo Hernandez (16) TX** Sources: SAN ANTONIO EXPRESS-NEWS 3/19/2004 (LEXIS, USPAPR File), 3/23/2004 (LEXIS, USPAPR File); Texas Department of Criminal Justice (<http://www.tdjc.state.tx.us/stat/hernandezrodrigo.htm>).

**DS 47. Elwood Jackson, Jr. (16) OK** Sources: THE OKLAHOMAN 10/23/2004 (LEXIS, USPAPR File), 10/27/2004 (LEXIS, USPAPR File); TULSA WORLD 10/27/2004 (LEXIS, USPAPR File).

**DS 48. John Quintanilla, Jr. (16) TX** Sources: Telephone Interview with Prosecutor Smith (Feb. 14, 2005); THE VICTORIA ADVOCATE ONLINE ([www.thevictoriaadvocate.com](http://www.thevictoriaadvocate.com), search for "Quintanilla") 11/24/2004, 12/3/2004, 12/4/2004.

**DS 49. Jason Manuel Reeves (16) LA** Sources: THE ADVOCATE (Baton Rouge, LA) 10/13/2004 (LEXIS, USPAPR File), 11/8/2004 (LEXIS, USPAPR File), 11/9/2004 (LEXIS, USPAPR File); Associated Press Newswires (on file with author) 11/6/2004, 11/9/2004.

**DS 50. Angelina Rodriguez (16) CA** Sources: LOS ANGELES TIMES 11/13/2003 (LEXIS, USPAPR File), 1/13/2004 (LEXIS, USPAPR File); CONTRA COSTA TIMES 1/13/2004 (on file with author).

**DS 51. John Troy (16) FL** Sources: SARASOTA HERALD-TRIBUNE 8/19/2003 (LEXIS, USPAPR File), 8/21/2003 (LEXIS, USPAPR File), 8/26/2003 (LEXIS, USPAPR File),

8/27/2003 (LEXIS, USPAPR File), 1/24/2004 (LEXIS, USPAPR File).

**DS 52. Leon Winston (16) VA** Sources: Press Release, Office of the Commonwealth's Attorney, Lynchburg, Virginia (June 13, 2003) (on file with author); DAILY PRESS (VA) 6/15/2003 (on file with author); Death Penalty News & Updates (<http://www.vadp.org/cases/lwinston.htm>).

**DS 53. Tracy Beatty (15) TX** Sources: TYLER MORNING TELEGRAPH (TX) 8/11/2004 (on file with author); Telephone Interview with Prosecutor Harrison (Oct. 29, 2004).

**DS 54. Alfred Bourgeois (15) Fed-TX** Sources: THE TIMES-PICAYUNE 3/18/2004 (LEXIS, USPAPR File), 3/26/2004 (LEXIS, USPAPR File); Press Release, United States Department of Justice (Mar. 24, 2004) (on file with author); Death Penalty Information Center (<http://www.deathpenaltyinfo.org>).

**DS 55. Cleve Foster (15) TX** Sources: FORTH-WORTH STAR-TELEGRAM 2/7/2004 (2004 WLNR 1635044), 2/10/2004 (2004 WLNR 1635143), 2/13/2004 (2004 WLNR 1635520).

**DS 56. Todd Givens (15) CA** Sources: THE FRESNO BEE 3/5/2004 (2004 WLNR 17611736), 7/7/2004 (2004 WLNR 3077761), 7/8/2004 (on file with author).

#### 10-14 DEPRAVITY POINTS

**DS 57. Robert Acuna (14) TX** Sources: HOUSTON CHRONICLE 8/12/2004 (on file with author) (defendant was 17 at time of murders and thus became ineligible for death sentence under new United States Supreme Court precedent in 2005; sentence consequently reduced to imprisonment).

**DS 58. Joseph Barrett (14) CA** Sources (on file with author): IMPERIAL VALLEY PRESS 1/13/2004, 1/16/2004, 2/3/2004, 2/10/2004, 2/11/2004, 2/25/2004, 3/11/2005.

**DS 59. Alfonso "Slinkey" Blake (14) NV** Sources: LAS VEGAS SUN (on file with author) 3/7/2003, 5/30/2003, 3/24/2004; THE LAS VEGAS REVIEW-JOURNAL 3/9/2003 (on file with author), 3/24/2004 (LEXIS, USPAPR File), 3/27/2004 (LEXIS, USPAPR File), 4/1/2004 (LEXIS, USPAPR File); Nevada Department of Corrections (<http://www.doc.nv.gov/>).

**DS 60. Fred Furnish (14) KY** (resentencing after appellate reversal) Sources: THE CINCINNATI POST (on file with

author) 7/20/2002, 6/3/2003; THE ENQUIRER (Cincinnati, OH) 3/25/2004 (LEXIS, USPAPR File).

**DS 61. Ricardo Harris (14) IL** Sources: CHICAGO TRIBUNE 2/6/2004 (LEXIS, USPAPR File), 2/10/2004 (LEXIS, USPAPR File); CHICAGO SUN-TIMES 2/10/2004 (LEXIS, USPAPR File), 3/16/2004 (LEXIS, USPAPR File).

**DS 62. Fred Mundt, Jr. (14) OH** Sources: THE COLUMBUS DISPATCH 12/11/2004 (LEXIS, USPAPR File).

**DS 63. Joel Richard Schneiderer (14) TN** Sources: State v. Schneiderer, 2000 WL 1681030 (Tenn. Crim. App. 2000) (unpublished); Telephone interview with Prosecutor Dicus (Nov. 1, 2004); THE TENNESSEAN 2/18/1999 (<http://www.tennessean.com/sii99/02/18/bedescape18.shtm>).

**DS 64. David Lamar Anthony (13) AZ** Sources: THE ARIZONA REPUBLIC 3/8/2004 (LEXIS, USPAPR File); Maricopa County Superior Court Order (Feb. 15, 2002) (<http://www.superiorcourt.maricopa.gov/publicinfo/rulings/rulingsRead.asp>; search for "Anthony").

**DS 65. Jamelle Armstrong (13) CA** Sources: LOS ANGELES TIMES 1/8/1999 (LEXIS, USPAPR File); *Trial of Jamille Armstrong* (<http://home.earthlink.net/~squeebertj/id18.html> (a site run by an individual, but which contains a report from the LONG BEACH PRESS TELEGRAM)).

**DS 66. Jason Donaldson (13) CA** Sources: LOS ANGELES TIMES 10/6/2004 (LEXIS, USPAPR File); Press Release, Los Angeles County District Attorney's Office (Oct. 5, 2004) (<http://www.da.co.la.ca.us/mr/>).

**DS 67. Richard England (13) FL** Sources: THE NEWS-JOURNAL (Daytona Beach, FL) 7/10/2004 (2004 WLNR 17237789), 7/17/2004 (2004 WLNR 17238577), 7/24/2004 (2004 WLNR 17239616); THE MIAMI HERALD 5/29/2004 (2004 WLNR 6306075); Florida Department of Corrections (<http://www.dc.state.fl.us/>).

**DS 68. Donnie Hulett, Jr. (13) GA** Sources: PRISON TALK ONLINE, *Hulett Sentenced to Death in Georgia*, (<http://www.prisontalk.com/forums/archive/index.php/t-58770.html>); WALKER COUNTY MESSENGER (<http://www.walkermessenger.com>) 4/15/2004, 4/16/2004, 4/20/2004, 4/21/2004, 4/28/2004, 4/29/2004.

**DS 69. Julian Mendez (13) CA** Sources: THE PRESS-ENTERPRISE 9/1/2004 (LEXIS, USPAPR File), 9/9/2004 (LEXIS, USPAPR File), 9/22/2004 (LEXIS, USPAPR File), 9/23/2004 (LEXIS, USPAPR File), 9/25/2004 (LEXIS, USPAPR File).

**DS 70. Troy Merck, Jr. (13) FL** (resentencing after appellate reversal) Sources: ST. PETERSBURG TIMES 3/20/2004 (LEXIS, USPAPR File), 8/7/2004 (LEXIS, USPAPR File); THE TAMPA TRIBUNE 8/7/2004 (LEXIS, USPAPR File); Florida Department of Corrections (<http://www.dc.state.fl.us/>).

**DS 71. Cecil Sutherland (13) IL** Sources: CHICAGO TRIBUNE 5/3/2004 (LEXIS, USPAPR File), 6/18/2004 (LEXIS, USPAPR File); THE STATE JOURNAL-REGISTER 9/19/2004 (on file with author).

**DS 72. Guy Allen (12) TX** Sources: AUSTIN AMERICAN-STATESMAN 3/11/2004 (LEXIS, USPAPR File), 3/17/2004 (LEXIS, USPAPR File), 3/18/2004 (LEXIS, USPAPR File), 3/19/2004 (LEXIS, USPAPR File), 3/20/2004 (LEXIS, USPAPR File), 3/21/2004 (LEXIS, USPAPR File).

**DS 73. Anthony Doyle (12) TX** Sources: THE DALLAS MORNING NEWS (on file with author) 5/4/2004, 5/6/2004, 5/11/2004; *Death Row Information*, Texas Department of Criminal Justice (<http://www.tdcj.state.tx.us/stat/deathrow.htm>).

**DS 74. Darrell Draughn (12) LA** Sources: THE TIMES (Shreveport, LA) 6/27/2003 (LEXIS, USPAPR File), 6/29/2003 (on file with author), 7/1/2003 (LEXIS, USPAPR File); THE ADVOCATE (Baton Rouge, LA) 6/29/2003 (LEXIS, USPAPR File).

**DS 75. Kamel Evans (12) SC** Sources: THE SUN NEWS (Myrtle Beach, SC) 9/22/2004 (on file with author); THE GREENVILLE NEWS 9/22/2004 (on file with author); THE AUGUSTA CHRONICLE 9/20/2004 (LEXIS, USPAPR File).

**DS 76. Michael Flinner (12) CA** Sources: THE SAN DIEGO UNION-TRIBUNE 3/27/2004 (LEXIS, USPAPR File), 3/30/2004 (LEXIS, USPAPR File), 4/3/2004 (LEXIS, USPAPR File).

**DS 77. Tomas Gallo (12) TX** Sources: HOUSTON CHRONICLE 1/2/2003 (on file with author), 2/4/2004 (LEXIS, USPAPR File), 2/13/2004 (LEXIS, USPAPR File), 2/19/2004 (LEXIS, USPAPR File).

**DS 78. Mark Anthony Gill (12) MO** Sources: Associated Press Newswire 3/5/2004 (on file with author); THE KANSAS CITY STAR 3/7/2004 (on file with author); ST. LOUIS POST-DISPATCH 3/6/2004 (LEXIS, USPAPR File); Telephone Interview with Prosecutor Swingle (Oct. 13, 2004).

**DS 79. Donnie Lee Roberts, Jr. (12) TX** Sources: Telephone Interview with Prosecutor Hon (Feb. 14, 2005); THE TOWN TALK (Alexandria, LA) 6/25/2004 (LEXIS, USPAPR File);

THE ADVOCATE (Baton Rouge, LA) 6/26/2004 (LEXIS, USPAPR File); THE TIMES (Shreveport, LA) 6/25/2004 (LEXIS, USPAPR File).

**DS 80. Jason Taylor (12) MS** Sources (on file with author): SUN HERALD (Biloxi, MS) 10/15/2002, 10/19/2002, 11/4/2004, 11/5/2004, 11/7/2004; THE ADVOCATE (Baton Rouge, LA) 10/16/2002.

**DS 81. Charlie Washington (12) AL** Sources: MONTGOMERY ADVERTISER 2/1/2003 (LEXIS, USPAPR File); Telephone Interviews with Prosecutor Partridge and Defense Attorney Jones (Sept. 24, 2004).

**DS 82. Odell Corley (11) Fed-IN** Sources: CHICAGO TRIBUNE 9/5/2002 (LEXIS, USPAPR File), 12/11/2002 (LEXIS, USPAPR File), 11/19/2003 (LEXIS, USPAPR File); CHICAGO SUN-TIMES 9/5/2002 (2002 WLNR 5589879); THE JOURNAL GAZETTE (Ft. Wayne, IN) 11/10/2002 (2002 WLNR 11608567); THE COURIER-JOURNAL (Louisville, KY) 10/8/2004 (2004 WLNR 2931622).

**DS 83. Calvin Hunter (11) TX** Sources: HOUSTON CHRONICLE 11/21/2003 (LEXIS, USPAPR File), 7/15/2004 (LEXIS, USPAPR File), 7/28/2004 (LEXIS, USPAPR File).

**DS 84. Jesse Lee Johnson (11) OR** Sources: STATESMAN JOURNAL (Salem, OR) 3/19/2004 (on file with author), 3/23/2004 (2004 WLNR 16531139), 3/26/2004 (2004 WLNR 16204068), 3/27/2004 (2004 WLNR 16432297), 4/1/2004 (LEXIS, USPAPR File).

**DS 85. Christopher Dale Jones (11) FL** Sources: Florida Department of Corrections (<http://www.dc.state.fl.us/inmateinfo/inmateinfomenu.asp>); Telephone Interviews with Prosecutors Romero and Albright (Jan. 14, 2005).

**DS 86. Elijah Dwayne Joubert (11) TX** Sources: HOUSTON CHRONICLE 10/5/2004 (LEXIS, USPAPR File), 10/12/2004 (LEXIS, USPAPR File), 10/22/2004 (LEXIS, USPAPR File).

**DS 87. Billy Thessing (11) AR** Sources: ARKANSAS DEMOCRAT-GAZETTE 2/20/2003 (LEXIS, USPAPR File), 9/1/2004 (LEXIS, USPAPR File), 9/3/2004 (LEXIS, USPAPR File), 9/8/2004 (LEXIS, USPAPR File), 9/11/2004 (LEXIS, USPAPR File); Arkansas Department of Corrections (<http://www.state.ar.us/doc/>).

**DS 88. Juan Velazquez (11) AZ** Sources: THE ARIZONA REPUBLIC 10/9/2004 (2004 WLNR 16462137).

**DS 89. Allen "Gary" Zweigart (11) OR** Sources: THE OREGONIAN (Portland, OR) 1/11/2002 (LEXIS, USPAPR File),

2/21/2002 (on file with author), 4/19/2002 (LEXIS, USPAPR File), 4/19/2002 (LEXIS, USPAPR File), 10/10/2004 (LEXIS, USPAPR File), 11/4/2004 (LEXIS, USPAPR File).

**DS 90. John Michael Buzia (10) FL** Sources: ORLANDO SENTINEL 3/26/2003 (LEXIS, USPAPR File), 4/4/2003 (LEXIS, USPAPR File), 8/19/2003 (LEXIS, USPAPR File).

**DS 91. Barney Ronald Fuller, Jr. (10) TX** Sources: FORT WORTH STAR-TELEGRAM 7/22/2004 (2004 WLNR 1822949); AUSTIN AMERICAN-STATESMAN 7/22/2004 (LEXIS, USPAPR File); HOUSTON CHRONICLE 5/16/2003 (LEXIS, USPAPR File); HOUSTON COUNTY COURIER 7/18/2004 (on file with author), 8/2/2004 (on file with author); Telephone Interview with Prosecutor Session (Oct. 25, 2004).

**DS 92. Marvin Johnson (10) OH** Sources: TIMES RECORDER (Zanesville, OH) 6/2/2004 (on file with author), 6/5/2004 (2004 WLNR 16471980); Ohio Department of Corrections (<http://www.drc.state.oh.us/>).

**DS 93. William LeCroy, Jr. (10) Fed-GA** Sources: THE ATLANTA JOURNAL-CONSTITUTION 10/10/2001 (on file with author), 10/11/2001 (2004 WLNR 3957016), 3/11/2004 (2004 WLNR 6356060); CRIMINAL DEFENSE LAWYER NEWS 2/16/2004 (on file with author); Death Penalty Information Center (<http://www.deathpenaltyinfo.org>).

**DS 94. Steven Ray Newell (10) AZ** Sources: THE ARIZONA REPUBLIC 2/3/2004 (LEXIS, USPAPR File), 2/11/2004 (LEXIS, USPAPR File), 2/13/2004 (LEXIS, USPAPR File), 2/26/2004 (LEXIS, USPAPR File).

**DS 95. James Riels (10) TN** Sources: THE COMMERCIAL APPEAL (Memphis, TN) 8/14/2004 (2004 WLNR 9668329).

**DS 96. Chauncy Starling (10) DE** Sources: THE NEWS JOURNAL (OH) 11/5/2003 (2003 WLNR 12826040), 6/11/2004 (2004 WLNR 16382284).

**DS 97. William Kenneth Taylor (10) FL** Sources: THE TAMPA TRIBUNE 6/9/2004 (LEXIS, USPAPR File), 6/15/2004 (LEXIS, USPAPR File), 9/30/2004 (LEXIS, USPAPR File).

## **7-9 DEPRAVITY POINTS**

**DS 98. Robert Arrington (9) GA** Sources: THE AUGUSTA CHRONICLE 4/28/2004 (2004 WLNR 1435179),

5/5/2004 (2004 WLNR 1397120), 5/6/2004 (2004 WLNR 1439346), 5/7/2004 (2004 WLNR 1438289), 5/11/2004 (2004 WLNR 1440272), 5/12/2004 (2004 WLNR 1444831).

**DS 99. Kenisha Berry (9) TX** Sources: HOUSTON CHRONICLE 8/10/2003 (LEXIS, USPAPR File), 2/17/2004 (LEXIS, USPAPR File), 2/19/2004 (LEXIS, USPAPR File); AUSTIN AMERICAN-STATESMAN 2/20/2004 (LEXIS, USPAPR File).

**DS 100. Kyle Berry (9) NC** (resentencing after appellate reversal) Sources: STAR-NEWS (Wilmington, NC) 2/25/2004 (2004 WLNR 17448917), 2/26/2004 (2004 WLNR 17450457), 3/6/2004 (2004 WLNR 17459306), 3/9/2004 (2004 WLNR 17460593), 3/10/2004 (2004 WLNR 17462949), 3/11/2004 (2004 WLNR 17464416).

**DS 101. Donald Craig (9) OH** Sources: AKRON BEACON JOURNAL 7/17/2004 (2004 WLNR 2893334); THE PLAIN DEALER (Cleveland, OH) 7/22/2004 (2004 WLNR 328919).

**DS 102. Dustin Dressner (9) LA** Sources: THE ADVOCATE (Baton Rouge, LA) 11/25/2003 (LEXIS, USPAPR File), 5/26/2004 (LEXIS, USPAPR File); THE TIMES-PICAYUNE 11/21/2003 (2003 WLNR 2052674), 11/23/2003 (2003 WLNR 2056822), 12/30/2003 (2003 WLNR 2053366), 5/22/2004 (2004 WLNR 1505843), 5/25/2004 (2004 WLNR 1509074).

**DS 103. Antonio Jones (9) AL** Sources (on file with author): Associated Press Newswire 3/16/2004; THE DOTHAN EAGLE 3/16/2004, 6/9/2004.

**DS 104. Kent Sprouse (9) TX** Sources: HOUSTON CHRONICLE 10/9/2002 (LEXIS, USPAPR File); FORT WORTH STAR-TELEGRAM 10/11/2002 (on file with author), 10/18/2002 (2002 WLNR 1522682).

**DS 105. Robert Walker, II (9) FL** Sources: FLORIDA TODAY (Brevard County) 2/24/2003 (on file with author), 3/6/2003 (LEXIS, USPAPR File), 6/10/2003 (LEXIS, USPAPR File), 8/5/2004 (LEXIS, USPAPR File), 12/16/2004 (2004 WLNR 15316547).

**DS 106. Wendi Andriano (8) AZ** Sources (on file with author): THE ARIZONA REPUBLIC 11/19/2004, 12/23/2004, 1/26/2005.

**DS 107. Benjamin Cole (8) OK** Sources: TULSA WORLD 10/19/2004 (LEXIS, USPAPR File), 10/20/2004 (on file with author), 10/21/2004 (on file with author), 10/22/2004 (LEXIS, USPAPR File), 12/9/2004 (LEXIS, USPAPR File).

**DS 108. Ruben Garza (8) AZ** Source: Telephone Interview with Defense Attorney James Cleary (Jan. 13, 2005).

**DS 109. Emanuel Gissendanner (8) AL** Sources: THE LEDGER-ENQUIRER (Columbus, GA) 6/28/2001 (2001 WLNR 1548361).

**DS 110. Donald Ketterer (8) OH** Sources: THE CINCINNATI POST 1/28/2004 (2004 WLNR 11186194); THE ENQUIRER (Cincinnati, OH) 2/5/2004 (2004 WLNR 16376898); DAYTON DAILY NEWS 2/4/2004 (2004 WLNR 1595851), 2/5/2004 (2004 WLNR 1596103).

**DS 111. Damon Matthews (8) TX** Source: HOUSTON CHRONICLE 4/7/2004 (LEXIS, USPAPR File).

**DS 112. Theodore Rodgers, Jr. (8) FL** Sources: ORLANDO SENTINEL 10/23/2003 (LEXIS, USPAPR File), 6/17/2004 (LEXIS, USPAPR File); TALLAHASSEE DEMOCRAT 6/18/2004 (2004 WLNR 3095518); Florida Department of Corrections (<http://www.dc.state.fl.us/oth/deathrow>).

**DS 113. Jamaal K. Abeokuto (7) MD** Source: THE BALTIMORE SUN 11/16/2004 (on file with author).

**DS 114. LaDerick Campbell (7) LA** Sources: THE TIMES (Shreveport, LA) 9/23/2004 (LEXIS, USPAPR File); THE ADVOCATE (Baton Rouge, LA) 9/26/2004 (LEXIS, USPAPR File).

**DS 115. Robert Courchesne (7) CT** Sources: HARTFORD COURANT 12/10/2004 (LEXIS, USPAPR File), 12/11/2004 (LEXIS, USPAPR File), 12/18/2004 (LEXIS, USPAPR File), 1/16/2004 (LEXIS, USPAPR File).

**DS 116. Paul Dewayne Cummings (7) NC** Sources: STAR-NEWS (Wilmington, NC) 9/1/2004 (2004 WLNR 17590933), 9/3/2004 (2004 WLNR 17592400), 9/9/2004 (2004 WLNR 17596961), 9/15/2004 (2004 WLNR 17600701).

**DS 117. Franklin Fitch (7) TN** Sources: THE COMMERCIAL APPEAL (Memphis, TN) 9/23/2004 (2004 WLNR 9663620), 9/25/2004 (2004 WLNR 9666414), 9/26/2004 (2004 WLNR 9667416).

**DS 118. Richard Eugene Glossip (7) OK** (resentencing after appellate reversal) Sources: THE OKLAHOMAN 6/4/2004 (LEXIS, USPAPR File); TULSA WORLD 9/24/2000 (LEXIS, USPAPR File); State v. Glossip, 29 P.3d 597 (Okla. Crim. App. 2001).

**DS 119. Phillip Hancock (7) OK** Sources: THE OKLAHOMAN 6/28/2002 (LEXIS, USPAPR File), 9/30/2004 (LEXIS, USPAPR File).

**DS 120. Jason Hurst (7) NC** Sources: THE COURIER-TRIBUNE (Asheboro, NC) 6/12/2002 (<http://www.courier-tribune.com/articles/2002/06/12/export522.txt>), 3/13/04 (on file

with author); NEWS & RECORD (Greensboro, NC) 3/16/2004 (2004 WLNR 5612310), 3/19/2004 (2004 WLNR 17529762).

**DS 121. Christopher Kennedy (7) PA** Sources: PHILADELPHIA INQUIRER 8/3/2004 (on file with author); PHILADELPHIA DAILY NEWS 8/3/2004 (2004 WLNR 3063300), 9/10/2004 (2004 WLNR 3053536).

**DS 122. Marion Lindsey (7) SC** Sources: Fox Carolina WHNS 9/19/2002 (on file with author); THE STATE (Columbia, SC) 5/23/2004 (2004 WLNR 2836208); THE SUN NEWS (Myrtle Beach, SC) 5/23/2004 (on file with author); THE AUGUSTA CHRONICLE 5/25/2004 (2004 WLNR 1452659).

**DS 123. Termane Wood (7) OK** Sources: THE OKLAHOMAN 3/28/2004 (LEXIS, USPAPR File), 4/1/2004 (LEXIS, USPAPR File), 4/3/2004 (LEXIS, USPAPR File), 4/6/2004 (LEXIS, USPAPR File).

#### 6 OR FEWER DEPRAVITY POINTS

An asterisk (\*) denotes a defendant with 5 or fewer Depravity Points who accrued a 3-Depravity Point factor, which would make him death-eligible under the criteria used in this Article.

**DS 124. Brenda Andrew (6) OK** Sources: BUCKS COUNTY COURIER TIMES (PA) 7/15/2004 (<http://www.phillyburbs.com/pb-dyn/news/1-07152004-331926.html>); THE OKLAHOMAN 9/19/2004 (LEXIS, USPAPR File), 9/23/2004 (on file with author); TULSA WORLD 9/23/2004 (LEXIS, USPAPR File).

**DS 125. James Bryant III (6) SC** (resentencing after appellate reversal) Sources: THE SUN NEWS (Myrtle Beach, SC) 10/5/2004 (2004 WLNR 337771), 10/6/2004 (2004 WLNR 337969), 10/9/2004 (2004 WLNR 3631696), 10/11/2004 (on file with author), 10/14/2004 (2004 WLNR 3632655).

**DS 126. Richard Johnson (6) FL** Sources: SUN-SENTINEL (Ft. Lauderdale, FL) 6/12/2004 (on file with author), 6/22/2004 (on file with author); Florida Department of Corrections (<http://www.dc.state.fl.us/activeinmates/deathrowroster.asp>).

**DS 127. Juan Jose Reynosa (6) TX** Sources: HOUSTON CHRONICLE 3/9/2003 (LEXIS, USPAPR File),

5/13/2004 (on file with author); Texas Department of Criminal Justice (<http://www.tdcj.state.tx.us/stat/deathrow.htm>).

**DS 128. Christopher Arceneaux (5) LA** Sources: THE TIMES-PICAYUNE 3/18/2004 (2004 WLNR 1513298), 3/19/2004 (2004 WLNR 1514829), 4/22/2004 (2004 WLNR 1512450); THE ADVOCATE (Baton Rouge, LA) 10/1/2004 (on file with author).

**DS 129. James Edward Barber (5) AL** Sources: THE HUNTSVILLE TIMES 5/26/2001 (on file with author), 8/5/2003 (on file with author); Telephone Interview with Prosecutor Starnes (Sept. 22, 2004).

**DS 130. Brandyn Joseph Benjamin (5) AL** Sources: OZARK, ALABAMA NEWS 1/29/2001 (<http://wiregrass.com/ozark/news92.html>); THE DOTHAN EAGLE (<http://www.dothaneagle.com/>) 5/20/2003, 9/25/03, 5/28/04.

**DS 131. John Drummond, Jr. (5) OH** Sources: THE VINDICATOR (Youngstown, OH) 8/24/2003 (<http://www.vindy.com/print/281624016752815.shtml>); PITTSBURGH POST-GAZETTE 4/5/2003 (2003 WLNR 5308080); WKBN.com (Youngstown, OH) 2/23/2004 (on file with author).

**DS 132. Donald Lee Leger (5) LA** Sources: Associated Press Newswire 12/11/2001 (on file with author); Telephone Interview with Vanessa Prichett, Managing Editor, ST. MARY AND FRANKLIN BANNER-TRIBUNE (Franklin, LA) (Sept. 27, 2004).

**DS 133. Gerald Marshall (5) TX** Source: HOUSTON CHRONICLE 11/13/2004 (LEXIS, USPAPR File).

**DS 134. Eric Dale Morgan (5) SC** (defendant was 17 at time of murders and thus became ineligible for death under new U. S. Supreme Court precedent in 2005; sentence consequently reduced to imprisonment) Sources: SPARTANBURG HERALD-JOURNAL (<http://www.goupstate.com>) 3/5/2004, 3/6/2004, 3/7/2004, 3/10/2004; THE STATE (Columbia, SC) 3/8/2004 (2004 WLNR 2829590); WYFF-TV Channel 4 (Greenville, SC) 3/9/2004 (<http://www.thecarolinachannel.com/news/2909520/detail.html>).

**DS 135. Maurice Steskal (5) CA** Sources: LOS ANGELES TIMES (on file with author) 12/13/2003, 2/7/2004.

**DS 136. John Badgett (4) NC** Sources: NEWS & RECORD (Greensboro, NC) 4/20/2004 (2004 WLNR 17592268), 4/28/2004 (2004 WLNR 17405033), 5/4/2004 (2004 WLNR 17416230), 5/7/2004 (2004 WLNR 17419320); North Carolina Department of Correction (<http://www.doc.state.nc.us/>).

**DS 137. Junious Diggs (4) PA** Sources: PHILADELPHIA INQUIRER 3/18/2002 (on file with author); Telephone Interview with Defense Attorney Daniel Conner (Sept. 29, 2004); Telephone Interview with Susan Mills Tarrington, Office Manager (Sept. 27, 2004).

**DS 138. Richard Boxley (3) PA** (resentencing after appellate reversal) Sources: Commonwealth v. Boxley, 838 A.2d 608 (Pa. 2003); THE PATRIOT-NEWS (Harrisburg, PA) 10/29/2000 (on file with author).

**\*DS 139. Wesley Deion Jones (3) OK** Sources: TULSA WORLD 1/27/2004 (LEXIS, USPAPR File), 1/28/2004 (LEXIS, USPAPR File), 1/29/2004 (LEXIS, USPAPR File), 1/30/2004 (LEXIS, USPAPR File), 2/26/2004 (LEXIS, USPAPR File).

**DS 140. Cory Maye (2) MS** Sources: SUN HERALD (Biloxi, MS) 12/28/2001 (2001 WLNR 2920872), 12/30/2001 (2001 WLNR 6211828); THE CLARION-LEDGER (Jackson, MS) 2/22/2002 (LEXIS, USPAPR File); Telephone Interview with Prosecutor Miller (Sept. 27, 2004).

[The following two defendants were belatedly discovered and were not integrated into the numerical scheme of this Appendix, nor used in the Article's analysis. They are, however, incorporated as DS 78A (Leroy Dean McGill) and DS 89A (Michael Lee Brown) in online Appendix D.†

**Leroy Dean McGill (12) AZ** Sources: Arizona Department of Corrections (<http://www.azcorrections.gov/DeathRow/ProfilesBase.asp?inmate=McGillL>).

**Michael Lee Brown (10) AL** Sources: 10/19/2001 (LEXIS, USPAPR File), 6/18/2004 (LEXIS, USPAPR File), THE BIRMINGHAM NEWS 8/11/2004 (LEXIS, USPAPR File).]

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† David McCord, Uncondensed Appendices to *Lightning Still Strikes*, (Feb. 26, 2006) (on file with author), available at <http://facstaff.law.drake.edu/david.mccord/brooklynAppendices.pdf>.

## Appendix E

### DEFENDANTS SPARED FROM DEATH SENTENCES BY SENTENCERS

**Defendants are in order from highest number of Depravity Points to lowest** (and if Depravity Points are equal, then in alphabetical order by defendants' surnames). Defendants are numbered with the prefix "SS" denoting "Sentencer-Spared." The number in parentheses following the name is the Depravity Point Calculation. The abbreviation after the Depravity Point Calculation denotes the state or federal district in which the death sentence would have been imposed. Because Westlaw recently changed news service providers, many of the original sources relied upon for this Article are no longer available via Westlaw; these sources remain on file with the author.

#### **30 OR MORE DEPRAVITY POINTS**

**SS 1. Terry Nichols (559) OK** Sources: SUNDAY MAIL 6/13/2004 (on file with author); THE WASHINGTON POST 6/13/2004 (on file with author); THE AUGUSTA CHRONICLE 8/8/2004 (LEXIS, USPAPR File); THE DAILY OKLAHOMAN 11/18/2004 (LEXIS, USPAPR File).

**SS 2. Mervin Hughes (30) CA** Sources: THE OAKLAND TRIBUNE 6/4/2004 (LEXIS, USPAPR File), 6/17/2004 (LEXIS, USPAPR File).

#### **20-29 DEPRAVITY POINTS**

**SS 3. Ronald Hinton (29) IL** Sources: CHICAGO SUN-TIMES 5/12/2004 (LEXIS, USPAPR File); CHICAGO TRIBUNE 5/12/2004 (LEXIS, USPAPR File), 8/25/2004 (LEXIS, USPAPR File), 12/22/2004 (LEXIS, USPAPR File).

**SS 4, SS 5. Keon Moses & Michael Taylor (29) Fed-MD** Sources: THE BALTIMORE SUN 4/22/2004 (LEXIS, USPAPR File), 7/24/2004 (LEXIS, USPAPR File).

**SS 6. Darrell Lamont Stallings (27) KS** Sources: THE KANSAS CITY STAR 10/29/2004 (2004 WLNR 3266694), 11/25/2004 (on file with author), 12/8/2004 (on file with author).

**SS 7. Matthew Eshbach (24) PA** Sources: THE PHILADELPHIA INQUIRER 6/10/2004 (2004 WLNR 3695667), 6/18/2004 (2004 WLNR 3699798), 6/20/2004 (on file with author), 6/29/2004 (2004 WLNR 3706083).

**SS 8. Quang Bui (22) AL** (resentencing after appellate reversal) Sources: MONTGOMERY ADVERTISER 10/1/2004 (LEXIS, USPAPR File), 10/2/2004 (LEXIS, USPAPR File), 10/5/2004 (LEXIS, USPAPR File); *Bui v. State*, 717 So. 2d 6 (Ala. Crim. App. 1997).

**SS 9. Jonathan Mills (22) CT** Sources: THE HARTFORD COURANT 10/2/2004 (LEXIS, USPAPR File), 10/5/2004 (LEXIS, USPAPR File), 10/7/2004 (LEXIS, USPAPR File), 10/19/2004 (LEXIS, USPAPR File).

**SS 10. Ladon A. Stephens (22) OR** Sources: THE OREGONIAN 2/20/2004 (on file with author), 2/27/2004 (on file with author), 3/5/2004 (on file with author), 3/9/2004 (LEXIS, USPAPR File), 3/11/2004 (LEXIS, USPAPR File).

**SS 11. Timothy Woogerd (20) OH** Sources: THE COLUMBUS DISPATCH 12/9/2004 (LEXIS, USPAPR File).

#### 15-19 DEPRAVITY POINTS

**SS 12. Cody Lynn Nielsen (19) UT** Sources: SALT LAKE TRIBUNE (on file with author) 1/21/2004, 1/23/2004; DESERT MORNING NEWS 1/28/2004 (on file with author), 1/29/2004 (2004 WLNR 16969862), 2/10/2004 (on file with author).

**SS 13. Keith Royal Phillips (19) AZ** (resentencing after appellate reversal) Sources: TUCSON CITIZEN 8/3/2004 (LEXIS, USPAPR File), 9/18/2004 (LEXIS, USPAPR File), 9/25/2004 (LEXIS, USPAPR File); THE ARIZONA REPUBLIC 10/4/2004 (on file with author).

**SS 14. Andre Edwards (18) NC** Sources: COX NEWS SERVICE 3/26/2004 (on file with author), 3/26/2004 (2004 WLNR 1565712); DAILY PRESS 3/27/2004 (on file with author).

**SS 15. LaTonya Taylor (18) TN** Sources: THE TENNESSEAN 9/2/2004 (LEXIS, USPAPR File), 9/21/2004 (LEXIS, USPAPR File), 9/23/2004 (LEXIS, USPAPR File); THE COMMERCIAL APPEAL 9/29/2004 (2004 WLNR 9671156).

**SS 16. Bailey Jackson (17) CA** Sources: THE PRESS-ENTERPRISE (Riverside, CA) 10/26/2004 (on file with author), 11/30/2004 (LEXIS, USPAPR File), 12/10/2004 (on file with author), 12/16/2004 (LEXIS, USPAPR File), 1/15/2005 (on file with author).

**SS 17. Jason Sam Campbell (16) OH** Sources: THE ENQUIRER (Cincinnati, OH) (on file with author) 6/11/2004, 6/15/2004, 6/16/2004; THE CINCINNATI POST 6/11/2004 (on file with author), 7/9/2004 (2004 WLNR 1330021); COX NEWS SERVICE 6/16/2004 (on file with author).

**SS 18. Andrew Morgan (16) LA** Sources: THE ADVOCATE (Baton Rouge, LA) 11/13/2004 (LEXIS, USPAPR File), 11/20/2004 (LEXIS, USPAPR File).

**SS 19. Quan Tatum (16) OH** Sources: THE COLUMBUS DISPATCH 2/28/2004 (LEXIS, USPAPR File), 3/13/2004 (LEXIS, USPAPR File), 4/16/2004 (LEXIS, USPAPR File).

**SS 20. Jessie Campbell III (15) CT** Sources: THE HARTFORD COURANT 6/14/2004 (LEXIS, USPAPR File), 7/9/2004 (LEXIS, USPAPR File); THE CONNECTICUT LAW TRIBUNE 7/12/2004 (on file with author).

**SS 21. Timothy Pilgreen (15) FL** Sources: THE MIAMI HERALD 10/9/2004 (2004 WLNR 6282185); ORLANDO SENTINEL 10/9/2004 (on file with author).

#### 10-14 DEPRAVITY POINTS

**SS 22. David Amodio (14) NJ** Sources: THE PHILADELPHIA INQUIRER 4/15/2004 (2004 WLNR 3690034).

**SS 23. Coy Evans (14) FL** Sources: TALLAHASSEE DEMOCRAT 10/3/2004 (on file with author), 10/5/2004 (on file with author), 10/21/2004 (2004 WLNR 3110801).

**SS 24, SS 25. Lloyd Johnson & Randell Leighty (14) FL** Sources: THE MIAMI HERALD 5/11/2004 (on file with author); WPBF NEWS CHANNEL 25 (West Palm Beach, FL) 5/20/2004 (<http://www.wpbfnnews.com/news/3327196/detail.html>); SUN-SENTINEL (Ft. Lauderdale, FL) 6/11/2004 (LEXIS, USPAPR File); THE PALM BEACH POST 6/11/2004 (LEXIS, USPAPR File).

**SS 26, SS 27. Donald Cole & Larry Johnson (13) DE** Sources: THE NEWS JOURNAL 7/21/2004 (on file with author), 8/1/2004 (on file with author), 8/11/2004 (on file with

author), 8/12/2004 (on file with author), 9/3/2004 (LEXIS, USPAPR File).

**SS 28. Lacey Givens (13) CA** (*See also* Todd Givens, DS 56, Appendix D) Sources: THE FRESNO BEE 3/9/2004 (2004 WLNR 3077362), 7/7/2004 (2004 WLNR 3077761).

**SS 29. Daniel Hairston (13) OH** Sources: DAYTON DAILY NEWS 12/9/2003 (LEXIS, USPAPR File), 1/10/2004 (LEXIS, USPAPR File), 1/13/2004 (LEXIS, USPAPR File).

**SS 30. Edward Hodge (13) OH** Sources: THE COLUMBUS DISPATCH 4/1/2003 (LEXIS, USPAPR File), 2/7/2004 (on file with author), 2/12/2004 (on file with author).

**SS 31. Jimmy Mickel (13) FL** Sources: SUN-SENTINEL (Ft. Lauderdale, FL) 2/14/2004 (LEXIS, USPAPR File), 3/30/2004 (LEXIS, USPAPR File).

**SS 32. Rose Roseborough (13) OH** Sources: NEWS JOURNAL (Mansfield, OH) (on file with author) 9/10/2004, 10/1/2004, 10/29/2004.

**SS 33. Terrance Bethea (12) PA** Sources: THE MORNING CALL (Allentown, PA) 11/6/2004 (LEXIS, USPAPR File), 11/9/2004 (LEXIS, USPAPR File), 11/11/2004 (LEXIS, USPAPR File).

**SS 34. Robert Heinz (12) OR** Sources: THE OREGONIAN 4/1/2004 (on file with author), 4/23/2004 (LEXIS, USPAPR File), 4/24/2004 (on file with author).

**SS 35. Milburn Lunghi (12) CA** Sources: CONTRA COSTA TIMES (on file with author) 12/1/2004, 12/10/2004.

**SS 36. Dwight Patterson (12) LA** Sources: THE TIMES-PICAYUNE 7/26/2004 (2004 WLNR 1542291), 7/28/2004 (2004 WLNR 1543785).

**SS 37. Seti Scanlan (12) CA** Sources: SAN JOSE MERCURY NEWS 6/17/2004 (2004 WLNR 2957191), 6/20/2004 (2004 WLNR 2959013); SAN FRANCISCO CHRONICLE 7/16/2004 (2004 WLNR 7621693), 8/25/2004 (2004 WLNR 7635038).

**SS 38. Carl Scott (12) PA** Sources: PITTSBURGH POST-GAZETTE 3/5/2004 (2004 WLNR 4808585), 3/11/2004 (2004 WLNR 4824361).

**SS 39. Charles Weatherford (12) OH** Sources: THE PLAIN DEALER 4/6/2004 (2004 WLNR 350981), 4/16/2004 (2004 WLNR 354652), 4/30/2004 (2004 WLNR 331164).

**SS 40. Kenneth Abend (11) MD** Sources: THE BALTIMORE SUN 12/8/2004 (on file with author), 12/15/2004 (2004 WLNR 14135907), 12/22/2004 (2004 WLNR 14580932).

**SS 41, SS 42. Shawn A. Breeden & Michael A. Carpenter (11) Fed-NC** Sources: RICHMOND-TIMES

DISPATCH (on file with author) 10/5/2004, 10/6/2004, 10/14/2004.

**SS 43. Abdul Malik El-Shabazz (11) PA** Sources: PHILADELPHIA DAILY NEWS 4/7/2004 (2004 WLNR 3055595), 6/17/2004 (2004 WLNR 3060629).

**SS 44. Gregg Myers (11) OH** Sources: DAYTON DAILY NEWS 4/22/2004 (LEXIS, USPAPR File), 4/24/2004 (on file with author), 4/28/2004 (LEXIS, USPAPR File), 4/30/2004 (LEXIS, USPAPR File).

**SS 45. Anthony Prentice (11) NV** Sources: LAS VEGAS REVIEW-JOURNAL 3/3/2004 (2004 WLNR 853705), 4/15/2004 (2004 WLNR 883540); LAS VEGAS SUN 3/4/2004 (<http://www.lasvegassun.com/sunbin/stories/sun/2004/mar/04/516466559.html?anthony%20prentice>).

**SS 46, SS 47. Alan Quinones & Diego Rodriguez (11) Fed-NY** Sources: TIMES UNION (Albany, NY) 8/6/2004 (2004 WLNR 639247); NEW YORK LAW JOURNAL (231 N.Y. L.J. 1 (8/26/2004)).

**SS 48. Michael Sanders (11) IL** (*See also* Ronald Hinton, SS 3, Appendix E) Sources: CHICAGO SUN-TIMES 5/12/2004 (on file with author); CHICAGO TRIBUNE 5/12/2004 (LEXIS, USPAPR File), 8/25/2004 (on file with author), 12/22/2004 (LEXIS, USPAPR File).

**SS 49. Mark Ducic (10) OH** Sources: THE PLAIN DEALER 6/25/2004 (2004 WLNR 349014); THE LEGAL INTELLIGENCER 8/11/2004 (on file with author).

**SS 50. Paul Hernandez (10) TX** Sources: SAN ANTONIO EXPRESS-NEWS 10/2/2004 (LEXIS, USPAPR File), 10/27/2004 (on file with author).

## 7-9 DEPRAVITY POINTS

**SS 51. James Coleman (9) FL** Sources (on file with author): THE KANSAS CITY STAR 5/27/2004; ST. PETERSBURG TIMES 10/27/2004.

**SS 52. Michael Connelly (9) FL** Sources: ST. PETERSBURG (on file with author) TIMES 3/11/1999, 3/13/1999, 3/26/1999.

**SS 53. Anthony Shariff Gay (9) AZ** Sources: TUCSON CITIZEN 6/21/2004 (on file with author), 7/2/2004 (2004 WLNR 16341182), 8/24/2004 (2004 WLNR 16564470), 8/31/2004 (on file with author).

**SS 54. Anthony Lopez (9) FL** Sources: THE TAMPA TRIBUNE 6/11/2003 (LEXIS, USPAPR File), 6/13/2003 (LEXIS, USPAPR File), 1/31/2004 (LEXIS, USPAPR File).

**SS 55. Ronald Pollard (9) IL** Sources: CHICAGO TRIBUNE 10/5/2004 (on file with author).

**SS 56. Joseph Roach (9) KY** Sources: THE COURIER-JOURNAL 1/26/2002 (LEXIS, USPAPR File), 12/2/2004 (LEXIS, USPAPR File).

**SS 57. Patrick Russo (9) TX** Sources: AUSTIN AMERICAN-STATESMAN 2/5/2004 (LEXIS, USPAPR File), 2/26/2004 (LEXIS, USPAPR File), 2/27/2004 (LEXIS, USPAPR File), 2/28/2004 (LEXIS, USPAPR File).

**SS 58. Douglas Cole Waters (9) VA** Sources: RICHMOND TIMES-DISPATCH 5/26/2004 (on file with author); DAILY NEWS LEADER 5/29/2004 (2004 WLNR 16476517).

**SS 59. Keith Adams (8) FL** Sources: THE PALM BEACH POST 6/15/2004 (2004 WLNR 3045069), 9/16/2004 (2004 WLNR 3023918); SUN-SENTINEL 6/15/2004 (LEXIS, USPAPR File); THE HERALD (Bradenton, FL) 9/17/2004 (on file with author).

**SS 60. James Dick (8) OH** Sources: THE ENQUIRER (Cincinnati, OH) (on file with author) 9/25/2003, 3/30/2004.

**SS 61. Arthur Dickerson (8) AR** Sources: THE ARKANSAS DEMOCRAT-GAZETTE 8/5/2004 (LEXIS, USPAPR File).

**SS 62. Leslie Emerson (8) KY** Sources: THE COURIER-JOURNAL 12/1/2004 (2004 WLNR 13703939), 12/2/2004 (2004 WLNR 13706863).

**SS 63. Donald G. Fair (8) FL** Sources: Gainesvillesun.com, Fair Faces Sentence in Killing, <http://www.fadp.org/news/GS-may24.html> (last visited Feb. 21, 2006); Alligator.org, 5/27/2004 (on file with author); THE MIAMI HERALD 5/27/2004 (on file with author).

**SS 64. Fausto Gonzalez (8) Fed-CT** Sources: THE HARTFORD COURANT 10/5/2004 (LEXIS, USPAPR File), 10/26/2004 (LEXIS, USPAPR File), 10/27/2004 (LEXIS, USPAPR File).

**SS 65. Justin Hammons (8) MS** Sources: THE SUN HERALD (Biloxi, MS) 3/3/2004 (on file with author), 3/4/2004 (2004 WLNR 4547882), 3/5/2004 (2004 WLNR 4548014).

**SS 66. Anthony Mason (8) OH** Sources: THE ENQUIRER 4/29/2004 ([http://www.enquirer.com/editions/2004/04/30/loc\\_masontrial30.html](http://www.enquirer.com/editions/2004/04/30/loc_masontrial30.html)); COX NEWS SERVICE (on file with author) 6/10/2004,

6/11/2004; THE CINCINNATI POST 6/11/2004 (2004 WLNR 11631451).

**SS 67. Eric M. Anderson (7) FL** Sources: ST. PETERSBURG TIMES 10/30/2004 (2004 WLNR 4654007).

**SS 68. Freddy Flonnory (7) DE** (resentencing after appellate reversal) Sources: THE NEWS JOURNAL 1/21/2004 (on file with author), 2/6/2004 (LEXIS, USPAPR File), 2/23/2004 (on file with author).

**SS 69. Brandon Gatlin (7) FL** Sources: THE LEDGER 7/23/2004 (LEXIS, USPAPR File), 7/24/2004 (LEXIS, USPAPR File), 12/18/2004 (LEXIS, USPAPR File).

**SS 70. Jason Hainey (7) DE** Sources: THE NEWS JOURNAL 2/18/2004 (on file with author), 2/21/2004 (LEXIS, USPAPR File), 5/15/2004 (LEXIS, USPAPR File).

**SS 71. Daniel Heleva (7) PA** Sources: THE MORNING CALL (Allentown, PA) 11/20/2004 (2004 WLNR 12060363), 11/24/2004 (2004 WLNR 12197935).

**SS 72. Bernard Malli (7) TX** Sources: AUSTIN AMERICAN-STATESMAN 3/31/2004 (LEXIS, USPAPR File), 4/1/2004 (LEXIS, USPAPR File), 4/2/2004 (LEXIS, USPAPR File), 4/3/2004 (LEXIS, USPAPR File).

**SS 73. Germai Molina (7) NE** Sources: OMAHA WORLD-HERALD 9/13/2003 (LEXIS, USPAPR File), 8/13/2004 (LEXIS, USPAPR File).

**SS 74. Fernando Nunez (7) PA** Sources: TIMES LEADER (Wilkes-Barre, PA) 8/7/2004 (on file with author).

**SS 75. Joe Padron (7) TX** Sources (on file with author): CORPUS CHRISTI CALLER-TIMES 10/20/2004, 10/21/2004, 10/22/2004.

**SS 76. Schuyler Scarborough (7) OK** Sources: THE DAILY OKLAHOMAN 6/7/2003 (LEXIS, USPAPR File), 9/23/2004 (on file with author); TULSA WORLD 9/23/2004 (LEXIS, USPAPR File).

**SS 77. Thai Bao Tran (7) CA** Sources (on file with author): THE ORANGE COUNTY REGISTER 7/29/2004, 9/11/2004.

**SS 78. Errol Watts (7) FL** Sources: THE MIAMI HERALD 5/14/2004 (2004 WLNR 6282722); HERALD TRIBUNE (Sarasota, FL) 5/26/2004 (2004 WLNR 2998352).

**SS 79. Nukarri Williams (7) FL** Sources: TALLAHASSEE DEMOCRAT 6/8/2004 (2004 WLNR 3090062), 6/9/2004 (2004 WLNR 3090627).

## 6 OR FEWER DEPRAVITY POINTS

An asterisk (\*) denotes a 5 or fewer Depravity Point defendant who accrued a 3-Depravity Point factor, which would make him death-eligible under the criteria used in this Article.

**SS 80. Francisco Cabrialez (6) TX** Sources: CORPUS CHRISTI CALLER-TIMES 3/13/2004 (LEXIS, USPAPR File), 3/19/2004 (LEXIS, USPAPR File).

**SS 81. Matthew Grant (6) NC** Sources: THE NEWS & OBSERVER (Raleigh, NC) 10/10/2004 (2004 WLNR 17529164), 10/12/2004 (on file with author), 11/6/2004 (LEXIS, USPAPR File), 11/10/2004 (on file with author), 11/13/2004 (LEXIS, USPAPR File), 11/18/2004 (2004 WLNR 13881030), 12/1/2004 (LEXIS, USPAPR File), 12/2/2004 (LEXIS, USPAPR File).

**SS 82. Milton Hampton (6) IL** Sources: CHICAGO SUN-TIMES 2/16/2001 (on file with author), 2/4/2004 (LEXIS, USPAPR File).

**SS 83. Xenia Morgan (6) VA** Sources: RICHMOND TIMES DISPATCH 7/13/2004 (LEXIS, USPAPR File), 7/15/2004 (LEXIS, USPAPR File).

**SS 84. Qawi Nur (6) TN** Sources: THE COMMERCIAL APPEAL 8/3/2002 (LEXIS, USPAPR File), 8/20/2002 (LEXIS, USPAPR File), 7/11/2003 (LEXIS, USPAPR File), 4/2/2004 (LEXIS, USPAPR File).

**SS 85. Lewis Deon Partridge (6) NC** Sources (on file with author): THE NEWS & OBSERVER (Raleigh, NC) (on file with author) 2/10/2004, 3/9/2004, 3/12/2004, 3/13/2004.

**SS 86. Wilfredo Perez (6) Fed-CT** Sources: Press Release, City of Hartford Police Department, 6/30/2004 (<http://www.hartford.gov/police/PR/Perez%20Wilfredo%20Federal%20Conviction%20June%202004.htm>); THE HARTFORD COURANT 7/8/2004 (LEXIS, USPAPR File).

**SS 87. Frank Piacitelli (6) FL** Sources (on file with author): SUN-SENTINEL 11/13/2004, 11/20/2004, 12/17/2004.

**SS 88. Dag Luquincette Rhodes (6) GA** Sources: THE AUGUSTA CHRONICLE 2/24/2004 (on file with author), 3/3/2004 (2004 WLNR 1420900).

**SS 89. Dennis Scott (6) IL** Sources: CHICAGO TRIBUNE 10/16/2004 (LEXIS, USPAPR File), 11/24/2004 (LEXIS, USPAPR File).

**SS 90. Christopher Steele (6) VA** Sources (on file with author): THE WASHINGTON POST 4/23/2004, 4/30/2004.

**SS 91. James Tatar (6) PA** Sources: PITTSBURGH POST-GAZETTE 11/13/2004 (2004 WLNR 7755528).

**\*SS 92. James Lester Blackburn (5) FL** Sources: ORLANDO SENTINEL 9/9/1999 (LEXIS, USPAPR File), 3/6/2004 (on file with author).

**\*SS 93. Larry Bowman Jr. (5) NC** Sources: ASHEVILLE CITIZEN-TIMES 2/20/2004 (LEXIS, USPAPR File), 2/21/2004 (LEXIS, USPAPR File), 2/27/2004 (LEXIS, USPAPR File).

**SS 94. Francisco Carrion (5) IL** Sources: CHICAGO TRIBUNE 11/13/2004 (LEXIS, USPAPR File).

**SS 95. Michael Collins (5) FL** Sources: ORLANDO SENTINEL 12/14/2004 (LEXIS, USPAPR File), 12/15/2004 (LEXIS, USPAPR File).

**\*SS 96. Jovan House (5) MD** (*See also* Raymond Saunders, PS 188, Appendix F) Sources: THE BALTIMORE SUN 2/27/2004 (2004 WLNR 1492142), 12/15/2004 (2004 WLNR 14122386); THE DAILY RECORD 10/19/2004 (2004 WLNR 5973275).

**SS 97. Carlos Moctezuma (5) PA** Sources: THE MORNING CALL (Allentown, PA) 8/3/2004 (LEXIS, USPAPR File).

**SS 98. David Ronald Nolan (5) FL** Sources: SUN-SENTINEL 6/24/2004 (on file with author) ORLANDO SENTINEL 6/29/2004 (LEXIS, USPAPR File).

**SS 99. Eric Robinson (5) OH** Sources: THE ENQUIRER (Cincinnati, OH) 9/2/2002 (LEXIS, USPAPR File), 1/15/2004 (LEXIS, USPAPR File), 1/28/2004 (LEXIS, USPAPR File), 2/20/2004 (LEXIS, USPAPR File).

**SS 100. Fabian Desmond Smart (5) PA** Sources: THE PHILADELPHIA INQUIRER 10/15/2004 (2004 WLNR 3703417); CENTRE DAILY TIMES 10/15/2004 (2004 WLNR 4297322), 10/22/2004 (2004 WLNR 3707437); CONTRA COSTA TIMES 10/15/2004 (on file with author).

**SS 101. Kevan Trewartha (5) OH** Sources: THE COLUMBUS DISPATCH 7/29/2004 (LEXIS, USPAPR File), 8/12/2004 (LEXIS, USPAPR File).

**\*SS 102. Isaac Vega (5) PA** Sources: LANCASTER NEW ERA 4/14/2004 (LEXIS, USPAPR File), 4/16/2004 (on file with author).

**SS 103. Kenneth Barrett (4) OK** Sources: TULSA WORLD 2/7/2004 (LEXIS, USPAPR File); THE DAILY OKLAHOMAN 3/9/2005 (LEXIS, USPAPR File).

**SS 104. Michael Butler (4) PA** Sources: INTELLIGENCER JOURNAL 8/3/2004 (LEXIS, USPAPR File).

**SS 105. Anthony Cockroft (4) OH** Sources: THE COLUMBUS DISPATCH 9/28/2003 (LEXIS, USPAPR File), 5/6/2004 (LEXIS, USPAPR File), 5/11/2004 (LEXIS, USPAPR File), 5/14/2004 (LEXIS, USPAPR File).

**SS 106. Bryan Dawkins (4) DE** Sources: THE NEWS JOURNAL 4/21/2004 (LEXIS, USPAPR File), 4/22/2004 (LEXIS, USPAPR File), 4/30/2004 (LEXIS, USPAPR File), 6/26/2004 (LEXIS, USPAPR File).

**SS 107. Roberto Fernandez (4) TX** Sources: HOUSTON CHRONICLE 12/23/2002 (LEXIS, USPAPR File), 2/14/2004 (LEXIS, USPAPR File).

**SS 108. Joe Louie Glover (4) TX** Sources: SAN ANTONIO EXPRESS-NEWS 11/19/2004 (LEXIS, USPAPR File), 11/30/2004 (LEXIS, USPAPR File).

**\*SS 109. Luis Lauzan (4) Fed-FL** Sources: ORLANDO SENTINEL 2/23/2004 (LEXIS, USPAPR File); THE MIAMI HERALD 2/24/2004 (2004 WLNR 6263040), 2/24/2004 (2004 WLNR 6263035), 2/25/2004 (2004 WLNR 6264114).

**SS 110. Howard McDougal (4) GA** Sources: THE ATLANTA JOURNAL-CONSTITUTION 5/11/2000 (LEXIS, USPAPR File), 5/21/2004 (LEXIS, USPAPR File).

**SS 111. Felicia Pelzel (4) TX** Sources: COX NEWS SERVICE 12/24/2004 (on file with author).

**SS 112. Wesley Shafer, Jr. (4) SC** (resentencing after appellate reversal) Sources: THE HERALD (Rock Hill, SC) 2/21/2004 (LEXIS, USPAPR File), 2/24/2004 (LEXIS, USPAPR File), 2/25/2004 (LEXIS, USPAPR File).

**SS 113. Hamisi Spears (4) CA** Sources: ALAMEDA TIMES-STAR 3/9/2004 (LEXIS, USPAPR File), 3/10/2004 (LEXIS, USPAPR File), 3/18/2004 (LEXIS, USPAPR File), 9/2/2004 (LEXIS, USPAPR File).

**SS 114. Styles Taylor (4) Fed-IN** Sources: POST-TRIBUNE 12/5/2004 (2004 WLNR 15050019), 4/5/2005 (2005 WLNR 6312424); JOURNAL-GAZETTE 7/7/2004 (2004 WLNR 15091989).

**SS 115. Desmond Torrence (4) DE** Sources: THE NEWS JOURNAL 9/26/2003 (LEXIS, USPAPR File), 9/28/2003 (LEXIS, USPAPR File), 10/3/2003 (LEXIS, USPAPR File), 11/20/2004 (LEXIS, USPAPR File).

**SS 116. Shane Deshields (3) DE** Sources: THE NEWS JOURNAL 8/4/2004 (LEXIS, USPAPR File), 8/12/2004 (LEXIS, USPAPR File), 8/19/2004 (LEXIS, USPAPR File), 10/9/2004 (LEXIS, USPAPR File).

**SS 117. Dwight McLean (3) NC** Sources: THE NEWS & OBSERVER 10/15/2004 (2004 WLNR 17545075), 10/19/2004 (2004 WLNR 17551523).

**SS 118. Juan Soto-Echevarria (3) PA** Sources (on file with author): YORK DAILY RECORD 7/9/2004, 7/13/2004, 8/26/2004.

**SS 119. Tyrone Guy (2) DE** Sources: THE NEWS JOURNAL 7/8/2004 (LEXIS, USPAPR File), 7/9/2004 (LEXIS, USPAPR File).

**SS 120. Kevin Trainor (2) LA** Sources: THE TIMES-PICAYUNE 1/16/2004 (LEXIS, USPAPR File), 4/14/2004 (LEXIS, USPAPR File), 4/15/2004 (LEXIS, USPAPR File).

## Appendix F

### DEFENDANTS SPARED FROM DEATH SENTENCES BY PROSECUTORS

**Defendants are in order from highest number of Depravity Points to lowest** (and if Depravity Points are equal, then in alphabetical order by defendants' surnames). Defendants are numbered with the prefix "PS" denoting "Prosecutor-Spared." The number in parentheses following the name is the Depravity Point Calculation. The abbreviation after the Depravity Point Calculation denotes the state or federal district in which the death sentence would have been imposed. Because Westlaw recently changed news service providers, many of the original sources relied upon for this Article are no longer available via Westlaw; these sources remain on file with the author.

#### 30 OR MORE DEPRAVITY POINTS

**PS 1. Charles Cullen (198) NJ & PA** Sources: THE STAR-LEDGER (Newark, NJ) 12/16/2003 (on file with author), 9/9/2004 (2004 WLNR 18077612), 9/15/2004 (2004 WLNR 18007900), 10/14/2004 (2004 WLNR 18043563), 10/14/2004 (2004 WLNR 18045989), 11/9/2004 (on file with author); PHILADELPHIA DAILY NEWS 10/8/04 (2004 WLNR 3056185); THE MORNING CALL (Allentown, PA) 10/15/2004 (2004 WLNR 3485759), 11/18/2004 (2004 WLNR 10885200); ST. LOUIS POST-DISPATCH 3/17/2004 (on file with author).

**PS 2. Lee Boyd Malvo (63) VA** Sources: DESERET MORNING NEWS (UT) 9/25/2004 (2004 WLNR 169459580).

**PS 3, PS 4. Victor Jesus Rodriguez & Fredy Giovanni Garcia Tobar (56) Fed-TX** Sources: HOUSTON CHRONICLE 12/21/2004 (LEXIS, USPAPR File), 12/24/2004 (LEXIS, USPAPR File).

**PS 5. Richard Paul White (54) CO** Sources: THE DENVER POST 9/08/2004 (2004 WLNR 974916), 9/17/2004 (2004 WLNR 986225), 11/30/2004 (2004 WLNR 12817475).

**PS 6, PS 7. Edward Herrera & Michael Sandoval (43) CO** Sources: THE DENVER POST 3/30/2004 (LEXIS,

USPAPR File), 9/30/2004 (LEXIS, USPAPR File); ROCKY MOUNTAIN NEWS 10/2/2004 (LEXIS, USPAPR File).

**PS 8. Stephen Flemmi (33) OK** Source: TULSA WORLD 10/1/2004 (LEXIS, USPAPR File).

**PS 9. Michael Roman (32) FL** Sources: THE PALM BEACH POST 1/29/2003 (LEXIS, USPAPR File), 12/9/2004 (LEXIS, USPAPR File), 12/16/2004 (LEXIS, USPAPR File).

## 20-29 DEPRAVITY POINTS

**PS 10. Clinton A. Brathwaite (27) VA** Sources: DAILY PRESS (Hampton Roads, VA) 9/29/2004 (on file with author); ROANOKE TIMES 9/26/2004 (2004 WLNR 1670258), 9/28/2004 (2004 WLNR 1670900).

**PS 11, PS 12. Dawud Faruqi & Khalid Faruqi (26) PA** Sources: THE PHILADELPHIA INQUIRER 3/8/2004 (on file with author).

**PS 13. Daniel Hawke Fears (25) OK** Sources: TULSA WORLD 9/26/2004 (LEXIS, USPAPR File); THE OKLAHOMAN 12/9/2004 (LEXIS, USPAPR File).

**PS 14. Jeffrey Alan Hefling (24) FL** Source: ORLANDO SENTINEL 3/3/2004 (LEXIS, USPAPR File).

**PS 15. Edward Morris (24) OR** Sources: THE COLUMBIAN (WA) 9/21/2004 (LEXIS, USPAPR File), 11/16/2004 (LEXIS, USPAPR File); THE GRAND RAPIDS PRESS 9/21/2004 (2004 WLNR 17842624).

**PS 16, PS 17. Kenneth Kimes & Sante Kimes (23) CA** Sources: MONTEREY COUNTY HERALD 7/8/2004 (2004 WLNR 4256428); LOS ANGELES TIMES 6/15/2004 (LEXIS, USPAPR File), 6/18/2004 (LEXIS, USPAPR File); DAILY NEWS (NY) 6/23/2004 (LEXIS, USPAPR File).

**PS 18. Simon Hutchinson (22) LA** Source: THE ADVOCATE (Baton Rouge, LA) 4/9/2004 (LEXIS, USPAPR File).

**PS 19. William Meece (21) KY** Sources (on file with author): LEXINGTON HERALD-LEADER 3/1/2003, 5/1/2003, 11/15/2004, 11/16/2004, 1/5/2005.

**PS 20. Keith Mercer (21) NJ** Sources: PRESS OF ATLANTIC CITY 2/17/2005 (on file with author); OCEAN COUNTY OBSERVER (Toms River, NJ) 9/15/2004 (LEXIS, USPAPR File), 9/23/2004 (LEXIS, USPAPR File), 4/13/2005 (LEXIS, USPAPR File).

**PS 21. William Wells (21) FL** Sources: ORLANDO SENTINEL, 10/1/2004 (LEXIS, USPAPR File); FirstCoastNews.com (Jacksonville, FL), Prosecutor Files Motion for Wells Hearing, [www.firstcoastnews.com/printfullstory.aspx?storyid=10071](http://www.firstcoastnews.com/printfullstory.aspx?storyid=10071) (last visited Feb. 21, 2006); CBSNews.com, Killer Calls Collect to Confess, [www.cbsnews.com/stories/2003/06/04/national/printable556922.shtml](http://www.cbsnews.com/stories/2003/06/04/national/printable556922.shtml) (last visited Feb. 21, 2006).

**PS 22. William Floyd Zamastil (21) CA** Sources: LOS ANGELES DAILY NEWS 6/2/2004 (2004 WLNR 2847550); PRESS ENTERPRISE (Riverside, CA) 5/29/2004 (LEXIS, USPAPR File), 6/2/2004 (LEXIS, USPAPR File).

**PS 23. Francisco Parilla David (20) PA** Sources: INTELLIGENCER JOURNAL (Lancaster County, PA) 8/26/2004 (2004 WLNR 11543306).

**PS 24. David Bruce Morton (20) NM** Sources: ALBUQUERQUE JOURNAL 2/11/2004 (2004 WLNR 3521855); SANTA FE NEW MEXICAN 2/12/2004 (LEXIS, USPAPR File).

**PS 25. Evan David Smyth (20) MD** Source: THE WASHINGTON POST 4/30/2004 (LEXIS, USPAPR File), 11/5/2004 (on file with author).

#### 15-19 DEPRAVITY POINTS

**PS 26. Michael Harley Bechtel (19) PA** Sources: THE MORNING CALL (Allentown, PA) 7/16/2003 (LEXIS, USPAPR File), 1/22/2004 (on file with author).

**PS 27. Richard Dean Wilson (19) CA** Source: SAN FRANCISCO CHRONICLE 7/30/2004 ([www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2004/07/30/BAGT67VC7O1.DTL&type=printable](http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2004/07/30/BAGT67VC7O1.DTL&type=printable)).

**PS 28, PS 29. Shawn Michael Coble & Adrian Rome Gargan (18) OR** Source: THE OREGONIAN (Portland, OR) 5/20/2004 (2004 WLNR 17919792).

**PS 30. Walter Dye (18) IN** (resentencing after appellate reversal) Sources: INDIANAPOLIS STAR 6/30/2001 (LEXIS, USPAPR File), 11/9/2004 (LEXIS, USPAPR File); INDIANA LAWYER 10/23/2002 (LEXIS, USPAPR File).

**PS 31. Ryan Frazier (18) TX** Source (on file with author): FORT WORTH STAR-TELEGRAM 5/26/2004; HOUSTON CHRONICLE 2/21/2003, 5/26/2004.

**PS 32. Daniel O. Jones (18) MO** Source: THE KANSAS CITY STAR 3/20/2004 (on file with author).

**PS 33. Cuong Gia Le (18) Fed-VA** Sources: THE WASHINGTON POST 12/20/2003 (on file with author), 10/9/2004 (LEXIS, USPAPR File), 2/19/2005 (LEXIS, USPAPR File).

**PS 34. Policarpio Espinoza Perez (18) MD** Source: THE BALTIMORE SUN 11/4/2004 (2004 WLNR 4794472).

**PS 35. Andrea Williams (18) FL** Sources: FLORIDA TODAY 11/2/2004 (2004 WLNR 15250847); BRADENTON HERALD (FL) 11/3/2004 (on file with author).

**PS 36. Vernell Ray Evans (17) NV** (resentencing after appellate reversal) Sources: LAS VEGAS REVIEW-JOURNAL 11/9/2000 (LEXIS, USPAPR File), 11/16/2000 (LEXIS, USPAPR File), 2/5/2004 (LEXIS, USPAPR File), 3/18/2004 (LEXIS, USPAPR File).

**PS 37. Rico Garcia (17) Fed-CA** Sources: MONTEREY COUNTY HERALD 12/9/2004 (2004 WLNR 13607815), 12/15/2004 (on file with author).

**PS 38. Norman James (17) NJ** Source: THE STAR-LEDGER (Newark, NJ) 4/9/2004 (on file with author).

**PS 39. Gary Swyck (17) TX** Sources: AUSTIN AMERICAN-STATESMAN 7/13/2003 (LEXIS, USPAPR File), 1/16/2004 (LEXIS, USPAPR File).

**PS 40, PS 41, PS 42. Charles Akeen & Tarnarius Fisher & Ted Petty (16) TX** Sources: THE DALLAS MORNING NEWS 6/30/2004 (LEXIS, USPAPR File), 7/3/2004 (LEXIS, USPAPR File), 10/26/2004 (LEXIS, USPAPR File).

**PS 43. Eric Berrios (16) TX** Sources: AP ALERT - TN (1/31/2004 APALERTTN 12:52:17); HOUSTON CHRONICLE 1/31/2004 (LEXIS, USPAPR File).

**PS 44. Christopher Scott (16) PA** Source: PITTSBURGH POST-GAZETTE 4/27/2004 (2004 WLNR 4908237).

**PS 45. Sean Brown (15) PA** Source: THE PHILADELPHIA INQUIRER 1/4/2005 (on file with author).

**PS 46, PS 47. Glen Sebastian Burns & Atif Rafay (15) WA** Sources: THE SEATTLE TIMES 10/23/2004 (LEXIS, USPAPR File); THE RECORD (Kitchener-Waterloo, Canada) 10/23/2004 (LEXIS, USPAPR File); NATIONAL POST (Canada) 11/13/2004 (on file with author).

**PS 48. Jose Elias Castillon (15) TX** Source: HOUSTON CHRONICLE 1/7/2004 (LEXIS, USPAPR File).

**PS 49. Herbert E. Clark, Jr. (15) IN** Sources: EVANSVILLE COURIER & PRESS (IN) 9/9/2004 (2004 WLNR 17186380), 11/2/2004 (2004 WLNR 15904929).

**PS 50. Carleton Cook (15) CA** (resentencing after appellate reversal) Sources: SAN FRANCISCO CHRONICLE 4/3/2001 (LEXIS, USPAPR File); SAN MATEO COUNTY TIMES (CA) 2/21/2004 (LEXIS, USPAPR File), 11/4/2004 (LEXIS, USPAPR File).

**PS 51. Bradley Steckman (15) WA** Sources: THE SPOKESMAN-REVIEW (Spokane, WA) 5/16/2003 (on file with author), 3/18/2004 (2004 WLNR 17382473), 7/7/2004 (2004 WLNR 17394588).

#### 10-14 DEPRAVITY POINTS

**PS 52. Richard Dwight Bernard (14) Fed-VA** Sources: RICHMOND TIMES-DISPATCH 11/2/2004 (2004 WLNR 15694554).

**PS 53. Lorenzo Critten (14) GA** Source: THE ATLANTA JOURNAL-CONSTITUTION 5/15/2004 (2004 WLNR 6325176).

**PS 54, PS 55. Deaneric Dupas & Alan Walter, Jr. (14) CT** Sources: HARTFORD COURANT 9/2/2004 (LEXIS, USPAPR File); NEW YORK POST 4/29/2004 (on file with author).

**PS 56. James Kidwell (14) OK** Sources (on file with author): TULSA WORLD 12/3/2004, 12/16/2004; THE OKLAHOMAN 12/16/2004.

**PS 57. Anthony McKnight (14) GA** Sources: THE ATLANTA JOURNAL-CONSTITUTION 12/21/2004 (2004 WLNR 14475634), 1/6/2005 (2005 WLNR 156688).

**PS 58. Mark Anthony Ott (14) NM** Sources: DESERET MORNING NEWS (UT) 3/17/2004 (2004 WLNR 16948971), 5/2/2004 (2004 WLNR 17017457), 7/13/2004 (2004 WLNR 17019886).

**PS 59. Ricky Ray (14) MO** Sources: EVANSVILLE COURIER & PRESS (IN) 10/24/2004 (2004 WLNR 17100933); ST. LOUIS POST-DISPATCH 10/14/2004 (2004 WLNR 1275492).

**PS 60. Kimberly Ruffner (14) MD** Source: THE BALTIMORE SUN 5/21/2004 (2004 WLNR 1479810).

**PS 61. John "Diggy" Anderson (13) WA** Source: SEATTLE POST-INTELLIGENCER 5/20/2004 (on file with author).

**PS 62. Luis Barroso (13) NV** Source: LAS VEGAS REVIEW-JOURNAL 5/20/2004 (2004 WLNR 905038).

**PS 63. George Goughf (13) FL** Sources: ST. PETERSBURG TIMES 3/3/2004 (2004 WLNR 3720149); THE TAMPA TRIBUNE 3/3/2004 (LEXIS, USPAPR File).

**PS 64, PS 65. Eddie Harris & Duane Roach (13) IL** Source: CHICAGO TRIBUNE 12/17/2004 (on file with author).

**PS 66. Peter Odighizuwa (13) VA** Source: DAILY PRESS (Hampton Roads, VA) 2/28/2004 (on file with author).

**PS 67. Richard Lee Smith (13) Fed-AR** Sources: ARKANSAS DEMOCRAT-GAZETTE (Little Rock) 1/24/2004 (LEXIS, USPAPR File), 5/13/2004 (LEXIS, USPAPR File), 9/22/2004 (LEXIS, USPAPR File), 5/26/2005 (LEXIS, USPAPR File).

**PS 68. Angela Swaggerty (13) LA** Source: THE TIMES-PICAYUNE 9/1/2004 (2004 WLNR 1545354).

**PS 69. Damian Thompson (13) KS** Sources (on file with author): THE WICHITA EAGLE 2/6/2004, 8/13/2004.

**PS 70. Winifred Walker (13) VA** Sources: FORT WORTH STAR-TELEGRAM 3/11/2004 (2004 WLNR 1813047), 5/7/2005 (2005 WLNR 7178581).

**PS 71. Ward Weaver III (13) OR** Sources: THE COMMERCIAL APPEAL (Memphis, TN) 9/23/2004 (2004 WLNR 9663391); BELLEVILLE NEWS-DEMOCRAT (IL) 9/23/2004 (2004 WLNR 4301348); About.com, Ward Weaver III: A Life of Brutality, <http://crime.about.com/od/current/p/weaver.htm> (last visited Feb. 21, 2006); Ezboard.com, Discussion Board (on file with author).

**PS 72. Andrew Young (13) KY** Sources: LEXINGTON HERALD-LEADER 2/10/2004 (2004 WLNR 3087646), 7/2/2004 (on file with author).

**PS 73, PS 74. Susan Carno & John Ray (12) NV** Sources: LAS VEGAS REVIEW-JOURNAL 1/27/2004 (2004 WLNR 921990), 1/30/2004 (2004 WLNR 923406), 3/12/2004 (2004 WLNR 860064); LAS VEGAS SUN 5/11/2005 (2005 WLNR 7443351).

**PS 75. Ronald Covington (12) IN** Sources: INDIANAPOLIS STAR 9/17/2002 (2002 WLNR 11692522), 8/26/2004 (2004 WLNR 15944381), 10/23/2004 (LEXIS, USPAPR File).

**PS 76. Ernest Jamison (12) MO** Sources: ST. LOUIS POST-DISPATCH 1/26/2004 (2004 WLNR 1276196), 3/1/2004 (2004 WLNR 1272931), 6/17/2004 (2004 WLNR 1278061), 6/25/2004 (2004 WLNR 1297998), 6/28/2004 (2004 WLNR 1304298), 8/12/2004 (LEXIS, USPAPR File).

**PS 77. Darrel Miller (12) OK** Source: TULSA WORLD 10/2/2004 (on file with author).

**PS 78. Michael Tolando Robinson (12) NC** Source: THE GREENVILLE NEWS 2/7/2004 (2004 WLNR 16084151).

**PS 79. Jason Thompson (12) CA** Sources: LOS ANGELES TIMES 2/7/2004 (LEXIS, USPAPR File); LOS ANGELES DAILY NEWS 1/14/2004 (2004 WLNR 2857523).

**PS 80. Decabooter Williams (12) NE** Sources: OMAHA WORLD-HERALD 4/6/2003 (2003 WLNR 6790915), 4/17/2004 (2004 WLNR 11328452), 4/20/2004 (2004 WLNR 11243981), 6/15/2004 (2004 WLNR 11725167).

**PS 81. Harold E. Brown (11) NC** Sources: ASHEVILLE CITIZEN – TIMES (NC) 12/6/2003 (LEXIS, USPAPR File), 9/4/2004 (two articles) (LEXIS, USPAPR File).

**PS 82, PS 83, PS 84. Adele Craven & Russell McIntyre & Ronald Pryor (11) KY** Sources: LEXINGTON HERALD-LEADER 2/20/2004 (2004 WLNR 3093097), 3/23/2004 (2004 WLNR 3126659).

**PS 85. William Dempsey (11) VA** Sources: THE WASHINGTON POST 6/15/2003 (LEXIS, USPAPR File), 8/24/2003 (LEXIS, USPAPR File), 2/29/2004 (LEXIS, USPAPR File).

**PS 86. Lisa Diaz (11) TX** Sources: FORT WORTH STAR-TELEGRAM 8/4/2004 (2004 WLNR 1804316), 8/6/2004 (2004 WLNR 1807150), 8/13/2004 (2004 WLNR 1815279); AP ALERT – TX 8/4/2004 (8/4/2004 APALERTTX 16:33:10), 8/13/2004 (8/13/2004 APALERTTX 09:20:35); THE DALLAS MORNING NEWS 1/24/2004 (LEXIS, USPAPR File).

**PS 87. Charlene Dorcy (11) WA** Sources: THE COLUMBIAN (Vancouver, WA) 7/16/2004 (LEXIS, USPAPR File); THE OREGONIAN (Portland, OR) 5/26/2005 (LEXIS, USPAPR File); CHICAGO TRIBUNE 5/27/2005 (LEXIS, USPAPR File).

**PS 88. Winston Gilmore (11) Fed-LA** Source: THE TIMES-PICAYUNE 11/8/2004 (LEXIS, USPAPR File).

**PS 89. Ronrico Jozan Hatch (11) IN** Sources: THE JOURNAL GAZETTE (Fort Wayne, IN) 2/12/2004 (2004 WLNR 15056967); SOUTH BEND TRIBUNE 2/13/2004 (on file with author).

**PS 90, PS 91, PS 92. Manny Liu & Sikai Telea & Amu Wynn (11) CA** Sources: SAN MATEO COUNTY TIMES 1/15/2004 (2004 WLNR 17162217), 1/29/2004 (2004 WLNR 17184591), 5/18/2004 (2004 WLNR 17198845), 8/25/2004 (on file with author).

**PS 93. Nelson Plana (11) TN** Sources: THE LEAF-CHRONICLE (Clarksville, TN) 7/23/2004 (2004 WLNR 16562861), 7/24/2004 (on file with author).

**PS 94. Stephen L. Soules (11) KY** Source: THE COURIER-JOURNAL (Louisville, KY) 3/24/2004 (2004 WLNR 2695953).

**PS 95. Olga Lorena Valdez (11) NJ** Source: THE STAR-LEDGER (Newark, NJ) 10/9/2004 (2004 WLNR 18023994).

**PS 96, PS 97. Richard Alderete & Angel Vasquez (10) TX** Sources: SAN ANTONIO EXPRESS-NEWS 9/29/2004 (LEXIS, USPAPR File), 10/2/2004 (LEXIS, USPAPR File), 10/27/2004 (LEXIS, USPAPR File).

**PS 98. Falicia Blakely (10) GA** Source: THE ATLANTA JOURNAL-CONSTITUTION 1/17/2004 (2004 WLNR 6339690).

**PS 99. Kenneth Burno, Jr. (10) PA** Sources: THE MORNING CALL (Allentown, PA) 12/18/2002 (LEXIS, USPAPR File), 12/19/2002 (LEXIS, USPAPR File), 4/27/2004 (LEXIS, USPAPR File), 9/29/2004 (LEXIS, USPAPR File).

**PS 100. Wade Clark, Jr. (10) MD** Sources: THE BALTIMORE SUN 6/8/2002 (LEXIS, USPAPR File), 9/29/2004 (LEXIS, USPAPR File); THE CAPITAL (Annapolis, MD) 9/29/2004 (LEXIS, USPAPR File).

**PS 101. Demetrius Antonio Jones (10) NC** Sources: THE SUN NEWS (Myrtle Beach, SC) 9/29/2004 (on file with author); ASHEVILLE CITIZEN-TIMES 7/22/2004 (2004 WLNR 16545597), 8/10/2004 (2004 WLNR 16250286).

**PS 102. Johnathan Moorman (10) NJ** Source: THE STAR-LEDGER 1/14/2004 (2004 WLNR 18064323).

**PS 103. Christopher Morning (10) VA** Sources: THE VIRGINIAN PILOT (Norfolk, VA) 8/20/2004 (2004 WLNR 3455179).

**PS 104. Ronald Pituch (10) NJ** Source: COURIER-POST (NJ) 11/5/2004 (2004 WLNR 15105290).

**PS 105. Eric Quesada (10) TX** Sources: SAN ANTONIO EXPRESS-NEWS 5/11/2004 (LEXIS, USPAPR File), 5/19/2004 (LEXIS, USPAPR File), 5/26/2004 (LEXIS, USPAPR File), 5/27/2004 (LEXIS, USPAPR File).

**PS 106. Walter Rice (10) TX** Source: HOUSTON CHRONICLE 5/1/2004 (LEXIS, USPAPR File).

**PS 107. Keith B. Taylor (10) GA** (resentencing after appellate reversal) Source: THE FLORIDA TIMES-UNION (Jacksonville, FL) 8/28/2004 (LEXIS, USPAPR File).

**PS 108. Joseph Robert Teitgen (10) CA** Source: SAN FRANCISCO CHRONICLE 3/11/2004 (2004 WLNR 7630469).

**PS 109. Tom West (10) OH** Source: THE CINCINNATI POST 8/24/2004 (2004 WLNR 11528299).

#### **7-9 DEPRAVITY POINTS**

**PS 110. Charles Anderson (9) LA** Sources: THE TIMES – PICAYUNE 1/22/2000 (LEXIS, USPAPR File), 11/9/2004 (LEXIS, USPAPR File), 11/11/2004 (LEXIS, USPAPR File).

**PS 111. Brian Bahr (9) PA** Sources: THE MORNING CALL (Allentown, PA) 10/16/2003 (LEXIS, USPAPR File), 1/10/2004 (LEXIS, USPAPR File), 2/3/2004 (LEXIS, USPAPR File).

**PS 112, PS 113. Jeffery Barth & Yusef Jihad (9) (WA)** Sources: THE SEATTLE TIMES 2/5/2004 (LEXIS, USPAPR File), 5/20/2004 (LEXIS, USPAPR File), 6/22/2004 (LEXIS, USPAPR File); SEATTLE POST – INTELLIGENCER 7/29/2004 (LEXIS, USPAPR File).

**PS 114, PS 115, PS 116, PS 117. Alfredo Brosig & Clara Gonzales & David Mendez & Francisco Perez (9) TX** Sources: SAN ANTONIO EXPRESS NEWS 5/7/2003 (LEXIS, USPAPR File), 2/6/2004 (LEXIS, USPAPR File), 5/8/2004 (LEXIS, USPAPR File).

**PS 118. Willard Brown (9) NC** Sources: WINSTON-SALEM JOURNAL 12/4/2004 (LEXIS, USPAPR File); LOS ANGELES TIMES 12/17/2004 (LEXIS, USPAPR File); THE SUN NEWS (Myrtle Beach, SC) 12/17/2004 (on file with author).

**PS 119. Estell Buck (9) OH** Source: THE ENQUIRER (Cincinnati, OH) 11/24/2004 (2004 WLNR 15148082).

**PS 120, PS 121, PS 122, PS 123. Scotty Butters & Tristain Frye & David Pillatos & Kurtis Monschke (9) WA** Sources: THE NEWS TRIBUNE (Tacoma, WA) 3/17/2004 (LEXIS, USPAPR File), 6/2/2004 (LEXIS, USPAPR File), 6/5/2004 (LEXIS, USPAPR File).

**PS 124. Douglas Campbell (9) VA** Sources: THE VIRGINIAN PILOT (Norfolk, VA) 9/16/2004 (2004 WLNR 16908223), 10/9/2004 (2004 WLNR 16901198).

**PS 125. David Hill (9) CA** Sources: SAN FRANCISCO CHRONICLE 4/25/2004 (2004 WLNR 7621640); SAN JOSE MERCURY NEWS 6/9/2004 (2004 WLNR 2954993); LOS ANGELES TIMES 6/9/2004 (LEXIS, USPAPR File).

**PS 126. Derrick Hines (9) VA** Source: RICHMOND TIMES DISPATCH 12/9/2004 (LEXIS, USPAPR File).

**PS 127. Ben Lofton (9) AL** Source: THE BIRMINGHAM NEWS 3/13/2004 (LEXIS, USPAPR File).

**PS 128, PS 129, PS 130. Bryan Parague & Justin Thomas & Lantak Williams (9) GA** Sources: THE ATLANTA JOURNAL-CONSTITUTION 1/12/2005 (2005 WLNR 408062), 4/2/2004 (LEXIS, USPAPR File), 9/3/2004 (LEXIS, USPAPR File).

**PS 131. Jason Patrick (9) IN** Sources: SOUTH BEND TRIBUNE 2/14/2004 (LEXIS, USPAPR File), 3/16/2004 (LEXIS, USPAPR File).

**PS 132. Andrew Pullen (9) OK** Sources: DAILY OKLAHOMAN 9/6/2003 (LEXIS, USPAPR File), 7/15/2004 (LEXIS, USPAPR File).

**PS 133. Jose Juan Valle Rodriguez (9) UT** Sources: THE SALT LAKE TRIBUNE 8/11/2004 (on file with author); DESERET MORNING NEWS 9/21/2004 (2004 WLNR 16945343).

**PS 134. Michael Rush (9) TX** Sources: THE DALLAS MORNING NEWS 5/21/2004 (LEXIS, USPAPR File), 8/7/2004 (LEXIS, USPAPR File), 9/17/2004 (on file with author).

**PS 135. Anthony Troxler (9) NC** Source: NEWS & RECORD (Greensboro, NC) 1/30/2004 (LEXIS, USPAPR File).

**PS 136. Joseph White (9) NC** Source: THE NEWS & OBSERVER (Raleigh, NC) 8/20/2004 (2004 WLNR 17578384).

**PS 137, PS 138. Anthony Brown & Jesse James Pingleton (8) OH** Source: DAYTON DAILY NEWS 5/25/2004 (2004 WLNR 1600162).

**PS 139, PS 140. Justin Lance Carter & Shawn Allan Sechrist, (8) OK** Source: TULSA WORLD 2/21/2004 (LEXIS, USPAPR File).

**PS 141. Janet Crawford (8) PA** (*See also* James Tatar, SS 91, Appendix E) Sources: PITTSBURGH POST-GAZETTE 11/2/2004 (LEXIS, USPAPR File), 11/19/2004 (LEXIS, USPAPR File).

**PS 142, PS 143. Ann Jadestarr Daw & Vincent Vandele Huntley (8) PA** Source: THE PATRIOT-NEWS (Harrisburg, PA) 11/2/2004 (on file with author).

**PS 144, PS 145, PS 146. Little Jerome Freeman & Gregory Lee & Ricky Morris (8) NC** Sources: HERALD SUN (Durham, NC) (on file with author) 5/28/2004, 11/4/2004, 4/9/2005; THE NEWS & OBSERVER (Raleigh, NC) 10/20/2004 (2004 WLNR 17554971), 10/23/2004 (2004 WLNR 17565831), 10/26/2004 (2004 WLNR 17570218).

**PS 147. Stanley Huddleson (8) OH** Sources: DAYTON DAILY NEWS 6/8/2004 (LEXIS, USPAPR File), 6/18/2004 (LEXIS, USPAPR File), 7/23/2004 (LEXIS, USPAPR File).

**PS 148. Derrick Jenkins (8) TX** Source: COX NEWS SERVICE 10/5/2004 (on file with author).

**PS 149. Vinson Johnson (8) AZ** Source: THE ARIZONA REPUBLIC 5/1/2004 (2004 WLNR 16074782).

**PS 150. Ronald Michael Kappes (8) NC** Sources: THE NEWS & OBSERVER (Raleigh, NC) 4/12/2003 (LEXIS, USPAPR File), 8/24/2004 (2004 WLNR 17413054).

**PS 151, PS 152. Naeem Mahmoud & Anthony Patterson, Jr. (8) NC** Sources: THE NEWS & OBSERVER 10/2/2004 (2004 WLNR 17510099), 10/9/2004 (2004 WLNR 17527927).

**PS 153, PS 154. Eva Lynn Mayfield & Clayton Roinuse (8) AZ** Sources: TUCSON CITIZEN 5/19/2004 (2004 WLNR 16397607), 7/13/2004 (2004 WLNR 16343028), 8/28/2004 (2004 WLNR 16241391).

**PS 155. Michael Devann Nails (8) GA** Source: THE FLORIDA TIMES-UNION (Jacksonville, FL) 2/21/2004 (LEXIS, USPAPR File).

**PS 156. Satrina Roberts (8) MD** Sources: THE BALTIMORE SUN 5/1/2004 (LEXIS, USPAPR File), 11/19/2004 (LEXIS, USPAPR File), 2/5/2005 (LEXIS, USPAPR File).

**PS 157. Trovon Ross (8) UT** Sources (on file with author): DESERET MORNING NEWS (Salt Lake City, UT) 11/5/2004, 11/9/2004, 11/11/2004.

**PS 158, PS 159. Bryan D. Smith & Allen Woods, Jr. (8) AR** Sources: ARKANSAS DEMOCRAT GAZETTE 12/5/2001 (on file with author), 12/6/2001 (LEXIS, USPAPR File), 1/16/2004 (LEXIS, USPAPR File), 6/5/2004 (LEXIS, USPAPR File).

**PS 160. David Torres (8) NC** Sources: THE NEWS & OBSERVER 6/3/2003 (LEXIS, USPAPR File), 9/3/2004 (LEXIS, USPAPR File), 3/19/2004 (LEXIS, USPAPR File), 9/3/2004 (LEXIS, USPAPR File), 3/20/2004 (LEXIS, USPAPR File).

**PS 161. Jeffrey Ivan Vample (8) PA** Sources: THE PHILADELPHIA INQUIRER 7/27/2004 (2004 WLNR 3690224); THE MORNING CALL (Allentown, PA) 7/27/2004 (2004 WLNR 3477819).

**PS 162. Alex Wilson, Jr. (8) TX** Sources: THE HOUSTON CHRONICLE 7/13/2004 (LEXIS, USPAPR File); THE DALLAS MORNING NEWS 7/13/2004 (LEXIS, USPAPR File).

**PS 163. William Allen (7) FL** Sources: PENSACOLA NEWS JOURNAL 6/9/2004 (2004 WLNR 16039254), 6/10/2004 (2004 WLNR 16627294).

**PS 164. Glen Barbarin, Jr. (7) LA** Sources: THE TIMES-PICAYUNE 2/12/2004 (2004 WLNR 1512743), 2/13/2004 (2004 WLNR 1514780), 4/14/2004 (LEXIS, USPAPR File).

**PS 165. Natasha Barker (7) NV** Sources: LAS VEGAS REVIEW JOURNAL 5/7/2004 (LEXIS, USPAPR File), 7/30/2004 (LEXIS, USPAPR File), 8/4/2004 (LEXIS, USPAPR File), 9/8/2004 (LEXIS, USPAPR File).

**PS 166, PS 167. Jonathan Beahn & Josiah Shorey (7) FL** Sources: SUN-SENTINEL 7/2/2003 (LEXIS, USPAPR File), 7/8/2003 (LEXIS, USPAPR File), 7/24/2003 (LEXIS, USPAPR File), 10/6/2004 (LEXIS, USPAPR File).

**PS 168. Mario Betancourt (7) FL** Sources: SUN-SENTINEL 5/1/2004 (LEXIS, USPAPR File); PALM BEACH POST 8/12/2004 (LEXIS, USPAPR File), 8/13/2004 (LEXIS, USPAPR File), 8/14/2004 (LEXIS, USPAPR File), 11/11/2004 (LEXIS, USPAPR File).

**PS 169. Edmonds Tennent Brown IV (7) SC** Sources: THE POST AND COURIER (Charleston, SC) 11/18/2003 (LEXIS, USPAPR File), 7/13/2004 (LEXIS, USPAPR File).

**PS 170. John Chew (7) NJ** (resentencing after appellate reversal) Sources: HOME NEWS TRIBUNE (Central NJ) 3/26/2004 (2004 WLNR 16395073), 6/11/2004 (2004 WLNR 16379709); THE PHILADELPHIA INQUIRER 3/26/2004 (2004 WLNR 3680072); THE STAR-LEDGER (Newark, NJ) 6/11/2004 (2004 WLNR 18000177).

**PS 171, PS 172. Stephen Ciolino & Ralph Goodman (7) NV** Sources: LAS VEGAS REVIEW-JOURNAL 3/5/2004 (LEXIS, USPAPR File), 3/11/2004 (LEXIS, USPAPR File), 5/4/2004 (LEXIS, USPAPR File), 1/13/2005 (LEXIS, USPAPR File).

**PS 173, PS 174, PS 175. Eric Fitzgerald Coleman & Ronnie Jackson & Marquis Delane Wilson (7) VA** Sources: RICHMOND TIMES-DISPATCH 4/3/2004 (LEXIS, USPAPR File), 7/1/2004 (LEXIS, USPAPR File), 9/25/2004 (LEXIS, USPAPR File), 11/17/2004 (LEXIS, USPAPR File).

**PS 176. Calvin Couvillion (7) LA** Sources: THE TIMES-PICAYUNE 2/11/2004 (LEXIS, USPAPR File), 2/13/2004 (LEXIS, USPAPR File), 2/14/2004 (LEXIS, USPAPR File), 5/15/2004 (LEXIS, USPAPR File).

**PS 177. Preston Allen Crisp (7) NC** Sources: THE HERALD-SUN (Durham, NC) 3/3/2004 (LEXIS, USPAPR File),

9/10/2004 (LEXIS, USPAPR File), 11/5/2004 (LEXIS, USPAPR File).

**PS 178. Kenneth Curtis (7) NV** Sources: LAS VEGAS SUN 9/8/2004 (on file with author); LAS VEGAS REVIEW-JOURNAL 9/8/2004 (2004 WLNR 883332).

**PS 179. Aaron Daniels (7) NV** Sources: LAS VEGAS SUN 7/30/2004 (on file with author); LAS VEGAS REVIEW-JOURNAL 7/30/2004 (2004 WLNR 856352).

**PS 180. Kristian Fredrickson (7) IL** Sources: CHICAGO SUN-TIMES 7/11/2004 (2004 WLNR 11702093); CHICAGO TRIBUNE 11/20/2004 (LEXIS, USPAPR File).

**PS 181, PS 182. Joey Goins & Justin Jones (7) Fed-TN** Sources: KNOXVILLE NEWS-SENTINEL 4/1/2004 (LEXIS, USPAPR File), 5/12/2004 (LEXIS, USPAPR File); CHATTANOOGA TIMES FREE PRESS 3/26/2004 (LEXIS, USPAPR File), 6/16/2004 (LEXIS, USPAPR File).

**PS 183. Thomas Johnson (7) VA** Sources: THE VIRGINIAN-PILOT 7/7/2004 (LEXIS, USPAPR File), 9/24/2004 (LEXIS, USPAPR File).

**PS 184. Christopher Jones (7) FL** Sources: THE LEDGER (Lakeland, FL) 6/13/2003 (LEXIS, USPAPR File), 5/1/2004 (LEXIS, USPAPR File).

**PS 185. Dennis McArdle (7) IL** Sources: CHICAGO TRIBUNE, 10/14/2004 (LEXIS, USPAPR File); ABC7Chicago.com, Explosive Testimony in Murder-for-Hire Plot, <http://abclocal.go.com/wls/story?section=News&id=2254094> (last visited Feb. 21, 2006).

**PS 186. Donald Overton (7) TX** Source: FORT WORTH STAR 6/5/2004 (2004 WLNR 1809208).

**PS 187. Kenneth Robinson (7) OH** Source: THE PLAIN DEALER (Cleveland, OH) 5/18/2004 (LEXIS, USPAPR File).

**PS 188. Raymond Saunders (7) MD** (*See also* Jovan House, SS 96, Appendix E) Source: THE BALTIMORE SUN 10/20/2004 (2004 WLNR 1472199).

**PS 189. James Scott (7) IL** Sources: CHICAGO SUN-TIMES 1/29/2004 (2004 WLNR 11315451), 2/22/2004 (2004 WLNR 17873352).

**PS 190. Arthur James West, Jr. (7) TX** Sources: AUSTIN AMERICAN-STATESMAN 8/27/2003 (LEXIS, USPAPR File), 7/24/2004 (LEXIS, USPAPR File).

**PS 191. Kimberly Williams (7) FL** Sources: THE LEDGER (Lakeland, FL) 10/9/2003 (LEXIS, USPAPR File),

5/20/2004 (LEXIS, USPAPR File), 10/5/2004 (LEXIS, USPAPR File).

**PS 192, PS 193. Bryant Woods & Dwain Woods, Jr. (7) AR** Sources: ARKANSAS DEMOCRAT-GAZETTE 7/14/2004 (LEXIS, USPAPR File), 11/7/2004 (LEXIS, USPAPR File), 12/3/2004 (LEXIS, USPAPR File).

#### **6 OR FEWER DEPRAVITY POINTS**

An asterisk (\*) denotes a 5 or fewer Depravity Point defendant who accrued a 3-Depravity Point factor, which would make him death-eligible under the criteria used in this Article.

**PS 194, PS 195. Johnathon Appley & Kevin Rikard (6) CA** Sources: SAN FRANCISCO CHRONICLE 7/28/2003 (2003 WLNR 8255016); THE SACRAMENTO BEE 8/14/2004 (2004 WLNR 17460317); MARIN INDEPENDENT JOURNAL 1/23/2004 (LEXIS, USPAPR File).

**PS 196. Ricky Dale Bailey (6) NC** Source: ROCKY MOUNT TELEGRAM (NC) 10/1/2004 (on file with author).

**PS 197. Ivery Barnes (6) TX** Source: THE HOUSTON CHRONICLE 2/3/2004 (LEXIS, USPAPR File).

**PS 198. Amed Jasaad Boyce (6) TX** Sources: SAN ANTONIO EXPRESS-NEWS 7/16/2003 (LEXIS, USPAPR File), 3/24/2004 (LEXIS, USPAPR File).

**PS 199. Ronald Coulter (6) SC** Sources: THE POST AND COURIER (Charleston, SC) 2/28/2004 (LEXIS, USPAPR File), 3/5/2004 (LEXIS, USPAPR File), 11/5/2004 (LEXIS, USPAPR File).

**PS 200. Nelson DelRio (6) FL** Source: SUN-SENTINEL 1/7/2004 (LEXIS, USPAPR File).

**PS 201. Aaron Dishon (6) OH** Source: THE ENQUIRER (Cincinnati, OH) 8/3/2004 (LEXIS, USPAPR File).

**PS 202. James Garrett, Jr. (6) NC** Source: THE NEWS & OBSERVER (Raleigh, NC) 8/28/2004 (LEXIS, USPAPR File).

**PS 203. Derrick Grant (6) SC** Sources: THE POST & COURIER (Charleston, SC) 2/25/2004 (LEXIS, USPAPR File), 2/26/2004 (LEXIS, USPAPR File), 2/27/2004 (LEXIS, USPAPR File).

**PS 204. Nathan Hogan (6) MS** Source: THE SUN HERALD (Biloxi, MS) 12/1/2004 (on file with author).

**PS 205. Chad Lane (6) TX** Sources: THE HOUSTON CHRONICLE 11/23/2002 (LEXIS, USPAPR File), 5/19/2004 (LEXIS, USPAPR File).

**PS 206. David Losch (6) IN** Sources: SOUTH BEND TRIBUNE 2/2/2004 (LEXIS, USPAPR File), 2/4/2004 (LEXIS, USPAPR File), 2/5/2004 (LEXIS, USPAPR File), 2/7/2004 (LEXIS, USPAPR File).

**PS 207. Tjane Marshall (6) MD** Sources: THE BALTIMORE SUN 10/28/2004 (LEXIS, USPAPR File), 10/29/2004 (LEXIS, USPAPR File), 1/8/2005 (LEXIS, USPAPR File).

**PS 208. Theodore McCoy (6) LA** Sources: THE ADVOCATE (Baton Rouge, LA) 9/29/2002 (LEXIS, USPAPR File); THE TIMES-PICAYUNE 10/5/2002 (LEXIS, USPAPR File), 8/26/2004 (LEXIS, USPAPR File).

**PS 209. Antonio Mendieta (6) TX** Source: AUSTIN AMERICAN-STATESMAN 2/4/2004 (LEXIS, USPAPR File).

**PS 210. Lloyd Mollett (6) OK** Source: THE DAILY OKLAHOMAN (Oklahoma City, OK) 12/18/2004 (LEXIS, USPAPR File).

**PS 211. Richard Oslund (6) Fed-MN** Sources: ST. PAUL PIONEER PRESS 10/13/2004 (2004 WLNR 3545211); STAR TRIBUNE (Minneapolis-St. Paul, MN) 10/26/2004 (WLNR 17482349), 10/27/2004 (2004 WLNR 17483620).

**PS 212. Jonathan Peters (6) TN** Source: THE TENNESSEAN 10/29/2004 (LEXIS, USPAPR File).

**PS 213, PS 214. Angela Phipps & Erica Phipps (6) VA** Sources: RICHMOND TIMES DISPATCH 10/22/2003 (LEXIS, USPAPR File), 2/18/2004 (LEXIS, USPAPR File), 10/28/2004 (LEXIS, USPAPR File).

**PS 215. Michael Pinion (6) IL** Sources: DAILY HERALD (Chicago, IL) 9/28/2004 (LEXIS, USPAPR File), 10/3/2004 (LEXIS, USPAPR File).

**PS 216. Tony Powell (6) OH** (resentencing after appellate reversal) Source: CINCINNATI POST 11/17/2004 (2004 WLNR 15581787).

**PS 217. Damien Sanders (6) IN** Sources: INDIANAPOLIS STAR 11/22/2004 (2004 WLNR 13736074); THE STAR PRESS (Muncie, IN) 2/1/2005 (on file with author).

**PS 218. Jorge Serrano (6) NM** Sources: SANTA FE NEW MEXICAN 3/17/2004 (LEXIS, USPAPR File), 11/8/2004 (LEXIS, USPAPR File), 2/24/2005 (LEXIS, USPAPR File); ALBUQUERQUE JOURNAL 9/24/2004 (LEXIS, USPAPR File).

**PS 219. Jaswinder Singh (6) MO** Source: THE KANSAS CITY STAR 12/23/2004 (2004 WLNR 14608149).

**PS 220. Terrence Lynn Tardy, Jr. (6) OR** Source: THE OREGONIAN 4/26/2004 (2004 WLNR 17961342).

**PS 221. Adam F. Wester (6) TN** Sources: KNOXVILLE NEWS-SENTINEL 6/12/2002 (LEXIS, USPAPR File), 2/21/2004 (LEXIS, USPAPR File).

**PS 222. Kevin E. Wiggins (6) MD** (resentencing after appellate reversal) Sources: THE BALTIMORE SUN 10/8/2004 (2004 WLNR 1463440); THE WASHINGTON POST 10/8/2004 (LEXIS, USPAPR File).

**PS 223. Allan Abruzzino (5) OH** Source: THE PLAIN DEALER (Cleveland, OH) 9/3/2004 (2004 WLNR 343071).

**PS 224, PS 225, PS 226, PS 227, PS 228. William Allen & Ryan Holle & Charles Miller, Jr. & Jermond Thomas & Donnie Lee Williams (5) FL** Sources: PENSACOLA NEWS JOURNAL 8/4/2004 (2004 WLNR 16634728), 8/5/2004 (2004 WLNR 16041364), 8/7/2004 (2004 WLNR 16148512).

**PS 229. Michael J. Botting (5) OR** Sources: THE OREGONIAN 10/28/2004 (LEXIS, USPAPR File), 10/29/2004 (LEXIS, USPAPR File).

**PS 230. Craig Cain (5) IN** Sources: CHRONICLE-TRIBUNE (Marion, IN) 9/16/2004 (two articles: 2004 WLNR 16100753, 2004 WLNR 16100822).

**PS 231. Dwayne Carreker (5) NJ** Sources: HOME NEWS TRIBUNE (Central NJ) 2/24/2004 (2004 WLNR 16138002), 4/27/2004 (2004 WLNR 16615224); THE STAR-LEDGER (Newark, NJ) 2/6/2004 (2004 WLNR 18074989), 4/27/2004 (2004 WLNR 18077143).

**PS 232. Robert Cassell (5) OR** Sources: THE OREGONIAN (Portland, OR) 3/4/2004 (LEXIS, USPAPR File), 3/19/2004 (LEXIS, USPAPR File); THE COLUMBIAN (Vancouver, WA) 3/3/2004 (LEXIS, USPAPR File).

**PS 233. Richard Chouquer (5) FL** Sources: THE TAMPA TRIBUNE 7/30/2002 (2002 WLNR 951594); THE LEDGER (Lakeland, FL) 5/24/2003 (LEXIS, USPAPR File), 3/6/2004 (LEXIS, USPAPR File).

**PS 234. Raymond Colunga (5) TX** Sources: AUSTIN AMERICAN-STATESMAN 8/27/2002 (LEXIS, USPAPR File), 9/20/2002 (LEXIS, USPAPR File), 7/21/2004 (LEXIS, USPAPR File).

**PS 235. Joseph Cuevas (5) PA** (resentencing after appellate reversal) Sources: THE MORNING CALL (Allentown, PA) 9/28/2003 (LEXIS, USPAPR File), 3/26/2004 (2004 WLNR 3479368).

**\*PS 236. Ruben Flores (5) NM** Sources: ALBUQUERQUE JOURNAL 12/3/2004 (LEXIS, USPAPR File), 4/20/2005 (LEXIS, USPAPR File).

**\*PS 237. Richard G. Frink (5) DE** Source: THE NEWS JOURNAL (Wilmington, DE) 5/19/2004 (LEXIS, USPAPR File).

**\*PS 238. Robert Godfrey (5) CT** Source: HARTFORD COURANT 3/12/2004 (LEXIS, USPAPR File), 4/9/2004 (LEXIS, USPAPR File).

**PS 239, PS 240, PS 241. Felipe Gonzalez & Fernando Gonzalez, Jr. & Richard Smith (5) TX** Source: FORT WORTH STAR-TELEGRAM 10/26/2004 (on file with author).

**PS 242, PS 243. Damien Guererro & Kinzie Noordman (5) CA** Sources: THE PRESS ENTERPRISE (Riverside, CA) 5/7/2004 (LEXIS, USPAPR File), 5/14/2005 (LEXIS, USPAPR File); LOS ANGELES TIMES 5/14/2005 (LEXIS, USPAPR File).

**\*PS 244, PS 245. Lewis Francis Heffelfinger & Michael Heffelfinger (5) UT** Source: DESERET MORNING NEWS (UT) 5/21/2004 (2004 WLNR 16951727).

**PS 246. Rayford Hendrix (5) NC** Source: WINSTON-SALEM JOURNAL (NC) 1/21/2004 (LEXIS, USPAPR File).

**PS 247. Stefan Iacob (5) OR** Source: THE OREGONIAN 9/17/2004 (2004 WLNR 17945288).

**PS 248, PS 249, PS 250. Gregory Lee & Daymond Swartz & Antonio Stauffer (5) PA** Sources (on file with author): YORK DAILY RECORD 1/29/2004, 7/20/2004.

**\*PS 251, PS 252. Daniel Lopez & Joe Rodriguez (5) CA** (*See also* Julian Mendez, DS 69, Appendix D) Source: THE PRESS ENTERPRISE (Riverside, CA) 8/27/2004 (LEXIS, USPAPR File).

**PS 253. Romeo Lopez (5) TX** Sources: HOUSTON CHRONICLE 7/15/2000 (LEXIS, USPAPR File), 11/6/2003 (LEXIS, USPAPR File), 6/10/2004 (LEXIS, USPAPR File).

**\*PS 254, PS 255. Leslie MacKool & Michael MacKool (5) (AR)** Sources: ARKANSAS DEMOCRAT GAZETTE 5/21/2004 (LEXIS, USPAPR File), 5/27/2004 (LEXIS, USPAPR File), 6/4/2004 (LEXIS, USPAPR File), 9/17/2004 (LEXIS, USPAPR File), 11/2/2004 (LEXIS, USPAPR File).

**PS 256. Fred Mandell (5) IL** Sources: CHICAGO TRIBUNE 5/28/2004 (LEXIS, USPAPR File), 6/29/2004 (LEXIS, USPAPR File); DAILY HERALD (Chicago, IL) 5/28/2004 (LEXIS, USPAPR File), 6/29/2004 (LEXIS, USPAPR File).

**\*PS 257, PS 258, PS 259, PS 260. Robby Mitchell & Krista McDaniel & Jamaar Hutchinson & John Harvey III (5) SC** Source: THE SUN-NEWS (Myrtle Beach, SC) 11/10/2004 (on file with author).

**PS 261. Armando Moran (5) TX** Sources: AUSTIN AMERICAN-STATESMAN 5/20/2002 (LEXIS, USPAPR File), 1/21/2004 (LEXIS, USPAPR File), 1/23/2004 (LEXIS, USPAPR File).

**\*PS 262. James Renfro (5) AR** Source: ARKANSAS DEMOCRAT GAZETTE 12/9/2004 (LEXIS, USPAPR File).

**\*PS 263. John Rios (5) TX** Source: FORT WORTH STAR-TELEGRAM 11/13/2004 (on file with author).

**\*PS 264. Ricky Worsham (5) FL** Source: THE TAMPA TRIBUNE 12/4/2004 (LEXIS, USPAPR File).

**PS 265. Jairo Zapata (5) Fed-NY** Source: NEWSDAY 11/17/2004 (2004 WLNR 9862037).

**PS 266. Glenn Beasley (4) GA** Sources: THE AUGUSTA CHRONICLE (<http://chronicle.augusta.com>) 8/6/2003, 9/30/2003, 9/2/2004.

**PS 267. Paul Brown (4) CT** Source: HARTFORD COURANT 7/10/2004 (LEXIS, USPAPR File).

**PS 268. Michael Butler (4) PA** Sources: INTELLIGENCER JOURNAL (Lancaster, PA) 5/18/2004 (LEXIS, USPAPR File), 5/19/2004 (LEXIS, USPAPR File), 8/3/2004 (LEXIS, USPAPR File), 12/24/2004 (LEXIS, USPAPR File).

**PS 269. Charles Champion (4) WA** Source: SEATTLE POST-INTELLIGENCER 11/24/2004 (LEXIS, USPAPR File).

**PS 270. Jesse Chandler (4) KS** Source: THE TOPEKA CAPITAL-JOURNAL 12/7/2004 ([http://cjonline.com/stories/120704/loc\\_carwishkilling.shtml](http://cjonline.com/stories/120704/loc_carwishkilling.shtml)).

**PS 271. Lee Crager (4) OH** Sources: COLUMBUS DISPATCH 9/14/2004 (LEXIS, USPAPR File), 9/17/2004 (LEXIS, USPAPR File); THE MARION STAR 9/29/2004 (LEXIS, USPAPR File).

**PS 272. Alfred Cunningham (4) TX** Sources: CORPUS CHRISTI CALLER-TIMES 5/26/2004 (LEXIS, USPAPR File), 5/27/2004 (LEXIS, USPAPR File), 5/28/2004 (LEXIS, USPAPR File).

**PS 273. Christopher Davis (4) LA** Sources: THE TIMES-PICAYUNE 12/8/2001 (LEXIS, USPAPR File), 7/27/2004 (LEXIS, USPAPR File), 8/27/2004 (LEXIS, USPAPR File).

**PS 274. Mark Fox (4) OR** Source: THE OREGONIAN (Portland, OR) 7/16/2004 (LEXIS, USPAPR File).

**PS 275. Jose Sanchez Guillen (4) WA** Sources: THE COLUMBIAN (Vancouver, WA) 10/30/2004 (2004 WLNR 15882647); SEATTLE POST-INTELLIGENCER 11/5/2004 (2004 WLNR 6878490).

**PS 276, PS 277. Joseph Guillory & Justin Singleton (4) LA** Sources: DAILY WORLD (Opelousas, LA) 12/9/2004 (LEXIS, USPAPR File), 12/19/2004 (LEXIS, USPAPR File), 1/23/2005 (LEXIS, USPAPR File); THE ADVOCATE (Baton Rouge, LA) 5/24/2005 (LEXIS, USPAPR File).

**PS 278. Henry Hager (4) OH** Source: COLUMBUS DISPATCH 2/26/2004 (LEXIS, USPAPR File).

**PS 279. James Head (4) FL** Source: ST. PETERSBURG TIMES 1/31/2004 (LEXIS, USPAPR File).

**PS 280. Robert Hildebrand (4) PA** Sources: INTELLIGENCER JOURNAL (Lancaster, PA) 7/10/2004 (2004 WLNR 11472305); LANCASTER NEW ERA 9/29/2004 (LEXIS, USPAPR File).

**PS 281. Erskine Johnson (4) TN** (resentencing after appellate reversal) Source: THE COMMERCIAL APPEAL (Memphis, TN) 11/17/2004 (2004 WLNR 10846437).

**PS 282. Wardell Joiner, Jr. (4) CA** Sources: THE SAN DIEGO UNION-TRIBUNE 3/16/2004 (LEXIS, USPAPR File), 9/9/2004 (LEXIS, USPAPR File), 4/23/2005 (LEXIS, USPAPR File).

**PS 283. Delores Jones (4) LA** Sources: THE TOWN TALK (Alexandria, LA) 12/22/2004 (LEXIS, USPAPR File), 4/20/2005 (LEXIS, USPAPR File).

**PS 284. Randy Liebich (4) IL** Sources: CHICAGO TRIBUNE 7/3/2004 (LEXIS, USPAPR File), 9/10/2004 (LEXIS, USPAPR File); DAILY HERALD (Chicago, IL) 7/17/2004 (LEXIS, USPAPR File).

**PS 285. Donald B. Mitchell (4) NC** Source: THE NEWS & OBSERVER (Raleigh, NC) 3/2/2004 (LEXIS, USPAPR File).

**PS 286. Carl Moore (4) TX** Sources: THE SAN ANTONIO EXPRESS-NEWS 7/19/2003 (LEXIS, USPAPR File), 7/19/2003 (Metro) (LEXIS, USPAPR File), 9/18/2004 (LEXIS, USPAPR File).

**PS 287. James Morgan (4) TX** Sources: FORT WORTH STAR TELEGRAM 5/6/2003 (2003 WLNR 2244392), 12/14/2004 (2004 WLNR 13954340).

**PS 288. Tobias Morgan (4) VA** Sources: THE VIRGINIAN PILOT (Norfolk, VA) 7/11/2003 (LEXIS, USPAPR

File), 9/26/2003 (LEXIS, USPAPR File), 2/25/2004 (LEXIS, USPAPR File), 4/22/2004 (LEXIS, USPAPR File).

**PS 289. Edward Phillips (4) MO** Sources: ST. LOUIS POST-DISPATCH 1/12/2004 (LEXIS, USPAPR File), 9/3/2004 (LEXIS, USPAPR File), 11/23/2004 (LEXIS, USPAPR File).

**PS 290. Donald Scanlon (4) NC** (resentencing after appellate reversal) Source: THE NEWS & OBSERVER (Raleigh, NC) 8/24/2004 (LEXIS, USPAPR File).

**PS 291. Shaun Stewart (4) GA** Sources: CHATTANOOGA TIMES FREE PRESS 9/4/2004 (LEXIS, USPAPR File); THE ATLANTA JOURNAL-CONSTITUTION 8/5/2004 (LEXIS, USPAPR File), 9/3/2004 (LEXIS, USPAPR File), 9/3/2004 (LEXIS, USPAPR File), 11/7/2003 (LEXIS, USPAPR File).

**\*PS 292. Darris A. Ware (4) MD** (resentencing after appellate reversal) Sources: THE BALTIMORE SUN 8/7/2004 (2004 WLNR 1497198), 8/13/2004 (2004 WLNR 1499279), 10/15/2004 (2004 WLNR 1468540); THE WASHINGTON POST 10/15/2004 (LEXIS, USPAPR File).

**PS 293. Jessie White (4) LA** Sources: THE ADVOCATE (Baton Rouge, LA) 4/9/2004 (LEXIS, USPAPR File), 7/15/2004 (LEXIS, USPAPR File), 9/3/2004 (two articles – LEXIS, USPAPR Files); SATURDAY STATE TIMES/MORNING ADVOCATE (Baton Rouge, LA) 9/11/2004 (LEXIS, USPAPR File).

**PS 294, PS 295. Carl Whoberry & Jacqueline Wilson (4) TX** Source: AUSTIN AMERICAN-STATESMAN 5/29/2004 (LEXIS, USPAPR File).

**PS 296, PS 297. Kenneth August & Marcus August (3) TX** Source: FORT WORTH STAR-TELEGRAM 10/6/2004 (2004 WLNR 1811097).

**PS 298. Robert Bishop (3) OK** Sources: THE OKLAHOMAN 3/3/2004 (LEXIS, USPAPR File), 3/9/2004 (LEXIS, USPAPR File), 8/7/2004 (LEXIS, USPAPR File).

**\*PS 299. Carlos Cuesta-Rodriguez (3) Fed-TX** Source: AUSTIN AMERICAN-STATESMAN 3/12/2004 (LEXIS, USPAPR File).

**PS 300. Robert Gallant (3) (NC)** Source: NEWS & RECORD (Greensboro, NC) 10/1/2004 (2004 WLNR 17465987).

**PS 301. Michael Garvin (3) FL** Sources: THE FLORIDA TIMES-UNION 4/9/2003 (LEXIS, USPAPR File), 7/30/2004 (LEXIS, USPAPR File), 8/26/2004 (LEXIS, USPAPR File), 9/1/2004 (LEXIS, USPAPR File).

**PS 302. Elbert Holder (3) AR** Source: ARKANSAS DEMOCRAT GAZETTE 12/1/2004 (LEXIS, USPAPR File).

**PS 303, PS 304, PS 305. Thomas Riggins & James Wells & Matthew Wells (3) ID** Sources: THE SPOKESMAN REVIEW (Spokane, WA) 11/21/2004 (LEXIS, USPAPR File); LEWISTON MORNING TRIBUNE 2/9/2005 (LEXIS, USPAPR File), 4/20/2005 (LEXIS, USPAPR File), 5/21/2005 (LEXIS, USPAPR File).

**\*PS 306. Randy Sullens (3) SC** Source: THE POST & COURIER 8/31/2004 (LEXIS, USPAPR File).

**PS 307. Miguel Vela (3) TX** Source: CORPUS CHRISTI CALLER-TIMES 5/19/2004 (LEXIS, USPAPR File).

**PS 308. Dwayne A. Warren (3) DE** Sources: NEWS JOURNAL 11/2/2004 (2004 WLNR 16636999), 1/15/2005 (2005 WLNR 679293).

**\*PS 309. Tindall Jason Williams (3) FL** Source: ORLANDO SENTINEL 4/7/2004 (LEXIS, USPAPR File).

**PS 310. Jeffrey Brack (2) FL** Sources: SUN-SENTINEL 3/6/2004 (LEXIS, USPAPR File), 4/1/2004 (LEXIS, USPAPR File), 4/27/2004 (LEXIS, USPAPR File).

**PS 311. Junius Chenoweth (2) GA** Sources: THE ATLANTA JOURNAL-CONSTITUTION 1/10/2004 (2004 WLNR 6332988), 1/24/2004 (2004 WLNR 6346455), 1/29/2004 (LEXIS, USPAPR File), 2/1/2004 (2004 WLNR 6353044).

**PS 312. Dorian Eady (2) PA** Source: YORK DAILY RECORD (PA) 10/19/2004 (on file with author).

**PS 313. Lawrence Hucksteadt (2) IL** Sources: CHICAGO TRIBUNE 8/27/2004 (LEXIS, USPAPR File); DAILY HERALD (Chicago, IL) 8/27/2004 (LEXIS, USPAPR File), 9/27/2004 (LEXIS, USPAPR File), 3/17/2005 (LEXIS, USPAPR File).

**PS 314. Henry Inocencio (2) CA** Sources: DAILY REVIEW (CA) 1/21/2004 (2004 WLNR 17061335); THE ARGUS (Fremont-Newark, CA) 3/17/2004 (2004 WLNR 17060081); TRI-VALLEY HERALD (Pleasanton, CA) 1/31/2004; SAN FRANCISCO CHRONICLE 3/26/2003 (LEXIS, USPAPR File).

**PS 315. Ann Miller Kontz (2) NC** Source: THE NEWS & OBSERVER (Raleigh, NC) 11/17/2004 (2004 WLNR 13887360).

**PS 316. Shawn Moore (2) NC** Source: THE NEWS & OBSERVER 8/3/2004 (LEXIS, USPAPR File).

**PS 317. Tyrone Moore (2) PA** (resentencing after appellate reversal) Source: WILKES-BARRE TIMES LEADER 11/4/2004 (2004 WLNR 6820278).

**PS 318, PS 319. Wilson Perez & Joel Vasquez (2) FL** Sources: PALM BEACH POST 11/25/2003 (LEXIS, USPAPR

File); SUN-SENTINEL 11/6/2004 (LEXIS, USPAPR File), 12/14/2004 (LEXIS, USPAPR File).

**PS 320. Jason Roberts (2) WA** Sources: THE NEWS TRIBUNE (Tacoma, WA) 3/15/2004 (LEXIS, USPAPR File); SEATTLE POST-INTELLIGENCER 4/1/2004 (LEXIS, USPAPR File).

**PS 321. Francine Sass (2) OH** Source: AKRON BEACON JOURNAL 4/9/2004 (2004 WLNR 2905993).

**PS 322. John Smith, Jr. (2) MO** Sources: ST. LOUIS POST-DISPATCH 12/4/2004 (2004 WLNR 13147078).

**PS 323. Frank Todd (2) AR** Source: ARKANSAS DEMOCRAT-GAZETTE 6/5/2004 (LEXIS, USPAPR File).

## Appendix G

### INFERABLE REASONS FOR PROSECUTORS NOT PURSUING DEATH SENTENCES\*

#### Inferable

##### Guilt/innocence

Evidence questionable	2
Multiple perpetrators	149
Deal given for testimony	-
Prior hung jury, etc.	4

##### Penalty phase

Not aggravated enough	-
Mitigation significant	-
Mental problems	3
Intoxication	1
Rotten background	-
Youthful age	1
Older age	3
No prior record	-
Prior hung jury, etc.	3

#### Non-merits

Victim's relatives' wishes	7
Case is old	12
Cost	2
Defendant to name other victims	1
Waiver for extradition	-
Prosecutor opposed to	-
Prosecutor doubts appellate	-
Prosecutor doubts juries	-

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\* David McCord, Uncondensed Appendices to *Lightning Still Strikes*, (Feb. 26, 2006) (on file with author) (indicating when these inferable reasons are present for each defendant), available at <http://facstaff.law.drake.edu/david.mccord/brooklynAppendices.pdf>.

## Appendix H

### TOP TEN REMARKABLE MOMENTS IN DEATH PENALTY CASES FROM NEWS REPORTS REVIEWED IN THE COURSE OF WRITING THIS ARTICLE

**Death penalty cases create their fair share of odd, remarkable moments. Here are ten of them:**

10. Judge Stanley Sacks in Illinois spared Ronald Pollard (SS 55, Appendix E) from a death sentence because he didn't want Pollard to become a "cult hero" like another defendant Judge Sacks had sentenced to death in 2000, who spawned over 400 websites. CHICAGO TRIBUNE 10/5/2004 (on file with author).

9. A juror in Thomas Johnson's case (PS 183, Appendix F) in Virginia brought her own Bible and asked if she could give it to him because "the trial has not been going well for him." THE VIRGINIAN-PILOT 7/7/2004 (LEXIS, USPAPR File).

8. In a Tennessee case, Robert Joe Hood (DS 26, Appendix D), who killed three people in separate incidents, which included two robberies, a kidnapping, a home-invasion burglary, and the killing of a mother in the presence of her children and then the locking of the children in the apartment with the body, told the court that he was "not a bad person." THE COMMERCIAL APPEAL (Memphis, TN) 4/11/2003 (2003 WLNR 8909080).

7. Many defendants claim horrible upbringings, but none attained the pure emotional simplicity and self-pity of Georgia defendant Donnie Hulett, Jr. (DS 68, Appendix D): "My mother don't want me. My dad don't want me. The only people that have ever cared for me are either dead or can't help me." PrisonTalk.com, A Walker County Superior Court Judge on Thursday Sentenced Convicted Murderer Donnie Allen "D.J." Hulett to Death, <http://www.prisontalk.com/forums/archive/index.php/t-58770.html> (last visited Feb. 21, 2006).

6. Defendants in capital cases often have colorful nicknames/street names. Perhaps the one a defense attorney would least like to have mentioned in front of a jury is that of New Mexico defendant Jorge “Little Mad Man” Serrano (PS 218, Appendix F)—unless an insanity defense was in order. ALBUQUERQUE JOURNAL 9/24/2004 (LEXIS, USPAPR File).

5. A small percentage of victims’ relatives make statements that exemplify “amazing grace.” A particularly poignant one is from the case of Derrick Jenkins (PS 148, Appendix F) in Texas, where the victim’s mother told Jenkins: “You tore a perfect family apart. Every night I fall on my knees and pray that God will help me forgive you. I also pray that he will keep you safe in prison.” COX NEWS SERVICE 10/5/2004 (on file with author).

4. Defendants sometimes make statements in court that are blatantly “wrong place/wrong time/wrong sentiment.” Take this one, by Pennsylvania defendant Abdul Malik El-Shabazz (SS 43, Appendix E), who kidnapped, sexually assaulted, and strangled a six-year-old girl: “Thank God she’s in a better place.” PHILADELPHIA DAILY NEWS 6/17/2004 (2004 WLNR 3060629).

3. Or this one, to the victim’s mother, by Marvin Johnson (DS 92, Appendix D) in Ohio, who beat her thirteen-year-old son to death: “The beating was justified. I remember him from his cries and his last words. I care about your son’s cries like a fish cares about a raincoat.” TIMES RECORDER (Zanesville, OH) 6/5/2004 (2004 WLNR 16471980).

2. Judge Stephen B. Lieberman, in the Pennsylvania case of Richard Boxley (DS 138, Appendix D) wished he had been in the Old West at the sentencing: “I wish I had the authority of a sentencing judge in those times. I would have the circle rebuilt at Fifth and Penn Streets, not just to have a place for a Christmas tree, but as an excellent place to construct a gallows for your speedy and public hanging. Perhaps then the gun-toting, drug-dealing scum that has moved in to take your place will get the point.” THE PATRIOT-NEWS (Harrisburg, PA) 10/29/2000 (on file with author) (This statement was made at Boxley’s original sentencing in 2000, not at his resentencing in 2004.).

1. The attorney for Dwight McLean (SS 117, Appendix E) in North Carolina, who presented McLean's lack of a viable father figure as mitigation, closed his summation by playing country singer George Strait's song, "Love Without End, Amen," about a father's love for his son. The song reduced several jurors to tears, and one had to leave the jury box. McLean was spared a death sentence. *THE NEWS & OBSERVER* (Raleigh, NC) 10/15/2004 (2004 WLNR 17545075).