

Annual Report: 2025 in Review

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EXECUTIVE SUMMARY

The Habeas Corpus Resource Center (HCRC) was created as part of the judicial branch, effective January 1, 1998, by Senate Bill 513.¹ The HCRC's mission is to provide legal representation to people sentenced to death in California in their postconviction proceedings and to serve as a resource center for attorneys appointed in capital cases.² As part of its resource center function, the HCRC collects and maintains statewide data on the administration of the death penalty. This report summarizes relevant data from 2025 and the HCRC's operations. The data in this report are current through December 31, 2025, unless specifically noted otherwise.

2025 was the fourth year in a row that every person California sentenced to die was a person of color. This pattern of sentencing to death exclusively people of color dates to November 1, 2021 – the same month the legislatively-commissioned Committee on Revision of the Penal Code observed, “race often determines when the death penalty is sought and when it is imposed.”³

The number of death sentences in the state continued to outpace appellate and habeas counsel appointments. In 2025, California added 5 people to its death row, while California courts made 2 new appointments of appellate counsel and 1 new appointment of habeas counsel in capital cases. The HCRC accepted the 1 new appointment of habeas counsel in 2025. The pool of available counsel to accept state habeas counsel shrank for the second year in a row; there is currently just one attorney on the statewide habeas panel. Meanwhile, at year end, 28 capitally-sentenced people were awaiting appointment of appellate counsel and 391 capitally-sentenced people were awaiting appointment and/or funding of state habeas counsel. Those awaiting habeas counsel constitute 70% of the state's death-sentenced population.

Remarkably, despite these factors, the size of California's death row continued to decrease. There were 562 people under a sentence of death at the end of 2025 – 12 fewer than at the same time the previous year. California's death-sentenced population has nearly 200 fewer people than it did just a decade prior, when death row's size peaked at approximately 754.⁴

The factors that motivated Governor Gavin Newsom to declare a moratorium on executions on March 13, 2019, remain present in administration of the death penalty to this day, including:

1. California continues to have the largest death row in the Western Hemisphere, despite a significant decrease in size since the moratorium. Its death-sentenced population is twice that of the next largest state: Florida.
2. Systemic racism, implicit bias, and overt bias are evident in empirical studies and case examples since the moratorium. Indeed, in 2025, the Legislature and the Governor agreed that “the racially disproportionate application of the death penalty is ‘in historical continuity with the long and sordid history of lynching in this country.’”⁵
3. There are 45 people who will be immediately vulnerable for a request for an execution date if the next Governor lifts the moratorium. This number was 25 at the time Governor Newsom declared the moratorium.
4. Geographical disparities in seeking and obtaining death sentences persist. Some California counties do not pursue death, while others – like Los Angeles, San Bernardino, and Riverside – disproportionately contribute to the extraordinary size of California’s death row. Together, these 3 counties account for over 50% of California’s death-sentenced population, exceeding the size of Florida’s death row.
5. In California and nationwide, the years since the moratorium have seen more exonerations of innocent people on death row. To date, 8 innocent people – all men of color – have been exonerated from California’s death row. That is, for every 3 people California has executed, it has exonerated 2. The 8 people exonerated from California’s death row spent years, if not decades, under the threat of execution as they fought to prove their innocence. The dearth of habeas counsel and the delay in appointments means it is probable the next exonerees from California’s death row will wait even longer for a court to recognize their innocence.

When Governor Newsom declared the moratorium, he concluded, “California’s death penalty system is unfair, unjust, wasteful, protracted and does not make our state safer.”⁶ The moratorium paused executions but otherwise left this system intact.

CALIFORNIA'S CURRENT DEATH PENALTY SYSTEM

In 1972, the California Supreme Court declared the state's death penalty unconstitutional under the state constitution.⁷ The Court held:

We have concluded that capital punishment is impermissibly cruel. It degrades and dehumanizes all who participate in its processes. It is unnecessary to any legitimate goal of the state and is incompatible with the dignity of man and the judicial process. Our conclusion that the death penalty may no longer be exacted in California consistently with [the cruel or unusual punishment clause] of our Constitution is not grounded in sympathy for those who would commit crimes of violence, but in concern for the society that diminishes itself whenever it takes the life of one of its members.⁸

Later the same year, the United States Supreme Court held the death penalty unconstitutional under the federal constitution's cruel and unusual punishment clause.⁹ Thereafter, states including California attempted to bring back capital punishment, experimenting with statutes to determine what would be deemed constitutional. Californians first attempted to bring back the death penalty in 1972 and 1973, but that statutory scheme, like its predecessor, was unconstitutional.¹⁰

The Legislature enacted California's current death penalty system in 1977,¹¹ which voters modified and expanded beginning the following year.¹² The series of court decisions and laws responsible for California's modern death penalty system – the system that has existed, and the scope of which has expanded, in this state beginning in 1977 – are discussed in more detail in the Office of the State Public Defender's [White Paper Report on California's death penalty](#).

DEATH SENTENCES AND JUDGMENTS IN THE MODERN ERA

At the end of 2025, the total number of people the state has sentenced to death since the reinstatement of the death penalty in 1977 grew to 1,021. Some of those people have had multiple death judgments or were resentenced to

death after a reversal and retrial. Accordingly, the total number of death judgments statewide since 1977 is 1,098.

NEW DEATH SENTENCES

In 2025, the State sentenced 5 people to death. Each one of the 5 people sentenced to death in 2025 is a person of color.

The number of California death judgments rendered annually from 1990 to 2025 is reflected in Figure 1, below. Since Proposition 66 became effective, the number of annual death judgments has remained at or below 5.

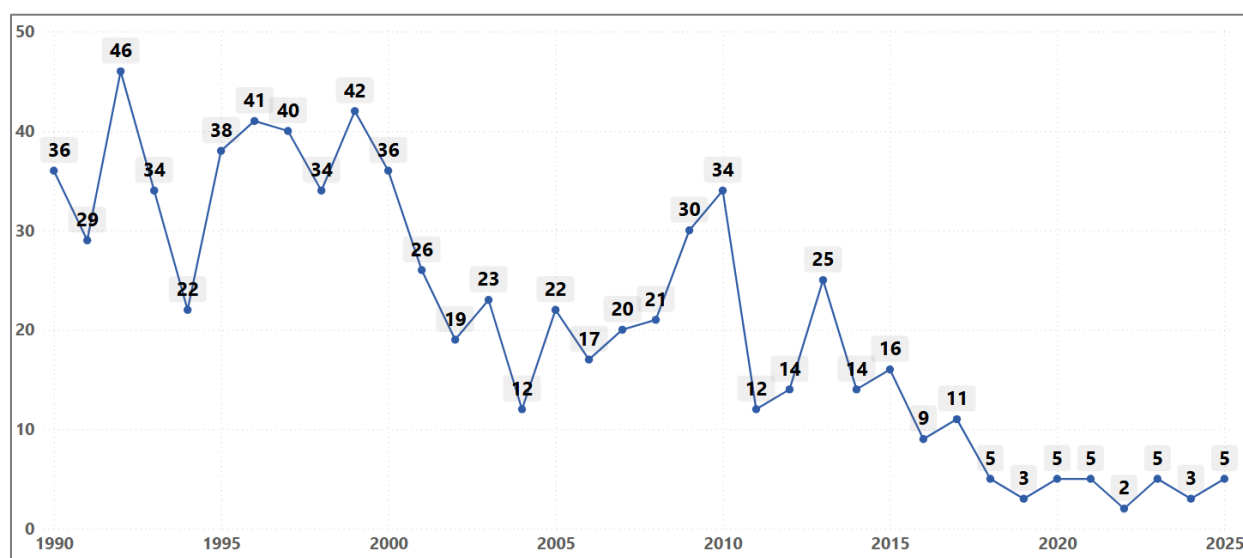


Figure 1. Death Judgments by Year, 1990-2025

PEOPLE CURRENTLY SENTENCED TO DEATH

At the end of 2025, there were 562 people under a death sentence in California,¹³ a dozen fewer than the end of 2024. In 2025, 12 people had their death sentences vacated, 5 people died while under a death sentence, and there were 5 new death sentences. The 562 people sentenced to death represent just over half of the total number of people the state has sentenced to die since the reimposition of the death penalty in California in 1977. Because some people have more than one death judgment, there were a total of 567 active death judgments at the end of 2025.

Although most people sentenced to death in California were young at the time of the offense, the death-sentenced population is aging. The average age of California's death row population as a whole is 58, while the average age at time of offense is 28 – a 30-year difference. The oldest person under a death sentence is 96 years old and was sentenced to death in 1984. Litigation in his case is ongoing in federal district court. The youngest person under a death sentence is 26, was sentenced to death in 2024, and does not yet have appellate or habeas counsel. While the average age at the time of offense is



25 or younger at
date of offense

28, more than half (303 of 562) of the people sentenced to death were under 28 at the time of offense. Forty-three percent of people under a death sentence (243 people) were under age

26 at the time of the offense. This group is of particular note, because, as the Legislature has explained, “research shows that cognitive brain development continues into the early 20s or later. The parts of the brain that are still developing during this process affect judgment and decision-making, and are highly relevant to criminal behavior and culpability.”¹⁴

Age and race intersect in a striking manner in the application of the death penalty in California. In 2024, in a dissent in a non-capital case, Justice Kelli M. Evans described the history of the “baseless and false” superpredator myth,¹⁵ which “tapped into and amplified racial stereotypes that date back to the founding of our nation.”¹⁶ Justice Evans identified the state and nation’s “legacy of casting Black and Brown youth as predatory, remorseless, and irredeemable, older than they are, and treated differently from White youth.”¹⁷ There are currently 52 people sentenced to death for offenses that occurred when they were 18 or 19 years old. Of that group, 88% are people of color, and 12% are White. (Figure 2.)

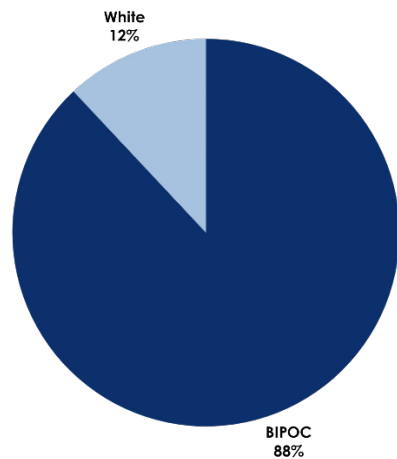


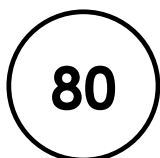
Figure 2. Racial Demographics of Persons with Active Death Sentences for Offenses Committed at 18 or 19

These demographics of the youngest of those sentenced to death in the state stand in contrast to California's statewide demographics, but also to the demographics of California's death-sentenced population as a whole, which is roughly 31% White and 69% people of color.¹⁸

These data reflect a disproportionate application of the death penalty to youth of color; “[r]acial disparities are especially pronounced in young people sentenced to death.”¹⁹ Put another way, “Black and Brown youth” are “treated differently from White youth”²⁰ when it comes to handing down death sentences.

California's current death-sentenced population includes 45 people²¹ who are vulnerable for a request for an execution date, particularly if the moratorium is lifted by the next Governor, because they have exhausted one round of state and federal habeas corpus review. These 45 people have spent an average of 37 years under a death sentence. Approximately half of them (22 people) were under age 26 at the time of the capital offense. The oldest person in the group is now 81 years old; 20 of the 45 people are 70 years or older. There is one woman in this group; she is 78 years old. Four of the 45 people are under a death sentence that was obtained after a reversal and a retrial. The legal claims that 13 of the 45 people raised in their state court appellate and/or habeas proceedings generated a dissent from at least one justice. The same is true for federal court review for 12 people. Six people who are vulnerable for a request for an execution date raised a claim (that ultimately was denied) of ineligibility for execution due to intellectual disability. Approximately 27% of the people who have exhausted state and federal habeas corpus review are Black, while Black people make up just 5.4% of California's population.²²

The phenomenon of retrials after reversals and/or after juries could not reach a unanimous verdict at the penalty phase accounts for a significant portion of California's death row. California is one of four states²³ that permits a penalty-phase retrial after a hung jury at the penalty phase – the remaining jurisdictions with the death penalty mandate a sentence of life without the possibility of



Persons sentenced to death
after hung jury

parole in that circumstance. California prosecutors exercise the option to retry the penalty phase with regularity: a total of 80 of the 562 people currently under a

death sentence are on death row after their first jury could not reach a unanimous verdict at the guilt or penalty phase, so the prosecution tried again and obtained a death verdict.

APPELLATE COUNSEL APPOINTMENTS

California courts made the following appellate counsel appointments in 2025:

- 2 new appointments of appellate counsel for individuals who had never had appellate counsel; and
- 1 appointment of replacement appellate counsel for a person who had been appointed counsel who has since withdrawn from representation.

At the end of 2025, 28 people under a death sentence were awaiting the appointment of appellate counsel. Of those, 24 people have never had appellate counsel before, while 4 have interim appellate counsel while they are awaiting the appointment of replacement appellate counsel because their



Longest years
awaiting appellate
counsel appointment

prior counsel's appointment was vacated.²⁴

The oldest death judgment in this group is from 17 years ago. Since the effective date of Proposition 66 (October 25, 2017), there have been 49 new appointments of

appellate counsel²⁵ and 32 appointments of replacement appellate counsel.²⁶ Currently, there are over 214 capital appeals pending in the California Supreme Court, and 132 of those appeals are fully briefed. The oldest pending appeal is from a case in which the death judgment was rendered in 1995.

HABEAS COUNSEL APPOINTMENTS

California courts made the following habeas corpus appointments in 2025:

- 1 new appointment of habeas counsel (HCRC) for a person who had never had habeas counsel;
- 1 conditional appointment of initial habeas counsel (an attorney who was, at the time, on the statewide habeas panel) that was subsequently vacated; and
- 1 appointment of replacement habeas counsel for a person who had been appointed habeas counsel who has since withdrawn from representation.

The Ventura County Superior Court made the first appointment listed above, appointing the HCRC to represent the person awaiting habeas counsel with the oldest death judgment. The client was sentenced to death in 1994 – 31 years before the HCRC's appointment.

On June 25, 2025, the Orange County Superior Court conditionally appointed initial habeas counsel for a person with a 1998 death judgment.²⁷ At the time, the attorney who the court appointed was a member of the statewide habeas panel, and this was the first appointment (albeit conditional) of a panel member to provide representation in a capital habeas corpus case. The court authorized \$103,820 in funds to be used for investigation and compensation of counsel. This authorization – and the appointment itself – was, however, conditioned on the County of Orange funding counsel's work. On December 9, 2025, the superior court vacated counsel's conditional appointment. By this time, the conditionally appointed attorney was no longer a member of the statewide habeas panel, which had dwindled down to one attorney.²⁸ The superior court's minute order relieving counsel of his conditional appointment stated: "The Court is not appointing new counsel to represent Petitioner at this time as the Court is still attempting to secure funding for appointment of counsel in this capital habeas proceeding."²⁹

Since the effective date of Proposition 66 through April 1, 2026, courts have appointed new habeas counsel in 3 cases,³⁰ replacement habeas counsel in 14 cases, and interim habeas counsel (counsel to hold the case while the courts search for replacement counsel) in 10 capital habeas cases. Replacement counsel appointments typically occur when currently-appointed counsel

withdraws from a case, often because of their retirement from the practice of law or serious illness. The fact that 24 capital cases have needed replacement habeas counsel in less than a decade reflects what the HCRC has anecdotally observed: the habeas counsel bar is diminishing, and many attorneys who once accepted appointments in private practice have retired from the practice of law entirely or the practice of capital habeas corpus law specifically.

DELAYS IN APPOINTMENT OF HABEAS COUNSEL

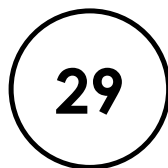
To further its goal of expediting review of capital habeas petitions, Proposition 66 vested the superior courts with the authority to appoint state habeas counsel in capital cases.³¹ But since Proposition 66 became effective, with the exception of the conditional appointment described above that was thereafter vacated, only the HCRC has been appointed to represent any of the individuals prioritized as requiring habeas counsel.

The California Supreme Court has recognized since at least 2010 that there is a “a critical shortage of qualified attorneys” for capital state habeas proceedings,³² and that the problem persists to this day.³³ Other than the HCRC, just one attorney licensed to practice in California is qualified under the rules of court to represent capital-sentenced people in their habeas corpus proceedings.³⁴ There is no source of funding to compensate that attorney for his work, however, and he has not been appointed in a capital case since the passage of Proposition 66. Indeed, the number of attorneys on the statewide habeas panel decreased in 2025 because of the expiration of the initial six-year term for which two panel attorneys had been approved.³⁵ Those two were removed from the panel, and no new attorneys were added.

At the end of 2025, there were 346 people (with 348 judgments) awaiting appointment of initial habeas counsel.³⁶ Of those 348 judgments, 144 (41%) have been affirmed on direct appeal. Between the end of 2025 and today, a superior court has appointed the HCRC as habeas counsel for one of these 346 people.

The 346 people sentenced to death in California awaiting initial state habeas counsel have been waiting an average of 18 years for appointment of qualified counsel. At the end of 2025, 2 people were waiting over 30 years for habeas counsel; 138 were waiting for 20 years or more; and 226 were for 15 years or more.

Perhaps more informative is the number of years between judgment and appointment of initial state habeas counsel for the three individuals for whom courts have appointed counsel since the effective date of Proposition 66. They waited an average of 29 years for appointment of state habeas counsel.



Average years awaiting state habeas counsel post-Prop. 66

By rule of court, the people prioritized for appointment of initial state habeas counsel are those with the oldest death judgments.³⁷ To effectuate this prioritization, the rule, which became effective April 25, 2019, instructed the HCRC to identify the 25 oldest death judgments for the courts' prioritization.³⁸ The HCRC did so in May 2019.

- The HCRC identified the 25 oldest death judgments as ones that occurred between 1994 and 1997.
- From May 2019 through the end of 2025, the superior courts have appointed HCRC as habeas counsel for 2 people. A third appointment occurred on March 27, 2026.
- Three people died while awaiting appointment of counsel. One additional person was resentenced to life without the possibility of parole pursuant to District Attorney-initiated resentencing proceedings.
- Thus, 18 of the 25 people prioritized for the appointment of state habeas counsel in May 2019 are still waiting for counsel. These 18 people have death judgments rendered between 1995 and 1997; they have been waiting an average of 29 years for counsel. Two of them have not yet had their appeals decided, though both appeals are fully briefed.

Delays in appointment of habeas counsel persist throughout the state courts; they are not limited to those who have never had a habeas lawyer appointed for them. There are 43 people who are waiting for the appointment of appellate habeas counsel in the Court of Appeal. In the Court of Appeal, Penal Code section 1509.1 entitles a death-sentenced person to a new attorney to raise claims that their prior state habeas counsel was ineffective for failing to raise in the superior court.³⁹ Yet there is no source of funding for appellate habeas counsel; as a result, the appellate courts have generally stayed section 1509.1

appeals until a competent authority indicates the funds from which appellate habeas counsel can be compensated and the rate at which they should be compensated. As such, 43 appellate habeas corpus cases are indefinitely stayed.⁴⁰

In addition, there are 2 more people who have returned to state superior court from federal court for exhaustion proceedings, and the superior courts have stayed their cases indefinitely because the state courts are unable to compensate their counsel.

Thus, at the close of 2025, 391 of the 562 people currently sentenced to death were waiting for the state to appoint counsel or fund the counsel they already have so their cases can proceed. The state has not fulfilled its statutory guarantee of habeas counsel for approximately 70% of the people it has sentenced to die. (Figure 3.)

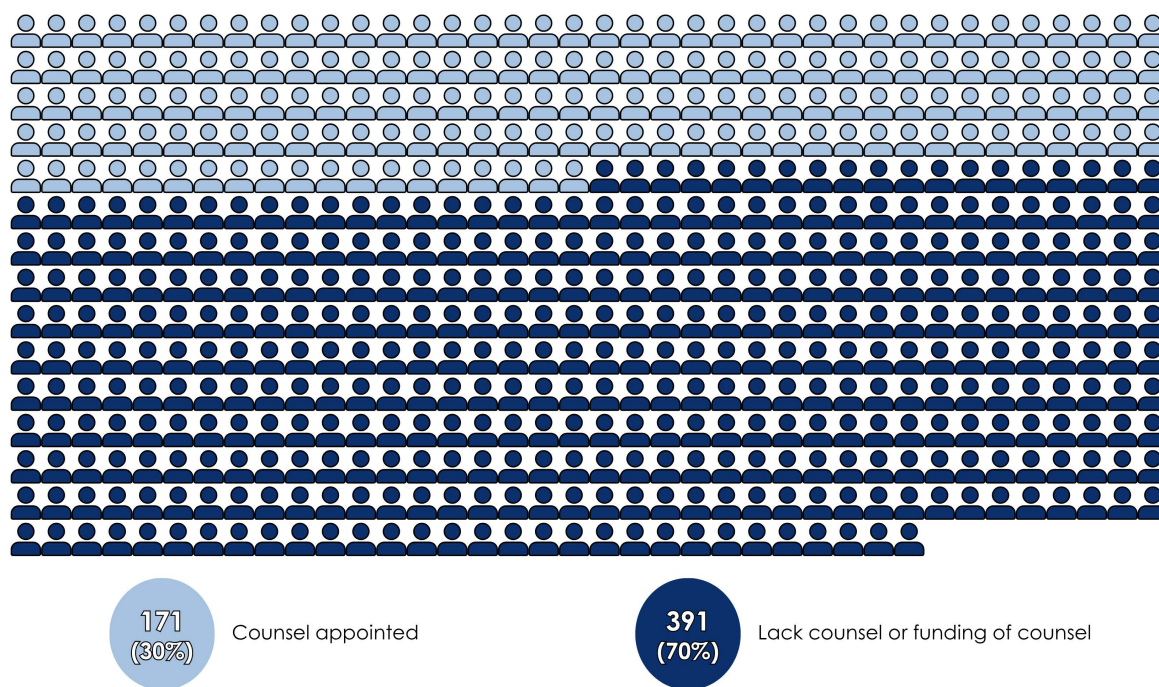


Figure 3. People With Habeas Counsel and People Needing Habeas Counsel, 2025

MOST COMMON OUTCOMES

Although California leads the Western Hemisphere in the size of its death row, a person sentenced to death in California is 14 times more likely to die while incarcerated than to be executed. The state has executed 13 people since 1977, while 182 people under a death sentence have died of other causes.⁴¹ That is, of the over 1,000 people the state has sentenced to death, it has executed 1.3% (1 in every 100). One jurist described California's system as one in which "so many are sentenced to death but only a random few are actually executed."⁴²

Similarly, a person sentenced to death in California is 21 times more likely to obtain relief from their death sentence – whether by a reduction in sentence, a full reversal, or exoneration – than to be executed. Two hundred sixty-seven people have received grants of relief from their death sentence and/or have been resentenced to a lesser sentence by a court since 1977. Because the state sometimes retrials individuals after an appellate or habeas court reverses their death judgment and obtains a new death judgment, the total number of judgments that have been reversed is even higher: at least 333. Thus, a death judgment is 26 times more likely to be reversed than to result in execution. When analyzing similar reversal trends nationwide, Professor Frank Baumgartner wrote, "The persistence and extraordinarily high rates of capital punishment reversals should shock the reader. . . . They represent a broken and dysfunctional system" with an "astronomical level of error."⁴³



Times a reversal is more likely than execution

There are three possible outcomes that would lead to an end to capital habeas litigation: execution by the State of California,⁴⁴ death by non-execution causes, and a reduction in sentence (including exoneration).⁴⁵ Because more than half of the people the State has sentenced to death since 1977 still have active legal proceedings, it may be useful to extrapolate from the available data by reviewing the limited dataset of the people who have had one of those outcomes. 2.9% of that group have been executed, while 39.9% have died by means other than execution and 57.2% have had a reduction in their sentence or have been exonerated. (Figure 4.)

Assuming these past percentages are a guide, the 562 people currently sentenced to death will have the following predictive outcomes:

- approximately 322 people will have their sentences reduced or be exonerated;
- 224 will die by non-execution means; and
- a random 16 will be executed.

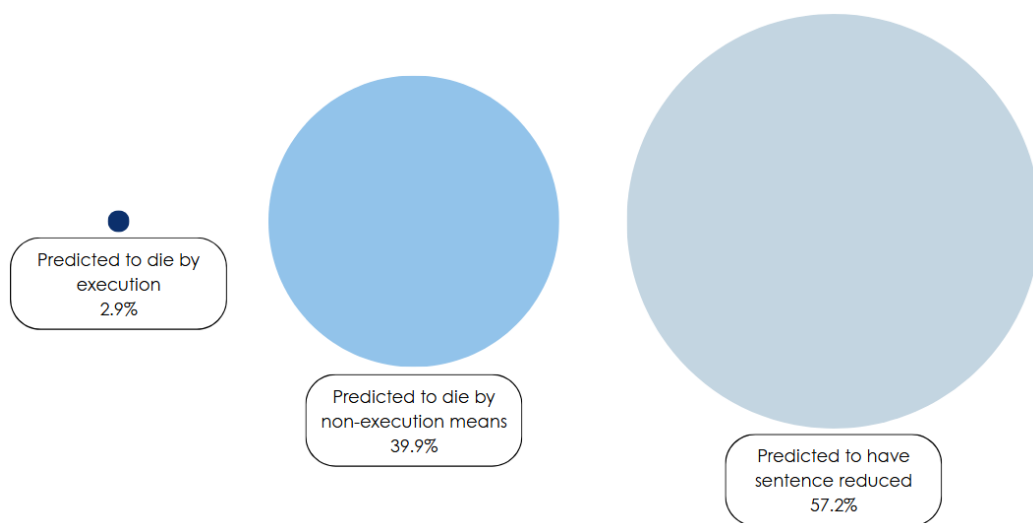


Figure 4. Predicted Outcomes for Active Death Sentences, 2025

Those currently under a sentence of death thus appear to have an approximately 3% chance of execution and a 97% of a non-execution outcome (reduction in sentence or death by a non-execution cause).

FUNDING AND COSTS

The Chief Justice of the California Supreme Court has argued that “legislative underfunding and the absence of qualified, willing counsel have prevented [state habeas counsel] appointments for hundreds on California’s death row.”⁴⁶ This lack of funding does not impact private counsel alone. Rather, the HCRC’s budget and the statutory cap on the number of attorneys it can hire means that the HCRC alone cannot solve the systemic dysfunction. In 2004, California’s Senate Judiciary Committee created the California Commission on the Fair Administration of Justice. The Commission studied the state’s death penalty and released [a final report](#) in 2008. The Commission identified several reasons for California’s failure to administer a just, fair, and efficient death penalty system. Principal among the causes of the backlog then, as now, was the acute shortage of qualified, competent attorneys willing and able to accept

appointments in habeas corpus proceedings. The Commission found that adequately funding an expansion of the HCRC was the best, and likely only, means of meeting the state's need for qualified habeas corpus attorneys. The Commission observed that the HCRC is able to provide training, supervision, and support to its staff attorneys, and to leverage the efficiencies of its team-based model to ensure legally sufficient representation as well as eliminate the need for replacement counsel should individual staff attorneys leave the office. Accordingly, the Commission recommended expanding the HCRC from 34 to 150 lawyers and increasing its budget by 500%.⁴⁷

The Commission's recommendations to address the dysfunction of California's death penalty were never adopted.⁴⁸ Today, the HCRC is statutorily authorized to employ only 34 attorneys,⁴⁹ just 4 more than it was authorized to employ when it opened its doors 27 years ago. The HCRC has repeatedly sought, through budget change proposals, to remove the statutory limitation and increase its staffing to better address the backlog of unrepresented condemned persons awaiting appointment of counsel. These requests have been denied year after year.

In 2025, a federal civil rights lawsuit regarding California's lack of funding for state habeas counsel for the majority of people it sentences to death reached the United States Supreme Court. In briefing before that Court, the Chief Justice of the California Supreme Court argued that fulfilling the right to habeas counsel for hundreds of unrepresented death-sentenced people "could impose 'an over \$600-million burden' on California," – a "tremendous potential cost."⁵⁰ For the \$600 million figure, the Chief Justice cited an amicus brief from Chief Justices of state courts around the country, in which amici concluded that "the total cost of a capital habeas petition [in California] is roughly \$1.75 million."⁵¹ This conclusion was, in turn, based on the Commission's 2008 study on California's death penalty system.⁵² The impact of the United States Supreme Court's denial of certiorari in this case is not yet known, but the Chief Justice had argued that the need for the U.S. Supreme Court to grant certiorari was "urgent, as the Conference of Chief Justices and 20 States make clear."⁵³ The urgency articulated by the Conference of Chief Justices was that the Ninth Circuit's opinion in *Redd v. Guerrero*⁵⁴ may require California to fulfill the statutory promise of habeas counsel for every capitally-sentenced person in the state, which "would impose enormous burdens on limited state resources."⁵⁵

Even without the additional expenses that would arise if California funded its statutory promise of capital habeas counsel for every person sentenced to death, California has spent at least \$6 billion on its death penalty system between 1978 and 2021. This is a conservative estimate.⁵⁶ As more fully described in the HCRC's [2023 Annual Report](#), the death penalty costs the state over \$200 million a year, meaning California has spent at least \$6.8 billion on its death penalty system between 1978 and 2025. Justice Liu has explained:

As leaders of the judiciary have long observed, the death penalty presents serious challenges for the fair and efficient administration of justice. For decades, those challenges have not been meaningfully addressed. As a result, California's death penalty is an expensive and dysfunctional system that does not deliver justice or closure in a timely manner, if at all.⁵⁷

CALIFORNIA'S DEATH PENALTY SYSTEM SINCE THE MORATORIUM

Justice Liu's concerns echoed those Governor Gavin Newsom articulated when he declared a moratorium on executions seven years ago.⁵⁸ Among the reasons Governor Newsom gave for his order was his conclusion that, "It's about not just California's legal system; [it's] about the American justice system. It is completely broken, and we all are perpetuating it. Until we can fix that – the systemic racism, the implicit bias, the overt bias, the whims of prosecutors based on geography, based upon the will of people in the moment, fear and anger and anxiety. . . . – until we address that, I don't think we can do what Saudi Arabia is doing, do what North Korea is doing, do what Somalia is doing. I think it's time to enter the rest of the free world."⁵⁹ Post-moratorium data and information relevant to the factors the Governor identified and what, if anything, has been done to address them are discussed below.

SIZE OF CALIFORNIA'S DEATH ROW

When Governor Newsom declared the moratorium, he noted that California has "the largest death row in the Western Hemisphere"⁶⁰ – one in four people on death row in the United States are in California.⁶¹ At the time, 737 people were sentenced to death in California.⁶² At the end of 2025, that number had

decreased to 562. Nevertheless, California continues to have the largest death-sentenced population in the nation (and remains responsible for a quarter of the nation's death-sentenced population), ahead of Florida (258), Texas (170), Alabama (160), North Carolina (125), Ohio (114), Arizona (110), Pennsylvania (103), Louisiana (57), and Nevada (57).⁶³ All of these jurisdictions have larger death rows than Trinidad and Tobago, the nation with the second largest number of people on death row in the Western Hemisphere (48 people under a death sentence as of the end of 2020).⁶⁴ The Governor's statement about the extraordinary size of California's death row thus remains true.

SYSTEMIC RACISM⁶⁵

Since the moratorium, two of the state's three branches of government have formally recognized that California's death penalty is inextricably linked to the state and country's history of racial terror. On October 13, 2025, the Governor signed into law Assembly Bill 1071, a bill amending California's Racial Justice Act, in which the Legislature found and declared:

[T]he racially disproportionate application of the death penalty is "in historical continuity with the long and sordid history of lynching in this country."⁶⁶

In November 2021, the Committee on Revision of the Penal Code, a body created by the Legislature and the Governor to study all aspects of criminal law and procedure,⁶⁷ released its report on California's death penalty system. The Committee concluded: "After a thorough examination, the Committee has determined that the death penalty as created and enforced in California has not and cannot ensure justice and fairness for all Californians."⁶⁸ More specifically, the Committee found that "race often determines when the death penalty is sought and when it is imposed."⁶⁹

Since the Committee released its report in November 2021, every person the State has sentenced to die has been a person of color. Figure 5 depicts the death sentences since the Committee's report by county and race or ethnicity.

One person, a Black man, was originally sentenced to death in San Bernardino County in 2003. Fifteen years later, the California Supreme Court reversed his death judgment on direct appeal.⁷⁰ The San Bernardino County District Attorney retried the penalty phase and obtained a new death verdict in 2021.⁷¹ This person is

currently 62 years old and does not yet have appellate counsel appointed. By state law, he is entitled to appellate and habeas corpus review of his death sentence. The average time that elapses between a death judgment and a decision on appeal is 11 years. As noted above, the average number of years capital-sentenced people have waited for appointment of initial state habeas counsel in the wake of Proposition 66 has been 29 years. The average time between appointment of state habeas counsel and completion of state and federal habeas review – which can only occur after the appointment of counsel⁷² – is 24 years. By those measures, this person will likely be 110 years old by the time he would be eligible for execution, though, as discussed above, there is a 97% chance that he will obtain a reversal or be resentenced or die of natural causes before being executed.

Similarly, in Sacramento County, the District Attorney sought the death penalty against a 51-year-old Asian man. The jury that convicted him in 2024 was unable to reach a unanimous verdict as to penalty. The Sacramento County District Attorney elected to retry the penalty phase and obtained a death verdict on its second try in 2025. The California Supreme Court has not yet appointed appellate counsel for this individual. Given the average times for appointment of counsel and completion of state and federal review process discussed

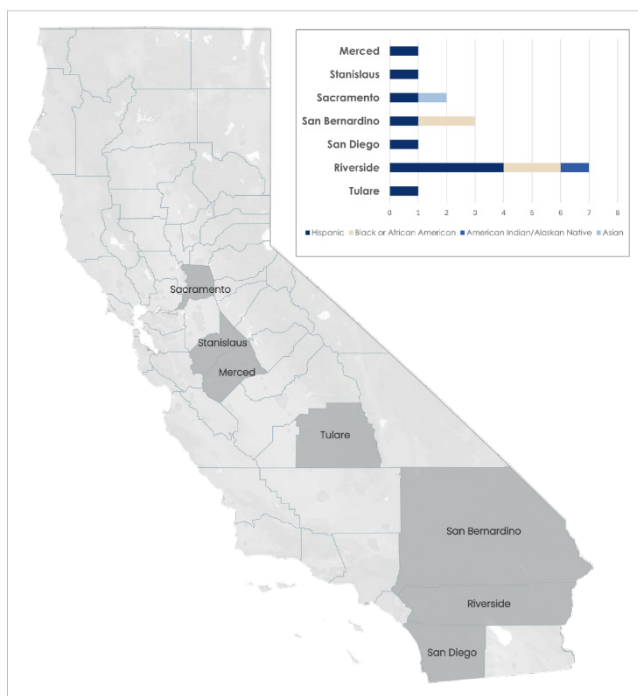


Figure 5. Death Sentences by County and Race or Ethnicity (Nov. 2021-Dec. 2025)

above, this person will likely be 103 years old by the time he would be eligible for execution if he is not resentenced or does not die of natural causes before then.

In another case, this one out of Riverside County, the jury was unable to reach a verdict as to the person's guilt after seven days and indicated they were deadlocked.⁷³ The court declared a mistrial. The Riverside County District Attorney opted to retry the case as a capital case and obtained a death verdict on its second attempt in 2024. This person, who is Latino, also does not yet have appellate counsel. He was 19 years old at the time of the capital offense. Given the average times for appointment of counsel and completion of state and federal review process discussed above, it will likely be 2076 (and he will be 76 years old) by the time he would be eligible for execution if he is not resentenced or does not die of natural causes before then. Further, as discussed above, the racial disparities for those sentenced to death for crimes committed when they were 18 or 19 years old are particularly stark.

Since Governor Newsom declared a moratorium on the death penalty in 2019, the State has sentenced a total of 28 people to die. One of these 28 people died less than a year after he was sentenced to death. Figure 6 provides a breakdown of the 28 post-moratorium death sentences by race or ethnicity. Overall, 85.7% of those the State has sentenced to die since the moratorium are people of color.

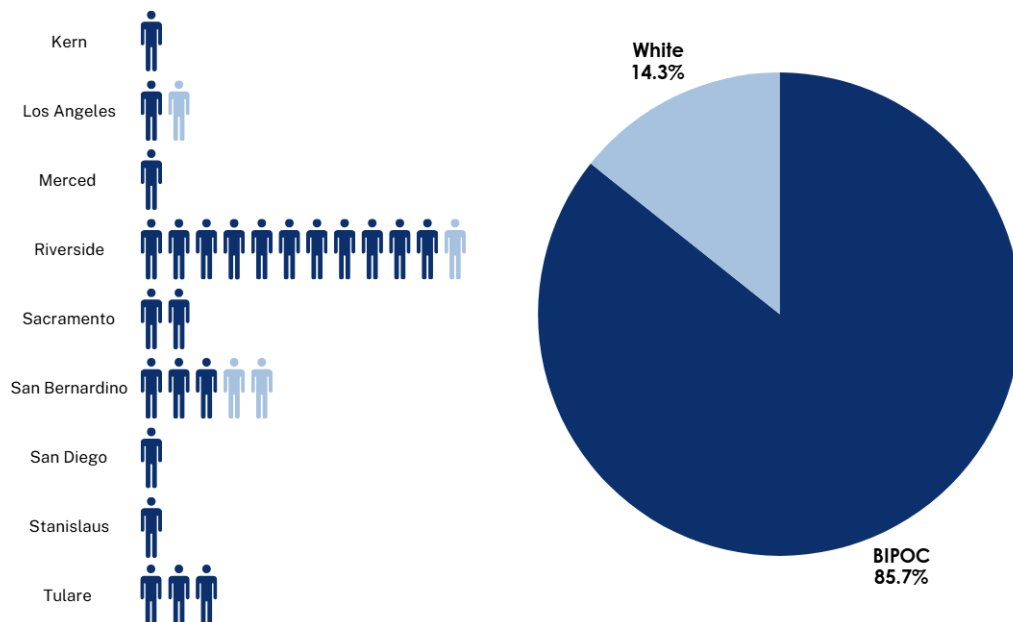


Figure 6. People Sentenced to Death Since Moratorium Through 2025 by County and Race

IMPLICIT BIAS

A 2024 statewide study further supports the Committee on Revision for the Penal Code's conclusion that race is often determinative of jury outcomes. In 2024, researchers published an empirical statewide study drawing on data from over 27,000 murder and manslaughter convictions between 1978 and 2002. The study concluded that juries are 4.4-5.7 times more likely to return death sentences for Black people facing the death penalty. It also concluded that juries are 3.7-5.0 times more likely to return death sentences for Latinx people facing the death penalty.⁷⁴ Overall, "[m]inority defendants face[] significantly higher odds, between 4.3 and 4.8 times higher than non-minority defendants, of being sentenced to death."⁷⁵ The study also concluded that prosecutors were 1.6-2.3 times more likely to charge a special circumstance – the statutory factor that permits a prosecutor to seek the death penalty – in cases in which at least one victim was White.⁷⁶ Lastly, when controlling for case characteristics, the study found that, in cases in which at least one victim was White, Black people are 4.6-8.7 times more likely and Latinx people are 3.2-6.2 times more likely to be sentenced to death.⁷⁷ The researchers explained: "These results, confirmed through multiple statistical approaches, unmistakably demonstrate that race has infected the California capital sentencing process. . . . [R]acial considerations determine who is subject to the ultimate punishment in California."⁷⁸

Petitioners cited this study, along with other empirical studies documenting racial disparities in the administration of the death penalty in California, in support of an original writ petition filed in the California Supreme Court challenging California's death penalty system under the state constitution's equal protection and cruel or unusual punishment clauses. The Attorney General conceded that "petitioners' arguments are serious ones that deserve careful consideration by the judiciary through a process that allows for the development of an evidentiary record."⁷⁹ The case, *Office of the State Public Defender (OSPD) v. Bonta*, [No. S284496](#), has been pending in the California Supreme Court for two years.

In addition to these studies, individual cases that have been decided since the moratorium demonstrate implicit bias in the administration of the death penalty. California's Racial Justice Act (RJA) became law in January 2021. The RJA is designed to "eliminate racial bias" – both implicit and overt – from California's

criminal legal system “because racism in any form or amount, at any stage of a criminal trial, is intolerable, inimical to a fair criminal justice system, is a miscarriage of justice under Article VI of the California Constitution, and violates the laws and Constitution of the State of California.”⁸⁰ Initially, the law applied prospectively; since 2023, it has applied to everyone who has been sentenced to death in California. At least 5 people under a death sentence have obtained relief under the RJA.

OVERT BIAS

While the RJA addresses bias in any form, and thus court orders and opinions do not necessarily separate implicit bias from overt bias, at least two categories of cases since the moratorium evidence overt bias in capital cases in California.

First, in 4 of the 5 capital cases described above in which courts have found RJA violations, courts found violations because trial players equated defendants of color with, and/or referred to them as, animals. As the Legislature has explained, “[b]ecause use of animal imagery is historically associated with racism, use of animal imagery in reference to a defendant is racially discriminatory.”⁸¹

Second, an unpublished Court of Appeal opinion describes the following occurring in a 2021 meeting the Orange County District Attorney held to discuss whether to pursue the death penalty against a Black man, Jamon Buggs:

[The District Attorney] asked about the race of [Mr.] Buggs’s victims and prior girlfriends. [A deputy district attorney] stated he told [the District Attorney] that race was an inappropriate consideration. [The District Attorney] said he disagreed and that he “knew many Black people who get themselves out of their bad circumstances and bad situations by only dating ‘White women.’” [The aforementioned deputy district attorney] recounted that he repeated the committee should not consider race and doing so could implicate the RJA. [The District Attorney] said that when he was in college he knew a Black student who only dated White women and he “knew for sure that this Black student did so on purpose to get himself out of his bad circumstances and situations.”⁸²

Several months after the meeting, the Orange County District Attorney determined he would not seek the death penalty in this case, noting that was a

remedy within the RJA, though he adamantly denied violating the RJA. On appeal, the Attorney General conceded that the Orange County District Attorney exhibited bias and violated the Racial Justice Act.⁸³

GEOGRAPHICAL DISPARITIES AND PROSECUTORIAL DISCRETION

In January 2009, the ACLU of Northern California (ACLU-NC) published a report entitled *Death by Geography: A County by County Analysis of the Road to Execution in California*. The report named 10 counties – Los Angeles, Riverside, San Bernardino, Alameda, Orange, Contra Costa, San Diego, Sacramento, Tulare, and Ventura – as the counties that, at the time, sent the most people to death row. Since the moratorium, however, Alameda, Orange, Contra Costa, and Ventura counties have not sentenced anyone to death. The remaining 6 counties identified by the ACLU-NC – Los Angeles, Riverside, San Bernardino, San Diego, Sacramento, and Tulare – have continued to sentence people to death since the moratorium.⁸⁴ In 2021, the Committee on Revision of the Penal Code reviewed this report and more current data and concluded that “Geographic bias also determines who is sentenced to death in California.”⁸⁵ Both the Committee and the ACLU-NC concluded that the geographic disparities cannot be explained by some counties having higher homicide rates; homicide rates do not correlate with death sentencing.⁸⁶ The Committee also reviewed county-level data for disparities based on race of the defendant, and concluded that the data were “concerning” and “suggest[] that race still plays a role in how the death penalty is administered in California.”⁸⁷ While the HCRC does not attempt to fully update the reports of the Committee on Revision of the Penal Code and the ACLU-NC here, a review of the current death-sentenced population from 4 of the 10 counties follows.

Los Angeles (LA) County leads the state in the number of people currently on death row at 162; it accounts for 29% of the people under a death sentence in the state. LA County's death row has more people than the death row of the entire state of Alabama, and nearly the same number as that of the state of Texas.⁸⁸ Indeed, it has more people under a death sentence than every state or federal jurisdiction in the nation other than Florida and Texas.⁸⁹ Of the 162 people on LA County's death row, just 22 (14%) are White, while 140 (86%) are people of color. Seventy-one of the 162 people from LA County who are under a sentence of death are Black; Black people make up 43.8% of LA County's death-sentenced population. In sharp contrast to these numbers, the most

recent United States Decennial Census reports that approximately 7.6% of the population in LA County identified as Black or African American alone.⁹⁰ Due to known undercounting of this demographic group in the census, the percentage may be as high as approximately 10.9%.⁹¹ The Decennial Census also reports that people who identify as White alone make up approximately 25.6% of the LA County population;⁹² due to known overcounting of this demographic group, the percentage may be closer to approximately 24%.⁹³

Since the moratorium, LA County has added two people to death row – one White person and one Black person. Meanwhile, in the same time frame, at least 56 death-sentenced people from LA County have had their death sentences reversed or have been resentenced.

Riverside County is the county responsible for the second-highest number of people under a death sentence in California – it accounts for 15% of California's death-sentenced population. Currently, there are 86 people under a death sentence who were charged in Riverside County. This is the same number of people that the states of Louisiana, Kentucky, and Indiana *combined* have on their death rows.⁹⁴ The Decennial Census estimates the combined population of those three states to be 15.9 million people⁹⁵ and Riverside County's population as 2.4 million people.⁹⁶

The overall demographic breakdown of Riverside County's current death-sentenced population is: 22.1% White and 77.9% people of color. The Decennial Census reports that people who identify as White alone make up approximately 32.6% of the Riverside County population;⁹⁷ due to known overcounting of this demographic group, the percentage may be closer to approximately 31%.⁹⁸ Of the 86 people sentenced to death from Riverside County, 33% are Black. Approximately 6.1% of the population in Riverside County identified as Black or African American alone;⁹⁹ this percentage may be as high as 9.3%.¹⁰⁰

Since the moratorium, Riverside County has added 12 people to death row – double that of any other California county during the same time. All but one of these 12 post-moratorium death sentences was sought and obtained against a person of color. Meanwhile, in the same time frame, 6 death-sentenced people from Riverside County have had their death sentences reversed or have been resentenced.

San Bernardino County is second only to Riverside County when it comes to the number of post-moratorium death sentences. Including one death judgment obtained in 2026, San Bernardino County has obtained 6 death sentences since the moratorium. It is also the county responsible for the fourth-highest number of current death sentences in the state at 40 (7% of California's death row). The overall demographics of San Bernardino County are similar to LA County, with the Decennial Census reporting that 25.9% of the population identifies as White alone, and 7.9% as Black or African American alone.¹⁰¹ As discussed above, these percentages may be closer to 24% White alone and 11.2% Black or African American alone.¹⁰² In comparison, 35% of the people currently under a sentence of death from San Bernardino County are White (14 people total), and 35% are Black (14 people total).

Taken together, Los Angeles, Riverside, and San Bernardino counties have 288 people under a death sentence – more people than the state of Florida has on its death row.¹⁰³ These 3 counties account for over half of California's death sentenced population.

Finally, one of the 10 counties named in the ACLU-NC's report – **Contra Costa County** – is particularly striking in its disparities. Ten people currently under a death sentence in California have cases arising from Contra Costa County. Three of them are White, and the remaining 7 are Black; that is, Contra Costa County's death row is 30% White and 70% Black. According to the Decennial Census, 8.4% of Contra Costa County's population identifies as Black or African American alone,¹⁰⁴ though this number may be closer to 11.7%.¹⁰⁵ Approximately 39% of the county identifies as White alone;¹⁰⁶ this number may be closer to 37.4%.¹⁰⁷ The county's elected District Attorney has acknowledged that the death penalty is "rooted in slavery, lynchings and racial inequities that persist to this day," has argued that "[t]he inequities in death penalty cases have a long history, affecting groups in ways that are more than troublesome," and has described the death penalty "as a tool [used] to perpetuate discrimination."¹⁰⁸ The demographics of Contra Costa County's current death row population – one that bears little resemblance to the county's population – appear to bear out the District Attorney's comments.

Figure 7 below offers a visual comparison of the above-described county-level data compared to the Decennial Census.

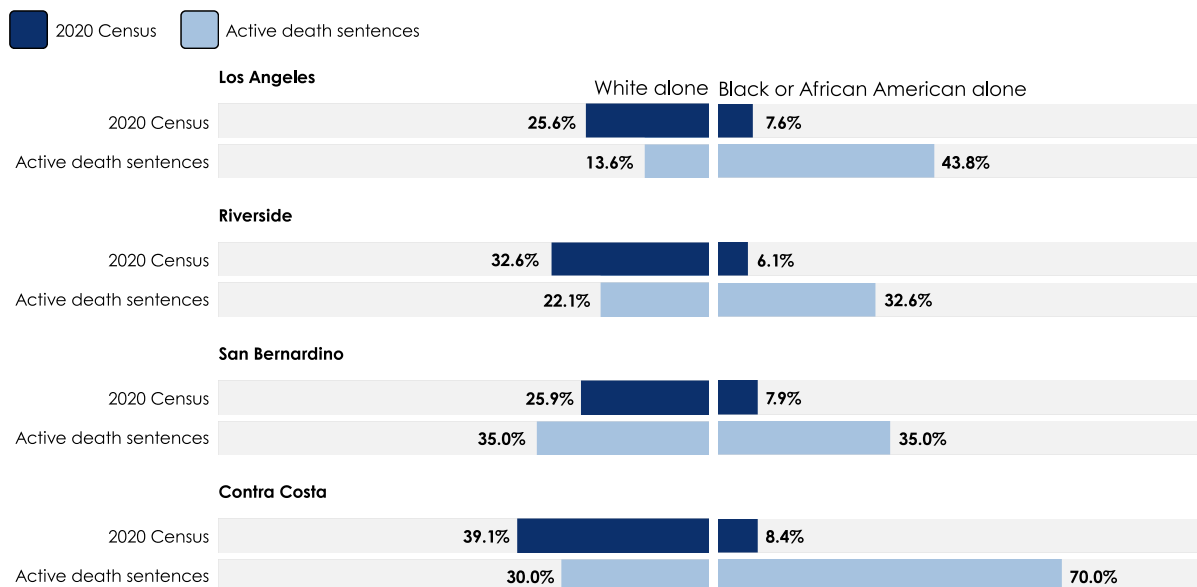


Figure 7. Comparisons of Racial Identities Between the 2020 Decennial Census and Persons Under Sentence of Death as of December 2025

INNOCENCE

In declaring the moratorium, the Governor also highlighted the “absolute,” “irreversible and irreparable” nature of the death penalty.¹⁰⁹ This was of particular concern to him because, at the time, nationwide, more than 160 people sentenced to death had been found innocent.¹¹⁰ That number is now over 200.¹¹¹

Governor Newsom was prescient when he said, in 2019, that “There are innocent people on death row. We don’t think this, we know this.”¹¹² Since the moratorium, at least 23 people who our nation was slated to execute have been exonerated.¹¹³ Two of them are people California would have killed: [Barry Williams](#) and [Larry Roberts](#).¹¹⁴ And, as we noted last year, every single one of the 8 wrongfully convicted people this state has sentenced to die since it revived the death penalty is a person of color.¹¹⁵

In the last 50 years, for every 3 people California has executed, it has exonerated 2 people it has sentenced to death. With each exoneration, California inches closer to the circumstances that led Illinois Governor George Ryan to grant clemency to every death-sentenced person in Illinois. In 1999, Anthony Porter became the thirteenth person exonerated from Illinois’ death

3:2

Ratio of persons executed by the state to exonerations

row. Governor Ryan explained that with that exoneration, “we had exonerated 13 . . . and we had executed 12.”¹¹⁶ California has executed one more person than Illinois (13), and it has exonerated 4 fewer (8). As Governor Ryan put it, “it’s kind of like flipping a coin to live or die with the death penalty. . . .”¹¹⁷

Several data points suggest that there are still more innocent people sentenced to death in California today. First, for the class of people who are represented, there are petitions pending throughout the state and federal courts raising claims of innocence. As the most recent exonerations make plain, these cases take decades to resolve. It took Mr. Williams 35 years from the time of his conviction to be exonerated. It took Mr. Roberts even longer – 41 years from the date of his conviction.¹¹⁸ HCRC’s own client [Vicente Benavides Figueroa](#) waited 25 years from his conviction to exoneration and lost 27 years of his life to incarceration. Second, a 2014 study estimated that at least 4.1% of people sentenced to death should be exonerated.¹¹⁹ Based on this study, approximately 42 of the 1,021 people sentenced to die in the modern era are innocent. Yet only 8 have been exonerated, meaning at least 34 innocent people this state has sought to execute have yet to be identified. This is not surprising because, as discussed in more detail above, the vast majority of people California has sentenced to death have never been appointed habeas counsel to investigate and present to a court their innocence claims.

The execution of an innocent person is “constitutionally intolerable.”¹²⁰ Yet, in California, dozens of people under a death sentence await recognition of their innocence and the unfulfilled statutory promise of the appointment of counsel to investigate and present those claims. Because it now takes nearly three decades for that statutory promise to be fulfilled, it is likely that any future exonerees will have to wait longer than Mr. Roberts, Mr. Williams, and Mr. Benavides to have their wrongful convictions recognized and to be granted their freedom. Further, the Innocence Project has explained and opined that the over 200 exonerations from death row nationwide “powerfully establish that — notwithstanding legislative and constitutional guarantees of increased scrutiny for and oversight of such cases — the capital punishment system is deeply flawed and poses an unconscionable threat to innocent people. For these reasons, the death penalty must be abolished.”¹²¹

HCRC'S OPERATIONS

The HCRC was created to address the clear need for qualified attorneys to represent death-sentenced individuals in habeas corpus proceedings. More information [about HCRC](#), and [what we do](#), may be found on our public website: www.hcrc.ca.gov.

HCRC CASE ACTIVITY

Since its inception, the HCRC has accepted 104 state appointments and 16 federal appointments. A complete list of the HCRC's current cases is appended to this report.

The HCRC accepted a new appointment in 2025, that of the person with the oldest death judgment who was awaiting appointment of habeas counsel. That client had been sentenced to death in 1994 – 31 years before the HCRC's appointment. The HCRC also began the process of seeking appointment in another capital habeas corpus case in the fall of 2025, but that appointment did not occur until March 2026.

The HCRC's clients have cases in various procedural postures throughout the state and federal courts. The HCRC continues to zealously represent all of its clients, pursuant to its statutory mandate.

ORGANIZATIONAL STRUCTURE

EXECUTIVE STAFF

The HCRC executive staff is comprised of the Executive Director, two Assistant Directors, and two Deputy Directors. The California Supreme Court appointed the HCRC's current Executive Director on an interim basis effective February 16, 2025. The Executive Director reports to the Supreme Court, and all other employees report – directly or through their supervisors – to the Executive Director. The executive staff provides direction for the operational, administrative, and financial functions of the organization. One of the Assistant Directors oversees the HCRC's finance and budgeting; the other oversees human resources. Both Deputy Directors are broadly responsible for training, with one focused primarily on the HCRC's internal training program and external

conferences, and the other focused primarily on case staffing and staff development. In addition, the Executive Director and Deputy Directors maintain an active case load and supervise case teams.

The HCRC's executive staff also provides consultation to private counsel and to HCRC case teams on litigation-related issues, updates the HCRC's policies and procedures, addresses individual staff professional development needs, identifies management trainings for the HCRC's supervisory staff, and has worked to improve communication throughout the office.

The HCRC executive staff is supported by supervisors responsible for the day-to-day management of HCRC operations, including case staffing and supervision, interactions with courts and other offices and entities, information technology, resource development and assistance, and strategic planning. The supervisory team includes the executive staff, the Supervising Habeas Corpus Counsel, the Supervising Paralegals, the Mitigation Specialists, and the Information Systems Manager.

LEGAL STAFF

Members of the HCRC legal staff — attorneys, paralegals, and investigators — are organized into case teams. Assignments of legal staff members to case teams are made based on criteria including case timeline, complexity, size of the record and trial file, and team member experience and workload. The Executive Director, Deputy Directors, and Supervising Habeas Corpus Counsel supervise case teams.

INFORMATION RESOURCE AND TECHNOLOGY STAFF

The HCRC's Information Technology staff keep the HCRC's internal software, databases, servers, and other technology up to date. The Information Resources team monitors capital cases throughout the state and serves the dual purpose of assisting staff by providing necessary information to aid litigation and implementing the HCRC's resource center function by developing and updating the HCRC's brief bank and numerous other resources for appointed counsel working on capital appellate or habeas cases. In 2025, the HCRC made a number of improvements to its extranet to enhance accessibility and search functions and to provide additional resources to appointed counsel, including resources related to recent legislation.

ADMINISTRATIVE STAFF

The HCRC's administrative staff serve numerous functions in the office, including human resources, supporting the HCRC's executive staff, office administration, fiscal services, and reception.

RESOURCE CENTER FUNCTIONS

In addition to providing direct representation to its clients, the HCRC develops resources for and provides advice to private counsel appointed to capital cases.¹²² The HCRC continues to develop and refine its technological resources to improve efficiency and the quality of its representation, as well as to expand its ability to disseminate material to members of the capital defense community.

The HCRC also continues to fulfill its resource center mission by hosting biannual conferences that are free and accessible to counsel seeking to meet the training requirements of [California Rules of Court rule 8.652](#). The HCRC hosts these conferences virtually for wider audience accessibility. Typically, each HCRC conference permits an attendee to earn up to 5.0 hours of Minimum Continuing Legal Education credit. Thus, attending two HCRC conferences should allow a practitioner to meet the death-penalty habeas corpus-related training requirements in rule 8.652(d)(3).

The HCRC is required by rule of court to maintain a list of persons subject to a judgment of death.¹²³ [The list](#) is posted on the HCRC's public website; among other information, it provides the total number of people currently under a death sentence and the number of total death sentences in the state. In addition, as described above, and as required by court rule,¹²⁴ the HCRC posts a [list of counsel](#) the appellate courts have deemed qualified to accept capital habeas corpus appointments on its public website.

CONCLUSION

California has spent at least \$6.8 billion attempting to ensure fair imposition of the death penalty, and the result has been sentencing over 1,000 people to die, with an at least 97% chance each death sentence will not be carried out. The state has executed 13 of the 1,021 people it has sentenced to die and wrongfully convicted at least 8 of them – that is, for every 3 people the state has killed, it has wrongfully convicted and sentenced 2 people to meet the same fate.

Despite its extraordinary cost, California's death penalty is underfunded given its size. The Legislature and the voters guaranteed death-sentenced people the right to habeas counsel to protect their constitutional rights. But the state has limited the HCRC's size, provided insufficient funding to private counsel, and has been unable to attract a qualified pool of attorneys to represent capitally-sentenced people in their habeas corpus proceedings. As a result, 70% of the people the state has sentenced to die are waiting for the state to appoint them habeas counsel. Some have been waiting as long as 30 years since they were sentenced to death; the average time spent waiting for counsel since the effective date of Proposition 66 is 29 years. The state's Chief Justice has explained that if the state were to fulfill this promise to everyone it has sentenced to die, it would impose "massive new costs on state courts" and "enormous burdens on limited state resources."¹²⁵ The underfunding of the system means that dozens more people under a death sentence are awaiting recognition of their innocence, while hundreds await their statutorily-guaranteed right to habeas corpus review to determine if their conviction or sentence was unlawfully obtained. Though they must wait years, these hundreds of people are more likely to have their sentence reversed than to meet any other outcome.

In 2025, the ACLU published a report on the intersection of race and wrongful convictions, in which it concluded: "The only true protection against wrongful convictions and executions based on racial bias is abolition of the death penalty."¹²⁶ This echoes the Innocence Project's conclusion that the death penalty "poses an unconscionable threat to innocent people"¹²⁷ and the Committee on Revision of the Penal Code's 2021 conclusion that California's death penalty is "marred by race discrimination that influences every stage of the proceedings"¹²⁸ and that repeal is the appropriate solution.¹²⁹ This is

because a moratorium is only a temporary solution to these issues – as the Attorney General has pointed out, “depending on the next Governor, the moratorium could be lifted.”¹³⁰

For the same reasons, the Committee on Revision of the Penal Code also recommended that the Governor use his executive clemency power to commute death sentences.¹³¹ Were Governor Newsom to exercise this discretion, the California Supreme Court would have to approve the commutations of approximately 2/3 of the death sentences.¹³² When Governor Newsom announced the moratorium, he indicated a need to “understand . . . more fully” the California Supreme Court’s reasons for rejecting 10 of Governor Brown’s commutation requests before moving forward with commutation.¹³³ It is unclear whether he has obtained the clarity he sought; Governor Newsom has not, to date, commuted a death sentence. In the past decade, Alabama Governor Kay Ivey,¹³⁴ President Joseph Biden,¹³⁵ North Carolina Governor Roy Cooper,¹³⁶ Texas Governor Greg Abbott,¹³⁷ and Oregon Governor Kate Brown¹³⁸ have commuted capital sentences. Governor Newsom’s term ends January 4, 2027.

ENDNOTES

¹ Stats. 1997, ch. 869.

² See Gov. Code, §§ 68660-68664.

³ Com. on Revision of the Pen. Code, Death Penalty Report (Nov. 2021) p. 19, https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_DPR.pdf (hereafter *CRPC Death Penalty Report*).

⁴ HCRC, Annual Report: 2024 in Review (Feb. 14, 2025) p. 3, <https://www.hcrc.ca.gov/documents/HCRC%20Annual%20Report%202024a.pdf#page=3>.

⁵ Stats. 2025, ch. 721, § 1(e), citing Ogletree, *Black Man's Burden: Race and the Death Penalty in America* (2002) 81 Or.L.Rev. 15, 18.

⁶ Governor's Exec. Order No. N-09-19 (Mar. 13, 2019).

⁷ *People v. Anderson* (1972) 6 Cal.3d 628, superseded by Cal. Const., art. I, § 27, added November 7, 1972.

⁸ *Anderson*, *supra*, 6 Cal.3d at p. 656.

⁹ *Furman v. Georgia* (1972) 408 U.S. 238.

¹⁰ *Rockwell v. Superior Court* (1976) 18 Cal.3d 420.

¹¹ Stats. 1977, ch. 316; see also *People v. Frierson* (1979) 25 Cal.3d 142, 172-188 [holding 1977 statute constitutional].

¹² Prop. 7, as approved by voters, Gen. Elec. (Nov. 7, 1978).

¹³ As we have explained in past annual reports, HCRC's number tends to differ slightly from CDCR's. Typically, CDCR's public website reflects a slightly higher number of people under a death sentence than HCRC's own data reflect. This discrepancy is accounted for by two factors: (1) CDCR does not re-classify a person whose death sentence has been reversed by a court as anything other than "condemned" until the person has been resentenced after a retrial or plea; and (2) there is typically a lag between the date a person has been resentenced in court and the time CDCR receives and processes that information. CDCR's data reflect that, as of March 10, 2026, there are 578 people under a death sentence in California. (CDCR, *Condemned Inmate List* (Mar. 10, 2026), <https://www.cdcr.ca.gov/capital-punishment/condemned-inmate-list-secure-request/>.)

¹⁴ Sen. Rules Com., Off. of Sen. Floor Analyses, *Analysis of Assem. Bill No. 1308* (2017-2018 Reg. Sess.) Sept. 4, 2017, pp. 4-5.

¹⁵ *People v. Hardin* (2024) 15 Cal.5th 834, 905 (dis. opn. of Evans, J.).

¹⁶ *State v. Belcher* (2022) 342 Conn. 1, 17.

¹⁷ *People v. Hardin*, *supra*, 15 Cal.5th at p. 907.

¹⁸ CDCR, *Condemned Inmate Summary: Ethnicity* (Mar. 10, 2026), <https://www.cdcr.ca.gov/capital-punishment/condemned-inmate-summary-report/>.

¹⁹ *CRPC Death Penalty Report*, p. 30.

²⁰ *People v. Hardin*, *supra*, 15 Cal.5th at p. 907.

²¹ One of these people has two death judgments, so there are 46 total judgments in this category.

²² U. S. Census Bur., "Hispanic or Latino, and not Hispanic or Latino by race," *Decennial Census, DEC 118th Congressional District Summary File, Table P9*, <https://data.census.gov/table/DECENNIALCD1182020.P9?q=race+in+California+2020&t=Race+and+Ethnicity> (as of Apr. 30, 2026).

²³ The three states other than California that permit a penalty-phase retrial after a hung jury are Arizona, Nevada, and Kentucky. (*Ariz. Crim. Code* § 13-752 [requiring a new jury if the first jury is unable to reach a unanimous penalty verdict and mandating a sentence of "life or natural life" if the second jury is unable to reach a unanimous verdict]; *Nev. Rev. Stat.* § 175.556 [allowing the court the choice between sentencing the defendant to life without parole or impaneling a new jury when a jury cannot reach a unanimous penalty verdict]; *Skaggs v. Commonwealth* (Ky. 1985) 694 S.W.2d 672, 681 [permitting retrial after jury deadlocks on penalty].)

²⁴ The circumstances in which interim appellate or habeas counsel are appointed are "exceptional." (*Cal. Supreme Ct., Policies Regarding Cases Arising from Judgments of Death, policy 2*.) Typically, such appointments occur when current appellate or habeas counsel is "physically or mentally incapacitated." (*Ibid.*) The role of interim counsel is not to move the appeal forward, but rather to maintain the status quo until the Court can locate and appoint replacement counsel who is "ready and willing to accept appointment for the balance of the representation." (*Ibid.*)

²⁵ This number includes one case in which original appellate counsel's appointment was vacated and new counsel was appointed in this time period.

²⁶ The number of appointments of replacement appellate counsel does not include appointments of interim counsel, which the Court sometimes appoints before it is able to locate replacement counsel for a particular case. There have been an additional 4 appointments of interim appellate counsel since October 25, 2017.

²⁷ This individual was not among the group of people with the 25 oldest death judgments who are prioritized by rule of court for appointment of counsel. (See Cal. Rules of Court, *rule 4.561(b) & (d)*.)

²⁸ See HCRC, *Court Rule Compliance, 4.562 Compliance* (Nov. 6, 2025), <https://www.hcrc.ca.gov/4.562.html>.

²⁹ Minute Order, Orange County Superior Court Case No. M-21509 N A (Dec. 9, 2025).

³⁰ The Kings County Superior Court appointed the HCRC as habeas counsel in a case in which the person had never before had habeas counsel on March 27, 2026. This person was sentenced to death in 1997. The 3 cases in which new appointments were made do not include the conditional appointment described above, as the court subsequently relieved counsel from that appointment.

³¹ Gov. Code, § 68662.

³² *In re Morgan* (2010) 50 Cal.4th 932, 934.

³³ *People v. Wilson* (2024) 16 Cal.5th 874, 951, 957.

³⁴ See HCRC, *Court Rule Compliance, 4.562 Compliance* (Nov. 6, 2025), <https://www.hcrc.ca.gov/4.562.html>; see also Cal. Rules of Court, rule 4.562.

³⁵ See Cal. Rules of Court, rule 4.562(d)(4)(C).

³⁶ This report uses the phrase “initial habeas counsel” to refer to counsel to investigate and present state habeas corpus claims for relief in the first instance. A handful of individuals sentenced to death have been appointed habeas counsel to investigate and present their claims, but counsel has withdrawn or their appointment has otherwise been vacated before filing a petition. Because no one has ever filed a state habeas corpus petition on behalf of individuals in that category, HCRC counts those individuals as among those awaiting appointment of initial habeas counsel.

³⁷ Cal. Rules of Court, rule 4.561(b).

³⁸ Cal. Rules of Court, rule 4.561(d)(1).

³⁹ Pen. Code, § 1509.1, subd. (b).

⁴⁰ One additional case is stayed in the state appellate courts while federal habeas proceedings are ongoing.

⁴¹ CDCR, *Condemned Inmates Who Have Died Since 1978*, <https://www.cdcr.ca.gov/capital-punishment/condemned-inmates-who-have-died-since-1978/> (as of Apr. 7, 2026). Although one person is not listed on CDCR's website, three people sentenced to death in California have been executed by other states. In 1999, Missouri executed Kevin Malone. (*Ibid.* [entry #35].) In 2015, Virginia executed Alfredo Prieto. (*Ibid.* [entry #117].) On May 15, 2025, Florida executed Glen Rogers. (See Floridians for Alternatives to the Death Penalty, *Statement on the Execution of Glen Rogers* (May 15, 2025), <https://www.fadp.org/statement-on-the-execution-of-glen-rogers/>.)

⁴² *Jones v. Chappell* (C.D.Cal. 2014) 31 F.Supp.3d 1050, 1063, revd. sub nom. *Jones v. Davis* (9th Cir. 2015) 806 F.3d 538 [claim was procedurally barred].)

⁴³ Baumgartner et al., *Deadly Justice: A Statistical Portrait of the Death Penalty* (2018) pp. 153-154.

⁴⁴ The three people who were executed by other states (see endnote 41, *ante*) are not included in the three possible outcomes, as most people on death row do not have a death judgment in another jurisdiction.

⁴⁵ A reversal of a death sentence does not necessarily mean a reduction in sentence, as the State typically has the option of retrying the penalty phase, unless the person is deemed ineligible for the death penalty. Of the current death-sentenced population, 28 people obtained relief from a death judgment and were retried and sentenced to death again. As such, the outcome this paragraph focuses on to help predict future outcomes is a permanent reduction in sentence, as opposed to a reversal. This is a slightly smaller number of people than described in the previous paragraph: 261 people have had their sentence reduced.

⁴⁶ [Petition for a Writ of Certiorari, Guerrero v. Redd](#) (U.S., Feb. 28, 2025, No. 24-948), p. 3 (2025 WL 713036).

⁴⁷ [Cal. Com. on the Fair Admin. of Justice, Final Rep. \(2008\)](#) p. 135.

⁴⁸ [Briggs v. Brown](#) (2017) 3 Cal.5th 808, 865 (conc. opn. of Liu, J.).

⁴⁹ See [Gov. Code, § 68661](#), subd. (a).

⁵⁰ [Reply Brief for Petitioners, Guerrero v. Redd](#) (U.S., June 10, 2025, No. 24-948), p. 10 (2025 WL 1666044).

⁵¹ [Brief of the Conference of Chief Justices as Amicus Curiae in Support of Petitioners, Guerrero v. Redd](#) (U.S., Apr. 28, 2025, No. 24-948), p. 18 (2025 WL 1270439).

⁵² *Ibid.*

⁵³ [Reply Brief for Petitioners, Guerrero v. Redd](#) (U.S., June 10, 2025, No. 24-948), p. 2 (2025 WL 1666044).

⁵⁴ [Redd v. Guerrero](#) (9th Cir. 2023) 84 F.4th 874.

⁵⁵ [Brief of the Conference of Chief Justices as Amicus Curiae in Support of Petitioners, Guerrero v. Redd](#) (U.S., Apr. 28, 2025, No. 24-948), p. 18 (2025 WL 1270439).

⁵⁶ [CRPC Death Penalty Report](#), p. 31, fn. 225, ("Committee staff confirmed that Professor [Paula] Mitchell has updated this estimate [her 2011 estimate detailed in a law review article that the death penalty cost the state \$5 billion since 1978], which she cautions is 'conservative,' to \$6 billion"); see also HCRC, 2023 Annual Report (Dec. 28, 2023) p. 15, <https://www.hcrc.ca.gov/documents/HCRC%20Annual%20Report%202023.pdf#page=15>.

⁵⁷ [People v. Potts](#) (2019) 6 Cal.5th 1012, 1063 (conc. opn. of Liu, J.).

⁵⁸ [Governor's Exec. Order No. N-09-19](#) (Mar. 13, 2019).

⁵⁹ ABC News, [One-on-One Interview with California Governor Gavin Newsom](#) (Mar. 13, 2019), at 5:37.

⁶⁰ ABC News, *One-on-One Interview with California Governor Gavin Newsom* (Mar. 13, 2019), at 1:40.

⁶¹ Governor Gavin Newsom, *Governor Gavin Newsom Orders a Halt to the Death Penalty in California* (Mar. 13, 2019).

⁶² *Ibid.*

⁶³ Legal Defense Fund, *Death Row U.S.A.: Winter 2026*, p. 39, <https://www.naacpldf.org/wp-content/uploads/DRUSAWinter2026.pdf>.

⁶⁴ See Cornell Law School, Cornell Center on the Death Penalty Worldwide, *Cornell Database Results (Country Reports filtered to Western Hemisphere)* (last updated Nov. 19, 2025).

⁶⁵ Systemic racism begets implicit and overt bias, and vice versa. Some scholars have argued that “implicit bias is best understood as the cognitive reflection of systemic racism.” (Galvan & Payne, *Implicit Bias as a Cognitive Manifestation of Systemic Racism* (2024) 153 *Daedalus* 106, 107.) Others have coined the term “systemic implicit bias,” arguing that “a comprehensive understanding of implicit bias in the criminal justice system requires acknowledging that the theoretical underpinning of the entire system may now be culturally and cognitively inseparable from implicit bias.” (Levinson & Smith, *Systemic Implicit Bias* (2017) 126 *Yale L.J. Forum* 406, 407-408; see also Levinson et al, *Race and Retribution: An Empirical Study of Implicit Bias and Punishment in America* (2019) 53 *U.C. Davis L. Rev.* 839 [concluding “race and retribution are inexorably intertwined in the minds of Americans” and arguing retribution – the primary penological justification for capital punishment – does not exist without implicit bias].) The factors of systemic racism, implicit bias, and overt bias are discussed separately in this report so as to track the factors the Governor discussed in issuing the moratorium, but because they have significant overlap, items discussed in one section may be more properly placed in a different section.

⁶⁶ *Stats. 2025, ch. 721, § 1(e)*, citing Ogletree, *Black Man's Burden: Race and the Death Penalty in America* (2002) 81 *Or.L.Rev.* 15, 18; see also Brief of Amicus Curiae The Honorable Gavin Newsom in Support of Defendant and Appellant McDaniel, *People v. McDaniel*, California Supreme Court Case No. S171393, p. 34 (“extrajudicial executions and organized hate groups have a long history in California,” and “[b]etween 1850 and 1935, there were 352 documented lynchings in California”); Rev. Jesse Jackson, *Legal Lynching: Racism, Injustice & the Death Penalty* (1996), p. 15 (“We have always had two systems of justice in America, one for the wealthy and one for the poor. We have also always had a double standard in the criminal justice system, one for white[] [people] and one for people of color.”)

⁶⁷ *Gov. Code, §§ 8280-8298.*

⁶⁸ *CRPC Death Penalty Report*, p. 4.

⁶⁹ *CRPC Death Penalty Report*, p. 19.

⁷⁰ *People v. Woodruff* (2018) 5 Cal.5th 697.

⁷¹ Of the 16 death verdicts since November 2021, at least 3 have taken the State multiple tries.

⁷² "In California, an indigent prisoner who has been convicted of a capital crime and sentenced to death has a statutory right to . . . [the] appointment of habeas corpus counsel to challenge the conviction and the sentence of death." (*In re Zamudio Jimenez* (2010) 50 Cal.4th 951, 955.)

⁷³ City News Service, *After New Evidence Found, Defense Moves for Mistrial in Palm Springs Quadruple Murder Case*, The Palm Springs Post (Dec. 3, 2022).

⁷⁴ Grosso et al., *The Influence of the Race of Defendant and the Race of Victim on Capital Charging and Sentencing in California* (2024) 21 J. Empirical Legal Stud.s 482, 510-511.

⁷⁵ *Id.* at p. 486, fn. 15.

⁷⁶ *Id.* at p. 509.

⁷⁷ *Id.* at p. 518.

⁷⁸ *Id.* at p. 519.

⁷⁹ *Supplemental Opening Brief, Office of the State Public Defender v. Bonta* (Cal. Nov. 18, 2024, No. S284496), p. 13.

⁸⁰ Stats. 2020, ch. 317, § 2(i).

⁸¹ Stats. 2020, ch. 317, § 2(e).

⁸² *People v. Buggs* (Cal. Ct. App., Feb. 23, 2024, No. G061456) 2024 WL 739337, at *2, internal brackets omitted (unpublished case).

⁸³ *Id.* at p. *4.

⁸⁴ This section of the report focuses on the charging county – that is, the county in which the crime occurred and in which the prosecutor decided to seek the death penalty. Some capital cases are tried in a different county than the county in which they are charged as a result of a change of venue. The county in which the person is sentenced is often referred to as the sentencing county. CDCR's publicly-available data focuses on sentencing county rather than charging county.

⁸⁵ *CRPC Death Penalty Report*, p. 24.

⁸⁶ *CRPC Death Penalty Report*, p. 25; ACLU-NC, *Death by Geography: A County by County Analysis of the Road to Execution in California* (Jan. 2009), https://www.aclunorcal.org/app/uploads/2009/01/death_by_geography.pdf.

⁸⁷ *CRPC Death Penalty Report*, p. 20.

⁸⁸ Alabama has 160 people on its death row, while Texas has 170 people on its death row. Legal Defense Fund, *Death Row U.S.A.: Winter 2026*, p. 39, <https://www.naacpldf.org/wp-content/uploads/DRUSAWinter2026.pdf>.

⁸⁹ *Id.* at pp. 39-40.

⁹⁰ U. S. Census Bur., "Hispanic or Latino, and not Hispanic or Latino by race," *Decennial Census, DEC Demographic and Housing Characteristics, Table P9*, <https://data.census.gov/table/DECENNIALDHC2020.P9?q=race+in+all+counties+in+California+2020&t=Race+and+Ethnicity> (as of Apr. 7, 2026) (hereafter *2020 Census Demographic Table P9*).

⁹¹ See U.S. Government Accountability Off., *2020 Census: Coverage Errors and Challenges Inform 2030 Plans* (Nov. 21, 2024) (indicating approximately 3.3% undercounting of people who identify as Black or African American alone in the 2020 Census).

⁹² *2020 Census Demographic Table P9* (as of Apr. 7, 2026).

⁹³ See U.S. Government Accountability Off., *2020 Census: Coverage Errors and Challenges Inform 2030 Plans* (Nov. 21, 2024) (indicating approximately 1.6% overcounting of people who identify as "non-Hispanic White" alone in the 2020 Census).

⁹⁴ Legal Defense Fund, *Death Row U.S.A.: Winter 2026*, p. 39, <https://www.naacpldf.org/wp-content/uploads/DRUSAWinter2026.pdf> (Louisiana has 57 people on death row; Kentucky has 24; and Indiana has 5).

⁹⁵ U.S. Census Bur., "Total Population," *Decennial Census, DEC Demographic and Housing Characteristics, Table P1*, <https://data.census.gov/table/DECENNIALDHC2020.P1?q=P1&d=DEC+Demographic+and+Housing+Characteristics> (as of May 5, 2026).

⁹⁶ *2020 Census Demographic Table P9* (as of Apr. 7, 2026).

⁹⁷ *2020 Census Demographic Table P9* (as of Apr. 7, 2026).

⁹⁸ See endnote 93, *ante*.

⁹⁹ *2020 Census Demographic Table P9* (as of Apr. 7, 2026).

¹⁰⁰ See endnote 91, *ante*.

¹⁰¹ *2020 Census Demographic Table P9* (as of Apr. 7, 2026).

¹⁰² See endnotes 91 & 93, *ante*.

¹⁰³ Legal Defense Fund, *Death Row U.S.A.: Winter 2026*, p. 39, <https://www.naacpldf.org/wp-content/uploads/DRUSAWinter2026.pdf> (Florida has 258 people under a death sentence).

¹⁰⁴ *2020 Census Demographic Table P9* (as of Apr. 7, 2026).

¹⁰⁵ See endnote 91, *ante*.

¹⁰⁶ *2020 Census Demographic Table P9* (as of Apr. 7, 2026).

¹⁰⁷ See endnote 93, *ante*.

¹⁰⁸ Becton, *California Could Finally Abolish Our Racist, Costly, Ineffective Death Penalty System*, Sac. Bee (July 30, 2024).

¹⁰⁹ Governor Gavin Newsom, *Governor Gavin Newsom Orders a Halt to the Death Penalty in California* (Mar. 13, 2019).

¹¹⁰ ABC News, *One-on-One Interview with California Governor Gavin Newsom* (Mar. 13, 2019), at 0:29.

¹¹¹ The Death Penalty Information Center (DPIC) reports that there have been 202 total exonerations since 1973. (Death Penalty Info. Ctr., *Policy: Innocence, Death Row Exonerations by State* [as of Apr. 7, 2026], <https://deathpenaltyinfo.org/policy-issues/policy/innocence>.) 1973 is the year states began re-implementing the death penalty after the United States Supreme Court struck down the death penalty nationwide as unconstitutional under the Eighth Amendment in *Furman v. Georgia* (1972) 408 U.S. 238. It appears Governor Newsom relied on DPIC's data when he stated, in 2019, that there had been 164 exonerations of people sentenced to death in the U.S. The National Registry of Exonerations tracks exonerations dating back to the 1800s; it reports that, to date, there have been 246 exonerations of people who were sentenced to die in this country. (The National Registry of Exonerations, *Explore Exonerations*, https://exonerationregistry.org/cases?f%5B0%5D=n_pre_1989%3A0&f%5B1%5D=n_pre_1989%3A1&f%5B2%5D=sentence%3ADeath&search_api_fulltext=&order=custom_204&sort=asc [as of Apr. 7, 2026].)

¹¹² ABC News, *One-on-One Interview with California Governor Gavin Newsom* (Mar. 13, 2019), at 16:34.

¹¹³ The National Registry of Exonerations, *Explore Exonerations*, https://exonerationregistry.org/cases?f%5B0%5D=date_of_exon%3A%28min%3A1552435200%2Cmax%3A1771977600%29&f%5B1%5D=n_pre_1989%3A0&f%5B2%5D=n_pre_1989%3A1&f%5B3%5D=sentence%3ADeath&search_api_fulltext=&order=custom_4&sort=asc (as of Apr. 7, 2026).

¹¹⁴ *Ibid*.

¹¹⁵ Death Penalty Info. Ctr., *Innocence Database: California*, <https://deathpenaltyinfo.org/facts-and-research/data/innocence?state=California> (as of Apr. 7, 2026) [reflecting 8 exonerations from California's death row]; HCRC, *Annual Report: 2024 in Review* (Feb. 14, 2025) p. 20, <https://www.hcrc.ca.gov/documents/HCRC%20Annual%20Report%202024a.pdf#page=20>.

¹¹⁶ Death Penalty Info. Ctr., *Former Illinois Governor George Ryan on Commuting Death Row and His Journey from Death-Penalty Supporter to Abolitionist* (Oct. 2020), <https://deathpenaltyinfo.org/resources/podcasts/discussions-with-dpic/former-illinois-governor-george-ryan-on-blanket-commutation-and-journey-from-death-penalty-supporter-to-abolitionist>.

¹¹⁷ *Ibid*.

¹¹⁸ Death Penalty Info. Ctr., *Innocence Database: California*, <https://deathpenaltyinfo.org/facts-and-research/data/innocence?state=California> (as of Apr. 7, 2026).

¹¹⁹ Gross et al., *Rate of False Conviction of Criminal Defendants Who Are Sentenced to Death* (2014) 111 Proceedings of the National Academy of Sciences of the United States of America 7230-7235.

¹²⁰ *Reed v. Goertz* (2026) 607 U.S. ___, 146 S.Ct. 936, 939 (dis. opn. of Sotomayor, J., joined by Kagan, J., and Jackson, J.), quoting *Herrera v. Collins* (1993) 506 U.S. 390, 419 (conc. opn. of O'Connor, J.).

¹²¹ Innocence Project, *Innocence and the Death Penalty*, <https://innocenceproject.org/innocence-and-the-death-penalty/> (as of May 6, 2026).

¹²² See Gov. Code, § 68661.

¹²³ Cal. Rules of Court, rule 4.561(c).

¹²⁴ Cal Rules of Court, rule 4.562.

¹²⁵ Brief of the Conference of Chief Justices as Amicus Curiae in Support of Petitioners, *Guerrero v. Redd* (U.S. Apr. 28, 2025, No. 24-948), pp. 3, 18 (2025 WL 1270439).

¹²⁶ American Civil Liberties Union, Fatal Flaws: Innocence, Race, and Wrongful Convictions (Nov. 2025) p. 17, [Fatal-Flaws-Innocence-Race-and-Wrongful-Convictions.pdf](#).

¹²⁷ Innocence Project, *Innocence and the Death Penalty*, <https://innocenceproject.org/innocence-and-the-death-penalty/> (as of May 6, 2026).

¹²⁸ *CRPC Death Penalty Report*, p. 18.

¹²⁹ *CRPC Death Penalty Report*, pp. 4, 6, 9; Innocence Project, *Innocence and the Death Penalty*, <https://innocenceproject.org/innocence-and-the-death-penalty/> (as of May 6, 2026).

¹³⁰ Oral Argument, Ninth Circuit Court of Appeals, *Waidla v. Davis*, No. 18-99001 (Mar. 1, 2023), <https://www.youtube.com/watch?si=JnBwtsde9KJ1H26F&t=1187&v=ypX5yDZTxpU&feature=youtu.be>.

¹³¹ *CRPC Death Penalty Report*, p. 6.

¹³² *CRPC Death Penalty Report*, p. 6, fn. 2; Cal. Const., art. V, § 8(a).

¹³³ PBS News, *PBSNewsHour: Watch Live: California Gov. Newsom to Discuss Moratorium on Executions* (Mar. 13, 2019), at 24:15.

¹³⁴ Equal Justice Initiative, *Alabama Governor Commutes Rocky Myers's Death Sentence* (Mar. 3, 2025), <https://eji.org/news/alabama-governor-commutes-rocky-myers-death-sentence/>; Equal Justice Initiative, *Recognizing Arbitrariness, Gov. Commutes Charles Burton's Death Sentence* (Mar. 10, 2026), <https://eji.org/news/charles-burton-alabama-execution/>.

¹³⁵ Equal Justice Initiative, *President Biden Commutes Death Sentences of Nearly Everyone on Federal Death Row* (Dec. 23, 2024), <https://eji.org/news/president-biden-commutes-death-sentences-of-nearly-everyone-on-federal-death-row/>.

¹³⁶ Equal Justice Initiative, *North Carolina Governor Roy Cooper Commutes 15 North Carolina Death Sentences* (Jan. 3, 2025), <https://eji.org/news/north-carolina-governor-roy-cooper-commutes-15-north-carolina-death-sentences/>.

¹³⁷ Equal Justice Initiative, *Texas Governor Commutes Death Sentence* (Feb. 28, 2018), <https://eji.org/news/texas-governor-commutes-death-sentence/>.

¹³⁸ Equal Justice Initiative, *Oregon Gov. Kate Brown Commutes All Death Sentences* (Dec. 13, 2022), <https://eji.org/news/oregon-gov-kate-brown-commutes-all-death-sentences/>.