

4-15-1963

Facts and Figures Concerning Executions in California, 1938-1962

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California State Assembly

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FACTS AND FIGURES CONCERNING
EXECUTIONS IN CALIFORNIA, 1938-1962

by

GEORGE E. DANIELSON

ASSEMBLYMAN

FORTY-EIGHTH DISTRICT

LOS ANGELES

April 15, 1963

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(Prepared with the assistance of the
Assembly Legislative Reference Service
Room 3194, State Capitol)

INTRODUCTION

The purpose of this report is to present as much statistical material as is now available relating to those persons who have suffered the death penalty in California.

This study is prompted by the current debate on whether the California Legislature should enact a moratorium on the death penalty during the 1963 General Session. In making their judgments on that grave question the members of the Legislature need to consider and evaluate all available factual information. Unfortunately we have observed that, except for the moral question, the discussion on all sides has been noted chiefly for an abundance of undocumented opinions and conclusions, and by an almost total absence of relevant and material facts. This report is intended to supply some of those facts in convenient form.

One of the most surprising facts developed by the study is that we know so little about those whom we have executed; apparently no one has ever been sufficiently interested to make a study in depth. In preparing this report our major problem has been that so little statistical information is available; what has been used is the best that we have been able to obtain.

Statistics on race, educational attainment and occupation are available for the period of 1938 to 1953 on those individuals who received the death penalty in California, thanks to the work of Robert M. Carter.¹ Mr. Carter obtained his information by

¹Robert M. Carter, "Capital Punishment in California - 1938 to 1953," Master's Thesis, School of Criminology, University of California, Berkeley, 1953.

going through the files of the San Quentin Prison and taking his data from these files. He then summarized the information in tabular form. A good percentage of the material presented in this report is from his tables.

Since up-to-date figures are not available on the scale which Mr. Carter had previously developed, an attempt to fill this gap has been made by using statistics prepared by the California Department of Corrections. This data is incomplete but on those persons executed between 1959 and 1962 it contains information on race, educational level, and intellectual ability. In addition the Department of Corrections has prepared statistics on race, educational level, and intellectual ability for those committed to life imprisonment for murder in the first degree, 1950 to 1959.

The first set of data, that on persons executed between 1959 and 1962, has been used as a check on the 1938 to 1953 data. Comparisons can be made to see if the earlier trends still seem to appear in the later data. The fact that the later sample is relatively small poses a question as to the validity of it as a check, but since it is the best information now available it has been included.

The second set of data, that on the persons sentenced to life imprisonment for first degree murder between 1950 and 1959 is used to provide a comparison to the data presented by Mr. Carter for the 1938 to 1953 period.

Occupational data for the entire period since 1953 was not available. However, a list furnished by the California Department

of Corrections on the occupations of the last 25 men to be executed as of January 24, 1961, was used as of possible value in somehow supplementing Mr. Carter's figures.

As of possible interest an estimate of the cost of maintaining Death Row, made in 1957 by the California Department of Corrections, and quoted in And May God Have Mercy, Eugene B. Block, has been added to the text. An up-to-date partial estimate of the cost of the same item has been prepared by the office of the Legislative Analyst, California Legislature, and is included.

I wish to express my appreciation to E. Lester Levine, Director, Assembly Legislative Reference Service, and to Dennis A. Schmidt of that Service, whose assistance and cooperation made this report possible.

GEORGE E. DANIELSON
Assemblyman, 48th District

April 15, 1963

FACTS AND FIGURES CONCERNING
EXECUTIONS IN CALIFORNIA, 1938-1962

As stated in the Introduction to this report, we depend heavily upon the statistics furnished by Robert M. Carter in the tables of his 1953 Master's Thesis. The study consists of 110 persons¹ who, during the 15-year period, 1938-1953, were executed in the State of California. While these statistics are the best available they are limited in at least the following particulars:

1. The records on persons executed prior to 1943-1944 are inadequate and incomplete;
2. There are no comparable statistics for 1954-1958; and
3. The records relate only to persons actually put to death and exclude lifers and commutations.

The last-mentioned point is particularly significant in compiling statistics relating to economic status and race because if the data were available on lifers and commutations we would better be able to discover whether it is true, as is often asserted, that those from higher economic levels and from non-minority groups usually escape the death penalty. Some sort of a comparison may be made, nevertheless, using the California Department of Corrections data on lifers for 1950-1959.

¹ This figure excludes two women executed by the State, and one Federal prisoner executed by the State for the Federal Government.

RACE

The statistics on race are revealing. Between 1938 and 1953, 74.54% of those executed were "white" (including 7.27% having Spanish surnames). At the same time the "white" (including those with Spanish surnames) population of the state was a total of 94.7%². Negroes executed during the same period represented 22.72% of the total 110. Their percentage in the total population at that time was 3.1%. Mexican-Americans (whites with Spanish surnames) totaled 7.27% of the prisoners executed. In 1950 their percentage in the population of California was 7.2%. (See Appendix, Chart II-a)

In the 1959 to 1960 period, 76.5% of those executed were white (8.8% with Spanish surnames), and 23.5% were Negro. For 1960, the population statistics show a white population of 92.0% (including those with Spanish surnames), and 5.6% were Negro. (See Appendix, Chart II-b)

The information on those persons sentenced to life for first degree murder between 1950 and 1959 show that 73.4% were white (13.4% with Spanish surnames), and that 23.7% were Negro. (See Appendix, Chart II-c)

EDUCATION

Educational level was measured in terms of the grade reached,

² Calculated by taking the average of the 1940 and 1950 census figures, in which "white" figures include those persons with Spanish surnames. Population statistics from Department of Public Health, Population, 100 years of Growth, Sacramento, 1960, p. 104, and Department of Finance, Race and Ethnic Origin of California Population, 1950 and 1958, Sacramento, December, 1959.

not in terms of intellectual ability. The distribution of persons executed, on that basis, shows that out of the 88 persons executed for whom that information is available, 56 (or 63.63%) had reached the 8th grade or less in their education. Only 12 out of the 88, (or 13.63%) had attained the 12th grade or higher. Of this upper group, 3 had some college background, but none had graduated from college. (See Appendix, Chart III-a)

On those persons executed between 1959 and 1961 the educational data is quite incomplete. Since the statistical sample is so small (only 12 persons were tested out of 34 executed during that period) it is dangerous to draw conclusions from it. (Appendix, Chart III-b)

The data on lifers during the 1950 to 1959 period is more complete. Of the 313 of this category for whom data is available 66.7% had reached the 8th grade, or less, while only 2.2% had attained an education of 11.5 grades or over. (Appendix, Chart III-c)

INTELLIGENCE

Dividing the persons executed into six categories*, in relation to level of intelligence, one finds that the preponderant bulk is in the below-normal range. As can be readily discerned from Chart IV-a in the Appendix, of the 69 for whom data was available, 45% ranged in the dull-normal and borderline or defective area. This is especially interesting when compared to the intel-

* Very superior, superior, bright-normal, normal, dull-normal, and borderline or defective.

ligence range of the general prison population given by Carter for the years 1945-49. He found that only 31.7% of the general prison population was in the same two low intelligence levels. (Appendix, Chart IV-a) At this writing similar statistics on the general population have not been uncovered.

The intelligence data for persons executed, 1959-1962, does not show the same heavy weighting toward the dull-normal and borderline side that is found in the 1938-1953 figures. In 1959-1962 some 14.8% of those executed fell into the dull-normal and below category. At the other end of the scale, 18.5% fell into categories ranging from bright-normal to very superior. (See Appendix, Chart IV-b) Again we are considering a very small sample; only 27 out of 34 executed.

Those sentenced to life, on the other hand, show a greater similarity to the 1938-1953 figures. Thirty-three and one-tenth percent fall into the dull-normal and below category. (See Appendix, Chart IV-c) This sample is based on 332 persons tested, out of 340.

OCCUPATION

Of a total of 97 cases analyzed by Carter, it was found that 55.7% were laborers who were employed in farm or agricultural labor, or held only odd jobs. 9.3% were truckers or chauffeurs. 7.2% were cooks and bakers. 6.4% were seamen. The remaining one-fifth (21.4%) were semi-skilled and skilled workers (i.e., clerks, printers, radio engineers, bricklayers, welders and auto mechanics).

On January 24, 1961, the California Department of Corrections gave out information on the last 25 men to be executed prior to that date. Of the 25, 13 or 52% could readily be identified as laborers in some capacity or other. The rest included such jobs as bus boy, TV technician, musician, bowling alley manager, etc. (Appendix, Chart V)

PRIOR COMMITMENT

The data on prior commitment shows that 48.4% of those executed (of the 97 cases in which such information is available) had committed at most a juvenile crime or misdemeanor before the offense for which they were executed. More than half of these, (27.8%) had no prior record at all. However, 51.6% had been in prison one or more times prior to the conviction for which they were executed. (See Appendix, Chart VI)

STATUS OF HOMELIFE WHEN A CHILD

Of the 55 persons executed and for whom this data could be obtained, it was shown that 72.8% came from homes broken by death or divorce before the individual reached the age of 18. (See Appendix, Chart VII) It should be noted that this information is available for only one-half (55 out of 110) of the persons executed during the period 1938-1953.

ECONOMIC STATUS OF PERSONS EXECUTED

Generally speaking, economic data is not available on those who die in the California gas chamber. This also seems to be true for those executed in other states. Usually the best that can be

done is to make an educated guess from data gathered about the occupations of the persons executed.

Sara R. Ehrmann, the Executive Director of the American League to Abolish Capital Punishment, makes this statement in an article in the March, 1962 issue of Federal Probation:

"It is difficult to find cases where persons of means or social position have been executed. Defendants indicted for capital offenses who are able to employ legal counsel throughout their trials are almost certain to avoid death penalties... Almost all of the persons eventually executed were represented by court-appointed counsel. Although many such attorneys are able and devoted, they are often severely hampered by the lack of funds needed for research and investigation on behalf of their clients... Every person executed in Oregon for the last 21 years has been defended by a court-appointed lawyer." ³

At our request similar statistics have been gathered for California by the State Law Library (See Appendix, Chart VIII) Between 1953 and 1962, the California Supreme Court reviewed the death sentences of 117 persons. Since more than one person may be tried per case, the court reviewed only 114 cases. Of these 114 cases, 85 (or 74.6%) were represented by court-appointed counsel. Of these 85, 10 (or 11.8%) resulted in reversals of sentence. 29 of the 114 cases were represented by retained counsel. Of these 29, 4 (or 13.8%) obtained reversals. ⁴

³ Sara R. Ehrmann, "For Whom the Chair Waits", Federal Probation, Volume 26, March 1962, p. 14-15.

⁴ The writer points out that the above figures are not intended to reflect, and do not reflect, upon the ability and dedication of court-appointed counsel; they are presented only in the hope that they may shed some light on the economic status of persons executed, and in the absence of more valid data.(cont'd.)

Although the data from the 1938 to 1953 period seems to support the idea that it is the poor, uneducated, unfortunate and minority groups who suffered most from the death penalty, a conclusion on this subject cannot be reached on the basis of present research.

THE QUESTION OF COST

According to Eugene B. Block, author of And May God Have Mercy⁵, the California Department of Corrections made an estimate in 1957 as to the cost of Death Row.

At that time it was calculated that the 15 guards stationed on Death Row in San Quentin on a 24-hour-a-day schedule cost about \$81,000 a year. There is also the additional expense involved in the hiring of psychiatrists, chaplains, etc. The direct cost of an execution is \$250. At the same time it was shown that the cost of keeping and maintaining a prisoner was about \$1,500 a year.

⁴ (cont.) After many years of experience at the criminal bar the writer knows that there is a significant difference when there are sufficient funds for research, investigation, trial preparation and to free counsel from other demands on his time so that he can concentrate his skills and knowledge on the cause he represents. Almost without exception the prosecution has these advantages in criminal cases. One should also bear in mind that oftentimes "retained" counsel in difficult and lengthy criminal cases are working without adequate fees, or with none at all, and are motivated only by their deep sense of professional duty.

⁵ Eugene B. Block, And May God Have Mercy, Fearon Publishers, San Francisco, 1962, p. 69.

A. Alan Post, Legislative Analyst, California Legislature, advised on April 8, 1963, that:

"The cost of the actual execution of the death penalty would consist of the cost of operation of "death row" at San Quentin plus the time and expense incurred by the officials involved. A direct savings could be made in the elimination of one twenty-four hour correctional officer post on "death row." One twenty-four-hour, seven-day-a-week post requires a total of five positions so that a savings of \$25,000 to \$30,000 in salary cost, exclusive of health and retirement benefits, could be realized. This estimated savings could be greater if the "death row" unit were utilized for purposes other than housing inmates. There would be little or no cost involved to convert the present "death row" section to regular penal housing.

.....

"The per capita cost for incarceration of inmates is approximately \$1,800 to \$2,000 per year. Since, on the average, ten persons a year are executed, this would represent an annual per capita cost of \$18,000 to \$20,000.

"In making the cost estimates herein no consideration was given to future cost increases or the possibility of more convictions upon elimination of the death penalty. There are, of course, many indirect and rather intangible results from action on the death penalty, but from the standpoint of direct measurable costs of operation to the State, we do not regard the issue to be one involving substantial state costs."

ARE THE INNOCENT EVER EXECUTED?

There is no recorded case of an innocent man having been executed in the State of California. It seems, however, that after a man is executed, little effort is made to follow up his case, even by those who might believe him to be innocent.

A close case occurred in California involving the wrongful conviction and imprisonment of one John Fry. Fry was booked for the murder of his common-law wife, Elvira Hay. Fry admitted to being so drunk at the time that he didn't really know if he had committed the killing or not. He pleaded guilty to a charge of

manslaughter and was incarcerated at San Quentin on December 10, 1958.

A little less than six months later another man, Richard T. Cooper, confessed to the killing. On the evening of June 16, 1959, Fry was set free, - an innocent man.

Since no data exists on the question of innocent men being convicted and executed for murder, an attempt has been made to gather material on the number of individuals convicted of other felonies who were later proved to be innocent. For at least a half a century, the State of California has recognized the possibility that it might erroneously convict and imprison a person for a felony. Since 1913, Sections 4900-4906, California Penal Code, have provided for payment by the State of the pecuniary injury sustained by a person through such erroneous conviction and imprisonment. Between 1934 and 1963 a total of 19 applications have been made to the State Board of Control for indemnity under this law; three of those applications are still pending. Since 1934 four such claims have been allowed and the award paid. One of those was that of John Fry, above, who was awarded \$3,000.00.⁶

* * * *

This report, and the appended tables, are submitted in the hope that they will be of some worthwhile assistance to the California legislators who must make their individual judgments and cast their votes on the issue of whether there should be a moratorium on the exaction of the death penalty in California.

* * * *

⁶ Figures obtained from the State Board of Control, California Department of Finance. Award of reimbursement depends upon whether or not a pecuniary loss was sustained. These figures do not include those who did not apply for reimbursement under the law, if any.

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CHART I-a

SUMMARY OF MURDER PROSECUTIONS IN CALIFORNIA,
1953-1961

	Murder Filings in Sup. Ct.	Not Guilty By Reason of Insanity	Convicted of		Murder First		Murder Second	
			Murder First	Murder Second	Death	Prison	Prison	Other
1953	240	6	45	63	14	31	61	2
1954	247	9	40	61	8	32	59	2
1955	234	8	52	62	8	44	62	-
1956	289	7	61	61	13	48	59	2
1957	285	9	50	77	8	42	76	1
1958	303	13	72	86	11	61	85	1
1959	311	11	59	76	12	47	71	5
1960	413	10	63	85	14	49	82	3
1961	415	24	106	91	20	86	85	6
TOTALS	2,737	97	548	662	108	440	640	22

Bureau of Criminal Statistics
California Department of Justice
April 4, 1963

CHART I-b

SUMMARY OF MURDER PROSECUTIONS, CONVICTIONS
AND SENTENCES, CALIFORNIA, 1953-1959

Item	1953	1954	1955	1956	1957	1958	1959	1960
Non-negligent homicides reported	400	419	417	474	497	547	515	620
Persons charged with murder in the superior courts.....	240	247	234	289	285	303	311	413
Persons charged with murder who were convicted	192	187	183	214	225	256	240	335
Convicted of:								
1st degree murder.....	45	40	52	61	50	72	59	63
2nd degree murder.....	63	61	62	61	77	86	76	85
Manslaughter.....	78	84	65	88	82	85	97	137
Other offenses.....	6	2	4	4	16	13	8	50
Sentences of those convicted of first degree murder.....	45	40	52	61	50	72	59	63
Death.....	14	8	8	13	8	11	12	14
Life.....	31	32	44	48	42	61	47	49

Bureau of Criminal Statistics
California Department of Justice
April 3, 1961

CHART II-a ¹

PERSONS EXECUTED, BY RACE, 1938-1953

Race	Number Executed	Percentage of Persons Executed	Percentage of total Population 1940-50	Race of all male prisoners (felons) received from courts, 1945-1949**
WHITE	74	67.27	94.7	64.2
NEGRO.....	25	22.72	3.1	20.5
MEXICAN-AMERICAN...	8	7.27	7.2 *(1950 only)	13.0
OTHER.....	3	2.74	2.3	2.3
Total	110	100.00	NO TOTAL	100.0

* COUNTED TWICE: In "White" and "Mexican-American". If included would include more than 100%.

** Includes those sentenced to: 1) Director of Corrections; 2) Northern and Southern Reception-Guidance Centers; and 3) San Quentin.

CHART II-b ²

PERSONS EXECUTED, BY RACE, 1959-1962

Race	Number Executed	Percentage of Persons Executed	Race of all male prisoners (felons) received from courts, 1960*
WHITE.....	23	67.7	60.6
NEGRO.....	8	23.5	20.8
MEXICAN-AMERICAN...	3	8.8	16.7
Total	34	100.0	less than 100% **

* Includes those sentenced to 1) Director of Corrections; 2) Northern and Southern Reception-Guidance Centers; and 3) San Quentin.

** Other races: 1.9%

¹ From Robert M. Carter, "Capital Punishment in California, 1938-53". M.A. Thesis, University of California, School of Criminology, 1953.

² From California Department of Corrections, January 11, 1963.

CHART II-c

PERSONS SENTENCED TO LIFE IMPRISONMENT, BY RACE, 1950-1959

Race	Number	Percentage
WHITE.....	203	60.0
NEGRO.....	81	23.7
MEXICAN-AMERICAN.....	46	13.4
OTHER.....	10	2.9
Total	<u>340</u>	<u>100.0</u>

California Department of Corrections
March 15, 1961

CHART III-a ¹

EDUCATIONAL LEVEL, PERSONS EXECUTED, 1938-1953

Education	Number	Percentage	Education of all male prisoners (felons) received from courts, 1945-49*
ILLITERATE (3rd GRADE OR LESS)	15	17.0	12.1%
GRADE 4	7	8.0	6.2
GRADE 5	6	6.8	11.6
GRADE 6	4	4.5	13.7
GRADE 7	7	8.0	14.2
GRADE 8	17	19.3	13.3
GRADES 9-11	20	22.7	25.8
GRADES 12 and higher	12	13.7	3.1
TOTAL KNOWN CASES	88	100.0	100.0
UNKNOWN (NO INFORMATION)	<u>22</u>		
	110		

* Includes those sentenced to 1) Director of Corrections; 2) Northern and Southern Reception-Guidance Centers; and 3) San Quentin.

CHART III-b ²

EDUCATIONAL LEVEL, PERSONS EXECUTED, 1959-1962

Education (Grade Placement)	Number	Percentage
4.5 - 5.4	1	8.3
5.5 - 6.4	1	8.3
6.5 - 7.4	3	25.0
7.5 - 8.4	1	8.3
8.5 - 9.4	2	16.8
9.5 - 11.4	3	25.0
11.5 and over	<u>1</u>	<u>8.3</u>
TOTAL KNOWN CASES	12	100.0
NOT TESTED	<u>22</u>	
	34	

*Completely comparable statistics are not available for prisoners newly received from courts for 1960 and later years, due to a different system of ranking. See p. 24 of California Prisons, 1960, for such data as does exist.

¹ From Robert M. Carter, "Capital Punishment in California, 1938-53." M.A. Thesis, University of California, School of Criminology, 1953.

² From California Department of Corrections, January 11, 1963.

CHART III-c

EDUCATIONAL LEVEL, PERSONS SENTENCED TO LIFE IMPRISONMENT, 1950-1959

<u>Education</u>	<u>Number</u>	<u>Percentage</u>
ILLITERATE (3rd GRADE OR LESS)	19	6.1
3.5 - 4.4	26	8.3
4.5 - 5.4	23	7.4
5.5 - 6.4	44	14.0
6.5 - 7.4	42	13.4
7.5 - 8.4	55	17.5
8.5 - 9.4	50	16.0
9.5 - 11.4	47	15.1
11.5 and over	7	2.2
TOTAL CASES TESTED	<u>313</u>	<u>100.0</u>
NOT TESTED	<u>27</u>	
Total Cases	340	

California Department of Corrections
March 15, 1961

CHART IV-a ¹

INTELLIGENCE LEVEL, PERSONS EXECUTED, 1938-1953

Intelligence Level	Number	Percentage	Intelligence Level of all male prisoners (felons) received from courts, 1945-47 *
SUPERIOR	6	8.7	7.3
BRIGHT-NORMAL	3	4.3	16.6
NORMAL	29	42.0	44.4
DULL-NORMAL	13	18.9	18.8
BORDERLINE OR DEFECTIVE	18	26.1	12.9
Total Known Cases	69	100.0	100.0
Unknown	<u>41</u>		
	110		

*Includes those sentenced to 1) Director of Corrections; 2) Northern and Southern Reception-Guidance Centers; and 3) San Quentin.

CHART IV-b ²

INTELLIGENCE LEVEL, PERSONS EXECUTED, 1959-1962 *

Intelligence Level	Number	Percentage
VERY SUPERIOR	1	3.7
SUPERIOR	1	3.7
BRIGHT-NORMAL	3	11.1
NORMAL	18	66.7
DULL-NORMAL	3	11.1
BORDERLINE	1	3.7
Total Known Cases	27	100.00
Unknown	<u>7</u>	
	34	

*Similar data not available for 1960 prisoners newly received from courts.

¹ From Robert M. Carter, "Capital Punishment in California, 1938-53" M.A. Thesis, University of California, School of Criminology, 1953.

² From California Department of Corrections, January 11, 1963.

CHART IV-c

INTELLIGENCE LEVEL, PERSONS SENTENCED TO LIFE IMPRISONMENT, 1950-1959

<u>Intelligence Level</u>	<u>Number</u>	<u>Percentage</u>
VERY SUPERIOR	2	.6
SUPERIOR	10	3.0
BRIGHT-NORMAL	59	17.8
NORMAL	151	45.5
DULL-NORMAL	73	22.0
BORDERLINE and DEFECTIVE	37	11.1
<hr/>		
TOTAL KNOWN CASES	332	100.0
UNKNOWN	<u>8</u>	
	340	

California Department of Corrections
March 15, 1961

CHART V

OCCUPATIONS OF THE LAST 25 PERSONS EXECUTED PRIOR TO JANUARY 24, 1961

1.	Hardenbrook, David J.	General Helper
2.	Dement, Foster S.	Farm Laborer
3.	Simpson, Henry C.	Crane Operator
4.	Bashor, Donald K.	Laborer
5.	Reese, James	Unskilled laborer
6.	Burwell, Eugene	Clerk & construction worker
7.	Rogers, James A.	Unskilled laborer
8.	Tipton, John Calvin	Laborer
9.	Carritativo, Bart Luis	House boy
10.	Rupp, William Francis	Semi-skilled & farm laborer
11.	Feldkamp, James Lewis	Managed Bowling Alley
12.	Riser, Richard Gerald	Baker's helper
13.	Duncan, Vender Lee	Agriculture & general laborer
14.	Ward, Cecil Herman	Truck driver & laborer
		Semi-skilled assembler
15.	Nash, Stephen A.	Odd jobs
16.	Glatman, Harvey Murray	TV Technician
17.	Jones, Jimmie Lee	Unskilled laborer
18.	Hamilton, Phillip Henry	Porter, bus boy, kitchen helper
19.	Wade, Laurence Leroy	Musician
20.	Chessman, Caryl H.	Institutional clerk
21.	Hooton, James Eugene	Unskilled worker
22.	Cooper, Richard Thomas	Laborer & Chauffeur
23.	Harmon, Robert S.	Laborer (unskilled)
24.	Scott, George Albert	Welder
25.	Cartier, Raymond L.	(Naval jobs) Semi-skilled laborer

California Department of Corrections

CHART VI ¹

PRIOR COMMITMENTS OF PERSONS EXECUTED, 1938-1953

Type of Prior Commitments	Number	Percentage	Prior Commitments of all prisoners (felons) received from courts, 1945-49 *
NONE	27	27.8	25.8%
JUVENILE OR MISDEMEANOR ONLY	20	20.6	37.6
1 PRISON COMMITMENT	27	27.8	20.5
2 PRISON COMMITMENTS	15	15.5	9.0
3 OR MORE PRISON COMMITMENTS	8	8.3	7.1
TOTAL KNOWN CASES	97	100.0	100.0
UNKNOWN	<u>13</u>		
	110		

*Includes those sentenced to 1) Director of Corrections; 2) Northern and Southern Reception-Guidance Centers; and 3) San Quentin.

¹ From Robert M. Carter, "Capital Punishment in California, 1938-53." M.A. Thesis, University of California, School of Criminology, 1953.

CHART VII ¹

STATUS OF HOMELIFE WHILE A CHILD, PERSONS EXECUTED, 1938-1953

Status	Number	Percentage
HOME INTACT UNTIL 18	15	27.2
HOME BROKEN BY DEATH OF EITHER OR BOTH PARENTS BEFORE 18	27	49.0
HOME BROKEN BY DIVORCE, SEPARATION, ETC., BEFORE 18	13	23.8
<hr/>		
TOTAL KNOWN CASES	55	100.0
UNKNOWN	55	
	<u>110</u>	

¹ From Robert M. Carter, "Capital Punishment in California, 1938-53." M.A. Thesis, University of California, School of Criminology, 1953.

CHART VIII

FREQUENCY OF COURT-APPOINTED COUNSEL AND RETAINED COUNSEL
IN DEATH SENTENCE REVIEWS BY CALIFORNIA SUPREME COURT, 1953-1962

Total persons receiving death sentence and receiving Supreme Court Review (a)	117	
Total cases reviewed	114	(b)
Total cases (c) tried having court-appointed counsel	85	74.6% (of 114)
Total reversals	10	11.8% (of 85)
Total cases (c) tried having retained counsel	29	25.4% (of 114)
Total reversals.....	4	13.8% (of 29)

- (a) All death penalty decisions are automatically reviewed by the California Supreme Court. (Calif. Penal Code § 1239)
- (b) Total cases are less than total persons since more than one person may be tried per case.
- (c) Sometimes more than one person is tried per "case".

NOTE WELL: The above figures do not include those cases in which a person charged with a capital offense was not sentenced to death. The figures include only reviews of death sentences by the California Supreme Court.

From a list prepared at our request
by the California State Law Library.
Compiled from California State Supreme
Court Reports.
April 15, 1963