

EXHIBIT A
Attached to Testimony of Betsy Griffing
Senate Bill 306, Senate Judiciary, February 7, 2007
**WHY TRIAL COSTS FOR DEATH PENALTY CASES ARE MUCH GREATER THAN FOR NON DEATH-
PENALTY CASES**

STAGE	DEATH PENALTY CASE	NON-DEATH PENALTY
Pre-Trial	2 attorneys appointed, possibly 2 prosecutors. ABA standards also require a defense team that includes a mitigation specialist and an investigator.	1 attorney, 1 prosecutor.
	More motions filed for both trial and sentencing; defense likely to file any motion that may be relevant no matter how much of a long shot it is because the stakes are so high.	
	Change of venue more likely.	Change of venue unlikely.
	Sequestered jury more likely.	Sequestered jury unlikely.
	More extensive investigations by both sides, including investigation into mitigating evidence, extensive hiring of expert witnesses including psychiatrists and psychologists.	Jury will not be presented with mitigating factors.
Trial	Individual questioning of jurors regarding death penalty views.	Short jury selection.
	Two-part trial: guilt and sentencing.	One-part trial.
	Almost all capital cases will go to trial and the trial will be longer than a non-capital trial.	About 95% of non-capital cases are settled without a trial through plea bargain.
	Sentencing involves a second trial with witnesses and experts before a jury.	Sentencing is brief, based on guidelines, made by the judge.
Post-Trial	Three levels of appeal, usually at taxpayer expense.	Only first level of appeal typically at taxpayer expense.
	More appealable issues: guilt and sentencing, collateral attacks on conviction and sentence are the norm.	Plea-bargained cases have few appealable issues; sentences are rarely overturned; collateral attacks are unusual.
	Sentence not carried out for about 10 years.	Sentence begins immediately.
	Higher security incarceration, similar to solitary confinement.	Typical confinement.
	No financial return from prison labor.	Prisoner can work to support himself and others and/or to provide compensation to victims' families.
	Clemency will be sought and the process can be lengthy and very political.	Clemency is rarely sought.
	68% of cases are overturned and either the whole trial or the sentencing trial must be done again.	Error rate is 15% or less.
	Less than 10% of sentences are carried out.	Hence, even in 90% of capital cases, the state will have to bear all the costs associated with life sentences, as well as most of the costs special to death sentences.
Over-all	Costs are up-front; mostly at trial level.	Costs are spread out over many years of incarceration.