

V. Attorney General's Closing Remarks and Future Considerations

This Interim Report of the Capital Case Commission represents twelve months of study of the capital litigation system in Arizona and the 230 capital cases which are included in Data Set I. The Center for Urban Inquiry, College of Public Programs at Arizona State University continues to compile empirical data about defendants and victims, as well as the process itself.

The Commission made several recommendations for reforms in capital litigation from the selection of cases, to trial counsel competence, to the appellate process. These reforms are designed to improve the quality of justice administered in Arizona.

Of course, further study by the Commission is well under way. The Trial Issues Subcommittee will study 78 of the 230 cases from Data Set I in which a reversal, remand or modification was ordered by a reviewing court and a sentence other than death was rendered upon retrial or resentencing. The Subcommittee will study the cases in order to determine whether additional improvements to the system are needed. The Pre-Trial Issues Subcommittee will study two of the most frequently used aggravating factors (murder committed in an especially heinous, cruel or depraved manner, and murder committed for pecuniary gain) after Data Set II is completed. Data Set II will study all first degree murder cases in four counties from 1995 to 1999, and will attempt to discern differences between capital murder cases and non-capital murder cases. The Data/Research Subcommittee will advise the Center for Urban Inquiry throughout the summer on this important research.

Data Set III is proceeding as well and will focus on the incremental additional costs, if any, of prosecuting, defending and appealing a capital murder case compared to a non-capital murder case. Additional considerations for the Commission may include the need for proportionality review of prosecutors' decisions to seek the death penalty, and the review of perceived disparity among the counties in which the death penalty is sought.

Finally, the Commission will reconvene in the Fall of 2001 to consider Data Sets II and III and the work of the Subcommittees done throughout the Summer.