

APPENDIX B

EVIDENCE OF COMPARATIVE EXCESSIVENESS IN NEBRASKA DEATH SENTENCING DECISIONS (1973-1999): DEATH-SENTENCING RATES AMONG COMPARABLE CASES IN (A) PENALTY TRIALS AND (B) AMONG ALL DEATH-ELIGIBLE CASES

A	B	C		D	E		F	G		H	I		J	K	L	M
Defendant's Number	Number of Aggravating Circumstances			Number of Aggravating & Mitigating Circumstances			Salient Factors Measure			Penalty Based Scales Based on:						
	Case Classification	Death-Sentencing Rate in Classification		Case Classification	Death-Sentencing Rate in Classification		Case Classification	Death-Sentencing Rate in Classification		Case Classification	Penalty Trial Sentencing Model		Death Sentence Imposed Among All Death-Eligible		Average Death-Sentencing Rate Among Penalty Trial Near Neighbors	Average Death-Sentencing Rate Among Near Neighbors From All Death-Eligible Cases
		PT Death ¹	Death/D.E. ²		PT Death ¹	Death/D.E. ²		PT Death ¹	Death/D.E. ²		Penalty Trial	Death Sentence ¹	Case Classification	Death-Sentencing Rate in Classification		
1.	2	.48 (12/25)	.24 (12/49)	2,2	.44 (4/9)	.17 (4/24)	F1	1.0 (4/4)	1.0 (4/4)	2	.36 (5/14)	3	.22 (6/27)	.57	.41	
2.	3	.89 (8/9)	.67 (8/12)	3,1	.80 (4/5)	.67 (4/6)	E1	.67 (6/9)	.40 (6/15)	4	.93 (14/15)	4	.87 (20/23)	.82	.65	
3.	3	.89 (8/9)	.67 (8/12)	3,2	1.0 (3/3)	.60 (3/5)	E1	.67 (6/9)	.40 (6/15)	4	.93 (14/15)	4	.87 (20/23)	.87	.63	
4.	2	.48 (12/25)	.24 (12/49)	2,1	.71 (5/7)	.50 (5/10)	G1	.54 (7/13)	.28 (7/25)	3	.64 (7/11)	3	.22 (6/27)	.59	.31	
5.	4	1.0 (6/6)	.86 (6/7)	4,1	1.0 (6/6)	.67 (2/3)	D1	.60 (6/10)	.43 (6/14)	4	.93 (14/15)	4	.87 (20/23)	.88	.71	
6.	2	.48 (12/25)	.24 (12/49)	2,2	.44 (4/9)	.17 (4/24)	F1	1.0 (4/4)	1.0 (4/4)	2	.36 (5/14)	3	.22 (6/27)	.57	.41	
7.	4	1.0 (6/6)	.87 (6/7)	4,2	1.0 (6/6)	1.0 (3/3)	E1	.67 (6/9)	.40 (6/15)	4	.93 (14/15)	4	.87 (20/23)	.90	.78	
8.	2	.48 (12/25)	.24 (12/49)	2,2	.44 (4/9)	.17 (4/24)	H1	.33 (2/6)	.11 (2/18)	2	.36 (5/14)	3	.22 (6/27)	.40	.18	
9.	2	.48 (12/25)	.24 (12/49)	2,1	.71 (5/7)	.50 (5/10)	D1	.60 (6/10)	.43 (6/14)	3	.64 (7/11)	4	.87 (20/23)	.61	.51	
10.	3	.89 (8/9)	.67 (8/12)	3,3	1.0 (4/4)	.67 (4/6)	H1	.33 (2/6)	.11 (2/18)	4	.93 (14/15)	3	.22 (6/27)	.79	.42	
11.	3	.89 (8/9)	.67 (8/12)	3,2	1.0 (3/3)	.60 (3/5)	D1	.60 (6/10)	.43 (6/14)	4	.93 (14/15)	4	.87 (20/23)	.85	.64	
12.	3	.89 (8/9)	.67 (8/12)	3,1	.80 (4/5)	.67 (4/6)	G1	.54 (7/13)	.28 (7/25)	4	.93 (14/15)	4	.87 (20/23)	.79	.62	
13.	3	.89 (8/9)	.67 (8/12)	3,2	1.0 (3/3)	.60 (3/5)	G1	.54 (7/13)	.28 (7/25)	4	.93 (14/15)	4	.87 (20/23)	.84	.60	
14.	2	.48 (12/25)	.24 (12/49)	2,1	.71 (5/7)	.50 (5/10)	G1	.54 (7/13)	.28 (7/25)	3	.64 (7/11)	4	.87 (20/23)	.59	.47	
15.	2	.48 (12/25)	.24 (12/49)	2,0	.33 (2/6)	.33 (2/6)	G1	.54 (7/13)	.28 (7/25)	3	.64 (7/11)	4	.87 (20/23)	.50	.43	
16.	2	.48 (12/25)	.24 (12/49)	2,0	.33 (2/6)	.33 (2/6)	G1	.54 (7/13)	.28 (7/25)	3	.64 (7/11)	4	.87 (20/23)	.50	.43	
17.	2	.48 (12/25)	.24 (12/49)	2,1	.71 (5/7)	.50 (5/10)	G1	.54 (7/13)	.28 (7/25)	3	.64 (7/11)	4	.87 (20/23)	.59	.47	
18.	4	1.0 (6/6)	.86 (6/7)	4,1	1.0 (6/6)	.67 (2/3)	E1	.67 (6/9)	.40 (6/15)	4	.93 (14/15)	4	.87 (20/23)	.90	.70	
19.	3	.89 (8/9)	.67 (8/12)	3,1	.80 (4/5)	.67 (4/6)	D1	.60 (6/10)	.43 (6/14)	4	.93 (14/15)	4	.87 (20/23)	.80	.66	

A	B	C		D	E		F	G		H	I		J	K		L	M
Defendant's Number	Number of Aggravating Circumstances			Number of Aggravating & Mitigating Circumstances			Salient Factors Measure			Penalty Based Scales Based on:						Average Death-Sentencing Rate Among Penalty Trial Near Neighbors	Average Death-Sentencing Rate Among Near Neighbors From All Death-Eligible Cases
	Case Classification	Death-Sentencing Rate in Classification		Case Classification	Death-Sentencing Rate in Classification		Case Classification	Death-Sentencing Rate in Classification		Penalty Trial Sentencing Model		Death Sentence Imposed Among All Death-Eligible					
		PT Death ¹	Death/D.E. ²		PT Death ¹	Death/D.E. ²		PT Death ¹	Death/D.E. ²	Penalty Trial	Death Sentence ¹	Death Sentence-All D.E. ²					
20.	4	1.0 (6/6)	.86 (6/7)	4,2	1.0 (6/6)	1.0 (3/3)	E1	.67 (6/9)	.40 (6/15)	4	.93 (14/15)	4	.87 (20/23)	.90	.78		
21.	2	.48 (12/25)	.24 (12/49)	2,2	.44 (4/9)	.05 (2/37)	E1	.67 (6/9)	.40 (6/15)	2	.36 (5/14)	4	.87 (20/23)	.49	.39		
22.	2	.48 (12/25)	.24 (12/49)	2,3	.56 (9/16)	.14 (1/7)	G2	.20 (1/5)	.14 (1/7)	2	.36 (5/14)	4	.87 (20/23)	.40	.35		
23.	3	.89 (8/9)	.67 (8/12)	3,1	.80 (4/5)	.67 (4/6)	D1	.60 (6/10)	.43 (6/14)	4	.93 (14/15)	4	.87 (20/23)	.80	.66		
24.	1	.07 (3/41)	.03 (3/108)	1,1	.07 (1/14)	.03 (1/33)	A3	.67 (2/3)	.25 (1/4)	1	.06 (3/48)	2	.05 (3/62)	.22	.09		
25.	6	1.0 (6/6)	.86 (6/7)	6,2	1.0 (6/6)	1.0 (1/1)	D2	.25 (1/4)	.20 (1/5)	4	.93 (14/15)	4	.87 (20/23)	.79	.73		
26.	2	.48 (12/25)	.24 (12/49)	2,1	.71 (5/7)	.50 (5/10)	A1	.67 (2/3)	.29 (2/7)	3	.64 (7/11)	3	.22 (6/27)	.62	.31		
27.	4	1.0 (6/6)	.86 (6/7)	4,2	1.0 (6/6)	1.0 (3/3)	D1	.60 (6/10)	.43 (6/14)	4	.93 (14/15)	4	.87 (20/23)	.88	.79		
28.	1	.07 (3/41)	.03 (3/108)	1,2	.18 (2/11)	.05 (2/37)	F1	1.0 (4/4)	1.0 (4/4)	1	.06 (3/48)	2	.05 (3/62)	.33	.28		
29.	1	.07 (3/41)	.03 (3/108)	1,2	.18 (2/11)	.05 (2/37)	F1	1.0 (4/4)	1.0 (4/4)	1	.06 (3/48)	2	.05 (3/62)	.33	.28		

¹ PT or Penalty Trial Death refers to near neighbors whose cases advanced to a penalty trial.

² Death/D.E. or Death Sentences-All DE refers to near neighbors among all death-eligible cases whether or not they advance to a penalty trial.