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For further information:

Winnie Comfort

Tammy Kendig

609-292-9580

Supreme Court Accepts Death Penalty Report

The New Jersey Supreme Court has accepted the Systemic Proportionality Review Report for court year 2004, an annual study of whether racial discrimination played a role in the administration of the state's capital punishment laws.

The report was prepared by retired Appellate Division Judge David S. Baime, who was appointed in 1999 by Chief Justice Deborah T. Poritz as special master charged with monitoring the proportionality review in capital cases. Judge Baime was assisted by Dr. David Weisburd, a professor at the Hebrew University of Jerusalem and the University of Maryland, College Park, and Dr. Joseph Naus, a professor at Rutgers University.

Judge Baime observed that during the court year 28 murder cases qualified for death penalty prosecution under New Jersey's highly structured capital punishment statutes, that two cases actually reached the penalty phase, and that no case actually resulted in the imposition of the death penalty. Because of the declining number of New Jersey death penalty cases, a phenomenon that mirrors the national trend, the 2004 study is to be considered an interim report. A more complete compilation is to be prepared in 2005.

Judge Baime found no statistically significant evidence to indicate racial or ethnic bias in the administration of New Jersey's death penalty laws. Specifically, neither the race of the defendant nor the race of the victim was found to affect the actual sentence imposed. Minority defendants, either African-American or Hispanic, were no more likely to be capitally prosecuted or sentenced to death than white defendants. In a similar vein, the race of the victim played no role in determining the sentence imposed. White victim cases were no more likely to result in the death penalty than minority victim cases. Although some evidence suggested that white victim cases were more likely to advance to a penalty trial than minority victim cases, that possibility was discounted for two reasons. First, white victim cases were concentrated in counties with historically high capital prosecution rates. Second, white defendant cases almost always involved white victims. Because a greater percentage of white defendant cases were capitally prosecuted and advanced to the penalty phase than minority defendant cases, a larger percentage of white victims cases were similarly capitally prosecuted and progressed to the penalty phase than minority victim cases.

Judge Baime's overall conclusion was that race and ethnicity did not play a role in capital sentencing, a finding that mirrored determinations made in prior studies. The report was submitted to the Attorney General and the Public Defender for their comments.

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