

## **The Cost of the Death Penalty in North Carolina**

The death penalty is the most final of punishments. That's why the United States Supreme Court created certain rules and safeguards that must apply to capital cases when it reinstated the death penalty in 1977. The trials are different from non-death penalty murder trials because they have two phases: the guilt or innocence phase and then a separate proceeding after which the jury recommends life without parole or a death sentence.

The U.S. Supreme Court said the second phase of the trial is necessary so that jurors can determine the appropriate punishment by weighing the circumstances of the crime and the background and history of the defendant. After someone is sentenced to death, they are entitled to review by state and federal courts to ensure that they were not wrongfully convicted or unfairly sentenced.

Death penalty trials also differ from non-death penalty trials because the accused is entitled to two attorneys. This safeguard was put in place because preparation and presentation of a capital case is highly specialized and time consuming. The right to a second attorney is helpful in reducing the risk of errors at trial that can result in additional legal proceedings.

These additional and necessary protections make the death penalty very costly. The most comprehensive study on the issue was conducted in North Carolina and found that it cost the state \$2.16 million more to execute someone than to sentence them to life in prison. Studies in other states have found similar results.

In one of two opinions in February of this year, on a day in which the Court threw out two death sentences because of serious flaws in the original trials, Republican North Carolina Supreme Court Justice Ed Brady wrote that mistakes made in death penalty cases are costing victims' families, defendants, and the state far too much, both emotionally and financially. Referring to errors made by the judge, the prosecutors, and the defense attorneys in a death penalty trial, Justice Brady wrote, "These critical omissions are unacceptable given the gravity of the setting, the dwindling resources available to our judiciary, and the expanding caseload of the judiciary."