



The Death Penalty in 2024

Death Sentences and Executions Remain Near
Historic Lows Amid Growing Concerns about
Fairness and Innocence

**President Biden Commutes Death Sentences
of 37 Men on Federal Row to Remedy
Systemic Problems**

Four States Responsible for 76% of Executions

Executive Summary

- The number of new death sentences in 2024 increased from 2023, with 26. The number of people on death row across the United States has continued to decline from a peak population in the year 2000.
- Public support for the death penalty remains at a five-decade low (53%) and Gallup's recent polling reveals that more than half of young U.S. adults ages 18 through 43 now oppose the death penalty. Fewer people found the death penalty morally acceptable this year (55%) than last year (60%).
- Significant media attention, public protest, and support from unlikely allies in the cases of Marcellus “Khaliifah” Williams, Robert Roberson, and Richard Glossip elevated the issue of innocence in 2024, as the United States marked the milestone of 200 death row exonerations.
- [On December 23](#), President Biden commuted the death sentences of 37 men out of 40 on the federal death row. In the states, no individual death-sentenced person received clemency in 2024, the first year since 2016 without any state clemency grants.
- Death penalty-related legislation was enacted in at least six states to limit use of the death penalty, alter execution methods or protocols, modify procedures, and increase secrecy. Abolition efforts continue in more than a dozen states, and efforts to reintroduce the death penalty in eight states failed. Only one effort to expand the death penalty to non-homicide crimes was successful.
- The 1600th execution in the modern death penalty era occurred in September 2024.
- The number of people executed in 2024 remained nearly the same as 2023, with 25 executions occurring in nine states. This was the tenth consecutive year with fewer than 30 executions. Utah, South Carolina, and Indiana conducted their first executions after more than a decade hiatus. Alabama became the first state to use nitrogen gas to execute prisoners.
- The United States Supreme Court has largely abandoned the critical role it has historically played in regulating and limiting use of the death penalty.

Credits

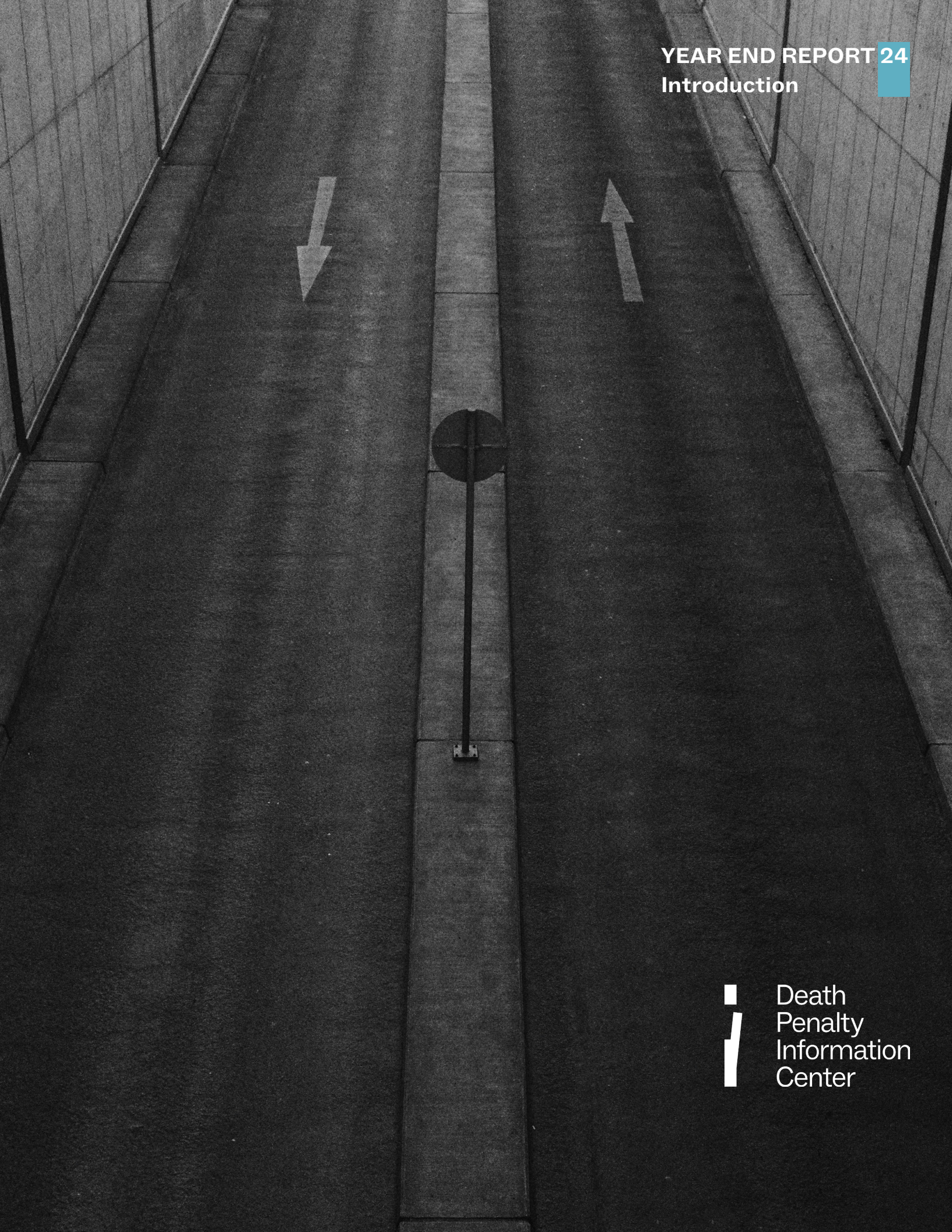
The Death Penalty Information Center (DPI) is a national non-profit organization whose mission is to serve the media, policymakers, and the general public with data and analysis on issues concerning capital punishment and the people it affects. DPI does not take a position on the death penalty itself but is critical of problems in its application.

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The Center is funded through the generosity of individual donors and foundations, including the Roderick and Solange MacArthur Justice Center; the Fund for Nonviolence; M. Quinn Delaney; and the Tides Foundation. The views expressed in this report are those of DPI and do not necessarily reflect the opinions of its donors.

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The death penalty is no longer an American story. In 2024, what the death penalty means to you increasingly depends on where you live, how old you are, and who you elect in your community.

In most U.S. states, the death penalty is a relic of another era. If you are age 43 or younger, your generation increasingly supports alternatives to the death penalty. If you live in one of 34 states, your state either has no death penalty, or the last execution was more than ten years ago. Just four states — Alabama, Texas, Missouri, and Oklahoma — were responsible for 76% of executions this year.

The twenty-six new death sentences in 2024 were scattered among ten states, but the only states which permit non-unanimous sentencing were responsible for more than 40% of them: Florida (7) and Alabama (4). Nine of these eleven death sentences were non-unanimous.

Nine states executed 25 people this year, similar to 2023 (24 executions). But if you live in one of the other 41 states, the death penalty may not even register as a concern. This fact did not go unnoticed by politicians running for national office. In this important presidential election year, the death penalty was noticeably absent from both major political party platforms and wasn't an issue in the presidential campaign. Use of the death penalty also failed to rank as a priority issue among likely voters in national polls.

Local politicians frequently drove outcomes in death penalty cases this year. Alabama's elected officials chose to use nitrogen gas to suffocate three prisoners despite widespread condemnation of a method many experts called torture.

In Missouri, state and local politicians fought about the fate of Marcellus Williams, whose execution occurred despite the opposition of more than one million people.

And in Texas and Oklahoma, there was rare public support from elected officials who helped focus attention on the failure of state laws and procedures to adequately protect prisoners with compelling evidence of innocence, like Robert Roberson and Richard Glossip.

Looking ahead, the power of local politicians is likely to be determinative so long as the United State Supreme Court refuses to intervene in state death penalty cases.

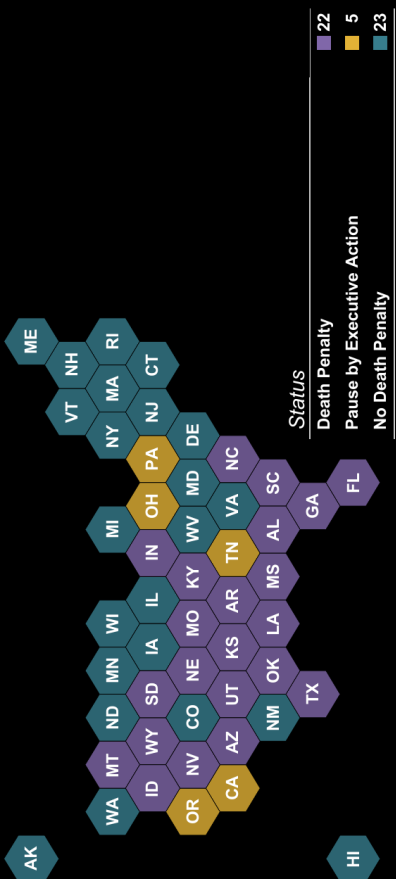
Death Row Population By State

Jurisdiction	2024	2023
California	613	647
Florida	289	298
Texas	177	185
Alabama	165	167
North Carolina	138	139
Arizona	116	115
Ohio	116	120
Pennsylvania	109	115
Louisiana	63	64
Nevada	58	61
Tennessee	45	45
U.S. Federal Gov't	40	44
Georgia	37	40
Mississippi	37	36
Oklahoma	33	37
South Carolina	33	36
Arkansas	27	27
Kentucky	25	26
Missouri	11	13
Nebraska	11	11
Kansas	9	9
Idaho	9	8
Indiana	8	8
Utah	6	7
U.S. Military	4	4
Montana	2	2
New Hampshire†	1	1
South Dakota	1	1
Oregon	0	0
Wyoming	0	0
Total	2,180	2,262

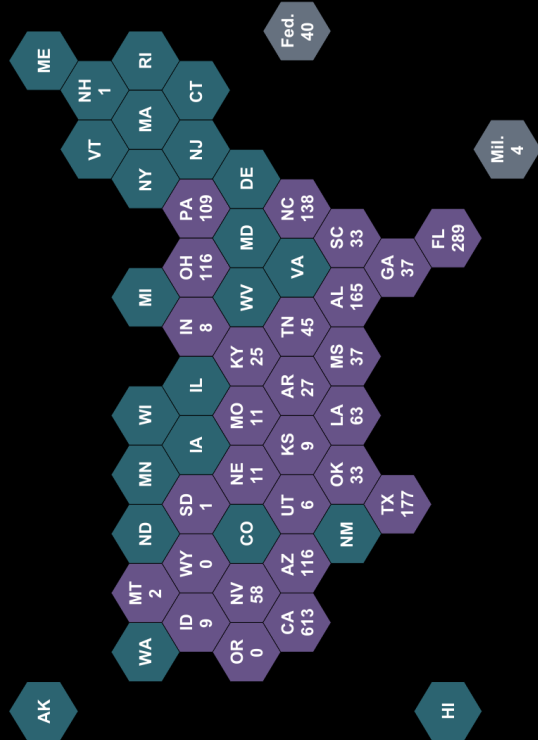
- Data from NAACP Legal Defense and Educational Fund for October 1 of the year shown.
- [On December 23, 2024](#), President Biden commuted sentences for 37 death row prisoners.
- Persons with death sentences in multiple states are only included once in the total.
- †New Hampshire prospectively abolished the death penalty May 30, 2019.

Death Penalty in 2024

States with and without Death Penalty



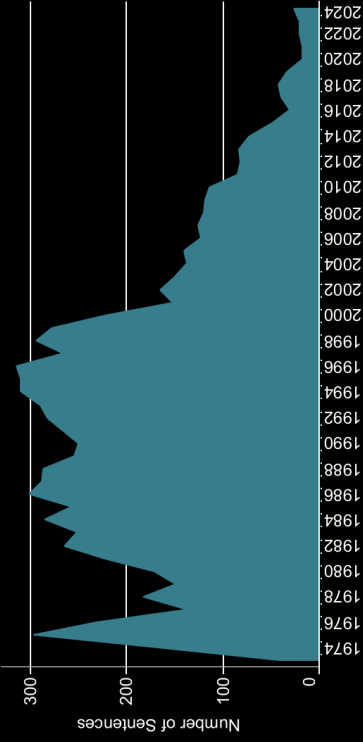
Death Row Population in 2024



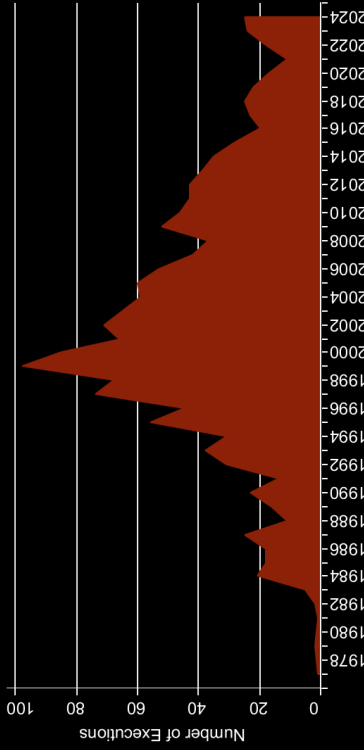
Source: Legal Defense Fund - Death Row USA (as of October 1st, 2024)

Total Number of Sentences: 9,886
 Total Number of Death Row Population: 2,183
 Total Number of Executions: 1,607

Sentences by Year



Executions by Year





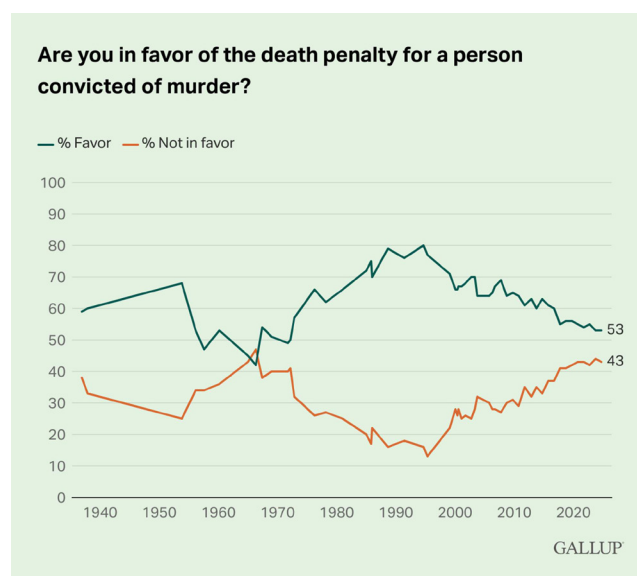
Public support for the death penalty remains at a five-decade low (53%) and recent Gallup polling reveals that more than half of young U.S. adults ages 18 through 43 now oppose the death penalty. Fewer people found the death penalty morally acceptable this year (55%) than last year (60%).

National Polling Shows Public Support at Five-Decade Low

According to [October 2024](#) polling by Gallup, support for the death penalty remains at a five-decade low in the United States. Overall, Gallup found 53% of Americans in favor of the death penalty, but that number masks considerable differences between older and younger Americans. More than half of young adults aged 18 to 43 now oppose the death penalty.

Among those expressing a political affiliation, support for the death penalty fell markedly in all groups and in all generations, with the exception of Republicans aged sixty and older, where support for the death penalty rose by 2%. Public support of the death penalty peaked thirty years ago, in 1994, when 80% of Americans said they favored the death penalty for a person convicted of murder.

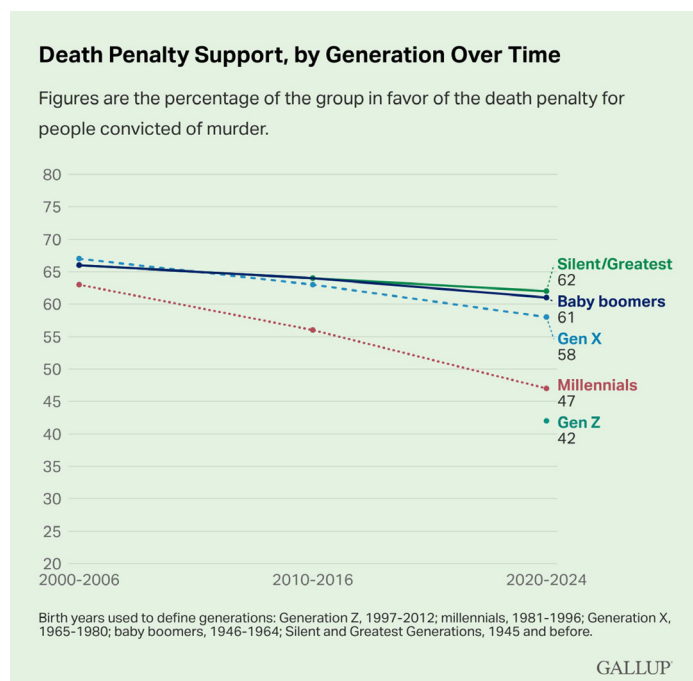
A generational divide in Gallup's polling results also shows that more than half of young U.S. adults — millennials and Generation Z, ages 18 through 43 — oppose the death penalty,



while approximately six in ten adults among the older generations — Silent Generation, Generation X, and baby boomers — favor the death penalty.

This generational gap has been widening every year for the past 20 years, according to Gallup. Since 2000, support for the death penalty among millennials (ages 28 to 43) has fallen 25%.

Gallup only began collecting data on Gen Z over the past four years, but the spread between Gen Z and all other age groups is striking — 58% of Gen Z oppose the death penalty, compared to only 38% of baby boomers and the so-called “Silent Generation” (which together comprise all those 60 years and older). Support for the death penalty also fell among this older cohort, but only by about 6% since 2000.



The divide between supporters of the two major political parties shows an erosion of support for the death penalty among Democrats, Independents, and younger Republicans. Support for the death penalty has remained stable among older Republicans over the past 25 years, but support for the death penalty among Democrats 60 years old and older has fallen 11% since 2016.

Support for the death penalty among younger Democrats dropped even further — 18% since 2016. Among older Republicans, support for the death penalty increased slightly (the only group in the Gallup poll to show an increase in support) while support among younger Republicans fell slightly, by 4%.

The trend among Independents followed that of Democrats generally, but was not as marked, with support for the death penalty among older Independents falling by 6% and among younger Independents by 10%.

Gallup’s Moral Issues Survey, administered in May 2024, noted a drop in the number of Americans who find the death penalty morally acceptable: only 55% of Americans now believe the death penalty is morally acceptable, down 8% from the previous year, while 39% of respondents said the death penalty is morally unacceptable, up 15% from 2023. Moral support of the death penalty peaked in 2006, at 76%. State Polling Shows Majority Support for Alternatives to the Death Penalty.

State Polling Shows Majority Support for Alternatives to the Death Penalty

A [St. Louis University and YouGov](#) annual poll, administered in February 2024 of 900 likely Missouri voters, found a majority (52%) of respondents in favor of Missouri Governor Michael Parson commuting all death sentence to life in prison without parole.

This support is noteworthy in light of the fact that a majority of respondents said they still generally favor the death penalty (62%) in cases of first-degree murder.

Respondents who identified as Republican expressed more support for the death penalty in cases of first-degree murder compared to those who identified as Democrat and Independent. While 86% of Republican respondents were in favor, only 37% of Democrats and 58% of Independents expressed the same view.

A [January 2024](#) report on the results of a 2023 poll similarly revealed that a majority of Ohio voters prefer prison sentences over the death penalty. The Tarrance Group reported that 56% of respondents favor replacing the death penalty with life imprisonment without parole, and 57% identify life imprisonment as the preferred punishment for first-degree murder.

Additionally, 56% of respondents support legislation for Ohio Governor Mike DeWine (R) to replace the death penalty with life without parole, and the same amount express concern over the risk of executing an innocent person. There have been 11 innocent people in Ohio exonerated after being wrongly convicted and sentenced to death in the modern death penalty era. These findings suggest critical public support for a bill introduced by Ohio State Representative Jean Schmidt (R), Representative Adam C. Miller (D), and 13 co-sponsors to abolish the death penalty in Ohio.



Significant media attention, public outcry, and support from unlikely allies in the cases of Marcellus “Khaliifah” Williams, Robert Roberson, and Richard Glossip elevated the issue of innocence in 2024, as the United States marked the milestone of 200 death row exonerations.

Three Exonerations Bring Total to 200

Three men were exonerated from death row in 2024, bringing the total number of exonerations since 1973 to 200. Their cases are illustrative of patterns seen in many other wrongful capital convictions: all involved official misconduct, two of the three 2024 exonerees are Black, and the three men spent an average of 38.6 years awaiting exoneration.

[Daniel Gwynn](#) was exonerated on February 27, 2024, after nearly 30 years on Pennsylvania’s death row. His 1994 conviction relied on a coerced confession and mistaken eyewitness identification. Philadelphia District Attorney Larry Krasner’s office reinvestigated Mr. Gwynn’s case and found that Mr. Gwynn’s confession contradicted physical evidence in the case, and that the photo lineup shown to witnesses was faulty.

“[T]he exoneration of Daniel Gwynn today frees a man who is likely innocent. Sadly, it also exemplifies an era of inexact and, at times corrupt, policing and prosecution that has broken trust with our communities to this day,” said DA Krasner.

“The public expects the right consequences for those who commit violent crimes and wants the innocent to be free. When law enforcement wrongly arrests, prosecutes, and imprisons the innocent, the guilty go free and are emboldened to do more harm.”



Daniel Gwynn
Courtesy of Gretchen Engel



The public expects the right consequences for those who commit violent crimes and wants the innocent to be free. When law enforcement wrongly arrests, prosecutes, and imprisons the innocent, the guilty go free and are emboldened to do more harm.

PHILADELPHIA DISTRICT ATTORNEY LARRY KRASNER

[Kerry Max Cook](#) was tried three times for the murder of Linda Jo Edwards. His original 1978 conviction was reversed in 1991. His second trial, in 1992, ended in a mistrial when the jury could not reach a unanimous verdict.

In 1994, he was again convicted and sentenced to death, but the Texas Court of Criminal Appeals found in 1996 that his due process rights were violated and reversed that conviction. Rather than facing a fourth trial, Mr. Cook pled “no contest” in 1999, received a 20-year sentence, and was released on time served. Many possible innocence cases end after similar plea deals, with defendants agreeing to the arrangement that secures their freedom, but without any vindication of their innocence.

Mr. Cook’s case took a different turn because an alternate suspect recanted his testimony from Mr. Cook’s trial. In 2016, the trial court held a hearing on the recantation and recommended relief, but said the new evidence did not prove Mr. Cook’s innocence.

On June 19, 2024, the Texas Court of Criminal Appeals took the unusual step of declaring Mr. Cook “actually innocent.”



Kerry Max Cook

“The State merely has to prove guilt beyond a reasonable doubt — which the State could never achieve in this case. Cook should therefore not have to prove his innocence beyond all doubt,” stated the majority opinion, authored by Judge Bert Richardson.

“After being incarcerated on death row for almost twenty torturous years, we hold that Cook has met the burden required for actual innocence and relief is hereby granted.”



Larry Roberts (center), with members of his legal team

[Larry Roberts](#) became the 200th person exonerated from death row when the California Attorney General's Office announced it would not retry him, and the U.S. District Court for the Eastern District of California vacated his conviction and death sentence.

Mr. Roberts had been on death row for 41 years. He was sentenced to death in 1983 for the murders of fellow prisoner Charles Gardner and prison officer Albert Patch at California Medical Facility based largely on the eyewitness testimony of fellow prisoners.

Years later, one of the state's eyewitnesses admitted to perjury, explaining that he was threatened by investigators at the time of the incident, and information regarding the competency of another eyewitness, who had been declared insane by three court-appointed psychiatrists, was discovered to have been withheld from the defense.



Marcellus Williams Photo courtesy of Marcellus Williams' legal team.

High-Profile Innocence Cases Attract Unusual Supporters and Attention

Three death-sentenced men and one woman with strong evidence of innocence garnered support from unusual sources, including law enforcement and elected officials, drawing significant media attention and public support to their cases.

[Marcellus Williams](#) was executed in Missouri on September 24, 2024, over the objection of the sitting St. Louis County Prosecuting Attorney (PA), Wesley Bell, and the victim's family. Mr. Williams, also known as Khaliifah, maintained his innocence in the 1998 murder of Felicia Gayle. PA Bell had filed a motion in January 2024 to vacate Mr. Williams' death sentence after DNA testing excluded him as the source of DNA on the murder weapon.

In August, as an evidentiary hearing was about to begin, the PA's office unexpectedly announced that the murder weapon contained the DNA of members of the trial prosecution team, an indication that the evidence had been mis-handled and contaminated.

As a consequence, it could no longer be used to conclusively prove Mr. Williams' innocence. After further negotiations, Mr. Williams agreed to enter a plea in exchange for a sentence of life without parole.

But hours after Judge Bruce F. Hilton accepted the plea agreement, Attorney General Andrew Bailey intervened and asked the Missouri Supreme Court to block the deal, arguing that Judge Hilton did not have the authority to resentence Mr. Williams.

In response, the Missouri Supreme Court ordered the lower court to set aside the plea agreement and move forward with the scheduled evidentiary hearing. On September 12, Judge Hilton denied PA Bell's motion and allowed Mr. Williams' conviction to stand.

On September 23, 2024, the Missouri Supreme Court heard oral arguments on the joint motion filed by Marcellus Williams' legal team and PA Bell to overturn that decision, but the Missouri Supreme Court denied relief. Ignoring pleas from more than 1.5 million people on social media, Governor Mike Parson, who has never granted clemency, denied Mr. Williams' clemency petition.



Richard Glossip Photo courtesy of Don Knight

Just two weeks after Mr. Williams was executed, the U.S. Supreme Court heard oral argument in an unrelated case in which state officials also supported relief for a death sentenced prisoner, Richard Glossip.

In [*Glossip v. Oklahoma*](#), the Court is considering whether the prosecution's decision to suppress material information about their star witness — who admitted to committing the murder — and permit him to falsely testify in exchange for a plea deal violated due process. Oklahoma's Attorney General Gentner Drummond has already answered this question in the affirmative, confessing constitutional error and supporting a new trial for Mr. Glossip.

AG Drummond's support of a new trial for Mr. Glossip is unprecedented. Mr. Glossip has also received support from Oklahoma legislators who support the death penalty as a policy but believe Mr. Glossip to be innocent.



Robert Roberson with his daughter, Nikki

Dramatic and unprecedented events occurred in the case of [Robert Roberson](#) in Texas, who was scheduled to be executed October 17. Mr. Roberson was convicted and sentenced to death in 2003 for the death of his two-year-old daughter, Nikki.

Prosecutors at his trial argued she died from “Shaken Baby Syndrome” (“SBS”), a medical theory holding that certain symptoms in young children could only have been caused by abuse. The theory has since been debunked, and medical experts have now determined that Nikki died from severe viral and bacterial pneumonia that doctors failed to diagnose, an accidental fall, and improper medications, not from abuse.

Despite three new expert reports showing that no crime ever occurred, the Texas courts have refused to grant Mr. Roberson relief.

The Texas Court of Criminal Appeals denied Mr. Roberson’s emergency motion for a stay of execution, and the Texas Board of Pardons and Paroles rejected his clemency petition.

However, a bipartisan group of legislators who support Mr. Roberson’s innocence claims issued a subpoena for Mr. Roberson to testify before the [Texas House Committee on Criminal Jurisprudence](#) on a date after his execution was to occur.

The Texas Supreme Court issued a stay just 90 minutes before Mr. Roberson’s execution to allow for his subpoenaed testimony.

Mr. Roberson, who has autism spectrum disorder, was unable to participate in the nine-hour hearing on his case on October 21, however, because legislators could not reach an agreement with the Office of the Attorney General to allow for his in-person testimony. Mr. Roberson’s lawyers and legislators objected to having Mr. Roberson testify via video link because of the communications challenges related to his disability.

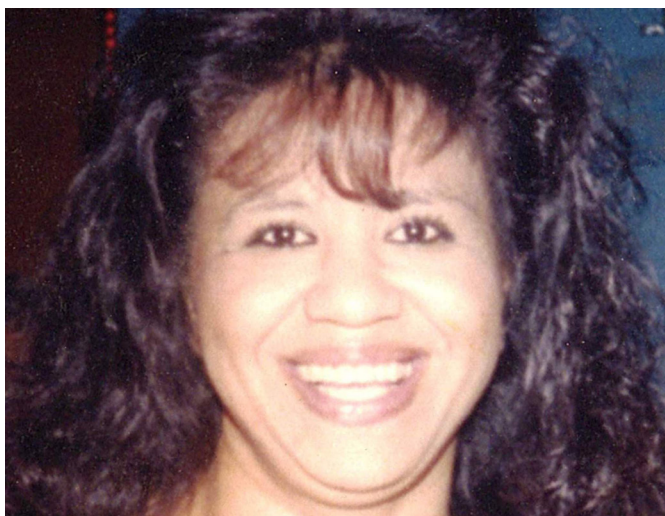
Attorney General Ken Paxton then took the unprecedented step of [publicly releasing evidence](#) from Mr. Roberson’s trial, including the original autopsy report, in a bid to “set the record straight about Nikki Curtis’s death.”

In response to AG Paxton’s claims, a bipartisan group of legislators released their [own report](#) and characterized AG Paxton’s report as “misleading and in large part simply untrue.”

State Reps. Joe Moody, Jeff Leach, and two others released a 16-page, point-by-point refutation to AG Paxton’s statement, identifying citations and trial exhibits to support their assertions.

“We know that the laws our legislature created to correct those problems haven’t worked as intended for Robert and people like him. That’s why we’re here and why we won’t quit,” they said.

The execution warrant for Mr. Roberson has now expired, and Texas officials have not yet announced whether or when they will issue another warrant. But the Texas Supreme Court issued a decision on November 15, indicating that the Texas Legislature had overstepped its authority when it subpoenaed Mr. Roberson, and that a new execution date could be set.



Melissa Lucio

In a decision released publicly on November 14, Judge Arturo Nelson of Cameron County, Texas [declared](#) that Melissa Lucio is “actually innocent; she did not kill her [two-year-old] daughter.” Ms. Lucio has been on Texas’ death row since 2008 for the death of her daughter, Mariah.

Prosecutors claimed that Mariah’s injuries were caused by abuse, but Ms. Lucio has maintained her innocence and says Mariah was injured in an accidental fall down the stairs.

Medical evidence and expert testimony corroborates Ms. Lucio’s story. A 2022 clemency campaign [garnered support](#) from a bipartisan group of nearly 90 Texas legislators, anti-domestic violence advocates (Ms. Lucio is a survivor of domestic violence), and medical experts.

Earlier this year, Judge Nelson had [signed](#) an Agreed Findings of Fact and Conclusions of Law submitted by the prosecution and defense stating that Ms. Lucio was not given access to favorable information in the prosecution’s possession at the time of trial. Such an agreement between the prosecution and defense is highly unusual. Upon receipt of that agreement, the Texas Court of Criminal Appeals (TCCA) returned the case to Judge Nelson requesting recommendations on arguments regarding three outstanding claims — actual innocence, false testimony presented by the state, and new scientific evidence — which Judge Nelson addressed in his recent decision when he found that Ms. Lucio was wrongfully convicted. The case now returns to the TCCA for a final resolution.

Clemency

On December 23, President Joe Biden [commuted the death sentences](#) of 37 men on the federal death row. The decision was in response to calls from civil rights groups, religious and faith leaders, and many advocates who had urged the President to make good on his 2020 campaign promise to work to abolish the federal death penalty by commuting all federal death sentences to life without the possibility of parole. Only three men, convicted of multiple killings, now remain on federal death row: Dzhokhar Tsarnaev, Dylann Roof, and Robert Bowers.

Although Attorney General Merrick Garland immediately placed a moratorium on federal executions upon taking office in 2021, the Department of Justice has continued to aggressively defend existing federal death sentences despite longstanding, systemic concerns about [racial discrimination and unfairness](#). President-elect Donald Trump has expressed enthusiasm for the death penalty and oversaw 13 federal executions in the final six months of his first term. He has pledged to expand use of the death penalty when he becomes President again in 2025.

On December 31, Governor Roy Cooper [commuted the death sentences](#) of 15 men on North Carolina's death row to life without the possibility of parole. Governor Cooper identified a number of factors that led to his decision, including racial bias and the use of the death penalty in cases of severe mental illness, intellectual disability, or young people whose brains have not fully developed.

Many of those commuted were sentenced to death more than 25 years ago, before key reforms that drastically reduced the number of death sentences in North Carolina. Prior to Gov. Cooper's action, just five people in North Carolina have had their death sentences commuted to life sentences since 1976. No North Carolina governor had commuted more than two death sentences, and every previous commutation came on the eve of a scheduled execution.

The decisions by President Biden and Governor Cooper to grant clemencies at the end of their terms are in keeping with the findings of DPI's report, [Lethal Election](#), which showed that the majority of clemency grants were made by executives who did not face reelection. As explained in that report, "One explanation for this data is the concern of some executives that voters will negatively react if they grant clemency. This belief has no known empirical basis, and recent data indicate that voters generally favor the use of executive clemency power for a variety of reasons."

In October, attorneys for South Carolina prisoner Richard Moore sought to remove Governor Henry McMaster from the clemency process, arguing that he could not consider Mr. Moore's clemency petition neutrally because of his prior role as Attorney General and earlier comments indicating he had "no intention" of granting clemency to Mr. Moore. A federal court [rejected](#) that petition, saying that the governor had sole power to grant clemency.



In 2024, death penalty-related legislation was enacted in at least six states to limit use of the death penalty, alter execution methods and protocols, modify procedures, and increase secrecy.

Death penalty abolition efforts continued in more than a dozen states, and 2024 also saw failed efforts to reintroduce the death penalty in eight states.

In 2024, death penalty-related legislation was enacted in at least six states (California, Delaware, Louisiana, North Carolina, Tennessee, and Utah) to limit use of the death penalty, alter execution methods and protocols, modify procedures, and increase secrecy.

Death penalty abolition efforts continued in more than a dozen states, and 2024 also saw failed efforts to reintroduce the death penalty in eight states where it is currently illegal.

Only one effort to expand the use of the death penalty to non-homicide crimes was successful.

Legislation to Formally Abolish the Death Penalty

On [September 26, 2024](#), Delaware Governor John Carney (D) signed [HB 70](#) into law, formally amending Title 11 of the state's code to remove the death penalty and replace it with life without parole as the most severe punishment for first-degree murder.

Delaware's Supreme Court found the state's death penalty statute unconstitutional in 2016, invalidating it for future use and effectively abolishing capital punishment in the state.

Delaware is not the only state to legislatively repeal the death penalty years after abolishing it legally.

Last year, Washington enacted [SB 5087](#), amending its constitution to align with the state supreme court's ruling in *State v. Gregory* (2018), which declared its death penalty statute unconstitutional because it was applied in an arbitrary and racially discriminatory manner.

Since 2022, death penalty abolition bills have been introduced in at least 17 other states and at the federal level. Of note are two pending abolition bills in Ohio, [SB 101](#) and [HB 259](#), which have bipartisan support.

Ohio's two-year legislative session will end on December 31, 2024. Earlier this year, the Ohio Senate Judiciary Committee held its third hearing this fall to discuss SB 101, and HB 259 had two hearings in House Finance Committee in 2023. Bill sponsor Republican Senator Steven Huffman said, "Now is the time to abolish the death penalty in Ohio as a majority of Americans favor life without parole options rather than capital punishment."



California State Capitol Photo by Tony Webster

Legislation to Limit Use of the Death Penalty

The United States Supreme Court's decision in *Atkins v. Virginia* (2002) declared people with intellectual disabilities ineligible for the death penalty. But the laws and procedures of many states make it possible for [executions](#) of members of this vulnerable group to continue. California is the latest state to codify the *Atkins* decision, with the passage of [SB 1001](#) on September 28, 2024, making those with intellectual disability statutorily ineligible for the death penalty.

In passing the bill, the legislature made clear that California "does not wish to risk the execution of a person with an intellectual disability."

In the last two years, however, similar bills in Texas and Georgia to protect people with intellectual disability have failed.

In 2023, [HB 381](#) in Texas sought to modify the procedure for determining intellectual disability in capital cases and align the state's definition with clinical standards.

It passed the Texas House but failed in the Senate. In 2022, [HB 1426](#) sought to modify Georgia's much criticized and unique standard of proof from "beyond a reasonable doubt" to a "preponderance of the evidence," in line with most other states' standards. The bill failed to even receive a single vote.

The mental competency of individuals facing a death sentence also continues to be a focus for state legislators.

Despite [longstanding concerns](#) from national mental health organizations, the Supreme Court has not prohibited the death penalty for people with severe mental illness. Only two states, Kentucky and Ohio, have laws limiting death penalty eligibility for people with this condition. Over the past two years, similar bills have been introduced but have failed to pass in Arkansas, Florida, South Dakota, Tennessee, and Texas.

A few states have moved recently, albeit unsuccessfully, to change death penalty eligibility for persons who did not directly cause the death of a victim.

Introduced in 2024, Arizona's [SB 1422](#) sought to repeal the state's felony murder rule and allow anyone convicted under the existing felony murder law to be resentenced. The bill failed to pass, as have similar efforts in other states, including a recent attempt in Texas.

In 2023, Texas [HB 1736](#) unsuccessfully sought to modify Texas' "law of parties" statute to limit the death penalty only to instances where the defendant is a "major participant" in the capital murder and behaved with "reckless indifference to human life."

Legislation to Reinstate or Expand Use of the Death Penalty

In 2024, death penalty reinstatement bills were introduced in at least eight states (Hawaii, Illinois, Iowa, Maryland, New Jersey, New Mexico, Virginia, and West Virginia) but largely failed to receive substantial support or action, consistent with trends in recent years.

At the same time, legislation seeking to expand the use of the death penalty to certain non-homicide, sex-related crimes experienced greater interest; one bill was enacted this year, in Tennessee.

In 2023, Florida made sexual battery of a child under the age of 12 a death-eligible offense (see [HB 1297](#)). Its enactment sparked the introduction of similar legislation seeking to make certain non-homicide, sex-related crimes involving children death-eligible offenses in at least six states (Idaho, Missouri, Pennsylvania, South Carolina, South Dakota, and Tennessee) and the federal government. In 2024, only one of these bills passed.

Signed by Tennessee Governor Bill Lee (R) on May 9, 2024, [SB 1834](#) makes rape of a child, aggravated rape of a child, or especially aggravated rape of a child death-eligible offenses. Tennessee and Florida are now the only states that permit the death penalty for non-lethal crimes in violation of U.S. Supreme Court precedent established in *Kennedy v. Louisiana* (2008) and international law's "most serious offense" standard.

The remaining bills permitting the death penalty for non-homicide crimes introduced in Idaho, South Carolina, South Dakota, and the federal government all failed. [HB 405](#) and [HB 515](#) in Idaho sought to make lewd conduct with a minor under 12 years of age a capital offense.

[HB 109](#) in New Mexico sought to make aggravated criminal sexual penetration and criminal sexual penetration of a child capital offenses, as well as human sexual trafficking of minors a capital offense. [H4669](#) in South Carolina sought to permit the death penalty for those convicted of criminal sexual conduct with a minor under 11 years of age.



[H1192](#) in South Dakota would have made the rape of a child 12 years of age and under a capital offense. Federal bill [HR 7955](#) sought to make possession of child pornography a capital offense and [HR 7957](#) sought to make a number of crimes involving children capital offenses, including trafficking, exploitation, and sexual abuse. Also introduced in 2024, Kentucky's [HB 198](#), which sought to include various sex-related abuse of a victim's corpse as aggravating factors, failed to pass.

Legislation to Modify Execution Protocols

Bills allowing suffocation by nitrogen gas as an execution method were introduced in at least five states (Alabama, Kansas, Louisiana, Nebraska, and Ohio) this year.

All but [LB970](#) in Nebraska were introduced following Alabama's unprecedented use of nitrogen gas in January to execute Kenneth Smith. Following Mr. Smith's [execution](#), Alabama's [HB 248](#) was introduced, seeking to remove "nitrogen hypoxia" as an execution method, but that bill did not stop Alabama's two subsequent executions using nitrogen gas.

There are dueling bills pending in Ohio's Government Oversight Committee regarding the use of nitrogen gas. [HB 392](#) seeks to add suffocation by nitrogen gas as a method of execution, and although prisoners would be asked to choose their preferred method, nitrogen gas would be used if lethal injection was unavailable. [HB 589](#), which would prohibit the use of nitrogen gas as an execution method, was introduced in response.

In a special session this year, Louisiana passed [HB 6](#), which added both nitrogen hypoxia and electrocution as alternative execution methods to the existing method of lethal injection. Governor Jeff Landry signed HB 6 on March 5, 2024. Before the law went into effect on July 1, 2024, a second bill, [SB 430](#), sought to remove nitrogen hypoxia as an authorized method of execution.

This effort was supported by a coalition of Jewish activists, who said, “The use of poison gas for state-sanctioned execution unmistakably and immediately evokes for millions of American Jews horrific memories of the depravities our ancestors suffered at the hands of Nazi Germany, where lethal gas was used to mass murder our people.”

On April 22, 2024, SB 430 passed in the Senate with a vote of 22 to 16 but failed to pass out of committee in the House.

In Kansas, [SB 534](#) would have added nitrogen hypoxia to the state’s execution options but the bill died in committee when the session closed on April 30, 2024.



Jeff Landry Photo by Gage Skidmore

Legislation to Criminalize Victim Family Contact

Louisiana’s [HB 734](#), signed into law on March 22, 2024, with an effective date of August 1, 2024, now prohibits death-sentenced prisoners and their family, friends, and legal representatives, or anyone purporting to represent the “interests” of the prisoner, from directly contacting any victim’s family member in connection with clemency proceedings.

All contact now must be arranged through a victim’s service coordinator appointed by the state, and anyone who violates this provision may be “fined not more than five thousand dollars, [and] imprisoned for not more than three years, with or without hard labor, or both.” This legislation appears to be a response to the coordinated mass clemency campaign that Governor Landry bitterly opposed during 2023 when he was still Louisiana’s Attorney General.

Legislation to Increase Execution Secrecy

[LB 980](#) in Nebraska attempted unsuccessfully to add two legislative officials as execution witnesses. Louisiana's HB 6 (see above) also made records pertaining to executions confidential, adding to existing layers of secrecy surrounding Louisiana's executions. Months before its first execution in 14 years, Utah enacted [SB 109](#) on February 16, 2024, prohibiting the disclosure of execution-related information and records, specifically the identities of those involved in executions, including corrections staff, and drug and medical suppliers.

YEAR END REPORT 24
New Death Sentences



Death
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The number of new death sentences in 2024 increased from 2023, and the number of people on death row continued its decades-long decline.

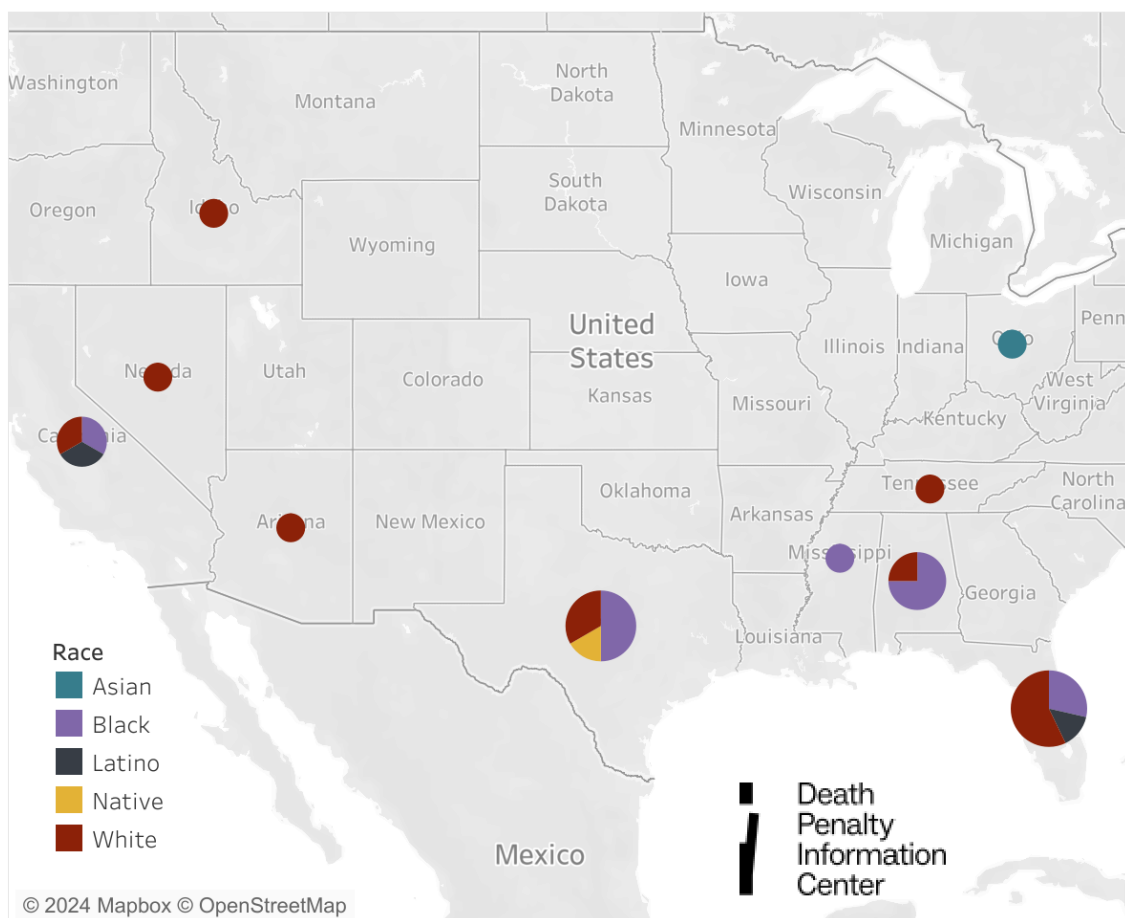
2024 is the tenth consecutive year with fewer than 50 people sentenced to death, further evidence of juries' reluctance to impose death sentences. As of December 16, there were 26 new death sentences in 2024, imposed in ten states. Florida imposed the most new death sentences with seven. Texas imposed six, Alabama imposed four, California imposed three. Arizona, Idaho, Mississippi, Nevada, Ohio, and Tennessee each had one new death sentence.

In six out of seven new death sentences in Florida, the jury did not reach unanimous verdicts; in the seventh case, the defendant waived his right to a jury and a judge imposed the death sentence. Non-unanimous Florida juries began returning death sentences in 2023 after new legislation was adopted at the request of Governor Ron DeSantis.

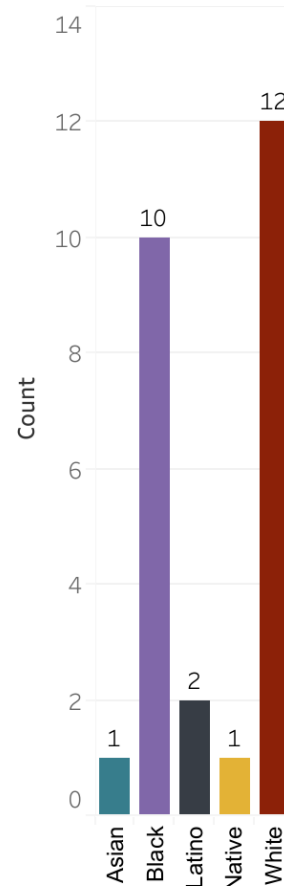
Florida now has the nation's lowest threshold for death sentences – only eight out of 12 jurors must agree to impose death. The Florida Supreme Court heard oral arguments on December 12 in two cases raising challenges to the non-unanimous death sentence sentencing scheme.

About one-third of new death sentences this year were imposed by non-unanimous juries: six in Florida and three in Alabama. At least ten votes are required for Alabama juries to recommend a death sentence, while every other state requires unanimity. In 2023, non-unanimous sentences accounted for three new death sentences (one in Florida, two in Alabama) but this year accounted for nine (six in Florida, three in Alabama). Observers accurately predicted that when Florida changed its law there would be an increase in death sentences.

Race of 2024 Defendants Sentenced to Death (26)



Total Nationwide



The majority of those sentenced to death this year were identified as white (12 defendants, 46%), followed by Black (ten defendants, 38%), two Latino defendants (8%), and one Asian and one Native American defendant (4% each). In total, 54% (14) of the defendants sentenced to death this year were people of color.

All identified as men. Almost a third of the defendants sentenced in 2024 (eight, 31%) are considered “emerging adults,”¹ with two of them 19 years old at the time of the crime (one in Alabama and one in California).

Marco Antonio Perez, born in 1999, is now the youngest person on Alabama’s death row, at 25. He was sentenced to death in March after a non-unanimous 11–1 jury recommendation.

In January, the Department of Justice announced its first federal capital prosecution during President Biden’s administration for Payton Gendron, who has already pled guilty and been sentenced to multiple life sentences in state court for the racially motivated killing of ten Black people in New York when he was 18 years old.

There were 46 victims in adjudicated capital cases that resulted in death sentences. Twenty-eight of the victims were female (61%) and 17 were male (39%).

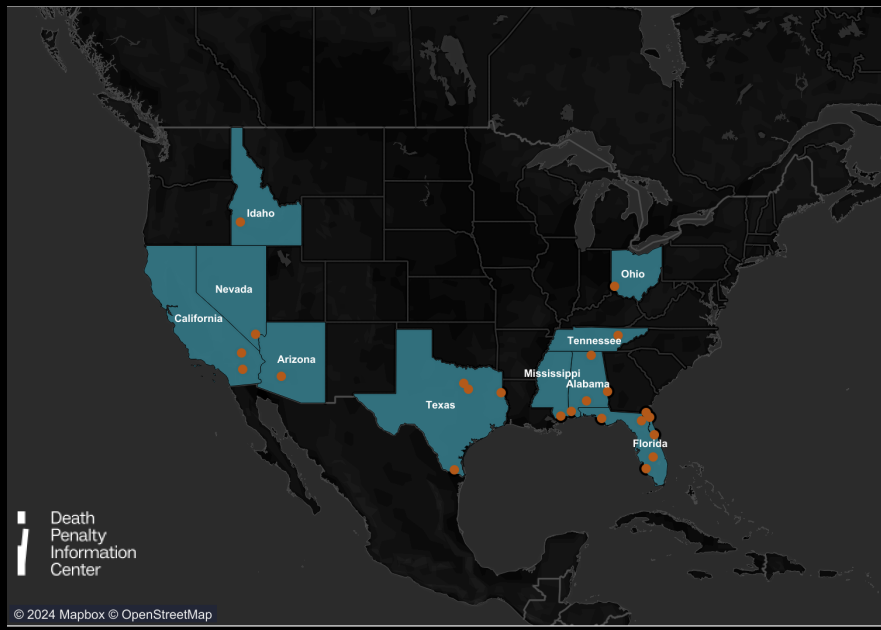
One of the victims is a fetal victim; Alabama’s penal code allows for a death sentence for a crime that results in the death of “an unborn.”

At least five of the crimes involved victims who were minors (19% of crimes). Among the victims, 25 persons (54%) were white, followed by ten Latino/a (22%), six Black victims (15%), and five Asian victims (12%). At least five out of 26 adjudicated crimes involved a family member or intimate partner or a murder of a law enforcement officer (19% each).

FOOTNOTES

Experts define “emerging adulthood” as a developmental period of time for individuals into their twenties. See American Psychological Association Dictionary of Psychology, “Emerging Adulthood,” <https://dictionary.apa.org/emerging-adulthood> (accessed December 6, 2024).

2024 Death Sentences (26) by State and County



Full Name	Gender	Race	State and County
Alexis Daniel Rosas	Male	Latino	California Riverside County
Chad Daybell	Male	White	Idaho Ada County
Christopher Turner	Male	Black	Texas Tarrant County
Gregory Newson	Male	Black	Texas Panola County
Gurpreet Singh	Male	Asian	Ohio Butler County
Gustin Ray Woodman	Male	White	Arizona Maricopa County
Jason Alan Thornburg	Male	Native	Texas Tarrant County
Jeremy Tremaine Williams	Male	Black	Alabama Russell County
Jerome Rogers	Male	Black	California San Bernardino County
Jerry Don Elders	Male	White	Texas Johnson County
Jose Vladimir Larin Garcia	Male	White	California Riverside County
Joseph David Heard	Male	Black	Mississippi Harrison County
Julio Rivera	Male	Latino	Florida Volusia County
Lajeromeny Latez Brown	Male	Black	Alabama Madison County
Marco Antonio Perez	Male	White	Alabama Mobile County
Markas Fishburne	Male	Black	Florida Duval County
Michael Collin Mitchell	Male	Black	Alabama Conecuh County
Michael Harrison Hunt	Male	Black	Florida Bay County
Paige Terrel Lawyer	Male	Black	Texas Tarrant County
Patrick McDowell	Male	White	Florida Nassau County
Richard Bishop	Male	White	Florida Union County
Robert Brown	Male	White	Nevada Clark County
Sean Finnegan	Male	White	Tennessee Anderson County
Victor Alejandro Godinez	Male	White	Texas Hidalgo County
Wade Wilson	Male	White	Florida Lee County
Zephen Xaver	Male	White	Florida Highlands County



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The United States Supreme Court has largely abandoned the critical role it has historically played in regulating and limiting use of the death penalty.

The Court now consistently limits opportunities for prisoners to access the courts; [criticizes appeals](#) as “serial relitigation of final convictions”; and [instructs courts](#) to “police carefully against attempts to use [stays of execution] as tools to interpose unjustified delay,” warning that “[l]ast-minute stays should be the extreme exception, not the norm.”

Unsurprisingly, the Court’s new approach has resulted in an overall decline in death penalty cert grants and opinions. In 2024, the Court issued just one opinion in a death penalty case on its regular docket. Other than in 2021, when COVID-19 may have influenced the Court’s docket, this year’s single opinion represents a six-year low.

In six of the last seven years, the Court has issued as many or more “shadow docket” opinions — decided without oral argument and in some instances, without explanation.

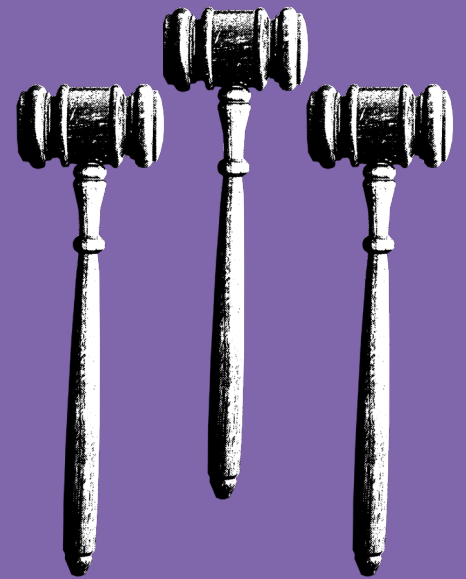
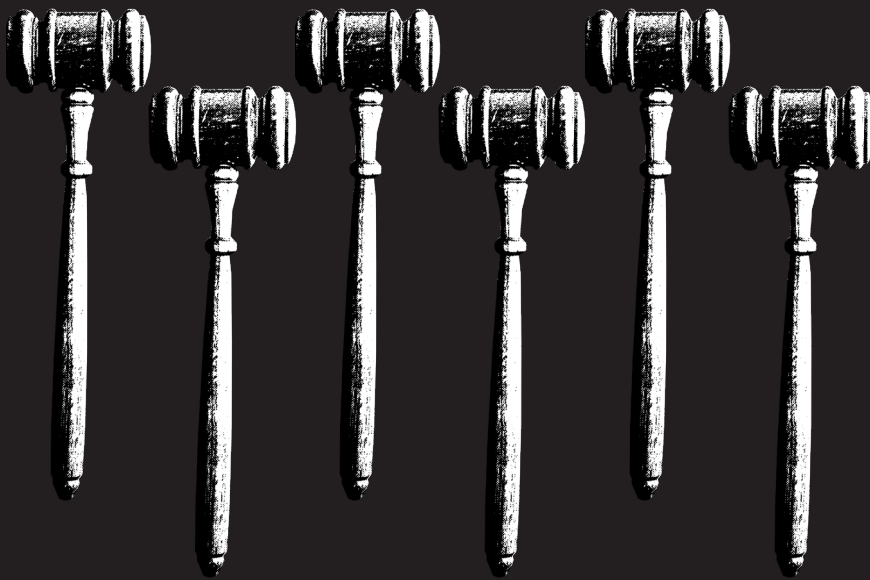
In 2024, death-sentenced prisoners asked the Court to review constitutional claims in their cases or grant a stay of execution 148 times. The Court agreed just three times, twice in the same case.

On only two occasions did state actors ask the Court to hear an appeal — and the Court said yes both times. This year’s statistics are similar to 2023, when the Court granted only four of 158 prisoner requests (2.5%), and two of five state requests (40%).

These numbers also illustrate the fact that most prisoners lose their appeals in state courts. Since the beginning of the 2018 term, the Court has granted just five of 155 prisoner requests for a stay of execution (3%) but granted 20 of 22 (91%) state requests to vacate a stay and allow the execution to proceed.

The Court’s recent directives also reveal a preoccupation with obtaining “finality” in capital cases and a general distrust of defense lawyers and their clients when they challenge execution warrants.

Paired with its shrinking capital docket, the Court’s new limits on federal review display a strong deference to state actors and a retreat from the Court’s traditional role as the “last resort” for those sentenced to death.



Overturing Relief in Ineffective Counsel Cases

The Court took action in two cases that involved claims of ineffective assistance of counsel, both times at the request of state actors, and both times overturned grants of relief.

In *Thornell v. Jones*, Danny Lee Jones, who was sentenced to death in Arizona in 1993, alleged ineffective assistance of counsel because his attorney failed to present critical mitigating evidence, secure a defense mental health expert, or pursue recommended neurological testing of his client.

This meant the jury never learned that Mr. Jones had received treatment for mood disorders, had attempted suicide, spent time in a mental institution, and suffered multiple neurochemical deficiencies.

On May 30, the Supreme Court reversed a grant of relief for Mr. Jones at the Ninth Circuit and issued a 6 – 3 opinion in favor of Arizona, holding that Mr. Jones did not receive ineffective assistance of counsel.

In a narrow fact-specific ruling, Justice Samuel Alito wrote for the majority that the Ninth Circuit “downplayed the serious aggravating factors present here and overstated the strength of mitigating evidence that differed very little from the evidence presented at sentencing.”

Joined by Justice Elena Kagan, Justice Sonia Sotomayor dissented. She wrote that the “record in this case is complex, contested, and thousands of pages long,” and it “is not the Court’s usual practice to adjudicate either legal or predicate factual questions in the first instance.”



Justice Sonia Sotomayor

Justice Sotomayor said she would have vacated the ruling below and allowed the Ninth Circuit to reconsider the case. Justice Ketanji Brown Jackson also dissented, agreeing that the Supreme Court is “not the right tribunal to parse the extensive factual record in this case.”

She also wrote that the majority’s argument “rings hollow” because its “real critique does not appear to relate to the...methodology.” A few weeks after releasing its opinion in *Thornell*, the Court granted Alabama’s request for certiorari in *Alabama v. Williams*, a case with a long and complicated procedural history.

Mr. Williams had argued that his attorney was ineffective for failing to investigate adequately and present evidence of sexual abuse and trauma he suffered as a child. After several years of proceedings, a federal district court judge held an evidentiary hearing and concluded that Mr. Williams had been prejudiced by his attorney’s failures.

A divided panel from the Eleventh Circuit affirmed the grant of habeas relief, with the dissent arguing that the evidence would have resulted in the admission of additional aggravating evidence in support of the death sentence. Alabama appealed.

The cert petition had been closely watched and found support from eighteen state attorneys general who filed an [amicus curiae brief](#) in support of Alabama. One question in the case was whether the federal court could grant relief despite the state courts’ denials of relief.

The Eleventh Circuit had held that no deference was required because the court of appeals’ decision affirming the denial was on jurisdictional grounds, not “on the merits.” Amici argued that allowing the Eleventh Circuit’s grant of relief to stand would “broaden the scope of the federal habeas statute by refusing deference to a state appellate court’s procedural affirmance of a trial court’s merits opinion.”

Without issuing an opinion, the Court summarily vacated the Eleventh Circuit’s judgment for Mr. Williams and remanded the case for further consideration in light of its decision in *Thornell*, which had also involved questions about the effect of the aggravating and mitigating evidence.

But the ultimate outcome of the case may also have important implications for the scope and effect of federal habeas judgments, which Alabama and amici argue improperly override state court criminal-law determinations and undermine state sovereignty.

In The
Supreme Court of the United States

—◆—
RYAN THORNELL,

Petitioner,

v.

DANNY LEE JONES,

Respondent.

—◆—
**On A Writ Of Certiorari To The
United States Court Of Appeals
For The Ninth Circuit**

—◆—
**BRIEF OF THE STATE OF SOUTH DAKOTA
AND 20 STATES AS *AMICI CURIAE* IN
SUPPORT OF THE STATE OF ARIZONA**

—◆—

Multistate Amicus Briefs Criticize Federal Habeas Authority

The amicus brief that attracted 18 state attorneys general in *Williams* is not an outlier. Since the beginning of 2022, the Court has decided 14 capital cases, and eight of those cases (57%) attracted the interest of a coordinated group of state attorneys general — including all three capital cases decided this year.

These briefs uniformly criticize federal court review of state court death penalty decisions and argue for increased recognition of state sovereignty and autonomy.

The briefs repeatedly characterize federal court rulings in favor of death-sentenced prisoners as ideological decisions that inappropriately disturb the “finality” of state judgments.

In *Thornell*, 21 state attorneys general, led by South Dakota, argued that “federal habeas corpus courts are not permitted to simply second-guess and usurp state sentencing judgments and force states to relitigate sentences in perpetuity.”

Published Dissents Confirm Court's Sharp Ideological Divide

This year again saw several justices routinely dissent from the Court's denials of certiorari review. The dissenting justices focused on serious allegations of official misconduct and expressed frustration with the Court's failure to enforce key precedents.

At Warren King's trial in Georgia, the prosecutor struck 87.5% of Black potential jurors but only 8.8% of white potential jurors. When asked to explain one of the strikes, the prosecutor responded that "this lady is a black female" — a straightforward violation of *Batson v. Kentucky* (1986) and its progeny, which bar prosecutors from striking jurors based on race or gender.

The trial judge found that the strike was racially motivated and placed the woman back on the jury. The prosecutor then "erupted into a rant against *Batson*," leading the trial judge to admonish him.

Despite this evidence of motive and intent, the Georgia Supreme Court found that the prosecutor's other strikes excluding Black people were not racially motivated, the Eleventh Circuit affirmed, and the Supreme Court denied cert. Justices Jackson and Sotomayor dissented, writing that the Supreme Court should have granted certiorari and summarily reversed under *Batson*.



Warren King

Justice Jackson argued that the Georgia Supreme Court had "ignored highly salient facts about the prosecutor's admittedly discriminatory strike behavior and antipathy toward the legal standards that address such conduct."

Importantly to Justice Jackson, this was not an isolated incident: the Eleventh Circuit's failure to recognize error "reflects a neglectful response to the apparent trend of disturbingly lax *Batson* enforcement on the part of Georgia's high court."



Justice Ketanji Brown Jackson

Justice Jackson cited four times to *Flowers v. Mississippi* (2019), in which the Court ruled in favor of death-sentenced prisoner Curtis Flowers based on an egregious history of *Batson* violations, to emphasize what she viewed as the Court's inconsistent treatment of these claims.

When the Court declined to review Dillion Compton's jury race discrimination claims in April, Justices Sotomayor and Jackson dissented again.

Texas prosecutors used thirteen of their fifteen peremptory strikes to remove female prospective jurors at Mr. Compton's trial, and their only explanation was the women's views on the death penalty.

Justice Sotomayor wrote that the Court should have summarily reversed, because the lower court's reasoning had clearly disregarded precedent.

In Kurt Michaels' case, the Ninth Circuit Court of Appeals held that his confession was illegally obtained and wrongly used against him at trial.

However, the court also held that the error was harmless and denied Mr. Michaels relief. Justice Jackson dissented from the Supreme Court's refusal to hear Mr. Michael's appeal, arguing that the Ninth Circuit was "inattentive to the uniquely prejudicial nature of confession evidence."

The jury deliberated for over three days before returning a verdict of death — an indication that the jury was struggling with its sentencing decision and that his confession may have tipped the scales.

The "Fifth Amendment protects everyone, guilty and innocent alike," Justice Jackson argued, and "courts must be careful to safeguard the rights that our Constitution protects, even when (and perhaps especially when) evaluating errors made in cases stemming from a terrible crime.

A Lack of Reliable Legal Pathways for Innocents

Public awareness about the reality that innocent people are sentenced to death has grown steadily in recent years.

This year, several high-profile cases of innocence attracted unusual attention and supporters, along with intense media coverage. Although the Supreme Court has long maintained that actual innocence is not enough on its own to obtain relief from a death sentence, the Court's refusal to intervene in several prominent cases this year was still noteworthy.

On September 24, Missouri executed Marcellus Williams despite a national campaign for clemency that attracted more than 1.5 million supporters on social media. Mr. Williams was convicted and sentenced to death despite a complete absence of physical evidence connecting him to the crime. Two witnesses, now deceased, had been given financial incentives to testify against him at trial.

The district attorney supported a plea deal that would have removed Mr. Williams from death row, but the deal was blocked by the unexpected intervention of the state attorney general and the Missouri Supreme Court. When Governor Mike Parson denied clemency, Mr. Williams turned to the U.S. Supreme Court as a last resort. But in an unsigned order with no explanation, the Court declined to halt his execution. Justices Kagan, Sotomayor, and Jackson dissented.

The Supreme Court also declined to intervene in the high-profile case of Robert Roberson, a Texas man sentenced to death for allegedly killing his two-year-old daughter Nikki under a "shaken baby syndrome" (SBS) theory. The SBS theory has been largely debunked by experts and has resulted in dozens of exonerations across the country.

Experts now say that pneumonia, an accidental fall, and inappropriate medical treatment likely caused Nikki's symptoms, contradicting prosecutors, who argued at trial that they could only have resulted from abuse.

Justice Sotomayor's statement expressed dismay that the Court did not review Mr. Roberson's case and emphasized that "mounting evidence suggests that [Mr. Roberson]...committed no crime at all." She noted the lack of reliable legal pathways for death-sentenced prisoners to prove their innocence.

"Few cases more urgently call for such a remedy than one where the accused has made a serious showing of actual innocence, as Roberson has here," she wrote.

But "[c]urrent postconviction remedies often fail to correct convictions 'secured by what we now know was faulty science.'"

She urged Texas Governor Abbott to issue "an executive reprieve of thirty days" to "prevent a miscarriage of justice from occurring: executing a man who has raised credible evidence of actual innocence." Ultimately, it was a Texas legislative committee's last-minute issuance of a subpoena that stayed Mr. Roberson's execution, not the Court or Governor Abbott.

Experts: Delay of execution not the norm for Supreme Court

Supreme Court grants last-minute stay in Texas execution of man requesting DNA tests

TEXAS PLANS TO EXECUTE MAN AFTER COURTS REFUSE DNA TESTS

Supreme Court to review death penalty appeal challenging Texas's DNA testing law

The Court granted certiorari and a stay of execution to Ruben Gutierrez.

The Supreme Court's two pending death penalty cases both involve innocence claims, but the Court's decisions will likely turn on procedural questions.

Richard Glossip was convicted and sentenced to death in Oklahoma based on the testimony of his coworker Justin Sneed, who admitted that he alone had killed their boss in 1997 but alleged that Mr. Glossip had hired him to do it.

Evidence later emerged that prosecutors had offered leniency to Mr. Sneed if he implicated Mr. Glossip and hidden evidence that Mr. Sneed was being treated for bipolar disorder. After an independent investigation, Oklahoma Attorney General Gentner Drummond confessed error and supported Mr. Glossip's bid for a new trial.

When the Oklahoma courts refused to do so and set Mr. Glossip's execution, Attorney General Drummond filed a petition in support of Mr. Glossip at the Supreme Court. State officials rarely concede error in death penalty cases, and this is the

first known Supreme Court case in which a state attorney general has filed in support of a death-sentenced prisoner. Attorney General Drummond's unprecedented support for Mr. Glossip was likely an important reason the Court decided to take the case.

The Court heard oral arguments on October 9, focusing on a jurisdictional question the Court itself added when it granted certiorari and the central question regarding the importance of the prosecutorial misconduct in the case. Justice Neil Gorsuch recused himself because he had heard an earlier appeal when he was a circuit judge, meaning that Mr. Glossip will need at least five votes to prevail.

A 4-4 decision will mean that the decision of the Oklahoma courts denying relief to Mr. Glossip will stand.

On the last day of its 2023-24 term, which concluded in early October, the Court granted certiorari to Ruben Gutierrez, who received a stay from the Court in July just twenty minutes before his scheduled execution.

This was the only stay granted to a death-sentenced prisoner in 2024 out of 26 requests. The Court will review a complex claim involving Mr. Gutierrez's standing to sue the state of Texas for access to DNA testing on crime scene evidence he argues could affect his conviction and death sentence. Texas courts have refused him access to the testing despite numerous requests, a stance inconsistent with the Supreme Court's 2023 decision in *Reed v. Goertz*.



Non-Capital Cert Grant Poses Further Risk to Habeas Review

On December 6, the Supreme Court granted certiorari in *Rivers v. Lumpkin*, a Texas case which asks whether a new claim filed while an initial habeas petition is pending on appeal should be treated as an amendment to the petition or a successive petition. Under federal law, successive petitions are subject to much stricter requirements.

The Fifth and Ninth Circuit Courts of Appeal have ruled that such a claim should be construed as a successive petition, while the Second Circuit held that such a claim should be treated as an amendment, in an opinion by Justice Sotomayor before she joined the Supreme Court.

Court Declines Invitation to Consider New Eighth Amendment Standard For Now

On November 4, the Court ended a year of indecision regarding Alabama's request to review a prisoner's intellectual disability claim by issuing a two-page ruling and requesting additional information from the lower court. Joseph Clifton Smith, sentenced to death in 1998, had received five IQ scores ranging from 72 to 78, and experts found that his IQ could be as low as 69 based on statistical adjustments.

A score of 70 or below is considered by experts to be a strong indicator of intellectual disability. A district court granted relief to Mr. Smith based on his IQ scores and adaptive deficits, and the Eleventh Circuit Court of Appeals affirmed.

The Supreme Court held that the Eleventh Circuit's approach to evaluating multiple IQ scores was "unclear" and asked it to clarify whether the lower end of the estimated IQ range was "dispositive" in determining intellectual disability, or whether courts should use "a more holistic approach to multiple IQ scores that considers the relevant evidence."

The Court noted that its "ultimate assessment of any petition for certiorari by the State may depend on the basis for the Eleventh Circuit's decision." Justices Thomas and Gorsuch noted that they would have granted certiorari and set the case for oral argument.



The case, *Hamm v. Smith*, set a Supreme Court record as the case distributed for conference the most times before a decision. The justices scheduled it thirty times over fourteen months before issuing a per curiam ruling and remand. Few cases are ever distributed for conference more than once.

One likely reason for the Court's lengthy indecision was the case's possible threat to a key Eighth Amendment doctrine: that courts evaluate the meaning of "cruel and unusual punishments" by looking to "evolving standards of decency that mark the progress of a maturing society."

The Supreme Court has used this test in almost 70 years of jurisprudence, including landmark rulings that restrained use of the death penalty against juveniles, people with intellectual disability, people who are not mentally competent at the time of execution, and people who commit non-homicide crimes.

A group of 14 state attorneys general filed an amicus brief in *Hamm v. Smith* arguing that the Court should abandon the test and instead "ground its Eighth Amendment jurisprudence in the Constitution's test, history, and structure."

If the Court agreed to this approach, it would no longer consider current societal views and attitudes as relevant and would instead look to how punishment was viewed at the time the Constitution was ratified in 1789.

Although the Court's summary ruling in *Hamm* did not mention the "evolving standards of decency" test, several justices have signaled in the past that they believe an "originalist" interpretation is the correct approach to Eighth Amendment challenges.

Ten days after the ruling, the Eleventh Circuit responded to the Court with a brief [new opinion](#) clarifying that it used a "holistic approach" when evaluating Mr. Smith's IQ scores.

"We unambiguously reject any suggestion that a court may ever conclude that a capital defendant suffers from significantly subaverage intellectual function based solely on the... lower end of the standard-error range for his lowest of multiple IQ scores," the court wrote.

FOOTNOTES


Mississippi was one of the states asking the Court to strike down the "evolving standards of decency" test. This year, Mississippi also argued in federal court that prisoners should only get habeas relief if they can prove that they are innocent, in addition to proving a constitutional violation.

Factual innocence has never been a requirement under AEDPA or other habeas laws, and indeed, would mean that people sentenced to death who committed the crime would have no means to challenge their sentence in federal court based on intellectual disability or other factors that constitutionally exempt them from execution.

A panel of Fifth Circuit Court of Appeals judges endorsed Mississippi's theory, but the full Fifth Circuit vacated their opinion, and on November 22 issued a new en banc opinion that made no mention of an innocence requirement – effectively burying the theory.



YEAR END REPORT 24
Executions

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The number of individuals executed remained nearly the same as in 2023, with 25 executions in nine states.

This was the tenth consecutive year with fewer than 30 executions. Utah, South Carolina, and Indiana conducted their first executions in 2024 after more than a decade hiatus.

This year, Alabama became the first state to use nitrogen gas to execute prisoners.

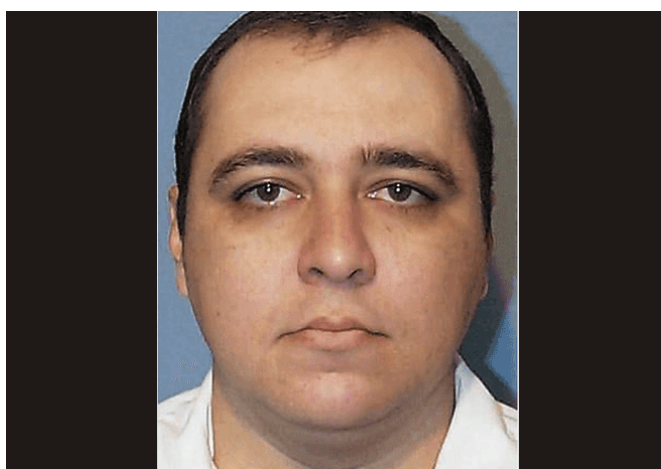
People Executed This Year Likely Would Not Be Sentenced To Death If Tried Today

As in past years, the vast majority of people executed in 2024 had at least one of the following vulnerabilities: an IQ in the intellectually disabled range and/or brain damage; evidence of serious mental illness; and/or a history of severe childhood trauma or abuse.

All but one (96%) of the people executed this year had records of at least one such vulnerability. Six of the 25 (24%) people executed were 21 or younger at the time of the crime for which they were executed.

While the death penalty is allowed for defendants who were at least age 18 at the time of the crime, a growing body of neuroscience research indicates that the juvenile brain is not fully developed until approximately the mid-20s.

Kenneth Smith, who was executed in Alabama on January 25, was sentenced to death under a law that has since been repealed but which has [no retroactive effect](#).



Kenneth Smith

The jury at his trial voted 11 – 1 in favor of a life sentence, but the judge overrode that recommendation and sentenced him to death.

Judicial override was repealed in Alabama in 2017. [According to the Equal Justice Initiative](#), Mr. Smith was the twelfth person executed in Alabama despite a jury vote for life.



Richard Moore

[Richard Moore](#) was executed in South Carolina on November 1 for the killing of a store clerk.

Mr. Moore had entered the store unarmed but shot James Mahoney, the store clerk, during a struggle that began when Mr. Mahoney pointed a weapon at Mr. Moore and shot him. Mr. Moore's clemency petition was supported by former prosecutor and Director of the South Carolina Department of Corrections (SCDC) Jon Ozmint, who said that "objectively reviewed, Richard's crime would never have been considered for the death penalty in most counties in our state."

Mr. Ozmint also stated that "dozens of murderers currently serving life sentences in SCDC had more serious criminal histories and committed far more heinous killings." Prosecutors at Mr. Moore's trial also struck all eligible Black individuals from the jury that sentenced him to death. South Carolina Supreme Court Justice Kay Hearn said, "Richard Moore will be put to death for a sentence that I do not believe is legal."

Several prisoners executed in 2024 had significant mitigating evidence that was never heard by the juries that sentenced them to death.

In Texas, Ivan Cantu's trial attorneys did not seek a neuropsychological evaluation and

therefore his jury never learned that he had bipolar disorder that was compounded by his history of drug abuse.

Willie Pye, who was executed in Georgia, grew up desperately poor in a home with no electricity or water, experienced childhood trauma and abuse, and had an IQ of 68, but his jury did not hear any of that evidence.

Joseph Corcoran in Indiana was allowed to waive his appeals and "volunteer" for execution even after three separate psychologists diagnosed him with paranoid schizophrenia.



Photo courtesy of friends of Lorán Cole.

[Lorán Cole](#) was executed in Florida despite experiencing "horrific and tragic" abuse at the state-run Dozier School for Boys. Florida Governor Ron DeSantis signed Mr. Cole's execution warrant just a month after signing a bill that set aside \$20 million to compensate children who were sent to Dozier and another reform school between 1940 and 1975 and "subjected to mental, physical or sexual abuse perpetrated by school personnel."

Mr. Cole's attorneys alleged that if his "jury had known about the severe abuse that happened at Dozier, and Florida's willingness to acknowledge the severe problems at Dozier to the extent that designated victims are entitled to reparations, there is a reasonable probability the newly discovered evidence would yield a less severe sentence."

Old and New Execution Methods Create Controversy

Allegations of difficulties obtaining certain lethal injection drugs led some states to turn to alternative methods of execution. On January 25, Alabama became the first state to use nitrogen gas to execute a prisoner. Media witness Lee Hedgepeth [reported](#), “This was the fifth execution that I’ve witnessed in Alabama, and I have never seen such a violent reaction to an execution.”

There was intense media attention from national and international media surrounding the use of this untested method and [expressions of “alarm”](#) from international human rights organizations.

South Carolina [resumed executions](#) after a 13-year hiatus when the South Carolina Supreme Court overturned a lower court decision and found the state’s process giving prisoners the choice of three execution methods — lethal injection, electrocution, and firing squad — did not constitute “cruel, corporal, or unusual punishment.” In early 2023, South Carolina passed legislation shielding the identities of drug manufacturers and execution team members from the public. After that law passed, the state announced it had obtained lethal injection drugs.

John Blume, an attorney for Khalil Allah (aka Freddie Owens), who was executed on September 20, said, “the lack of transparency about the source of the execution drugs, how they were obtained and whether (they) can bring about as painless a death as possible is still of grave concern to the lawyers that represent persons on death row.”

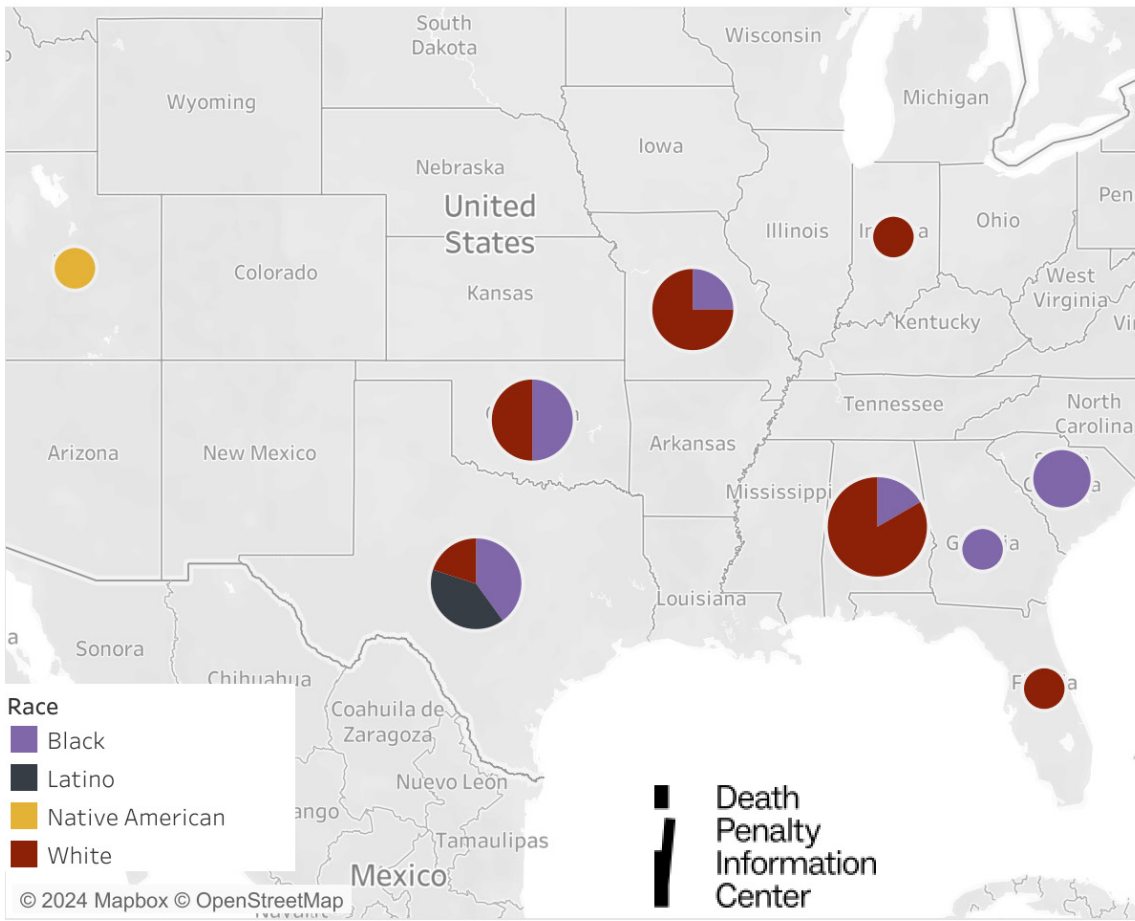
The ACLU [unsuccessfully challenged](#) another of South Carolina’s secrecy policies, banning prisoners from speaking to the media.



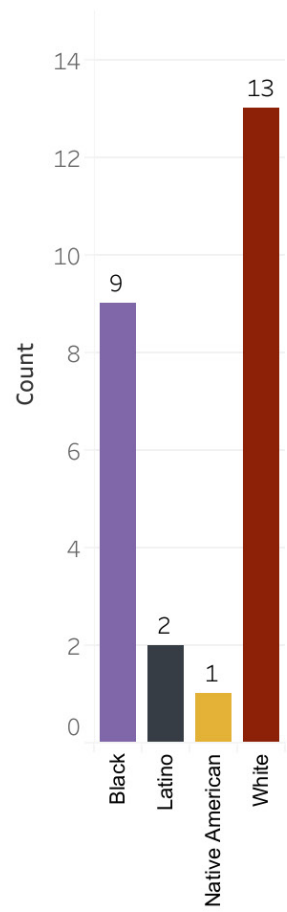
Khalil Allah
(formerly known as Freddie Owens)

South Carolina’s law requires prisoners to select their method of execution or accept the default method of electrocution in the state’s 110-year-old electric chair. Mr. Allah declined to choose, citing his Muslim faith, and authorized his attorney to choose for him.

Race of 2024 Executed Prisoners (25)



Total Nationwide



Race

Nearly half (48%) of the people executed in 2024 were people of color. Nine were Black, two were Latino, and one was Native American. The vast majority of defendants (80%) were executed for killing at least one white victim.

While six people of color were executed for murders of white victims, no white defendant was executed for the murder of a person of color. Throughout U.S. history, the death penalty has been more likely to be imposed in cases involving white victims, especially if the defendant is a person of color. Since 1976, more than ten times as many Black defendants have been executed for murders of white victims than white defendants executed for the murders of Black victims.

Age and Time on Death Row

Both the average age at execution (52 years) and the average time from sentencing to execution (22.2 years) remained close to last year's record highs of 54 years old and 23 years spent on death row.

The conditions of death row and lengthy solitary confinement contribute to declining physical and mental health for death-sentenced prisoners. Travis Mullis (TX), Derrick Dearman (AL), and Joseph Corcoran (IN) all waived appeals and "volunteered" for execution.

These men had long histories of mental illness which were exacerbated by the extreme conditions of isolation and deprivation on death row.

A [DPI analysis](#) found that the volunteer rate among death row prisoners is more than ten times the suicide rate among the general public. The execution of these three volunteers is responsible for the drop in average age and time on death row, compared to last year's numbers.

Lack of access to healthcare also exacerbates physical health conditions, as evidenced by Idaho's failed attempt to execute Thomas Creech in February.

His execution was called off after prison officials spent an hour trying to set an IV line.

Mr. Creech, who is 74 years old, has been diagnosed with Type 2 diabetes, hypertension, and edema, all of which impact circulation and vein quality.



Thomas Creech and wife LeAnn Creech Photo courtesy of attorney Jonah Horwitz.

Mr. Creech is the third person in the last three years to survive a botched lethal injection execution — Alabama tried and failed to execute Alan Miller and Kenneth Smith in 2022, then suffocated both men using nitrogen gas this year.

On October 15, Idaho [announced](#) that it had amended its execution protocol and facilities to allow staff to place a central intravenous line, if necessary, to carry out a lethal injection.

A new execution date of November 13 was set for Mr. Creech. One week before that date, a federal district judge issued a stay of execution to allow for the consideration of several new legal claims in Mr. Creech's case.

Despite having no executions in 12 years, the state of Idaho has spent over \$300,000 on renovations to its execution preparation room and intends to spend nearly \$1 million on a second phase of construction, which will include building a facility for firing squad executions.

Time on Death Row (in Months)

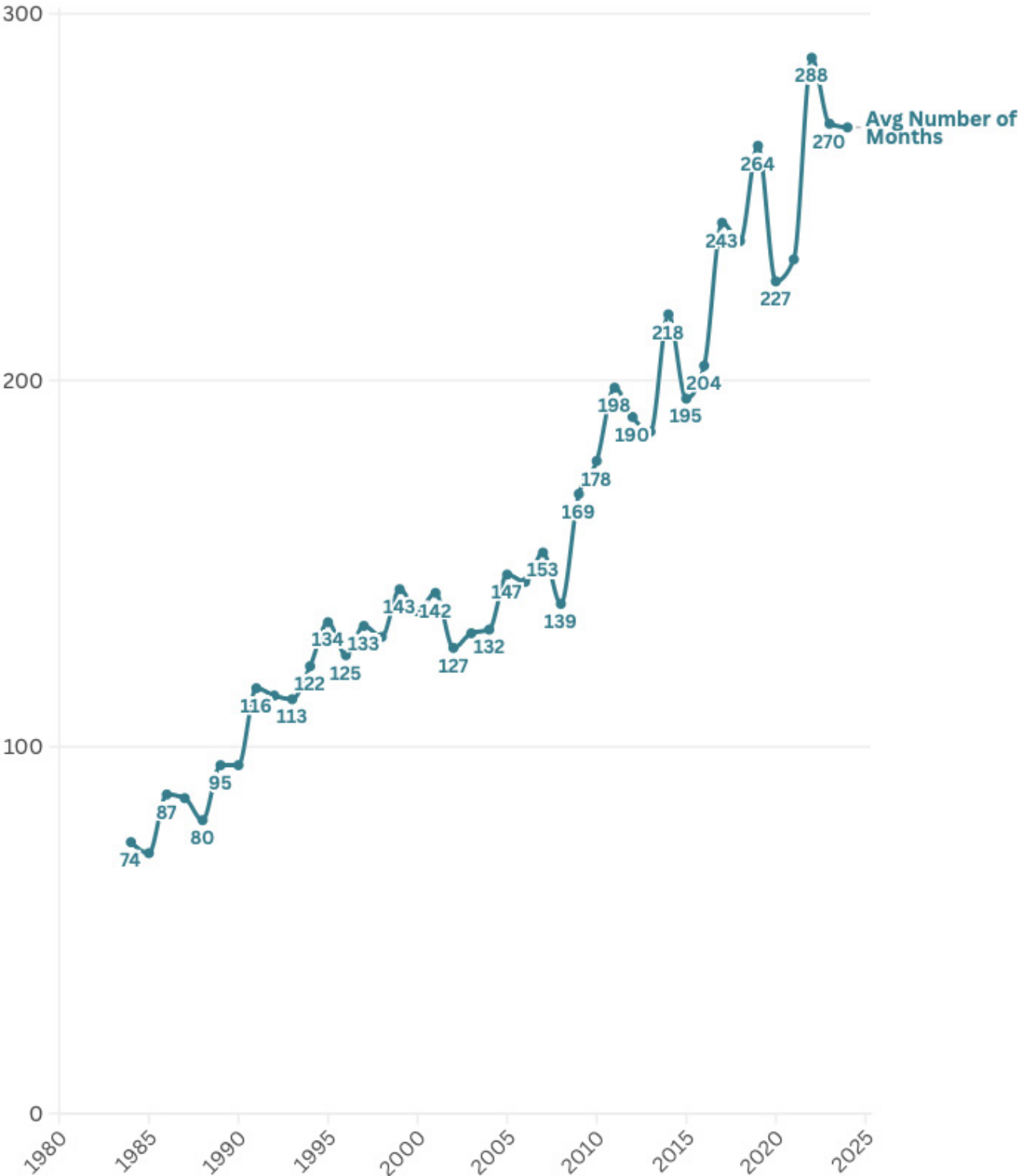


Table of Executions

The table below includes information about the people executed in 2024 and some of the legal issues in their trials and appeals. It is not intended to minimize the seriousness of any underlying crimes, but it is in keeping with the principle established in *Lockett v. Ohio* (1978) that “the fundamental respect for humanity underlying the Eighth Amendment [mandates the]...consideration of the character and record of the individual offender and the circumstances of the particular offense as a constitutionally indispensable part of the process of inflicting the penalty of death.”

Name	Execution Date	State	Race of Defendant	Victim Demographic	Description
Kenneth Smith	1/25/24	Alabama	White	1 White Female	Mr. Smith survived a botched lethal injection attempt in 2022. Witnesses reported that Mr. Smith “shook and writhed” during his execution by nitrogen hypoxia. He was the first person in the United States executed by that method.
Ivan Cantu	2/28/24	Texas	Latino	1 Latino Male, 1 White Female	Mr. Cantu maintained his innocence and unsuccessfully sought a hearing on new evidence, including the recantation of a key witness.
Willie Pye	3/20/24	Georgia	Black	1 Black Female	Mr. Pye presented evidence of his intellectual disability, which would exclude him from eligibility for the death penalty. He failed to meet Georgia’s uniquely high standard for proving intellectual disability and was also denied clemency.

Michael Smith	4/4/24	Oklahoma	Black	1 Asian Male, 1 Black Female	Mr. Smith argued at his clemency hearing that, if his trial counsel had properly represented him and introduced evidence of his intellectual disability, he likely would not be eligible for execution.
Brian Dorsey	4/9/24	Missouri	White	1 White Female, 1 White Male	Mr. Dorsey's clemency petition garnered widespread support from more than 70 corrections officials, a former Missouri Supreme Court Judge, multiple jurors, Democratic and Republican state legislators, and faith leaders. Correctional officers noted Mr. Dorsey's exemplary rehabilitation and years spent as a role model to other prisoners.
Jamie Mills	5/30/24	Alabama	White	1 White Female, 1 White Male	Mr. Mills was sentenced to death by a non-unanimous jury. Prosecutors lied to the jury, asserting that a key witness had not received anything for her testimony, when she in fact had received a lesser sentence in exchange for testifying.
David Hosier	6/11/24	Missouri	White	1 White Female, 1 White Male	Mr. Hosier's clemency petition emphasized his life-long struggles with depression after his father, a state trooper, was killed during Mr. Hosier's childhood.

Ramiro Gonzales	6/26/24	Texas	Latino	1 White Female, 1 White Male	Mr. Gonzales was just 18 years old at the time of his crime, and had experienced a childhood of sexual abuse, drug abuse, and mental illness.
Richard Rojem	6/27/24	Oklahoma	White	1 White Female	Mr. Rojem's jury never heard evidence that he was sexually abused as a child.
Keith Gavin	7/18/24	Alabama	Black	1 White Female	Mr. Gavin was sentenced by a non-unanimous jury. A federal district court found that his attorney was ineffective for failing to present any mitigating evidence, but a federal appeals court reversed that decision.
Arthur Burton	8/7/24	Texas	Black	1 White Female	Mr. Burton sought a stay to allow courts to consider evidence of his intellectual disability, which had never been considered using current clinical criteria.
Taberon Honie	8/8/24	Utah	Native American	1 Native American Female	Mr. Honie experienced significant trauma during his upbringing and was homeless and extremely intoxicated at the time of his crime.
Loran Cole	8/29/24	Florida	White	1 White Female	Mr. Cole was physically and sexually abused as a teenager at the state-run Dozier School.

Khalil Allah (aka Freddie Owens)	9/20/24	Oklahoma	Black	1 Black Female	Two days before Mr. Allah’s scheduled execution, his co-defendant recanted his trial testimony and said that Mr. Allah “was not present” during the crime. No court heard that evidence.
Marcellus “Khaliifah” Williams	9/24/24	Alabama	White	1 White Female	Mr. Williams was executed despite credible evidence of his innocence and over the objections of St. Louis District Attorney Wesley Bell and more than 1.5 million supporters who petitioned for clemency.
Travis Mullis	9/24/24	Texas	Black	1 White Male	Mr. Mullis was found competent to waive his appeals and “volunteer” for execution despite a lifetime of severe mental illness and suicide attempts, about which his jury did not meaningfully learn.
Emmanuel Littlejohn	9/26/24	Oklahoma	White	1 White Male	Oklahoma’s Pardon and Parole Board recommended clemency for Mr. Littlejohn due to his youth at the time of the crime, his history of childhood abuse, and his record of good behavior in prison.
Alan Miller	9/26/24	Alabama	White	3 White Males	Mr. Miller was sentenced to death by a non-unanimous jury. He survived a botched lethal injection in 2022 and was the second person ever executed by nitrogen hypoxia.

Garcia White	10/1/24	Texas	Black	2 Black Females	Mr. White became addicted to drugs after sustaining a serious workplace injury. Friends reported that drug use changed his personality, but rehabilitation during his incarceration “returned [him] to that sweet guy I knew before he was on drugs.”
Derrick Dearman	10/17/24	Alabama	White	2 White Females, 3 White Males	Mr. Dearman experienced severe depression and several other mental health conditions his entire life. He first told his mother he wanted to die when he was just four years old. He waived his appeals and “volunteered” for execution.
Richard Moore	11/1/24	South Carolina	Black	1 White Male	Mr. Moore’s request for clemency was supported by three jurors who had sentenced him to death at trial, a former director of the South Carolina Department of Corrections, and the trial judge. Gov. Henry McMaster declined to grant clemency.
Carey Grayson	11/21/24	Alabama	White	1 White Female	Mr. Grayson was one of four teenagers charged with killing a hitchhiker. He was the oldest, at 19, but prosecutors told separate juries that each teenager on trial was the “ringleader.” The state of Alabama has since conceded that Mr. Grayson was less culpable than two of the other defendants, who did not receive death sentences.

Christopher Collings	12/3/24	Missouri	White	1 White Female	Mr. Collings experienced childhood neglect and sexual abuse. His attorneys argued on appeal that his co-defendant's account of the crime was irreconcilable with Mr. Collings' confession, supporting his contention that his confession was coerced by police.
Joseph Corcoran	12/18/24	Indiana	White	4 White Males	Mr. Corcoran was diagnosed with paranoid schizophrenia. His attorneys argued that his delusions were so severe as to render his death sentence unconstitutional.
Kevin Underwood	12/19/24	Oklahoma	White	1 White Female	Mr. Underwood struggled with mental illness throughout his life. His severe depression, anxiety, and PTSD contributed to his social isolation and delusions prior to his crime.

All but one of the 25 individuals executed this year suffered from a vulnerability that would make them ineligible for the death penalty under current laws and norms. The individuals executed in 2024 spent on average more than 20 years on death row. On September 26, the United States reached the milestone of 1600 executions in the modern era.

Executions by State and Region

Alabama carried out the most executions in 2024, with six, followed by Texas with five, and Oklahoma and Missouri with four each. This marked the first year in which Alabama executed more people than any other state.

Three states resumed executions after long hiatuses. Utah's first execution in fourteen years occurred when it executed Taberon Dave Honie on August 8. South Carolina carried out two executions this year after a thirteen-year pause.

Indiana's first execution in fifteen years occurred on December 18, with Joseph Corcoran. Idaho attempted to resume executions after a twelve-year hiatus but had to call off the execution of 74-year-old Thomas Creech when executioners could not set an IV line after an hour of repeated attempts.

A second execution date for him this year was stayed by a district court pending the outcome of new legal challenges, which were subsequently dismissed by the Idaho Supreme Court.

In late November, Arizona announced that the state would resume executions in early 2025. Governor Katie Hobbs had requested a review of the state's execution process soon after taking office in 2023, but abruptly terminated the review headed by former U.S Magistrate Judge David Duncan, alleging that he had exceeded the scope of his mandate. Arizona Department of Corrections Director Ryan Thornell informed Governor Hobbs that the state was now prepared to use lethal injection.

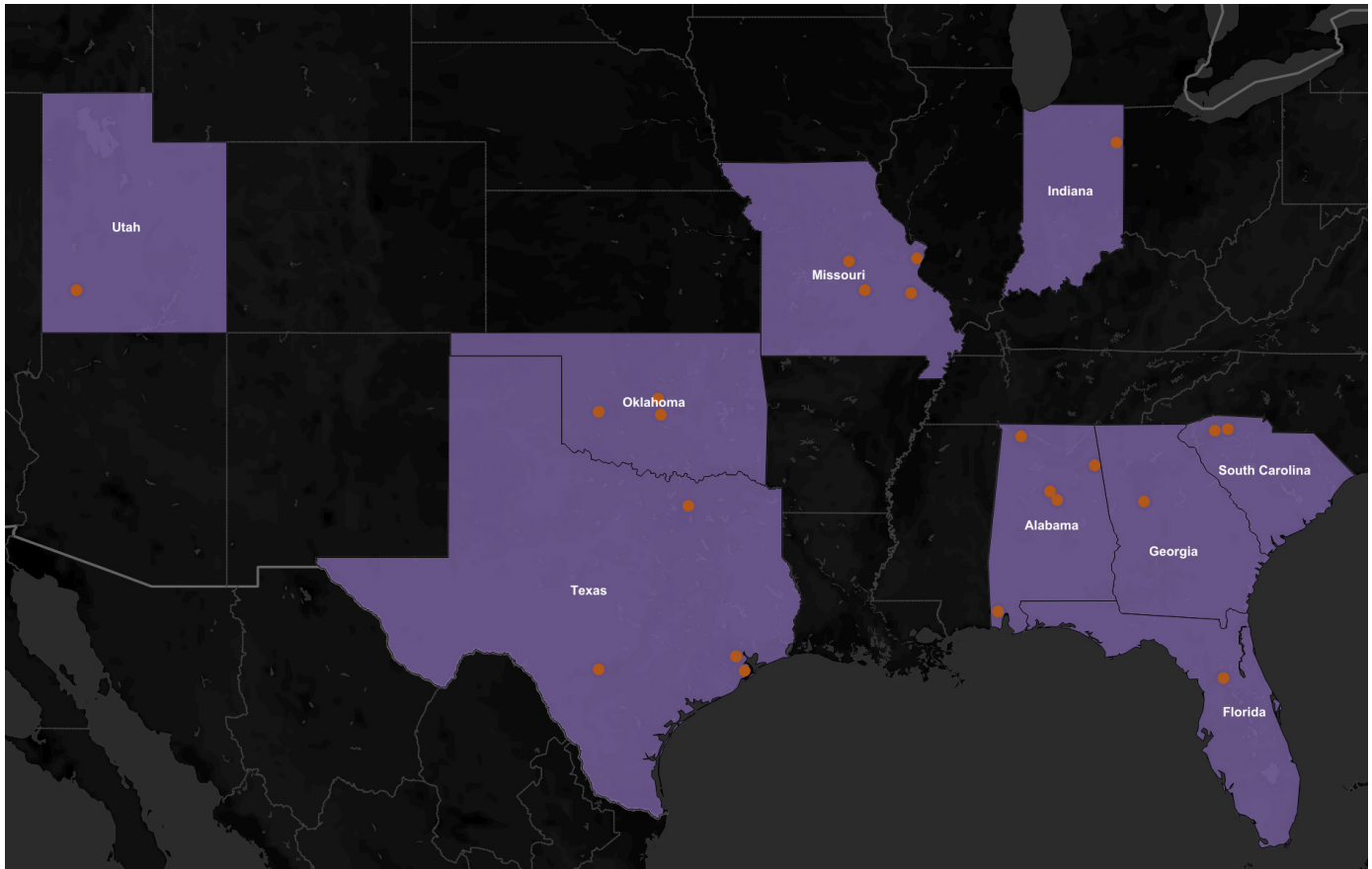
Arizona Attorney General Kris Mayes confirmed in a statement on November 26 that her office would be seeking a death warrant for prisoner Aaron Gunches in "the coming weeks."

Executions continued to be geographically concentrated in the South, with 19 of this year's executions (76%) carried out in southern states. Seven of the nine states that executed people this year rank among the top ten executing states in the modern era (Indiana and Utah do not).


Notably, only three of the states that executed people in 2024 also imposed new death sentences (Alabama, Florida, and Texas). New death sentences are a key indicator of the views and attitudes of jurors today, as opposed to executions, which reflect the views of jurors at the time of sentencing.

This distinction has become even more pronounced in recent years as executions increasingly represent views that are 20 or 30 years out of date, when support for the death penalty was higher and society had a different understanding of numerous factors that influence death sentences, including trauma, mental illness, and forensic evidence.

2024 Executions (25) by County





 Death
Penalty
Information
Center

The global community largely condemns use of the death penalty, with a majority of countries supporting a moratorium as a first step towards abolition.

The death penalty has been abolished in practice or law in 144 countries, and 2024 saw abolition efforts progress in four countries. Despite this, known global executions increased in 2024 for the third straight year.

United States Fifth in Known Executions Worldwide, Behind Iran, Saudi Arabia, Iraq and North Korea

The global community largely condemns use of the death penalty, with a majority of countries supporting a moratorium on the use of the death penalty as a first step towards abolition.

The death penalty has been abolished in practice or law in 144 countries, and 2024 saw legal abolition efforts progress in four more countries. Despite this, global executions increased in 2024 for the third straight year, led by Iran.

The United States is one of an increasingly isolated number of countries that retain and use the death penalty, making it an outlier among its closest allies, most of whom have long abandoned the practice and are vocal advocates in favor of abolition.

Secrecy around the death penalty continues to impede a complete understanding of legal and execution practices in countries retaining the death penalty, including the United States.

Vulnerable populations, such as ethnic, religious, or racial minorities, as well as the impoverished, psychosocially impaired, and juveniles continue to be overrepresented across death rows in most retentionist countries.



The cross-regional support that the moratorium resolution enjoys shows that taking steps towards the abolition of the death penalty is not a matter of “culture” or “tradition.”

States from all regions of the world, with different legal systems, traditions, cultures and religious backgrounds, have abolished the death penalty.

It is a question of political will and commitment to respect, protect and fulfil all human rights, without discrimination.

-European Union

Continued Strong Support for Global Moratorium on the Death Penalty

Since 2007, the United Nations General Assembly has passed ten resolutions calling for a global moratorium on use of the death penalty, the [latest](#) on December 17, 2024. The 2024 resolution was adopted with the record-breaking support of 130 countries, up from 125 in [2022](#), and including most of America’s western allies, while 32 countries voted [against](#) the measure (five less than 2022) and 22 abstained.

Singapore and others proposed an [amendment](#) to the resolution reaffirming the “sovereign right of all countries to develop their own legal systems, including determining appropriate legal penalties, in accordance with their international law obligations.” It passed with an overwhelming majority with 105 votes in favor, 65 against, and 13 abstentions.

The amendment implies that countries may ignore the resolution, or shield themselves from international scrutiny, and has come under criticism.

“The resolution presented for adoption today is a call on States to consider applying a moratorium on executions. The implication of amendment L.54 is that States can use sovereignty as an excuse to disregard the universality of human rights and to consider this call to action as null and void.” [-EUROPEAN UNION](#)

Global Death Penalty Abolition Efforts Continue to Grow

Global efforts towards abolition were exemplified by legislative challenges to the practice in sub-Saharan Africa and judicial challenges in Taiwan. This [year](#), Kenya and Zimbabwe considered abolition bills, while The Gambia initiated a constitutional amendment process to abolish the practice.

It has been over a decade since any of these three nations carried out an execution: Kenya's last execution occurred in 1987, Zimbabwe's in 2005, and The Gambia's in 2012. Following a legal challenge this year by [37 death row prisoners](#), the Constitutional Court of Taiwan ruled on the constitutionality of the death penalty on [September 20](#).

The Court decided that the death penalty was constitutional for the "most serious crimes," such as intentional killings, and mandated that the government amend certain procedural rules within the next two years to better protect defendants' due process rights.

Although the decision did not eliminate the death penalty for those with mental and intellectual disabilities, the Court did find current provisions fail to adequately protect these vulnerable populations. Consequently, until new provisions meet constitutional standards, death sentences for these populations may not be carried out.

Global Executions Increase

Despite the overall global trend towards abolition, total known executions worldwide increased for the third consecutive year, led by Iran, Saudi Arabia and Iraq.

As in 2023, Iran accounted for most of the global execution total with at least [800](#) documented executions as of December 1.

In response to Iran's persistent, aggressive use of the death penalty, nonviolent resistance efforts have emerged, such as the ongoing "[No Death Penalty Tuesday](#)" weekly hunger strike among Iranian prisoners.

Saudi Arabia carried out an unprecedented [303](#) executions (as of December 3), in 2024, its highest ever total. Iraq, with at least [94](#) executions in 2024, experienced a dramatic increase from the [16 executions](#) identified by Amnesty International in 2023.

Rank	Country	Known Executions
1	Iran	800
2	Saudi Arabia	303
3	Iraq	94
4	North Korea	32*
5	United States	25

Data for Iran from the [Abdorrahman Boroumand Center for Human Rights](#) in Iran, as of December 1. Data for Saudi Arabia from [Agence France-Presse](#), as of December 3. Data for Iraq and North Korea from the [Cornell Center on the Death Penalty Worldwide](#) as of December 4 (*informed estimate due to state secrecy). Data for the United States from DPI.

China is widely regarded as the world's leading executioner with thousands estimated to be executed annually, but information surrounding executions is considered a state secret.

Global Community Continues to Criticize Use of the Death Penalty in the United States

The United States has at times joined the international community in condemning unlawful actions by fellow retentionist countries, but the criticism has limited impact given the fact that America's own use of the death penalty is often criticized by international human rights organizations.

This year, the Inter-American Commission on Human Rights (IACHR) granted a [precautionary measure](#) for [Brenda Andrew](#), the only woman on Oklahoma's death row, calling on the United States to refrain from executing her.

The United Nations' report of the [Secretary General to the General Assembly on the Question of the Death Penalty](#) criticized the United States' use of the death penalty on multiple fronts, including the disproportionate representation of Black people on U.S. death rows, the lack of legal protections for vulnerable populations such as those with severe mental illness and the elderly, and botched executions.

Secrecy Laws Prevent Meaningful Understanding of Death Penalty Use

Secrecy laws in many retentionist countries, including the United States, prevent a complete understanding of how the death penalty is used. Certain countries, such as China, North Korea, and Vietnam, classify the number of death sentences and executions as state secrets. Consequently, the execution totals reported by Amnesty International and others are an acknowledged undercount.

Regarded as the world's leading executioner, China is estimated to execute thousands of people each year. North Korea, with the fourth highest execution total this year, has carried out at least [32](#) documented executions, including public executions, which have also occurred in both [Iran](#) and [Afghanistan](#).

Executions for Offenses that Do Not Meet the Threshold of a “Most Serious” Crime Continue

The International Covenant on Civil and Political Rights limits use of the death penalty to the “most serious offenses,” meaning intentional killings. But this year, people in countries across the world were charged and executed for non-serious offenses, such as sexual violence, homosexuality, blasphemy, fraud, security-related offenses, and drug-related offenses.

- In India, where some non-lethal sexual crimes are death-eligible, a revised criminal code went into effect on [July 1](#), expanding the number of death-eligible offenses from 11 to 15, including gang-rape of a minor. On [September 3](#), the West Bengal government in India adopted a bill that makes the death penalty a possible punishment for rape that results in the victim’s death or “vegetative state.”
- In Yemen, 22 individuals were sentenced to death in [January](#) and [February](#) on charges related to homosexuality. According to [Human Dignity Trust](#), there are 12 countries where homosexuality is a death-eligible offense.
- In Pakistan, several people convicted of [blasphemy](#) were sentenced to death this year; the offenses include burning pages of the Quran and sharing photos and videos allegedly insulting the Prophet Muhammad on WhatsApp.
- In Vietnam’s largest ever financial fraud case, [Truong My Lan](#) was sentenced to death for committing \$12.5 billion in fraud in April.
- In Iraq, there were at least [two mass executions](#) (21 people executed in September and 13 executed in April) for prisoners convicted on terrorism-related charges.
- In Iran, Saudi Arabia, Singapore, and a handful of other countries, executions for drug-related crimes continue, with the latest execution in Singapore of dual Singaporean-Iranian national Masoud Rahimi Mehrzad on [November 29, 2024](#). Of the at least 800 executions in Iran, 50.75%, or 406 executions, were for drug-related crimes.

Vulnerable Populations Continue to Be Overrepresented on Death Rows Around the World

Vulnerable populations, such as ethnic, religious, or racial minorities, as well as the impoverished, psychosocially impaired, and juveniles are overrepresented across death rows in most retentionist countries.

The United Nations Independent International Fact-Finding Mission on Iran, alongside human rights organizations, has [noted](#) that the Kurd and Baluch minorities, who also largely live below the national poverty line, are overrepresented among those executed in Iran.

Released in [October](#), a joint statement by seven human rights organizations called attention to nine juveniles at imminent risk of execution in Saudi Arabia, contradicting previous claims by officials pledging to end the unlawful practice. Somalia, which follows the U.S. as the country with the [sixth](#) highest execution total (as of December 1), executed four people in [August](#) for offenses they committed under the age of 18 while allegedly associated with Al Shabaab.

The execution of these four, who were sentenced to death by a military court, drew criticism from UNICEF, which highlighted that military courts “lack specialized child justice procedures.”





Having failed to kill Smith on its first attempt, Alabama has selected him as its ‘guinea pig’ to test a method of execution never attempted before. The world is watching... With deep sadness, but commitment to the Eighth Amendment’s protection against cruel and unusual punishment, I respectfully dissent.

[SUPREME COURT JUSTICE SONIA SOTOMAYOR, DISSENTING KENNETH SMITH’S EXECUTION THROUGH NITROGEN HYPOXIA](#)



So, I saw all of those problems while I was on the court and I became convinced that the risk of executing an innocent person is just too high and that too many prosecutors and judges are overly focused on making the crimes or the convictions for the crimes final. They’re more interested in finality than they are in the accuracy of the conviction or the sentence.

[ELSA ALCALA, RETIRED JUDGE FROM THE TEXAS COURT OF CRIMINAL APPEALS, ON DISCUSSIONS WITH DPI](#)

For there to be healing, there has to be mercy. Killing Jeremiah [Manning] will not bring us any closure. It will not heal the wounds that were created. Rather, that action by the state will result in more harm and more pain and more suffering and not just for my family but for his family, which is something that people forget about.

[BRETT MALONE, TALKING ABOUT JEREMIAH MANNING WHO WAS CONVICTED FOR THE MURDER OF BRETT’S MOTHER AND IS CURRENTLY ON LOUISIANA’S DEATH ROW](#)

I will be forever haunted by my participation in his [Robert Roberson’s] arrest and prosecution... He is an innocent man.

[BRIAN WHARTON, LEAD DETECTIVE IN ROBERT ROBERSON’S CASE, DISCUSSING HIS CHANGE OF OPINION ON ROBERSON’S GUILT](#)

Marcellus Williams should be alive today. There were multiple points in the timeline when decisions could have been made that would have spared him the death penalty. If there is even the shadow of a doubt of innocence, the death penalty should never be an option. This outcome did not serve the interests of justice.

[ST. LOUIS COUNTY PROSECUTING ATTORNEY WESLEY BELL, IN A STATEMENT AFTER MARCELLUS WILLIAMS’ EXECUTION](#)



I think morally, I feel obligated... Anyone who says they’re pro-life should feel a little conflicted on this topic — because if you’re pro-life then I think you’ve got to look at it and say you’re that way from the beginning to the very end. And I don’t think that the government should have a monopoly on violence.

[MISSOURI REPRESENTATIVE CHAD PERKINS \(R\), DISCUSSING THE LEGISLATION HE FILED TO ABOLISH THE DEATH PENALTY IN MISSOURI](#)





The capital punishment system in Oklahoma is broken. It does not work as it should. From start to finish, it is so badly broken that we cannot know whether someone who has

been condemned to death is actually deserving of the ultimate penalty.

[ANDY LESTER, FORMER U.S. JUDGE AND CO-CHAIR OF THE OKLAHOMA DEATH PENALTY REVIEW COMMISSION, IN AN ARTICLE HE WROTE ABOUT THE COMMISSION'S FINDINGS AS THEY RELATE TO EMMANUEL LITTLEJOHN'S CLEMENCY REVIEW](#)

Regardless of our individual positions on the death penalty, I think we can all agree that putting a potentially innocent man to death for a crime that may not have occurred would be a grave miscarriage of justice.

[LACEY HULL \(R\), TEXAS REPRESENTATIVE AND COVICE CHAIR OF THE CRIMINAL JUSTICE REFORM CAUCUS DISCUSSING ROBERT ROBERSON'S CASE](#)

The trend is beyond dispute... An increasing number of conservative Republican state lawmakers nationwide are taking the lead because they believe in limited government, they demand fiscal responsibility and most importantly, they value life.

[DEMETRIUS MINOR, NATIONAL MANAGER FOR CONSERVATIVES CONCERNED ABOUT THE DEATH PENALTY, DISCUSSING REPUBLICAN SUPPORT FOR DEATH PENALTY ABOLITION](#)

If he [Richard Glossip] is executed, I believe that it will be a travesty of justice.

[OKLAHOMA ATTORNEY GENERAL GENTNER DRUMMOND, DISCUSSING RICHARD GLOSSIP IN AN INTERVIEW](#)

[C]ourts must be careful to safeguard the rights that our Constitution protects, even when (and perhaps especially when) evaluating errors made in cases stemming from a terrible crime.



[SUPREME COURT JUSTICE KETANJI BROWN JACKSON, DISSENTING FROM DENIAL OF CERT IN MICHAELS V. DAVIS](#)

Times have changed, my own thinking has changed... if it were on my plate today, I would probably act differently.

[ROBERT GEVERS, PROSECUTOR WHO TRIED JOSEPH CORCORAN IN 1999](#)



A brief description of the process used to compile data for this report.

Each year, DPI's Year End Report is backstopped by research that attempts to fill in numerous gaps in the death penalty landscape. Reliable information about the death penalty is often difficult to access, including information on current and historical instances where the death penalty was sought, the demographics of defendants and victims, and even certain information regarding the death row population itself. DPI's methodology makes every attempt to ensure the robustness of our quantitative and qualitative findings, triangulating the data wherever possible with judicial, governmental, and scholarly resources, and collaborating with established academics in the field as well as reputable advocacy or media sources.

DPI collects information on new sentences, executions, or exonerations throughout the year, along with data on re-sentencing, the deaths of death row prisoners, death sentences imposed for different crimes on the same person, and demographic data on victims and defendants. DPI also continuously collects information on reported executions across the globe.

In preparation for our annual report, each fall DPI corroborates our findings with respective state contacts within the legal community, including public defenders working in active death penalty jurisdictions or state Departments of Corrections.

DPI also relies on an in-house tool, the DPI Death Penalty Census Database, compiled in 2022 and continuously updated throughout the year. Each entry in our Census Database is rigorously verified by two independent sources for our central data fields, including the names of defendants and victims, alleged charges, sentencing, appellate procedure, and any further case developments such as exoneration or execution. This data is stored on a secure drive accessible only to DPI staff members. Specific documents are available to researchers and the public upon request.

Each year, we are delighted to provide you with as much comprehensive data as we can; nonetheless, we are always ready to learn from your suggestions and invite you to actively shape our database by contributing to the DPI Death Penalty Census. We are very grateful to the many individuals and organizations that have helped make us a reliable source of information on death penalty trends and developments. This report is thanks in large part to those generous contributions of time, insight, and information.