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California Commission on the Fair Administration of Justice
Attn: John Van de Kamp, Chair
900 Lafayette Street, Suite 608
Santa Clara, California 95050

Mr. Van de Kamp:

We were asked by representatives of the American Bar Association's Death Penalty Representation Project to review the laws of the states that currently provide for the imposition of the death penalty to determine the procedures for post-conviction review, focusing on whether direct appeals are to the supreme court of the state or to an intermediate court. The results of our review are reflected in the accompanying chart. Our conclusion is that, of the states other than California that currently impose the death penalty, only two – Alabama and Tennessee – do not provide for direct appeal to the state's supreme court and, in the case of Tennessee, a conviction that is confirmed in the intermediate court is automatically reviewed by the supreme court of the state.

The accompanying chart also includes a survey of several related issues, including whether the state appoints counsel in appeals from death penalty convictions procedures for collateral review. The wide variation in state procedures relating to those matters makes it more difficult to draw firm conclusions from that review, but our hope is that the preliminary findings in the chart will also be useful to you.

Please let me know if you have any questions about the chart or if there are additional areas you would like us to review. We would be happy to be of assistance in any way we can.

Finally, I would like to thank my associate, Richard DeWeese, for his assistance in compiling the information in the chart.

Very truly yours,

A handwritten signature in black ink that reads "Stephen A. Edwards".

Stephen A. Edwards