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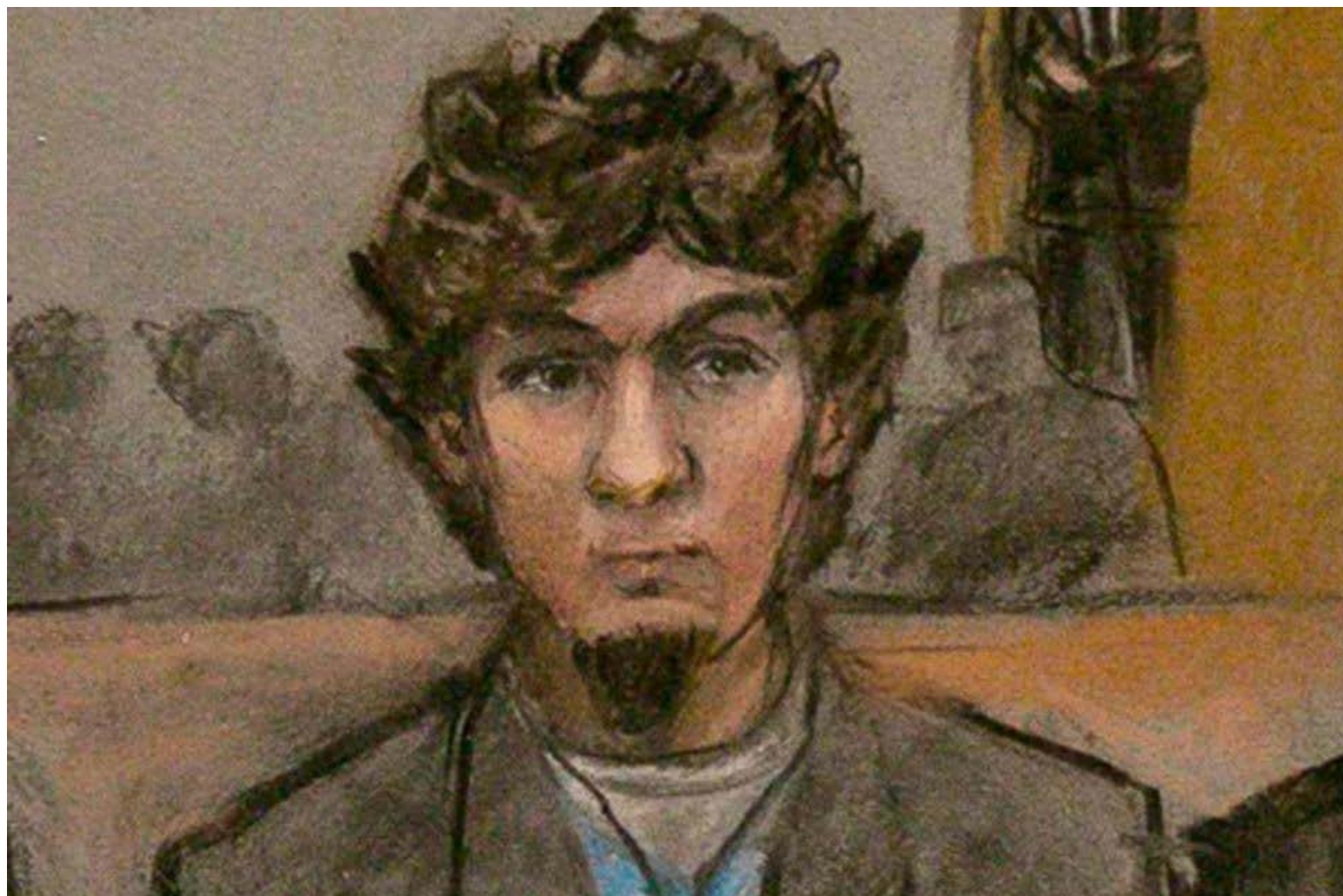
The Boston Globe

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Tsarnaev's death sentence is a rare outcome

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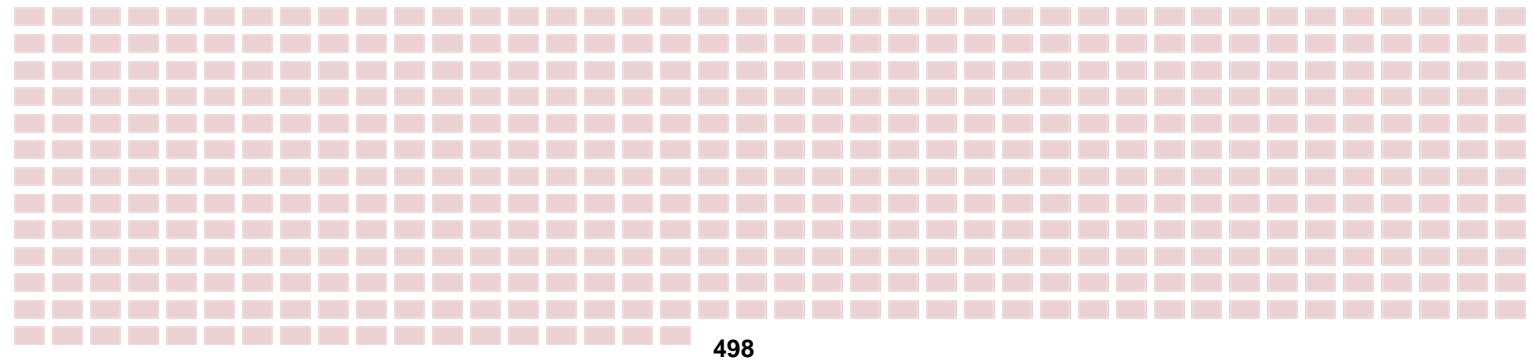
Jurors will consider whether to sentence Dzhokhar Tsarnaev to death.

By Matt Rocheleau

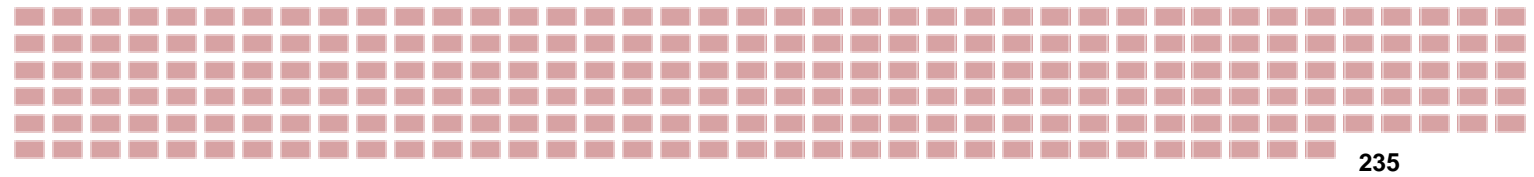
GLOBE STAFF APRIL 10, 2015

Jurors in the Boston Marathon bombing case sentenced Dzhokhar Tsarnaev to death on Friday, choosing an option that few federal juries have selected. And a look back at three decades of federal capital punishment cases shows that even when juries have sent a defendant to death row, the decision has rarely led to execution.

Between 1988, when modern death penalty laws went into effect, and last month, the federal government was authorized to seek the death penalty against 498 defendants, according to the Federal Death Penalty Resource Counsel.



In 235 of those cases a guilty verdict was reached and jurors had to decide between life and death.



They overwhelmingly have chosen life. 154 defendants have received this penalty.



Leaving 81 cases where the death penalty was imposed.



Three people have been executed.



The three executions were of Juan Raul Garza, sentenced in 1993; Louis Jones, sentenced in 1995; and Timothy James McVeigh, sentenced in 1997.

Garza was convicted of the murders of three drug traffickers near Brownsville, Texas. He was executed on June 19, 2001.

Jones, a retired 22-year decorated Persian Gulf veteran, was convicted of the abduction and murder of a young, white female soldier and was executed March 18, 2003.

McVeigh, a decorated veteran of the Persian Gulf War, carried out the 1995 Oklahoma City bombing in which 160 lost their lives, including 19 children. He was convicted and sentenced to death in 1997 and executed on June 11, 2001.



What happened to the other defendants who have been sentenced to death?



Region debates death penalty

The fate of convicted bomber Dzhokhar Tsarnaev has been stirring discussions in classrooms and beyond.

Top lawmakers oppose execution

As of last month, 59 of the 80 defendants who had been sentenced to death since 1988 were appealing their sentences, according to the counsel.

Those numbers do not include Tsarnaev; it is expected he, too, will appeal.

In other cases, defendants have had their sentences vacated, or have died or committed suicide. One defendant was granted clemency.

What happened to the defendants who were not found guilty?

Of the 498 defendants for whom the government was authorized to seek the death penalty, 232 defendants have avoided trial, many by reaching a plea deal with the prosecution either before or during trial.

In other cases the government withdrew its request for capital punishment before or during the trial, or a judge barred the government from seeking the death penalty.

The federal government dropped capital charges in three cases on the grounds that the defendants were believed to be innocent.

Meanwhile, 14 defendants who went to trial were acquitted in death penalty cases.

Results of federal death penalty cases in the US

The federal government has been authorized to seek the death penalty against 498 defendants since 1988

Result	Number
Executed	3
Sentenced to death and now pending appeal	20
Sentenced to death and now expected to appeal (Tsarnaev)	1
Clemency	1
Awaiting retrial or resentencing after reversal on appeal	2
Death sentence vacated and request for the death penalty withdrawn	4
Life sentences imposed by juries (151) or judge (3)	154
Acquittal	14
Capital charges dismissed before trial on grounds of actual innocence	3
Dismissal of death penalty by judge after death notice filed	26
Requests for the death penalty withdrawn by the government before trial	63
Requests for the death penalty withdrawn at trial	12

Capital prosecution discontinued by government due to plea bargain before trial	115
Capital prosecution discontinued by government due to plea bargain at trial	21
Committed suicide / died	3
Lesser included conviction	3
Awaiting or on trial on capital charges	11
Sentenced to death and now pending on 2255	39
Incompetent after authorization	2
(Reason not listed by Federal Death Penalty Resource Counsel)	1

SOURCE: Federal Death Penalty Resource Counsel

MATT ROCHELEAU/GLOBE STAFF

What is the racial and ethnic breakdown of federal death penalty defendants?

African-Americans have accounted for about half of the 498 defendants who have faced the federal death penalty since 1988, while whites have accounted for 26 percent, and about 19 percent of defendants have been Hispanic, according to the Federal Death Penalty Resource Counsel.

Defendants of Asian, Indian, Pacific Island, or Native American descent have accounted for 4 percent of capital punishment defendants, and people of Arab descent have accounted for one percent.

Of the 60 defendants now on federal death row under active death sentences, about 62 percent are nonwhite.

Have there been other death penalty cases in the US?

Yes. All the figures mentioned above are for federal death penalty cases.

Some states also have their own death penalty systems, which process a much larger number of capital punishment cases.

Since 1976, some 1,408 people have been executed at the state level in the United States, and another 3,019 inmates were on state-level death row as of January, according to data tracked by the [Death Penalty Information Center](#).

Massachusetts is one of 18 nondeath penalty states, according to the center.

Tsarnaev's case marks the fourth time that federal prosecutors have been authorized to seek the death penalty in Massachusetts.

Two of the other federal death penalty authorizations in Massachusetts came in 2003 against Darryl Green and Branden Morris, two alleged Dorchester gang members who faced murder charges. Prosecutors eventually decided to move the case to state court.

The other federal death penalty case here was authorized in 2002 against Gary Lee Sampson, who plead guilty to a pair of car-jacking murders in Massachusetts and confessed to another murder in New Hampshire and five bank robberies in North Carolina. A jury sentenced Sampson to death, but the decision was vacated after it was revealed that one of the jurors lied during the screening process. The case is scheduled for retrial in September.

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