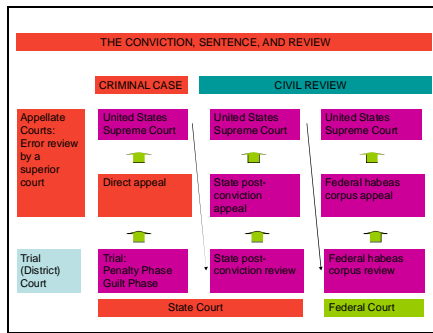


SENTENCE LESS THAN DEATH

- If a sentence less than death is imposed after a full death penalty sentencing hearing, federal law precludes the State from:
 - ~ appealing that outcome; or
 - ~ seeking a death sentence in a retrial if the conviction or sentence is set aside at any level.
- If the sentence less than death is imposed pursuant to a plea bargain and the defendant later withdraws the plea, then, at trial, the State may seek a death sentence.



APPEAL (GENERAL)

- There is no federal constitutional right to a state appeal.
- The defendant has a state constitutional right to an appeal.
- Under federal law, the right to State funded counsel extends through first tier appellate review.
- The State has a limited right to appeal a sentence and other pre-trial rulings.

UTAH'S DEATH ROW

- Presently, ten persons on Utah's death row.
- Since *Gregg*, six persons have been executed:
 - ~ Four volunteered.
 - ~ Two exhausted all judicial process.
- One person died.
