

Executive Preview

The Gendered Violence of California's Death Row

November 3, 2026

The Cornell Center on the Death Penalty publishes reports on gender and the death penalty and conducts innovative research, advocacy, and trainings at the intersection of capital defense and gender justice. This work is informed by our collaboration with legal teams, our advocacy through regional and international human rights mechanisms, and our direct representation of clients facing execution around the world.

In 2018, the Cornell Center on the Death Penalty Worldwide ("CCDPW") published *Judged for More than Her Crime*, the first ever global report on women on death row. Since then, CCDPW has become the only death penalty organization focused on gender and intersectional discrimination in the application of the death penalty

While CCDPW is headquartered at Cornell, half of our team is based in California. We have trained, advised, engaged and partnered with defense teams, organizations, and incarcerated survivors in California.

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Executive Preview

By the start of 2026, nearly seventy-five percent of all countries—or one hundred and forty-five nations—have abolished the death penalty in law or in practice.[1] Canada and nearly every country in Latin America have abolished the death penalty. In the United States, support for the death penalty has also dwindled, falling to its lowest levels in fifty years.[2] This summer, seventy-seven United Nations human rights experts issued a joint statement on how the death penalty undermines human dignity and perpetuates discrimination, explicitly identifying the harms of gender stereotypes and gender-based violence in the application of the death penalty.

As of June 2026, there were forty-five women on death row in the United States. California currently houses nearly forty percent of these women—the largest concentration of women on death row in the nation[3] and the Americas.[4] The infection of women's capital trials with gender injustice is an issue of national and international significance. Recent national attention to the case of Christa Pike[5] brought forward the issues we have long raised: women's

[1] AMNESTY INT'L, DEATH SENTENCES AND EXECUTIONS 2025 39 (2025), https://www.amnestyusa.org/wp-content/uploads/2026/05/Amnesty-International-Global-Report-Death-Sentences-and-Executions-2025.pdf.
[2] Although the death penalty remains on the books in twenty-seven U.S. states, ten of these states have not carried out an execution in more than a decade. *See DPI's 2026 Mid-Year Update: Jurors Continue to Reject Death Sentences Amidst Increased Secrecy and Disinformation*, DEATH PENALTY INFO. CTR., (July 8, 2026) https://deathpenaltyinfo.org/dpis-2026-mid-year-update-jurors-continue-to-reject-death-sentences-amidst-increased-secrecy-and-disinformation.
[3] *See Women*, DEATH PENALTY INFO. CTR., https://deathpenaltyinfo.org/death-row/women (last visited Oct. 13, 2026). This count includes "transgender women who transitioned after being sentenced to death." *Id.* According to the California Department of Corrections and Rehabilitation (CDCR), as of November 3, 2026, there are eighteen women on death row in the state. *See Condemned Inmate Summary*, CALIFORNIA DEP'T OF CORR. AND REHAB., https://www.cdcr.ca.gov/capital-punishment/condemned-inmate-summary-report/ (last visited Nov. 3, 2026).
[4] *See generally The Death Penalty Worldwide: Number of Individuals Currently Under Sentence of Death*, WORLD COALITION AGAINST THE DEATH PENALTY, https://worldcoalition.org/resources/the-death-penalty-worldwide/?id=underdeath#carte, (last visited Nov. 11, 2026) (providing country-by-country information on the number of individuals currently sentenced to death around the world).

[5] It is important to note that Christa Pike is a survivor of childhood sexual violence, neglect, and abuse. *See Christa Pike, Child Rape Victim, Faces Execution for Crime She Committed as a Teenager*, CORNELL CTR. ON THE DEATH PENALTY WORLDWIDE, https://dpw.lawschool.cornell.edu/advocacy/christa-pike/#case-background (last visited Nov. 3, 2026).

pathways to death row are steeped in experiences of gender-based violence which are ignored by judicial actors. The death penalty constitutes the ultimate act of gender-based violence.

Research led by Professor Sandra Babcock, Faculty Director at the Cornell Center on the Death Penalty Worldwide, establishes that *ninety-six percent* of women on death row in the U.S. are survivors of gender-based violence.[6] The research confirms that women's pathways to death row are marked by gender-based violence and that women's capital trials are infected with the weaponization of gendered biases. Led by Professor Babcock, the Center conducted comprehensive analysis of the trial transcripts of the forty-eight women sentenced to death in the U.S. between 1990 and 2022. The research has documented the minimization of gender-based violence and the prevalence of gendered biases in women's capital trials.[7] Women on California's death row made up more than a third of the cases in the study's dataset, largely contributing to the pattern of bias in women's capital trials across the country.[8]

The research confirms that women's capital trials in California are infected with minimization of gender-based violence along with sex-shaming, adultification, the weaponization of gendered tropes, demonization of queer identity, double-standards on

[6] *See* Sandra Babcock & Nathalie Greenfield, *Gender, Violence, and the Death Penalty*, 53 CAL. WEST. INT'L L.J. 327, 334 (2023) [hereinafter Babcock & Greenfield, *Gender, Violence, and the Death Penalty*].

[7] This report is primarily focused on women and women-identifying people sentenced to death. It must not go unacknowledged that there are immense biases wielded against trans people and persons sentenced to Life Without Opportunity for Parole (LWOP), however those areas are outside the scope of the current report. *See generally* Babcock & Greenfield, *Gender, Violence, and the Death Penalty*, *supra* note 5; Sandra Babcock, Nathalie Greenfield & Kathryn Adamson, *Women on Death Row in the United States*, 46 CARDOZO L. REV. 1 (2024) [hereinafter Babcock et al., *Women on Death Row*]; Sandra Babcock, *Gendered Capital Punishment*, 31 WM. & MARY J. RACE, GENDER, & SOC. JUST. 1 (2024) [hereinafter Babcock, *Gendered Capital Punishment*]; Nathalie Greenfield & Sandra L. Babcock, *Sex on Trial*, 46 COLUM. J. GENDER & L. 219 (2026) [hereinafter Greenfield & Babcock, *Sex on Trial*].

[8] *See* Greenfield & Babcock, *Sex on Trial*, *supra* note 6 at 224 ("Nineteen women—more than a third of the women in our dataset—were condemned to death in California"). Within the article, numerous cases from California are cited to or highlighted as key examples of the kinds of sex-stereotyping evidence and intersectional biases that are faced by women capital defendants at trial. The dataset included the cases of nineteen persons who presented as women at the time of their capital trial and were sentenced to death between 1990 and 2022 in California. *See id.* at 224 n.22, 23. According to the California Department of Corrections and Rehabilitation, as of November 3, 2026, there are eighteen women on death row in California. *See Condemned Inmate Summary*, *supra* note 3.

motherhood, and racialized hypersexualization.[9] Alarmingly in California capital trials, childhood rape against the children who later became capital defendants was undermined. In one death penalty case, the State mischaracterized the defendant's experience of being a sex-trafficked child as prostitution.[10] In that case, additionally, the defendant was raped at age nine by her father's friend.[11] There, prosecutors repeatedly emphasized her smoking cigarettes as a child to "cast [her] as a mature adult when she was still a child."[12] In another example, California

[9] The following examples illustrate sex shaming, demonization of queer identity, racialized hypersexualization, and the double standards on motherhood. In one capital case, prosecutors sex-shamed a California woman (who decades later was resentenced to Life Without the Possibility of Parole) to death row. There, to get the jury to judge her as a bad woman and find her morally blameworthy, "prosecutors introduced a nude photo of [the defendant] that bore no relation to her case, and read aloud portions of erotic letters she received from a sexual partner after her husband's death." *See* Rebecca Huertas & Sandra Babcock, *Sex-Shamed to Death: Brenda Andrew and Mary Ellen Samuels*, CORNELL CTR. ON THE DEATH PENALTY WORLDWIDE (Oct. 21, 2021), https://dpw.lawschool.cornell.edu/sex-shamed-to-death-brenda-andrew-and-mary-ellen-samuels/ (citing the California capital trial of a woman who has been resentenced to life without the possibility of parole). The following example illustrates the demonization of queer identity in California women's capital trials. "In closing argument at the penalty phase, the prosecutor argued that '[California woman capital defendant's] morality was zero' and that 'she was basically from the gutter.' In a case where the prosecution identified [defendant] as a lesbian on the first day of trial, its denigration of her as being 'from the gutter' implicitly invited the jury to connect her sexual orientation to its assessment of her death-worthiness." Greenfield & Babcock, *Sex on Trial*, *supra* note 6 at 272. In an example of weaponized sexuality, prosecutors twice called the Asian American capital defendant woman a nymphomaniac and in arguing for her to be sentenced to death at the penalty phase, "the state argued that . . . evidence about [defendant's] sexuality revealed 'the person that this defendant is.'" *Id. at* 248. Earlier in the trial, they argued that the defendant "wanted sex 'three times a day' and her husband 'gave it to her every time she wanted it.'" *Id.* In an example of double standards around motherhood, in another California capital case, the prosecutor stated: "After pointing out that all of [California woman capital defendant] had been raised by others, the prosecutor concluded that '[n]othing will turn this woman around, not even carrying her own child. . . . That's the type of person to be punished.'" *Id.* at 276-77.

[10] *See* Greenfield & Babcock, *Sex on Trial*, *supra* note 6 at 262-63 ("By age fourteen or fifteen, she was regularly seen in the company of older men and women; the defendant explained that one woman would take all of her earnings and give her drugs in exchange. In closing argument, the prosecutor argued that 'she chose the lifestyle that she led.' Although child sex trafficking victims are incapable of consenting to their exploitation, the trial judge . . . concluded that the defendant made a voluntary choice to sell sex.").

[11] *Id. at* 265.

[12] *See id*. at 265 ("The focus on cigarettes served to create the image of an adult smoking after sex in the jurors' minds, and thereby minimized [defendant's] experiences of sexual abuse. And the prosecutors' tactics worked. [The defendant] was only eighteen years of age at the time of the offense, making her one of the youngest women to be condemned in our dataset. Yet in their comments to the jury in re-weighing the evidence, the trial judge determined that [the defendant's] youth should not be mitigating because she was 'streetwise.'").

prosecutors framed the rape of a BIPOC child when she was eleven years old as "consensual intercourse with an older man."[13]

In the California capital trial of a Latina defendant, prosecutors made explicit references to her "multiple marriages and extramarital sexual relationship," depicting her as a "sexually loose woman" and "appeal[ing] to [the] racialized stereotype[] of the exotic and seductive Latina."[14] In another case, prosecutors made it a point to emphasize that a Latina capital defendant was the mother to six children and that one of them was the child of another man, "marshalling stereotypes about Latina women having many children."[15] In the trial of a Black woman on California's death row, prosecutors "evok[ed] tropes about Black women's sexualities,"[16] repeatedly "underscor[ing] that the defendant had a child with a man who was not her husband."[17] This hypersexualization presents these women as "failures of femininity" who have "deviat[ed] from societally prescribed roles as chaste wives and mothers," thus suggesting to the jury that because she "cannot abide by the laws of womanhood [she] is more likely to flout the laws of the land."[18]

Gendered socioeconomic biases were also used to sentence women to death in California. In one case, prosecutors went so far as to weaponize manicures. There, prosecutors "elicited testimony about the defendant's manicures" to depict her as vain and suggest that her married lifestyle contributed to a motive to commit murder.[19] In another case, prosecutors described the

[13] *Id.* at 264 (internal quotation marks omitted). Here, the prosecution claimed that "because she did not have any 'sexual dysfunction' . . . [and] 'didn't become a prostitute'" the defendant "suffered little long-term consequences" from the rapes, undermining expert testimony that established otherwise. *Id.* at 265.
[14] *Id. at 266 (citing* ISABEL MOLINA-GUZMÁN, DANGEROUS CURVES: LATINA BODIES IN THE MEDIA 152–74 (2010)).
[15] *Id.* at 267 (citing the trial transcript of a case from California). Here, prosecutors argued "it's the defendant's choice to have a child with somebody that wasn't her husband. It was the defendant's choice to have six children. Although she says that [her partner] wanted her fat and pregnant, I highly doubt [he] wanted her fat and pregnant with somebody else's child." *Id.* (internal quotation marks omitted).
[16] Greenfield & Babcock, *Sex on Trial*, *supra* note 6 at 267 (citing Lisa Rosenthal & Marci Lobel, *Stereotypes of Black Women Related to Sexuality and Motherhood*, 40 PSYCH. WOMEN Q. 414, 414–27 (2016)).
[17] *Id.* (citing the transcript of a case from California).
[18] *Id.* at 283-84.
[19] *Id. at 273* ("[The defendant] was presented as a woman who married into money and had 'once a week' manicures as a sign of vanity afforded to her as a woman of means. Indeed, prosecutors presented [California woman capital defendant's] love of the lifestyle she married into as the motive for her husband's death—the state claimed that upon

California capital defendant as such "a trashy girl" that her own "mother-in-law would never have picked her to marry her son," evoking the stereotype of the "white trash" woman.[20]

Survivors of gender-based violence have even been blamed for being "complicit in their abuse."[21] One case from California is particularly emblematic of this.[22] There, prosecutors characterized the childhood rape of a survivor-defendant, who had been fifteen years old at the time, as being consensual by claiming that she "was 'willing to sell herself'" to her abuser, a thirty-eight-year-old man, "for a 'business opportunity.'"[23] Despite the fact that "[s]cholars and victims' rights advocates alike . . . have long known that victims who seek to leave abusive partners risk greater harm," prosecutors characterized her failure to leave her abuser as proof that "she loved him," framing the violence she experienced as something she chose to endure, despite the abuse qualifying as a crime under California's own laws.[24] In California, and across the country, women are condemned to die without adequate consideration of the very circumstances that contributed to their criminalization. We note that "misogyny, like racism, is rampant in the criminal legal system, and it plays an unacceptable role in determining who is singled out for the harshest of punishments."[25]

There is no just way to impose capital punishment. For women on death row, capital punishment is the ultimate act of gender-based violence. To truly "eliminate the risk that gender bias could contribute to the taking of human life," abolition of the death penalty is necessary.[26] Universal clemency is the first step towards this goal.

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separation with her husband, [defendant] 'was stripped of her financial freedom' and could no longer 'get[] manicures once a week,' giving her motive to kill.").

[20] *Id.* (internal quotation marks omitted) ("Prosecutors called her a 'trashy girl' and claimed that she was so 'trashy' that her mother-in-law would never have picked her to marry her son.").

[21] Babcock & Greenfield, *Gender, Violence, and the Death Penalty*, *supra* note 5 at 382.

[22] *Id.* at 388-389.

[23] *Id.* at 389.

[24] *Id.* at 389 (internal quotation marks omitted).

[25] *Id. at 294.*

[26] CORNELL CTR. ON THE DEATH PENALTY WORLDWIDE, CTR. ON GENDER AND EXTREME SENTENCING, THE ADVOCATES FOR HUMAN RIGHTS, & VIOLENCE FREE MINNESOTA, *Comments for the CEDAW Committee on draft general recommendations on gender stereotypes*, 7-9 (May 12, 2026),



https://www.theadvocatesforhumanrights.org/r/72738/CCDPW%20CEDAW%20May%2012%20Final%20Submission%209.pdf.