

## **Death Penalty § 615 A**

### **Fall Semester 2013 Course Syllabus**

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Textbook: Capital Punishment and the Judicial Process (4th Ed. 2012) by Randall Coyne and Lyn Entzeroth.

The class covers all aspects of capital punishment in the United States, from limitations on the crimes for which capital punishment is an available penalty, the class of offenders eligible for the death penalty, the capital case trial, sentencing hearing, appellate review, habeas corpus, and clemency proceedings.

The class is concerned with legal issues; it is not a forum to debate whether capital punishment is a social good or a stain on society. All students are welcome, whether they favor the death penalty, oppose capital punishment, or have no position on the subject.

This course does not have either a midterm or a final examination. In place of exams, student grades are based upon class participation and a research paper on a current issue in capital punishment litigation. The paper must comply with the standards established for the Upper Level Writing Requirement [ULRW].<sup>1</sup> Students are encouraged to select a topic of personal interest.

Examples of present-day issues include lethal injection as a means of execution, the admissibility and scope of victim-impact evidence in the sentencing phase, and the applicability, if any, of international law to capital punishment in the United States. The subject of the research project must be approved in advance. A draft of the written paper must be submitted for review and comment. The

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<sup>1</sup> For further information on the ULWR, please see the Student Handbook, § IV(A)(8), page IV-12.

paper must include citations to legal authorities, such as published cases, and secondary authorities, such as law reviews and other scholarly writings. The written paper should be a minimum of 20 double-spaced pages in length.

Students are expected to be prepared for each class meeting and ready to take part in discussion and analysis of the week's assigned reading. Class participation is essential to the learning experience, and accounts for 25% of each student's final grade.

## Weekly Reading Assignments

Week 1. August 27, 2013.

Chapter 1: The Great Debate Over Capital Punishment

Week 2. September 3, 2013.

Chapter 2: Eighth Amendment Prohibition of Cruel and Unusual Punishment

Week 3. September 10, 2013.

Chapter 3: Constitutional Challenges to the Death Penalty

Week 4. September 17, 2013.

Chapter 4: Race, Gender, and Sexual Orientation

Week 5. September 24, 2013.

Chapter 5: Constitutional Limits on Death Eligibility

Week 6. October 1, 2013.

Chapter 6: Selecting the Capital Jury

Week 7. October 8, 2013.

Chapter 7: The Role of Aggravating Circumstances

*Writing requirement research topics due.*

Week 8. October 15, 2013.

Chapter 8: The Role of Mitigating Circumstances

Week 9. October 22, 2013.

Chapter 9: The Sentencing Phase of Capital Cases

Week 10. October 29, 2013.

Chapter 10: Use of Psychiatric Experts in Capital Cases

Chapter 11: Assistance of Counsel

§ A: Introduction

§ B: The Constitutional Standard of Effective Assistance of Counsel

Week 11. November 5, 2013.

Chapter 11: Assistance of Counsel

§C: Effective Assistance of Counsel in Capital Sentencing Proceedings

§D: Failure to Investigate

§E: Conflict of Interest

§F: Direct Appeal

§G: Fatal Consequences of Attorney Error

*Draft papers due.*

Week 12. November 12, 2013.

Chapter 12: Stays of Execution and State Post-Conviction Relief Proceedings

Week 13. November 19, 2013.

Chapter 13: Introduction to Federal Habeas Corpus Review

Week 14. November 26, 2013.

Chapter 18: International Law and the Death Penalty

December 5, 2013.

Completed writing requirement papers due.