

DEATH PENALTY SEMINAR

Spring 2013

PRELIMINARY SYLLABUS - SUBJECT TO CHANGE

Main text = Cases and Materials on the Death Penalty (3rd Edition
2009)
by Rivkind and Shatz

Plus: Supplemental Materials

The class will require: attendance and participation; a paper (15-25 pages) preceded by an outline. There will be two short answer quizzes.

The Paper Memo will be passed out on February 11, the outline will be due on March 11, the final paper will be due on May 8.

Quizzes are scheduled on: February 11 and April 8.

Syllabus

1. Introduction, history and pre-Furman jurisprudence.
Reading: Casebook: 19-27 (history), 36-45 (McGautha)
Supplemental Materials One: 1-15 (stats & Weems)
2. Furman v. Georgia
Reading: Casebook: 46-75
Supplemental Materials One, 15-22 (Furman)
3. Eighth Amendment limits: constitutional and unconstitutional death penalty statutes.
Reading: Casebook: 76-108 (Gregg, Woodson, Jurek)
4. Aggravating circumstances and evidence:
Narrowing function; vague aggravators
Reading: Casebook: 138-152, 897-900 (Lowenfeld, Godfrey, California statute)
Supplemental Materials One, 23
5. Aggravating Circumstances: Notice and victim impact
Reading: Casebook: 539-544, 586-599 (Gardner, Payne)
Supplemental Materials Two, "A Failure of Execution"

6. Mitigating Circumstances
Casebook: 199-218 (Lockett, Eddings, Smith)
7. Racial Impact - McCleskey
Casebook: 180-195
8. Proportionality 1: the punishment and the offense
Casebook: 240-257, 291-313 (Coker, Tison, Kennedy)
Supplemental Materials
9. Proportionality 2: the punishment and the offender
Casebook: 258-291 (Atkins, Roper)
10. Juries
Casebook: 328-333, 348-358 (Witherspoon, Lockhart)
Supplemental Materials
11. Post-Conviction Process
Casebook: 672-683
12. The Federal System vs. California
Casebook: 145, 896-904, 919-930 (Cal and Fed statutes)
13. Methods of Execution
Casebook: 841-863 (Baze)
Supplemental Materials
14. Clemency/Methods/wrap-up
Casebook: 880-891, 109-119 (Callins, Spinkelink)
Supplemental Materials: "The Quality of Mercy"