# Death Penalty Law LAW6930, Section 15 FH 2 Credit Hours

Fridays 10:00-11:40 PM - 210 HOL  
Spring 2018 Course Syllabus

Professor: A. Felecia Epps

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Office Hours: Tuesday 10:00 a.m.-12:00 p.m., Friday 1:00-3:00 p.m. or by appointment. Please email me to schedule an appointment.

**About This Course**

This course will cover the basics of Death Penalty Law. The reading assignments will come from the required text. Students will be assigned to read some material that is not in the casebook.

The course syllabus and other information, such as cases assigned that are not in the casebook, will be posted on TWEN at lawschool.westlaw.com.

*The required textbook for this course is: Cases and Materials on The Death Penalty* (4th Edition), Rivikind, Shatz, Kamin and Marceau

**Course Objectives and Student Learning Outcomes**

Learning Objectives:

1. Students will be able to describe the history of the death penalty in the United States.
2. Students will be able to describe the legal requirements (substantive and procedural) for imposition of the death penalty in the United States.
3. Students will be able to evaluate a fact pattern to determine whether the legal requirements (substantive and procedural) for imposition of the death penalty in the United States have been met.
4. Students will display effective written and oral communication skills.
5. Students will display the ability to collaborate with others to prepare a presentation.

**Expectations:**

It is anticipated that you will spend approximately 2-3 hours out of class reading and/or preparing for in-class assignments. The reading material consists of Supreme Court opinions. These can be very challenging to read and digest. There are problems within the reading assignments. Students are expected to prepare the problems for class. Time will be given in class for students to discuss the proposed solutions in small groups and with the entire class.

**Attendance and Participation**

Attendance will be taken at each class meeting. Students are allowed 2 absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. A student dropped from the course will not be allowed to take the final examination. I will not accept or grade the final paper of a student who is dropped from the course.

Student participation in class is required, and will be considered in assigning a final grade. The degree of student participation will doubtless affect the quality and interest of class discussions. Students are expected to be prepared for each class. Student participation in small group in class assignments is considered part of the course participation grade.

Excused absences are consistent with university policies in the undergraduate catalog

(<https://catalog.ufl.edu/ugrad/currcnt/regulations/info/attendance.aspx>) and require appropriate documentation.

**Professionalism**Students are expected to be on time for class. Please notify me by email before class if you must leave class early. Cell phones should be turned off during class unless an emergency situation requires that the phone remain available. Computers may be used during class. They are to be used for class related purposes. Please do not play computer games or surf the Internet during class.

Death penalty issues can be emotional and there are disagreements about the use of this punishment. This course will focus on the law regarding the death penalty but there may be disagreements over policy. Students are expected to listen respectfully to others and to feel free to express their thoughts at appropriate times in class discussions.

**Grades**

Your grade for this course will be based on your class participation, paper assignment, and final exam. The weight assigned to each part of the class is as follows:

|  |  |
| --- | --- |
| **Assignment** | **Percent of Grade** |
| Participation | 10% 100 pts |
| Final Exam | 60% 600 pts |
| Paper | 30% 300 pts |
| Total | 100% 1000 pts |

**Final Examination**

The final examination will be a **2-hour open book** exam. It will consist of short answer and essay questions. Additional information will be provided later in the semester.

**Paper**

Unfortunately, many persons have been exonerated while on death row. Exploring the stories of these persons will help students to identify and understand the death penalty process. Students will be required to submit a written profile of an exonerated person. This project is to be between 5 and 10 pages. You must use one inch margins on the top, bottom and sides of the paper as well as 12 pt. Times New Roman type. You may write the paper using footnotes, but they must be converted to endnotes before you turn your final paper in. The profile should include:

1. Facts of the crime/description of defendant
2. Description and application of the applicable death penalty statute.
3. Description of the procedural history of the case.
4. Discussion of the appeal and issues raised on appeal.
5. Explanation of how the convicted person was exonerated.
6. Years of death row.

### Papers are due by 5:00 p.m. on April 26. There will be a drop box on TWEN for submission of papers. Information on persons exonerated can be found here:

### [**Innocence and the Death Penalty | Death Penalty Information Center**](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=13&ved=0ahUKEwjV86Oyv4XYAhUKTSYKHVZuCqgQFghgMAw&url=https%3A%2F%2Fdeathpenaltyinfo.org%2Finnocence-and-death-penalty&usg=AOvVaw2rFxBEgMt59UwM4fcTFYWg)

https://deathpenaltyinfo.org/innocence-and-death-penalty

**Grading Policy**

I will adhere to College of Law’s grading policy posted on the College’s website.

|  |  |
| --- | --- |
| **Grade** | **Grade Points** |
| A (Excellent) | 4.00 |
| A- | 3.67 |
| B+ | 3.33 |
| B- | 3.00 |
| B- | 2.67 |
| C+ | 2.33 |
| C(Satisfactory) | 2.00 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.00 |
| D- | 0.67 |
| E (Failure) | 0.00 |

For more details, see this information at <https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx>

**Course Evaluations**  
Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

**Requesting Accommodations**

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**University Honesty Policy**

UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The Honor Code (https://www.dso.ufl.edu/sccr/process/student-conduct­honor-code/) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor or TAs in this class.

**Counseling and Wellness Center**

Contact information for the Counseling and Wellness Center:

http://www.counseling.ufl.edu/cwc/Default.aspx, 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.

**Reading Assignments**

**Class # 1 January 12**

**Chapter 1 Introduction**

1. Why the Death Penalty? 3-22

**Chapter 13 Perspectives on the Death Penalty** 1009-1031

**Class # 2 January 19**

**Chapter 1 Introduction**

1. Historical Background 22-53

**Chapter 2 The Supreme Court’s Seminal Cases**

Furman v. Georgia, 408 U.S. 238 (1972) 55-87

Each student will be assigned one of the separate opinions to read and present/argue in class. Please read the excerpt from the case in the casebook and the complete opinion that you are assigned.

**Class # 3 January 26**

**Chapter 2 The Supreme Court’s Seminal Cases** 87-116

Gregg v. Georgia, 87-104

Proffit v. Florida, Note pg. 104-106 (What has changed in the Florida process?)

Woodson v. North Carolina, 106-115

Roberts v. Louisiana, Note pg. 115

Sumner v. Shuman, Note pg. 116

**Class #4 February 2**

**Chapter 2 The Supreme Court’s Seminal Cases** 116-134

Jurek v. Texas, 116-122

Loose the Fateful Lightning 122-134

Spenkelink v. Wainwright, 315 So.2d 666 (1975)

Spenkelink v. Wainwright, 442 U.S. 1301 (1979)

Be prepared to explain step by step the process Mr. Spenkelink received.

**Class # 5 February 9**

**Chapter 3 Limiting the Risk of Arbitrariness** 137-170

Zant v. Stephens, 138-151,

Georgia statutes, 1053-56

Lowenfeld v. Phelps, 156-162

Problem 3-1, 162

Godfrey v. Georgia, 163-170

Note, 170

**Class # 6 February 16**

**Chapter 3 Limiting the Risk of Arbitrariness** 170-195

Arave v. Creech, 170-182

Problem 3-2, 182

Notes, 182-183

Barclay v. Florida, 184-195

Florida statues, 1044-1053 (also read revisions)

Be prepared to explain the Florida process step by step.

**Class # 7 February 23**

**Chapter 3 Limiting the Risk of Arbitrariness**

McCleskey v. Kemp, 201-217

Notes 217-220

**Chapter 4 Individualized Penalty Determination**

Lockett v. Ohio, 221-229

Eddings v. Oklahoma, 229-235

Note 235-236

Smith v. Texas, 236-242

Notes, 242-243

Problems 4-1, 4-2, 4-3

**Class # 8 March 2**

**Chapter 4 Individualized Penalty Determination**

Kansas v. Marsh, 244-253

Walton v. Arizona, 253-263

Notes, 264-265

**Chapter 5 Proportionality**

Coker v. Georgia, 268-273

Tison v. Arizona, 273-286

**March 9 – Spring Break – No Class**

**Class # 9 March 16**

**Chapter 5 Proportionality**

Atkins v. Virginia 287-303 (Problem 5-3, pg 303)

Hall v. Florida, 304-316

Roper v. Simmons, 317-33

Kennedy v. Louisiana, 334-357

**Class # 10 March 23**

**Chapter 6 The Defendant and Defense Counsel** - Assignments TBA

**Class # 11 March 30**

**Chapter 7 The Prosecutor** – Assignments TBA

**Class # 12 April 6**

**Guest Speaker Judge James M. Colaw, Eighth Judicial Circuit**

Judge Colaw is an alum of the College of Law. He will discuss his experience as a prosecuting attorney in death penalty cases. Please be prepared to ask questions.

**Class # 13 April 13**

**Chapter 8 Selecting the Jury -** Assignments TBA

**Class # 14 April 20**

**Chapter 9 The Penalty Hearing** – Assignments TBA