**Assignments and Course Policies**

**The Death Penalty – LAW 6936**

**Professor Teresa J. Reid**

**Fall 2021 Room 355C Monday 9:30 – 11:30**

**Copyright 2021 by Teresa J. Reid. All rights reserved. Some policies may have been stated verbatim from UF websites.**

**­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CALENDAR OVERVIEW**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **week** | **Mon** | **Tues** | **Wed** | **Thurs** | **Fri** | **Sat** | **Sun** |
| **1** | **Aug. 23**  Class 1 | **Aug. 24** | **Aug. 25** | **Aug. 26** | **Aug. 27** | **Aug. 28** | **Aug. 29** |
| **2** | **Aug. 30**  Class 2 | **Aug. 31** | **Sept. 1** | **Sept. 2** | **Sept. 3** | **Sept. 4** | **Sept. 5** |
| **3** | **Sept. 6**  Class 3  **Holiday no in-person class--**  **please see assignments in Syllabus** | **Sept. 7** | **Sept. 8** | **Sept. 9** | **Sept. 10**  **Due by noon #1** | **Sept. 11** | **Sept. 12** |
| **4** | **Sept. 13**  Class 4 | **Sept. 14** | **Sept. 15** | **Sept. 16** | **Sept. 17** | **Sept. 18** | **Sept. 19** |
| **5** | **Sept. 20**  Class 5 | **Sept. 21** | **Sept. 22** | **Sept. 23** | **Sept. 24** | **Sept. 25** | **Sept. 26** |
| **6** | **Sept. 27**  Class 6  Presentation 1 | **Sept. 28** | **Sept. 29** | **Sept. 30** | **Oct. 1**  **Due by noon #2** | **Oct. 2** | **Oct. 3** |
| **7** | **Oct. 4**  Class 7  Presentations 2 & 3 | **Oct. 5** | **Oct. 6** | **Oct. 7** | **Oct. 8** | **Oct. 9** | **Oct. 10** |
| **8** | **Oct. 11**  Class 8  Presentations 4 & 5 | **Oct. 12** | **Oct. 13** | **Oct. 14** | **Oct. 15** | **Oct. 16** | **Oct. 17** |
| **9** | **Oct. 18**  Class 9  Presentations 6 & 7 | **Oct. 19** | **Oct. 20** | **Oct. 21** | **Oct. 22** | **Oct. 23** | **Oct. 24** |
| **10** | **Oct. 25**  Class 10  Presentations 8 & 9 | **Oct. 26** | **Oct. 27** | **Oct. 28** | **Oct. 29**  **Due by noon #3** | **Oct. 30** | **Oct. 31** |
| **11** | **Nov. 1**  Class 11  Presentations 10 & 11 | **Nov. 2** | **Nov. 3** | **Nov. 4** | **Nov. 5** | **Nov. 6** | **Nov. 7** |
| **12** | **Nov. 8**  Class 12  Presentations 12 & 13 | **Nov. 9** | **Nov. 10** | **Nov. 11 No class**  **Holiday** | **Nov. 12** | **Nov. 13** | **Nov. 14** |
| **13** | **Nov. 15**  Class 13  Presentations 14 & 15 | **Nov. 16** | **Nov. 17** | **Nov. 18** | **Nov. 19** | **Nov. 20** | **Nov. 21** |
| **14** | **Nov. 22**  Class 14  (not in-person) | **Nov. 23** | **Nov. 24**  **No class**  **Holiday** | **Nov. 25 No class Thanksgiving** | **Nov. 26**  **No class**  **Holiday** | **Nov. 27** | **Nov. 28** |
| **15** | **Nov. 29** no class  **Final**  **Presentation**  **or Paper (#4) email due by noon** | **Nov. 30** | **Dec. 1** | **Dec. 2** | **Dec. 3** | **Dec. 4** | **Dec. 5** |

**To engage the hyperlinks in this document, you’ll need access to Westlaw. Please make sure to scroll down when reading -- assignments may continue to the next page. Our Course Policies are set forth at pages 10 – 24 below.**

**WEEK 1** Monday, Aug. 23

**Class 1 Overview: Imposing the Death Penalty Then and Now**

*****Course Policies* – Please read all policies set forth at pages 10-24 below.

****[Gregg v. Georgia, 428 U.S. 153 (1976)](https://1.next.westlaw.com/Document/I6b36d9629c2511d9bc61beebb95be672/View/FullText.html?transitionType=Default&contextData=(oc.Default)) – please read **only** section III (beginning page 168 / 2922) and ending page 187 / \*2932).

****[United States v. Palmer, 16 U.S. 610 (1818)](https://1.next.westlaw.com/Document/Ie9810559b5c211d9bc61beebb95be672/View/FullText.html?transitionType=Default&contextData=(oc.Default)) – a comma makes all the difference!

*****Please familiarize yourself with the statutory scheme –*

**** FL ST section [775.082](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=775.082&URL=0700-0799/0775/Sections/0775.082.html) (penalties);

**** FL ST section [921.141](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=921.141&URL=0900-0999/0921/Sections/0921.141.html) (sentencing – aggravating and mitigating factors);

**** FL ST section [782.04](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=782.04&URL=0700-0799/0782/Sections/0782.04.html) (murder),

**** [FL ST CHAPTER 922](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0922/0922.html) (execution). Please notice, for example, Section 922.08 “Proceedings when person under sentence of death appears to be pregnant.”

**** Drug offense as [CAPITAL](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=921.141&URL=0800-0899/0893/Sections/0893.135.html) felony – [FL ST 893.135](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=921.141&URL=0800-0899/0893/Sections/0893.135.html): please do a “find” search for the word “capital” within the statute and see what appears. You’ll find, for example, the following:

“3. Any person who knowingly brings into this state 300 kilograms or more of cocaine, as described in s. [893.03](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=921.141&URL=0800-0899/0893/Sections/0893.03.html)(2)(a)4., and who knows that the probable result of such importation would be the death of any person, commits capital importation of cocaine, a capital felony punishable as provided in ss. [775.082](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=921.141&URL=0700-0799/0775/Sections/0775.082.html) and [921.142](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=921.141&URL=0900-0999/0921/Sections/0921.142.html). Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.”

****[Eighth Amendment U.S. Constitution, amend. 8](https://constitution.congress.gov/constitution/amendment-8/); and [Florida Constitution, § 17](http://www.leg.state.fl.us/statutes/index.cfm?submenu=3#A1S17)

****Texas [Eyeball](https://lawschool.westlaw.com/Files/Download/10738217/TexasEyeballCase%20class1.pdf?serve=true) Case and see newest case involving Andre Thomas: <https://www.ca5.uscourts.gov/opinions/pub/17/17-70002-CV0.pdf>

*****The following website contains many interesting links. Please familiarize yourself with it:* [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org)

****[Bucklew v. Precythe, 139 S. Ct. 1112 (2019)](https://1.next.westlaw.com/Document/I5a32e600547611e9ab26b3103407982a/View/FullText.html?transitionType=Default&contextData=(oc.Default)) method of execution

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 2** Monday, Aug. 30

**Class 2 Aggravating and Mitigating Circumstances**

**** [Rolling v. State, 695 So. 2d 278 (Fla. 1997)](https://1.next.westlaw.com/Document/Ia1741d430c8711d9bc18e8274af85244/View/FullText.html?transitionType=Default&contextData=(oc.Default)) – please read **only** page 281 through the end of the Procedural Posture section at page 288, and read the Heinous, Atrocious, or Cruel Aggravator section through the end of the case (i.e., through p. 296).

**** [Lawrence v. State, 308 So. 3d 544 (Fla. 2020)](https://1.next.westlaw.com/Document/I8819e7501a1011eb8cddf39cfa051b39/View/FullText.html?transitionType=Default&contextData=(oc.Default)), reh'g denied, 46 Fla. L. Weekly S1 (Fla. Dec. 31, 2020) Fla. Supreme Court no longer looks at proportionality.

**** [Kansas v. Marsh, 548 U.S. 163 (2006)](https://1.next.westlaw.com/Document/Ib2ba6efb051b11dba2529ff4f933adbe/View/FullText.html?transitionType=Default&contextData=(oc.Default))

**** [McKinney v. Arizona, 140 S. Ct. 702 (2020)](https://1.next.westlaw.com/Document/I975640b257c411eabf0f8b3df1233a01/View/FullText.html?transitionType=Default&contextData=(oc.Default))

**** [Hurst v. Florida, 577 U.S. 92 (2016)](https://1.next.westlaw.com/Link/Document/FullText?transitionType=Default&contextData=(oc.Default))

**Role of the Jury**

Question: What burdens should we place upon a jury member?

****[FL ST § 913.13](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=913.13&URL=0900-0999/0913/Sections/0913.13.html) (jurors – eligible to sit in death penalty case):

**913.13 Jurors in capital cases.**—A person who has beliefs which preclude her or him from finding a defendant guilty of an offense punishable by death shall not be qualified as a juror in a capital case.

****[FL ST § 90.607](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=90.607&URL=0000-0099/0090/Sections/0090.607.html) (Evidence code re juror competency as witness re deliberations): **90.607 Competency of certain persons as witnesses.**

(1)(a) Except as provided in paragraph (b), the judge presiding at the trial of an action is not competent to testify as a witness in that trial. An objection is not necessary to preserve the point.

(b) By agreement of the parties, the trial judge may give evidence on a purely formal matter to facilitate the trial of the action.

(2)(a) A member of the jury is not competent to testify as a witness in a trial when he or she is sitting as a juror. If the juror is called to testify, the opposing party shall be given an opportunity to object out of the presence of the jury.

(b) Upon an inquiry into the validity of a verdict or indictment, a juror is not competent to testify as to any matter which essentially inheres in the verdict or indictment.

****[Fed. R. Evid. 606](https://1.next.westlaw.com/Document/N5DAD5230C0F511D8A8CA80DCF7582C6A/View/FullText.html?transitionType=Default&contextData=(oc.Default))

****[Pena-Rodriguez v. Colorado, 137 S. Ct. 855 (2017)](https://1.next.westlaw.com/Link/Document/FullText?transitionType=Default&contextData=(oc.Default))

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 3**

**Class 3 CLASS WILL NOT MEET DUE TO HOLIDAY, BUT PLEASE WATCH/READ/SUBMIT THE FOLLOWING:**

***AWR and Non-AWR students.***

***Submit form #1 – Due via email to Professor Reid by noon on Friday, Sept. 10.***

***In subject line of email write: Assignment #1 – Your Last Name, Your First Name.***

****Please watch the following Frontline special on forensic evidence (will take about 40 minutes): <http://www.pbs.org/wgbh/pages/frontline/real-csi/>

****[*http://www.dc.state.fl.us/ci/deathrow.html*](http://www.dc.state.fl.us/ci/deathrow.html)

*****Methods of execution:*

****[*http://www.dc.state.fl.us/ci/docs/Lethal%20Injection%20Certification%20Ltr%20and%20Procedure%202-27-19%20Final%20.pdf*](http://www.dc.state.fl.us/ci/docs/Lethal%20Injection%20Certification%20Ltr%20and%20Procedure%202-27-19%20Final%20.pdf)

****[*http://www.dc.state.fl.us/ci/docs/Electrocution%20Certification%20Ltr%20and%20Procedure%202-27-19%20Final.pdf*](http://www.dc.state.fl.us/ci/docs/Electrocution%20Certification%20Ltr%20and%20Procedure%202-27-19%20Final.pdf)

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 4** Monday, Sept. 13

**Class 4 Exempted Individuals: Executing the Insane**

****[Ford v. Wainwright, 477 U.S. 399 (1986)](https://1.next.westlaw.com/Document/I31956e699c2511d9bdd1cfdd544ca3a4/View/FullText.html?transitionType=Default&contextData=(oc.Default))

****[Madison v. Alabama, 139 S. Ct. 718 (2019)](https://1.next.westlaw.com/Document/I90cb435e3a8211e9bc5c825c4b9add2e/View/FullText.html?transitionType=Default&contextData=(oc.Default))

****[Panetti v. Quarterman, 551 U.S. 930 (2007)](https://1.next.westlaw.com/Document/I6f67ef13258611dcaf8dafd7ee2b8b26/View/FullText.html?transitionType=Default&contextData=(oc.Default)) Westlaw displays the S. Ct. version. *After reading the facts of the case, please focus on pages 2859-2862. We will not address the procedural aspects of the case addressed prior to page 2859*.What, specifically, did the Panetti Court say regarding the petitioner’s particular mental illness?

Recent development: <https://deathpenaltyinfo.org/news/florida-bars-from-medical-practice-psychiatrist-who-repeatedly-testified-that-severely-mentally-ill-death-row-prisoners-were-malingering?utm_source=WeeklyUpdate&utm_campaign=23e21c3d71-weekly_update_2017_w41_COPY_01&utm_medium=email&utm_term=0_37cc7e4461-23e21c3d71-344701165>

** What About** [**Psychopaths**](https://www.healthline.com/health/psychopath)**?** <https://www.healthline.com/health/psychopath>

**Medicating to Execute?**

An undecided issue: forced medication challenges arising under 5th Amendment due process and under the 8th Amendment. Question: What legal test should we use in deciding this issue?

**** [Sell v. United States, 539 U.S. 166 (2003)](https://1.next.westlaw.com/Document/I1d123eb19c9711d993e6d35cc61aab4a/View/FullText.html?transitionType=Default&contextData=(oc.Default))

(please focus on section III) *–* a 5th Amendment case.

Question: What if it against your religion to take drugs of any kind?

Question: What if you are prisoner and you have a tumor that is rendering you mentally incompetent. Should the prison/court/governor be able to order you to undergo an operation to remove that tumor in an attempt to restore you to competency?

Question: What if you are a prisoner and you intentionally take a drug or substance that will render you insane or mentally incompetent? What if you deliberately render yourself mentally incompetent (i.e., you run into the wall and suffer deliberate brain damage)?

Question: What if the government finds that prisoners simply do better when they are on an antidepressant? May the warden require that all prisoners take antidepressants?

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 5** Monday, Sept. 20

**Class 5 Exempted Individuals: Executing the Intellectually Disabled**

**** [Atkins v. Virginia, 536 U.S. 304 (2002)](https://1.next.westlaw.com/Document/I9a37ce0d9c9c11d991d0cc6b54f12d4d/View/FullText.html?transitionType=Default&contextData=(oc.Default))

Please note that the term used in the Atkins case for the intellectually disabled is no longer considered appropriate. Please see: <https://www.federalregister.gov/d/2013-18552/p-19>

**** [Phillips v. State, 299 So. 3d 1013 (Fla. 2020)](https://1.next.westlaw.com/Document/I8c2a1c209b8f11ea8b0f97acce53a660/View/FullText.html?transitionType=Default&contextData=(oc.Default)), reh'g denied, SC18-1149, 2020 WL 4727425 (Fla. Aug. 14, 2020)

**** [HARRY FRANKLIN PHILLIPS V. FLORIDA, 20-6887](https://1.next.westlaw.com/Document/I35BC73FC56F911EBBF5BCD63685AA6B9/View/FullText.html?transitionType=Default&contextData=(sc.Default))

**** [Hall v. Florida, 572 U.S. 701 (2014)](https://1.next.westlaw.com/Document/I79ae857ce58811e3a795ac035416da91/View/FullText.html?transitionType=Default&contextData=(oc.Default))

**** Please read BOTH links: (1) [FL ST § 921.137](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0921/Sections/0921.137.html) (executing the intellectually disabled) CAUTION: You cannot rely solely on the statutes set forth in the Florida Statute website. You MUST ALWAYS cite check: (2) [§ 921.137, Fla. Stat. Ann.](https://1.next.westlaw.com/Document/N6D6898C0DF0811E2A5EFA1428CB399FF/View/FullText.html?transitionType=Default&contextData=(oc.Default))

**Exempted Individuals: Executing the Young**

**** [Read link to marriage statutes](https://www.law.cornell.edu/wex/table_marriage): What state has the lowest age for marriage and what was that age? <https://www.law.cornell.edu/wex/table_marriage>

**** [Roper v. Simmons, 543 U.S. 551 (2005)](https://1.next.westlaw.com/Document/Idf1002e89c9c11d993e6d35cc61aab4a/View/FullText.html?transitionType=Default&contextData=(oc.Default)) juveniles

****<https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=10738167&courseID=187567>

Please read the Alabama Amicus Brief (cite above) mentioned in the Simmons case. If that brief wasn’t in our case list, would you know how to find it?

****<https://deathpenaltyinfo.org/news/kentucky-prosecutors-drop-death-penalty-in-cases-that-raised-constitutionality-of-capital-punishment-for-offenders-aged-18-21?utm_source=WeeklyUpdate&utm_campaign=1282fc6372-weekly_update_2017_w41_COPY_01&utm_medium=email&utm_term=0_37cc7e4461-1282fc6372-344701165>

**Optional Reading:**

Jones v. Mississippi (U.S. Supreme Court, April 2021) (life in prison without parole for juvenile who committed homicide upheld – no specific findings of “irreparable corruption” are necessary. Case uses “death penalty” precedent as support.

<https://www.supremecourt.gov/opinions/20pdf/18-1259_8njq.pdf>

[Graham v. Florida, 560 U.S. 48 (2010)](https://1.next.westlaw.com/Document/I8c7a87c661a611df9988d233d23fe599/View/FullText.html?transitionType=Default&contextData=(oc.Default)), as modified (July 6, 2010) “This Court now holds that for a juvenile offender who did not commit homicide the Eighth Amendment forbids the sentence of life without parole.”

[Miller v. Alabama, 567 U.S. 460 (2012)](https://1.next.westlaw.com/Document/Iec8a7df1beb611e1b343c837631e1747/View/FullText.html?transitionType=Default&contextData=(oc.Default)) – mandatory life sentence without possibility of parole for a juvenile offender violates Eighth Amendment (even when applied to homicide).

[Pedroza v. State, 291 So. 3d 541 (Fla. 2020)](https://1.next.westlaw.com/Document/I47ce0cb0648711ea81d388262956b33a/View/FullText.html?transitionType=Default&contextData=(oc.Default)),

cert. denied sub nom. Pedroza v. Florida, 141 S. Ct. 341 (2020) – 40 year sentence for crime committed when juvenile was 17 years old upheld.

[Franklin v. State, 258 So. 3d 1239 (Fla. 2018)](https://1.next.westlaw.com/Document/Id7f73cd0e3aa11e8aec5b23c3317c9c0/View/FullText.html?transitionType=Default&contextData=(oc.Default)) – 1,000 year sentence for crime committed when juvenile was 17 years old upheld.

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 6**

***AWR and Non-AWR students.***

***Submit form #2 – Due via email to Professor Reid by noon on Friday, October 1, 2021.***

***In subject line of email write: Assignment #2 – Your Last Name, Your First Name.***

Monday, Sept. 27

**Class 6 Lawyer / Judge Misconduct**

**** [Maples v. Thomas, 565 U.S. 266 (2012)](https://1.next.westlaw.com/Document/I353e1bd641be11e1a1fbb12042fe3ee4/View/FullText.html?transitionType=Default&contextData=(oc.Default))

Pro bono attorneys abandoned their client

**** [Holland v. Florida, 560 U.S. 631 (2010)](https://1.next.westlaw.com/Document/I69c0286d77ae11df8e45a3b5a338fda3/View/FullText.html?transitionType=Default&contextData=(oc.Default))

Prisoner was a better lawyer than his lawyer

**** [In re Riehlmann, 2004-0680 (La. 1/19/05), 891 So. 2d 1239](https://1.next.westlaw.com/Document/I419f3ba16a7611d9aa2e8abcfac83d3a/View/FullText.html?transitionType=Default&contextData=(oc.Default))

Prosecutor’s misconduct

Judge Sharon Keller ****<https://web.archive.org/web/20100125194704/http://www.scjc.state.tx.us/pdf/skeller/MastersFindings.pdf>

**PRESENTATION (1):**

­­\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 7** Monday, October 4

**Class 7 PRESENTATION (2):**

**PRESENTATION (3):**

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 8** Monday, October 11

**Class 8 PRESENTATION (4):**

**PRESENTATION (5):**

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 9** Monday, October 18

**Class 9 PRESENTATION (6):**

**PRESENTATION (7):**

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 10**

***AWR students only.***

***Submit form #3 – Draft of seminar paper. Due via email to Professor Reid by noon on Friday, October 29, 2021.***

***In subject line of email write: Assignment #3 – Your Last Name, Your First Name.***

Monday, October 25

**Class 10 PRESENTATION (8):**

**PRESENTATION (9):**

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 11** Monday, Nov. 1

**Class 11 PRESENTATION (10):**

**PRESENTATION (11):**

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 12** Monday, Nov. 8

**Class 12 PRESENTATION (12):**

**PRESENTATION (13):**

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 13** Monday, Nov. 15

**Class 13 PRESENTATION (14):**

**PRESENTATION (15):**

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 14** Monday, Nov. 22

**Class 14 PREPARE FINAL PRESENTATIONS / PAPERS (no in-person class)**

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WEEK 15** Monday, Nov. 29

***FINAL PAPER/PROJECTS to be submitted to Prof. Reid – no in-person class***

***AWR students only.***

***Submit form #4 – Final seminar paper due via email to Professor Reid by noon on Monday, November 29, 2021.***

***In subject line of email write: Final Paper (#4) – Your Last Name, Your First Name.***

***Non-AWR students only.***

***Submit your Project via email or other approved format to Professor Reid by noon on Monday, November 29, 2021.***

***In subject line of email write: Final Project – Your Last Name, Your First Name.***

\_­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUGGESTIONS for TOPICS:**

**(a): executing the intellectually disabled**

**(b): life in prison vs death sentence**

“Life from Death Row” -- ABA Journal article, April 2012

Death row syndrome

Death row inmates donating organs <https://lawschool.westlaw.com/Files/Download/10738179/2013DeathPenaltyCases__www.abajournal.com_magazine_article_life_from_death_row_.pdf?serve=true>

**(c) length of “death penalty” prison stays (8th Amendment violation?)**

[Lackey v. Texas, 514 U.S. 1045 (1995)](https://1.next.westlaw.com/Document/I4cc50c539c4c11d9bc61beebb95be672/View/FullText.html?transitionType=Default&contextData=(oc.Default))

Knight v. Florida, 528 U.S. 990 (1999)

Foster v. Florida, 537 U.S. 990 (2002)

Thompson v. McNeil, 128 S. Ct. 1299 (2009)

**(d): \*Florida law on death penalty\***

**(e): lawyer ineffective assistance of counsel**

**(f): prosecutorial misconduct**

<https://deathpenaltyinfo.org/news/trial-court-recommends-new-trial-for-death-row-prisoner-whose-prosecutor-secretly-also-served-as-the-courts-law-clerk?utm_source=WeeklyUpdate&utm_campaign=1282fc6372-weekly_update_2017_w41_COPY_01&utm_medium=email&utm_term=0_37cc7e4461-1282fc6372-344701165>

**(g): race and the death penalty**

Native American – Oklahoma state court lacks jurisdiction

<http://www.okcca.net/cases/2021/OK-CR-10/?utm_source=WeeklyUpdate&utm_campaign=be149073f9-weekly_update_2017_w41_COPY_01&utm_medium=email&utm_term=0_37cc7e4461-be149073f9-344701165>

**(h): economics of the death penalty**

**(i): recent developments in the law regarding methods of execution**

[Baze v. Rees, 553 U.S. 35 (2008)](https://1.next.westlaw.com/Document/I524b02330bb011ddb6a3a099756c05b7/View/FullText.html?transitionType=Default&contextData=(oc.Default))

seminal case on method of execution

[Whether the Food & Drug Admin. Has Jurisdiction over Articles Intended for Use in Lawful Executions, 2019 WL 2235666 (O.L.C. May 3, 2019)](https://1.next.westlaw.com/Document/I6b1b6b477e2c11e9adfea82903531a62/View/FullText.html?transitionType=Default&contextData=(oc.Default)) – Office of Legal Counsel

U.S. Department of Justice

[Manner of Federal Executions, 85 FR 75846-01](https://1.next.westlaw.com/Document/ID09552D0308611EBBFDEADF32F4B3CAB/View/FullText.html?transitionType=Default&contextData=(sc.Default))

(Nov. 2020 – mentioning firing squad)

[Johnson v. Precythe, 20-287, 2021 WL 1163732 (U.S. Mar. 29, 2021)](https://1.next.westlaw.com/Document/I1e305df1906e11eb919abfae1ee15bf3/View/FullText.html?transitionType=Default&contextData=(oc.Default)) Pending US Sup. Ct. case on firing squad

[Provenzano v. Moore, 744 So. 2d 413 (Fla. 1999)](https://1.next.westlaw.com/Document/Icc5fc97a0c8a11d9bc18e8274af85244/View/FullText.html?transitionType=Default&contextData=(oc.Default))

Fla. Sup. Ct. ruled execution via the electric chair does not violate 8th Amendment

**(j): actual innocence**

[McQuiggin v. Perkins, 569 U.S. 383 (2013)](https://1.next.westlaw.com/Document/I008dc37dc78311e28501bda794601919/View/FullText.html?transitionType=Default&contextData=(oc.Default)) tolls statute of limitations

[House v. Bell, 547 U.S. 518 (2006)](https://1.next.westlaw.com/Document/Icf6b9d82f9ee11daa223cd6b838f54f9/View/FullText.html?transitionType=Default&contextData=(oc.Default)) actual innocence explained

[Oregon v. Guzek, 546 U.S. 517 (2006)](https://1.next.westlaw.com/Document/I179dd808a38111da8ccbb4c14e983401/View/FullText.html?transitionType=Default&contextData=(oc.Default)) limiting evidence of innocence at sentencing phase

**(k): Native American land – Oklahoma – jurisdiction issue**

<http://www.okcca.net/cases/2021/OK-CR-10/?utm_source=WeeklyUpdate&utm_campaign=be149073f9-weekly_update_2017_w41_COPY_01&utm_medium=email&utm_term=0_37cc7e4461-be149073f9-344701165>

**(l): constitutionality of the death penalty for offenders under the age of 21 – the arguments and the science**

**(m): an exemption for former or current active combat soldiers suffering from PTSD**

**(n): the toll a life or death decision takes on individual jurors**

**(o): the victim’s family – weight to be given to their penalty preference**

**COURSE POLICIES**

**Death Penalty Seminar – LAW 6936 – Section 27424**

**Professor Teresa J. Reid**

**Fall 2021 Room 355C Monday 9:30-11:30**

**Copyright 2021 by Teresa J. Reid. All rights reserved. Some policies may have been stated verbatim from UF websites.**

**­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Office Hours & Contacting Professor Reid**

Email address: reid@law.ufl.edu

Office: 317 Holland Hall

Professor Reid’s text/cell phone: 352-682-4202

Office hours: TU and TH 10:20-10:50am; by cell phone/text M-F from noon–5:00pm

­WELCOME TO OUR COURSE! The following contains our course policies. If you have any questions about them, please contact me. Please note that these policies and the assignments in our syllabus are subject to change. *This document contains links to pertinent law school and University website information.*

**Course Description**

Credits: 2. Our Death Penalty Seminar introduces you to major issues arising in capital punishment cases including, but not limited to, the following: methods of execution; the execution of juvenile, intellectually disabled, insane, or possibly innocent offenders; the role of the jury; and the problems of ineffective assistance of counsel, prosecutorial misconduct, and judicial misconduct.

**Learning Objectives**

At the end of this course, you should better understand the following:

1. The major legal, moral, policy, and philosophical issues involved in imposing the death penalty.

2. The theoretical and practical challenges that arise from the intersection of science in the legal process.

3. How to read a legal case as a practicing lawyer reads cases.

4. The many ways lawyers play key roles in the death penalty process and the human toll that participation can take on the individual attorney.

5. The role of the individual juror in deciding (literally) the question of life or death.

6. The importance and fallibility of expert witness testimony, scientific testimony, and other sources of evidence.

7. How to improve your research and professional skills by researching a relevant (approved by Professor Reid) topic and presenting your research results to the class.

**Course Limitations**

Please understand that our course does not address in detail all of the complex procedures, statutes, and polices involved in death penalty litigation. Rather, this is an introductory course highlighting the major substantive issues involved in death penalty jurisprudence.

**Course Materials**

No textbook is required. Our syllabus contains hyperlinks to the materials we’ll cover each class. To access those links, you’ll need access to Westlaw.

Emails from Prof. Reid are part of the required reading for our course. Please read them in a timely manner and respond if necessary.

Please also note that the federal and state Supreme Courts have a track record of handing down new death penalty decisions during the semester. I’ll monitor those cases (hope you will, too), send you a link to them, and let you know (via email) when we’ll address them in class. If you learn about a new case, please let me know!

Please stay up to date with the reading as per our syllabus even if you don’t think we’ll cover the material yet in class.

Please expect to spend at least two hours outside of class reading and preparing for every hour of class. Please allow at least four hours of preparation for each of our two hour classes.

**Levin College of Law Policies**

Our course is consistent with the University of Florida and Levin College of Law [academic and conduct policies](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies).

**Academic Accommodations/Exam Delays**

Please consult our Student Services office and the [law school website](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies) for the most up-to-date information regarding academic accommodations, including any exam delays. The law school policy on exam delays and accommodations can be found [here](http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form).

**Accommodations for Students with Disabilities**

Students requesting accommodations for disabilities must, as soon as possible, register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students requesting academic accommodations for learning barrier disabilities must, as soon as possible, contact the Disability Resource Center. Click [here](https://disability.ufl.edu/students/get-started/) to get started with the Disability Resource Center. It’s important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester.

**In-class Video or Audio Recording**

Although students are allowed to record (by video or audio) class lectures, they may do so **only** within the following parameters and for the following purposes: (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services.

A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

**Course Evaluations**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](https://gatorevals.aa.ufl.edu/students/) for guidance on how to give feedback in a professional and respectful manner. You’ll be notified when the evaluation period opens and may complete evaluations through the email you receive from GatorEvals, in your Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available [here](https://gatorevals.aa.ufl.edu/public-results/).

**Calling or Texting Prof. Reid**

If you have a question, please call or text me. I prefer speaking with you rather than emailing. My cell phone number is 352-682-4202. This is my personal number and it’s the best way to reach me remotely.

If you call and I don’t answer, please leave a message and I’ll call you back. I’m available noon-5:00 p.m. Monday through Friday, and at any time in case of an emergency.

If you text me, please indicate whoyou are and that you’re in our Prof. Responsibility class. I never want you to be frustrated or confused by what you’re studying. Please call me and I’d be happy to discuss the subject with you.

**Emailing Prof. Reid**

When you send me an email, please fill in the “subject” line and please include your phone number in the body of the email. If the email contains confidential information, please include “CONFIDENTIAL” in the subject line. Please use correct punctuation, spelling, grammar, etc. in your messages.

**Laptop and Other Device Use**

You are welcome to use your laptop or other devices in class, but *only* for note-taking or other assignment-related purposes.

Violation of this policy will result in the reduction of the student’s final grade **by one full letter** (example: a grade of “A” will be dropped to a “B”) for each infraction of this rule.

The student may also be asked to leave the classroom for engaging in unprofessional and distracting conduct. Judges have been known to cite lawyers for contempt for such behavior. If you cannot resist the temptation of social media sites, please do not bring your devices into our classroom.

Please do not embarrass yourself by acting act unprofessionally, irresponsibly, or rudely.

**Expected Class Demeanor**

Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Please turn OFF your cell phone during class unless you’re expecting an important call. I reserve the right to lower, at my discretion, the final grade of any student who engages in behavior that disrupts the learning environment.

**College of Law Grading Policies**

Our seminar is a 2 credit, graded course. This course follows the Levin College of Law’s grading policies found [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies). Current [grading policies](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies) provide as follows:

“If 15 or fewer students are enrolled in a seminar or course section, there is no minimum GPA but the mean grade for a course section may not be higher than 3.67. The higher mean grade for courses in which there are 15 or fewer students is recommended rather than mandatory, but in no event may the mean grade exceed 3.67, except as follows: If the mean GPA for students enrolled in the course section (determined as of the beginning of the semester) is above 3.65, the mean grade for the course section may exceed 3.67, but may not exceed the mean GPA of the students enrolled in the course section plus .05.”

The below chart describes the specific letter grade/grade point equivalent in place:

Letter Grade Point Equivalent

A 4.00

A- 3.67

B+ 3.33

B 3.00

B- 2.67

C+ 2.33

C 2.00

C- 1.67

D+ 1.33

D 1.00

D- 0.67

E (failure) 0.00

The methods by which students will be evaluated and their grade determined is set forth in the “Final Course Grade” section below.

**Honor Code**

In every aspect of this course students are strictly bound by the University of Florida [Honor Code](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code). Academic honesty and integrity are fundamental values of the University community. On all work submitted for credit, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” Students should understand the requirements of the UF Student Honor Code and the possible sanctions for violating this Code. Furthermore, students are obligated to report to appropriate personnel any condition that facilitates academic misconduct. If you have any questions or concerns, please consult with the instructor. See the link [here](https://sccr.dso.ufl.edu/policies/student-honor-code-student-conduct-code/).

**Attendance**

On-time class [attendance](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies) is mandatory. Attendance will be taken at each class meeting.

The law school's policy on attendance can be found [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies#:~:text=co%2Dcurricular%20activities.-,Attendance,regular%20and%20punctual%20class%20attendance.&text=UF%20Law%20policy%20permits%20dismissal,of%2012%20credits%20per%20semester.). The law school’s policy reads as follows: “ABA standards require regular and punctual class attendance. Attendance is an essential function of legal education and a primary obligation of each student, whose right to continued enrollment in a course and take the exam for credit is conditioned upon a record of attendance satisfactory to the course instructor. UF Law policy permits dismissal of students whose lack of attendance causes their course load to drop below the minimum requirement of 12 credits per semester. Petitions for readmission under an exception to the minimum course-load rule will be granted only for good cause shown.”

As a lawyer, if you’re ill or otherwise can’t attend a meeting with a client or show up at the office or in court, you (of course!) would ***notify*** those impacted by your absence. That’s what a professional does. And, of course, you would not be *late* for a meeting with a client or a court appearance, or walk out in the middle of such unless there was some emergency.

With the above guiding principles, my attendance and class participation policies are as follows:

Excused absences. If you miss a class for any reason, you must notify me via email as soon as possible. If your reason for missing class is reasonable, I will excuse your absence. *The burden, however, is on YOU to tell me, via email and in a timely manner, if you’re absent.* If you do not timely contact me, your absence will be unexcused. You’re responsible for keeping track of your absences. Please don’t ask me how many classes you’ve missed.

For exceptional accommodations due to extraordinary situations (such as your own extensive illness, hospitalization, family emergency, death in your family, etc.), please contact the Student Affairs office.

If you’re ill, please stay home if you need to do so (and I’ll excuse your absence – you don’t need to give me a doctor’s note). I understand that emergencies and other instances beyond your control happen. Because I trust that you’re telling me the truth, I require only timely notice of your absence and don’t require you to provide any proof of your absence. Your word is your bond.

I understand “life happens” and will consider a reasonable excuse for missing a class. I also understand that some of you may be involved in competitions and other school-related functions. Please let me know about those.

Unexcused absences. Any student with more than 2 unexcused absences will receive a failing grade (“E”) in the course.

As explained below, if you fail to tell me ahead of class that you’re unprepared, and your in-class performance demonstrates that you’re unprepared, you’ll receive an unexcused absence for that class.

**Final Course Grade**

Please note that some students will be taking our class to fulfill the [Advanced Writing Requirement](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies) (AWR), while others may have chosen otherwise (non-AWR). Your final grade will be calculated based on the following 100 point scale, explained in more detail below:

AWR students Non-AWR students

required: submit forms required: submit forms

30 points: class participation 30 points: class participation

35 points: presentation 35 points: presentation

35 points: seminar paper 35 points: submitted presentation

✓Late assignments**.** Any assignment submitted late will receive ***no credit*** and will not be reviewed. “Late” means any time (no matter how short) after the time the assignment is due. All assignments are due as indicated in our syllabus.

✓No form attached.Any assignment submitted without the corresponding and completed form will receive ***no credit*** and will not be reviewed.

✓Violation of Laptop and Oher Device Use policy. Please see the above section regarding drop(s) in a student’s final grade due to violation(s) of the Laptop and Other Device Use policy.

✓Violation of Expected Class Demeanor policy. Please see the above section on lowering a student’s final grade due to violation(s) of the Expected Class Demeanor policy.

✓(All students) Seminar Process Forms for Assignments. These assignments are explained in more detail below. All submitted assignments must contain the form corresponding with the assignment. These forms are set forth below for you to copy, paste, and complete. A student’s final grade will be reduced by 10 points for any form not timely submitted.

✓Class participation: 30 points (All students)**.** The success of this seminar depends on you! I want you to feel free to share your views, and I look forward to hearing your comments on the issues we’ll address. Of course, all of this requires both of us to be prepared! Your class participation counts. I’ll consider each student’s level of participation in awarding the final grades. *Please be prepared to speak in class each day.*

However, if you’re not prepared, please let me know ahead of time (right before class is fine), and I *won't* call on you that day (you’ll have “immunity”) – and I won’t count it against you, unless it becomes excessive. I know *life* intervenes in law school; sometimes it’s not possible to be as prepared as you’d like to be. I will not penalize you if you’re forthcoming in letting me know that you aren’t prepared.

However, if you fail to tell me ahead of class that you’re unprepared, and your in-class performance demonstrates that you’re unprepared, you’ll receive an **unexcused** absence for that class.

✓Presentation to the class (All students). In addition to “regular” class discussions, you’ll also be required to present to the class a pre-approved topic selected among those listed below or, after consultation with me, a topic of your choice. I’ll release a sign-up sheet for you to pick (on a first-come basis) the date and topic of your presentation. I understand that students presenting their work earlier in the semester (especially those writing seminar papers) may not have their thinking as refined as those who present later on. However, there are advantages to going earlier: you can uncover potential problems in your logic or analysis, and you can get a better feel of your audience’s reaction to your theories.

*AWR students:* For those taking the course to fulfill the AWR, this presentation will count as **35%** of your grade. *AWR students* are not required to create or submit a permanent record of their presentation. You’ll submit your final paper as a permanent record of your scholarship.

*Non-AWR students:* For those not writing an AWR seminar paper, this presentation will count as **35%** of your grade.

✓(Non-AWR students only) Record of Presentation: 35 points. This is your power-point or other permanent record (approved after consulting with me) of your presentation.

✓(AWR students only) Seminar Paper: 35 points.Your paper must be an original work, no fewer than 20 pages and no longer than 25 pages including properly formatted footnotes placed at the bottom of the page, strictly complying with all format requirements as explained below and reflecting persuasive analysis in support of your position.

Your paper should include the following elements:

I. ***Introduction:***

peaking the reader’s interest in the topic and providing the **purpose** of your work (i.e., stating the “problem”); stating the *question* your paper explores and why this question is worth addressing; and stating the *answer* to that question;

II. ***Background, Law, and Policy (analytical context):***

educating the reader regarding the topic by providing a thorough explanation of the law and policy involved (i.e., providing the reader with the tools to solve the “problem”);

III. ***Analysis****:*

persuading the reader to accept your conclusions/ideas/solutions by “showing your work” – the logical proof leading to your solution to the “problem.” The reader can easily follow your well-reasoned (organized and thorough) *argument* supporting your answer and ideas (including a discussion of relevant opposing arguments)*;* and

IV. ***Integrity******of results and work-product***:

providing accurate, thorough, and correctly cited *documentary* *support* for your analysis (using the most recent version of *The Bluebook: A Uniform System of Citation*) through writing of *publishable quality* (virtually free of grammatical, typographical, etc., errors) that is *easy to read* (no long and/or cluttered sentences, no paragraphs longer than 1/2 page, no excessive use of passive voice, no disorganized passages).

**What You Can Expect In Class**

If you’re called on in class, please understand that it’s not my intention to pick on you or to embarrass you. If you’re current on the reading and have carefully reviewed the material, you shouldn’t have any trouble answering any question I’ll ask. And please remember, if you aren’t prepared, please just tell me before class and I will not call on you. You’ll be granted immunity for that day with absolutely no penalty.

Sensitivity to opposing views: Please keep in mind that the issues involved in our discussions concern the ultimate power of the State – to put someone to death. The cases we’ll read contain gruesome acts of brutality. They are, to most people, extremely disturbing. In our discussions, we want to stretch each other’s thinking, but we also need to be sensitive to each other’s beliefs and feelings.

At times, an usual and rather counter-intuitive thing happens in a Death Penalty class: some people *laugh* as a reaction to gruesome subjects. Please be aware that you’re expected to maintain a professional demeanor in all of our sessions.

Many issues involved in our discussions concern personal viewpoints, morals, and ethics. You may not agree with the cases we’ll study. I believe that the free exchange of ideas and opinions is critical in our classroom and critical in our law school. I want you to feel free to express your views, and hope that you will freely share them.

Please note that *ad hominem* attacks (comments attacking the person making the comment, rather than the logic or merit of the comment itself) aren’t appropriate. They’re the weakest of arguments; they aren’t tolerated in the practice of law; and they won’t be tolerated in our classroom. In other words, criticizing a person’s reasoning is fair game; criticizing the person himself/herself is unprofessional, and is off-limits.

To encourage you to express your views, I will **not** tell you my personal beliefs. Nor will I try to impose my own views upon you.

Please also don’t assume that I agree with every argument I make. (I won’t.) I’ll make arguments that I don’t personally agree with. If I do my job correctly, you’ll still be unsure of my opinion of the death penalty when the class ends.

I want you to think for yourself, and to form your own opinions concerning the cases and arguments we'll be addressing without feeling pressure to agree with me. I want to learn *from* you, and look forward to doing so.

**Health and Wellness Resources, Including Basic Needs Assistance**

*U Matter, We Care*: If you or someone you know is in distress, please contact [umatter@ufl.edu,](mailto:umatter@ufl.edu) 352-392-1575, or visit [U Matter, We Care website](https://umatter.ufl.edu/) to refer or report a concern and a team member will reach out to the student in distress.

*Counseling and Wellness Center*: [Visit the Counseling and Wellness Center website](https://counseling.ufl.edu/) or call 352-392-1575 for information on crisis services as well as non-crisis services.

*Student Health Care Center*: Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](https://shcc.ufl.edu/).

*University Police Department*: [Visit UF Police Department website](https://police.ufl.edu/) or call 352-392-1111 (or 9-1-1 for emergencies).

*UF Health Shands Emergency Room / Trauma Center:* For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](https://ufhealth.org/emergency-room-trauma-center).

*Basic Needs Assistance:* Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs.  If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

**Alachua County Crisis Line:** 352-264-6789  
  
**National Suicide Hotline:** 1-800-SUICIDE (1-800-784-2433)

**National Suicide Prevention Lifeline:** 1-800-273-TALK (1-800-273-8255)

**PRESENTATION REQUIREMENTS**

Over the years that I’ve taught this course, students have repeatedly confirmed that they enjoyed preparing, giving, and listening to class presentations. Each of the presentations spans 40-50 minutes.

Your goal as a presenter is to deliver to the class the most up-to-data, comprehensive, and interesting information on the topic using case law, applicable statutes, and other sources -- *and* to engage the class in a lively discussion of that topic.

Creativity in your presentation is encouraged, but not at the expense of professionalism.  Please make sure that you’re providing us with the best information you have available to supplement our understanding of your topic.

If you use powerpoint or other presentation media, please take care to choose colors and font sizes/styles that will project well on a large screen at the front of the room.  Please take care not to use font so small or colors so light that the material can’t be seen.  Red lettering on a black background is terrible, as is yellow lettering on a white background.  Be careful of colors that result in hard-to-read contrasts.  Please, do NOT use those types of “moving in and out,” nausea-producing slides.  What may seem okay on your computer screen can look dramatically different when projected in class.

Please make certain that any slides or projected material are spell-checked and absolutely professional.  If you use a citation, make sure that cite is in proper Bluebook format.  You should produce a presentation so professional that you would be proud to submit it to an employer or at a Florida Bar meeting.

Please understand how to use the classroom equipment BEFORE the day you present so that you are certain you know how to use it.  Moreover, please do not read aloud what’s on the screen – that’s frightfully boring to your audience.  Please use the screen to illustrate or to help explain what you want to say.

*AWR students* are not required to submit a permanent record of their presentation.

*Non-AWR* students are required to create and to submit a permanent record of their presentation.

**FORMAT REQUIREMENTS for Seminar Papers**

**Font:** Courier New

**Size:** 12

**Margins:** one inch, top, bottom, sides

**Page #s:** center, bottom, in Courier New, size 12 font

**Paragraphs:** indented five characters, the first letter begins at the sixth character

**Spacing between sentences:** skip two spaces between each sentence

**Staple:** upper left corner not blocking any of the writing

**Cover sheet:** must be completed for each assignment

**Paragraph length:** no longer than 15 lines of text

**Footnotes:** bottom of the page, conform to Bluebook rules, proofread for accuracy

**Quotes:** conform to Bluebook rules, proofread for accuracy, lengthy quotes are difficult to read and are not favored

**Margin Justification:** no right margin justification

**Proofreading:** proofread the entire document

**Compliance w/ pg. limits:** must conform to page limits

**Spacing bet. paragraphs:** do not add any extra lines between paragraphs

**Lines per page:** **double-spaced except that footnotes should be single-spaced with a line skipped between each note**

**Type color:** black

**Paper color:** white, opaque, not glossy

**Print:** must be dark, not so light it’s hard to read, one-side only

**This is an example of 10 character-per-inch (cpi) text. It is also double-spaced, and the paragraph is indented 6 spaces. Use Courier New font. Set the font size on “12.” Set the margins for one inch – top, left, and right. Do NOT right justify the right margin. Set the page numbering for bottom, center. Make sure the page numbers are also in Courier New font. Now I will begin a new paragraph and please note the spacing between this and the next sentence:**

**Numbers printed in this font look like the following:**

**1 2 3 4 5 6 7 8 9 10.**

**The following typeface is not permitted:**

**This is *not* allowed: This is a proportional font, Times New Roman to be exact, and the spacing is slightly different. Note that the paragraph is indented far more than 6 spaces.**

**Numbers printed in this font look like the following: 1 2 3 4 5 6 7 8 9 10. As a**

**comparison, here are the page numbers written in Courier New: 1 2 3 4 5 6 7 8 9 10.**

**If your page numbers look like the first set immediately above, you’re using the wrong font. Even page numbers must be in the correct font. Also please note that there is an extra line space in this example between paragraphs – please do NOT include that extra line space.**

The following forms are to be typed.

**Form #1 – Introduction of seminar paper or presentation**

|  |  |
| --- | --- |
| **Your Name:** |  |
| **Email:** |  |
| **Phone #:** |  |
| **Title:** |  |

***Purpose of assignment:*** To help you to get started thinking about your paper/presentation.

|  |  |
| --- | --- |
| ***Title of paper or presentation*** |  |
| ***Purpose of paper or presentation*** |  |
| ***Why is this purpose important, i.e., why is this issue worth addressing?*** |  |
| ***ONLY for non-AWR students: your suggested format for your presentation*** |  |

**Form #2 – Background, law, and policy section of your paper or presentation**

|  |  |
| --- | --- |
| **Your Name:** |  |
| **Email:** |  |
| **Phone #:** |  |
| **Title:** |  |

***Purpose of assignment:*** To help you to develop the “***Background, Law, and Policy****”* section of your paper or presentation***.***

***Instructions:*** *attach the following two documents to this formt:*

(1) ***For All students:*** A *summary* (without any citations) of the law and policy your paper or presentation addresses. This summary should be no less than 2 pages and no more than 3 pages, and should follow all format requirements.

(2) ***For AWR students:*** A listing of all sources you think you will cite, in proper *Bluebook* citation form (double-space between citations).

***For non-AWR students:*** The description of the sources you will use in your presentation. If there are specific cases you’ll address, list them in proper *Bluebook* citation form (double-space between citations).

|  |
| --- |
| ***Please sign the following verification:***  ***By submitting this document, I verify that the attached documents comply with all formatting and Bluebook requirements.***  ***Please type your name here as your signature:*** |

**Form #3 – Draft of your paper (AWR students only)**

|  |  |
| --- | --- |
| **Your Name:** |  |
| **Email:** |  |
| **Phone #:** |  |
| **Title of Paper:** |  |

***Instructions:*** Although I’ve used the word “draft,” please understand that this paper ***must*** be a polished product – as if it *actually was* the final paper.

|  |
| --- |
| ***Please sign the following verification:***  ***By submitting this document, I verify that this paper complies with all seminar paper requirements, including formatting and citing requirements.***  ***Please type your name here as your signature:*** |

**Form #4 – Final paper (AWR students only)**

|  |  |
| --- | --- |
| **Your Name:** |  |
| **Email:** |  |
| **Phone #:** |  |
| **Title of Paper:** |  |

***Instructions:*** *attach the final version of your seminar paper to this sheet.*

|  |
| --- |
| ***Please sign the following verification:***  ***By submitting this document, I verify that this paper complies with all seminar paper requirements, including formatting and citing requirements.***  ***Please type your name here as your signature:*** |