



Understanding Capital Punishment Law

Linda E. Carter, Ellen S. Kreitzberg, Scott W. Howe

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This treatise is designed to provide an overview of the complex issues surrounding capital punishment. The primary emphasis of **Understanding Capital Punishment Law** is an explanation of the constitutional law that governs death penalty proceedings in the United States. **Understanding Capital Punishment Law** is structured in five parts:

Overview. These chapters include arguments for and against capital punishment, and an overview of the legal constructs for analysis of Eighth Amendment issues.

- **–Trial Procedures.** This group of chapters covers the constitutional issues that have shaped the process into a guilt phase and a penalty phase: aggravating circumstances, mitigating circumstances, and a decision on death or life. Topics include categorical bars to the death penalty, such as mental retardation; the function of aggravating evidence to narrow the group of death-eligible defendants; the presentation of aggravating evidence, such as victim-impact evidence; the function of mitigating evidence to provide for individualized consideration of the defendant; the presentation of mitigating evidence; and the decision process, including the distinction between weighing and non-weighing states and life without parole instructions.

- **–Post-Trial Procedures.** These chapters include direct appeal; habeas corpus, with an emphasis on ineffective assistance of counsel and innocence claims; clemency; and death row issues of insanity and the death row phenomenon.

Systemic Issues. Pervasive issues of race and gender discrimination are covered as well as the constitutional and practical problem of 'volunteers' for the death penalty. Additionally, there is a chapter that explains and describes international treaty issues in capital cases.

Future Issues. A final chapter looks at issues that are likely to arise in future death penalty cases, including the constitutionality of executing juveniles and the effect of terrorism on death penalty law.

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