

Death Penalty Cases  
Third Edition



# Death Penalty Cases Third Edition

## Leading U.S. Supreme Court Cases on Capital Punishment

**Barry Latzer  
David McCord**



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*For Miriam Latzer – no longer a kid, but still my best  
To my parents Wallace and June McCord, my wife Laura,  
and my children Jess, Kyle, and Claire*



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# Preface

This third edition of *Death Penalty Cases* is a substantial revision that nonetheless retains the qualities and essential format of previous versions. It continues to present substantial verbatim excerpts from the most important United States Supreme Court decisions on the death penalty.

Five new part headings have been created to bring more organizational structure to the cases: Part I, Foundational Cases; Part II, Death-Eligible Crimes and Persons; Part III, The Death Penalty Trial; Part IV, Post-Conviction Review; and Part V, Execution Issues. We have also added to Chapter 1, Introduction, a list of readings keyed to the chapters of *Death Penalty Cases*. These books and articles present, wherever possible, contrasting viewpoints on each topic. In addition, Appendices A and B present supporting material that may serve as a reference tool for students or for anyone interested in the subject. We continue to present this material as impartially as possible, adopting a completely neutral stance on the merits of capital punishment as public policy.

We have added nine cases, most of which were decided after the publication of the second edition:

- *Roper v. Simmons* (2005), prohibiting the execution of juveniles
- *Kennedy v. Louisiana* (2008), barring the death penalty for raping a child
- *Ring v. Arizona* (2002), requiring that a jury, not a judge, determine the facts that make a defendant eligible for a death sentence
- *Uttecht v. Brown* (2007), concerning the selection of impartial jurors in a death penalty trial
- *Kansas v. Marsh* (2006), involving the appropriate considerations for a jury that must determine whether or not to impose a death sentence
- *Strickland v. Washington* (1984), establishing the legal standard for ineffective assistance of counsel
- *Williams v. Taylor* (2000), clarifying the *Strickland v. Washington* standard for ineffective assistance of counsel

- *Panetti v. Quarterman* (2007), discussing the standards for carrying out the death sentence on a prisoner who claims to be insane
- *Baze v. Rees* (2008), approving the use of lethal injection as a method of execution

We also have deleted eight cases whose importance has been superseded or whose significance is best understood through later cases: *Blystone v. Pennsylvania* (1990), *Lockhart v. McCree* (1986), *Turner v. Murray* (1986), *Simmons v. South Carolina* (1994), *Burger v. Kemp* (1987), *Pulley v. Harris* (1984), *Arizona v. Rumsey* (1984), and *Stanford v. Kentucky* (1989).

Chapter 1 has been revised, particularly to include a more detailed history of the death penalty in the United States and an expanded survey of arguments for and against capital punishment. All Editors' Notes at the beginning of Chapters 2 through 19 have been revised, and we have added thought-provoking questions at the end of many chapters.

Appendix A, Facts and Figures on Murder and the Death Penalty, has been updated with the most recent information available. Appendix B, Understanding Statutory Provisions, has been revised to provide a guided tour of the key features of death penalty statutes.

The first edition of this book was the creation of Professor Barry Latzer of John Jay College of Criminal Justice; Professor Latzer also revised the book into its second edition. Professor David McCord of Drake University Law School has joined as a co-author for this third edition, which very much reflects the Latzer/McCord partnership, a shared commitment to produce in one compact book the most useful and comprehensive source for understanding the death penalty in the United States.

## Acknowledgments

Anyone who writes a book knows that the process involves a great many people, not just authors. We have been very fortunate to work with a team of real professionals at Elsevier, a team dedicated to producing the best possible casebook in the criminal justice field. Their work deserves a tribute. Our deep appreciation goes to Pam Chester, our Acquisitions Editor; Marilyn Rash, the Project Manager in Production; Greg Chalson, Senior Development Editor in charge of instructor ancillaries; and Alisa Andreola who gave us the dramatic new cover.

*Barry Latzer*  
*David McCord*

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