

# The Penalty Phase

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During the penalty phase, the jurors hear about **aggravating circumstances** and **mitigating circumstances**.

- *Aggravating circumstances* are things that make the crime more offensive to the public, such as when the victim of a murder is a child or a police officer.
- *Mitigating circumstances* are things that make the defendant less culpable for his or her crimes.

If the jury cannot unanimously agree on the death penalty, then most jurisdictions have legislation that provides for an automatic life sentence.

# Penalty Phase

**Louis J. Palmer, Jr.**



## **Penalty Phase:**

Encyclopedia of Capital Punishment in the United States, 2d ed. Louis J. Palmer, Jr., 2008-09-18 This updated encyclopedia provides ready information on all aspects of capital punishment in America It details virtually every capital punishment decision rendered by the United States Supreme Court through 2006 including more than 40 cases decided since publication of the first edition Entries are also provided for each Supreme Court Justice who has ever rendered a capital punishment opinion Entries on jurisdictions cite present day death penalty laws and judicial structure state by state with synopses of common and unique features Also included are entries on significant U S capital prosecutions legal principles and procedures in capital cases organizations that support and oppose capital punishment capital punishment s impact on persons of African Asian Hispanic and Native American descent on women and on foreign nationals and the methods of execution Essential facts are also provided on capital punishment in more than 200 other nations A wealth of statistical data is found throughout

**The Death Penalty** Louis J. Palmer, 1998-01-01 Examines and explains the laws of capital punishment as they exist in the United States as of 1998 focusing primarily on issues that are resolved after a defendant has been convicted of a capital crime

California Guide to Criminal Evidence 2024-25 (8th edition) Judge Elia V. Pirozzi (Ret.), 2025-02-01 This treatise is used by attorneys and judges throughout California as a comprehensive resource on evidentiary and constitutional issues It is unique in its approach with numerous checklists courtroom scripts and easy reference charts The California Guide to Criminal Evidence currently in its 8th edition is the one publication in California that provides a systematic approach for practitioners and judicial officers to efficiently address evidentiary and constitutional issues during a trial or motion hearing Complete with federal and state case and statutory law legal commentary and comprehensive easy to access flowcharts and tables the California Guide to Criminal Evidence is the primary resource a litigator will need to accurately resolve complex evidentiary or constitutional questions and effectively introduce an item for admission into evidence and get it admitted by the court It is also functional and compact in that it was created to be brought to court along with counsel s trial binder and materials to be used when quick answers are required concerning evidentiary matters The California Guide to Criminal Evidence was designed as a practice guide to assist attorneys navigate through the maze of legal issues that surface during a proceeding with ease speed and precision Although organized with a criminal law emphasis the California Guide to Criminal Law Evidence has been widely used by both civil and criminal law practitioners judges and law professors Unlike other evidence treatises on the market the California Guide to Criminal Evidence was written for new and experienced litigators complete with in depth legal analysis and commentary practice charts and tables sample scripts and scholarly and practical insight from an experienced criminal and civil trial judge It highlights what judges look for and expect from counsel when seeking to introduce specific items of evidence for admission and how to respond to a judge s questions swiftly concisely and with applicable legal reasoning While other books on the market cover evidence and

constitutional issues separately the California Guide to Criminal Evidence does both for one affordable price far below the cost of other texts offering less content And while competitor publications focus primarily on California state cases the California Guide to Criminal Evidence contains a comprehensive examination of the Federal Rules of Evidence and U S Supreme Court and Ninth Circuit Court of Appeals decisions And the California Guide to Criminal Evidence can be purchased in print version or eBook format There is simply no equal to this unique practice resource on the market today The California Guide to Criminal Evidence is organized in two distinct parts Part 1 is a comprehensive discussion and analysis of the Evidence Code the Fourth Fifth and Sixth Amendments to the U S Constitution and all relevant case and statutory law The discussion is organized to give the practitioner a practical and step by step methodology to assess the admissibility of evidence in a criminal trial or hearing This approach requires the practitioner to address the following questions whenever the admissibility of evidence is in issue Chapter 1 Relevance Is the evidence relevant Chapter 2 Foundation Can the necessary foundation be established for the evidence Chapter 3 Hearsay Does the evidence constitute hearsay and if so does it fall within a recognized exception to the hearsay rule Chapter 4 Statutory Limits on Particular Evidence Is the evidence subject to exclusion or limitation under evidentiary rules related to character evidence impeachment or privilege Chapter 5 Exclusion of Evidence on Constitutional Grounds Is the evidence subject to exclusion under the Fourth Fifth or Sixth Amendment to the U S Constitution Chapter 6 Discretionary Exclusion Under Evid C 352 Can the evidence survive exclusion under Evidence Code 352 Chapter 7 Preliminary Fact Determinations Does the admissibility of a particular item of evidence depend on the existence or nonexistence of some other fact Chapter 8 Burdens Presumptions Are there any burdens of proof or presumptions applicable to a fact or issue in the case Part 2 provides an assortment of charts and tables to assist the practitioner in addressing the evidentiary issues discussed in Part 1 quickly and effectively in the courtroom These charts and tables cover topics such as evidentiary objections hearsay exceptions character evidence privileges and numerous issues under the U S Constitution REVIEWS and WORDS OF PRAISE What took us several hours of research in the law library this book succinctly and accurately summarized It s hard to imagine a criminal trial lawyer not having this useful guide in his trial briefcase James Campbell Esq Campbell DeMetrick PLC San Francisco Past President of the American Board of Criminal Lawyers Former Dean of the Nat l College of DUI Defense The book gives quick and reliable answers to all evidence questions demonstrating what is admissible what is not and the hows and whys of using the rules of evidence to win cases All busy lawyers will find it useful just about every day Edward Mallett Mallett Saper Berg LLP Past President of the Nat l Ass n of Criminal Defense Lawyers With this book I will no longer be panicking when the issue of admissibility as to a critical piece of evidence is suddenly being litigated mid trial Louis J Shapiro Law Offices of Louis J Shapiro Los Angeles Certified Specialist Criminal Law This book provides a systematic approach to determining evidence issues complete with insightful commentary flowcharts and tables to identify analyze and resolve evidence and constitutional questions during trial While

serving as a Superior Court Judge it was always within arms reach and one of my most valuable resources Honorable Stanford Reichert ret California Superior Court Judge

**DeathQuest** Robert M. Bohm, 2011-08-15 This fourth edition of the first true textbook on the death penalty engages the reader with a full account of the arguments and issues surrounding capital punishment The book begins with the history of the death penalty from colonial to modern times and then examines the moral and legal arguments for and against capital punishment It also provides an overview of major Supreme Court decisions and describes the legal process behind the death penalty In addressing these issues the author reviews recent developments in death penalty law and procedure including ramifications of newer case law such as that regarding using lethal injection as a method of execution The author's motivation has been to understand what motivates the deathquest of the American people leading a large percentage of the public to support the death penalty The book will educate readers so that whatever their death penalty opinions are they are informed ones

**The Contradictions of American Capital Punishment** Franklin E. Zimring, 2004-11-18 Why does the United States continue to employ the death penalty when fifty other developed democracies have abolished it Why does capital punishment become more problematic each year How can the death penalty conflict be resolved In *The Contradictions of American Capital Punishment* Frank Zimring reveals that the seemingly insoluble turmoil surrounding the death penalty reflects a deep and long standing division in American values a division that he predicts will soon bring about the end of capital punishment in our country On the one hand execution would seem to violate our nation's highest legal principles of fairness and due process It sets us increasingly apart from our allies and indeed is regarded by European nations as a barbaric and particularly egregious form of American exceptionalism On the other hand the death penalty represents a deeply held American belief in violent social justice that sees the hangman as an agent of local control and safeguard of community values Zimring uncovers the most troubling symptom of this attraction to vigilante justice in the lynch mob He shows that the great majority of executions in recent decades have occurred in precisely those Southern states where lynchings were most common a hundred years ago It is this legacy Zimring suggests that constitutes both the distinctive appeal of the death penalty in the United States and one of the most compelling reasons for abolishing it Impeccably researched and engagingly written *Contradictions in American Capital Punishment* casts a clear new light on America's long and troubled embrace of the death penalty

***Murder Stories*** Paul Kaplan, 2012-01-18 *Murder Stories* engages with the current theoretical debate in death penalty research on the role of cultural commitments to American ideologies in the retention of capital punishment The central aim of the study is to illuminate the elusive yet powerful role of ideology in legal discourses Through analyzing the content and processes of death penalty narratives this research illuminates the covert life of the American Creed a nexus of ideologies liberty egalitarianism individualism populism and laissez faire said to be unique to the United States in the law *Murder Stories* draws on the entire record of California death sentence resulting trials from three large and diverse California counties for the years 1996 2004 as well as interviews

with 26 capital caseworkers attorneys judges and investigators from the same counties Employing the theoretical framework proposed by Ewick and Silbey 1995 to study hegemonic and subversive narratives and also the ethnographic approach advocated by Amsterdam and Hertz 1992 to study the producers and processes of constructing legal narratives this book traces the ideological content carried within the stories told by everyday practitioners of capital punishment by investigating the content process and ideological implications of these narratives The central theoretical finding is that the narratives constructed by both prosecutors and defenders tend to instantiate rather than subvert the ideological tenets of the American Creed

*California. Court of Appeal (1st Appellate District). Records and Briefs* California (State)., Received document entitled PETITION FOR RECALL

*Social Research in the Judicial Process* Wallace D. Loh, 1984-09-17 How to inform the judicial mind Justice Frankfurter remarked during the school desegregation cases is one of the most complicated problems Social research is a potential source of such information Indeed in the 1960s and 1970s with activist courts at the forefront of social reform the field of law and social science came of age But for all the recent activity and scholarship in this area few books have attempted to create an intellectual framework a systematic introduction to applied social legal research Social Research in the Judicial Process addresses this need for a broader picture Designed for use by both law students and social science students it constructs a conceptual bridge between social research the realm of social facts and judicial decision making the realm of social values Its unique casebook format weaves together judicial opinions empirical studies and original text It is a process oriented book that teaches skills and perspectives cultivating an informed sensitivity to the use and misuse of psychology social psychology and sociology in appellate and trial adjudication Among the social legal topics explored are school desegregation capital punishment jury impartiality and eyewitness identification This casebook is remarkable for its scope its accessibility and the intelligence of its conceptual integration It provides the kind of interdisciplinary teaching framework that should eventually help lawyers to make knowledgeable use of social research and social scientists to conduct useful research within a legally sophisticated context

*The Death Penalty in the United States* Louis J. Palmer, Jr., 2013-10-17 The death penalty landscape has changed considerably since the 1998 first edition of this book For example six states that had the death penalty Connecticut Illinois Maryland New Jersey New Mexico and New York no longer impose the punishment Some of the changes set out in this second edition involve discussions of all of the significant cases decided by the United States Supreme Court after 1998 including *Roper v Simmons* 543 U S 551 2005 *Atkins v Virginia* 536 U S 304 2002 *Schiro v Smith* 126 S Ct 7 2005 *Harbison v Bell* 129 S Ct 1481 2009 *Holmes v South Carolina* 126 S Ct 1727 2006 *Kansas v Marsh* 126 S Ct 2516 2006 *Ring v Arizona* 536 U S 584 2002 *Sattazahn v Pennsylvania* 537 U S 101 2003 This new edition includes 13 new chapters They cover such topics as capital felon s defense team habeas corpus coram nobis and section 1983 proceedings the Innocence protection act and post conviction DNA testing challenging the death sentence under racial justice acts inhabited American territories and the costs of capital punishment

**Grace Will Lead Us Home**

Jennifer Berry Hawes, 2019-06-04 A NEW YORK TIMES NOTABLE BOOK OF 2019 BARNES NOBLE DISCOVER GREAT NEW WRITERS PICK OPRAH MAGAZINE SUMMER 2019 READING LIST SELECTION NEW YORK TIMES EDITOR S CHOICE A soul shaking chronicle of the 2015 Charleston massacre and its aftermath Hawes is a writer with the exceedingly rare ability to observe sympathetically both particular events and the horizon against which they take place without sentimentalizing her subjects Hawes is so admirably steadfast in her commitment to bearing witness that one is compelled to consider the story she tells from every possible angle The New York Times Book Review A deeply moving work of narrative nonfiction on the tragic shootings at the Mother Emanuel AME church in Charleston South Carolina from Pulitzer Prize winning journalist Jennifer Berry Hawes On June 17 2015 twelve members of the historically black Emanuel AME Church in Charleston South Carolina welcomed a young white man to their evening Bible study He arrived with a pistol 88 bullets and hopes of starting a race war Dylann Roof s massacre of nine innocents during their closing prayer horrified the nation Two days later some relatives of the dead stood at Roof s hearing and said I forgive you That grace offered the country a hopeful ending to an awful story But for the survivors and victims families the journey had just begun In Grace Will Lead Us Home Pulitzer Prize winning journalist Jennifer Berry Hawes provides a definitive account of the tragedy s aftermath With unprecedented access to the grieving families and other key figures Hawes offers a nuanced and moving portrait of the events and emotions that emerged in the massacre s wake The two adult survivors of the shooting begin to make sense of their lives again Rifts form between some of the victims families and the church A group of relatives fights to end gun violence capturing the attention of President Obama And a city in the Deep South must confront its racist past This is the story of how beyond the headlines a community of people begins to heal An unforgettable and deeply human portrait of grief faith and forgiveness Grace Will Lead Us Home is destined to be a classic in the finest tradition of journalism

**Encyclopedia of Psychology and Law** Brian L. Cutler, 2008 Over 350 entries provide an authoritative comprehensive A Z list of topics in psychology and law including criminal behaviour and treatment juvenile offenders eyewitness memory forensic assessment and diagnosis and trial processes

**Organ Transplants from Executed Prisoners** Louis J. Palmer, Jr., 2014-04-22 In a revised and updated edition this book continues the debate on whether transplantable organs of executed capital felons should be used to save lives It provides the reader with relevant data and information necessary for making an informed and intelligent judgment of the matter Every conceivable constitutional argument on behalf of capital felons and their families is discussed along with all of the societal pros and cons Based on precedents by the United States Supreme Court the author argues that the constitution supports the removal of transplantable organs from executed capital felons

**Watch Everything** Charles A. Shaw, 2013-10 Charles A Shaw grew up in a segregated African American neighborhood in St Louis His tight knit community supported him and he was inspired to become first a teacher and then a lawyer From there he worked his way up to federal prosecutor and state judge before President Bill Clinton appointed him to the federal bench Shaw quickly became dismayed

by the inequality and severity of mandatory U S sentencing guidelines and how they affected young African American men Prosecutors opposed him at every turn as he sought to impose fair sentences but he never wavered in seeking to promote equality and curb the destruction of African American families This insightful and at times humorous narrative demonstrates Shaw s love for family hard work and God Including an insider s view of an often unjust legal system tales of working alongside some of the best legal minds in the country and challenges to prevailing concepts Watch Everything offers a rare glimpse into the professional life of an unconventional federal judge FBI Law Enforcement Bulletin ,2005 *California. Supreme Court. Records and Briefs* California (State)., Court of Appeal Case s D014510 Number of Exhibits 9 *Official Reports of the Supreme Court* United States. Supreme Court,1987 **United States Reports** United States. Supreme Court,1990 *108-1 Hearing: Crime Victims Constitutional Admendment, Serial No. 49, September 30, 2003, \** ,2004 Crime Victims Constitutional Amendment United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution,2003 *Death by Design* Craig Haney,2005-08-04 How can otherwise normal moral persons as citizens voters and jurors participate in a process that is designed to take the life of another In DEATH BY DESIGN research psychologist Craig Haney argues that capital punishment and particularly the sequence of events that lead to death sentencing itself is maintained through a complex and elaborate social psychological system that distances and disengages us from the true nature of the task Relying heavily on his own research and that of other social scientists Haney suggests that these social psychological forces enable persons to engage in behavior from which many of them otherwise would refrain However by facilitating death sentencing in these ways this inter related set of social psychological forces also undermines the reliability and authenticity of the process and compromises the fairness of its outcomes Because these social psychological forces are systemic in nature built into the very system of death sentencing itself Haney concludes by suggesting a number of inter locking reforms derived directly from empirical research on capital punishment that are needed to increase the fairness and reliability of the process The historic and ongoing public debate over the death penalty takes place not only in courtrooms but also in classrooms offices and living rooms This timely book offers stimulating insights into capital punishment for professionals and students working in psychology law criminology sociology and cultural area studies As capital punishment receives continued attention in the media it is also a necessary and provocative guide that empowers all readers to come to their own conclusions about the death penalty



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