**Syllabus-- Murder--A Defense Team's Investigation**

**Week One: Introduction: meeting a murderer or a serial killer**

How a defense team gets a death penalty case. What is the defense team required to do? Class will review American Bar Association guidelines for defense in a death penalty case. We will discuss Supreme Court decisions on the death penalty, the reasons and ways 19 states have abolished it and the legal/political climate in California, which may soon resume executing prisoners sentenced to death.

The case begins: the private investigator and the defendant's two lawyers meet with the client at Santa Rita jail in Dublin. How to establish trust in the first meeting? The defendant is charged with two murders and faces the death penalty. He has already been convicted of one murder in San Diego in 1997. But he tells stories of other killings around the U.S.

The defense team leaves the jail wondering if they will be defending a serial killer.

[This is a discussion class, not a lecture class. There is no required reading beyond the articles posted each week on the class page. But there is a reading list of cases, articles and books for students who want to pursue a deeper understanding of the issues].

**Week Two: Confessions, aliases and records**

How to investigate a confession to determine if it is false? How did the Alameda police get a confession from the defendant?

Class will learn how important records research can be in a death penalty case. The challenge of finding military records and health records that are more than 10 years old.

The class will hear how a private investigator delved into the homeless community in Alameda and the defendant's life there.
Syllabus: A Defense Investigation of a Death Penalty Case (2)

Week Three: the Guilt Investigation

The prosecution approaches a murder case by trying to find the motive, means and opportunity of the defendant charged with a crime. How does the defense present its counter story? What are the usual defenses-alibi, self defense, intoxication, insanity, third person culpability. How does the defense investigate the forensic evidence in a case? A discussion of DNA, fingerprints, GSR (gunshot residue) and autopsy results. A discussion of the National Academy of Sciences report on the limitations of forensic evidence.

Week Four: The Penalty Investigation

What does the defense investigator look for in interviews with the defendant? What kinds of social and psychological factors might help the defense? A discussion of psychological evaluations, brain research, and traumatic brain injuries.

An investigator's visit to Colorado Springs to interview "Red's" only family members left.

Week Five: The Trial Approaches

Class will discuss the defense of "diminished capacity" and its complexities in California.

A surprise witness appears.

The defendant has a proposal if his investigator can do some research.

Negotiating with the District Attorney. Class will review the death letter the defense team wrote arguing for dropping the death penalty.

Week Six: The Verdict

The class will become a jury to consider the case and vote whether
the defendant is guilty or not, and if guilty, whether he should receive the death penalty.

Then the class will hear the actual verdict and discuss what happened.