Syllabus: Investigating a Death Penalty Case

Week One: Introduction, a Fire and Arrests

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 political climate in California, which will again have abolition of the death penalty on the ballot in 2016.

The case begins: A fire at a home in the Castro Valley is reported by neighbors. The class will review how a fire turned into a burglary, murder and arson case by reviewing initial police reports. How did the police find and arrest the suspects?

[This is a discussion class, not a lecture class. There is no required reading 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: Confession

The defense begins its investigation. How did the police get a confession from the defendant? How did the defense challenge it? Class will watch a video of the defendant confessing and another video police made of him talking to his friend, the co-defendant, at police headquarters.

We will discuss the use of psychological techniques police use in questioning suspects, and the veracity of such confessions. The class will review defense motions attacking the confession and the case law following *Miranda v. U.S.*

Week Three: The Guilt investigation

The police approach a murder case by trying to find the motive, means and opportunity. How does the defense present its counter story? 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 new field of forensic technological evidence: GPS, cell phone records and social media. A discussion of National Academy of Science reports on the limitations of forensic evidence.

Week Four: The Penalty investigation

What does the defense investigator look for in the first interview with the defendant? What kinds of social and psychological factors might help the defense? A discussion of insanity and diminished capacity defenses, psychological evaluations and brain research on teenagers.
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Class will review the death letter which the defense wrote on behalf of the defendant to the District Attorney, arguing why the death penalty should be dropped in the case.

Week Five: The Trial

Motive, means and opportunity: the prosecution's case.

A radical strategy by the defense. A surprise witness.

Misconduct by the prosecutor and the judge?

Week Six: The Verdict and the Sentence

What the jury found.

A discussion of mandatory sentencing, Life in Prison Without Parole and the sentencing of juveniles and teenagers.

Testimony by the victims' family.

The sentence.