

Law 138-R01 | Death Penalty | Summer 2025 | 1 credit

Professor: Akin Adepaju

TUE 6:00-7:50 pm | Final Exam: TUE. JULY 15, 6:00 pm

**Contact Information: AAdepaju@gmu.edu**

Students should feel free to consult with me via e-mail. Never hesitate to reach out.

I look forward to personally interacting with you!

**Reading(s) & Supplemental Material**

*Cases and Materials on the Death Penalty* by Nina Rivkind & Steven Shatz (West Academic Publishing, Fourth Edition, 2016; ISBN-13: 978-1634590419).

Other materials, including news articles, speakers, and videos may be assigned to offer a more practical view of capital litigation.

**COURSE DESCRIPTION**

This course examines the legal, social, and moral implications of capital punishment in America, focusing particularly on Supreme Court decisions since the early 1970s. Main themes of the course will include: the right to, and role of counsel; jury selection; the allocation of decision-making authority between judges and juries; the role of aggravating and mitigating factors; efforts to limit the arbitrary and racially discriminatory application of the death penalty; and the rules governing juveniles and the intellectually disabled. While legal analysis is the major focus, some attention is given to empirical analyses of the practice and philosophical examinations of its wisdom. All views on capital punishment are welcome. Understanding the law and engaging in proper analysis is the only benchmark of success in this course.

**COURSE OBJECTIVES**

- Students will understand the modern death penalty in the United States, and be able to spot, analyze, and evaluate criminal law issues in given fact patterns.
- Students will be able to analyze and evaluate the legal requirements (substantive and procedural) for imposition of the death penalty in the United States.
- Students will articulate cogent legal issues; write objective and persuasive analysis and be able to engage in other skills exercise.
- Students will be able to evaluate a fact pattern to determine whether the legal requirements (substantive and procedural) for imposition of the death penalty in the United States have been met.

## GRADING & PARTICIPATION

### **Class Structure**

This class involves the reading and analysis of relevant cases and engaging in discussions around these materials, distilling key legal principles, and exploring the evolving nature of this area of law. This class does not solely focus on fixed elements. Instead, we will examine how the standards and factors related to the death penalty are ever-changing and developing, which may make this course feel different from others you have taken. Expect a dynamic, thoughtful exploration of how law interacts with complex, real-world issues.

### **Grading**

<b>Assignment</b>	<b>Percent of Grade</b>
Class participation	40%
Final examination	60%
Total	100%

### **Attendance**

Students are expected to be on time for all class meetings. Attendance will be taken at each class meeting. Unexcused absences will have a negative impact on your grade. Please email me *before* class if you must leave class early. If you are unprepared for class, please email me by noon on the day of class.

### **Participation**

Thoughtful class participation is required for this course. Good class participation distinguishes itself not by its quantity, but by its insightful and timely contribution to advancing the class discussion over the course of the semester.

I look forward to teaching and learning with, and from all of you.

### **Exams**

Professor Adepoju will discuss his expectations about the final examination during several class sessions. The final examination will likely consist of short answers and essay questions.

### **Additional Comments**

We will often discuss difficult and challenging topics, as this course by its very nature, grapples with societal and interpersonal conflict in some of its most troubling manifestations. Death penalty issues can be emotional so expect disagreeable discussions. Yet, always remain mindful of the diversity of perspectives in our class and respectful as you articulate your arguments. Please listen respectfully to others and feel free to express your thoughts.

## COURSE SCHEDULE & ASSIGNED READINGS

Session No.	Date	Class Topic	Assignments
1	May 20, 2025	Introduction: Why the Death Penalty? And Supreme Court's Seminal Cases	Chapter 1: Introduction pages 11-21 Furman v. Georgia, pg. 56-87 Gregg v. Georgia, pg. 87-104 Woodson v. North Carolina, pg. 106-115
2	May 27, 2025	Limiting Risk of Arbitrariness	Zant v. Stephens Lowenfeld v. Phelps Godfrey v. Georgia Arave v. Creech
3	June 3, 2025	Limiting Risk of Arbitrariness (Part II); Individualized Penalty Determination	<i>McCleskey v. Kemp</i> <i>Lockett v. Ohio</i> <i>Eddings v. Oklahoma</i>
4	June 10, 2025	Proportionality	<i>Coker v. Georgia</i> <i>Tison v. Arizona</i> <i>Kennedy v. Louisiana</i>
5	June 17, 2025	Proportionality II	<i>Atkins v. Virginia</i> <i>Roper v. Simmons</i>
6	June 24, 2025	Race and "Jury Selection"	<i>Witherspoon v. Illinois</i> <i>Turner v. Murray</i> <i>Flowers v. Mississippi</i> (summary on page 580-81) Philadelphia District Attorney's Office <a href="#">Training Video</a>
7	July 1, 2025	The Death Penalty Reconsidered	<i>Minister of Justice v. Burns</i> <a href="#">Julian Assange Extradition Article</a> (AP March 26, 2024) <i>Domestic Perspective: Victims' Families, Prison Officials, and Reformers</i> <a href="#">A Juror's Reflections on the Death Penalty (Video)</a> (Lindy Lou Isonhood)
8	July 8, 2025	Course and Final Exam Review	This class session is for the students to ask any questions they have about the course, the final exam, the practice of law, and all things related.

## **ACADEMIC STANDARDS & COURSE POLICIES**

### **Academic Integrity:**

Each student at Antonin Scalia Law School (“Scalia Law”) is expected to behave honorably and with the highest personal integrity toward other law students, toward the law school and university, and toward other members of the legal profession.” (Preamble to the Honor Code.)

The Honor Code prohibits a student from lying, cheating, or stealing, to include plagiarism and the use of any prohibited resource in an exam, coursework, or course paper. The full Honor Code can be accessed here: [https://www.law.gmu.edu/academics/academic\\_standards](https://www.law.gmu.edu/academics/academic_standards)

### **Recording Class Sessions:**

Recording of class sessions by any means is prohibited. See AR 4-2.2: “Unless expressly permitted in writing by an instructor, no portion of a class session or an examination may be preserved by means of a recording device (such as an audio recording device or a camera).”

### **Use of Technology:**

Students are expected to have their cameras on for the duration of the class. This promotes a more interactive and engaging learning environment, allowing for better communication and connection between everyone. Having your camera on also helps maintain a sense of community and accountability during discussions. If you have any concerns or challenges related to this requirement, please reach out to me ahead of time so we can discuss accommodations. I’m here to support you in any way I can.

### **University Email:**

Students must use their Mason email account to receive university or law school information, including communications related to this class.

### **Use of Generative Artificial Intelligence (GAI) in Academic Work:**

Use of Generative Artificial Intelligence in the drafting or writing of papers or any other course work or assignments in this class is prohibited. According to AR 4-3: “Generative artificial intelligence (GAI) is a type of artificial intelligence that uses algorithms to generate new content, such as text or images, based on the data it has been trained on. For purposes of this regulation, GAI is not intended to encompass legal research databases and word processing applications that, while incorporating AI- based elements or enhancements, do not generate novel text.” Use of GAI in a course that prohibits the use of GAI, constitutes an academic integrity violation.

### **Use of Electronic Text Books During Exams:**

Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, unless permitted by the course instructor’s written exam instructions. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor and the instructor allows text books to be used during the exam and allows access to a student’s computer files during the exam (open exam). E-books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e-book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor’s standards for all examinations, which are included in the examination materials.

**Accommodations for Students with Disabilities:**

Disability Services at George Mason University is committed to upholding the letter and spirit of the laws that ensure equal treatment of people with disabilities. Disability Services implements and coordinates reasonable accommodations and disability-related services that afford equal access to university programs and activities. For further information and to register for services, please refer to <https://ds.gmu.edu/law-school/>, or call (703) 993-2474.

**Name and Pronoun Use:**

Students are encouraged to share their name and gender pronouns with me and indicate how best to address them in class and via email. Further information can be obtained at GMU's Chosen Name and Pronoun Policy, <https://universitypolicy.gmu.edu/policies/chosen-name-pronouns-policy/>

**Covid Protocols:**

Please refer to GMU's *Safe Return to Campus* web site for information regarding GMU's safety protocols. The site can be accessed at: <https://shs.gmu.edu/services/covidservices/>.

**Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:**

As a faculty member, I am designated as a "Non-Confidential Employee," and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason's Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason's confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. Students may also seek assistance or support measures from Mason's Title IX Coordinator by calling 703-993-8730, or emailing [titleix@gmu.edu](mailto:titleix@gmu.edu).

**University Resources:**

- Counseling and Psychological Services: <https://caps.gmu.edu/>
- Student Health Services: <https://shs.gmu.edu/>
- Mason Square Campus Clinic: After-Hours Nurse Advice – 703-991-2831
- Mason Square Campus Clinic Location: Van Metre Hall, Room B102.
- Student Support and Advocacy Center: <https://ssac.gmu.edu/>
- Police: Emergency - Dial 911; 703-993-8070, Van Metre Hall, Room 110.
- Police escort services: 703- 993-8370.
- Sexual Assault Services: 703-993-8186, Van Metre Hall, Room 222D.
- Mason Square information: <https://masonsquare.gmu.edu>