

POLI 203, Race, Innocence and the End of the Death Penalty
Fall 2014
Study Guide for the Final Exam

General notes: Exam format will be: Part A): 75 multiple choice / true-false / single word missing questions. Each of these will be worth 1 point, and all questions will be required. Part B): 5 of 7 identification questions where you have to first define a term in one clause or sentence and second explain the relevance or significance of the term to the subject matter of this class. Each part of these five questions counts 2.5 points, so this section is worth 25 points altogether.

We have covered a lot of material in this class. Here are some general topics that you should be closely familiar with, based on lectures, readings, and guest speakers.

Broad Topics

- Process of the death penalty from arrest to execution
- What can go wrong when prosecuting an individual
- *I Am Troy Davis* (key elements of the case and how it relates to class)
- *The Last Lawyer* (key elements of the case and how it relates to class)
- *Racial Justice Act* (time line, what made it unique, how and if it was implemented)
- Racial Disparities as they apply to the death penalty (i.e. implementation of the death penalty, hierarchy of victims, etc.)
- Public opinion on the death penalty
- Frames and debates surrounding the death penalty over time
- Reasons for the resurgence of the death penalty after 1972
- Frames associated with the decline of the death penalty
- Methods of execution (what's used today, evolving decency, botched executions)
- The speakers (why they spoke and the main point(s) of their talks):
 - Jennifer Thompson
 - Jen Marlowe
 - Kim Davis
 - Ballard Everett
 - Greg Taylor
 - Chris Mumma
 - LaMonte Armstrong
 - Theresa Newman
 - Ken Rose
 - Darryl Hunt
 - Jeremy Collins
 - Ron McAndrew
 - Judge Weeks
 - Kendra Montgomery-Blinn
 - Katie Monroe
 - Beverly Monroe

Potential Identifications:

1. Furman v. Georgia (1972)
2. Gregg v. Georgia (1976)
3. McCleskey v. Kemp (1987)
4. Brady Violation
5. Prosecutorial Immunity
6. Innocence Frame
7. Governor's Commutation
8. 2% Report
9. "Ineradicable" Impact of Race
10. McCollum and Brown
11. Innocence Inquiry Commission
12. Darryl Hunt
13. Motivated testimony
14. Motivated reasoning
15. CDPL
16. To "Westinghouse" someone

Old Quiz Questions: Multiple Choice

- You are a potential juror in a capital case. The attorney for the prosecution asks the judge to excuse you from service without asking for any information from you or giving any reason, and the judge asks you to leave. What just happened?
- Who were the two inmates recently exonerated in North Carolina?
- Before 1910, what level of government had primary control over executions in North Carolina?
- Why has the state of North Carolina not executed anyone since 2006?
- What was the name of the US Supreme Court decision that invalidated all existing death penalty laws in 1972?
- About 10 of every 1,000 killers of _____ are eventually executed.
- John Doe is convicted of murder and sentenced to death. After years of being on death row, it becomes known that his defense attorney was a severe alcoholic during his trial. The Governor of the state decides that, given the inadequacies of his defense, John Doe is to be taken off death row and remain in prison for life without parole (LWOP). What is the legal word for the Governor's action?
- In which North Carolina county were Henry McCollum and Leon Brown convicted of murder and sentenced to death?
- How many exonerations have there been in North Carolina since 1991?
- Who was the person Troy Davis was convicted of killing?
- Troy Davis was charged with capital murder in which Georgia City?
- What percent of the Cloverdale neighborhood of Savannah, GA population is white?
- A capital charge is most likely to be brought against you if you kill which of the following types of individuals?
- According to lecture, the minority opinion in *Furman v Georgia* focused on what evidence to claim the death penalty should be continued?

- According to lecture, what is the most likely outcome for someone on death row?
- Today, which of these frames are used to argue for the abolition of the death penalty?
Cost, Fairness, Innocence, All of the above
- According to lecture, which of the following best describes the racial makeup of the jury in Troy Davis' 1991 murder trial?
- In his study of framing, which of the following did professor Baumgartner use to predict the number of death sentences in the US? *Bills passed in Congress, The net tone of NY Times news stories, Money spent on indigent defense services, All of the above*
- According to lecture and the readings by Radelet and Borg, what **pro-death penalty frame** has become relatively more prominent in recent years?
- Around what year do we see a huge spike in attention to the Innocence frame?
- You have been charged with possession with intent to distribute marijuana (a felony). A district attorney comes to see you, and is willing to instead let you plead guilty to possession of marijuana (a misdemeanor) if you testify against your accomplice. What has just happened?
- According to lecture, which topic is very strongly associated with an anti-death penalty tone?
- The North Carolina Racial Justice Act was derived in part from instructions given to states as part of the majority opinion in what U.S. Supreme Court case?
- As a capital defense attorney working on appeals, which of the following groups could you potentially antagonize?
- Who implicated Bo Jones of murder?

Old Quiz Questions: True or False

- The sole reason that there have been no executions in North Carolina since 2006 is that the NC Medical Board has refused to participate in executions.
- A punishment that is indisputably cruel can still be constitutional.
- Since 1977, there have been more death sentences in Detroit than Philadelphia.
- Since 1976, no state has ever abolished the death penalty by a vote of the state legislature.
- Compared to the percentage of homicides black murderers are responsible for, they are relatively overrepresented on death row.
- True / False: According to lecture, the 14th Amendment can best be described as offering arguments both in favor and against the implementation of the death penalty by the states.
- According to lecture, the dominant frame associated in the media shifted over the past decades from morality and/or constitutionality to innocence.
- As of 2014, states are no longer executing inmates.
- The defendant's right to a fair trial is violated if the lawyer he or she is assigned makes errors of judgment that eventually work out to the detriment of the defendant, such as passively waiting for the state to fail to prove guilt, since the defendant is presumed innocent.
- Courts of Appeal have little hesitation in re-trying the facts that have been established in the original trial.

- A written confession that has been extracted in part by the police lying to the defendant during an interrogation cannot be used in court.
- In order to have a racially biased outcome in the application of the death penalty, it is not necessary to have racially discriminatory intentions on the part of the individuals who are part of the judicial process.
- In the *McCleskey vs. Kemp* decision, the Supreme Court ruled that statistical disparities in application of the death penalty are unacceptable.
- One major reason for the changing ways of execution has been a continual search for more "humane" methods.
- While governors' pardons are very rare at present, they were widely employed before World War II, when they served as a safeguard for where the death penalty was legally required but seemed too harsh.

Old Quiz Questions: "Original" Quiz

- About how many homicides are there in the US in a year?
- About how many executions are there in a year, over the past 10 years or so?
- What was the peak number of executions per year since 1976?
- North Carolina has executed how many people since 1976?
- You cannot serve on a capital jury unless you support capital punishment. T F
- About how many people have been released from death row in the US since 1972 because they were exonerated?
- Most of these exonerations were due to DNA evidence. T F
- About what percentage of death sentences are overturned on appeal?
- About what percentage of death sentences eventually lead to an execution?
- Across all of its history, what year saw the most executions in North Carolina?
- What is the state with the greatest number of executions since 1976?
- What is the state with the greatest number of people on death row today?
- Which city has had more death sentences since 1976: Philadelphia? Detroit? (circle one)
- Which city has had more death sentences since 1976: Houston? Miami? (circle one)
- Which city has had more death sentences since 1976: Los Angeles? Chicago? (circle one)
- There were no executions in the US from 1966 to 1976. T F
- Since 1976, no state has ever abolished the death penalty by a vote of the legislature. T F
- What state is most likely to execute the inmates it condemns?
- Which state is very unlikely to carry out a death sentence: California? Ohio? Oklahoma? (circle one)
- Which country does NOT belong on the high execution list: US? Yemen? Iraq? China? Brazil? (circle one)