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Introduction

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As might be expected, implications of the United States Supreme Court's decision in *Simmons v. South Carolina* are prominently featured in this issue. There are a number of reasons to consider carefully both the summary and analysis of *Simmons* and the accompanying article discussing its direct and potential impact in Virginia. First, where *Simmons* is directly applicable, there is the question of whether it is available to habeas petitioners under the retroactivity principles of *Teague v. Lane*. Second, for cases on direct appeal and at habeas, as well as for trials involving offenses committed before January 1, 1995, there is the issue of the applicability of *Simmons* where defendants would technically be eligible for future parole consideration if sentenced to life in prison. These unsettled issues are carefully dealt with in this issue. It is important that they be competently litigated. The most important lesson of *Simmons*, however, is the continued importance of raising and preserving bona fide constitutional claims that have been repeatedly rejected by the Supreme Court of Virginia.

One such claim involves the continuing deficiencies in application of Virginia's "vileness" aggravating factor, in spite of the latest rejection of the challenge by a panel of the Fourth Circuit in *Turner v. Williams*.

Review of other decisions by the U.S. Supreme Court and the Supreme Court of Virginia in this issue will provide valuable insights into trial and appellate strategy and approaches. The overall legal landscape, however, has not changed dramatically. Apart from *Simmons*, which itself directly affects only three states, the U.S. Supreme Court makes no major systemic pronouncements. The Supreme Court of Virginia continues in the business of upholding death sentences.

The trial landscape, however, is changing dramatically. There is an emerging sense of commitment and cooperation among capital defense attorneys. Individuals who have provided competent aggressive defense are sharing their knowledge. The Capital Representation Resource Center, Virginia College of Criminal Defense Attorneys, Virginia Capital Case Clearinghouse, and several excellent Public Defender offices are coordinating their efforts. If you are defending or may defend a capital case, assistance is available. Please contact us. Plan also to attend the annual CLE program "Defending a Capital Case in Virginia VII," which will be conducted at Washington and Lee on Friday, April 14, 1995.

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Director