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## Introduction

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*Power, not reason, is the new currency  
of this Court's decisionmaking.*

Final Dissent of Justice Marshall  
*Payne v. Tennessee*

The United States Supreme Court virtually completed its restrictive rewrite of federal habeas corpus law in *McCleskey v. Zant* and *Coleman v. Thompson*, the latter a Virginia case. A constitutional challenge to restrictive *voir dire* practices in Virginia was also turned aside in *Mu'Min v. Virginia*.

A recurring theme appears in several Supreme Court of Virginia opinions reviewed in this issue. It is the view that virtually anything unfavorable about a defendant is admissible at a capital penalty trial to show future dangerousness.

The shutdown of habeas review reemphasizes the critical importance of the trial stage. An article analyzing thirteen years of capital appellate review in Virginia makes the same point. Further, the wide open attitude of the Virginia courts toward future dangerousness evidence, and the continued questionable application of the "vileness" factor, also treated in this issue, illustrate the importance of pretrial definition and limitation of the issues. Considerable support for the defense position on these pretrial matters is to be found in the opinion of the U.S. Supreme Court in *Lankford v. Idaho*, also reviewed in this issue.

At Virginia Capital Case Clearinghouse, we stand ready to assist attorneys who are committed to thorough, competent, and vigorous representation.

William S. Geimer  
*Director*

