

Fall 9-1-1992

Introduction

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Recommended Citation

Scott E. Sundby, *Introduction*, 5 Cap. Def. Dig. 3 (1992).

Available at: <https://scholarlycommons.law.wlu.edu/wlucdj/vol5/iss1/2>

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Because attorneys defending capital defendants often feel like they are swimming against the legal tide, it is important to stress that capital defendants are still occasionally succeeding in the courts. Indeed, of the nine cases involving capital defendants that were decided by the United States Supreme Court during the 1991-92 term, seven resulted in a reversal of the conviction or the death sentence. Granted, the holdings in these cases are not sweeping decisions of a magnitude like *Lockett v. Ohio*. They are decisions, however, that provide openings for well-informed and aggressive attorneys to better pursue different aspects of their cases, such as obtaining more extensive voir dire (*Morgan v. Illinois*) or barring the use of inflammatory and irrelevant aggravating evidence (*Dawson v. Delaware*). These decisions also give some glimmer of hope that various Virginia Supreme Court holdings which appear vulnerable to federal constitutional challenge — like those concerning *Miranda v. Arizona* (*King v. Commonwealth*) and the inadmissibility of evidence on parole ineligibility (*Mueller v. Commonwealth*) — may eventually see federal review.

Without a doubt, defending capital cases is becoming ever more complex. The Virginia Capital Case Clearinghouse is designed to assist counsel in keeping up with the latest changes in the law and in developing effective techniques to defend such cases. It is in that spirit that we hope that you will find the two articles in this issue, one concerning the use of evidence on parole eligibility and the other looking at controlling the prosecution's use of jailhouse informants, to be of assistance.

Scott E. Sundby
Acting Director