

Spring 3-1-1996

Introduction

William S. Geimer

Scott E. Sundby

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/wlucdj>

 Part of the [Law Enforcement and Corrections Commons](#)

Recommended Citation

William S. Geimer and Scott E. Sundby, *Introduction*, 8 Cap. DEF J. (1996).

Available at: <https://scholarlycommons.law.wlu.edu/wlucdj/vol8/iss2/2>

This Prefatory is brought to you for free and open access by the Law School Journals at Washington & Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Capital Defense Journal by an authorized editor of Washington & Lee University School of Law Scholarly Commons. For more information, please contact lawref@wlu.edu.

The cases reviewed in this issue cover a variety of topics. Of particular concern to the practitioner is the Supreme Court of Virginia's alarming decision in *Sheppard* where the court expands the grounds for procedural default to unprecedented and arguably unconstitutional extremes. Any lawyer filing assignments of error with the court should read the case carefully to avoid losing issues by following the rules of good lawyering rather than the rigid formalities of the court's rules. Also of interest is the Fourth Circuit's decision in *Turner*, where that court takes its first look at a claim which is gaining momentum around the country — the question of whether a long stay on death row can constitute cruel and unusual punishment requiring the commutation of the death sentence to one of life imprisonment.

The remainder of this issue contains articles discussing a variety of approaches to navigating the hazards which defense counsel face in capital cases. Advice is provided on how to make the most of having two attorneys appointed in a capital case and on how to use the rules of evidence as a means of putting the defense case before the jury during the Commonwealth's case-in-chief. Given the expanding role of experts in capital cases, defense counsel will also want to read the update on the use of DNA evidence and the article on the most effective use of the United States Supreme Court's recent ruling on the admissibility of scientific evidence. Finally, two articles tackle the complexities of the future dangerousness aggravator, with one article looking at how the aggravator can be attacked through pretrial motions and the other piece examining strategies to pursue if the attorney is ambushed by unexpected evidence of unadjudicated acts.

As always, the Virginia Capital Case Clearinghouse stands ready to assist attorneys appointed to represent defendants in capital cases.

WILLIAM S. GEIMER
SCOTT E. SUNDBY
Directors