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Introduction

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CAPITAL DEFENSE JOURNAL

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Introduction

This edition of the CAPITAL DEFENSE JOURNAL is a lengthy one. The death business continues unabated in Virginia. Once again, while none of the reported opinions grant relief in capital cases, there is much to be learned from them.

Dubois v. Greene and *Walton v. Commonwealth* provide tragic illustration of the truth of the maxim that a plea of guilty to the offense of capital murder should never be entered in the absence of a formal or strong informal assurance from the court that the sentence will not be death.

Wright v. Angelone further construes Virginia's statute granting mental mitigation experts to capital defendants in a way that suggests that, while the assistance of these experts should be fully utilized, they should not be called to testify at penalty trials.

One bright spot is the grant of *certiorari* by the United States Supreme Court in *Strickler v. Pruett*. It may well be that the Court will put an end to the Fourth Circuit's effort to stand the doctrine of *Brady v. Maryland* on its head. Another is the recent grant of *certiorari* in *Lilly v. Virginia*. In this case, it is hoped that the 6th Amendment right to confront accusers will be re-established in the Commonwealth. The Virginia Capital Case Clearinghouse will submit briefs *amicus curiae* in both cases.

Because so many Virginia cases are in their final stages in the courts, the articles in this edition address issues related to investigations at habeas, and deficiencies in Virginia's system, if it can be called a system, of executive clemency. The Commonwealth's notorious procedural default jurisprudence makes these subjects important to trial and state habeas counsel as well.

Many of our long-time readers have probably noticed that this issue of the CAPITAL DEFENSE JOURNAL looks different from previous issues. The layout of the JOURNAL has changed, and the sizes of both the text and the footnotes have increased. In making these changes, we have tried to present information in a way that is clearer, more readable, and more aesthetically pleasing.

It's good to be back, working with dedicated students and lawyers. Be sure to mark you calendar for April 16th, and call us as soon as you get a case.

William S. Geimer, Director
Professor of Law

ARTICLES
