



Fall 9-1-2000

Table of Contents

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

Recommended Citation

Table of Contents, 13 Cap. DEF J. (2000).

Available at: <https://scholarlycommons.law.wlu.edu/wlucdj/vol13/iss1/1>

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

CAPITAL DEFENSE JOURNAL

Volume 13

Fall 2000

Number 1

ARTICLES

Obtaining Unanimity and a Standard of Proof on the
Vileness Sub-Elements with *Apprendi v. New Jersey* 1

M. Kate Calvert

The Good, The Bad, and The Ugly: The Limitation of
Defendants' Statutory Rights by Judicial Decisions and
Legislative Revisions 37

Matthew S. T. Clark

Due Process Limitations on Victim Impact Evidence 55

Matthew L. Engle

"Meaningful Guidance": Reforming Virginia's Model Jury
Instructions on Vileness and Future Dangerousness 85

Melissa A. Ray

CASE NOTES

UNITED STATES SUPREME COURT

Ramdass v. Angelone, 120 S. Ct. 2113 (2000). 111

Williams (Michael) v. Taylor, 120 S. Ct. 1479 (2000). 117

Williams (Terry) v. Taylor, 120 S. Ct. 1495 (2000). 123

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Baker v. Corcoran, 220 F.3d 276 (4th Cir. 2000). 133

Barnabei v. Angelone, 214 F.3d 463 (4th Cir. 2000). 139

Burket v. Angelone, 208 F.3d 172 (4th Cir. 2000). 149

Clagett v. Angelone, 209 F.3d 370 (4th Cir. 2000). 157

Evans v. Smith, 220 F.3d 306 (4th Cir. 2000).	165
Fisher v. Lee, 215 F.3d 438 (4th Cir. 2000).	173
Hunt v. McDade, 2000 WL 219755, at *1 (4th Cir. Feb. 25, 2000).	179
Oken v. Corcoran, 220 F.3d 259 (4th Cir. 2000).	183
United States v. Barnette, 211 F.3d 803 (4th Cir. 2000).	191
SUPREME COURT OF VIRGINIA	
Bailey v. Commonwealth, 529 S.E.2d 570 (Va. 2000).	201
Johnson v. Commonwealth, 529 S.E.2d 769 (Va. 2000).	207
CODE OF VIRGINIA	
Amendments to VA. CODE ANN. §§ 18.2-10, 19.2-11.01, 19.2-264.4 (Michie 2000).	219
COURT OF APPEALS OF VIRGINIA	
Abraham v. Commonwealth, 526 S.E.2d 277 (Va. Ct. App. 2000) & DeLaurencio v. Commonwealth, 2000 WL 781297, at *1 (Va. Ct. App. June 20, 2000).	225
Burlile v. Commonwealth, 531 S.E.2d 26 (Va. Ct. App. 2000).	229
Tibbs v. Commonwealth, 525 S.E.2d 579 (Va. Ct. App. 2000) & Winckler v. Commonwealth, 531 S.E.2d 45 (Va. Ct. App. 2000).	233
Williams v. Commonwealth, 528 S.E.2d 166 (Va. Ct. App. 2000).	239
CASE OF INTEREST	
Fishback v. Commonwealth, 532 S.E.2d 629 (Va. 2000).	245

Cite as: 13 CAP. DEF. J. ____ (2000).

ARTICLES

The Virginia Capital Case Clearinghouse is not about theoretical or philosophical support for or opposition to the death penalty. It was conceived on the principle that one who stands to forfeit his or her life is entitled to the effective assistance of counsel, both for his or her sake and for the sake of those who would take that life.

WORDS OF THANKS AND INVITATION
AND
A CONTINUED APPEAL

The CAPITAL DEFENSE JOURNAL is intended to serve the Commonwealth. Its purpose is to assist capital defense counsel by increasing the fund of knowledge available to the entire legal community, including judges and prosecutors. While we are happy to provide the JOURNAL at no charge, we ask that those who believe that the JOURNAL is helpful and should continue in widest possible distribution consider defraying a portion of the cost. Individual contributions do not represent a major percentage of the publication cost, but do constitute a clear endorsement of the continuing need for the JOURNAL. To date, the response has been gratifying.

The suggested sum is \$10.00 per issue. Checks should be made payable to Washington and Lee University and mailed to:

**CAPITAL DEFENSE JOURNAL
School of Law
Washington and Lee University
Lexington, VA 24450**

If you are appointed or retained to represent a capital defendant and desire our assistance, please contact us at (540) 463-8557. One of the following third-year students will be assigned to work with you:

Adrienne Barnes
Amanda Burks
Sarah Braugh
Ross Eisenberg

CAPITAL DEFENSE JOURNAL

Volume 13

Spring 2001

Number 2

Executive Editors

Ashley M. Flynn
Kimberly A. Orem
Melissa A. Ray
Latanya R. White

Journal Staff

Matthew S. Nichols
Christina S. Pignatelli
Jeremy P. White

Director

Roger D. Groot
Alumni Professor of Law

CAPITAL DEFENSE JOURNAL

Statement of Ownership, Management, and Circulation: The *Capital Defense Journal* is owned by Washington & Lee University and is published semiannually by the students of the Virginia Capital Case Clearinghouse at Washington & Lee University School of Law. The *Capital Defense Journal* is printed at Western Newspaper Publishing Co., Inc., 537 East Ohio Street, Indianapolis, Indiana 46204, and is entered as a periodical with postage paid at post offices in Lexington, Virginia, and Indianapolis, Indiana. The address is as follows: *Capital Defense Journal*, Virginia Capital Case Clearinghouse, Washington & Lee University School of Law, Lexington, Virginia 24450. The telephone number is as follows: (540) 463-8557. The average number of copies of each issue printed during the preceding twelve months was 2500.

Subscription Information: The subscription price for Volume 13 (two issues) of the *Capital Defense Journal* is \$20.00. Please mail all subscription requests to the *Capital Defense Journal*. All subscriptions will continue automatically unless the *Capital Defense Journal* receives a timely written request for discontinuance.

Back Issues: Volumes 1 through 12 may be purchased directly from the *Capital Defense Journal* for \$40.00 per volume or \$20.00 per number within each volume. Please contact the Virginia Capital Case Clearinghouse for availability.

Copies of Articles: Except as otherwise provided, the author of each item in this issue and the *Capital Defense Journal* grant permission for copies to be made available for educational use or for use in the representation of capital defendants, provided that: (1) the copies are distributed at or below cost; (2) the author and the *Capital Defense Journal* are identified on each copy; (3) a proper notice of copyright is affixed to each copy; and (4) the user notifies the *Capital Defense Journal* that copies have been made.

Disclaimer: Materials published in the *Capital Defense Journal* state the views of the authors. The *Capital Defense Journal* takes no responsibility for any statement made herein.