

Group 4: The fictional trial in *To Kill A Mockingbird*: The Death Penalty and Criminal Law

The History of the Use of Capital Punishment and the Death Penalty in the United States:

- Outline and explain two or three cases in which the death penalty was initially used in colonial United States. Was it ever outlawed nationally? Why?
- Summarize states that currently use the death penalty and find patterns of crimes that are worthy of the death penalty in those states.
- Describe how the method of carrying out the death penalty has changed over the years. Currently, there are a number of cases in which it has been challenged. Describe one of these cases, and include reasons it may have constituted “cruel and unusual punishment”.
- Analyze if the death penalty been disproportionately used between Blacks and Whites. Explain the disproportionality and factors that may explain it.

The Scottsboro Case: A Landmark Case and Its Impact on Capital Punishment Cases

- Summarize the case: who was involved, what the charges were, when it occurred, what the final decision was.
- Explain why this case was such a significant one in terms of its impact on capital punishment.
- Describe the mistakes made in this case by prosecutors, defenders, witnesses, etc. that indicate this may have not been a fair case.
- Analyze how this case illustrates how race impacted the outcomes of many court cases. How did our society change from this case.

Major Criminal Court Procedures: Sixth Amendment: Right to Counsel (Atticus defending Tom Robinson) and Right to a Jury Trial (Right to a Jury of Your Peers)

- Summarize the major points of the Sixth Amendment and explain the rights it ensures/protects for every individual charged with a crime.
- Analyze the challenges to the amendment that have been raised and how the amendment been interpreted differently over history.
- In the book, *To Kill a Mockingbird*, a black man will be accused of a serious crime. His jury will be all white farmers. Based on your research for the Sixth Amendment, what are some problems you can see coming up in his trial that would show he won't be tried fairly and his rights may have been denied?

The Fairness of Capital Punishment: Under the Eighth Amendment, is the death penalty *cruel and unusual punishment*?

- Summarize the major points of the amendment and explain the rights it ensures and protects for every individual charged with a crime.
- Under the amendment, describe how capital punishment can be viewed as cruel and unusual punishment. Contrast how is it viewed as falling outside this amendment, and, therefore, still used by certain states.

- How has your research changed or informed your own views on capital punishment? How has it changed your view of the prisoners sitting on death row who are facing capital punishment? What are some of the major obstacles that come up in a death penalty case that makes them complicated instead of clear cut?

<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/deathpenalty.htm>

<http://www.pbs.org/wgbh/amex/scottsboro/index.html>

<http://www.law.umkc.edu/faculty/projects/FTrials/scottsboro/scottsb.htm>

<http://www.splcenter.org/>

<http://deathpenaltycurriculum.org/student/index.html>

<http://caselaw.lp.findlaw.com/data/constitution/amendment06/>

<http://www.gpoaccess.gov/constitution/html/amdt6.html>

<http://www.gpoaccess.gov/constitution/html/amdt8.html>

<http://caselaw.lp.findlaw.com/data/constitution/amendment08/>

<http://law.jrank.org/pages/6368/Eighth-Amendment.html>

http://www.law.cornell.edu/anncon/html/amdt8toc_user.html

http://www.capdefnet.org/hat/contents/intro_to_8th/3_intro_to_8th.htm

https://www.washingtonpost.com/news/post-nation/wp/2016/12/24/executions-and-death-sentences-both-plummeted-this-year-as-capital-punishment-dwindles-nationwide/?utm_term=.91af730c3876

