

## Capital Punishment Bibliography

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Reference Librarian

Oklahoma City University Law Library

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### Introduction and Purpose

This guide is meant to outline resources to assist you in researching a death penalty issue in Oklahoma. This guide is not exhaustive and not meant as legal advice.

### Law Review Articles:

Law review articles are a good starting point for research about any legal issue because the authors conduct extensive research and provide excellent references to other secondary and primary materials. Below is a sample of law review articles that focus on the death penalty.

To search for more articles, go to [http://www.okcu.edu/law/lawlib/library\\_databases.php](http://www.okcu.edu/law/lawlib/library_databases.php) and select one of the databases.

Seth C. Branham, *Criminal Law: The Oklahoma Court of Criminal Appeals' Procedural and Substantive Application of Ring v. Arizona to Oklahoma's Capital Sentencing Scheme*, 56 OKLA. L. REV. 365 (2003).

Jeremy B. Lowrey, *The Response to Brecheen v. Reynolds: Oklahoma's System for Evaluating Extra-Record Constitutional Claims in Death Penalty Cases*, 2 J. APP. PRAC. & PROCESS 123 (2000).

Carla Mullins, *Criminal Law: Gilson v. State and the Death Penalty Omission in Oklahoma*, 54 OKLA. L. REV. 647 (2001).

Symposium Issue: *Religion's Role in the Administration of the Death Penalty*, 9 WM. & MARY BILL OF RIGHTS J. 29 (2000).

Symposium Issue: *The Ultimate Penalty: a Multifarious Look at Capital Punishment*, 26 OH. N.U.L. REV. 601 (2000).

Thomas W. Brewer, *The Attorney-Client Relationship in Capital Cases and its Impact on Juror Receptivity to Mitigation Evidence*, 22 JUSTICE QUARTERLY 340 (2005).

Linda E. Carter, *Lessons From Avena: The Inadequacy of Clemency and Judicial Proceedings for Violations of the Vienna Convention on Consular Relations* 15 DUKE J. OF COMP. AND INT'L LAW 259 (2005).

This bibliography is part of the OCU Law Library series of Research Guides and Pathfinders.

Additional copies and future updated versions are available at:

[http://www.okcu.edu/law/lawlib/library\\_researchguides.html](http://www.okcu.edu/law/lawlib/library_researchguides.html)

Talia Roitberg Harmon and William S. Lofquist, *Too Late for Luck: A Comparison of Post-Furman Exonerations and Executions of the Innocent*, 51 CRIM. AND DELINQUENCY 498 (2005).

Paul Litton, *The "Abuse Excuse" In Capital Sentencing Trials: Is It Relevant To Responsibility, Punishment, or Neither?*, 42 AM. CRIM. L REV. 1027 (2005).

Julian Davis Mortenson, *Earning the Right to be Retributive: Execution Methods, Culpability Theory and the Cruel and Unusual Punishment Clause*, 88 IOWA L. R. 1099 (2003).

John W. Parry, *The Death Penalty and Persons with Mental Disabilities: A Lethal Dose of Stigma, Sanism, Fear of Violence, and Faulty Predictions of Dangerousness*, 29 MENTAL & PHYSICAL DISABILITY L. REP. 667 (2005).

Christopher Slobogin, *Mental Disorder as an Exemption from the Death Penalty: The ABA-IBR Task Force Recommendations*, 54 CATHOLIC UNIVERSITY LAW REVIEW 1133, (2005).

### **Books/Treatises:**

Books and treatises are secondary resources that give a general overview of the law in this area. Some of the titles listed below are located at the OCU Law Library and others are not. To check for availability, please consult the Law Library catalog at <http://lawlibdb.okcu.edu/cgi-bin/Pwebrecon.cgi?DB=local&PAGE=First>

Banner, Stuart. THE DEATH PENALTY: AN AMERICAN HISTORY, Cambridge, Mass.: Harvard University Press, 2002.

Bedau, Hugo Adam and Paul G. Castell, DEBATING THE DEATH PENALTY: SHOULD AMERICA HAVE CAPITAL PUNISHMENT?: THE EXPERTS ON BOTH SIDES MAKE THEIR BEST CASE, New York: Oxford University Press, 2004.

Constitution Project, MANDATORY JUSTICE: EIGHTEEN REFORMS TO THE DEATH PENALTY, 2001.

Coyne, Randall and Lyn Entzroth, CAPITAL PUNISHMENT AND THE JUDICIAL PROCESS, 2nd Ed .Durham, N.C.: Carolina Academic Press, 2000.

Dow, David R. and Mark Dow, Eds., MACHINERY OF DEATH: THE REALITY OF AMERICA'S DEATH PENALTY REGIME, New York: Routledge, 2002.

Foley, Michael A., ARBITRARY AND CAPRICIOUS- THE SUPREME COURT, THE CONSTITUTION AND THE DEATH PENALTY, Westport: Praeger, 2003.

Hodgkinson, Peter and William A. Schabas, CAPITAL PUNISHMENT – STRATEGIES FOR ABOLITION, New York: Cambridge University Press, 2004.

Lifton, Robert Jay and Greg Mitchell, WHO OWNS DEATH?: CAPITAL PUNISHMENT, THE AMERICAN CONSCIENCE, AND THE END OF EXECUTIONS, New York, N.Y.: Morrow, 2000.

Montagu, Basil, THE OPINIONS OF DIFFERENT AUTHORS UPON THE PUNISHMENT OF DEATH, 3 vols. Buffalo: William S. Hein & Co., 1984, reprint of 1809 original.

Rodriguez, Roxanne, THE MODERN DEATH PENALTY: A LEGAL RESEARCH GUIDE. Buffalo, N.Y.: W.S. Hein, 2001.

Sarat, Austin, WHEN THE STATE KILLS: CAPITAL PUNISHMENT AND THE AMERICAN CONDITION, Princeton, N.J.: Princeton University Press, 2001.

Westervelt, Sandra D. and John A. Humphrey, Eds., WRONGLY CONVICTED: PERSPECTIVES ON FAILED JUSTICE, New Brunswick, N.J.: Rutgers University Press, 2001.

### **Primary Resources:**

**\*Note-Check each title for specific holdings and availability.**

The materials listed below are primary federal and state legal authority.

#### **Federal Statutory Materials**

1. *U.S.C.* (U.S. Code) is available in the library at [KF62 1958 .A2](#) and electronically via various Web sites such as <http://www.law.cornell.edu/uscode/> and <http://uscode.house.gov/>.

2. *U.S.C.A.* (U.S. Code Annotated) is available in the library at [KF62.5 .W45](#) and electronically via the subscription database Westlaw.

3. *U.S.C.S.* (U.S. Code Service) is available in the library at [KF48 .U54](#) and electronically via the subscription database Lexis-Nexis.

#### **Federal Administrative Materials**

1. *C.F.R.* (Code of Federal Regulations) is available in print at [KF70 .A3 date](#) and electronically via the subscription databases Lexis-Nexis and Westlaw. The publication is also freely available via the government Web site <http://www.gpoaccess.gov/cfr/index.html>.

2. *Federal Register* is available in print at [KF 70 .A2 date](#) and electronically via the subscription databases Lexis-Nexis and Westlaw. The publication is also freely available via the government Web site <http://origin.www.gpoaccess.gov/fr/>.

#### **Federal Case Law**

1. *U.S. Reports* are available at [KF101 .U54](#) and via the subscription database Hein Online.

2. *Supreme Court Reporter* is available at [KF101 .W4](#) and via the subscription database Westlaw.

3. *U.S. Supreme Court Reports, Lawyers' Edition* are available at [KF101 .U58](#) and via the subscription database Lexis-Nexis.

4. *Federal Reporter 1<sup>st</sup>, 2d, 3d* is available at [KF105 .F4](#) and via the subscription databases Westlaw and Lexis-Nexis.

5. *Federal Supplement 1<sup>st</sup> and 2d* is available at [KF120 .F42](#) and via the subscription databases Westlaw and Lexis-Nexis.

#### **State Materials**

1. *Primary and general election laws of the State of Oklahoma, annotated* are available at [KFO1620 .A3 date](#) in the Periodicals wing of the Law Library.

2. *Oklahoma Statutes* are available in the library at [KFO1230 .O5](#), electronically via the subscription databases Westlaw and Lexis-Nexis, and freely available via <http://www.oscn.net>.

3. *Oklahoma Statutes Annotated* are available in the library at [KFO1230 .O52](#) and electronically via the subscription databases Westlaw and Lexis-Nexis.

4. *Oklahoma Administrative Code* is available in the library at [KFO1235 2001 .A22](#), electronically via the subscription databases Westlaw and Lexis-Nexis, and freely available via <http://www.sos.state.ok.us/>.

#### **Web Sites:**

Below are some Web sites that have information about the death penalty and its use in the U.S.

American Bar Association Death Penalty Project:

<http://www.probono.net/deathpenalty/index.cfm>

American Bar Association Death Penalty Moratorium Implementation Project:

<http://www.abanet.org/moratorium/>

American Bar Association, Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases,” Revised Edition, 2003:

<http://www.abanet.org/legalservices/downloads/sclaid/indigentdefense/deathpenaltyguidelines2003.pdf>

Court TV, Death Penalty on Trial: [http://www.courttv.com/news/death\\_penalty/](http://www.courttv.com/news/death_penalty/)

Death Penalty Information Center: <http://www.deathpenaltyinfo.org/>

“Liebman Report,” A Broken System: Error Reports in Capital Cases, 1973-1995:

<http://www2.law.columbia.edu/instructionalservices/liebman/>

“Liebman Report,” Part II: <http://www2.law.columbia.edu/brokensystem2/index2.html>

Oklahoma Coalition Against the Death Penalty: <http://www.ocadp.org/>

Pro-Death Penalty.com: <http://www.prodeathpenalty.com/>

Sentencing Law and Policy (Law Professor Blog Network):  
[http://sentencing.typepad.com/sentencing\\_law\\_and\\_policy/death\\_penalty\\_reforms/index.html](http://sentencing.typepad.com/sentencing_law_and_policy/death_penalty_reforms/index.html)

State of Oklahoma Department of Corrections Capital Punishment:  
<http://www.doc.state.ok.us/offenders/deathrow.htm>

Texas Actual Innocence Awareness Database:  
[http://web.austin.utexas.edu/law\\_library/innocence/subject.cfm?subject=7](http://web.austin.utexas.edu/law_library/innocence/subject.cfm?subject=7)

U.S. Department of Justice, Capital Punishment Statistics:  
<http://www.ojp.usdoj.gov/bjs/cp.htm>

U.S. Department of Justice, National Criminal Justice Reference Center:  
<http://www.ncjrs.gov/app/topics/Topic.aspx?topicid=45>

U.S. Department of Justice, Survey of the Federal Death Penalty System:  
<http://www.usdoj.gov/dag/pubdoc/dpsurvey.html>

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