

Terry Lenamon's List of Major United States Supreme Court Death Penalty Cases:  
*Furman v. Georgia* (1972) to *Harbison v. Bell* (2009)

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In 1972, [the United States Supreme Court](#) effectively halted the death penalty in this country with its opinion in *Furman v. Georgia*. However, the moratorium was short-lived and four years later, the government was again free to kill its citizens as punishment for certain crimes.

For easy reference, here are the major High Court's decisions dealing with the death penalty from *Furman* forward (excluding those that have been overruled by later precedent), hyperlinked to the full opinion:

1972

[Furman v. Georgia](#)

Requires consistency in execution, *i.e.*, consistency in the states' application of death.

1976

[Gregg v. Georgia](#)

Reaffirmed use of the death penalty after the states had passed legislation that met the *Furman* requirements.

1977

[Coker v. Georgia](#)

Under 8th Amendment, death penalty is not acceptable (*i.e.*, constitutional) punishment for crime of rape of an adult woman when murder not involved, *i.e.*, the victim is not killed. Effectively set the standard that capital punishment should only be imposed when the underlying crime involved the death of another.

1978

[Lockett v. Ohio](#)

Sentencing authorities cannot be limited to a list of factors when deciding on imposing capital punishment; constitutionally, they are to have the ability to consider all mitigating factors.

1982

[Enmund v. Florida](#)

No death penalty for someone who does participate in a felony but not involved in killing – no intent to kill, no attempt (successful or not) to do so.

1985

[Glass v. Louisiana](#)

Death penalty by electric chair (electrocution) is constitutionally acceptable.

1986

[Ford v. Wainwright](#)

No death penalty for insane persons.

1987

[\*Tison v. Arizona\*](#)

Death penalty acceptable for defendant convicted of felony murder, who was a major participant and who shows an “extreme indifference to human life.”

1988

[\*Lowenfield v. Phelps\*](#)

State’s determination of which individuals are eligible for the death penalty can be done by statute (legislature decision) or by findings of aggravating circumstances (courtroom decision).

1988

[\*Thompson v. Oklahoma\*](#)

No Death Penalty for children who are 15 years old or younger at the time that the crime is committed.

1992

[\*Morgan v. Illinois\*](#)

In jury selection, the defense can challenge for cause anyone in the jury pool who says they would vote for death penalty in every case.

2002

[\*Ring v. Arizona\*](#)

Death Penalty cannot be imposed unless there is a jury (not judge) determination of the necessary aggravating factors because this is a part of the defendant’s constitutional right to a jury trial. (In 2004, *Schriro v. Summerlin* refused to apply this retroactively.)

2002

[\*Atkins v. Virginia\*](#)

No Death Penalty of mentally retarded defendants.

2004

[\*Tennard v. Dretke\*](#)

In capital punishment case, all mitigating factors must be considered in both the guilt phase and the penalty (sentencing) phase.

2005

[\*Roper v. Simmons\*](#)

No death penalty for anyone who was under 18 years old when the crime was committed, *i.e.*, juvenile offenders.

2006

[\*Oregon v. Guzek\*](#)

It is constitutional for a judge to limit the sentencing phase evidence of a defendant’s innocence to that which was presented in the trial phase.

2006

[\*Kansas v. Marsh\*](#)

Death penalty can be imposed even though both mitigating and aggravating factors exist.

2006

[\*House v. Bell\*](#)

On appeal, post-conviction DNA forensic evidence can be presented in death penalty cases.

2008

[\*Baze v. Rees\*](#)

Lethal injection (three drug) method acceptable form of execution.

2008

[\*Kennedy v. Louisiana\*](#)

No death penalty for any crime "where the victim's life was not taken."

2009

[\*Harbison v. Bell\*](#)

When the state refuses to provide habeas counsel in post-conviction clemency proceedings, the constitutional right to counsel mandates that federally-funded legal counsel be provided to indigent death row inmates.