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Recommended Citation

Dieter, Richard C. () "Introduction to “Struck by Lightning”," *Ohio Northern University Law Review*. Vol. 38: Iss. 2, Article 13.

Available at: https://digitalcommons.onu.edu/onu_law_review/vol38/iss2/13

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Introduction to "Struck by Lightning"

RICHARD C. DIETER*

It has been thirty-five years since the Supreme Court of the United States allowed the death penalty to resume under state statutes that promised to protect against the arbitrary application which had been a hallmark of the punishment's past. This is a fitting time to evaluate whether the death penalty experiment has met those expectations. The Article that follows this introduction, *Struck by Lightning: The Continuing Arbitrariness of the Death Penalty Thirty-Five Years After Its Re-instatement in 1976*, was written for the Death Penalty Information Center in July 2011. This Article examined two streams of evidence: the dramatic decline in the use of the death penalty, especially in the past decade, and the ongoing influence of irrelevant factors in determining who is sentenced to death and executed in this country.

Professor Victor Streib of Ohio Northern University Pettit College of Law, whose years of work are being honored in this tribute issue of the Law Review, has played a critical role in developing both these strands of analysis. His research on juveniles and the death penalty was pivotal in the eventual ruling by the Supreme Court in 2005 to bar capital punishment for young offenders, pointing the way to a narrowing of the death penalty's use. Similarly, his research on gender disparities in the application of the death penalty has raised awareness of the role that arbitrary factors continue to play in this system. If the death penalty is someday struck down because of its rare but capricious application, the insights and empirical research of Professor Streib and many others will surely be noted.

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