

## Chapitre 1

# La peine de mort

---

### Woman on Death Row Runs Out of Appeals

---

By *ERIK ECKHOLM*

The New York Times, *September 21, 2010*

“She is clearly the head of this serpent,” the judge said of Teresa Lewis in 2003 when he sentenced her to death by lethal injection, describing her as the **mastermind** of the **cold-blooded** murders of her husband and his son as they slept in rural Virginia.

5       Late on Tuesday, the Supreme Court denied her last-ditch appeal for a stay, and Ms. Lewis, now 41, is scheduled to die on Thursday night at 9. Her case has drawn unusual attention, not only because she would be the first woman executed in the United States since 2005, and the first in Virginia since 1912, but also because of widely **publicized** concerns  
10       about the **fairness** of her sentence. Ms. Lewis waited this week in her prison cell, reportedly soothed by intense religious faith.

      Her lawyers say her original defense against the death penalty was bungled. They also cite new **evidence** suggesting that Ms. Lewis – whose IQ of 72 is described by psychologists as borderline **retarded** –  
15       was manipulated by her co-conspirators, who were out to share in savings and life insurance **worth** hundreds of thousands of dollars. Her partners in the crimes, two young men who fired the guns, received life sentences without **parole** in what her lawyers call a “gross disparity” in punishment. The Virginia Catholic Conference, the Virginia Conference of  
20       the United Methodist Church and the ARC of Virginia, which advocates for people with mental disabilities, were among the pressure groups that urged that Lewis’s sentence be commuted to life in prison

      On Tuesday, blocking her only other chance for a **reprieve**, Gov. Bob McDonnell said for the second time that he would not grant clemency  
25       for what he called her “heinous crimes.”

Ms. Lewis's guilt is not at issue. By her own admission, she **plotted** with the men to shoot her husband, Julian C. Lewis Jr., 51, and his son, Charles J. Lewis, 25, a reservist about to be deployed abroad.

30 Ms. Lewis, then 33, met her co-defendants, Matthew J. Shallenberger, who was 21, and his trailer-mate, Rodney L. Fuller, 20, in a line at Wal-Mart and, according to court records, they quickly started meeting and **hatching** murder plans. She became particularly attached to Mr. Shallenberger, showering him with gifts, but she had sex with both men and also encouraged her 16-year-old daughter to have sex with  
35 Mr. Fuller, the records say.

Ms. Lewis withdrew \$1,200 and gave it to the two men to buy two shotguns and another weapon. The night of the murders, she admitted, she left a trailer door unlocked. Later, she stood by as the intruders blasted the victims with repeated shotgun blasts. As her husband lay  
40 dying, court records say, she took out his wallet and split the \$300 she found with Mr. Shallenberger. She waited at least 45 minutes to call **911**.

Her husband was moaning "baby, baby, baby" when a sheriff's deputy arrived and he said, "My wife knows who done this to me,"  
45 before he died, the records indicate.

After initially claiming innocence, Ms. Lewis confessed and led police to the gunmen. In 2003, she was sentenced by Judge Charles J. Strauss of Pittsylvania Circuit Court, who concluded that Ms. Lewis had directed the scheme, **enticing** the killers with sex and promises  
50 of money and showing the "depravity of mind" that would justify a death sentence. In separate proceedings, the same judge gave life sentences to the gunmen.

Ms. Lewis's lawyers later **unearthed** what they called **compelling** evidence that it was Mr. Shallenberger who did the enticing, including  
55 his own statements that he **devised** the murder plan and a prison letter, whose authenticity is unquestionable, in which he said he "got her to fall in love with me so she would give me the insurance money." Mr. Shallenberger killed himself in prison in 2006.

But prosecutors, in fighting subsequent appeals, said that before  
60 and after the crimes, Ms. Lewis had engaged in concerted actions to obtain money from her husband's account and then from insurance, showing that she was far more capable than her lawyers now assert.

None of the evidence suggesting Mr. Shallenberger's dominant role has been presented in court, but it was provided to Mr. McDonnell in a **plea** for clemency, along with details of her limited intellect,  
65 her diagnosis of "dependent personality disorder" and her addiction to pain pills.

When he first **turned down** the appeal on Friday, Mr. McDonnell noted that appeals courts have **upheld** her sentence and that "no

70 medical professional has concluded that Teresa Lewis meets the medical or statutory definition of mentally retarded.”

Her lawyers argued in their petition to the Supreme Court that the case should be reopened because her original defense lawyer **failed** to explore whether her low intelligence and her psychiatric vulnerability would have left her able to plan the scheme. State prosecutors  
75 disagreed.

Opponents of the death penalty, and others who feel Ms. Lewis’s sentence is unjust, plan to hold vigils on Thursday, including one outside the Greensville Correctional Center in Jarratt, Va., where the execution is to take place.  
80

“She said she was leaving it in the hands of Jesus,” her lead defense lawyer, James E. Rocap III, of Steptoe & Johnson in Washington, said on Tuesday, before she heard of the 7-to-2 decision by the Supreme Court not to consider her case.

## I. Textual comprehension

---

### A. Find synonyms for the following words or expressions from the text

- |                 |               |                 |
|-----------------|---------------|-----------------|
| 1. mastermind   | 8. parole     | 15. compelling  |
| 2. cold-blooded | 9. reprieve   | 16. devised     |
| 3. publicized   | 10. plotted   | 17. plea        |
| 4. fairness     | 11. hatching  | 18. turned down |
| 5. evidence     | 12. 911       | 19. upheld      |
| 6. retarded     | 13. enticing  | 20. failed to   |
| 7. worth        | 14. unearthed |                 |

### B. Answer the following questions in English

▷ Use the information given in the text **but do not copy the sentences**.

1. When and why was Mrs Lewis sentenced to death?
2. Why has her case attracted much attention? (two reasons)
3. How many trials have there been?
4. What is the stance of Mrs Lewis' defence lawyers?
5. What role has the governor of Virginia played in Mrs. Lewis' case?

## II. Journalese and writing tips

---

### Translate the following sentences

- ▷ Use the words from I.A.
1. Thomas Gensemer a orchestré la campagne internet révolutionnaire d'Obama.
  2. BBC Worldwide, la branche commerciale de la BBC, a obtenu un sursis et ne sera pas vendue par le gouvernement.
  3. Une série de complots violents, qui auraient été conçus par des étudiants sur des chats sur internet, a été découverte par les autorités allemandes.
  4. Il y a des raisons irréfutables pour lesquelles cette affaire devrait être médiatisée.
  5. Cette semaine, un juge autrichien a rejeté une requête qui visait à donner la garde légale d'un chimpanzé à une femme.
  6. BP a annoncé avoir mis en place un fonds pour compenser les victimes de la marée noire d'une valeur de 20 milliards de dollars.
  7. Malgré leur bonne volonté, les participants ne sont pas parvenus à trouver un accord.
  8. Les avocats de M<sup>me</sup> Lewis ont fait un recours en grâce au nom de l'équité, parce que des preuves importantes n'avaient pas été prises en compte dans le procès de première instance ainsi que dans les recours ultérieurs.
  9. M<sup>me</sup> Lewis a été décrite par l'accusation comme une meurtrière au sang-froid.
  10. Aussi alléchante soit-elle, cette offre ne me tente pas.

### III. Vocabulary and civilization

---

#### A. Vocabulary

◆ **Prison: general vocabulary**

jail: *prison*

to be jailed for: *être emprisonné pour*

an inmate / a convict: *un détenu*

a sentence: *une peine*

to be sentenced: *être condamné*

∅ parole: *liberté conditionnelle*

to be on parole: *être en liberté conditionnelle*

the parole officer: *le contrôleur judiciaire*

to serve a sentence: *purger une peine*

∅ rehabilitation: *la réinsertion*

to get life / a life sentence: *être condamné à perpétuité*

◆ **The death penalty**

the death penalty: *la peine capitale*

∅ capital punishment: *la peine capitale*

∅ death row: *le couloir de la mort*

to be on death row: *être dans le couloir de la mort*

a death row inmate: *un condamné à mort*

to carry out an execution: *procéder à une exécution*

to schedule an execution: *prévoir une exécution*

to file a petition / plea for clemency / a clemency request: *déposer un recours en grâce*

a reprieve: *une commutation de la peine / un délai de grâce*

to stay an execution: *surseoir à une exécution*

a stay of execution: *un sursis à exécution*

the electric chair: *la chaise électrique*

to inject: *faire une piqûre / une injection*

an injection: *une piqûre / une injection*

a lethal injection: *une piqûre / une injection mortelle*

to hang: *pendre*

the firing squad: *le peloton d'exécution*

to attend an execution (verbe transitif direct, pas de préposition): *assister à une exécution*

◆ **Justice**

a trial: *un procès*

a judge: *un juge*

a justice: *un juge de la Cour Suprême*

the jury: *les jurés*

to prosecute: *poursuivre*

to sue: *intenter un procès*

the prosecution: *l'accusation*

the defence: *la défense*

a defendant: *un accusé*

an offender: *un délinquant*

to offend: *commettre un délit, une infraction*

a reoffender / a repeat offender: *un récidiviste*

a jailbird: *un récidiviste (familier)*

a first time offender: *un délinquant primaire*

a ruling: *une décision judiciaire*

to rule (dans le cas d'un tribunal): *rendre une décision*

to mete out justice: *rendre la justice*

to redress a wrong: *réparer un tort*

to apply the law: *appliquer la loi*

to be charged with: *être accusé de*

an indictment: *un acte d'accusation*

to be indicted for: *être accusé de*

DNA evidence: *des preuves par l'ADN*

to be cleared / proved innocent: *être innocenté*

an opinion: *l'opinion des juges de la Cour Suprême publiée après chaque jugement.*

a precedent: *un précédent, une décision de justice précédente qui fait jurisprudence.*

- ◆ **A miscarriage of justice: *une erreur judiciaire***
  - to be wrongly convicted: *être condamné à tort / être victime d'une erreur judiciaire*
  - to review a case: *réexaminer un cas*
  - to withhold / conceal evidence: *dissimuler des preuves*
- ◆ **For or against the death penalty**
  - the case **for** the death penalty: *les arguments en faveur de la peine de mort*
  - the case **against** the death penalty: *les arguments contre la peine de mort*
  - an opponent to the death penalty: *un opposant à la peine de mort*
- a proponent / supporter / champion of the death penalty: *un défenseur de la peine de mort*
- to deter: *dissuader*
- a deterrent: *une mesure de dissuasion*
- ◆ **The department of justice (US): *le ministère de la justice***
  - the Attorney General: *le Ministre de la justice*
  - a District Attorney (DA): *un procureur*

## B. Civilization

### ► The death penalty and the American Constitution

- ◆ **Amendments to the American Constitution: 6<sup>th</sup> / 8<sup>th</sup> / 14<sup>th</sup>**
  - **6<sup>th</sup> Amendment:** in criminal prosecutions the defendant will be given a fair trial<sup>1</sup> with the assistance of counsel for his defence.
  - **8<sup>th</sup> Amendment:** excessive fines<sup>2</sup> as well as cruel and unusual punishment are prohibited.
  - **14<sup>th</sup> Amendment:** proclaims that all persons born or naturalized in the United States are citizens of the United States and specifies that no state shall "deprive any person of life, liberty and property, without due process of law", nor "deny<sup>3</sup> to any person... the equal protection of the laws." [The framers<sup>4</sup> of the amendment had in mind blacks who were not, until then, full-fledged<sup>5</sup> citizens.]
- ⇒ The ten first amendments to the American Constitution are also referred to as **the Bill of Rights** (adopted in 1791), they constitute a sort of charter which guarantees the rights of American citizens.

---

1. Procès équitable.

2. Amende.

3. Priver, refuser.

4. Les auteurs (ici, les législateurs).

5. (adj.) à part entière (*fully-fledged* en anglais GB).

### ► The American Supreme Court

The Supreme Court tops<sup>1</sup> all federal and state jurisdictions. It is the highest court in the United States, and also the only one created by the Constitution; all the lower federal courts were created by Congress. It comprises **nine Justices**<sup>2</sup> (eight Associate Justices and one Chief Justice), **all appointed**<sup>3</sup> for life by the President with the **consent of the Senate**. Its sessions last from October to June, during which time it examines an average of two hundred cases. **Its decisions are final and legally binding**<sup>4</sup> on all lower courts<sup>5</sup>, whether<sup>6</sup> state or federal.

The Supreme Court has original jurisdiction<sup>7</sup> only in cases involving<sup>8</sup> foreign diplomats or the states, but it mainly hears cases (coming from the lower courts) which raise issues of interpretation of federal law or constitutional issues. It is the highest court of appeal in the nation, the last resort<sup>9</sup> for defendants. **The outcome**<sup>10</sup> of a case is determined by a majority vote of the nine Supreme Court justices. **If no majority is reached**<sup>11</sup>, the decision of the lower court is left standing<sup>12</sup>.

After having reached a decision, the Supreme Court issues what is called an opinion<sup>13</sup>, which serves as a precedent.

⇒ **Each state has its own legislature and its own Supreme Court, not to be confused with the Supreme Court of the United States.**

### ► Key turning points in the history of the death penalty

**Two landmark decisions were taken by the Supreme Court, in 1972 and 1976:**

- In *Furman v Georgia* (1972) the Supreme Court struck down<sup>14</sup> three cases of capital punishment, ruling that the death penalty was contrary to **the 8<sup>th</sup> and 14<sup>th</sup> Amendments**. When the court took this decision (in a 5-4 vote), each of the nine Justices issued<sup>15</sup> their **opinion** thus revealing that the court was unusually divided; the more opinions there are, the more divided the

---

1. Être au-dessus de.

2. Juges de la Cour Suprême.

3. Nommer.

4. Contraignant.

5. Cours de juridiction inférieure.

6. Si (exprime l'alternative et non l'hypothèse contrairement à *if*).

7. Juridiction de première instance.

8. Concerner.

9. Le dernier recours.

10. Le résultat.

11. Atteindre.

12. Maintenir.

13. Lorsque la Cour Suprême rend une décision, cette décision est assortie de la publication d'une opinion. Si la Cour est divisée, les juges peuvent publier plusieurs opinions.

14. Renverser, annuler.

15. Publier.