

D

Cruel and Unusual?

Directions: Read each of the three scenarios, and answer the questions that follow each.

SCENARIO 1

Christopher, a high school junior who was almost 18 (a legal adult) told two of his friends, aged 15 and 16, that he wanted to murder someone. He had a plan. Christopher would break into Shirley's home, tie her up, and throw her off a bridge. His two friends weren't sure, but they decided to help Christopher when he told them they could "get away with it" because they were minors. The three boys met at 2:00 a.m. on the night of the murder, but Christopher's 16-year-old friend was nervous and backed out. Christopher and his 15-year-old friend went to commit the crime they'd planned.

The pair entered Shirley's home through an open window, waking her up. While she turned on a hallway light and asked "Who's there?" Christopher went down the hall and entered Shirley's bedroom. He recognized her from a car

accident the two had been in, which he later admitted supported his decision to kill. The boys tied Shirley's hands, covered her eyes, and drove her to a nearby bridge. They threw her into the river, where she drowned. Christopher was overheard bragging about the murder the next day at school where police arrested him. He waived [refused] his rights to remain silent and to have an attorney present. Christopher then admitted to the murder and agreed to reenact the crime on videotape.

His first-degree murder trial occurred nine months later, after he had turned 18. After hearing about the plan, Christopher's bragging, and watching the videotaped reenactment, the jury quickly convicted him and recommended the death penalty. The judge agreed, and Christopher was sentenced to death.

1. What arguments would convince you that the punishment in this situation *IS NOT* cruel and unusual?
2. What arguments would convince you that the punishment in this situation *IS* cruel and unusual?
3. How would you rule in this case?
4. Is there anything about the details of this case that, if different, would change your ruling? Explain.

SCENARIO 2

Evan was a very troubled 14-year-old who had been in and out of foster care [temporary homes for children living outside of the custody of parents or guardians] for years. His mother was addicted to drugs and alcohol, and he had been abused by his stepfather. Evan himself also used drugs and alcohol, and he had tried to kill himself four times. The first attempt was when he was only six years old.

One night Evan was at home with his two friends, Colby and Cole. The two friends came to buy drugs from Evan's mother, who sold them marijuana and gave them alcohol. All three boys left and went to Cole's trailer, where they smoked their drugs and played drinking games.

Eventually, Cole passed out. While Cole was passed out, Evan stole his wallet. Evan and Colby split Cole's \$300

between them. When Evan tried to put the wallet back into Cole's pocket, Cole woke up and grabbed Evan by the throat. Evan then hit Cole repeatedly with a baseball bat. After a number of hits, Evan put a sheet over Cole's head, said, "I am God, I've come to take your life," and hit Cole one more time. Evan and Colby then ran from Cole's trailer, but quickly returned to hide their crime. They lit two fires, burning the trailer and leaving Cole to die from trauma and smoke inhalation.

Alabama tried Evan as an adult, pointing to his mental maturity and his record of past crimes. He was charged with murder in the course of arson, a crime that carried a mandatory sentence of life without the possibility of parole. A jury convicted Evan, and he was sentenced to life in prison.

1. What arguments would convince you that the punishment in this situation *IS NOT* cruel and unusual?
2. What arguments would convince you that the punishment in this situation *IS* cruel and unusual?
3. How would you rule in this case?
4. Is there anything about the details of this case that, if different, would change your ruling? Explain.

SCENARIO 3

The death penalty has been available as a punishment for certain crimes in most American states since before the Founding era. Methods of carrying out the death penalty have changed over the years in an effort to make the process more humane [less painful and more ethical]. Plenty of Americans disagree with the death penalty, however, arguing that it is outside the powers of properly limited government, or that it is a moral, religious, and social wrong no matter how it is carried out.

By the mid-1800s, hanging was the most common method of execution throughout the country. In 1888, New York's governor commissioned a study to find the most humane method of executing dangerous criminals. The committee's answer was the electric chair, which became the preferred method of execution for the vast majority of states for the next 100 years. Over time, people became concerned about the pain and suffering caused by the electric chair. In response, Oklahoma became the first state to seek

a different method. Listening to the advice of a professor of anesthesiology [pain reduction], Oklahoma replaced the electric chair with lethal injection. Lethal injection is now the most common way prisoners are put to death in the United States.

Medical personnel are responsible for setting up the IVs and drugs. The prison warden typically conducts the execution from a separate room with doctors watching the process for any signs of trouble. In some cases it is difficult for the prison warden to find a doctor willing to help with the execution. This is because doctors are sworn to follow the Hippocratic Oath, which commands each doctor to "do no harm."

Kentucky uses lethal injection. Two Kentucky death row inmates, both sentenced to death for their role in a double homicide, argue that the lethal injection process is cruel and unusual. They argue it can lead to pain, torture, suffering, and an unnecessarily long death if it is not carried out with exact timing, dosages, and medical expertise.

1. What arguments would convince you that the punishment in this situation *IS NOT* cruel and unusual?
2. What arguments would convince you that the punishment in this situation *IS* cruel and unusual?
3. How would you rule in this case?
4. Is there anything about the details of this case that, if different, would change your ruling? Explain.