

DEATH PENALTY CASES

Francis v Resweber (1947):

first attempt to execute Francis in Louisiana electric chair failed due to equipment problems; after repairs, Francis was electrocuted; court ruled that this did not constitute cruel/unusual punishment nor double jeopardy because it was not a deliberate act of malevolence;

Witherspoon v Illinois (1968):

concerned "death qualified jury"; court ruled that, while jurors who will not impose the death penalty can be dismissed, those who simply oppose it as a personal belief may not be dismissed;

Furman v Georgia (1972):

Furman was burglarizing a home when one of its residents returned; trying to escape, Furman tripped, his gun fired, resident was killed; Furman found guilty of murder; Court ruled this constituted cruel and unusual punishment; brought about a moratorium until death penalty laws could be re-written;

Gregg v Georgia (1976):

led to resumption of death penalty in U.S.; states had to re-write laws to take into account aggravating/mitigating factors;

Coker v Georgia (1977):

death sentence is grossly disproportionate for crime of rape;

McCleskey v Kemp (1987):

McCleskey was convicted of armed robbery and murder; given death sentence because he presented no mitigating circumstances; McCleskey cited the Baldus study (2500 murder cases in Georgia) as proof that blacks convicted of murdering whites had much higher chance of receiving death penalty than whites convicted of murdering blacks; Court did not accept McCleskey's argument that the study rendered the death penalty unconstitutional/racially discriminating;

Thompson v Oklahoma (1988):

Thompson, 15 at time of his crime, was tried as an adult; found guilty of murder and sentenced to death; Court ruled that the "evolving standards of decency that mark the progress of a maturing society" and made the execution of someone so young to be cruel and unusual punishment;

Atkins v Virginia (2002):

Atkins and an accomplice robbed an airman, forced him to withdraw more money from an ATM, then drove to an isolated place and shot him eight times; the pair had been drinking alcohol/smoking marijuana all day prior to the crimes; companion cut a deal with authorities in return for his testimony against Atkins; Atkins convicted of murder; however, defense presented school records during penalty phase of trial showing Atkins had an IQ of 59; still sentenced to death but overturned on appeal;

Ring v Arizona (2002):

informant told police that Ring and two friends robbed an armored car of more than one-half million dollars in cash and one-quarter million dollars in checks and killed the driver; Ring was declared to be the ringleader of the operation, charged with murder, and found guilty; in sentencing phase the judge cited two aggravating factors; decision overturned on appeal on grounds that the maximum penalty decision must be made by a jury;

Roper v Simmons (2005):

Simmons, at age 17, conceived/carried out plan to commit burglary and murder by breaking and entering, tying up victim and throwing her off a bridge; evidence was overwhelming; Simmons confessed and performed a videotaped reenactment at the crime scene; found guilty; Simmons appealed citing Atkins v Virginia; Court ruled that Eighth/Fourteenth Amendments forbid death penalty for offenders who were under the age of 18 when their crimes were committed;