

# Free death penalty essay sample

[Law](#), [Death Penalty](#)



Death penalty is one type of punishment, whereby the state put people to death for a crime. It is a legal process that has raised many debatable issues in the world. The crimes that could prime to the death penalty are called capital offences, which include treason, murder, human trafficking, rape, sodomy, as well as robbery with violence. The capital offense varies depending on the country or state. There are various groups of persons who cannot be given death penalty. These groups of persons include juveniles, people with mental illness, and the insane.

One of the groups of people who cannot be given death penalty is the insane. In the world, there are many controversial cases that individuals are pleaded not guilty due to insanity. The constitution of various states and nations protect insane people from being given death penalty even if the crime is punishable by death penalty. The insane undergo critical evaluation to determine the mental capacity of the convicted person. Insanity is a legal term that is recognized in law (Lutzer & David 257). The insane people are not in a position to comprehend the crime they committed. In addition, the insane cannot be given death penalty since they do not understand the court proceedings. Those insane are not given death penalty if during the time of the crime they were insane, incompetence during trial, as well as incompetent execution approaches. One of the cases that regard the exclusion of insane convicts is the case against James Eagan Holmes. James was accused of mass murder and the punishment for his crimes was the death penalty. James Holmes case is still in progress, but the presiding judge in 2013 accepted his plea of the insanity defense.

There are mitigating and aggravating factors that are related to death

penalty statues. In order to justify the death penalty, aggravating factors are supported by evidence that are presented during trail process (Latzer & David 259). The mitigating factors focus on the circumstance of the crime and behavior of the defendant. For example, the mitigating factors include duress, minor participation, impaired capacity, as well as disturbance. The aggravating factors include previous conviction on serious offenses, use of a firearm, grave risk of national security, as well as vulnerability of the victim.

### **Work cited**

Latzer, Barry, and David McCord. Death Penalty Cases: Leading U. S. Supreme Court Cases on Capital Punishment. Burlington: Elsevier Science, 2010. Print.