

Criminal law

Law



Criminal Law Criminal Law Capital punishment was meant for cases that involved the death of a victim. So, it is not appropriate for courts to issue the death penalty on other offenses other than murder. It is considered excessive and unconstitutional for an individual to receive the death sentence if the victim does not die, and this is under the Fourteenth and Eighth Amendment (Melusky & Pesto, 2011). In a case involving Patrick Kennedy of Louisiana, the accused was charged with molesting his step-daughter, and was given the death penalty. However, the Supreme Court overruled this decision by claiming that the decision was disproportionate with the crime committed. The Supreme Court deems that the death penalty is cruel and extremely unusual, especially in cases where the victim does not lose their life.

In matters relating to how the capital punishment is imposed, I do believe that it is a matter of morality and emotion due to public opinion. The crime committed may push for certain ways in which the offender is executed. However, the judicial system creates a counter-balance between all the above while adding the issue of legal and constitutional rights. Offenders, despite having surrendered some of their rights after crime, still have rights according to the constitution. Public degradation is a historical aspect, so it is a matter of the legal nature of the capital punishment. The courts create the counter-balance that is needed to reduce the extreme nature that society may demand or exhibit in the case of the rape and murder of a child (Melusky & Pesto, 2011).

Reference

Melusky, J. A., & Pesto, K. A. (2011). Capital punishment. New York: Macmillan Publishers.

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