

# Roper vs. simmons



Roper vs. Simmons was one of the few cases in almost two decades to address whether it's constitutional under the eighth and fourteenth amendments to execute a juvenile offender who was over the age of fifteen but under the age of eighteen when he/she committed a capital crime. In 1988, Thompson vs. Oklahoma banned the execution of minors who were sixteen years of age when they committed a capital crime. Another case, Stanford vs. Kentucky (1989), divided the court which eventually rejected that the Constitution excludes capital punishment for minors of this age group.

Roper vs. Simmons overturned the decision in Stanford vs. Kentucky. Only seven countries in the past century have favored execution of minors convicted of capital crimes: Iran, Pakistan, Saudi Arabia, Yemen, Nigeria, China, and Congo. Before the case many Americans did not think that the execution of minors was considered cruel and unusual punishment if a capital crime was committed, but after the crime many Americans began to oppose it. Those seven countries have also, since then, prohibited these executions.

Christopher Simmons was a junior in high school at the age of seventeen when he committed a pre-meditated murder. Around nine months after the crime was committed when he was eighteen years of age, he was tried in court and sentenced to death. Simmons discussed his plan to kill Shirley Crook with his two friends Charles Benjamin and John Tessemer (ages fifteen and sixteen at the time), resulting from a car accident involving Benjamin and Simmons. Simmons' idea was to break in to Mrs. Crook's home, tie her up, and drive her to a bridge where he would throw her off of to her death.

Simmons was under the impression that he and his friends could get away with the crime because they were minors. The three boys met around 2: 00 A. M. on the night the murder was committed (September 9th, 1993). Tessemer backed out before the other two boys went on their way (he was charged with conspiracy at first, but the charges were dropped when he testified against Simmons).

The two boys proceeded to enter the Crook home by reaching through an open window and unlocking their back door. Simmons turned on a hallway light, startling Mrs. Crook as she asked who was there. Simmons then entered her bedroom, recognizing her which he later said was his resolve to murder her. The two boys worked together and used duct tape to cover her eyes and mouth and bound her hands. They took her minivan to a state park, reinforced her bindings, and covered her head with a towel. They then walked to a railroad trestle over the Meramec River, tied her hands and feet together with electrical wire, and wrapped her entire face with duct tape before they threw her into the waters below for her to drown.

The afternoon of September 9th, 1993, Shirley's husband, Steven Crook, returned from an overnight trip and was alarmed by the messy house he came home to without his wife there to welcome him. After he reported his wife missing, the same afternoon fisherman recovered the victim's body from the Meramec River. Simmons apparently had been bragging to his friends about murdering Shirley saying he killed her " because the bitch seen my face". The next day, police received information about Simmons' involvement the crime and he was arrested at his high school in Fenton, Missouri.

Simmons waived his right to an attorney and immediately agreed to answer questions. Before the second hour of questioning was over, Simmons had already confessed to murdering Shirley Crook and agreed to perform a video reenactment of the crime. Simmons' excuse for the crime he claimed was to avoid his arrest for the recent car accident they both had been involved in. The State of Missouri charged Simmons with burglary, kidnapping, stealing, and murder in the first degree. Simmons was seventeen years of age at the time, but was tried as an adult.

The State immediately sought the death penalty, after Shirley Crook's husband, daughter and two sisters presented horrifying evidence on how much impact her death had already brought to their lives. Simmons' mother, father, two half brothers, neighbor, and friend all pleaded on behalf of his mercy to the court. Simmons' lawyer argued that his age should be considered a mitigating factor, but the jury still recommended the death penalty, and the trial judge decided to impose it.

About 9 years after the Simmons' case had completely run its course, in 2002 *Atkins vs. Virginia* prohibited the execution of a mentally retarded person, and Simmons' tried to file a new petition for state postconviction relief, saying that this made the Constitution prohibit the execution of someone if the crime was committed when they were under 18. This was the second time Simmons had appealed; the first being when he claimed he had not received adequate assistance during the trial because additional information regarding his difficult home background, impulsivity, and being easily influenced by others was not presented to the judge (this appeal was rejected).

They reviewed the Stanford vs. Kentucky case and agreed that it was no longer valid with influence of international opinion of execution of minors who had committed capital crimes. Justice Anthony Kennedy spoke for the State in March 2005 stating that execution of juveniles who committed crimes before they turned 18 was considered cruel and unusual punishment. Simmons' death sentence was then set aside and they resentenced him to life in prison with no chance of parole, probation, or release without the Governor's doing so personally. This case showed very well that the United States is fair to their accused criminals.

The court showed this strongly when they thoroughly considered and thought out each appeal that Christopher made to them, and they thoroughly reviewed all of his rights as well. Any other adult would have received the death penalty without questioning, but Simmons got multiple opportunities that people over eighteen would not have gotten. It was surprising that Simmons won the appeal after the Atkins vs. Virginia case because he was not mentally retarded and couldn't exactly relate to the case himself. Murder is murder, and Christopher should not have had as much mitigation because his crime was completely pre-meditated.