

Statement of facts

[Law](#), [Capital Punishment](#)



This case in Fenton, Missouri involves 17 yrs. old Christopher Simmons born in 1993. Charles Benjamin and John Tessmer were Christopher Simmons friends and accomplices. Christopher Simmons planned and committed a capital murder along with Charles Benjamin. The plan was to commit burglary and murder by breaking and entering, tying up Shirley Crook, and tossing her off a bridge. The three boys met at 2am in the morning however, Tessmer then dropped out of the plan. Simmons and Benjamin broke into Mrs. Crook's home, bound her hands and covered her eyes. They put Mrs. Crook in a minivan drove her to a state park and threw her off a bridge.

Once the case was brought to trial court, the evidence was solid and overwhelming. Simmons had confessed to the murder, performed a videotaped reenactment at the crime scene, and there was testimony from John Tessmer against him that showed premeditation. After the crime Christopher discussed the plot in advance and later bragged about the crime. After 2 hours of investigation Christopher broke down and confessed. At trial the State introduced Simmons confession and the videotaped reenactment of the crime, along with testimony that Simmons discussed the crime in advance and him bragging to fellow classmates about it later.

The defense called no witnesses due to the evidence and confession. The jury having returned a verdict of murder, the trial proceeded to the penalty phase. The jury returned a guilty verdict. The jury recommended a death sentence in which the trial court imposed despite Christopher not having a criminal background. The State charged Simmons with burglary, kidnaping, stealing, and murder in the first degree. Simmons was 17 at the time of the crime. He was outside the criminal jurisdiction of Missouri's juvenile court

system. Charles Benjamin and was 15 years old and John Tessmer was 16 years old.

The State later charged Tessmer with conspiracy, but dropped the charge in exchange for his testimony against Simmons. The jury recommended the death penalty after finding the State had proved each of the three aggravating factors submitted to it. Accepting the jury's recommendation, the trial judge imposed the death penalty. Defense counsel reminded the jurors that juveniles of Simmons age couldn't drink, serve on juries, or even see certain movies, because "the legislatures have wisely decided that individuals of a certain age aren't responsible enough. Defense counsel argued that Simmons age should make a huge difference to the jurors in deciding just exactly what sort of punishment to make.

Procedural History At the age of 17, Christopher Simmons along with partner Charles Benjamin planned and killed Shirley Crook. After, he turned 18 he was sentenced to death. Christopher processed a direct appeal and subsequent petitions for state and federal post convictions relief but was rejected.

Simmons filed a new petition for state post conviction relief arguing that *Atkins v. Virginia* reasoning established that the constitution prohibits the execution of a juvenile who was under the 18 when he committed the crime. The Supreme Court agreed in favor of Simmons and abandons the death sentence in agreement of life imprisonment without the possibility of parole. Issues Does the Eighth Amendment prohibit the execution of juveniles who commit capital crimes prior to turning 18 years of age? Arguments For Roper

* Currently, juries are very careful when they decide whether a 16 or 17 year old should be given the death penalty.

When sentences are made, the jury considers the defendant's age and other relevant information. Since only one juvenile has been executed in Missouri, this shows that juries only use the death penalty for the worst offenders. * Since 1989, only Indiana, Montana, South Dakota, and Wyoming have changed their laws to make it impossible for 16 and 17 year olds to get the death penalty. The previous amount of states was not enough show the nation agrees on this issue. * The Supreme Court case that ruled against using the death penalty for the mentally retarded Atkins v. Virginia should not be compared to this case.

Sixteen and seventeen year old offenders should not be placed in the same category with the mentally retarded. Juries should decide in each individual case whether a juvenile was mature enough to take responsibility for a crime. * Some crimes are so horrible that the death penalty is the only appropriate sentence. It is better for society to remove the worst criminals with the death penalty. Using the death penalty will also discourage other youth from committing crimes. Arguments For Simmons * In many cases, juries are overwhelmed by how horrible the crimes are that some juveniles commit.

It is a problem, then, for juries to consider the maturity of a juvenile in each individual case, because the crime itself may make it difficult for the juries to be fair. The juries may get distracted by the crime and not consider the offender's age as an explanation for the crime. * A national consensus has developed in which the majority of states do not support the use of the death

penalty for juveniles. Currently, 30 states prohibit the juvenile death penalty, and 12 of those states have banned the death penalty completely. In addition, since 1989, five states that previously allowed the juvenile death penalty have banned its use. Most other countries in the world disapprove of using the death penalty on juvenile offenders.

The United States is one of the only countries in the world that still allows the execution of juveniles. There is a clear global opinion that the death penalty is too strong a punishment for offenders under the age of 18. * There is research that shows that adolescents do not have the maturity and judgment necessary to fully weigh decisions and control their impulses. Brain research shows that the brain is not fully developed until adulthood. Our society has decided that age 18 is an important turning point. The majority of states do not allow people under the age of 18 to vote, serve on juries, or marry without their parents' permission. It makes sense then that 18 should also be the age when a person can be held fully responsible for committing a crime. Judgment The United States Supreme Court judgment in the Roper v. Simmons cases ruled in favor of Simmons. The United States Supreme Court said, “ that sentencing a minor to death was indeed cruel and unusual punishment and voided against the 8th amendment”.

The United States Supreme Court overturned the ruling that was established in Sanford v. Kentucky case that took place in 1989, in which the court decided that minors could be subject to the death sentence only if the charges warrant execution. Christopher was sentenced to life in prison without the possibility of parole. Holding The Eighth and Fourteenth Amendments

forbid obligation of the death penalty on offenders who were under the age of 18 when their crimes were committed. Supreme Court of Missouri affirmed and the United States overruled the Atkins v. Virginia case and Simmons original sentence. Rule Of Law Or Legal Principles Applied The 8th amendment is prohibits cruel and unusual punishment. Any amendment is an unchanging statue. Therefore the case itself or whatever the ruling is has to change if proven justified. Reasoning The Missouri Court voted 6 to 3 that he should receive the death penalty. They believed if he was older and committed murder it would just get worse from there. The lawyers argued that this was unfair punishment for a boy who couldn't see an R rated movie.

The Supreme Court voted 5 to 4 that executing a minor is cruel and unusual punishment. Society didn't like the view of executing children. What he did was wrong but at the same time he is still a child and should be treated like one. If they had executed him society would have a negative aspect on the criminal justice system. Additional Comments I think Christopher Simmons deserve the death penalty. Despite he background and rough up bringing that doesn't give you the right to kill an innocent lady for no reason. Due to the planning and precision behind the murder he deserves to die.

His intentions from the beginning were for her to die and die painfully. Tying her up and throwing her off the bridge requires a lot of hatred and regards for humanity. Despite his confessing to the murder Chris didn't feel remorseful for thefamilyor his actions. My opinions would be different if he had a mental disorder, suffered more serious child neglect or maybe Shirley harmed his family in retaliation he killed her. Other wise Chris actions are

similar to the James Holmes massacre and the Newtown shooting. All three deserve to die slow in my opinion.