

Adequacy of criminal law and punishment

Law



**ASSIGN
BUSTER**

The amendment of the US constitution expressly prohibits the application of unusual and cruel punishments. Some of the punishments under this category include crucifixion, burning and breaking on the wheel among other forms of punishment. The prohibition of such punishments was influenced by the need to make punishments more rational and “less painful”. In a case involving the United States and Weems in 1910, a US court ruled that sentencing the convict to 20 years chained imprisonment for giving false testimony amounted to cruel and unusual punishment.

Lionel Tate Case

Lionel Tate was accused and initially sentenced for killing Tiffany Eunick in cold blood, callously and indiscriminately in a cruel manner. The court in its decision sentenced Tate to life imprisonment after considering the evidence presented before it. Even though the defendant later appealed on several bases and was finally set free, the juvenile could be charged for aggravated child abuse, felony murder, premeditated murder, and for giving false testimony (Findlaw. com, 2003). Tate testified to the effect that he accidentally picked Tiffany and knocked her on the table although it is clear that the injuries that the latter sustained were graver than those which could be inflicted through such an action. The defense to these charges would be to claim that Tate did not understand the consequences of his actions due to mental incompetence.

Tate being subjected to life imprisonment was a clear act of cruel and unusual punishment given that he was a juvenile and was supposed to be dealt with as such. Instead, he was sentenced more like a competent adult – <https://assignbuster.com/adequacy-of-criminal-law-and-punishment/>

an act which was quite irrational.

Alex and Derek King Case

Alex and Derek King were charged for conspiring to murder and murdering their further in cold blood. Apart from committing murder, the two brothers ought to be charged for committing an act of arson as they set their house ablaze after committing the first crime (CNN, 2002). With two mutually exclusive judgments arising from the evidence given by Alex, Derek, and Chavis, it is almost certain that the parties could have given false testimonies to the court. For the arson charge, the Kings could claim that it was someone else who set the house ablaze and not them. Furthermore, Alex could be defended on the basis of mental incompetence and age – at his age (12) he would not understand the consequences of his actions. The judgment violates the cruel and unusual prohibition of the US constitution for the victims were minors sentenced more like adults.