

Law essays example

[Law](#), [Criminal Justice](#)



King Brothers and Lionel Tate

Background King Brothers and Lionel Tate:

Lionel Tate, was convicted of the July 28, 1999 murder of 6 year old Tiffany Eunick who was punched, kicked, stomped, and thrown to death (See Wrestling, 2001). The injuries Tiffany suffered as a result of the beating included “ a fractured skull, a lacerated liver, and more than 30 other injuries” (Wrestling, 2001). At the time of the incident Lionel Tate was 12 years old and weighed 170 pounds. As a result of his role in Ms. Eunick’s death, Lionel Tate was charged with first degree murder. A part of his defense, his attorney tried to claim that he was imitating the moves of professional wrestlers and that he did not mean to kill the girl. Tate’s defense was rejected and he was convicted of the first degree murder of Tiffany Eunick, becoming the youngest defendant in the history of the United States to be sentenced to life in prison without parole. It is important to note that Tate had been offered a plea bargain of three years and juvenile prison, one year of house arrest, and 10 years of probation (See Wrestling).

In the King murder trial case, brothers Derek and Alex King were tried and convicted of killing their father and then setting their house on fire to cover up the crime. Another man, family friend 40 year old Ricky Chavis, who is said to have been having a sexual relationship with the younger brother Alex, was also tried, but acquitted of the same murder. The two brothers were 12 and 13 at the time of the killing. After the trial in which the brothers were convicted, the judge sent the case to mediation and the boys were allowed to plead guilty to third degree murder and arson. Derek received a

sentence of eight years for his role in the murders, and Alex received sentence of seven years (See Cohen, 2002).

Do Facts Support Charging with Another Crime?

According to the facts of the Lionel Tate case, Tate could have been charged with assault and battery and/or aggravated assault of Tiffany Eunick. The crime of assault is committed when one intentionally puts another in immediate fear of being struck and battery is committed when one intentionally strikes another. Aggravated assault and battery occurs when one intentionally puts another in immediate fear of receiving serious harm from being struck and causes serious harm to another by striking the other. Even if Lionel Tate did not intend to kill Tiffany Eunick, his actions in picking her up and throwing her, stomping on her, and the like show that he did intend to commit assault and battery with the intention of causing serious harm to befall Tiffany.

The facts of the King case also support a conviction for aggravated assault and battery as the older boy Derek King hit his father over the head with an aluminum bat with the intent to cause serious injury if not death.

Furthermore, the actions of the boys in setting the house on fire supports a conviction for arson which is the intentional and malicious act of setting a building or other property on fire with the intent of causing damage.

What Defenses Were Available to the Defendants?

One defense that Lionel Tate had is that he did not intend to seriously harm to Tiffany as first degree murder requires the intentional taking of the life of another with malice aforethought. Tate's attorneys did try to argue that he

was too young to understand the nature of his actions and that they would result in the death of Tiffany.

The King brothers used that fact that they were manipulated by the older figure, Ricky Chavis, as a defense. Because he was older, allegedly having a sexual relationship with one of the boys, and may have been a significant influence in the murder, the judge and mediator did seem to accept this as a defense.

Does the Punishment Violate ‘Cruel and Unusual Punishment Prohibition?’

The eight amendment of the United States Constitution prohibits cruel and unusual punishment. Punishments which are intended to cause pain, suffering and humiliation are thus prohibited under the Constitution. The standard which is used to determine whether punishment is cruel and unusual is whether or not it is either degrading to human dignity, imposed in a wholly arbitrary fashion, rejected throughout society, or patently unnecessary. Sentencing juveniles as adults does not violate cruel and unusual punishment standards due to the juvenile's ability to understand their crimes and the need for society to cut down on violent crimes committed by juveniles. The King brothers' sentences of seven and eight years for killing their father can hardly be described as cruel and unusual punishment. Lionel Tate's punishment of life in prison with no parole, on the other hand, may be seen as cruel and unusual punishment especially in light of the King brothers' sentence. It is important to note that in 2004, Tate's sentence was overturned and he was able to accept the plea deal he was

originally offered. In addition, Tate has reoffended and is currently incarcerated.

Works Cited

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