

# [As modern society begins to accept social differences,](https://assignbuster.com/as-modern-society-begins-to-accept-social-differences/)

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As modern society begins to accept socialdifferences, it is apparent that exceptions are being made for individuals whosuffer as minorities (i. e. homosexuals, African Americans, Mexican Americans, mentally disabled, physically handicapped, etc.).

With these exceptionsregarding the law, excessive research and review must be done to righteouslyconclude the case for each individual depending on the severity of the crime. For just decisions, current medical standards are to be used by the jury. Anunderstanding of the criminal’s historical and medical background is essentialin relation to the crime itself. Sometimes these pieces of evidence clarify thereasoning of a person’s motives. There is by no means an end to this generaldebate, as there are many contradicting aspects in each case. However, usingthe accurate resources given and obtaining better knowledge of psychologicaldisorders can improve the Supreme Court’s standards, along with societalstandards as this nation continues to progress in its commitment for a betterworld.

While reviewing clinical standards iscrucial for a case’s decision, it is also important to understand thecorrespondence between criminal acts and mental disorders. Most do notcomprehend how or why those with mental disabilities are involved in a crime, mainly because they do not possess the same cognitive processes. According toFrank Sirotich, historical factors can influence a mentally challengedindividual. For example, a parent forcing “ serious physical abuse” to amentally ill child is associated with an “ increased rate of post dischargeviolence” once the child is older, which can lead to significant consequences. 9Additionally, it was discovered in clinical factors that those who haveschizophrenia are “ at elevated risk for homicide” over those who havedepression or bipolar disorder. 9 Psychiatric researcher JamesMacGabe found that most individuals diagnosed with bipolar disorders tend to beof higher intelligence in contrast to those with schizophrenia. 10 Giventhat there are is a possibility of schizophrenic criminals out there, it iscritical to take into consideration these current medical standards whendeciding a case. Although some do not adhere in allowing an intellectuallydisabled person to bypass the death sentence, a politician is expected toanalyze both sides of a situation and determine what is just for theprosecutors and the persecuted overall.

Mentally disabled people possess thesame human rights as any normal human being. That being said, it is still up tothe Supreme Court to clarify which resolution is righteous for all. Politicians are concerned that there are criminalswho will use insanity as their line of defense if they’re caught in the act. This is where current medical standards come in to play. In the case of Moorev. Texas, it is inconspicuous to determine whether the decision was fair. Growingup with academic incapabilities, Moore defended himself from life sentencebased on his intellectual handicap and remarked that using medical standardsthat dated back to 1992 was “ unusual and highly idiosyncratic,” as thesestandards proved he was not mentally disabled. 8 He emphasized thatit was accurate to use current medical standards for determining a person’smental health.

The Texas CCA, however, did take into consideration Moore’s casein recent research before coming to the ultimate decision of placing him in deathrow. In Hall v. Florida, the Supreme Court clarified that states’ medicalstandards ought to be informed by the “ medical community’s diagnosticframework.” 8 However, the state could not articulate a medicaldefinition of intellectual conditions. With this disorganization, it isincoherent and questionable as attorneys and judges struggle to grasp theconcept of definite clinical standards. As the standards vary by state, it isuncertain whether a true criminal in his or her right mind will be sentenced todeath. The very same concerns are toward individuals with mental health issuesas they could potentially be executed if the court of appeals does not fullyreview recent medical resources for determination.

Asa result, Atkins was not executed but sentenced for life imprisonment by JudgePrentis Smiley Jr., who was deemed by prosecutors to “ lack the authority” toimpose death sentence. 6 In this case, Atkins is serving his life injail while Hinckley Jr. got away with attempted murder and was released fromthe mental hospital to live with his mother. Some constituents wonder if sendinga mentally ill criminal to a hospital solves anything.

Others believe that itdoes not compensate the damage of violent behavior alone, but neither does thedeath penalty. Life sentence only ensures that the individual will not commitanymore criminal acts again, but it will not reduce the crime rate.  Michael Radelet and Traci Lacock bothexamined the statistics and outcomes of death penalties in correlation to crimerates. In their analysis, they have found that in a national survey, two-thirdof respondents believed that the death penalty “ was not a deterrent” ofcriminal behavior.

7 If it does not deter individuals fromcommitting these violent acts, then what must be done? Although most of today’ssociety does not agree that this punishment solves anything, the minorityrefutes that it is effective in justice. For those who are deserving of suchpenalty are ones that are mentally stable. However, there is the possibility ofcriminals’ fraudulent claims. A case that was decided in June of 2002, Atkins v.

Virginia involved Daryl Atkins being guilty of committing capitalmurder. In the first hearing, Atkins was given the death penalty, although hisIQ was 59. During the second hearing to assure the accuracy of a verdict form, Dr. Stanton Samenow claimed that Atkins could be diagnosed with an “ antisocialpersonality disorder”, but not necessarily a mental disorder that defined hisintellect. 5 Once again, Atkins was subjected to capital punishment.

Both Justices Koontz and Hassell were appalled and argued that “ individuals whoare mentally retarded” are “ less culpable for their criminal acts.” 5 Consideringthe eighth amendment of the Constitution, Justice Stewart also stated that asentence to prison is a cruel and unusual punishment for “ the ‘ crime’ of havinga common cold”, emulating mental illness to a common one. 5 Thiscomparison struck a chord in many legislatives as they conversed the issue ofthis case. In 1981, a man named John Hinckley Jr. attempted the assassination of President Ronald Reagan for unknown reasons. Ashe was pleaded guilty in court, his main defense was his insanity. Defenseattorneys would try to prove his mental disabilities and issues in junior high.

Apparently, his attorneys were successful as the jury clears him of hisconsequences and sends him to a mental facility for help. During this trial, however, Los Angeles Times Staff Writer Robert Jackson interviewed a few jurorswho admitted the “ deliberations as exhausting” and lamely came down to thedecision of letting Hinckley Jr. off the hook. 4 Some intervieweessaid they had no comment or declined to respond to the press of this ordeal. Itis unusual that cases like these are settled in this way, but it causespoliticians to ponder upon the pros and cons of such a decision.  In the United States Constitution, Amendment VIII pledges that “ excessive bail shall not be required, norexcessive fine imposed, nor cruel and unusual punishments inflicted.

” 1Some constituents and political leaders argue that the definition of “ cruel andunusual punishment” is barbaric, outdated, and unnecessary for penalty. Thedeath penalty itself is a controversial issue that stirs the public in adispute. For democrats, it is seen as unnecessary as they are more lenient inoffering medical services such as psychiatric wards to assist the mentallychallenged criminal. Conservatives are more firm in their stance with the deathpenalty, regardless of any mental state as committing voluntary manslaughter isconsidered intolerable and unnegotiable.

Although moderate conservatives andliberals are considerate of other options beside the capital punishment, thepublic opinion overall is supportive. There have been additions to the punishmentssuch as long-term solitary confinement or lethal injections that put people “ tosleep.” These new practices may offer “ excessive physical or mental pain,” which for some people is correlated to cruel and unusual punishment. 2A United Nations Secretary-General Andrew Gilmour believes that countries whichretain the death penalty “ have something to hide” as they continue with theseinjections manufactured by professionals. 3 Perhaps these secretsare kept from the public to distribute unknown chemicals in vaccinations whichcould impair the immune system? Or is that a step too far? U. N. Secretary-GeneralAntonio Guterres also claims that this practice is “ a lack of respect” for theconvicted individual’s right to life.

It is considered immoral to put thesehumans through physical and mental torture as they understand the consequencesof their violent misbehaviors. Do mentally disabled criminals understand? Wouldit be moral for them to be sentenced when they do not understand why they arebeing put down? These questions are considered moot as Congress continues todebate about the subject. In the 21st century, criminalrates are significant just as well as mental disabilities.

Would it beappropriate to believe that intellectual conditions are associated withcriminal acts? Some would give a fair argument of the question, but statisticsdo not lie. With the use of current medical standards to identify the severityof mental disorders, the Supreme Court can verify the need for death penaltyamong an individual. There is no need to utilize dated medical standards thatcould misdiagnose the criminal, leading to the ultimate decision of penalty.

Technology during the 1980’s through the 90’s did not obtain as muchinformation of neurological disorders as modern advanced automation anddiscovery. Recent studies have also highlighted the correlation betweendisorder and crime, which leaves a questionable analysis for the court as othercases are discussed rationally. Differences in certain cases are to bediscussed as well as the need for current medical standards along with researchof mental disorders.