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begins to accept  
social differences,

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

With these exceptions regarding the law, excessive research and review must be done to righteously conclude 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. An understanding of the criminal's historical and medical background is essential in relation to the crime itself. Sometimes these pieces of evidence clarify the reasoning of a person's motives. There is by no means an end to this general debate, as there are many contradicting aspects in each case. However, using the accurate resources given and obtaining better knowledge of psychological disorders can improve the Supreme Court's standards, along with societal standards as this nation continues to progress in its commitment for a better world.

While reviewing clinical standards is crucial for a case's decision, it is also important to understand the correspondence between criminal acts and mental disorders. Most do not comprehend how or why those with mental disabilities are involved in a crime, mainly because they do not possess the same cognitive processes. According to Frank Sirotych, historical factors can influence a mentally challenged individual. For example, a parent forcing "serious physical abuse" to a mentally ill child is associated with an "increased rate of post discharge violence" once the child is older, which can lead to significant consequences. 9 Additionally, it was discovered in clinical

factors that those who have schizophrenia are “ at elevated risk for homicide” over those who have depression or bipolar disorder. 9 Psychiatric researcher James MacGabe found that most individuals diagnosed with bipolar disorders tend to be of higher intelligence in contrast to those with schizophrenia. 10 Given that there is a possibility of schizophrenic criminals out there, it is critical to take into consideration these current medical standards when deciding a case. Although some do not adhere in allowing an intellectually disabled person to bypass the death sentence, a politician is expected to analyze both sides of a situation and determine what is just for the prosecutors and the persecuted overall.

Mentally disabled people possess the same human rights as any normal human being. That being said, it is still up to the Supreme Court to clarify which resolution is righteous for all. Politicians are concerned that there are criminals who 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 Moore v. Texas, it is inconspicuous to determine whether the decision was fair. Growing up with academic incapacities, Moore defended himself from life sentence based on his intellectual handicap and remarked that using medical standards that dated back to 1992 was “ unusual and highly idiosyncratic,” as these standards proved he was not mentally disabled. 8 He emphasized that it was accurate to use current medical standards for determining a person’s mental health.

The Texas CCA, however, did take into consideration Moore’s case in recent research before coming to the ultimate decision of placing him in death row.

In *Hall v. Florida*, the Supreme Court clarified that states' medical standards ought to be informed by the "medical community's diagnostic framework." 8 However, the state could not articulate a medical definition of intellectual conditions. With this disorganization, it is incoherent and questionable as attorneys and judges struggle to grasp the concept of definite clinical standards. As the standards vary by state, it is uncertain whether a true criminal in his or her right mind will be sentenced to death. The very same concerns are toward individuals with mental health issues as they could potentially be executed if the court of appeals does not fully review recent medical resources for determination.

As a result, Atkins was not executed but sentenced for life imprisonment by Judge Prentis Smiley Jr., who was deemed by prosecutors to "lack the authority" to impose death sentence. 6 In this case, Atkins is serving his life in jail while Hinckley Jr. got away with attempted murder and was released from the mental hospital to live with his mother. Some constituents wonder if sending a mentally ill criminal to a hospital solves anything.

Others believe that it does not compensate the damage of violent behavior alone, but neither does the death penalty. Life sentence only ensures that the individual will not commit any more criminal acts again, but it will not reduce the crime rate. Michael Radelet and Traci Lacock both examined the statistics and outcomes of death penalties in correlation to crime rates. In their analysis, they have found that in a national survey, two-thirds of respondents believed that the death penalty "was not a deterrent" of criminal behavior.

7 If it does not deter individuals from committing these violent acts, then what must be done? Although most of today's society does not agree that this punishment solves anything, the minority refutes that it is effective in justice. For those who are deserving of such penalty are ones that are mentally stable. However, there is the possibility of criminals' fraudulent claims. A case that was decided in June of 2002, *Atkins v.*

Virginia involved Daryl Atkins being guilty of committing capital murder. In the first hearing, Atkins was given the death penalty, although his IQ 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 "antisocial personality disorder", but not necessarily a mental disorder that defined his intellect. 5 Once again, Atkins was subjected to capital punishment.

Both Justices Koontz and Hassell were appalled and argued that "individuals who are mentally retarded" are "less culpable for their criminal acts." 5 Considering the eighth amendment of the Constitution, Justice Stewart also stated that a sentence to prison is a cruel and unusual punishment for "the 'crime' of having a common cold", emulating mental illness to a common one. 5 This comparison struck a chord in many legislatures as they conversed the issue of this case. In 1981, a man named John Hinckley Jr. attempted the assassination of President Ronald Reagan for unknown reasons. As he was pleaded guilty in court, his main defense was his insanity. Defense attorneys would try to prove his mental disabilities and issues in junior high.

Apparently, his attorneys were successful as the jury clears him of his consequences and sends him to a mental facility for help. During this trial, however, Los Angeles Times Staff Writer Robert Jackson interviewed a few jurors who admitted the " deliberations as exhausting" and lamely came down to the decision of letting Hinckley Jr. off the hook. 4 Some interviewees said they had no comment or declined to respond to the press of this ordeal. It is unusual that cases like these are settled in this way, but it causes politicians 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, nor excessive fine imposed, nor cruel and unusual punishments inflicted.

" 1 Some constituents and political leaders argue that the definition of " cruel and unusual punishment" is barbaric, outdated, and unnecessary for penalty. The death penalty itself is a controversial issue that stirs the public in a dispute. For democrats, it is seen as unnecessary as they are more lenient in offering medical services such as psychiatric wards to assist the mentally challenged criminal. Conservatives are more firm in their stance with the death penalty, regardless of any mental state as committing voluntary manslaughter is considered intolerable and unnegotiable.

Although moderate conservatives and liberals are considerate of other options beside the capital punishment, the public opinion overall is supportive. There have been additions to the punishments such as long-term solitary confinement or lethal injections that put people " to sleep." 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 which retain the death penalty “ have something to hide” as they continue with these injections manufactured by professionals. 3 Perhaps these secrets are kept from the public to distribute unknown chemicals in vaccinations which could impair the immune system? Or is that a step too far? U. N. Secretary-General Antonio Guterres also claims that this practice is “ a lack of respect” for the convicted individual’s right to life.

It is considered immoral to put these humans through physical and mental torture as they understand the consequences of their violent misbehaviors. Do mentally disabled criminals understand? Would it be moral for them to be sentenced when they do not understand why they are being put down? These questions are considered moot as Congress continues to debate about the subject. In the 21st century, criminal rates are significant just as well as mental disabilities.

Would it be appropriate to believe that intellectual conditions are associated with criminal acts? Some would give a fair argument of the question, but statistics do not lie. With the use of current medical standards to identify the severity of mental disorders, the Supreme Court can verify the need for death penalty among an individual. There is no need to utilize dated medical standards that could misdiagnose the criminal, leading to the ultimate decision of penalty.

Technology during the 1980's through the 90's did not obtain as much information of neurological disorders as modern advanced automation and discovery. Recent studies have also highlighted the correlation between disorder and crime, which leaves a questionable analysis for the court as other cases are discussed rationally. Differences in certain cases are to be discussed as well as the need for current medical standards along with research of mental disorders.