

Ciminal



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Running Head: Death Penalty Death Penalty of Death Penalty Introduction

The word arbitrary has been defined as the law which is based on the judgment of the judge rather than in accordance with law. Assume that a country where a motorist violates existing speed limits is ticketed because he drives a yellow car but motorists who drive other colored cars are not. Whether or not, the traffic rules and regulations openly isolate yellow car speeders, a structure is practiced in which the outcome is unfair. The system of death penalty in which the sentence of death is dependent on race, ethnicity, gender, religious background, etc, then that system is arbitrary. The current cases of death penalty in United States of America have determined that the death penalty is arbitrary and unfair.

Evidence for Arbitrariness

Decades have passed after the sentencing rules and regulations were accepted by the Court in Gregg but death penalty is still capriciously applied to an insignificant amount of criminals. The capital punishment system is deficient of uniformity. The most atrocious murderers are not sentenced to death penalty (Blume, Eisenberg & Wells, 2004). Unsuccessful bylaws and limitations in the capital punishment system have resulted in prosecutors falling back on their partialities regarding on the worst and sympathetic criminals.

According to Amnesty International Report, 95 percent of offenders cannot pay for their own lawyers. Poor people are over and over again subjected to convictions and death punishments that equally but more prosperous offenders do not receive. Black murderers are more likely to be subjected to death penalty by prosecutors than white murderers. Co defendants who have committed the same crime are subjected to different punishments.

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Individual prosecutors decide the death sentence which depends on the nature of the crime. Offenders found guilty of crimes for which death penalty is possible, have not received death sentence. Two offenders convicted of capital crimes get significantly different sentences (Amnesty International Report, 2005).

#### Analysis of Arbitrariness of Death Penalty

The University of Maryland conducted a study of inmates on the death row in 2002 and found out that most defendants were to receive the death penalty because they had killed white people (Burkhead & Luginbuhl, 2003). There was another report which was released by the New Jersey Supreme court where it concluded that criminals involved in killing whites were more likely to receive a death penalty rather than the killers of black victims. Interviews conducted with jurors found out that they decide the penalty before the commencement of the trial. The National Law Journal came to the conclusion that capital trials were ambiguous because the defense attorney is too often inexperienced, unqualified and poorly paid (Steiner, 2004). From the above studies it has been proven that the death penalty is applied unfairly and arbitrarily inside the United States.

#### Conclusion

In the light of the evidence mentioned, it is concluded that the current death penalties rules and regulations are ineffective and are exposed to arbitrariness. The capital sentencing system has failed to implement death penalty for several reasons. Racism, gender, unqualified attorneys, bias in jury selection, etc are the factors that have affect the death sentence.

#### References

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