

LESSON PLAN: THE JUVENILE DEATH PENALTY

HANDOUT: Juvenile Death Penalty Cases Mentioned in the NewsHour Article “Supreme Court to Review Execution of Juvenile Offenders”

Thomson v. Oklahoma, 487 U.S. 81, (1988): By a vote of 5-4, the U.S. Supreme Court decided that the execution of juveniles who were fifteen years of age or younger at the time of their crimes violated the evolving standards of decency test contained in the Eighth Amendment.

Stanford v. Kentucky, 492 U.S. 361, (1989): By a vote of 5-4, the U.S. Supreme Court decided that the execution of juveniles who were sixteen or seventeen years old at the time of their crime did not violate the evolving standards of decency test of the Eighth Amendment.

Atkins v. Virginia, 536 U.S. 304 (2002): By a vote of 6-3, the U.S. Supreme Court decided that execution of mentally retarded individuals was cruel and unusual punishment prohibited by the Eighth Amendment. Decided June 20, 2002.

Toronto Patterson v Texas, 536 U.S. 984 (2002) (dissent from denial of cert.): The U.S. Supreme Court decided not to grant a stay of execution or hear this case to reconsider the question of whether executing juveniles was constitutional. In a dissent, Justice Stevens wrote that because of the change in the national consensus, between 1989-2002 about executing juveniles, “it would be appropriate for this Court to revisit the issue at the earliest opportunity.” Justice Ginsburg wrote a separate dissent, joined by Justice Breyer stating that it was appropriate for the court to “revisit the issue” of the juvenile death penalty. Petitions denied August 28, 2002.

In Re Kevin Stanford, 537 U.S. 968 (2002): The U.S. Supreme Court decided not to hear this case to reconsider whether executing juveniles was constitutional. A dissent authored by Justice Stevens and joined by Justices Souter, Ginsburg, and Breyer, urged the court to reconsider the question. In the dissent, Justice Stevens, writing for himself and Justices Souter, Ginsburg, and Breyer stated “The practice of executing such offenders [*juveniles who were under age 18 when they committed offenses*] is a relic of the past and is inconsistent with evolving standards of decency in a civilized society. We should put an end to this shameful practice.” Petition denied October 21, 2002.

Simmons v. Roper, 112 SW.3d 397 (Mo. 2003) cert. granted Jan. 26, 2004, *Roper v. Simmons*, No. 03-633: The Missouri Supreme Court decided that the U.S. Supreme Court would rule that executing individuals who committed their crimes when they were under the age of eighteen violated evolving standards of decency and is prohibited by the Eighth Amendment to the U.S. Constitution.