



This is a graded discussion: 10 points possible

due Apr 8 at 10pm

## Sentencing/Discussion 9

24 27

Is the Death Penalty cruel and unusual punishment? Seems like a simple question, however, examine your opinion relative to the 8th Amendment, International customs, deterrence factors and even within the context of possible controversial religious norms.

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[Osandha De Silva](#)



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Mar 14, 2017

8th Amendment - No, the bifurcated process that the Supreme Court decided on in its *Furman* decision means that capital punishment is not cruel and unusual punishment relative to the amendment. International customs - Yes, the fact that the US is the sole Western democracy that continues the practice implies that it is. Deterrence factors - Yes and no, it depends on your opinion on the theory of deterrence. Religious norms - No, I'm not a religious person, but I think that since the Old Testament states "an eye for an eye" that capital punishment is allowed; theory of retribution.

My personal opinion is that it should be up to the victim or the family of the victim to decide whether the Death Penalty is cruel and unusual punishment.

Edited by [Osandha De Silva](#) (<https://vcccd.instructure.com/courses/1314/users/19309>) on Mar 14 at 8:48pm

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[Tyler Shaw](#)



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Mar 28, 2017

i agree what your saying 100%

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<https://vcccd.instructure.com/courses/1314/users/17686>

[Christian Coretti](#)



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Monday

Osandah i agree and think your absolutely right!

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Tuesday

I agree with you, great example on the old testament.

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Mar 28, 2017

You may think the death penalty is too cruel in any case, but the United States does permit the death penalty in certain cases. Whether the death penalty will be imposed is dependent on the state in which you live, because most criminal cases are tried based on state laws. During the penalty phase of the trial, the state introduced victim-impact evidence and proved two aggravating circumstances to push for the death penalty. Courts are given wide latitude under the Excessive Fines Clause of the Eighth Amendment. Fines imposed by a trial court judge or magistrate will not be overturned on appeal unless the judge or magistrate abused his or her discretion. My opinion also family should decide whether the Death Penalty is cruel and unusual punishment.

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Monday

I think the death penalty should be used in certain cases. I do not think it is too cruel. IF you think about it, i think it's actually less cruel then having someone caged like an animal in a 5 by 8 cell for life knowing they will die there. I also do agree that the family should have a say in that decision as it it a huge part of their lives. To receive the death penalty you must commit a very serious crime and In my opinion you are no longer a productive member of society and therefore think it is justified to enforce the death penalty. Most civilized western nations do not have the death penalty.

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Tuesday

I agree with your thoughts on this matter. Imagine if we could do what the animal shelters do when there is over crowding. Though with humans, it would all depend on the crime committed.

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Tuesday

when you said that the family should have part in the decision, were you referring to the family of the person that was receiving the death penalty or the victims family?

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Tuesday

I didn't even think about the fact that it's easier than living in a 5 by 8 cell. Even though that might be more painful because they have to live with it everyday I still believe that knowing you're going to die is a pretty big thing to sadly wait on.

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Tuesday

I definitely see you point on how its much more cruel to keep someone in a cell their whole life. You're absolutely right.

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Tuesday

I agree with you that it should be used in certain cases and I thought that your comparison to it being less cruel than a caged animal was a very interesting point that I didn't think of.

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Tuesday

Setting aside all the religious (sins need forgiving), redemption (everyone can change), humane (everyone deserves to live) and worldly (well, other countries do it) arguments, I'd like to state I do not believe it is cruel fully. People don't stop the action until they are forcefully told not to do it again. Sometimes rehab works, but there are many cases they don't. Death may just be the deserving punishment. I'm okay with killers and child molesters to get that punishment. Those are actions of imposing will on the defenseless.

Edited by [Brandy Mcdaniels](https://vcccd.instructure.com/courses/1314/users/4004) (https://vcccd.instructure.com/courses/1314/users/4004) on Apr 4 at 12:04am

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 [Kim Avila](https://vcccd.instructure.com/courses/1314/users/8655) (https://vcccd.instructure.com/courses/1314/users/8655) 

Tuesday

very well thought out and worded.

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 [Taylor Young](https://vcccd.instructure.com/courses/1314/users/8279) (https://vcccd.instructure.com/courses/1314/users/8279) 

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Tuesday

like kim said very well said. I believe that killers deserve the same end result as they did to someone else, they kill someone they deserve it also.

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 [Brandy Mcdaniels](https://vcccd.instructure.com/courses/1314/users/4004) (https://vcccd.instructure.com/courses/1314/users/4004) 

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Yesterday

Thank you.

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 [Daisy Calderon](https://vcccd.instructure.com/courses/1314/users/18452) (https://vcccd.instructure.com/courses/1314/users/18452) 

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Yesterday

I agree with you. No matter what people argue against the death penalty it is not right for someone to harm others. Everyone in jail are sent their because of the the crime they've committed most of the time their sentencing is extended for committing other crimes in jail, so you are right many don't learn. The death penalty is not cruel to those who have harmed many others.

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 [Kim Avila](https://vcccd.instructure.com/courses/1314/users/8655) (https://vcccd.instructure.com/courses/1314/users/8655) 

Tuesday

This is a hard one for me. I do not want others harmed, but i do understand that they harmed someone as well. I do believe any type of death is cruel, as far as it being unusual punishment, i dont belive it is. There is science behind how they proceed with the death.

The Eighth Amendment was attached to the Bill of Rights in 1791. The amendment serves as almost an exact replica to a provision within the English Bill of Rights of 1689. The Eighth Amendment was inspired by the case in England of Titus Oates, who was tried by the court system for multiple acts of perjury, which led to the executions of many people whom Oates had wrongly accused of grave crimes. The subsequent punishment of Oates involved ordinary penalties which were collectively imposed in a brutal and excessive manner. In England, the outlawing of cruel and unusual punishments effectively limited the discretion of judges and required the authoritative body to adhere to precedents. The state of Virginia was the first to adopt the provision of the English Bill of Rights, for it was included in the Virginia Declaration of Rights of 1776.

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Tuesday

I agree with you on I dont want others harmed but I do believe the pain the criminals inflict on other should be punished.

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Tuesday

I dont think that the death Penalty is a cruel and unusual punishment by any means. Yes sure there is the possibility of controversial religious norms and family issues and all of that, which I dont think people should ignore. On the other hand though people that are given the death penalty are given it because they have done something so bad that death is the only punishment they deserve. I know that sounds awful, but I believe it's the truth.

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<https://vcccd.instructure.com/courses/1314/users/27550>

Yesterday

I appreciate that you just stated what you believe to be true without hedging around your opinion. I agree that the death penalty is not cruel and unusual punishment, but I hesitate on the way it is sometimes administered. I want certainty about the guilt of the person before it's administered, but that may be unrealistic.

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<https://vcccd.instructure.com/courses/1314/users/19547>

[Karo Torosyan](#)



<https://vcccd.instructure.com/courses/1314/users/19547>

Tuesday

The death penalty has been very controversial even in recent years. There are still 32 states including California that still have the death penalty. Even though 18 states have banned the death penalty, it is not a cruel and unusual punishment due to the way the punishment is carried out. The punishment is not carried out in public, and is now conducted with a lethal injection of chemicals rather than the electric chair or being hung. Internationally, China and Iran hold the record for the most instances of the death penalty so there are still death penalties carried out in other parts of the world. I think the death penalty is more humane than life in prison so the deterrence could differ among society. And finally even if one's religion is against death as punishment, the individual can serve life in prison.

*Edited by [Karo Torosyan](#) (<https://vcccd.instructure.com/courses/1314/users/19547>) on Apr 4 at 8:16pm*

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<https://vcccd.instructure.com/courses/1314/users/4004>

[Brady McDaniel](#)



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Yesterday

The only bright side to individuals serving a life sentences, that its saving the state/county money. Apparently, it cost more to put someone to death then it is to keep them in prison.

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[Kim Avila](#)



Yesterday

i did not realize that cost more to put someone to death than to keep them in jail. I always thought it was oppisite. That is probably why it is not always the sentance given when it is an option.

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<https://vcccd.instructure.com/courses/1314/users/27550>

[Shannon Johnson](#)



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Yesterday

What's interesting about the cost of the death penalty is how much it differs across states. I think the textbook said Florida pays around \$25 million per person executed and California pays \$250 million - that seems like a huge difference.

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<https://vcccd.instructure.com/courses/1314/users/27550>

[Shannon Johnson](#)



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Yesterday

If administered with certainty and celerity, I do not feel the death penalty is cruel and unusual punishment, and agree with the Supreme Court's decisions over the years regarding the death penalty. However, I do not feel it is administered with certainty and celerity at least for most of the past; and that is why I waver when asked this question.

The 8<sup>th</sup> Amendment protects individuals from cruel and unusual punishment, and the Supreme Court throughout its existence has found the death penalty is not cruel and unusual punishment, the limits have been implemented over the years. In 1890, Supreme Court found it was allowed as long as it is not carried out in an inhuman or barbarous fashion. In 1910, the Supreme Court found: (1) cruel and unusual punishment is defined by the changing norms and standards of society and therefore is not based on historical interpretations, (2) courts may decide whether a punishment is unnecessarily cruel with regard to physical pain, and (3) courts may decide whether a punishment is unnecessarily cruel with regard to psychological pain. In the 1960s, the Supreme Court put a moratorium until the process could be cleaned up since there was concern about how it was being administered arbitrarily. In 1972, the Bifurcated Process was instituted: (1) jury determines guilt or innocence for a crime determined to be punishable by death and (2) if found guilty, jury reconvenes and considers all aggravating and mitigating factors to decide if death penalty is warranted. In 1986, no one insane. In 2002, no one mentally handicapped, and in 2005, no juveniles.

Internationally, the United States is the only Westernized country with the death penalty still in enacted; so, in this context, it is at least unusual.

As a deterrent, the death penalty does not seem to be effective since violent criminals generally do not consider consequences. In addition, it takes so long from the crime to the execution, the two do not feel connected. And the death penalty is rare, so it feels like a remote possibility for anyone.

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[Daisy Calderon](#)



<https://vcccd.instructure.com/courses/1314/users/18452>

Yesterday

I don't think the death penalty is cruel and unusual punishment. What I do think is cruel is that in other countries women are killed if they show their skin in public. Therefore, the death penalty is not cruel. It is sentenced to those who commit heinous crimes and deserve it. Sounds harsh, taking someone's life but that criminal took someone else's and probably committed more crimes. If that criminal did something to myself or my family I would not think twice about the death penalty. So when other factors disagree it is strange, no matter where they are from or what religion they should agree. If they put themselves in the place of the family who was affected by the criminal they would see things differently. Because family is everything. No one deserves to be abused in any way. Well, except the criminal.

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<https://vcccd.instructure.com/courses/1314/users/1079>

[Anthony Napon](#)



<https://vcccd.instructure.com/courses/1314/users/1079>

Yesterday

I believe that yes the death penalty is cruel and unusual punishment what gives us the right to judge another person and determine whether they live or die. In the Old Testament, people sacrificed animals to appease god in hopes that whatever sin they had committed would be forgiven. But then after Jesus allowed Himself to be hung on a cross for the sake of everyone's sins we are asked to turn the other cheek. I only use this as an example. We as individuals must ask ourselves if we want to feed into that hate killing someone who cannot defend themselves is murder no matter how you look at it.

Now don't get me wrong society needs rules and those rules must be abided by everyone if not then those individuals who do not follow those rules must accept the consequences of not following those rules. Just because we put people in prison does not mean that we have to Judge