

Supreme Court to hear rape execution case

by UPI

WASHINGTON -- Both sides are predicting victory when the debate over death sentences for crime other than murder reaches the U.S. Supreme Court next week. The high court will hear arguments next Wednesday on a Louisiana man's appeal of his death sentence in the rape of his 8-year-old stepdaughter. Lawyers for Patrick Kennedy told USA Today Tuesday no one in the United States has been sent to death row for rape since the 1970s, and therefore their client should not be treated any more harshly than any other rapist regardless of how heinous the crime. Jefferson County prosecutors, on the other hand, will argue that penalties for crimes against children have indeed been getting tougher. Assistant District Attorney Juliet Clark said the trend indicates that the public "strongly supports imposition of the death penalty for this exceedingly grave offense." USA Today noted the thresholds for the Eighth Amendment's ban on cruel and unusual punishment are fluid and can be influenced by public opinion. A recent example is the Supreme Court's 2002 ruling banning the execution of mentally retarded defendants and a 2005 ban on executing defendants under the age of 18.

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