

Adult Court v. Juvenile Court

A Lesson Plan

- Description: This unit was created to teach youth the differences between the juvenile justice system and the adult system. The goal is to educate youth on why there are two separate systems and methods of punishment.
- Objectives: To learn about the juvenile justice system and when juveniles may be tried as adults. Additionally, students will conduct a debate on this matter as well as the juvenile death penalty.
- Length of Lesson: One class period (60 minutes).
- Supplies Needed: This document.
- Age Group: 7th-12th grades

OVERVIEW OF LESSON PLAN

- Part One:** Case of State v. Smith. This case presents the facts of Roper v. Simmons.
- Have the students read the case out loud.
 - Discuss the case with the students and gather a general response from them. Some sample questions are provided after the case.
- Part Two:** Juvenile justice system worksheet.
- Use the included worksheet to begin a discussion about the purpose of having a separate juvenile justice system.
 - After completing the worksheet, have the students explain why they chose the answers they did.
- Part Three:** The Big Debate
- Split the class up into two sides based on their responses to the worksheet.
 - Pro side should be able to articulate why a separate juvenile justice system should exist based on the worksheet and class discussion.
 - Con side should be able to argue against a separate juvenile justice system should not exist.
- Part Four:** Juvenile Punishment
- Now that the students have reviewed why a separate juvenile justice system exists, the discussion can move on to juvenile punishments.
 - Quickly review the facts of State v. Smith and handout the attached 8th Amendment sheet.
 - Take some time to go over the language of the 8th Amendment to get their thoughts on the meaning of “cruel and unusual.”
- Part Five:** Roper v. Simmons
- Review the excerpt of Roper v. Simmons taken from the *Youth Justice in America* textbook.
Review the language the court uses to make its determination that the juvenile death penalty is cruel and unusual. Before handing out the review sheet, have the students go back through the text to see if they can find the reasons on their own.
 - Have the students discuss whether or not they agree with the decision in Roper.
- Part Six:** Wrap-Up
- Points of law students should be able to articulate.
 - Final goals of this lesson plan.

PART ONE

WHERE SHOULD JUVENILES BE TRIED?

CASE OF STATE V. SMITH

Christopher Smith, a 17-year-old with no criminal history, concocted a plan to murder Jane Harris. He asked two of his younger friends, John and Matt, to join in on his plan. They had planned to commit burglary and murder by breaking and entering into Jane's house, tying her up, and then tossing her off of a bridge. The three boys met in the middle of the night, but John ended up dropping out at the last minute. Christopher and Matt carried out the plan without John's help.

Christopher and Matt have been arrested, and face trial with overwhelming evidence against them. Christopher confessed to the murder and performed a video reenactment at the crime scene, and Matt had discussed the plan in advance and then bragged about it afterwards.

The boys are now awaiting trial for the murder of Jane Harris. In this jurisdiction the prosecutor has the power to determine whether a juvenile should be tried in adult court or juvenile court for the crime he committed. The prosecutor pushes to have the boys tried as adults because of the seriousness of the crime. If convicted, the prosecutor will seek the death penalty for both boys.

PART TWO

JUVENILE JUSTICE SYSTEM WORKSHEET/POINTS TO PONDER

1. Why do you think there is a separate juvenile justice system?
2. Should there be a separate system for juveniles? Why or why not?
3. What's the purpose of giving juveniles different punishments than adults?
4. Has there always been a juvenile court?
5. Who gets to decide whether a juvenile should be treated as an adult in court?

PART THREE

THE BIG DEBATE

For this portion of the lesson plan, divide the class into two sides (pro and con). Each side should have one spokesperson to articulate the views agreed upon as a team. If the students need some prompting, some ideas are presented below.

The debate can be run in a variety of ways. Either Pro can present, followed by Con, then a rebuttal by Pro. Or to save time, each side can only argue once. Another option would be to run this like an Appellate Court argument, allowing whomever goes first to reserve a portion of their time for rebuttal at the end.

Pro Arguments

- Dangers of trying juveniles as adults:
 - Learn about adult crimes and how to commit them.
 - Exposed to more violence within the prison.
- Purpose is to rehabilitate youth offenders, not punish them even more severely.

Con Arguments

- Crime is crime. All people should be punished equally for committing the same sorts of crimes.
- Juveniles will be more prone to commit crimes if they think they can “get off easier.”

PART FOUR

Eighth Amendment
United States Constitution

“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

EIGHTH AMENDMENT REVIEW

What are the protections of the Eighth Amendment?

- The “excessive bail” clause of the Eighth Amendment means that the government cannot make a condition of release that is excessive in proportion to the crime committed.
- In 1972, the Supreme Court of the United States found that there are four principles that determine whether a punishment is cruel and unusual.
 - Is the punishment so severe that it is “degrading to human dignity.” This especially means torture.
 - Is the punishment unexplainable or without thought?
 - Is the punishment “clearly and totally rejected throughout society.”
 - Is the punishment so severe that is absolutely unnecessary?

PART FIVE

Excerpt from Roper v. Simmons (taken from *Youth Justice in America*)

Supreme Court of the United States
Donald P. ROPER, Superintendent, Potosi Correctional Center, Petitioner,
v.
Christopher SIMMONS.

Decided March 1, 2005.

Justice KENNEDY delivered the opinion of the Court.

This case requires us to address ... whether it is permissible under the Eighth and Fourteenth Amendments to the Constitution of the United States to execute a juvenile offender who was older than 15 but younger than 18 when he committed a capital crime. In *Stanford v. Kentucky* (1989), a divided Court rejected the proposition that the Constitution bars capital punishment for juvenile offenders in this age group. We reconsider the question.

I

At the age of 17, when he was still a junior in high school, Christopher Simmons, the respondent here, committed murder. About nine months later, after he had turned 18, he was tried and sentenced to death. ... Before its commission Simmons said he wanted to murder someone. In chilling, callous terms he talked about his plan, discussing it for the most part with two friends, Charles Benjamin and John Tessmer, then aged 15 and 16 respectively. ... Simmons assured his friends they could "get away with it" because they were minors.

The three met at about 2 a.m. on the night of the murder, but Tessmer left before the other two set out. ... Simmons and Benjamin entered the home of the victim, Shirley Crook, after reaching through an open window and unlocking the back door. Simmons turned on a hallway light. Awakened, Mrs. Crook called out, "Who's there?" In response Simmons entered Mrs. Crook's bedroom, where he recognized her from a previous car accident involving them both. ...

... [T]he two perpetrators put Mrs. Crook in her minivan and drove to a state park. They ... threw her from the bridge, drowning her in the waters below.

By the afternoon of September 9, Steven Crook had returned home from an overnight trip ... and reported his wife missing. On the same afternoon fishermen recovered the victim's

body from the river. Simmons, meanwhile, was bragging about the killing, telling friends he had killed a woman "because the bitch seen my face."

The next day, after receiving information of Simmons' involvement, police arrested him ... After less than two hours of interrogation, Simmons confessed to the murder

The State charged Simmons with burglary, kidnaping, stealing, and murder in the first degree. ... He was tried as an adult. At trial the State introduced Simmons' confession and the videotaped reenactment of the crime, along with testimony that Simmons discussed the crime in advance and bragged about it later. The defense called no witnesses in the guilt phase. The jury having returned a verdict of murder, the trial proceeded to the penalty phase.

The State sought the death penalty. As aggravating factors, the State submitted that the murder was committed for the purpose of receiving money; was committed for the purpose of avoiding, interfering with, or preventing lawful arrest of the defendant; and involved depravity of mind and was outrageously and wantonly vile, horrible, and inhuman. ...

In mitigation Simmons' attorneys first called an officer of the Missouri juvenile justice system, who testified that Simmons had no prior convictions and that no previous charges had been filed against him. Simmons' mother, father, two younger half brothers, a neighbor, and a friend took the stand to tell the jurors of the close relationships they had formed with Simmons and to plead for mercy on his behalf. Simmons' mother, in particular, testified to the responsibility Simmons demonstrated in taking care of his two younger half brothers and of his grandmother and to his capacity to show love for them.

During closing arguments, both the prosecutor and defense counsel addressed Simmons' age, which the trial judge had instructed the jurors they could consider as a mitigating factor. Defense counsel reminded the jurors that juveniles of Simmons' age cannot drink, serve on juries, or even see certain movies.... Defense counsel argued that Simmons' age should make "a huge difference to [the jurors] in deciding just exactly what sort of punishment to make." In rebuttal, the prosecutor gave the following response: "Age, he says. Think about age. Seventeen years old. Isn't that scary? Doesn't that scare you? Mitigating? Quite the contrary I submit. Quite the contrary."

The jury recommended the death penalty after finding the State had proved each of the three aggravating factors submitted to it. ...

...

After [appeals] proceedings in Simmons' case had run their course, this Court held that the Eighth and Fourteenth Amendments prohibit the execution of a mentally retarded person. Simmons filed a new petition for state postconviction relief, arguing that the reasoning of *Atkins* established that the Constitution prohibits the execution of a juvenile who was under 18 when the crime was committed.

The Missouri Supreme Court agreed. ...

We granted certiorari, and now affirm.

II

The Eighth Amendment provides: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." The provision is applicable to the States through the Fourteenth Amendment. As the Court explained in *Atkins*, the Eighth Amendment guarantees individuals the right not to be subjected to excessive sanctions. The right flows from the basic "precept of justice that punishment for crime should be graduated and proportioned to [the] offense." By protecting even those convicted of heinous crimes, the Eighth Amendment reaffirms the duty of the government to respect the dignity of all persons.

... To implement this framework we have... affirmed the necessity of referring to "the evolving standards of decency that mark the progress of a maturing society" to determine which punishments are so disproportionate as to be cruel and unusual.

In *Thompson v. Oklahoma* (1988), a plurality of the Court determined that our standards of decency do not permit the execution of any offender under the age of 16 at the time of the crime. ... The plurality ... observed that "[t]he conclusion that it would offend civilized standards of decency to execute a person who was less than 16 years old at the time of his or her offense is consistent with the views that have been expressed by respected professional organizations, by other nations that share our Anglo-American heritage, and by the leading members of the Western European community." The opinion further noted that juries imposed the death penalty on offenders under 16 with exceeding rarity[.]

[T]he *Thompson* plurality stressed that "...[Juveniles'] irresponsible conduct is not as morally reprehensible as that of an adult." According to the plurality, the lesser culpability of offenders under 16 made the death penalty inappropriate as a form of retribution, while the low likelihood that offenders under 16 engaged in "the kind of cost-benefit analysis that attaches any weight to the possibility of execution" made the death penalty ineffective as a means of deterrence.

The next year, in *Stanford v. Kentucky* (1989),... the Court, over a dissenting opinion joined by four Justices, referred to contemporary standards of decency in this country and concluded the Eighth and Fourteenth Amendments did not proscribe the execution of juvenile offenders over 15 but under 18. The Court noted that 22 of the 37 death penalty States permitted the death penalty for 16-year-old offenders, and, among these 37 States, 25 permitted it for 17-year-old offenders. These numbers, in the Court's view, indicated there was no national consensus "sufficient to label a particular punishment cruel and unusual."

The same day the Court decided *Stanford*, it held [in *Penry v. Lynaugh*] that the Eighth Amendment did not mandate a categorical exemption from the death penalty for the

mentally retarded. In reaching this conclusion it stressed that only two States had enacted laws banning the imposition of the death penalty on a mentally retarded person convicted of a capital offense.

Three Terms ago the subject was reconsidered in *Atkins*. We held that standards of decency have evolved since *Penry* and now demonstrate that the execution of the mentally retarded is cruel and unusual punishment. The Court noted ... legislative enactments and state practice with respect to executions of the mentally retarded. When *Atkins* was decided only a minority of States permitted the practice, and even in those States it was rare.

...

...[W]e now reconsider the issue decided in *Stanford*. The beginning point is a review of objective indicia of consensus, as expressed in particular by the enactments of legislatures that have addressed the question. This data gives us essential instruction. We then must determine, in the exercise of our own independent judgment, whether the death penalty is a disproportionate punishment for juveniles.

III

A

... [Thirty] States prohibited the death penalty for the mentally retarded. This number comprised 12 that had abandoned the death penalty altogether, and 18 that maintained it but excluded the mentally retarded from its reach. By a similar calculation in this case, 30 States prohibit the juvenile death penalty, comprising 12 that have rejected the death penalty altogether and 18 that maintain it but, by express provision or judicial interpretation, exclude juveniles from its reach. ...[E]ven in the 20 States without a formal prohibition on executing juveniles, the practice is infrequent. Since *Stanford*, six States have executed prisoners for crimes committed as juveniles. In the past 10 years, only three have done so: Oklahoma, Texas, and Virginia. ... In December 2003 the Governor of Kentucky decided to spare the life of Kevin Stanford, and commuted his sentence to one of life imprisonment without parole, with the declaration that "[w]e ought not be executing people who, legally, were children."

...

As in *Atkins*, the objective indicia of consensus in this case--the rejection of the juvenile death penalty in the majority of States; the infrequency of its use even where it remains on the books; and the consistency in the trend toward abolition of the practice--provide sufficient evidence that today our society views juveniles, ... as "categorically less culpable than the average criminal."

B

...Because the death penalty is the most severe punishment, the Eighth Amendment applies to it with special force. ...[It] must be limited to those offenders who commit "a narrow category of the most serious crimes" and whose extreme culpability makes them "the most deserving of execution." ...

Three general differences between juveniles under 18 and adults demonstrate that juvenile offenders cannot with reliability be classified among the worst offenders. First, ... "[a] lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions." ...

The second area of difference is that juveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure. ...

The third broad difference is that the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.

These differences render suspect any conclusion that a juvenile falls among the worst offenders.

... We have held there are two distinct social purposes served by the death penalty: " 'retribution and deterrence of capital crimes by prospective offenders.' " [T]he case for retribution is not as strong with a minor as with an adult. Retribution is not proportional if the law's most severe penalty is imposed on one whose culpability or blameworthiness is diminished, to a substantial degree, by reason of youth and immaturity.

As for deterrence, it is unclear whether the death penalty has a significant or even measurable deterrent effect on juveniles. ... Here, ... the absence of evidence of deterrent effect is of special concern because the same characteristics that render juveniles less culpable than adults suggest as well that juveniles will be less susceptible to deterrence.

...

In concluding that neither retribution nor deterrence provides adequate justification for imposing the death penalty on juvenile offenders, we cannot deny or overlook the brutal crimes too many juvenile offenders have committed. ... Certainly it can be argued ... that a rare case might arise in which a juvenile offender has sufficient psychological maturity, and at the same time demonstrates sufficient depravity, to merit a sentence of death. ... [P]etitioner and his *amici* ... assert that even assuming the truth of the observations we have made about juveniles' diminished culpability in general, jurors nonetheless should be allowed to consider mitigating arguments related to youth on a case-by-case basis, and in some cases to impose the death penalty if justified.

We disagree. The differences between juvenile and adult offenders are too marked and well understood to risk allowing a youthful person to receive the death penalty despite insufficient culpability.

... As we understand it... psychiatrists [are forbidden] from diagnosing any patient under 18 as having antisocial personality disorder, a disorder also referred to as psychopathy or sociopathy, and which is characterized by callousness, cynicism, and contempt for the feelings, rights, and suffering of others. If trained psychiatrists with the advantage of clinical testing and observation refrain, despite diagnostic expertise, from assessing any

juvenile under 18 as having antisocial personality disorder, we conclude that States should refrain from asking jurors to issue a far graver condemnation--that a juvenile offender merits the death penalty. ...

IV

Our determination that the death penalty is disproportionate punishment for offenders under 18 finds confirmation in the stark reality that the United States is the only country in the world that continues to give official sanction to the juvenile death penalty.

...As respondent and a number of *amici* emphasize, Article 37 of the United Nations Convention on the Rights of the Child, which every country in the world has ratified save for the United States and Somalia, contains an express prohibition on capital punishment for crimes committed by juveniles under 18.

...[O]nly seven countries other than the United States have executed juvenile offenders since 1990: Iran, Pakistan, Saudi Arabia, Yemen, Nigeria, the Democratic Republic of Congo, and China. Since then each of these countries has either abolished capital punishment for juveniles or made public disavowal of the practice. In sum, it is fair to say that the United States now stands alone in a world that has turned its face against the juvenile death penalty.

...

Justice O'CONNOR, dissenting.

...Adolescents *as a class* are undoubtedly less mature, and therefore less culpable for their misconduct, than adults. But the Court has adduced no evidence impeaching the seemingly reasonable conclusion reached by many state legislatures: that at least *some* 17-year-old murderers are sufficiently mature to deserve the death penalty in an appropriate case.

...I would demand a clearer showing that our society truly has set its face against this practice before reading the Eighth Amendment categorically to forbid it.

...

II

A

... I take issue with the Court's failure to reprove, or even to acknowledge, the Supreme Court of Missouri's unabashed refusal to follow our controlling decision in *Stanford*. The lower court concluded that, despite *Stanford*'s clear holding and historical recency, our decision was no longer binding authority because it was premised on what the court deemed an obsolete assessment of contemporary values.

... Seventeen-year-olds may, on average, be less mature than adults, but that lesser maturity simply cannot be equated with the major, lifelong impairments suffered by the mentally retarded.

...

Justice SCALIA, with whom THE CHIEF JUSTICE and Justice THOMAS join, dissenting.

...[The Court] ... finds ... that a national consensus which could not be perceived in our people's laws barely 15 years ago now solidly exists. Worse still, the Court says in so many words that what our people's laws say about the issue does not, in the last analysis, matter: "[I]n the end our own judgment will be brought to bear on the question of the acceptability of the death penalty under the Eighth Amendment." The Court thus proclaims itself sole arbiter of our Nation's moral standards--and in the course of discharging that awesome responsibility purports to take guidance from the views of foreign courts and legislatures. Because I do not believe that the meaning of our Eighth Amendment, any more than the meaning of other provisions of our Constitution, should be determined by the subjective views of five Members of this Court and like-minded foreigners, I dissent.

I

... Consulting States that bar the death penalty concerning the necessity of making an exception to the penalty for offenders under 18 is rather like including old-order Amishmen in a consumer-preference poll on the electric car. Of *course* they don't like it, but that sheds no light whatever on the point at issue. That 12 States favor *no* executions says something about consensus against the death penalty, but nothing--absolutely nothing--about consensus that offenders under 18 deserve special immunity from such a penalty. In repealing the death penalty, those 12 States considered *none* of the factors that the Court puts forth as determinative of the issue before us today--lower culpability of the young, inherent recklessness, lack of capacity for considered judgment, etc. What might be relevant, perhaps, is how many of those States permit 16- and 17-year-old offenders to be treated as adults with respect to noncapital offenses. (They all do; indeed, some even *require* that juveniles as young as 14 be tried as adults if they are charged with murder.) The attempt by the Court to turn its remarkable minority consensus into a faux majority by counting Amishmen is an act of nomological desperation.

...I also doubt whether many of the legislators who voted to change the laws in those four States would have done so if they had known their decision would (by the pronouncement of this Court) be rendered irreversible. After all, legislative support for capital punishment, in any form, has surged and ebbed throughout our Nation's history. As JUSTICE O'CONNOR has explained:

"The history of the death penalty instructs that there is danger in inferring a settled societal consensus from statistics like those relied on in this case. In 1846, Michigan became the first State to abolish the death penalty In succeeding decades, other American States continued the trend towards abolition Later, and particularly after World War II, there ensued a steady and dramatic decline in executions In the 1950's and 1960's, more States abolished or radically restricted capital punishment, and executions ceased completely for several years beginning in 1968

"In 1972, when this Court heard arguments on the constitutionality of the death penalty, such statistics might have suggested that the practice had become a relic, implicitly rejected by a new societal consensus We now know that any inference of a societal

consensus rejecting the death penalty would have been mistaken. But had this Court then declared the existence of such a consensus, and outlawed capital punishment, legislatures would very likely not have been able to revive it. The mistaken premise of the decision would have been frozen into constitutional law, making it difficult to refute and even more difficult to reject."

Relying on such narrow margins is especially inappropriate in light of the fact that a number of legislatures and voters have expressly affirmed their support for capital punishment of 16- and 17-year-old offenders since *Stanford*. Though the Court is correct that no State has lowered its death penalty age, both the Missouri and Virginia Legislatures--which, at the time of *Stanford*, had no minimum age requirement--expressly established 16 as the minimum. The people of Arizona and Florida have done the same by ballot initiative. Thus, even States that have not executed an under-18 offender in recent years unquestionably favor the possibility of capital punishment in some circumstances.

...It is, furthermore, unclear that executions of the relevant age group have decreased since we decided *Stanford*. Between 1990 and 2003, 123 of 3,599 death sentences, or 3.4%, were given to individuals who committed crimes before reaching age 18. By contrast, only 2.1% of those sentenced to death between 1982 and 1988 committed the crimes when they were under 18.

II

Of course, the real force driving today's decision is not the actions of four state legislatures, but the Court's "own judgment" that murderers younger than 18 can never be as morally culpable as older counterparts. ...

Today's opinion provides a perfect example of why judges are ill equipped to make the type of legislative judgments the Court insists on making here. To support its opinion that States should be prohibited from imposing the death penalty on anyone who committed murder before age 18, the Court looks to scientific and sociological studies, picking and choosing those that support its position. It never explains why those particular studies are methodologically sound; none was ever entered into evidence or tested in an adversarial proceeding. ...[A]ll the Court has done today, to borrow from another context, is to look over the heads of the crowd and pick out its friends.

...The Court concludes, however, that juries cannot be trusted with the delicate task of weighing a defendant's youth along with the other mitigating and aggravating factors of his crime. This startling conclusion undermines the very foundations of our capital sentencing system, which entrusts juries with "mak[ing] the difficult and uniquely human judgments that defy codification and that 'buil[d] discretion, equity, and flexibility into a legal system.'" ...

Nor does the Court suggest a stopping point for its reasoning. If juries cannot make appropriate determinations in cases involving murderers under 18, in what other kinds of cases will the Court find jurors deficient? ...

III

Though the views of our own citizens are essentially irrelevant to the Court's decision today, the views of other countries and the so-called international community take center stage.

... It is interesting that whereas the Court is not content to accept what the States of our Federal Union *say*, but insists on inquiring into what they *do* (specifically, whether they in fact *apply* the juvenile death penalty that their laws allow), the Court is quite willing to believe that every foreign nation-- of whatever tyrannical political makeup and with however subservient or incompetent a court system--in fact *adheres* to a rule of no death penalty for offenders under 18.

...The Court has been oblivious to the views of other countries when deciding how to interpret our Constitution's requirement that "Congress shall make no law respecting an establishment of religion" Most other countries-- including those committed to religious neutrality--do not insist on the degree of separation between church and state that this Court requires. For example, ... in France, which is considered "America's only rival in strictness of church-state separation," "[t]he practice of contracting for educational services provided by Catholic schools is very widespread."

And let us not forget the Court's abortion jurisprudence, which makes us one of only six countries that allow abortion on demand until the point of viability.

...The Court should either profess its willingness to reconsider all these matters in light of the views of foreigners, or else it should cease putting forth foreigners' views as part of the *reasoned basis* of its decisions. ...

IV

To add insult to injury, the Court affirms the Missouri Supreme Court without even admonishing that court for its flagrant disregard of our precedent in *Stanford*. Until today, we have always held that "it is this Court's prerogative alone to overrule one of its precedents."

THE JUVENILE DEATH PENALTY – CRUEL AND UNUSUAL PUNISHMENT

The Roper case, decided in 2005, banned the death penalty in cases involving juveniles.

The Supreme Court had a number of explanations for its ruling.

Why does the Supreme Court decide that the juvenile death penalty should be considered cruel and unusual punishment?

- The Court looked at cases it had decided earlier to determine that executing juveniles should be considered cruel and unusual.
 - In one case, Thompson v. Oklahoma, the Court barred the use of the death penalty for anyone under the age of 16. One year after this case was decided, the Supreme Court said that the death penalty could be applied to 16 and 17 years old if they were convicted of a capital offense.
 - In 2002, the Supreme Court ruled that it should be considered “cruel and unusual” to execute a mentally retarded defendant.
- In looking at all of these other cases that had been decided, the Court used what they called an “evolving standards of decency” test.
 - What do you think that test means?
- The Court also used scientific research that says that people under the age of 18 lack certain maturity and a sense of responsibility compared to adults.
 - In almost every state, juveniles cannot vote, serve on a jury, or marry without permission from the parents.
- Another reason the Court used was how infrequently states applied the death penalty to juveniles.

- The Court called this the “national consensus.”
- In addition to the laws in the United States, the Supreme Court looked at international laws regarding the juvenile death penalty.
 - The Court found that the US was alone in executing juvenile offenders.

Points to Ponder – Further Debate

- Do you consider executing juveniles to be cruel and unusual punishment? Why or why not?
- Would it matter to you if someone committed murder three days shy of their 18th birthday?

PART SIX

WRAP-UP

At the completion of this lesson, your students will be able to articulate reasons for maintaining a separate juvenile justice system. Additionally, the students will be able to provide reasons as to why they do or do not agree with the Supreme Court's decision in Roper v. Simmons.

Students should be familiar with Constitutional language and various ways the Court interprets the Constitution. Finally, students will understand that the goal of the juvenile justice system is to rehabilitate youth to prevent them from committing future crimes.