

Memorandum

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From: Ronald W. Clark, Jr., #812974
To: The United States Supreme Court
The People of America

Subject: **CAPITAL PUNISHMENT**

On June 29, 1972, the United States Supreme Court in *Furman v. Georgia*, 92 §. CT. 2726 acknowledged the fact that the death penalty was an unjust sentence that violated the Eighth and Fourteenth Amendments of the United States Constitution.

Within a few years, the Court would give way to public opinion and the death penalty would be reinstated.

Over (30) thirty years has passed since that historic ruling but little if nothing has changed. For the death penalty is just as unjust today as it was 30 years ago. The Court recognized the arbitrary way the death penalty was handed out. See *Furman Supra* at 2732:

There is increasing recognition of the fact that the basic theme of equal protection is implicit in "cruel and unusual" punishments. A penalty...should be considered "unusually" imposed if it is administered arbitrarily or discriminatorily" The same authors add that "[t]he extreme rarity with which applicable death penalty provisions are put to use raises a strong inference of arbitrariness.

In the case of *State of Florida v. Clark*, Case No. 90-10067-CFCRB, Clark before trial was offered a plea bargain of life for the shooting death of a 38 year old white male. Clark refused the plea and opted for a trial by a jury of his peers, at which time the state would again seek the death penalty against Clark. Leaving the question, **Was this a death penalty case? And if so, then why was a plea bargain offered?**

In 1990 while Clark was being held in the Duval County jail awaiting trial, there were two other men awaiting trial for two separate horrific murders, one man would rob another, stabbing the man to death somewhere in the range of 50 times. The other case involved a US Naval Officer, who beat his friend's wife and infant child to death with a hammer. Neither would be sent to Death Row, showing the arbitrary use of the death penalty.

Now to look at a few famous well-known cases, O.J. Simpson. What most people don't know is that even if he would have been found guilty, the death penalty would not be sought. The prosecution stated that Simpson precisely planned out this murder by bringing the knife, gloves and ski mask. Now the law defines that as "premeditated" murder, which is a death penalty case.

Actor Robert Blake of the famous 70's TV show *Baretta* is accused of murdering his wife. Prosecution said that he wanted to be rid of her without having to pay alimony and child support. Which, if that being the case, would prove premeditation.

For we have the same issue as in the case of ex-NFL wide-receiver Ray Carthe of the Carolina Panthers. He impregnated his girlfriend, fearing she would get alimony, child support, etc., he

murdered her. The prosecution would seek the death penalty. But Ray Caruthe, having the best attorneys money could buy, would evade the death penalty and receive a (17) year sentence for the murder of his girlfriend and unborn child. Which leads me back to the case of Clark, whom once arrested, received court-appointed counsel, Mr. Henry E. Davis, who had never taken a capital case to trial, so a total lack of experience existed.

In *Furman Supra* at 2733, the United States Supreme Court stated the following:

"Not only does capital punishment fail in its justification, but no punishment could be invented with so many inherent defects. It is an unequal punishment in the way it is applied to the rich and to the poor. The defendant of wealth and position never goes to the electric chair or the gallows. Juries do not intentionally favor the rich, the law is theoretically impartial, but the defendant with ample means is able to have his case presented with every favorable aspect, while the poor defendant often has a lawyer assigned by the court. Sometimes such assignment is considered part of a political patronage; usually the lawyer assigned has no experience whatever in a capital case."

Again *Furman Supra* at 2728:

It would seem to be incontestable that the death penalty inflicted on one defendant is "unusual" if it discriminates against him by reason of his race, religion, social position or class, or if it was imposed under a procedure that gives room for the play of such prejudices.

So as we've seen by these quotes out of *Furman Supra* by the United States Supreme Court, we have an unjust sentence that was taking place in 1972 and is still taking place today some (32) years later. Which shows as well that the scales of justice are completely and totally out of balance in the United States. We can continue to portray justice, or we can fix a system that is quite obviously broken and enact "equal justice". Stop the vengeful act of executing our citizens and instead "execute justice".

Quoting from *Trop v. Dulles*, 356 US 86, at 101, 78 §. CT 590 at 598, 2 L. Ed 2d 596 (1958):

For the Eighth Amendment "must draw its meaning from the evolving standards of decency that mark the progress of a maturing society".

Furman Supra at 2787:

There is but one conclusion that can be drawn from all of this, i.e. the death penalty is an excessive and unnecessary punishment that violates the Eighth Amendment.

So the United States Supreme Court has clearly stated that the death penalty violates the Eighth Amendment of the United States Constitution, but instead of the progressing decency of a maturing society, we have declined over the past 32 years. Today's society reflects that decline, for "violence breeds violence" and the violence in today's society will continue to evolve into the future of tomorrow. Yes, we are evolving into a bloodthirsty, vengeful society; a society where a man's or woman's fate is determined upon wealth and position.

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