Summaries of Key Supreme Court Cases Related to the Death Penalty

Jurors must be willing to impose the death penalty in order to sit on a capital jury.

*Furman v. Georgia*, 408 U.S. 238 (1972):
The application of the death penalty is unconstitutional.

The death penalty is constitutional.

Mandatory death sentences violate the Eighth and Fourteenth Amendments.

Death sentences for the rape of an adult woman violate the Eighth Amendment.

Death penalty statutes must allow consideration of mitigating evidence in addition to the circumstances of the offense in determining whether a defendant should be sentenced to death.

Death sentences for individuals who did not intend to kill the victim violate the Eighth Amendment.

The Eighth Amendment prohibits the execution of a person who is insane and not aware of his execution or the reasons for it.

It is unconstitutional to exclude potential jurors solely on the basis of race.

Statistical studies that show evidence of racial disparities in capital proceedings do not prove that an individual's death sentence is unconstitutional under the Eighth and Fourteenth Amendments.

The execution of a person under the age of 16 at the time of the offense is a violation of the Eighth Amendment.

It is not unconstitutional to execute a person with "mental retardation", however the Texas statute insufficiently allows jurors to consider "mental retardation" as a mitigating factor.
**Stanford v. Kentucky, 492 U.S. 361 (1989):**
The Constitution does not prohibit the execution of individuals who were 16 or 17 at the time of the offense.

**Herrera v. Collins, 506 U.S. 390 (1993):**
A defendant's claim of actual innocence does not entitle him to federal habeas relief.

**Atkins v. Virginia, 536 U.S. 304 (2002):**
The execution of a person with "mental retardation" violates the Eighth Amendment.

**Wiggins v. Smith, 539 U.S. 510 (2003):**
The Sixth Amendment requires defense counsel to conduct mitigation investigations in capital cases.

**Roper v. Simmons, 543 U.S. 551 (2005):**
The Constitution prohibits the execution of individuals who were under 18 at the time of the offense.

**Baze v. Rees, 553 U.S. 35 (2008):**
The Supreme Court ruled that Kentucky's three-drug protocol for carrying out lethal injections does not amount to cruel and unusual punishment under the Eighth Amendment.

**Kennedy v. Louisiana, 554 U.S. 407 (2008):**
The U.S. Supreme Court struck down as unconstitutional a Louisiana statute that allowed the death penalty for the rape of a child where the victim did not die

**Source:** Capital Punishment in Context