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In re Gault,

387 U.S. 1, (1967),

Facts:

- A 15-year old boy, Francis Gault, was taken to custody for allegedly making lewd phone calls to his neighbor.
- Previously, Francis Gault had been placed on probation.
- At the time of arrest, Gault's parents were at work, and thus the police did not leave a notice with them

Procedural History:

- Francis Gault was committed to the State Industrial School after a juvenile court proceeding. He was to serve until a majority age of 21 years.

- During that time, the Arizona law permitted no appeal in juvenile cases, so Gault's parents petitioned for the release of their son in the Arizona Supreme Court for writ of habeas corpus.
- The Supreme Court of Arizona acknowledged that a juvenile Court proceeding ought to adhere to due process and dismissed the petition.
- The Arizona Supreme court found out that the Juvenile court and Gault proceedings did not breach the due process.
- The case was then petitioned in the United States Supreme Court.

Laws:

- In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

-6th Amendment

- Another law that applies is that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

-14th Amendment

Legal Questions:

- As per the 14th Amendment, were the procedures used to commit Gault until he was 21 constitutionally legitimate?

Holding and Vote:

- Yes (8-1)

Reasoning:

- The United States Supreme Court held that Gault's commitment to the State Industrial School violated the 6th Amendment. The violation of this Amendment was that Gault was denied the right to have an attorney and was not notified of the charges held against him. Besides, he was not given an opportunity to confront the accusers

Dissenting Opinion:

- One of the people who had a dissenting opinion is Justice Stewart. The Justice believed that the juvenile court was meant for correction and not punishment, and thus the procedural safeguards like those of criminal trials should not apply to juvenile trials.

Coker v. Georgia,

433 U.S. 584 (1977);

Facts:

- Mr. Ehrlich Coker was serving in prison for various crimes such as aggravated assault, rape, first-degree murder, and kidnapping.
- Coker escaped from prison on 2nd September 1974 and broke into Elnita and Allen Carver's home.
- Upon breaking into the house, Mr. Coker raped Elnita Carver and stole their family car.
- Mr. Carver got loose and called the police.
- After a short while, the police apprehended Mr. Cooker and convicted him for armed robbery and rape.

Procedural History:

- The Jury found Mr. Cooker guilty of aggravating circumstances and sentenced him to death.
- Mr. Cooker had committed several capital felonies before and was just about to commit another capital felony of armed robbery.
- The Supreme Court of Georgia affirmed both the death sentence and the convictions.
- The United States Supreme Court granted certiorari.

Laws:

- No imposition of excessive fines, nor excessive bail shall be required, nor cruel punishment inflicted.

The 8th Amendment of the U.S constitution.

Legal Questions:

Was imposing a death penalty for the rape crime a form of unusual punishment forbidden by the 8th Amendment?

Holding and Vote: Yes (7-2)

Reasoning:

- The court held that the imposition of a death penalty for the rape of an adult woman was a "grossly disproportionate" punishment.
- Except for Georgia, the court held that no other state had imposed such a harsh penalty for rape.
- The court found the imposition of the death penalty excessive in its severity.

Concurring Opinion:

- One of the concurring opinions was from Justice Brennan, who believed that the death penalty is unconstitutional under the 8th Amendment.

Dissenting Opinion:

- Justice Burger dissented with the opinion because he believed that rape has serious long-term effects on the victim and emphasized that Mr. Coker was a repeat offender.

Roper v. Simmons

543 U.S. 551 (2005),

Facts:

- In Missouri in 1993, a 17-year-old Christopher Simmons plotted to burglarize and murder Shirley Crook alongside two acquaintances, John Tessmer and Charles Benjamin.
- Christopher and John went through with the plans, breaking into Shirley Crook's home, tapping her hands, mouth, and feet, and dumped her alive into a river at a nearby park from a bridge.
- Simmons confessed the crime and reenacted the occurrences into a videotape.
- The videotape and witnesses' statements used this evidence and determined beyond reasonable doubt that Simmons had premeditated the murder and bragged about it afterward.
- A jury of peers found Christopher Simmons guilty, recommending the death penalty.
- A series of appeals from 1993 to 2002 in state and federal courts ensued, culminating in the rejection of each appeal.

Procedural History:

- Christopher Simmons filed multiple appeals to court decisions and petitions seeking relief between 1993 and 2002.
- An appeal case at Missouri state court, *Atkins v. Virginia*, 536 U.S. 304 (2002), overturned the provisions for the death penalty for mentally disabled offenders.
- Simmons filed the petition at the Missouri state court following the failure of the U.S. Supreme Court ruling.

- The Missouri state court applied the reasoning from *Atkins v. Virginia*, 536 U.S. 304 (2002) and changed Simmon's death penalty sentence to life imprisonment without parole.
- Following an appeal by the Missouri state court, the U.S. Supreme Court granted a writ of certiorari on the punishment of offenders below 18 years by death penalty by abolishing the practice.

Laws:

- *Atkins v. Virginia*, 536 U.S. 304, held that executing people with intellectual disabilities violates the Eighth Amendment's ban on cruel and unusual punishments. However, states can define who has an intellectual disability specifying that an individual below 18 years had not full intellectual capacity.

Legal Questions:

- Does imposing a death penalty on a juvenile offender under 18 upon committing a capital crime to violate the Eighth Amendment ban on cruel and unusual punishments?

Holding and Vote:

Yes (5-4)

Reasoning:

- (Majority opinion- Justice Anthony Kennedy, joined by Ginsburg, R., Breyer, S., Souter, D., and Stevens, P.
 1. Simmons was 17 years when he committed the crime, making him a juvenile.

2. There is a significant difference in the intellectual capacity and mental development of decency between juvenile and adult offenders.
3. The maturity levels of juveniles and adults implore different treatment by the criminal justice system.
4. Juvenile character is not well-formed, Juveniles display a lack of maturity and responsibility than adults, and juveniles are more susceptible to negative influences.
5. International sanctions hold reserved opinions on the punishment of juveniles using the death penalty.
6. Punishing juvenile capital offenders using the death penalty amounts to violating the Eighth Amendment's cruel and unusual punishments clause.

Concurring Opinion:

- (Justice Stevens, P. and Justice Ginsburg, R.) who also joined the majority opinion
- The evolving standards of decency among the American populace inform the decision to restrict the criminal justice system from sentencing juveniles to integrate changes that abide by the provisions of the Eighth Amendment to forbid cruel and unusual punishment.

Dissenting Opinion:

- (O'Connor, J.) who joined the minority opinion.

The court ruling establishes a categorical rule forbidding the execution of a capital offender before their 18th birthday, no matter how cruel, deliberate, or wanton the offense.

- (Scalia, J., joined by Breyer, S. and Thomas, C.) who joined the minority opinion.

According to the Eighth Amendment, determining capital punishment must first consider jurisprudence regardless of whether or not an offender is a juvenile.

Brandenburg v. Ohio,

395 U.S. 444 (1970);

Facts:

- Brandenburg, a Klu Klux Klan leader, was arrested in 1969 after a recording from his audience captured him passing racist slurs and a plan for vengeance actions.
- Using the Criminal Syndicalism statute, Ohio convicted him, citing the illegality in advocating for violence in a political forum.
- Brandenburg appealed the decision, citing violation of his First and Fourteenth Amendment rights.
- The court agreed with Brandenburg, acknowledging the violation of his First Amendment rights.

Procedural History:

- The Ohio State and Ohio Supreme Court affirmed Brandenburg's conviction without giving opinions.
- Brandenburg appealed in the U.S. Supreme Court for violation of his First and Fourteenth Amendment rights.
- The U.S. Supreme Court agreed to hear Brandenburg's case.

Laws:

- First Amendment of the U.S. Constitution- "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."
- Fourteenth Amendment of the U.S. Constitution- "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Legal Questions:

- Does Ohio's Criminal Syndication statute violate Brandenburg's freedom of speech given by the First and Fourteenth Amendments?

Holding and Vote:

Yes (Unanimous)

Reasoning:

The decision by the Supreme Court was *per curiam*. (Justices Douglas, White, Warren, Marshall, Black, Harlan, and Stewart)

1. A court cannot punish someone based on a speech.
2. A court cannot punish a respondent because their speech encourages violence or was violent during its delivery.

3. Punishing someone for delivering a speech violated their First and Fourteenth Amendment rights' provision for freedom of speech.
4. The court cannot punish a respondent for delivering a speech unless the speaker directs the audience towards a lawless action or likely to pose harm to the government.
5. Brandenburg's speech was only inappropriate, not unlawful.
6. The First and Fourteenth Amendment rights for freedom of speech allow anyone to deliver a speech except when falsely screaming fire or bomb in a crowded place, which would amount to a violation.

Concurring Opinion:

- Justice Douglas concurred by saying that a respondent's speech is only prohibited when they shout something like "fire" in a crowded place.
- Justice Black seconded Justice Douglas and stated that the clear and present danger test has no definition in the court's interpretation of the First Amendment.

United States v. O'Brien,

391 U.S. 367 (1968);

Facts:

- In 1966, David Paul O'Brien and three other individuals burnt their draft cards at Boston Courthouse right in front of a group of persons which included FBI agents.

- In the process of the crowd attacking the four individuals, O'Brien got arrested by an FBI agent who made him understand his rights.
- O'Brien's chat with the FBI agent made him openly explain himself and agreed to produce the remaining drafts. He was convicted for illegalizing section 426(b)(3) of the Constitution and was sentenced in the U.S. District Court in Massachusetts.
- O'Brien persuaded in the trial that his act was impermissible even though he did it to insight others to resist the war to create a better culture in which they can all fit in comfortably.
- Consequently, O'Brien was sentenced to six years imprisonment as a youth fender which presented him to Attorney's custody for close monitoring and treatment.

Procedural History:

- The First Circuit Court of Appeals declared that O'Brien was protected by the 1965 First Amendment as the individuals protesting was a call for special treatment. Although O'Brien could not be sentenced for protesting, the First Amendment could not protect him from carrying a draft card.
- The Court believed that non-possession-related issues had been fully processed.
- O'Brien claimed that though the First Circuit illegally retained his conviction of a violation of law, he confronted them in the court that they never convicted nor tried him.

Laws:

- Even though O'Brien's deeds were protected in the First Amendment, the court was unable to conclude because setting him free would mean that individuals were allowed to use immeasurable behaviors as a symbol of speech

Legal Questions:

- Was O'Brien in defiance of the law if the legislation illegally forbids the right to speech as a sign of expression?

Holding and Vote

- No: 7-1

Reasoning:

- Justice Earl Warren came up with a test to show whether the regulatory body on the expression speech was validated.
- However, Justice Warren concluded that the authority regulation is fully in favor if it is within the legal power of the State and if its concern is distinct from the overthrow of free expression.

Concurring Opinion:

- Justice Harlan, in conjunction with Warren's viewpoint, declares that though O'Brien had other means of conveying his idea, there was no problem with him in proclaiming his belief.

Dissenting Opinion:

- Justice Douglas was the only dissenter. He believed that the affirmed authority's concern was only justifiable when the State was in a disposition of combat, therefore, did not reveal his stand with the Court's First Amendment.

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Texas v. Johnson,

491 U.S. 397 (1989).

Facts:

- In 1984, Gregory Lee Johnson burnt an American flag in protest against Reagan Administration and Dallas-based corporations in Dallas City Halls.
- He was fined \$2,000 and imprisoned for one year due to his conviction with the violation of venerated item.

Procedural History:

- During the trial in the court, Gregory Lee was convicted and fined \$2,000, and imprisoned for one year.
- The affirmation by the Court of Appeals for the Fifth District of Texas at Dallas
- The Texas Court of Appeals overruled the decisions made by the low court

Laws:

- The decision of the Court of Criminal Appeals affirmed rendering Gregory Lee guiltless for defying the Texas statutes from the Texas Penal Code.

Legal Questions:

- Does the court forbid the burning of the American flag as a form of self-expression legalized under the U.S. Constitution's First Amendment?

Holding and Vote:

No: 5-4

Reasoning:

- The rulings made by the United States Supreme Court are based on the Constitution and similarly through common case law.
- The court believes its mandate is to safeguard an individual's view.
- Considering the case " Spence V. Washington, the court superseded the conviction of the college student who altered with the flag's peace symbol by sticking a detachable black tape. The court finally concluded that Gregory Lee was convicted for trying to express his views, rendering him guilt-free of breaking the Texas Statute.

Concurring Opinion:

- According to Justice Kennedy, they make decisions they detest because they are right as per the Constitution. Therefore, the facts are set out on the law and Constitution and not on precepts.

Dissenting Opinion:

- In Chief Justice Rehnquist's dissent, the ruling is based on the case of Chaplinsky V. New Hampshire. A concordant court declared that the rights of individuals expressing themselves is not right at all times, nor under all conditions.



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