

Fictional Case #4 Virginia v. T.J.

Question:

Does the death penalty sentence given to T.J. violate his constitutional rights?

Background:

18-year-old T.J. and 30-year-old Justin Willing had entered the mini-mart in Virginia at 1:00 p.m. Justin Willing was holding the gun and made all of the demands. When Walter, the store owner, refused to give him the money and items Justin shot him. While Justin was cleaning out the cash register a 4-year-old girl in the store was screaming out of control. Justin told T.J. to shut the girl up. Justin then gave another gun to T.J. T.J. took the gun, but held his hand over the girl's mouth in an attempt to shut her up. The girl bit T.J.'s hand. He removed his hand and the girl started to scream. Justin swung around, with the gun in his hand, and yelled that T.J. would shut her up. T.J. shot the girl. The police responded and detained Justin and T.J. The ambulance was called, but the girl could not be saved.

Justin was given life in prison, without the chance of parole, in exchange for his testimony against T.J. The prosecution in the case felt that more witnesses were needed to put the death penalty on the table.

Walter Shillman, the store owner, survived and also testified that he saw T.J. shoot the girl among 5 other witnesses.

T.J. was sentenced to 1st degree murder and sentenced to death for shooting the girl. A two-stage approach and all current court procedures were followed by the State.

T.J. has an I.Q. of 72. He has been in special education classes all of his life and repeated I.Q. tests in the past has shown his I.Q. to be between 70-72.

T.J. lost an appeal at the State Supreme Court. He appealed to the U.S. Court of Appeals.

The U.S. Court of Appeals overturned the State decision and believed that the death penalty was cruel and unusual under the 8th and 14th amendments.

Virginia appealed the decision to the Supreme Court.

The Supreme Court has agreed to hear the case. (Granted Writ of Cert)

Arguments:

T.J. – Against the execution (8th and 14th amendments).

NOTE: May argue completely against the death penalty, just in the case of T.J., and/or that the I.Q. standard should be changed for all individuals. MUST LET THE OPPOSING SIDE KNOW WHICH POSITION(S) YOU WILL TAKE.

Virginia – Argue for the death penalty; especially in the case of T.J.