|  |
| --- |
| **TEXAS CTE LESSON PLAN**[www.txcte.org](http://www.txcte.org) |
| **Lesson Identification and TEKS Addressed** |
| **Career Cluster** | Law, Public Safety, Corrections, and Security |
| **Course Name** | Court Systems and Practices |
| **Lesson/Unit Title** | Impact of the Eighth Amendment |
| **TEKS Student Expectations** | **130.340. (c) Knowledge and Skills** (6) The student explains the structure and provisions of the U.S. Constitution and the Bill of Rights and how they impact the criminal trial process. (D) The student is expected to explain the impact of the Eighth, Ninth, and Tenth amendments on the criminal justice system |
| **Basic Direct Teach Lesson**(Includes Special Education Modifications/Accommodations and one English Language Proficiency Standards (ELPS) Strategy) |
| **Instructional Objectives** | The student will be able to:1. Define the Eighth Amendment
2. Describe the guidelines lawmakers and courts must follow when determining punishments as outlined by the U.S. Supreme Court
3. Compare the U.S. Constitution with punishments in other countries
4. Critique other students’ evaluation of another countries’ punishment as compared to the U.S. Constitution
 |
| **Rationale** | The United States of America recognizes human rights and has created safeguards to assure that punishments for crimes do not violate these rights. It is important for future lawmakers and/or judges to understand these rights so that their laws and rulings protect human rights and are not overturned by a higher court. |
| **Duration of Lesson** | 3-4 hours |
| **Word Wall/Key Vocabulary***(ELPS c1a, c, f; c2b; c3a, b, d; c4c; c5b) PDAS II (5)* |  |
| **Materials/Specialized Equipment Needed** | * Access to news sources
* Computer, Projector
 |
| **Anticipatory Set**(May include pre-assessment for prior knowledge) | Use the following questions for a class discussion:* What would be an excessive punishment to you?
* How do you determine this?
 |
| **Direct Instruction \*** | 1. Definition, History, and Origin of the Eighth Amendment
	1. The Eighth Amendment states that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted
	2. Magna Carta
		1. Created in 1215
		2. The origin of the Eighth Amendment
		3. States that a man may be fined according to the measure of the offense
	3. The English Bill of Rights
		1. Created in 1689
		2. Incorporated the principle of proportionality
		3. The document that the framers of the U.S. Constitution used to write the Eighth Amendment
2. Excessive Bail Clause
	1. Restricts judicial discretion in setting bail
	2. Judges must consider factors such as
		1. Severity of the crime
		2. Weight of the evidence
		3. Income of the accused
		4. Criminal history of the accused
		5. Flight risk of the accused
	3. Limits excessive fines – the amount that the state and the federal governments may fine a person for a crime
3. How Cruel and Unusual Punishments are Determined
	1. *Trop v. Dulles* (1958)–the courts must determine whether a punishment is offensive to society at large, not just shocking, or outrageous to a judge
	2. *Furman v. Georgia* (1972)–the U.S. Supreme Court said there are fourprinciples used to determine whether a punishment is cruel and unusual. They are
		1. 1.A punishment that is, in its severity, degrading to human dignity
		2. 2.A severe punishment that is obviously inflicted in a wholly arbitrary fashion
		3. 3.A severe punishment that is clearly and totally rejected throughout society
		4. 4.A severe punishment that is patently unnecessary
	3. *Solem v. Helm* (1983)–the U.S. Supreme Court said the following must beconsidered when sentencing a person to prison:
		1. 1.The gravity of the offense and the harshness of the penalty
		2. 2.The sentences imposed on other criminals in the same jurisdiction
		3. 3.The sentences imposed for the commission of the same crime in other jurisdictions
4. Specific Punishments Outlawed by the U.S. Supreme Court
	1. *In re Kemmler* (1890)–the Supreme Court said that crucifixion, breaking onthe wheel, burning at the stake, and other punishments that involve lingering death were prohibited
	2. *Weems v. U.S.* (1910)–"hard and painful labor,”shackling for the duration ofincarceration, and permanent civil disabilities are cruel and unusual
	3. *Trop v. Dulles* (1958)– taking away a natural born citizen’s U.S. citizenship isunconstitutional
	4. *Robinson v. California* (1962)–incarcerating a person for being a drug addictis unconstitutional
	5. *Skinner v. Oklahoma* (1941)–theSupreme Court said that “feeble-minded” or“habitual” criminals cannot be sterilized to keep them from reproducing to pass on their deficient characteristics
	6. *Atkins v. Virginia* (2002)–executing the mentally retarded is unconstitutional
	7. *Roper v. Simmons* (2005)–executing a person who was under the age of 18at the time of the crime is unconstitutional
	8. *Coker v. Georgia* (1977)–the death penalty for someone convicted of rape orany crime that does not lead to death is unconstitutional
	9. *Graham v. Florida* (2010)–life without parole for a minor, for any crime otherthan murder, is prohibited
5. Specific Punishments Upheld by the U.S. Supreme Court
	1. *Gregg v. Georgia* (1977)–the death penalty is not unconstitutional. Thisoverturned *Furman v. Georgia* (1972) when the court said the death penalty was cruel and unusual
	2. *Wilkerson v. Utah* (1878)–death by firing squad is not cruel and unusual
	3. *In re Kemmler* (1890)–death by electrocution is not cruel and unusual
	4. *Baze v. Rees* (2008)–death by lethal injection is not cruel and unusual
	5. *Rummel v. Estelle* (1980) and *Lockyer v. Andrade* (2003)–life sentences arenot cruel and unusual with the possibility of parole for the third crime of the
	6. “three strikes, you’re out” rule
	7. *Harmelin v. Michigan* (1991)–a life sentence without parole for possession of672 grams of cocaine was upheld
6. VI. Appeals – a convicted person would have to file an appeal to a higher court if he or she believed that the punishment violates the Eighth Amendment

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*For reinforcement, students will look at the *Furman v. Georgia* case. They will create an example of each guideline the U.S. Supreme Court lists and justify how it matches the court’s guidelines. Use the Writing Rubric for assessment.  |
| **Guided Practice \*** | *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*NONE |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | 1. Completion of the Impact of the Eighth Amendment (open-note) Quiz
2. Have students imagine that they serve on a United Nations criminal appeals committee that uses the standards of the Eighth Amendment to evaluate whether other nations’ criminal justice systems are humane. While in the role of a committee member, have them research actual crimes that have recently occurred in other countries and the punishments that resulted from these crimes (you may want to have the students research crimes in countries in different parts of the world). Have the students summarize a case in a paper. On a separate sheet, have them give their ruling on this case based on the Eighth Amendment’s cruel and unusual punishment standard. They must explain their reasoning for the ruling using the knowledge they have learned. Then have students exchange their summaries with other students and create a ruling with their reasoning for the other students’ cases. Have students assess each other’s reasoning based on their own research. Use the Debate Rubric for assessment.

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*

|  |
| --- |
| NONE |

 |
| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \***  | *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*NONE |
| **References/Resources/****Teacher Preparation** | * <http://en.wikipedia.org/wiki/Eighth_Amendment_to_the_United_States_Constitution> <http://law.jrank.org/pages/5907/Cruel-Unusual-Punishment.html>
* <http://deathpenalty.procon.org/view.resource.php?resourceID=001769>

Do an Internet search for the following:* legal dictionary eighth amendment
* solitary watch supreme court cases
 |
| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | Social Study Standards1. Interdependence of Global Communities
	1. Spatial understanding of global, regional, national, and local communities
		1. Connect regional or local developments to global ones.
	2. Global analysis
		1. Apply social studies methodologies to compare societies and cultures.
 |
| **Recommended Strategies** |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy****Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies****Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication****90 Second Speech Topics** |  |
| **Other Essential Lesson Components** |
| **Enrichment Activity**(e.g., homework assignment) | * Impact of the Eighth Amendment Exam and Key
* Eighth Amendment (open-note) Quiz and Key
* Debate Rubric
* Discussion Rubric
* Writing Rubric
 |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)