

Introduction to Law
Chapter 15 – Sentencing and Conviction
“Eighth Amendment”

Name:
Date:

1. What was Shawn Gementera ordered to do as part of the terms of his release for a mail theft conviction?

Gementera was sentenced to 2 months in prison, three years of supervised release, and was ordered to spend four days at a post office observing patrons inquire about lost or stolen mail: write letters of apology to the victims of his crime: give three lectures at high schools about his crime: and spend an eight-hour day in front of a post office wearing a sign that read, "I stole mail. This is my punishment."

2. Why did he appeal the sentence?

Mr. Gementera claims that the punishment of wearing the sign in front of the post office did not serve a rehabilitative purpose and was in violation of the Eighth Amendment's protection against cruel and unusual punishment.

3. What sentence did Judge Michael Cicconetti hand down to Michelle Mentor in Ohio?

Fourteen days in jail, 15 days under house arrest, a \$3,200 donation to the Humane Society, a \$500 donation to the park rangers who found the kittens, and one night alone in the woods without food or water.

4. Other sentences by Judge Cicconetti include the following:

- A man who hollered "pigs" to police officers had to stand on a street corner next to a 350-pound pig with a sign that read, "This is not a police officer."
- A group of high school students who vandalized school buses were ordered to throw a picnic for a group of grade-school students whose outing was canceled because of the stunt.
- A nanny accused of hitting a little boy with a belt was given a folder of articles on the consequences of child abuse, and compelled to read them all, and then discuss them in the courtroom in front of the judge and the victim's mother, as spectators looked on.
- School-zone speeders were ordered to spend the day as a crossing guard at a local school.

Do you think any of these sentences are cruel as prohibited by the Eighth Amendment? Are any of these sentences unusual? If so, which ones and why?

5. The Eighth Amendment forbids punishments that are considered "cruel and unusual." Should punishments that are either cruel **or** unusual, but not both, be considered constitutional? Explain your answer.

Extensions

1. Write a creative but constitutional sentence for one of the following crimes:

A. A group of teenagers vandalize mailboxes in their neighborhood.

B. A young woman is caught shoplifting expensive clothing from a department store.

C. A man steals a car, causing a bride to be late to her wedding.

D. A family fails to put out their campfire, causing a blaze that torches dozens of acres of virgin forest.