Alcides Segovia

Ashe

Engl. 111-50C

07/07/2014

The Death Penalty Should be maintained in Indiana

**Introduction**

 The death penalty is a sentence that could be extended for aggravated murder crimes. According to the Indiana Public Defender Council web-site, as of October 1, 1997 the state of Indiana has had the death penalty available. The sentencing statute was modeled after statutes upheld by the U.S. Supreme Court. Many have tried to abolish the death penalty based on various reasons and theories, while many others have voted to maintain the death penalty for their reason and theories. This paper will discuss these different points of view and how they could be applied to different ethical theories. We will discuss the pros and cons of a utilitarian, natural law and deontology theories. We will also discuss whether it deters or prevents would be murderers. Is the death penalty used as retribution.

**Body**

 The death penalty is the most extreme form of punishment in our judicial system. According to the Indiana Public Defender Council web-site, 18 states do not have a death penalty statue and 32 states do, including the state of Indiana. But, Indiana had to go through a few revisions of the statute. In 1972 the U.S. Supreme Court struck down the death penalty because it was unconstitutional under the eighth amendment. Which lead to the reduction of sentencing for 7 men that were on death row in Indiana to life in prison. “In 1973, the Indiana General Assembly enacted a new death penalty sentencing statute to replace the statute struck down by the U.S. Supreme Court in Furman.” (Indiana Public Defender Council web-site) Which was then struck down in 1977, but as of October of that year Indiana has modeled a sentencing statute that is modeled after one that was upheld by the U.S. Supreme Court and still remains in effect.

 “Although the death penalty was once widely used for a variety of crimes, most people now view the death penalty as an extraordinary sort of punishment that requires extra justification.” (Ethics: Theory and Contemporary Issues, Eighth Edition, p. 373.) This extra justification are the circumstances that the prosecutor has to prove there is at least one of the sixteen aggravating circumstances that have been set by the statute of the death penalty in the state of Indiana. This would prevent minor crimes to be considered to the death penalty sentencing. When someone is sentenced to the death penalty, this may be subject to three levels of appeals of review: “Direct appeal in the Indiana Supreme court, focusing on legal issues; state post-conviction review, which can also look at factual issues such as whether trial counsel competently represented the defendant, whether evidence was suppressed, and whether any witnesses have recanted their testimony; and federal habeas corpus clemency from the Governor.” While the direct appeal is mandatory the others maybe foregone by the prisoner. Like in the case of Matthew Eric Wrinkles who was on death row in Indiana in 2007 for the murder of his wife and two others. Wrinkle forewent clemency from the Governor.

The death penalty is one of the most controversial issue when considering legal punishment. As was with the case of Wrinkles, according to the NWI Times. People would protest against the death penalty stating that “There’s a lot of thing we can do to stop crime and spending $1 million to put someone to death isn’t one of them” said Marti Pizzini, one of the protesters interview by the NWI Times. This is taking a utilitarian view that there are alternatives that minimizes the punishment. Like Wrinkle said “it has been the last 15 years that had been the true punishment.” Maybe life in prison would be punishment enough. Maybe this would be the way to prevent any more murders. Another utilitarian view would be that killing the murderer would not bring back the victim. An article on the website Opposing Viewpoints in favor to abolish capital punishment states that “the death penalty is a fundamental irreversible denial of human rights.” Referring to the right to life. Another argument for opposing the death penalty is that it cost too much. According to the Indiana Public Defender Council web-site “A fiscal impact report prepared by the non-partisan Legislative Service Agency for the Indiana General Assembly found that the average cost of a death penalty trail and direct appeal was more than $450,000, compared to the $42,658 for life without parole case.” Moreover it also states that a survey in 2009 of police chiefs found that the death penalty is ranked last among the effectiveness in reducing violent crimes and it considers it the least effective was of spending the tax payer’s money.

Those who are in favor of maintaining the death penalty have their arguments. Like Jeremy Ormiston a narcotics detective for the Fort Wayne police department, whom I interview, who said that “even if we don’t actually use it, it is good to have to make plea agreements.” Ormiston also stated that for the most part even if these criminals know that there is really no getting out of the death sentence, they will exhaust every possible appeal. “Sometimes even their own lawyer know they don’t have a case, but they want to go through the appeals. This is why it is so expensive.” Ormiston said. A utilitarian’s argument for the death penalty would be that by kipping it, it would deter would be murderers from killing people. As part of the natural law theory, it is a matter of duty, justice for what they did. According to our ethics book “retributivist advocates of the death penalty argue that for murder, the only acceptable punishment is death.” It also talks about those criminals who are unrepentant and continue to murder even while in prison. That execution might be the only solution. Also, because of all the hoops that they have to go through, it ensures that the wrong person would not be sentenced.

**Conclusion**

 In conclusion the death penalty has been upheld since October 1, 1997 in the state of Indiana. The death penalty is a sentence that is “available” only for murderers that have at least one of sixteen aggravated circumstances. While many have tried to abolish the death penalty based on natural law and utilitarian theories, others want to maintain the death penalty using those same theories. In this paper we discussed the different points of view. Discussing the pros and cons of using utilitarian, natural law and deontology theories. We also discussed whether it deters or prevents would be murderers or is the death penalty a way of retribution, justice.

Works Cited

"Capital Punishment Should Be Abolished." *Capital Punishment*: *Cruel and Unusual?*. Kim Masters Evans. 2012 ed. Detroit: Gale, 2012. Information Plus Reference Series. *Opposing Viewpoints in Context*. Web. 7 July 2014.

"Capital Punishment Should Be Maintained." *Capital Punishment*: *Cruel and Unusual?*. Kim Masters Evans. 2012 ed. Detroit: Gale, 2012. Information Plus Reference Series. *Opposing Viewpoints in Context*. Web. 7 July 2014.

 *Indiana Public Defender Council*. N.p., n.d. Web. 14 July 2014. <http://www.in.gov/ipdc/public/deathpenaltylinks.html>.

Keller, Chris. "Wrinkles Executed for Murdering Wife, 2 Others." *NWI Times* [Munster] 11 Dec. 2009: n. pag. *NWItimes.com*. Web. 17 July 2014. <http://www.nwitimes.com/news/local/laporte/wrinkles-executed-for-murdering-wife-others/article\_e556da7f-177d-5d16-b9e5-f6bb9f17bb49.html>.

MacKinnon, Barbara, and Andrew Fiala. *Ethics: Theory and Contemporary Issues*. Eight ed. Stamford: Cengage Learning, 2015: 373-381. Print.

NAAS, MICHAEL. "The Philosophy And Literature Of The Death Penalty: Two Sides Of The Same Sovereign." *Southern Journal Of Philosophy* 50.(2012): 39-55. *Academic Search Premier*. Web. 7 July 2014.

Ormiston, Jeremy. Personal interview. 14 July 2014.