

Link to website: <http://ijohnsonsupremecourt.weebly.com/>

I will be making a website which would hold two videos.

The two cases:

- United States vs. Stevens.

I chose to analyze this case because it touches on animal cruelty and animal rights which I feel very strongly about.

- Miller vs. Alabama

I chose to analyze this case because I always wondered if children were treated differently than adults (when committing the same crime) and this case proves that children certainly do have the same consequences when it comes to murder.

First Amendment: [http://www.law.cornell.edu/wex/first\\_amendment](http://www.law.cornell.edu/wex/first_amendment)

## United States vs. Stevens

### BACKGROUND

-Your understanding of the case background (*who, what, when, where, why and how*)

Who the case is for: Robert J. Stevens

What: He violated the law created 1999 that stated one shall not create in media that shows any sorts of animal cruelty.

When: Argued October 6, 2009—Decided April 20, 2010

Where: Washington DC

Why: Stevens was selling videos of dog fighting. (Key point: He was not involved in the dog fighting)

-Identification of major players involved in case (*individuals and or groups*)

Stevens and the Supreme Court were the main players.

Former president Bill Clinton was the one who signed the bill back in 1999.

-How the case relates to the U.S. Constitution (*ex. which amendments are in question*)

The main amendment that is in question is the First Amendment which states people have the freedom of expression.

-Who will be most affected by outcome of the case (*ex. women seeking abortions in RvW*)

Animal activists and anyone else who fights for animal rights.

### OUTCOME

-Summary and Analysis of BOTH sides of the case

From Stevens viewpoint: His creation of the videos were protected under the First Amendment. He didn't believe that he was doing anything illegal since he didn't participate in the actual dog fighting.

From the Court's viewpoint: Dog fighting is illegal in all 50 states. Based on the law created in 1999, creating any form of media of dog fighting is illegal. The act Stevens has done is not protected by the First Amendment since the First Amendment does not protect "animal cruelty depictions and child pornography."

-Outcome of the case (*which way did the Court decide?*)

The Court decided against Stevens. They sentenced him to 37 months in prison and 3 years on probation.

-Summary of Majority Decision (*explain in normal language what the Justices said?*)

The Justices basically stated that Stevens act was not protected by the First Amendment and therefore is also being changed for violating the law created in 1999.

-Summary of Dissenting Opinion (unless it was a unanimous decision)

I believe on three judges had a dissenting opinion because they believed that section 48 was facially unconstitutional.

#### COMMENTARY

-YOUR Commentary on the case (*what did you think of the case?- Good/Bad for America?*)

I feel like the Court's decision was good and that the exceptions in the First Amendment are reasonable. If Stevens used the footage to show the horrors of dog fighting rather than showing/selling it as a pleasure things probably would have be different. It's upsetting that he tried to justify his actions.

Sources:

[http://www.criminallawlibraryblog.com/2010/04/professor\\_rory\\_littles\\_perspec.html](http://www.criminallawlibraryblog.com/2010/04/professor_rory_littles_perspec.html)

<http://www.law.cornell.edu/supct/html/08-769.ZO.html>

[http://www.nytimes.com/2010/04/21/us/21scotus.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2010/04/21/us/21scotus.html?pagewanted=all&_r=0)

<http://aldf.org/article.php?id=1329>

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- "Criminal Law Library Blog." *Professor Rory Little's Perspective: United States v. Stevens, A Case Brief* :. N.p., n.d. Web. 23 Jan. 2013.
- "UNITED STATES v. STEVENS." *UNITED STATES v. STEVENS*. N.p., 06 Oct. 2009. Web. 23 Jan. 2013.
- Liptak, Adam. "JUSTICES REJECT BAN ON DEPICTING ANIMAL CRUELTY." *The New York Times*. The New York Times, 21 Apr. 2010. Web. 23 Jan. 2013.
- "Animal Legal Defense Fund : Clarifying the Supreme Court's United States v. Stevens Opinion." *Animal Legal Defense Fund*. N.p., n.d. Web. 23 Jan. 2013.
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*York Times*. The New York Times, 19 Sept. 2009. Web. 23 Jan. 2013.

One of the cases the US Supreme Court had to deal with in 2009 was the US Supreme Court vs. Stevens. Robert J Stevens was a man who filmed dog fighting from all over the country and sold the tapes. A point to make about Stevens actions was that he did not involve himself with the dog fighting, simply filmed it. It is already known that dog fighting has been considered illegal in all 50 states since 2007. The issue with Stevens recording and selling these tapes of dog fighting was the fact that he was violating a law created in 1999 that stated that creating any form of media that showed dog fighting was illegal. Stevens case was not dealt with a local court because the case questions the First Amendment. The First Amendment states that Americans have the right of free expression. What many people may not be aware that there are exceptions are incorporated in the Amendments, For the First Amendment it is declared that it does not protect "animal cruelty depictions or child pornography." Therefore, Stevens was not protected by the First Amendment like he originally thought he was. The majority decision was that the court was against Stevens and was being charged for violating the 1999 law signed by Bill Clinton.

I feel like the Court's decision was good and that the exceptions in the First Amendment are reasonable. If Stevens used the footage to show the horrors of dog fighting rather than showing/selling it as a pleasure things probably would have be different. It's upsetting that he tried to justify his actions.

## Miller vs. Alabama

### BACKGROUND

-Your understanding of the case background (*who, what, when, where, why and how*)

Who: Evan Miller

What: He murdered a man who didn't provoke Miller.

When: Crime committed on: July 15, 2003. Argued on March 20, 2012 and the decision was made on June 25, 2012

Where: Alabama

Why: Miller robbed a man then took a baseball bat and beat him to death. Afterwards, Miller and his friend set the man's trailer on fire.

-Identification of major players involved in case (*individuals and or groups*)

Evan Miller, his friend, and the state of Alabama.

-How the case relates to the U.S. Constitution (*ex. which amendments are in question*)

The amendments in question are the Eighth and Fourteenth.

-Who will be most affected by outcome of the case (*ex. women seeking abortions in RvW*)

The only person that will be affected by the outcome of this case is Evan Miller. Or possible child murderers.

## OUTCOME

-Summary and Analysis of BOTH sides of the case

Evan Miller's viewpoint: Miller believed that he could not be sentenced for life in prison since it violates the 8th Amendment since he believed that the sentence did not match his crime. He also believed that his sentence violates the 14th Amendment since the court did not give him parole and sent him straight to jail.

-Outcome of the case (*which way did the Court decide?*)

The Court sentenced Miller to life in prison without parole.

-Summary of Majority Decision (*explain in normal language what the Justices said?*)

The Court believed that they were not violating the 8th and 14th Amendment because Miller's case is in the extremes. Miller attempted to compare his case to two other similar cases where the decision for those cases were that the minor could not be sentenced to death or sentenced to a life in prison. Although he tried making that comparison, the Court believed that Miller's case is more extreme. This case did make the Court have to think things over about how they punish minors who create major crimes such as Miller.

## COMMENTARY

-YOUR Commentary on the case (*what did you think of the case?- Good/Bad for America?*)

This case is actually crazy and I agree with the Court's decision. Minors should be able to have an easier sentence than adults do but only depending on the crime. When it comes to murder, I don't care what condition you're in, taking another's life is terrible and the murderer should either be sentenced to life in prison or sentenced to death.

Sources:

[http://www.upi.com/Top\\_News/US/2012/03/18/Under-the-US-Supreme-Court-When-children-commit-murder/UPI-12851332055800/](http://www.upi.com/Top_News/US/2012/03/18/Under-the-US-Supreme-Court-When-children-commit-murder/UPI-12851332055800/)

<http://www.law.cornell.edu/supct/cert/10-9646>

<https://docs.google.com/a/scienceleadership.org/viewer?url=http://www.supremecourt.gov/opinions/11pdf/10-9646.pdf>

<http://usnews.nbcnews.com/news/2012/03/15/10670418-14-years-old-too-young-for-life-in-prison?lite>

- "When Children Commit Murder." *UPI*. N.p., n.d. Web. 23 Jan. 2013.
- "Miller v. Alabama (10-9646)." *LII*. N.p., n.d. Web. 23 Jan. 2013.
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There is much debate on whether or not a minor ( people under the age of 18 years old) should

experience the same consequence as an adult if they commit the same crime. Of course for small crimes such as robbing a store or selling drugs the punishment for minors is lenient compared to the punishment for adults. However for harsher crimes such as murder it is difficult to decide whether a minor should be prosecuted and sentenced to a life in prison or worse, the death penalty. Just recently in 2012, the US Supreme Court was faced with a complicated case that dealt with a child murderer. Evan Miller was 14 years old when he robbed a man, Cole Cannon, then beat him with a bat. To cover their tracks, Miller and his 17 year old friend burned Cannon's trailer. It didn't take long for the jury to find Miller guilty and sentenced him to a life sentence without parole. The issue with the jury's decision was that by forbidding Miller to have parole violated the 8th and 14th Amendments. Therefore Miller's case became a bigger deal and took his case to the Alabama Court of Criminal Appeals, who then disagreed with Miller stating that his actions were so serious that it was not unconstitutional to have a life sentence without parole. After being rejected by the Alabama Court of Criminal Appeals, the US Supreme Court decided to take up Miller's case in 2011. The Court believed that they were not violating the 8th and 14th Amendment because Miller's case is in the extremes. Miller attempted to compare his case to two other similar cases where the decision for those cases were that the minor could not be sentenced to death or sentenced to a life in prison. Although he tried making that comparison, the Court believed that Miller's case is more extreme.

It's always interested me to learn how court treats child murderers considering I already knew that minors weren't punished as badly as adults when committing the same crime. I feel strongly about murder cases because it highly unjust for a person to believe they have the right to rob another of their life. When it comes to murder, I don't care what condition you're in, taking another's life is terrible and the murderer should either be sentenced to life in prison or sentenced to death. The only part that I disagree with the Court about is not permitting Miller to have parole. Since Miller's case was not as extreme as many other murder stories he deserved another chance to go to court.