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Supreme Court Case Contract

Two Cases to Research-

FOREST GROVE SCHOOL DISTRICT, PETITIONER *v.* T. A.

PATRICK KENNEDY, PETITIONER *v.* LOUISIANA

Why I Chose These Cases-

FOREST GROVE SCHOOL DISTRICT, PETITIONER *v.* T. A.- Children with learning disabilities is a topic that somewhat close to me. This case kind of reminded of when I used to help children with learning diabilities in middle school.

PATRICK KENNEDY, PETITIONER *v.* LOUISIANA -I wanted a more interesting case that didn't involve money or politics. The death penalty is very debatable, it would be interesting to see both sides.

"Repository"- Website

Case Analysis- Both will be videos.

Case 1: FOREST GROVE SCHOOL DISTRICT, PETITIONER *v.* T. A.

BACKGROUND

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

T.A was a student in the Forest Grove school district. In 2004 it was determined by the the Office of Administrative Hearings for the State of Oregon that T.A had learning disabilities and was able to receive special education. Once T.A had withdrew from the Forest Grove school district, a hearing officer order than he be reimbursed his tuition because the school failed to provide appropriate education.

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

T.A and the Supreme Court

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

The IDEA Amendments of 1997 (The Individuals with Disabilities Education Act),Rehabilitation Act of 1973

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

T.A and family

OUTCOME

-Summary and Analysis of BOTH sides of the case

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

6 votes for T.A and 3 against T.A

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

In past cases reimbursement was provided for children who received adequate IEP. The IDEA doesn't specify a different result for a child who has not received IEP.

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

Reimbursement wouldn't be a fair ruling because the parents of the student didn't request an individualized education program so the rights to FAPE were not in question.

COMMENTARY

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

I don't necessarily agree with the decision of the Supreme court. When T.A was in the public school he hadn't been determined as disable so there was no request for that service. I didn't understand why they were getting for a service they never asked for.I feel like the school district would have provided the appropriate education if they were given the chance. Speaking more broadly I think that the Act in question (IDEA) is good for America.

SOURCES

http://www.law.cornell.edu/supct/search/display.html?terms=High%20School&url=/supct/html/08-305.ZO.html
http://idea.ed.gov/
http://www.oyez.org/cases/2000-2009/2008/2008_08_305
http://www.wrightslaw.com/law/caselaw/ussupct.forest.grove.ta.pdf

Case 2:PATRICK KENNEDY, PETITIONER *v.* LOUISIANA

BACKGROUND

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

Patrick Kennedy was charged by the State of Louisiana with the rape of his 8 year old stepdaughter. The story both him and his daughter told was that she was pulled from the garage to the yard where some neighborhood boys raped her. Kennedy was said to be busy getting his son ready for school. He was convicted and sentenced to death.

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

Patrick Kennedy and the state of Lousianna

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

The eighth amendment which say that cruel and unusual punishment should not be inflicted.

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

L.H who was the stepdaughter or Patrick Kennedy. Future rapist of minors.

OUTCOME

-Summary and Analysis of BOTH sides of the case

There were five votes in favor of Kennedy meaning that 5 people felt that he shouldn't be faced with death. There were four votes against Kennedy meaning that 4 people felt that he should be faced with death.

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

The court decided that he Eighth Amendment did prevent imposing the death penalty for a rape that did not result in death.

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

A national consensus that did not currently exist was needed in order to apply the death penalty to this case.To try to achieve this national concensus the court looked to similar previous cases where the application of the death penalty was outlawed. Murder which was punished with the death penalty was not on the same level of rape although both were harmful.

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

It was argued that the measures taken to come to a national consensus were flawed. It was said that the eighth amendment does protect the rights of the Patrick but doesn't authorize " the overlooking of the federal and state laws which were in teh best interest of the crime victims and society.

COMMENTARY

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

I think the death penalty is a very touching ruling. As humans I don't think we have the right to decided which of us dies. I don't see how going through with the death penalty makes the government any better than the murders they are killing. I do agree extremely that what Patrick Kennedy did was horrid. He without a doubt should be put away because there is nothing stopping him from doing this again. This case reminded me of a video that I watch in English class where these rapists in South Africa were going through this specific type of counseling that help them see the wrong in what they did. From the video it seemed affective. On another note if they are going to use the death penalty for this case of rape they need to keep consistent and use it for all cases of rape of a minor.

SOURCES

Primary-http://www.deathpenaltyinfo.org/KennedyTranscript4162008.pdf

http://www.law.cornell.edu/constitution/eighth_amendment

Secondary-http://www.deathpenaltyinfo.org/kennedy-v-louisiana-no-07-343

http://abcnews.go.com/TheLaw/SCOTUS/story?id=5760359&page=1

http://www.law.cornell.edu/supct/html/07-343.ZO.html