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Sylvia Morales
College of DuPage

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Capital Punishment

by Sylvia Morales

(Philosophy 1110)

Capital punishment is a legal process that terminates the lives of convicted felons. Usually, murder is the only case in which the death sentence has been implemented since it was reinstated in 1976. According to the U.S. department of Justice there were 42 persons in 10 states executed in 2007 (www.ojb.usdoj.gov). In the 37 states and Federal prison system there are currently a total of 3,228 inmates under the death sentence. The web site also states the numbers of prisoners under condemnation decreased for the sixth consecutive year. Some states have banned it practices, others have suspended it use, while others try to increase it relevancy.

The arguments for capital punishment are controversial, with many individuals and organizations debating for or against it practice. As an individual, my dissension would be against capital punishment because the justice system seems to be flawed and fallible, and sometimes innocent people are on death row or have been executed wrongfully. Here is a perfect example of how fallible the justice system can be with the wrong person in a position of authority and power.

In 1983, Rolando Cruz life was forever changed after he was wrongfully convicted for the rape and murder of Jeannie Nicarico, a 10 year-old Naperville girl. The Nicarico murder was a local case that I remember very vividly, and it forever changed my opinion about the legal system, and the death penalty. On this particular case there was a lot of unethical decisions and cover up of evidence from the prosecutors and police officers that placed an innocent man on death row in March 1985. There was no physical evidence that linked Cruz to the victim, the DNA alone had pretty much eliminated him as a suspect in the rape, and implicated another man. Despite the fact that the police officers lacked any evidence that placed Cruz at the crime scene, the judge still sentenced him to die by lethal injection. This was such a botched case that the Supreme Court in 1990 ordered a second trial. Once again, the legal system failed Cruz, he was found guilty a second time. This verdict was overturned in 1994. It wasn't until the third trial in 1995 that one of the police officers acknowledged, he had lied under oath. This time the judge ordered a blunt verdict of not guilty, and Cruz was free after spending about twelve years of his life trying to prove his innocents and avoiding execution.¹

The twist to this case is that another man (Brian Dugan) had confessed to the rape and murder of Jeannie Nicarico ten years earlier, but the prosecutors fought for another decade to keep Dugan's testimony silenced while they tried Cruz for a second time. The prosecutors continued with their case even after their own detectives, and after an assistant attorney general resigned and protested that the state was attempting to execute an innocent man.² This was a very malicious act on the prosecutor's behalf to conceal evidence and to pursue the death penalty for and innocent man.

It is obvious from the Cruz case to see the problem with the death penalty and how flawed the justice system is. Sometime the wrong person is imprisoned for a crime that he/she didn't commit, and how does the state repair a person life after being incarcerated wrongfully? Those persons are literally stripped of their freedom, family, dignity, and their lives in general. Once an innocent person is executed there is no possible way to compensate for the iniquity, therefore, capital punishment should be abolished.

Unfortunately, when people of the justice system such as Attorneys, Prosecutors, Judges, and Detectives.... if they do not stand for moral ethics, they probably live by immoral ethics, therefore, they produces immoral conducts. Consequently, justifying why the justice system is flawed. When

truth comes a long change is required, and when a person disregards the truth they becomes a lawless person. Therefore, they should not be in a position of authority, in which their decisions and actions will impact and change the lives of others.

Even though there were a small number of inmates executed in 2007. It is difficult to say how many of the 3,228 that are currently on death row are there because of falsified information, withheld by the prosecutors such as in the Cruz case. One can only hope a person of high moral and ethical integrity tried them, in which they were fairly and justly, prosecuted for their offense. A human life is valuable and shouldn't be taken likely whether it is through murder or capital punishment both are horrendous act against humankind.

Notes

¹ Schlosser, Eric, "The Wrong Man." November 1989. *The Atlantic Online*.
([www.Theatlantic.com/issues/99nov/9911/wrongman.html](http://www.theatlantic.com/issues/99nov/9911/wrongman.html)) (1)

² Schlosser, 2