

03-633 ROPER v. SIMMONS

Ruling below: Supreme Court of Missouri, 112 S.W.3d 397

QUESTIONS PRESENTED FOR REVIEW

The Supreme Court of Missouri departed from this Court's holding in *Stanford v. Kentucky*, 492 U.S. 361 (1989), in which the Court upheld statutes under which the minimum age for capital punishment is sixteen. The Missouri court's decision raises two questions:

1. Once this Court holds that a particular punishment is not "cruel and unusual" and thus barred by the Eighth and Fourteenth Amendments, can a lower court reach a contrary decision based on its own analysis of evolving standards?
2. Is the imposition of the death penalty on a person who commits a murder at age seventeen "cruel and unusual," and thus barred by the Eighth and Fourteenth Amendments?

CERT. GRANTED: 1/26/04