

04-5293 DECK V. MISSOURI

DECISION BELOW: 136 SW3d 481

LOWER COURT CASE NUMBER: SC 85443

QUESTION PRESENTED:

Are the Fifth, Sixth, Eighth, and Fourteenth Amendments violated by forcing a capital defendant to proceed through penalty phase while shackled and handcuffed to a belly chain in full view of the jury, and if so, doesn't the burden fall on the state to show that the error was harmless beyond a reasonable doubt, rather than on the defendant to show that he was prejudiced?

CERT. GRANTED 10/18/2004