

8th Amendment

What Does the 8th Amendment Say?

- Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Purpose of Excessive Bail Clause

- What is bail? Why is it used?
- To prevent a court from setting an amount of bail so high that a defendant cannot possibly pay

What Determines Cruel and Unusual Punishment?

- 1. Punishment must not involve the unnecessary and wanton infliction of pain.
- 2. The punishment must not be grossly out of proportion to the severity of the crime.

Types of Cruel and Unusual Punishment

- Dissection
- Gibbeting
- Whipping
- Burning at the stake
- Drawing & Quartering
- Pillorying
- Beheading

Death Penalty

- Is the death penalty a form of cruel and unusual punishment?