

CASENOTE

A TIME TO KILL? THE LOUISIANA SUPREME COURT'S DECISION IN *STATE v. KENNEDY* ON THE CONSTITUTIONALITY OF THE DEATH PENALTY FOR CHILD RAPE

TABLE OF CONTENTS

I.	INTRODUCTION.....	560
II.	FACTS AND HOLDING	560
III.	BACKGROUND.....	562
	A. HISTORY OF THE DEATH PENALTY IN AMERICA.....	564
	B. DEATH PENALTY AND RAPE: <i>COKER v. GEORGIA</i>	565
	C. DEATH PENALTY AND CHILD RAPE: AN OPEN QUESTION	567
	1. THE LOUISIANA SUPREME COURT'S DECISION IN <i>STATE v. WILSON</i>	568
	D. THE CURRENT FRAMEWORK: <i>ATKINS v. VIRGINIA</i> AND <i>ROPER v. SIMMONS</i>	571
	1. FINDING A NATIONAL CONSENSUS	573
	2. A RETURN TO SUBJECTIVITY	574
IV.	THE LOUISIANA SUPREME COURT'S DECISION	578
	A. IS THE CHILD RAPE STATUTE UNCONSTITUTIONAL?	579
	B. IS LOUISIANA'S CAPITAL SENTENCING SCHEME UNCONSTITUTIONAL?	582
V.	ANALYSIS.....	585
	A. DEATH <i>VEL NON</i>	585
	B. DETERRING CHILD RAPISTS.....	587
	C. LOUISIANA'S CAPITAL SENTENCING SCHEME.....	589
VI.	CONCLUSION.....	589