

8TH AMENDMENT
POWELL VS TEXAS

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What is the 8th amendment?

EXCESSIVE BAIL SHALL NOT BE REQUIRED,
NOR EXCESSIVE FINES IMPOSED, NOR CRUEL
AND UNUSUAL PUNISHMENTS INFLICTED.

Background

Powell was arrested and charged with public intoxication under Texas penal code provision Art. 477. Powell went to trial at Corporation Court in Austin, Texas. Powell argument was that he was a chronic alcoholic therefore he could not be arrested because it would violate the 8th amendment. He was found guilty and fined \$50.

POWELL THEN WENT AGAIN TO COURT. HE WENT COUNTY COURT OF TRAVIS COUNTY. HE THEN AGAIN ARGUED THAT THE PUNISHMENT WAS VIOLATING THE EIGHT ADMENDMENT. POWELL SAID HE WAS BEING PUNISHED FOR BEING A CHIRICAHUA ALCOHOLIC. THE JUDGE RULED THAT THE DISEASE WAS NOT A DEFENSE TO THE VIOLATION, SO HE WAS GUILTY AND FINED \$50

SO POWELL VS TEXAS THEN GO TO THE UNITED STATES SUPREME COURT. THE SUPREME COURT RULED THAT THE CRIMINALIZATION OF PUBLIC INTOXICATION DID NOT VIOLATE THE EIGHT AMENDMENT. THE FINAL VOTE WAS 5-4.

Medical point of view

Before and after a chronic alcoholic him/her first drink and lose movement, they are capable of making the decision to drink in private or remove them selfs from public setting.

THEREFORE, CHRONIC ALCOHOLIC CAN
NOT SHIELD HIM, BECAUSE POWELL
FAILED TO TAKE PRECAUTIONS
AGAINST COMMITTING HIS CRIME.

WORK CITED

- ❑ "8th Amendment Legal Definition of 8th Amendment." The Free Dictionary. Farlex, n.d. Web. 26 Oct. 2016.
- ❑ "Kids." Eighth Amendment -. N.p., n.d. Web. 26 Oct. 2016.