



Written by [Joe Wolverton, II, J.D.](#) on November 23, 2011

## Connecticut Supreme Court Upholds Constitutionality of Death Penalty

In its ruling, the Connecticut Supreme Court affirmed the imposition of the death penalty on a defendant convicted of having murdered a 13-year-old boy by bludgeoning him with a sledgehammer.

The Associated Press [related the following details](#) of the horrendous crime committed by Todd Rizzo:



Rizzo confessed that he struck up a conversation with Stanley Edwards IV as the boy rode his bicycle by Rizzo's house in Waterbury on Sept. 30, 1997. Rizzo was an 18-year-old former Marine at the time. The seventh-grader knew and trusted Rizzo through Rizzo's job at a video store, and he followed Rizzo into Rizzo's backyard under the guise of hunting snakes, prosecutors said.

Rizzo told police that he then straddled Stanley "like a horse" and hit him 13 times with the 3-pound sledgehammer as the boy begged him to stop. Rizzo later told authorities that he was interested in serial killers and wanted to know what it felt like to kill somebody. He dumped the boy's body nearby.

The decisions (to uphold the death penalty and to allow the death of Rizzo) terminated the appeals of both issues filed by the convicted murderer. Legal counsel for Rizzo cited several challenges to their client's sentence to death row, including the constitutionality of state-sponsored killing of those convicted of capital crimes.

By a margin of 6-1, the Supreme Court of the Constitution State rejected the claims made by Rizzo.

Rizzo's public defenders listed nine grounds for appeal including the abuse their client reportedly suffered as a child. The 86-page decision written by Chief Justice Chase T. Rogers found in favor of the state on every one of the relevant issues.

The dissenting opinion was filed by Justice Flemming L. Norcott, Jr., who wrote, "The death penalty has no place in the jurisprudence of the state of Connecticut. [Has] our thirst for this ultimate penalty now been slaked, or do we, the people of Connecticut, continue down this increasingly lonesome road?" he asked rhetorically.

In the majority opinion, the death penalty was justified according to applicable articles of the Connecticut Constitution that authorize the sentence of death to be passed upon those convicted of listed capital crimes.



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The court held:

In article first, § 8, and article first, § 19, our state constitution makes repeated textual references to capital offenses and thus expressly sustains the constitutional validity of such a penalty in appropriate circumstances.

In dismissing the challenges made to the state's laws conforming to the U.S. Constitution, the majority ruled that the provisions of the state constitution that correspond to the Fifth, Sixth and Eighth Amendments [text] to the U.S. Constitution reveal that the death penalty as carried out by the state of Connecticut neither violates the Constitution's prohibition against "cruel and unusual punishment," nor the requirement that a person be given due process before being deprived of his life or liberty.

As [outlined](#) by *The Jurist*, the issue of the constitutionality of the death penalty continues to present itself in courtrooms around the country.

The death penalty continues to arouse legal, political and moral controversy nationwide. Two weeks ago, the US Supreme Court declined to hear the case of a Texas death row inmate who was allegedly convicted partially on the basis of race. Earlier in November, the Ohio Supreme Court announced that it was forming a committee to ensure that the death penalty was not administered arbitrarily. In March, Illinois abolished capital punishment, concluding that there was no way to rid the capital punishment system of its discriminatory flaws. In 2009, New Mexico repealed its death penalty on similar grounds to Illinois, asserting that the state could not possibly administer the death penalty impartially. In 2005, the Connecticut House of Representatives voted down legislation that would have eliminated the state's death penalty.

The decision of the Connecticut Supreme Court was made just in time, as there is a case pending before a jury in New Haven in which the body is tasked with deciding whether the death penalty should be imposed on Joshua Komisarjevsky, a man accused of killing a woman and her two daughters in a 2007 home invasion.

Legal scholars were anxiously awaiting the publication of the court's decision in the Rizzo case as they maintain that had the court ruled in favor of the appellant, the jury in the Komisarjevsky case would have been bound by that ruling.

The Associated Press also reported,

Rizzo was the first person sentenced to death under a 1995 change to state law that allows jurors in death penalty cases to weigh aggravating factors such as a crime's brutality against mitigating factors such as childhood abuse suffered by a defendant. A three-judge panel imposed the death sentence on Rizzo in 2005.

The chief prosecutor in the case was predictably pleased with the outcome of the appeal. "We're satisfied that the court did a thorough job and the decision was justified by the record," said Harry Weller. "We will continue to do what is necessary to ensure the judgments are affirmed."

Although they did not return calls for comment, it is likely that Rizzo's public defenders will file a writ of certiorari, a petition requesting that the U.S. Supreme Court hear the case.

In their challenge of the legality of the death penalty, Rizzo's lawyers argued that capital punishment failed to adequately serve the goals of deterrence, incapacitation, or rehabilitation. This position has been rejected previously by the Connecticut Supreme Court.

"As long as there remains powerful evidence of strong public support for the death penalty ... we will



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not attempt to discern a contrary view of the public will, or to answer complex policy questions best answered by the legislative process," wrote Chief Justice Chase T. Rogers.

Public support for the death penalty seems sufficiently strong as last March, a Quinnipiac University poll found that 67 percent of Connecticut registered voters favored the death penalty.

In a [poll taken](#) by the Gallup organization, since 1976 over 60 percent of Americans consistently have expressed their approval for the death penalty in cases of murder.

The Founding Fathers anticipated that the government would wield such a power (see, for example, the imposition of the death penalty as punishment for violating the [Coinage Act of 1792](#)). The problem becomes, however, that as government (federal or state) grows more autocratic, the number of criminals executed increases proportionally.

Finally, though there are few that would argue that a vile and vicious killer such as Rizzo doesn't deserve to die for his crimes, there is a growing trend on the part of the federal government to ["legally" kill those never prosecuted or convicted for any crime](#), capital or otherwise.

Photo of Todd Rizzo: AP Images



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