

## JUDICIAL ACTIVISM AND IRRATIONAL SENTENCING

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by  
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***Something is painfully wrong when a person with no prior record can receive a harsh sentence, but someone serving life cannot be penalized for the most barbaric new crimes because he is already permanently incarcerated for the worst depravity.***

[With no criminal record](#), Thomas Prusik Parkin recently was [sentenced](#) to serve a prison term of 14 to 41 years. His crime included having dressed in his mother's clothing to deceive others to believe she was still alive, so that he could maintain possession of her home, collect her social security checks (\$44,000) and receive [rental assistance](#) (\$65,000).

In isolation, Parkin deserves little sympathy, and no one should conclude from this that fraud is not a serious offense. But the Parkin sentence cannot be evaluated in a vacuum, especially when there does not appear to be a peep coming from those who shriek about "unfairness" to excuse and avoid punishment for repeat crimes, including rapes and murders, by the most violent and depraved fairly convicted recidivist criminals.

The fairness of the Parkin's sentence should be weighed against the shocking reality that judicial activists have [created](#) what they call a "constitutional right" for the most brutal and depraved criminals to commit new brutality free from any punishment whatsoever, ***precisely because*** they are the most brutal and depraved.

For select barbaric miscreants already serving life sentences, the death penalty for new crimes has been rendered unavailable, most especially by unaccountable high court judges and justices but also by elected officials contemptuous of the wishes and safety of their constituents. Obviously, if capital punishment cannot be imposed on someone already serving a life sentence for murder, there can be no additional punishment for new crimes he commits, no matter how many or how brutal. These are [Crimes Without Punishment](#).

For example, in 1977, the U.S. Supreme Court decreed that escapee Ehrlich Anthony Coker had a "constitutional right" to rape Elnita Carver, under threat of death, with no punishment at all, three weeks after she gave birth. The Court bestowed this right upon Coker as a reward for his having committed prior violent crimes including rape, attempted murder and actual murder. No further penalty could be imposed because he was already serving a life sentence; and the death penalty for rape was too harsh for the moral sensibilities of justices who had no qualms about misusing the Constitution to impose those sensibilities on everyone else. Coker could thus commit, at will, punishment-free rape and other violent crime without fear of paying any price. Later, the Supreme Court, other courts, governors and legislatures even decreed that some convicted murderers could torture and murder fellow inmates and prison guards without punishment.

By contrast, because Parkin had *no prior criminal record* and thus was *not already incarcerated* when he engaged in his criminal activity, he could be severely sentenced short of the death penalty. At age 52, his could be a life sentence, which very many murderers do not come close to serving.

Unsuspecting citizens unfamiliar with the courts might think that those with the worst records and crimes should and do receive the harshest sentences. Clearly, that is not the necessarily the case. Something is painfully wrong when a person with no prior record can receive a harsh sentence for a non-violent crime, but someone serving life cannot be penalized for the most barbaric new crimes because he is already permanently incarcerated for the worst depravity.

There is little basis for confidence in those responsible for what passes for the criminal "justice" system. These individuals or the people who appoint them should be held accountable in elections. The next election will be critical in this regard.

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*Lester Jackson, a former college teacher with a Political Science Ph.D., has written [articles](#) showing how the media has enabled the Supreme Court to undermine the death penalty. He views mainstream media misrepresentation and [suppression](#) of the truth as essential to harmful judicial activism.*

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