

## Capital

[\*Kansas v. Carr\*](#), 577 U.S. \_\_ (Jan. 20, 2016). (1) The Eighth Amendment does not require courts to instruct capital sentencing juries that mitigating circumstances “need not be proved beyond a reasonable doubt.” (2) The Eighth Amendment was not violated by a joint capital sentencing proceeding for two defendants. The Court reasoned, in part: “the Eighth Amendment is inapposite when each defendant’s claim is, at bottom, that the jury considered evidence that would not have been admitted in a severed proceeding, and that the joint trial clouded the jury’s consideration of mitigating evidence like ‘mercy.’”