

**SUPREME COURT OF LOUISIANA**

*NO. 96-KA-1392*

**STATE OF LOUISIANA**

**Versus**

**ANTHONY WILSON**

**APPEAL FROM CRIMINAL DISTRICT COURT  
PARISH OF ORLEANS**

**consolidated with**

*No. 96-KA-2076*

**STATE OF LOUISIANA**

**versus**

**PATRICK DEWAYNE BETHLEY**

**APPEAL FROM FOURTH JUDICIAL DISTRICT  
PARISH OF OUACHITA**

CALOGERO, Chief Justice, dissents.

No other state in the union imposes the death penalty for the aggravated rape of a child under twelve years of age. The reason for this, in my view, is that the statute fails constitutional scrutiny under the decisions of the United States Supreme Court in Coker v. Georgia, 433 U.S. 584 (1977), Furman v. Georgia, 408 U.S. 238 (1972), and Gregg v. Georgia, 428 U.S. 153 (1976). I therefore dissent and would hold R.S. 14:42(C) facially unconstitutional under the Eighth Amendment to the United States Constitution.