

FEAR OF JUDGING

SENTENCING GUIDELINES IN THE FEDERAL COURTS



KATE STITH AND JOSÉ A. CABRANES

Fear Of Judging Sentencing Guidelines In The Federal Courts

Aspen Publishers Editorial Staff



Fear Of Judging Sentencing Guidelines In The Federal Courts:

Fear of Judging Kate Stith, José A. Cabranes, 1998-10 For two centuries federal judges exercised wide discretion in criminal sentencing In 1987 a complex bureaucratic apparatus termed Sentencing Guidelines was imposed on federal courts FEAR OF JUDGING is the first full scale history analysis and critique of the new sentencing regime arguing that it sacrifices comprehensibility and common sense *Federal Probation*, 1998 **Sentencing Guidelines** Andrew Ashworth, Julian V. Roberts, 2013-07-18 The politics of criminal sentencing has recently crystallised around the issue of whether and how a system of structured sentencing should inform judicial approaches to punishing criminals Increasingly structured sentencing guidelines are being introduced to frame judicial discretion This volume is the first to examine the experience in England and Wales in the light of international developments This collection of essays begins with a clear and concise history of the guidelines as well as a description of how they function Topics addressed include the effect of guidelines on judicial practice the role of public opinion in developing sentencing guidelines the role of the crime victim in sentencing guidelines and the use of guidelines by practicing barristers In addition the international dimension offers a comparative perspective the English guidelines are explored by leading academics from the United States and New Zealand Although there is a vast literature on sentencing guidelines across the United States the English guidelines have attracted almost no attention from scholars As other jurisdictions look to introduce more structure to sentencing the English scheme offers a real alternative to current US schemes Contributors include practicing lawyers legal and socio legal academics and also scholars from several other countries including New Zealand and the United States providing a multidisciplinary and cross jurisdictional approach to sentencing This book will be of interest to academics from law sociology and criminology legal practitioners and indeed anyone else with an interest in sentencing around the world *Handbook on Sentencing Policies and Practices in the 21st Century* Cassia Spohn, Pauline Brennan, 2019-06-14 *Sentencing Policies and Practices in the 21st Century* focuses on the evolution and consequences of sentencing policies and practices with sentencing broadly defined to include plea bargaining judicial and juror decision making and alternatives to incarceration including participation in problem solving courts This collection of essays and reports of original research explores how sentencing policies and practices both in the United States and internationally have evolved explores important issues raised by guideline and non guideline sentencing and provides an overview of recent research on plea bargaining in the United States Australia and the United Kingdom Other topics include the role of criminal history in sentencing the past and future of capital punishment strategies for reducing mass incarceration problem solving courts and restorative justice practices Each chapter summarizes what is known identifies the gaps in the research and discusses the theoretical empirical and policy implications of the research findings The volume is grounded in current knowledge about the specific topics but also presents new material that reflects the thinking of the leading minds in the field and that outlines a research agenda for the future This is Volume 4 of the American Society of Criminology s

Division on Corrections and Sentencing handbook series Previous volumes focused on risk assessment disparities in punishment and the consequences of punishment decisions The handbooks provide a comprehensive overview of these topics for scholars students practitioners and policymakers **The Oxford Handbook of Criminal Law** Markus D

Dubber, Tatjana Hörnle, 2014-11-27 The Oxford Handbook of Criminal Law reflects the continued transformation of criminal law into a global discipline providing scholars with a comprehensive international resource a common point of entry into cutting edge contemporary research and a snapshot of the state and scope of the field To this end the Handbook takes a broad approach to its subject matter disciplinarily geographically and systematically Its contributors include current and future research leaders representing a variety of legal systems methodologies areas of expertise and research agendas The Handbook is divided into four parts Approaches Methods I Systems Methods II Aspects Issues III and Contexts Comparisons IV Part I includes essays exploring various methodological approaches to criminal law such as criminology feminist studies and history Part II provides an overview of systems or models of criminal law laying the foundation for further inquiry into specific conceptions of criminal law as well as for comparative analysis such as Islamic Marxist and military law Part III covers the three aspects of the penal process the definition of norms and principles of liability substantive criminal law along with a less detailed treatment of the imposition of norms criminal procedure and the infliction of sanctions prison law Contributors consider the basic topics traditionally addressed in scholarship on the general and special parts of the substantive criminal law such as jurisdiction mens rea justifications and excuses Part IV places criminal law in context both domestically and transnationally by exploring the contrasts between criminal law and other species of law and state power and by investigating criminal law's place in the projects of comparative law transnational and international law The Psychology and Law of Criminal Justice Processes Roger J. R. Levesque, 2006 Psychological science now reveals much about the law's response to crime This is the first text to bridge both fields as it presents psychological research and theory relevant to each phase of criminal justice processes The materials are divided into three parts that follow a comprehensive introduction The introduction analyses the major legal themes and values that guide criminal justice processes and points to the many psychological issues they raise Part I examines how the legal system investigates and apprehends criminal suspects Topics range from the identification searching and seizing to the questioning of suspects Part II focuses on how the legal system establishes guilt To do so it centres on the process of bargaining and pleading cases assembling juries providing expert witnesses and considering defendants mental states Part III focuses on the disposition of cases Namely that part highlights the process of sentencing defendants predicting criminal tendencies treating and controlling offenders and determining eligibility for such extreme punishments as the death penalty The format seeks to give readers a feeling for the entire criminal justice process and for the role psychological science has and can play in it *Almanac of the Federal Judiciary* Aspen Publishers Editorial Staff, 1995-12-31 The Almanac of the Federal Judiciary has built its considerable

reputation by providing balanced responsible judicial profiles of every federal judge and all the key bankruptcy judges and magistrate judges profiles that include reliable inside information based on interviews with lawyers who have argued cases before the federal judiciary Containing valuable hard to find material on every federal trial judge and appellate judge in the nation this unique resource includes Each judge s academic and professional background experience on the bench noteworthy rulings and media coverage Candid revealing commentary by lawyers based on first hand experiences before their local federal judges Helpful tips for your litigating team in shaping case strategy Important insights into each judge s style demeanor knowledge and management of courtroom proceedings And continuing in depth research with semiannual updates The Almanac of the Federal Judiciary is divided into two volumes Volume 1 District Magistrates and Bankruptcy Judges Volume 2 Circuit Judges *Debates on the Federal Judiciary: A Documentary History Volume III: 1939-2005* ,

Harsh Justice James Q. Whitman,2005-04-14 Criminal punishment in America is harsh and degrading more so than anywhere else in the liberal west Executions and long prison terms are commonplace in America Countries like France and Germany by contrast are systematically mild European offenders are rarely sent to prison and when they are they serve far shorter terms than their American counterparts Why is America so comparatively harsh In this novel work of comparative legal history James Whitman argues that the answer lies in America s triumphant embrace of a non hierarchical social system and distrust of state power which have contributed to a law of punishment that is more willing to degrade offenders *The Challenge of Crime* Henry Ruth,Kevin R. Reitz,2006-03-31 Rejecting traditional liberal and conservative outlooks this book examines the history scope and effects of the revolution in America s response to crime since 1970 Henry Ruth and Kevin Reitz offer a comprehensive long term pragmatic approach to increase public understanding of and find improvements in the nation s response to crime 21st Century Criminology: A Reference Handbook J. Mitchell Miller,2009-08-06 Criminology has experienced tremendous growth over the last few decades evident in part by the widespread popularity and increased enrollment in criminology and criminal justice departments at the undergraduate and graduate levels across the U S and internationally Evolutionary paradigmatic shift has accompanied this surge in definitional disciplinary and pragmatic terms Though long identified as a leading sociological specialty area criminology has emerged as a stand alone discipline in its own right one that continues to grow and is clearly here to stay Criminology today remains inherently theoretical but is also far more applied in focus and thus more connected to the academic and practitioner concerns of criminal justice and related professional service fields Contemporary criminology is also increasingly interdisciplinary and thus features a broad variety of ideological orientations to and perspectives on the causes effects and responses to crime 21st Century Criminology A Reference Handbook provides straightforward and definitive overviews of 100 key topics comprising traditional criminology and its modern outgrowths The individual chapters have been designed to serve as a first look reference source for most criminological inquires Both connected to the sociological origins of criminology i e theory and research methods and the

justice systems response to crime and related social problems as well as coverage of major crime types this two volume set offers a comprehensive overview of the current state of criminology From student term papers and masters theses to researchers commencing literature reviews 21st Century Criminology is a ready source from which to quickly access authoritative knowledge on a range of key issues and topics central to contemporary criminology This two volume set in the SAGE 21st Century Reference Series is intended to provide undergraduate majors with an authoritative reference source that will serve their research needs with more detailed information than encyclopedia entries but not so much jargon detail or density as a journal article or research handbook chapter 100 entries or mini chapters highlight the most important topics issues questions and debates any student obtaining a degree in this field ought to have mastered for effectiveness in the 21st century Curricular driven chapters provide students with initial footholds on topics of interest in researching term papers in preparing for GREs in consulting to determine directions to take in pursuing a senior thesis graduate degree career etc Comprehensive in coverage major sections include The Discipline of Criminology Correlates of Crime Theories of Crime Justice Measurement Research Types of Crime and Crime the Justice System The contributor group is comprised of well known figures and emerging young scholars who provide authoritative overviews coupled with insightful discussion that will quickly familiarize researchers students and general readers alike with fundamental and detailed information for each topic Uniform chapter structure makes it easy for students to locate key information with most chapters following a format of Introduction Theory Methods Applications Comparison Future Directions Summary Bibliography Suggestions for Further Reading and Cross References Availability in print and electronic formats provides students with convenient easy access wherever they may be

Reform and Punishment Sue Rex, Michael Tonry, 2012-12-06 In this book a group of leading authorities in the field address the key issues surrounding the future of sentencing in Britain in the light particularly of the highly influential Halliday Report These proposals for reform amount to the single most ambitious and comprehensive set of proposals for reconstituting the sentencing system of a common law country and include proposals to replace existing sentencing statutes the establishment of a sentencing commission and sentencing guidelines and the creation of a sentence review function in the judiciary As well as addressing the major issues of the Halliday Report the chapters in this book go beyond this to explore the broader set of policy problems and implications which are raised drawing upon experiences of reform in other jurisdictions and contexts particularly that of the USA This book will be essential reading for anybody with an interest in the future of sentencing or the future direction of the criminal justice system as a whole

The Oxford Handbook of Prisons and Imprisonment John D. Wooldredge, Paula Smith, 2018-03-09 Research on prisons prior to the prison boom of the 1980s and 1990s focused mainly on inmate subcultures inmate rights and sociological interpretations of inmate and guard adaptations to their environment with qualitative studies and ethnographic methods the norm In recent years research has expanded considerably to issues related to inmates mental health suicide managing special types of offenders risk

assessment and evidence based treatment programs The Oxford Handbook of Prisons and Imprisonment provides the only single source that bridges social scientific and behavioral perspectives providing graduate students with a more comprehensive understanding of the topic academics with a body of knowledge that will more effectively inform their own research and practitioners with an overview of evidence based best practices Across thirty chapters leading contributors offer new ideas critical treatments of substantive topics with theoretical and policy implications and comprehensive literature reviews that reflect cumulative knowledge on what works and what doesn't The Handbook covers critical topics in the field some of which include recent trends in imprisonment prison gangs inmate victimization the use and impact of restrictive housing unique problems faced by women in prison special offender populations risk assessment and treatment effectiveness prisoner re entry and privatization The Oxford Handbook of Prisons and Imprisonment offers a rich source of information on the current state of institutional corrections around the world on issues facing both inmates and prison staff and on how those issues may impede or facilitate the various goals of incarceration

The Supreme Court's Role in Mass Incarceration William T. Pizzi, 2020-09-17 The Supreme Court's Role in Mass Incarceration illuminates the role of the United States Supreme Court's criminal procedure revolution as a contributing factor to the rise in U.S. incarceration rates Noting that the increase in mass incarceration began climbing just after the Warren Court years and continued to climb for the next four decades despite the substantial decline in the crime rate the author posits that part of the explanation is the Court's failure to understand that a trial system with robust rights for defendants is not a strong trial system unless it is also reliable and efficient There have been many explanations offered for the sudden and steep escalation in the U.S. incarceration rate such as it was the war on drugs to it was our harsh sentencing statutes Those explanations have been shown to be inadequate This book contends that we have overlooked a more powerful force in the rise of our incarceration rate the long line of Supreme Court decisions starting in the Warren Court era that made the criminal justice system so complicated and expensive that it no longer serves to protect defendants For the vast majority of defendants their constitutional rights are irrelevant as they are forced to accept plea bargains or face the prospect of a comparatively harsh sentence if convicted The prospect of a trial once an important restraint on prosecutors in charging has disappeared and plea bargaining rules This book is essential reading for both graduate and undergraduate students in corrections and criminal justice courses as well as judges attorneys and others working in the criminal justice system

The Oxford Handbook of Prosecutors and Prosecution Ronald F. Wright, Kay L. Levine, Russell M. Gold, 2021-04-30 This book brings together the work of legal scholars sociologists criminologists political scientists and law reformers to better understand a pivotal actor in the criminal legal systems all around the world the prosecutor Scholarship focusing on prosecutors in particular has begun to emerge as its own sub discipline within criminal law and this book surveys the many different strands of that work underscoring the diversity among prosecutors around the world The chapters reveal the ordinary conduct of the prosecutor at various stages

of criminal proceedings the various interactions of prosecutors with local communities and other governmental actors and the distinctive habits and concerns that arise for prosecutors in specialized settings such as juvenile justice and immigration

Research Handbook on the Punishment of Atrocity Crimes Róisín Mulgrew, Mikkel J. Christensen, 2024-11-08 This Research Handbook examines the punishment of atrocity crime and presents a wide ranging critique of post conviction law policy and practice With a team of expert contributing authors Róisín Mulgrew and Mikkel Jarle Christensen provide insights into the impact and implications of punishment models strategies and frameworks

The Oxford Handbook of Crime and Criminal Justice Michael Tonry, 2011-09-29 A comprehensive and accessible overview of the operation of the American criminal justice system This handbook's extensive coverage of the criminal justice system in the U S makes it an important reference for students and scholars in criminal justice law and public policy

Critical Issues in Crime and Justice: Thought, Policy, and Practice Mary Maguire, 2011 This text provides a comprehensive overview of the criminal justice and criminology curriculum through contributed essays designed to review and expand upon key areas of study The text will explore and examine theory cases laws and policies as they have been shaped by a larger social cultural and historical context Topics span the gamut of the Criminal Justice and Criminology curriculum including crime theory law enforcement jurisprudence corrections and organizations

Battleground: Criminal Justice Gregg Barak, 2007-10-30 There are many controversial aspects of our criminal justice system and this encyclopedia examines the most significant controversies throughout American history with emphasis on current debates trends and issues Arranged alphabetically approximately 100 entries cover background explanations notable cases and events various sides of an issue and what to expect in the future Entries are objective and factual allowing readers to formulate their own conclusions Sidebars and case examples help to illustrate each entry and sources for further reading point readers to other important materials Given the prevalence of controversial criminal justice topics in the news this timely reference is an important resource for anyone interested in crime and justice Entries include Boot Camps Corporal Punishment DNA Evidence Domestic Violence Expert Testimony Eye Witness Identifications Gun Control Homeland Security International Criminal Court Legalization of Marijuana Mental Health and Insanity Police Brutality Prison Violence Racial Profiling School Violence Sex Offender Laws Stalking Laws Supermax Prisons Three Strikes Treating Juveniles as Adults War on Drugs and more

Hard Bargains Mona Lynch, 2016-11-01 The convergence of tough on crime politics stiffer sentencing laws and jurisdictional expansion in the 1970s and 1980s increased the powers of federal prosecutors in unprecedented ways In *Hard Bargains* social psychologist Mona Lynch investigates the increased power of these prosecutors in our age of mass incarceration Lynch documents how prosecutors use punitive federal drug laws to coerce guilty pleas and obtain long prison sentences for defendants particularly those who are African American and exposes deep injustices in the federal courts As a result of the War on Drugs the number of drug cases prosecuted each year in federal courts has increased fivefold since 1980 Lynch goes behind the scenes in three federal court

districts and finds that federal prosecutors have considerable discretion in adjudicating these cases Federal drug laws are wielded differently in each district but with such force to overwhelm defendants ability to assert their rights For drug defendants with prior convictions the stakes are even higher since prosecutors can file charges that incur lengthy prison sentences including life in prison without parole Through extensive field research Lynch finds that prosecutors frequently use the threat of extremely severe sentences to compel defendants to plead guilty rather than go to trial and risk much harsher punishment Lynch also shows that the highly discretionary ways in which federal prosecutors work with law enforcement have led to significant racial disparities in federal courts For instance most federal charges for crack cocaine offenses are brought against African Americans even though whites are more likely to use crack In addition Latinos are increasingly entering the federal system as a result of aggressive immigration crackdowns that also target illicit drugs Hard Bargains provides an incisive and revealing look at how legal reforms over the last five decades have shifted excessive authority to federal prosecutors resulting in the erosion of defendants rights and extreme sentences for those convicted Lynch proposes a broad overhaul of the federal criminal justice system to restore the balance of power and retreat from the punitive indulgences of the War on Drugs

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