

# Sentencing Law

Spring 2014      Professor Douglas A. Berman

## Early Class Questionnaire

You need not put your name on this form, and your efforts will not be graded in any way. However, I am going to ask you to turn in this form ASAP, and I would appreciate deliberate and thoughtful responses. To effectively complete this form, you should first read pp. 1-17, 26-36, 46-47 in the textbook.

### Theories of Punishment

Based on your view of their relative importance when ascribing criminal sentences, please rank the justifications for punishment listed below (which are discussed at pp. 2-17 in the text). In other words, if you consider rehabilitation to be the most important reason for punishment, followed by deterrence and then other rationales, put a 1 next to rehabilitation, a 2 next to deterrence, and so on.

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|---|----------------------|
| _____ Deterrence (general and specific) | _____ Rehabilitation |
| _____ Education                         | _____ Restitution    |
| _____ Incapacitation                    | _____ Retribution    |

Especially concerning the classic utilitarian rationales for punishment (i.e., deterrence, incapacitation and rehabilitation), consider to what extent the above ranking is influenced by your views about the efficacy of punishment. How much, for example, is your ranking of rehabilitation influenced by your own sense of the ability of punishment to reform criminal offenders? Put slightly differently, might you prioritize the justifications for punishment differently if you knew a particular punishment was especially effective in deterring, or incapacitating, or rehabilitating certain offenders?

### Practices of Punishment

The text at p. 34 provides some very basic statistics on offenders, sentencing and punishment.

Which of these statistics do you find the most surprising? \_\_\_\_\_

\_\_\_\_\_

Which of these statistics do you find the most disturbing? \_\_\_\_\_

\_\_\_\_\_

## Arguments Surrounding Capital Punishment

Do you consider yourself for or against the death penalty? \_\_\_\_\_

What do you consider the best argument(s) in favor of capital punishment?

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What do you consider the best argument(s) against capital punishment?

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## Ascribing Sentences

The text at pp. 10-12 and 46-47 provides very brief case histories for two offenders. After reviewing these histories and remaining mindful of the theoretical justifications for punishment, suggest a specific sentence for each offender. In addition, please briefly explain your reasons for the suggested sentence.

**Casebook Problem 1-1: Richard Graves: Guilty of Sexual Intercourse w/o Consent**

Suggested precise sentence: \_\_\_\_\_

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Basic reasons for this sentence: \_\_\_\_\_

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**Casebook Problem 1-3: John Thompson: Guilty of Distributing Cocaine Base (crack)**

Suggested precise sentence: \_\_\_\_\_

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Basic reasons for this sentence: \_\_\_\_\_

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