What happens after a defendant is convicted of a crime

Sentencing Basics
- Basic definition
- Laws guide sentencing. Judges must use sentencing laws when they pass a sentence.
  - Sentencing laws are created by our elected officials. They can (and do) change with political pressure.
- Costs and Benefits to any social policy

“Goals” of Sentencing
- Retribution – retribution vs. revenge or vengeance
- Incapacitation
- Deterrence – Specific and General Deterrence
- Rehabilitation
- Restoration

Sentences are Socially Constructed
- Criminal sentences Judges can give are determined by laws – they don’t make them up!
- Sentencing laws are made by legislatures
- Legislatures are humans elected via the political process
- Political views change over time!!!
- Thus sentences are socially constructed

Basic Sentencing Options
- Fines – monetary payment
- Imprisonment – “locked up”
- Probation – “restricted release”
- Death Penalty – “state sponsored execution”

Fines
- Various Supreme Court rulings
  - can’t be held over max sentence just to pay fine
  - fines and jail decision can’t be based upon “ability to pay”
  - can’t revoke probation due to inability to pay fine
- “Day Fines”
Incarceration Sentences
- Indeterminate Sentencing
  - allows for some discretion
  - judge sets min. and max. (i.e. 2-4 years)
- Determinate Sentencing
  - no discretion in terms of min. time
  - sometimes parole is allowed
  - “Mandatory Minimums”
- Definite Sentencing
  - same as determinate but no possibility of parole
  - true “flat” or fixed” sentence like “3 strikes & yer out”

The Sentencing Process
- At Sentencing Hearing Judge typically hears “pre-sentence report” and from defendant
- Concurrent vs. Consecutive Sentences