

7. In the majority of felony cases sentencing is generally based on the information available to the:
- a. probation officer
 - b. jury
 - c. judge
 - d. media

ANS: C REF: 37 OBJ: 1

8. One or more sentences imposed at the same time and served simultaneously are called:
- a. consecutive sentences
 - b. concurrent sentences
 - c. mandatory minimum sentences
 - d. sentencing sanctions

ANS: B REF: 37 OBJ: 1

9. One or more sentences imposed at the same time and served one after the other are called:
- a. consecutive sentences
 - b. concurrent sentences
 - c. mandatory minimum sentences
 - d. sentencing sanctions

ANS: A REF: 37 OBJ: 1

10. The various types of sentences that can be awarded by the courts are called:
- a. sentencing sanctions
 - b. sentencing choices
 - c. sentencing alternatives
 - d. sentencing options

ANS: A REF: 39 OBJ: 1

11. Concurrent and consecutive sentences differ in:
- a. amount of good time
 - b. severity of punishment
 - c. length of time to serve
 - d. fairness of sentences

ANS: C REF: 37 OBJ: 1

12. In many jurisdictions, prisoners' sentences are reduced by about half. This is known as:
- a. offender volunteer program
 - b. presumptive sentence
 - c. mandatory sentence
 - d. good time

ANS: D REF: 38 OBJ: 1

13. The purposes of sentencing have shifted:
- a. from an emphasis on utilitarian aims toward a greater focus on appropriate punishment proportionate to the harm done
 - b. from an emphasis on proportionate punishments to an emphasis on utilitarian aims
 - c. from an emphasis on just deserts to rehabilitation
 - d. from an emphasis on restoration to rehabilitation

ANS: A REF: 40 OBJ: 1

Test Bank

14. Release after serving the required minimum portion of the sentence is a(n):
- a. indeterminate sentence
 - b. determinate sentence
 - c. presumptive sentence
 - d. three strikes

ANS: A REF: 40 OBJ: 2

15. Which type of sentence permits flexibility both in the type of sentences that are imposed and in the length of time that has to be served?
- a. indeterminate sentence
 - b. determinate sentence
 - c. presumptive sentence
 - d. three strikes

ANS: A REF: 40 OBJ: 2

16. Sentences with a fixed term of years to serve are:
- a. indeterminate ones
 - b. determinate ones
 - c. predictive ones
 - d. good time ones

ANS: B REF: 41 OBJ: 2

17. The most widely used type of sentence today is:
- a. mandatory
 - b. determinate
 - c. indeterminate
 - d. presumptive

ANS: C REF: 41 OBJ: 2

18. These are intended to ensure fair sentencing by ending the reduction of terms in prison by grants of parole, ensuring that persons committing similar crimes serve similar terms, and ensuring that sentences reflect the severity of the criminal conduct.
- a. concurrent sentences
 - b. determinate sentencing
 - c. sentencing guidelines
 - d. sentencing fairness

ANS: C REF: 41 OBJ: 3

19. Which of the following was not one of the first states to develop presumptive sentencing guidelines?
- a. Florida
 - b. Pennsylvania
 - c. Texas
 - d. Washington

ANS: C REF: 41-42 OBJ: 3

20. Which of the following is not a goal of structured sentencing?
- a. To regulate sentence length
 - b. To curb judicial discretion
 - c. To make sentencing more rational
 - d. To increase gender disparity

ANS: D REF: 41 OBJ: 3

21. Sentencing guidelines are:
- a. Often perceived as an improper interference with the role of the judiciary
 - b. opposed by respected judges
 - c. both a and b
 - d. none of these choices

ANS: D REF: 42 OBJ: 3

22. When did federal sentencing guidelines emerge?
- a. 1960s
 - b. 1970s
 - c. 1980s
 - d. 1990s

ANS: C REF: 43 OBJ: 4

23. Which of the following is not a reason why the federal sentencing guidelines have been criticized?
- a. Prosecutors have little use for them because of their harshness and because they shift sentencing authority to judges.
 - b. They were developed with insufficient attention paid to either ethical considerations of basic justice or basic concerns about their efforts on prison populations.
 - c. They are bias against African Americans and Hispanics even though they have the goal or removing discrimination from the sentencing process.
 - d. Defense attorneys believe they result in longer prison terms and prevent judges from considering mitigating circumstances.

ANS: A REF: 43 OBJ: 4

24. Which Supreme Court case held that federal sentencing guidelines can be taken into consideration by federal judges but that they no longer had to be regarded as mandatory?
- a. *Blakely v. Washington*
 - b. *United States v. Booker*
 - c. *Harmelin v. Michigan*
 - d. *Rita v. United States*

ANS: B REF: 44 OBJ: 4

25. The sentence requiring a certain number of years of incarceration for particular crimes is a:
- a. mandatory minimum sentence
 - b. indeterminate sentence
 - c. concurrent sentence
 - d. consecutive sentence

ANS: A REF: 44 OBJ: 4

26. Mandatory life sentences for repeat offenders are popular in many states. These laws are known as:
- a. indeterminate sentences
 - b. determinate sentences
 - c. three strikes
 - d. presumptive sentences

ANS: C REF: 45 OBJ: 4

Test Bank

27. _____ contribute to overcrowding and longer sentences.
- a. Sentencing guidelines
 - b. Three strikes laws
 - c. Truth in sentencing laws
 - d. All of these choices

ANS: D REF: 46 OBJ: 5

28. Which law authorized funding for additional state prisons and jails in order to ensure that convicted offenders serve a large portion of their sentence?
- a. The Anti-Drug Abuse Act
 - b. The Violent Crime Control and Law Enforcement Act
 - c. The Firearm Owner's Protection Act
 - d. The Sentencing Reform Act

ANS: B REF: 46 OBJ: 5

29. Which act created the U.S. Sentencing Commission?
- a. The Anti-Drug Abuse Act
 - b. The Violent Crime Control and Law Enforcement Act
 - c. The Firearm Owner's Protection Act
 - d. The Sentencing Reform Act

ANS: D REF: 47 OBJ: 5

30. With the rise of truth-in-sentencing laws, more and more inmates were sentenced to prison and required to serve what percentage of their sentence?
- a. 35%
 - b. 50%
 - c. 85%
 - d. 95%

ANS: C REF: 48 OBJ: 6

31. What is appropriate for a judge to consider in making a sentencing decision?
- a. defendant's prior record
 - b. defendant's age
 - c. defendant's race
 - d. defendant's income

ANS: A REF: 48 OBJ: 6

32. Disparities in sentencing often occur due to:
- a. social status
 - b. race
 - c. gender
 - d. all of these choices

ANS: D REF: 49 OBJ: 6

33. Most citizens are interested in offenders serving most of their imposed sentence in prison. This is known as:
- a. truth-in-sentencing
 - b. presumptive sentencing
 - c. indeterminate sentencing
 - d. sentencing guidelines

ANS: A REF: 46 OBJ: 5

34. Those offenders who are convicted of drug offenses and those who are unable to secure pre-trial release are mostly:
- a. Whites
 - b. Women
 - c. minorities
 - d. teen-agers

ANS: C REF: 49 OBJ: 6

35. Individuals who are more dangerous and more likely to be repeat offenders are referred to as:
- a. social dynamite
 - b. social misfits
 - c. social parasites
 - d. social venom

ANS: A REF: 50 OBJ: 6

SCENARIO BASED

Case 2-1

Scott was arrested for the crimes of aggravated assault and possession of a firearm by a convicted felon. Scott was previously convicted of burglary, theft, assault, and several drug offenses. He previously served a one year prison sentence for the burglary conviction. Scott was only out of prison 4 months before he was arrested on these new charges. Prior to his first prison sentence, Scott was on probation for his theft, assault, and drug charges. NARREND:

36. Who will be responsible for enforcing the criminal law by trying to obtain a conviction against Scott for the crime of aggravated assault?
- a. The prosecutor
 - b. The judge
 - c. The probation officer
 - d. The jury

ANS: A REF: 35 OBJ: 1

37. If the case against Scott goes to trial, who will rule on the appropriateness of conduct, settle questions of evidence, and guide the questioning of witnesses?
- a. The prosecutor
 - b. The judge
 - c. The probation officer
 - d. The jury

ANS: B REF: 36 OBJ: 1

Test Bank

38. Assuming that Scott is found guilty, prior to sentencing, who would conduct a presentence investigation?
- a. The prosecutor
 - b. The judge
 - c. The probation officer
 - d. The jury

ANS: C REF: 37 OBJ: 1

39. Scott decided that he was going to reject the plea deal offered by the prosecutor of two years in prison. Instead he opts for a trial where he is found guilty by a jury after 2 hours of deliberation. The judge imposes a four year sentence for the aggravated assault and a one year sentence for the possession of a firearm by a convicted felon. The judge informs Scott that the sentences will be imposed at the same time but they will be served one after the other. Therefore, Scott must serve five years in state prison. What type of sentences will Scott be serving?
- a. concurrent sentences
 - b. consecutive sentences
 - c. simultaneous sentences
 - d. specific sentences

ANS: B REF: 37 OBJ: 1

40. Scott's five year sentence is for a definite term of five years. This is the maximum sentenced set in law by the legislature. What type of sentence will Scott be serving?
- a. mandatory
 - b. determinate
 - c. indeterminate
 - d. presumptive

ANS: B REF: 41 OBJ: 2

Case 2-2

Governor Smith is concerned with the crime rates in his state. He calls a special session of his cabinet and also contacts a few of the state senators to initiate a special session of Congress. Governor Smith wants to specifically address his states sentencing strategies. NARREND:

41. Currently, the state uses sentencing where the offender can be released early from a correctional institution if he or she has served a required minimum portion of his or her sentence. This type of sentence is known as:
- a. Mandatory minimum sentencing
 - b. Determinate sentencing
 - c. Indeterminate sentencing
 - d. Presumptive sentencing

ANS: C REF: 40 OBJ: 2

42. The lawmakers believe that the legislature should set the penalties for criminal acts. This type of sentencing is known as:
- a. Mandatory minimum sentencing
 - b. Determinate sentencing
 - c. Indeterminate sentencing
 - d. Presumptive sentencing

ANS: D REF: 41 OBJ: 3

43. The lawmakers have their differences of opinion. One thing they certainly agree on is the fact that there are particular crimes with specific circumstances where the offender should serve time in prison. Specifically, the legislature wants to prohibit any defendant convicted of the crimes of aggravated assault, sexual assault, and any manslaughter or murder charge from being placed on probation. This type of sentence is referred to as:
- a. Mandatory minimum sentencing
 - b. Determinate sentencing
 - c. Indeterminate sentencing
 - d. Presumptive sentencing

ANS: A REF: 44 OBJ: 4

44. Governor Smith is particularly concerned with the fact that offenders are sentenced to a specific amount of time in prison but are being released well before their sentence expires. He wants to enact a law that requires offenders in his state to serve a substantial portion of their sentences. He is hopeful that these new laws will reduce the discrepancy between the sentence imposed and the actual time served in prison. These laws are known as:
- a. Mandatory minimum sentencing laws
 - b. Truth in sentencing laws
 - c. Capital sentencing laws
 - d. Three strike laws

ANS: B REF: 46 OBJ: 5

45. After a review of all the sentences imposed during the prior year, Governor Smith is concerned that judges are too influenced by nonlegal factors in determining the appropriate sentence. Which of the following would not be considered a nonlegal factor?
- a. Age
 - b. Gender
 - c. Social Class
 - d. Severity of the offense

ANS: D REF: 48 OBJ: 6

TRUE/FALSE

1. There has been a transfer of power in the courts that has undercut the formal court process with a more informal system shaped by backroom deals and agreements.

ANS: T REF: 35 OBJ: 1

2. Before sentencing takes place in felony cases, it is common for the prosecutor to conduct a presentence investigation.

ANS: F REF: 37 OBJ: 1

3. Consecutive sentences are usually the norm.

ANS: F REF: 37 OBJ: 1

Test Bank

4. A sentence of 1 to 15 years is an example of an indeterminate sentence.
ANS: T REF: 40 OBJ: 2
5. Determinate sentencing reform has been implemented in every state.
ANS: F REF: 41 OBJ: 2
6. Under presumptive sentencing guidelines the governor sets the penalties for criminal acts.
ANS: F REF: 41 OBJ: 3
7. Under the Comprehensive Crime Control Act, federal sentencing guidelines were established and parole was abolished.
ANS: T REF: 42 OBJ: 4
8. If a judge wants to depart from the federal sentencing guidelines he or she must justify that departure in writing.
ANS: T REF: 43 OBJ: 4
9. Recent Supreme Court decisions ruled that federal sentencing guidelines are always mandatory.
ANS: F REF: 44 OBJ: 4
10. Under mandatory minimum sentencing policies the legislature may prohibit defendants convicted of certain violent crimes from being placed on probation.
ANS: T REF: 44 OBJ: 4
11. Three-strike laws have contributed to overcrowded prisons.
ANS: T REF: 46 OBJ: 5
12. More than one million adults are convicted of felonies each year.
ANS: T REF: 47 OBJ: 5
13. Sentences given by state and federal courts have traditionally been short in the United States.
ANS: F REF: 47 OBJ: 6
14. All violent felons receive very long prison sentences.
ANS: F REF: 47 OBJ: 6

15. It is appropriate for judges to consider a defendant's prior record in making their sentencing decision.

ANS: T REF: 48 OBJ: 6

COMPLETION

1. In recent years, _____ have gained greater leverage to extract guilty pleas from defendants.

ANS: prosecutors

REF: 35 OBJ: 1

2. The _____ formally charges the jury by instructing its members on what points of law and evidence they must consider before reaching a decision of guilty or innocent.

ANS: judge

REF: 36 OBJ: 1

3. The _____ can become a useful tool when an offender is placed on probation by helping to shape treatment and supervision efforts.

ANS: presentence investigation

REF: 37 OBJ: 1

4. A _____ sentence is one or more sentences imposed at the same time and served simultaneously.

ANS: concurrent

REF: 37 OBJ: 1

5. A _____ sentence is when one or more sentences are imposed at the same time and are served one after another.

ANS: consecutive

REF: 37 OBJ: 1

Test Bank

6. If prisoners become involved in serious disciplinary offenses or attempt to escape, they can lose their _____.

ANS: good time.

REF: 39 OBJ: 1

7. In _____ the Court held that guidelines could be taken into consideration by federal judges but that they no longer had to be regarded as mandatory.

ANS: *United States v. Booker*

REF: 44 OBJ: 4

8. _____ is the beginning of the correctional process once an offender has been convicted.

ANS: Sentencing

REF: 39 OBJ: 2

9. When early release occurs after an offender serves a minimum portion of the sentence, the sentence is _____.

ANS: indeterminate

REF: 40 OBJ: 2

10. _____ sentencing imposes a sentence for a definite term.

ANS: Determinate

REF: 41 OBJ: 2

11. _____ give judges a recommended sentence based on the seriousness of a crime and the background of an offender.

ANS: Sentencing guidelines

REF: 41 OBJ: 3

12. A form of sentencing in which the legislature sets the penalties for criminal acts is _____.

ANS: presumptive sentencing.

REF: 41 OBJ: 3

13. In the case of _____, the Supreme Court found that Washington State's sentencing guidelines violated a defendant's Sixth Amendment rights because they permitted a judge to consider aggravating factors that would increase the sentence.

ANS: *Blake v. Washington*

REF: 43 OBJ: 4

14. Many states have enacted _____ laws that requires offenders to serve a substantial portion of their sentence.

ANS: truth in sentencing

REF: 46 OBJ: 5

15. Social class, gender, age, and victim characteristics are considered _____ factors in sentencing.

ANS: nonlegal

REF: 48 OBJ: 6

ESSAY

1. List and describe the at least three actors in the sentencing process.

ANS: The sentencing process rests in the hands of a number of actors. They include the prosecutor, the judge, and the probation staff. The prosecutor is an appointed or elected official who is responsible for bringing the state's case against the accused. In recent years, prosecutors have gained greater leverage to extract guilty pleas from defendants and, as a result reduce the number of cases that go to trial. New laws have resulted in giving prosecutors more power in the courtroom. This has resulted in a transfer of power from judges to prosecutors, which has undercut the formal court process with a more informal system. Judges ultimately decide the sentence. Judges typically choose the type of sentence, its length and in the case of probation the conditions under which it may be revoked. Before sentencing takes place, it is common for the court's probation staff to conduct a presentence investigation report. This contains information about the defendant's background, prior criminal record, education, previous employment, and family. The presentence investigation serves as the basis for sentencing and has a significant influence on whether the convicted defendant will get community release or secure confinement.

REF: 36-37 OBJ: 1

Test Bank

2. Discuss consecutive and concurrent sentences and give an example of each.

ANS: Often times someone is convicted of two or more charges. There must be a decision made to sentence them with concurrent or consecutive sentences. Concurrent sentences are one or more sentences imposed at the same time and served simultaneously. Consecutive sentences are one or more sentences imposed at the same time and served one after the other. If an offender is convicted of rape and possession of a handgun and can be sentenced to ten years for the rape and 3 years for the possession of a handgun, he or she will serve 10 years if the sentences are concurrent but will serve 13 years if the sentences are served consecutively.

REF: 37 OBJ: 1

3. Discuss good time and how it can affect an offender's sentence.

ANS: The amount of time spent in confinement can be reduced by time off for good behavior. Good time was first used in 1817 and is still found in many jurisdictions, but not all. Some offenders can also get earned sentence reductions by participating in education and vocational programs. The amount of time off one's sentence varies by jurisdiction. An advantage of good time is that prisoners can calculate their release date by subtracting the anticipated good time from their sentence. If prisoners become involved in disciplinary offenses or attempt to escape, they can lose their good time.

REF: 38-39 OBJ: 1

4. How does judicial discretion affect the models of determinate and indeterminate sentencing?

ANS: Judges exert a great deal of discretion in sentencing offenders. Society expects sentences to be appropriate to the seriousness of the criminal act that incarcerates violent offenders and prevent innocent people from becoming victims of crime. The determinate sentence imposes a sentence for a definite term. Judges have less discretion in this type of sentence. The indeterminate sentence frequently causes sentence disparity. It allows judges little discretion as parole boards decide when to release an individual.

REF: 40-41 OBJ: 2

5. Discuss the various types of structured sentences.

ANS: In states that use determinate sentences, there has been an attempt to develop methods to structure and control the sentencing process and make it more rational. Sentencing guidelines were implemented by many states and the federal government. Guidelines give judges a recommended sentence based on the seriousness of a crime and the background of an offender. Some states use presumptive sentencing guidelines which is a form of sentencing in which the legislature sets the penalties for criminal acts. Some states have rejected guidelines altogether because they perceive them as an improper interference with the role of the judiciary.

REF: 41-42 OBJ: LO 3

Test Bank

9. What are truth-in-sentencing laws and why were they enacted.

ANS: Truth in sentencing laws require offenders to serve a substantial portion of their sentence. They were enacted to reduce the discrepancy between the sentence imposed and the actual time served in prison. The U.S. Congress authorized funding for additional state prisons and jails. As incentive, states received monetary grants if they met truth in sentencing requirements where offenders served at least 85% of their sentence. Under truth in sentencing legislation, parole eligibility and good time credits are greatly restricted or eliminated.

REF: 46

OBJ: 5

10. How do each of the following affect sentencing: social class, gender, age, victim characteristics? Discuss fully.

ANS: Social class—lower class individuals get longer terms, lack of a really good attorney. Gender—women receive less punitive sentences, especially those with children. Age—older individuals are treated with more lenience; younger individuals receive more punitive sentences. Victim characteristics—victim impact statements are given much consideration as they include the experiences and ordeals of the crime.

REF: 48-49

OBJ: 6