STUDENT STUDY GUIDE
CHAPTER EIGHT

Multiple Choice Questions

1. Horizontal and vertical overcharging give prosecutors an advantage during __________.
   a. custodial interrogation
   b. plea bargaining
   c. jury deliberations
   d. pre-sentence investigation reports

2. Which sentencing strategy involves a judge imposing the sentence and the actual time served being determined by the parole authority?
   a. Indeterminate sentencing
   b. Determinate sentencing
   c. Structured sentencing
   d. Mandatory sentencing

3. Which sentencing strategy resulted from criticism at both ends of the political spectrum?
   a. Indeterminate sentencing
   b. Determinate sentencing
   c. Structured sentencing
   d. Mandatory sentencing

4. Which of the following is not a factor attributed to the underrepresentation of women in offender statistics?
   a. Chivalry hypothesis
   b. Women are more likely to be acquitted at trial
   c. Women are better at committing crimes
   d. Women are less likely to commit crimes

5. What case mandated that a jury must serve as the sentencing body in death penalty cases?
   a. Furman v. Georgia
   b. Gregg v. Georgia
   c. Ring v. Arizona
   d. Rummel v. Estelle

6. Which of the following is a goal of shock incarceration?
   a. Help offenders appreciate what a long-term prison sentence entails
   b. Prevent future violations
   c. Act as a specific deterrence
   d. All of the above
7. The _____ Amendment indicates that capital punishment has been a part of the U.S. sentencing scheme since its founding.
   a. Fourth
   b. Fifth
   c. Sixth
   d. Eighth

8. Which of the following is an example of an aggravating circumstance?
   a. Extreme cruelty
   b. Combination of crimes
   c. Offense committed by a group
   d. All of the above

9. Which state does not provide for an automatic appeal of a capital sentence to the state court of last resort?
   a. Texas
   b. South Carolina
   c. Nevada
   d. California

10. Which state has executed the largest number of people since 1976?
    a. California
    b. Virginia
    c. Florida
    d. Texas

11. The prosecutor’s control over criminal sentencing begins with the ___________.
    a. charges filed
    b. pre-sentence investigation report
    c. sentencing recommendation
    d. opening statement

12. Violations of city ordinances are what type of crime?
    a. Infractions
    b. Petty misdemeanors
    c. Misdemeanors
    d. All of the above

13. Which of the following is not a characteristic of probation?
    a. Criminal sentence
    b. Judicial function
    c. Conditional
    d. None of the above
14. ________________ is a concern associated with determinate sentencing.
   a. Cost
   b. Efficiency
   c. Impact on prison population
   d. Wrongful conviction

15. What population seems to be overrepresented in offender statistics?
   a. Minorities
   b. Women
   c. Both a and b
   d. Neither a nor b

**Multiple Choice Answer Key**

1. b
2. a
3. b
4. b
5. c
6. d
7. b
8. d
9. b
10. d
11. a
12. d
13. d
14. c
15. a
True/False Questions

1. Legislatures determine an appropriate sanction range for a crime.

2. A judge may impose a death penalty sanction.

3. All members of the courtroom work group have some responsibility or role in criminal sentencing.

4. Plea bargaining reflects a reasonable consensus about the “going rate” and an appropriate sanction.

5. Once a plea bargain has been reached, the ultimate sentencing decision is made by the jury.

6. Most probationers are given summary probation.

7. Most probation departments exist at the countywide level.

8. The primary justification for fines is to minimize the negative effects of a sanction while giving something back to the community.

9. Day fines provide a more equitable economic penalty system than regular fines.

10. Judges always have the option of suspending some or all of the jail time for misdemeanor offenses.

11. The number of convicted felons sentenced to probation has grown in recent years.

12. The number of convicted felons given economic sanctions has grown in recent years.

13. The RICO statute is used exclusively to curtail organized crime groups.

14. State-sanctioned executions have increased in recent years.

15. Truth in sentencing involves the idea that inmates should be required to serve all of the sentence imposed by the court.
True/False Answer Key

1. T
2. F
3. T
4. T
5. F
6. F
7. F
8. F
9. T
10. T
11. F
12. T
13. F
14. F
15. T

Study Questions

1. Discuss current trends in sentencing. Are these positive or negative developments? What effects will each have on the corrections system and society?

2. Should the imposition of criminal fines take into account an individual’s ability to pay? What advantages and disadvantages might such a system have? Be specific and explain your reasoning.

3. Prosecutors play a significant role in the sentencing process. Should defense attorneys have an equally active role in the process? Explain your reasoning.

4. Discuss structured sentencing and its goals. Is the legislature the appropriate decision maker about appropriate sentences for a crime? Should judicial discretion be reduced? Do the goals of structured sentencing contribute toward the goals of appropriate punishment and rehabilitation? Explain your reasoning.

5. Fewer felons have received probation in recent years. Should a convicted felon ever receive probation without incarceration? What factors should be balanced in making this decision? Explain your reasoning.
Matching Questions

1. Prepares pre-sentence investigation report
2. Sanction in which an offense has a designated number of penalty days and is determined by an individual’s income
3. Determines an appropriate sanction range for a crime
4. Probation that takes place without supervision
5. Factors that appear to make the offense less worthy of additional punishment
6. Sanction utilized for crimes that have a profit motive
7. Prescribes the appropriate sentence for a specific individual convicted of a crime
8. The commitment of criminal offenders to a period of correctional supervision in the community
9. Sentence that is designed to minimize the negative effects of a sanction while giving back to society
10. Sanction that is tied to the profits gained from criminal activity
11. Sanction that involves short periods of incarceration followed by an extended period of probation
12. Sentence in which a newly convicted offender has to report to a probation officer and abide by any conditions imposed by the court
13. Sanction that involves placement into live-in facilities
14. Separation of responsibility in determining an offender’s guilt from responsibility in determining an appropriate punishment for that offender
15. Factors that appear to make the offense more serious or worthy of additional punishment
Word Bank

a. legislature  
b. forfeiture of property  
c. active probation  
d. judge  
e. probation officer  
f. mitigating circumstances  
g. probation  
h. economic sanctions  
i. day fines  
j. bifurcated hearing  
k. summary probation  
l. community service  
m. aggravating circumstances  
n. community-based sanctions  
o. shock incarceration

Matching Answer Key

1. e  
2. i  
3. a  
4. k  
5. f  
6. h  
7. d  
8. g  
9. l  
10. b  
11. o  
12. c  
13. n  
14. j  
15. m
Chapter Summary

For each crime, state and federal legislatures define the permissible sanction range. Depending on the state and offense, a judge or jury may be responsible for sentencing.

In making sentencing decisions, the charge brought by the prosecutor defines the sentencing options. Plea bargaining implies a suggested sentence, but the ultimate decision rests with the judge, who may prescribe any sentence consistent with the legislative sanction range. However, a jury must determine sentencing in capital cases.

Misdemeanor sentences include probation, community service, fines, and incarceration. Probation is a period of supervision by the corrections system. Probation may be active or informal. Community service is meant to minimize the negative effects of a sanction while giving back to the community. Fines are used primarily for traffic violations and petty misdemeanors. One issue is that not all people have the same ability to pay. Petty misdemeanors may include up to 6 months in jail, and serious misdemeanors may include 6 months to 1 year in jail. A judge may suspend the jail time, and may also impose consecutive misdemeanor sentences.

Felony sentences include community-based sanctions, probation, economic sanctions, incarceration, and capital punishment. Community-based sanctions involve placement in a live-in facility and are meant to provide treatment and structure for offenders. Probation is often used for conviction of property or drug offenses. Fewer convicted felons have received probation in recent years. Economic sanctions are often used for crimes that have a profit motive, and may include fines and forfeiture of property tied to profits from criminal activity. Incarceration may include shock incarceration, which is a short period of incarceration followed by an extended probation period designed to be a specific deterrence. Felony incarceration may range from one year to life. The average prison sentence is 57 months. Capital punishment has been a part of the sentencing scheme since the nation’s founding. It requires a bifurcated hearing process in which juries must consider aggravating and mitigating circumstances. Jury verdicts must be unanimous in capital cases.

In sentence determination, prosecutors make the decision whether to prosecute and what crimes the defendant is charged with, which gives the prosecutor an advantage during plea bargaining. Judges have a choice among legislatively defined sentences, may suspend the sentence, and may choose between concurrent and consecutive sentences.

Sentencing strategies include indeterminate sentencing, determinate sentencing, structured sentencing, and mandatory sentencing. Indeterminate sentencing specifies minimum and maximum periods of confinement. The judge imposes the sentence, and actual time served is determined by the parole board. Determinate sentencing provides for a specific amount of time to be served and abolishes discretionary parole. Structured sentencing follows guidelines and considers the present offense and the offender’s prior criminal history. Mandatory sentencing assures that certain offenders will receive a specified prison term.

There is concern regarding disproportionate sentencing for minorities and women. Current trends in sentencing include a movement toward determinate sentencing, sentencing guidelines, increased punitiveness, truth in sentencing, and a decrease in capital punishment.