

# CRIMINAL LAW - Sentencing and Appeal

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## I. Sentencing: No longer entitled to a presumption

### A. Cruel and unusual punishment

1. proportionality
2. repeat offenders, major offenders
3. possibility of parole

### B. Sentencing guidelines – judicial discretion

### C. Sentencing hearings

## II. Victims and witness programs, impact statements.

## III. Death penalty

### A. Procedures

1. methods

### B. 'sentencing:

1. bifurcation
2. aggravation

### C. moratoriums: DNA testing

### D. noncapital sentencing

1. consecutive or concurrent sentences
2. prison conditions: maximum/minimum security
3. private prisons

## IV. Probation and parole

### A. Distinguish probation and parole (probation replaces imprisonment)

1. house arrest
2. electronic monitoring

### B. Revocation hearings

### C. Fines

### D. Suspended sentence

### E. Pardon, commutation

F. Early release

V. Civil remedies

A. Restitution

B. Forfeiture

C. Civil suits

VI. Alternatives

A. Boot camps

B. Prisoners rights

VII. Appeal

A. Motion for a new trial

B. Notice of appeal

C. Brief

D. Appellate court jurisdiction

E. Supreme court

F. Habeas corpus

G. Death penalty appeal

H. Ineffectiveness of counsel