

9-5 Punishment Activity (on your own paper; from 9-5 notes)

1. What are the 3 reasons we punish people convicted of crimes?
2. Some state laws require the judges to impose what are called "determinate" prison sentences. A determinate sentence is a fixed-term sentence pronounced by a judge. For example, a defendant sentenced to "30 days in county jail" or "five years in state prison" has received a determinate sentence. The other name for this is _____ sentencing.
3. **Three strikes laws** are state laws that provide for a much harsher punishment, generally a life sentence, the third time a person commits a felony. There are also habitual offender laws, which are distinguished by the number of offenses needed to trigger the harsher penalty. For example, in North Carolina, a person is considered a habitual offender on their fourth felony. Three strikes and habitual offender laws vary greatly from state to state and their application can turn on factors such as:
 - The length of time between felonies
 - The seriousness of the felonies
 - The order of the crimes committed
 - Discretion of the trial judge in sentencing under the law

Why Do States Use Three Strike Laws?

States implement three strike laws to ensure that repeat offenders are constantly imprisoned. The logic is that while a criminal is in prison he or she can't be out in public hurting anyone. Since three strikes laws apply to defendants who commit multiple crimes in succession, these laws aim to keep criminals that are most likely to re-offend in prison.

What is the main purpose of 3 strikes laws?

4. Other state laws require judges to give a wide range of sentencing. _____ sentences are those in which the legislature sets a minimum and/or maximum time of incarceration but leaves the decision as to when to release an inmate to prison officials. As a general rule, these types of sentences are only imposed on people who are sentenced to state prison after being convicted of a felony.
5. After each of the following scenarios choose from the different options of sentencing: incarceration, community service, suspended sentence, work release, probation, fine, capital punishment, time served w/ parole, house arrest (home confinement), restitution
 - a. Larry was caught with heroin (as a first time offender). The judge ordered him to 6 months in a minimum security prison for possession. He has been given the opportunity to go to a treatment facility for a month. If he does this and stays clean for one year his sentence will not have to be served. What type of sentencing took place here? (2 possible answers):
 - b. Ben is caught fishing without license in North Carolina (a class 3 misdemeanor). He must pay \$35 dollars to the state and \$161 in court costs. Punishment?

c. Julio is a graffiti artist who spray painted the side wall of the Miller family's home. He was ordered to pay the homeowners \$2,000 to help pay for the damage he caused. Punishment type?

d. Joana flipped on a police officer and attacked him after witnessing a traumatic event. Because she is a first time offender she has been sentenced to remain in her apartment for the next 2 years. She is allowed to leave her apartment only for medical reasons, employment, religious services, or to conduct essential food shopping. If she violates these conditions, the probation department is ordered to commit her to prison, where she will be required to serve out her suspended (not cancelled) prison term. What two sentences are taking place here?

e. Rachel (a first time offender) was arrested and convicted of a shoplifting. She must now:

Obey all laws (even petty laws like jaywalking)

Abide by any court orders, such as an order to pay a fine

Report regularly to an officer.

Report any change of employment or address to the officer.

Abstain from the excessive use of alcohol or the use of any drugs.

Submit to regular alcohol or drug testing.

Refrain from travel outside of the jurisdiction without prior permission of the officer.

Avoid certain people and places.

If a violation is discovered and reported, it is likely that the court will conduct a hearing and she may have to serve jail time.

Punishment type?

f. Billy was convicted of DUI (Driving Under the Influence of alcohol). The judge ordered him to give speeches to schoolchildren about the dangers of drunk driving, a sentence that offered him to be more of a benefit to society than incarceration. The community benefits from the work that he performs and avoids the cost of incarceration while the offender benefits from a lesser sentence and, it is hoped, is rehabilitated, educated and enriched through the work he performs.

g. ***State of Nevada v. Orenthal James Simpson***

A group of men broke into a hotel room and stole various sports memorabilia at gunpoint.^[1] Three days later, on September 16, 2007, Simpson was arrested for his involvement in the robbery and held without bail.^[2] He admitted taking the items, which he said had been stolen from him, but denied breaking into the room. Simpson also denied the allegation that he or the people with him carried weapons.^{[3][4]} Simpson was found guilty of all 10 charges. On December 5, 2008, Simpson was sentenced to 33 years in prison with eligibility for parole in nine years (in October 2017). On July 20, 2017, Simpson was granted parole,^[5] and was freed on October 1, 2017. Sentence? w/ a chance of?

h. Julie was convicted of selling heroin and has served a year in a medium security prison already. She has attended several rehab programs and has been granted the chance to work as a janitor at a state park facility from 8:00am to 5:00pm so long as she remains on the premises and does not violate her drug tests. Sentencing?

i. The last person executed in North Carolina was Samuel Flippen, on **Aug. 18, 2006**, for the murder of his 2-year-old stepdaughter. Sentence?

