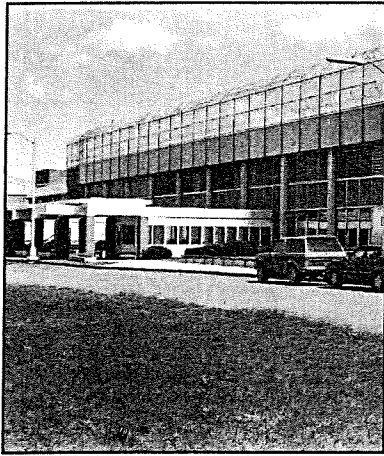


CRITICAL THINKING

The majority of suspects tried for homicide are not acquitted, but are sentenced to prison.

Why do you think this is so?



DID YOU KNOW?

Long ago in India, if you received the death penalty, your head would be stepped on and crushed by an elephant.

EYE OPENER

On any given day in the United States, there are 4 million individuals on probation and behind bars.

anyone reveals plans to do something illegal when talking with a lawyer, this information is not private.

What other special relationships can there be legally? Husbands and wives do not have to testify against each other. Also, what a husband and wife tell each other can be kept private. Yet, husbands and wives can testify against each other if they so choose. For example, if one spouse brings charges against the other in a beating case, then one partner can testify or speak about the hurt that was done by the other partner.

Religious professionals such as priests, ministers, or rabbis can also refuse to testify if suspects have told them something in private. But any time someone else besides the other person in the special relationship has also heard the private information, it is no longer private.

Finally, doctors do not have to testify. Some states also let psychiatrists and journalists refuse to testify. Check the laws in your state about privacy one special relationship.

What happens at the trial? In Chapter 4, you learned about what happens at a trial. Each side gives **testimony**, presents evidence, and calls witnesses. The judge explains the law to the jury and tells the jury what kinds of verdicts it can give. The jury then acquits or convicts the person, or says it cannot decide. If it cannot decide, it is a hung jury, and there may be another trial with another jury.

What happens after conviction? If the verdict is guilty, a person can then appeal. The appeal for state cases goes up a step to the next highest court in the state system. Federal cases go up a step to the next highest federal court. Each state has rules about reasons for appeal.

What happens while your case is on appeal? The judge can change the amount of bail or take away bail. If she thinks you would **skip bail**, then you might have to stay in jail during the appeal.

Sentencing

Sentencing usually does not take place on the day you are convicted. As the accused, you would have to return to court for sentencing. In some states, the jury sentences the defendant. In other states, the judge does the sentencing. Some states have a state office that says how long the sentence will be. Check you state's laws on this subject.

How long can prison sentences be? There are two kinds of prison sentences. Some crimes have mandatory sentences. This means the law says the crime is punished by a certain number of years in prison. The judge or jury cannot choose or change this sentence. For example, drug-related crimes have mandatory sentences in many states.

For other crimes, the judge or jury can choose the sentence. The number of years can be fixed, or not able to be changed, or the number of years can be not fixed. For example, if you are sentenced to from five to ten years, you have to serve five years at least before you can be paroled. But after that, your case can be reviewed. If you stayed out of trouble, the judge may decide that five years is enough. If you did not

stay out of trouble, the judge may decide to make the sentence longer. This would also depend on whether or not this was your first offense.

Can you get a lighter sentence? If you have committed a serious crime or if this is not your first offense, the answer is no. In either case, you do not deserve less punishment. On the other hand, if this is your first offense and you can show that you really want to change your behavior, you might get a lighter sentence.

A probation officer makes a report to the judge before sentencing. The report tells about your behavior and what you did in the past before the crime. Your friends, your boss, and other people who know you could write letters to the court to say you want to become a lawful person.

Can you be convicted and not go to jail? If the judge thinks you are a person who can be trusted, you might receive a **suspended sentence**. This means the sentence is not carried out if you obey the judge's rules. For example, if the judge thinks you got in trouble because of the bad influence of your friends, then one rule might be that you may not see your friends. If the judge finds out that you have spent time with them, then you could go to jail.

Another way you might be convicted but not go to jail is if you are sentenced to probation. Probation is still punishment. Probation means that you have to follow certain rules in order to stay out of jail. If you break the rules of probation, you will go back to court for sentencing all over again.

When you are on probation, a probation officer supervises, or is in charge of, you. You report to him regularly. The job of the probation officer is to help you with your problems. He may help you get back into school, find an apartment, or get a job. When your probation is over, you are a free citizen. You then need to think about getting your record of conviction cleared. This depends on your state's law.

Parole

The Federal Sentencing Reform Act of 1984 eliminated, or took away, parole for felons sentenced before 1992. Those convicted before 1992 and eligible for parole were not affected. Yet, parole is still a possibility for persons convicted of other kinds of crimes.

After you have served time in prison, you might be placed on parole before your sentence is over. *Parole* means "word" in French. It means that you give your word not to commit any more crimes. A parole board decides whether or not you can be let go — whether or not you deserve to be trusted by society.

People on parole usually have to serve a certain amount of time. For example, on a life sentence, twenty-five years might have to be served before you can be given parole. The parole board does not have to give you parole.

If you are paroled, like probation, you meet with a parole officer regularly. You must also follow certain rules while on parole. For example, you will not be allowed to drink alcohol. If you break the rules,

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Why do you think this is so?

DID YOU KNOW?

Probation officers might have, on the average, about 200 individuals to supervise. This is according to Professor Charles Lindner, the John Jay College of Criminal Justice, New York City.

EYE OPENER

There are two-and-one-half-million people on probation. They are mostly juveniles, first-time offenders.

If hardened career criminals could be seen by their probation officers eight times a month instead of the usual four times, the rate of repeat offenses would be reduced. Can you explain why this would be so?

you will go back to prison. Going back to prison means that you have failed to make a change for the better in your life even though you have been given a second change.

Each state has different rules about the rights of convicted people. In some states, for example, you may lose some of your civil rights.

You may lose the right to vote, or you may lose the right to work at certain jobs. You may also lose the right to hold public office or to serve on a jury. Yet, you may be able to get some of these rights back. Make sure you know the laws in your state.

DID YOU KNOW? The probation process is being made more efficient and easier to manage. In the near future, there might be electronic booths, like bank money machines, where persons on probation could check in more frequently.



Workbook

Self-Check p.24

Reality-Check p.25

TO LEARN MORE

The Peoples Guide to Government:

The Judicial Branch, pp. 32-33

The Peoples Guide to: Drug Education,
pp. 38-39

Understanding Chapter 11

1. What six rights do you have at a trial?
2. Explain the two kinds of sentences you can receive.
3. Tell what happens after the verdict.

Chapter 11. Pages: 54, 55 and 56

1. Can husbands and wives testify against each other? _____
2. When? _____
3. Who are religious professionals? _____, _____ and

4. Some states also let who refuse to testify? _____
5. Who explains the law to the jury? _____
6. What could cause a judge to keep someone in jail while the case is being appealed?

7. When do sentences usually not take place? _____
8. What is a mandatory sentence? _____

9. Many states have mandatory sentences for what kind of cases? _____
10. On a 5 to ten year sentence what could cause a judge to decide that 5 years is enough?

11. What might help you to get a lighter sentence? _____
12. What does a probation officer do before sentencing? _____

13. What could your friends do? _____

14. What might help you get a suspended sentence? _____

15. What does a suspended sentence mean? _____
16. What does probation mean? _____
17. Who is in charge of you while you are on probation? _____
18. What does the word parole mean? _____
19. What must you do while on parole? _____
20. Name one thing convicted people may lose. _____

Critical Thinking

(pages: 54,55 &56)

1. Why would most suspects tried for murder are found guilty and sent to prison?
2. Why is India's long ago death penalty of an elephant step on a defendant's head not a good way to carry out an execution?
3. Why do husbands and wives not have to testify against one another?
4. Is it a good idea to have mandatory sentences for certain crimes? Why?

5. Why are so many juveniles on probation? Does this keep them from committing other crimes? Why or why not?

6. Why do think that a parole board doesn't have to grant a prisoner parole?

7. Why is it important for a probation officer to see regularly a released prisoner on parole?