

Sentencing in Common Law Jurisdictions: Essay Exam

Due: June 1st, 2019. Please submit to: julian.roberts@crim.ox.ac.uk

Word Limit: should not exceed 3,000. Format: any legal citation acceptable

Questions:

Please choose **one** of the following questions for your essay:

1. Consider the sentencing grids used in many American states such as Minnesota and at the federal level in the United States. What are the principal advantages and disadvantages of this approach to structuring judicial discretion?
2. How likely are the English guidelines to enhance consistency in sentencing and how might the English guidelines be improved?
3. Two critical dimensions of an offender's criminal record are the recency and the relatedness of prior convictions. How are these dimensions justified by utilitarian and retributive sentencing philosophies? For example, if an offender is convicted of assault and he has prior assault convictions, does this make him more worthy of punishment than an offender convicted of assault but with prior convictions for fraud?
4. Is it possible, within a retributive rationale, to take into account personal mitigating factors which are unrelated to the seriousness of the crime or the offender's level of culpability for the offence?
5. What are the principal arguments in favour of, and against, the use of remorse as a mitigating factor?
6. Are sentencing discounts for a guilty plea consistent with the presumption of innocence?
7. What are the principal advantages and disadvantages of allowing prisoners to serve part of their sentences in the community on parole?
8. How much influence should the victim have over the sentencing decision?