

Stages of criminal trial



Sentencing Stage in Criminal Trial Once discovery has been done where the prosecuting and defense attorneys have gone over documents, they come back to the court room where the judge ask if they have any extra information they want to bring to light. If not the judge sends the jury to mitigate a guilty or non guilty verdict. A case was chosen from Los Angeles of a drunken driver. According to Fisher (2011), the driver had killed an elderly man. In the case chosen, he had no jury as he pleaded " no contest to one count of vehicular manslaughter", which means he admitted that he killed the man without the intention of doing so. The choice of this paper is in the case of a admitting a guilty verdict and the process of sentencing. 1984 The US Sentencing Commission issued guidelines: what kind of sentence, length, if fined, how much, whether supervised released and multiple sentencing. Honesty in sentencing. Guidelines applied to facts. Statistical data tables to establish sentencing range. In Government document. (2011 Sentencing has been standardized. Everything has been quantified to a point system. A person who is guilty of having tried to sell over 500g of an illegal substance and has never committed a felony is liable to 51-63 months of prison. If the prison sentence is over 11 months. He will have 4 years of and there is now a book of tables showing if the guilty person . Because of the having committed manslaughter, the judge did not take into account the probation report according to Fisher (2011) because he was given 5 years of parole after his 12 months in jail. Rule 32 establishes the number of points by the Probation officer. The probation officer also supplies the judge with a detail report with intimate information about the guilty person including his background, his participation with the authorities and whether he helped in his conviction by plea bargaining. Probation officers gives presentence

reports(rule 32) to the judge. He will have supplied his suggestion of how the sentences is given. The judge takes the report into account before calling a presentencing hearing. The probation report established he had no criminal record, he admitted his guilt thus there was no need for a trial and he was no threat to the society. Presentencing Processing is where the two lawyers are present. They hear the judge explain the sentence and are allowed to give their opinions. If they accept the conclusions, the judge goes into her chambers, to study all the elements. The lawyers came to the same conclusion and said there was no need to have a trial because it would say the same thing.(Net Industries 2011) She is not required to sentence according to the probation officer report though her conclusions are final. (US Courts 2010)Taking into account all elements already discussed, she states her sentence. Before the final acceptance, the lawyers give their approbation. The judge took all this into account and gave the following sentence. His felony would be put to a misdemeanor if he completes his sentence: one year in jail and five years of probation. The trial took place in 2011 in California. (Fisher 2011) He had been driving under the influence of alcohol when he killed a 72 year old man. Many were dissatisfied with the presentencing report and the sentencing because to kill a man and be convicted to one year in jail is not a heavy sentence. Word Count 574

html#ixzz1MXNJHOdw US Courts. (2010), LR 83. 10 Sentencing Procedures In Criminal Cases Subject To The Sentencing Reform Act Of 1984, Retrieved May 12 2011 from http://www.mnd.uscourts.gov/local_rules/LR-83-10.html