

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/publications/beyond-blakely-implications-of-the-booker-decision-for-state-sentencing-systems>

Policy Issue Resources

Publication

Early this year, in an expected but nonetheless momentous decision, the Supreme Court held that the federal sentencing guidelines are unconstitutional. *United States v. Booker* closely follows a ruling from last summer, *Blakely v. Washington*, which threw out that state's guidelines and sent the criminal justice systems in perhaps half of the states into a state of unrest. The new decision provides some assistance to state policymakers and practitioners who had been hoping for clarity in the post-*Blakely* world. But it is now clear that the bulk of the unanswered questions are in the hands of the state courts to resolve. This report, the third to address *Blakely* concerns for the states, examines the issues addressed by *Booker* and notes some that are left hanging.

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