

Introduction to Criminal Justice Critical Thinking Exercise 3

Name _____

Assignment Element	Total Points (50 Points)	Student Points	Comments
Question 1 <ul style="list-style-type: none"> Alain's Technical Violations/Revocation Process (2 Points) Provide at least 2 academic reasons for your position. (10 Points) 	12		
Question 2 <ul style="list-style-type: none"> Judge Klaus Justified in Sentencing Katie Daly to Prison? (2 Points) Provide at least 2 academic reasons for your position. (8 Points) Victim's Wishes and Influence on Judge's Sentencing Decision? (2 Points) Provide at least 2 academic reasons for your position. (8 Points) Prosecutor Julia Reitz Reference to Katie's "rehabilitative potential"? (8 Points) 	28		
Question 3 <ul style="list-style-type: none"> Susan Set Free on Parole? (2 Points) Provide at least 2 academic reasons for your position. (8 Points) 	10		

Total Points: _____

**Introduction to Criminal Justice
Critical Thinking Exercise 3**

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Answer the following questions using **complete sentences**.

Answers **copied directly** from the textbook or other source will result in a 0.

Exercises are to be completed **individually**.

Source – Textbook Only

See Attached Scenarios

1. Question 1- Discretion in Action – “A Judgement Call”

- Do Alain’s technical violations cause to begin the revocation process? (2 Points)
- Provide at least 2 academic reasons for your position. (10 Points)

2. Question 2 – “Family Ties”

- Was Judge Klaus justified in sentencing Katie Daly to prison rather than probation? (2 Points)
 - Provide at least 2 academic reasons for your position. (8 Points)
- Should a victim’s wishes influence the judge’s sentencing decision? (2 Points)
 - Provide at least 2 academic reasons for your position. (8 Points)
- What do you think the prosecutor Julia Reitz meant when she referred to Katie’s “rehabilitative potential”? (8 Points)

3. Question 3 - Discretion in Action – “Cause for Compassion”

- Should Susan be set free on parole? (2 Points)
 - Provide at least 2 academic reasons for your position. (8 Points)

Discretion In Action

A Judgment Call

The Situation You are a probation officer. Your client, Alain, was convicted of selling drugs and given a split sentence—three years in prison and three years on probation. You meet Alain for the first time two days after his release, and you are immediately concerned about his mental health. His mother confirms your worries, telling you that Alain needs help. You refer him to a psychiatric hospital, but the officials there determine that he “does not require mental health treatment at this time.” Several weeks later, Alain’s mother tells you that he is staying out late at night and “hanging out with the wrong crowd,” both violations of his probation

agreement. After he tests positive for marijuana, you warn Alain that, after one more violation, you will revoke his probation and send him back to prison. He tells you that he is “feeling agitated” and “having intermittent rage.” You refer him to a substance abuse and mental health treatment facility, where he tests positive for marijuana once again.

The Law For any number of reasons, but particularly for the failed drug tests, you can start revocation proceedings against Alain. These proceedings will almost certainly conclude with his return to prison.

What Would You Do? On the one hand, Alain has violated the terms of his probation agreement numerous times. On the other hand, he has been convicted of only one crime—a drug violation—and you have no evidence that he is behaving violently or poses a danger to himself or others. Furthermore, Alain has strong family support and is willing to enter treatment for his substance abuse problems. Do Alain’s technical violations cause you to begin the revocation process? Why or why not?

[To see how a Fairfield County, Connecticut, probation officer dealt with a similar situation, go to Example 12.1 in Appendix B.]

Family Ties

returning home

from a barbecue at 3 A.M. in rural Philo, Illinois, twenty-four-year-old Katie Daly skidded on wet gravel and lost control of the all-terrain vehicle she was driving. Her nineteen-year-old cousin, Annie Daly, was thrown from the passenger seat and died in a

hospital four hours later. At the time of the accident, Katie's blood alcohol level was well over the state's legal limit, and she was charged with felony aggravated driving under the influence (DUI). Given her family connection to the victim, local prosecutors agreed to a plea deal in which Katie would be spared prison, instead receiving a punishment of probation for her crime.

Champaign County judge Richard Klaus had other ideas. Despite impassioned pleas for leniency from Annie's parents and brother, Klaus rejected the plea bargain and sentenced Katie to three and a half years in prison for reckless homicide. "Under the law, it is not a mitigating factor that a family member died. The loss to society is the same whether Annie was killed by a family member or a stranger," Klaus explained. "This is absolutely a deterrable crime and it must be deterred. It is the duty of the court to see that it is deterred."

Prosecutors and Katie's defense attorneys joined forces to appeal Klaus's decision. Noting Katie's youth, her lack of a criminal record, and the effect of the incarceration on her family, including her infant son, the appeals brief stated, "A prison sentence in this case would not be of any benefit to society, the defendant, or to our system of justice." In December 2014, an Illinois appellate court agreed, ruling that Klaus had abused his discretion by putting the defendant behind bars. After six months in prison, Katie was freed and resentenced to thirty months of probation. According to state's attorney Julia Reitz, the intent of the appellate court "was not to minimize the seriousness of the DUI aspect but more to focus on Katie's rehabilitative potential."

What is your opinion of Judge Richard Klaus's justification for sentencing Katie Daly to prison rather than probation?

"We need to have Katie here to help us heal," Annie Daly's mother told the court. Should a victim's wishes influence the judge's sentencing decision? Why or why not?

What do you think prosecutor Julia Reitz meant when she referred to Katie's "rehabilitative potential"?



Katie Daly was eventually sentenced to probation for killing her cousin Annie in an alcohol-related accident involving an all-terrain vehicle such as the one shown here.

Discretion in Action

Cause for Compassion?

The Situation Thirty-seven years ago, Susan was convicted of first degree murder and sentenced to life in prison for taking part in a grisly killing spree in Los Angeles. Over the course of two days, Susan and her accomplices killed seven people. Susan stabbed one of the victims—a pregnant woman—sixteen times and wrote the word “PIG” on a door using another victim’s blood. During her trial, Susan testified that she “was stoned, man, stoned on acid” at the time of her crimes. Now sixty-one years old, Susan is before your parole board, requesting release from prison. For most of her time behind bars, she has been a

model prisoner, and she has apologized numerous times for her wrongdoing. Furthermore, her left leg has been amputated, the left side of her body is paralyzed, and she has been diagnosed with terminal brain cancer.

The Law You have a great deal of discretion in determining whether a prisoner should be paroled. Some of the factors you should consider are the threat the prisoner would pose to the community if released, the nature of the offense, and the level of remorse. In addition, California allows for “compassionate release” when an inmate is “terminally ill.”

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Explain which factors influence the decision to grant parole.

What Would You Do? Susan obviously poses no threat to the community and is a viable candidate for compassionate release. Should she be set free on parole? Or are some crimes so horrific that the convict should never be given parole, no matter what the circumstances? Explain your vote.

[To see how a California parole board voted in a similar situation, go to Example 12.2 in Appendix B.]