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LYNN S. BRANHAM

The Law and Policy of Sentencing and Corrections

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THE LAW AND POLICY OF SENTENCING AND CORRECTIONS IN A NUTSHELL Eighth Edition

By

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Dedicated
to
Sister Jeanne
and
Father Short,
For the constancy of their prayers,
Unflagging faith, and
Gifts of mirth

PREFACE

This book is designed to provide students with a general overview of the law and policy of sentencing and corrections. The book covers a broad range of subjects. The first nine chapters cover sentencing-related topics, including the purposes of criminal sanctions, guilty pleas, the rights defendants have during the sentencing process, different ways to structure sentencing systems, community-based sanctions, the death penalty, Eighth Amendment constraints in noncapital cases, parole release, probation and parole revocation, and the collateral sanctions and consequences that attend a criminal conviction. Chapters 10 through 17 focus on the constitutional rights that prisoners have while they are incarcerated. The final two chapters of the book discuss the mechanics of litigating § 1983 suits and the remedies available to inmates whose constitutional rights have been violated.

The book is not confined to a discussion of current law and policy but also looks towards the future. The book, for example, discusses some key proposals for making the nation's sentencing and corrections systems more cost-effective, equitable, and just. Some of these proposals include the adoption by each state and the federal government of a comprehensive community-corrections act, the im-

PREFACE

plementation of capacity-based sentencing guidelines that provide for the imposition of community sanctions on most defendants convicted of nonviolent crimes, and the incorporation of restorative-justice mechanisms, such as victim-offender mediation programs, into jurisdictions' sentencing and corrections systems.

I have attempted to write a Nutshell geared to the needs of students who must assimilate an extensive amount of information on sentencing and correctional law and policy. Because many of these students will be taught in courses using the casebook that I have co-authored, *The Law and Policy of Sentencing and Corrections* (West 2009), this Nutshell tracks the format of that casebook.

I am grateful to my secretary, Lori Owens, for her steadfast assistance on this project and for being a person I am privileged to call my colleague and friend. And I am and always will be thankful for the commitment and faith that fortify those who strive doggedly to improve the nation's sentencing and corrections systems and to realize what sometimes can seem elusive goals—justice, healing, and mercy.

LYNN S. BRANHAM

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