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Determinate and Indeterminate Sentencing

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Determinate and Indeterminate Sentencing

Determinate sentencing involves the declaration of punishment to an offender by subjecting them to a definite prison sentencing without any prison review consideration. In contrast, indeterminate sentencing involves a situation where an offender is subjected to an indefinite prison sentencing consisting of a range of years and has no fixed or definite amount of time fixed. For a determinate model of sentencing, judges have to restrict themselves to the criminal procedure code or the penal code while giving out judgment and must only do so within the confines of the law (Grossman, 2017). On the other hand, indeterminate sentencing is not fixed and is reviewable through parole. This paper, therefore, describes how both determinate and indeterminate models of sentencing work with two examples of such cases for each model.

Determinate sentencing

The determinate sentencing works in such a way that the timeframe for sentencing is fixed and not subject to any review; for example, when sentencing is made to be imprisonment of an offender for one year, it means that the sentencing is fixed at one year and so, the offender must take one year in prison before being released. Most people feel that determinate sentencing is tougher because it requires an offender to be subjected to a mandatory fixed prison time. The determinate system of sentencing, which in most cases to some people regarded as inhumane, tough, and non-reformative when it comes to the judicial system, is also viewed as the best alternative model of sentencing when it comes to the rehabilitation of hardcore and repeat offenders (Landis, 2017). The main objective of sentencing is to rehabilitate, reform, and punish an offender. Therefore, to achieve these goals, a judge determines which model is most appropriate for a given offender, a reason why determinate sentencing is most preferred by most

judges for repeat, hardcore, and offenders guilty of felonies. Capital offenses usually leave the judges with no option but to issue determinate sentencing for the law spells out the minimum and maximum years of imprisonment for such cases (Tonry, 2018). Therefore, the determinate model of sentencing mainly acts to serve as a warning to the people who may have a possible intention of conducting the particular crime under sentencing.

The concept of a good time in the determinate sentencing is when criminals are given reduced days in their prison time according to their good conduct while in prison. Considering the pros and cons of this form of sentencing, on the advantage side, this model is fair and just, saves court time and money, and leads to lesser crimes in society. However, on the other hand, while conceding its disadvantages, it registers rehabilitative issues and is also not flexible. Examples of this model are *People v. Felix's* (2000) case sentencing and *People v. Lopez's* (2005) case sentencing.

Indeterminate sentencing

Here, the sentencing period is not fixed. Thus, the involvement of parole as an offender can be released before the end of the prison period. However, the idea of permanent or release on parole terms purely depends on the good behavior and conduct of the offender (Puzauskas & Morrow, 2018). Therefore, indeterminate sentencing has no guidelines that confine a judge to sentencing in a fixed and mandatory period of imprisonment to the offenders.

Parole, in this case, is the most determinant of the indeterminate sentencing because while at the prison, the parole officer will, on many occasions, monitor and report about the behavior of an offender and advice the court on whether to be released or not. In addition, the parole officers give an expert opinion to the court on the dangers and importance that the state

will witness if an offender is released on parole (Puzauskas & Morrow, 2018). The court then weighs into the advice given to it and decides concerning the same. The pros of this model are that it is more rehabilitative friendly and flexible, while the cons include being unfair and may lead to the experience of more crimes. Examples of cases include *People v. Lockridge* of 2011 described by DeGroff et al. (2016) and *People v. Gretsche* of 2013.

Conclusively, determinate sentencing involves the sentencing with definite and mandatory fixed prison periods while indeterminate has no mandatory fixed prison periods. Determinate sentencing is majorly applied on repeat offenders and those convicted of felonies, while indeterminate is majorly for less serious and petty offenses. Determinate sentencing has no review, while indeterminate sentencing can be reviewed through the application of parole.

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