**Sentencing and Punishment Exam**

\_\_\_\_\_1. Who is sentencing done by?

1. The judge
2. The jury
3. The lawmakers
4. A or B
5. All of the above

\_\_\_\_\_2. You are found guilty of the crime you have been charged with. The jury just read the verdict. You want to find out right away what your sentence will be but you are told to come back to the courthouse the next day to find out. Your attorney appeals to the judge to find out your sentence right away. The judge must agree with you since your attorney made an official appeal.

1. True
2. False

\_\_\_\_\_3. A presentence report is an investigation that may be done by a probation officer between the closing statements and the reading of the verdict of the defendant.

1. True
2. False

\_\_\_\_\_4. What would not be included in a presentence report?

1. The circumstances of the offense
2. The defendant’s personal history and criminal record
3. The defendant’s plea of mercy statement
4. A victim impact statement

\_\_\_\_\_5. You are going to be sentenced for the crime you were just found guilty of. Your defense attorney will be meeting with the probation officer. If your attorney is good, what will he or she be sure to say to the officer?

1. How your troubled childhood contributed to your conduct
2. How you could have committed a worse crime than you actually were found guilty of
3. How you have already paid the victim back for the damage you caused
4. All of the above

\_\_\_\_\_6. For a presentence report, your defense attorney would discuss your version of the criminal act and your reason for it with the probation officer?

1. True
2. False

\_\_\_\_\_7. For a presentence report, your defense attorney would not bring up your education and employment history with the probation officer.

1. True
2. False

\_\_\_\_\_8. For a presentence report, your defense attorney would discuss your reason for the crime with the probation officer.

1. True
2. False

\_\_\_\_\_9. For a presentence report, your defense attorney would not discuss your personal and family history with the probation officer.

1. True
2. False

\_\_\_\_\_10. For a presentence report, your defense attorney would discuss your prior criminal record with the probation officer.

a) True

b) False

\_\_\_\_\_11. For a presentence report, your defense attorney would discuss your financial status.

1. True
2. False

\_\_\_\_\_12. For a presentence report, your defense would not discuss your military record with the probation officer.

1. True
2. False

\_\_\_\_\_13. Defendants should be prepared to answer the probation officer’s questions in the most

\_\_\_\_\_\_\_\_\_\_\_\_\_ light possible and show \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for their actions.

1. Respectful/sorrow
2. Delightful/contempt
3. Negative/joy
4. Positive/remorse

\_\_\_\_\_14. What does the defendant always have access to?

1. The presentence report
2. The recommendations made in the presentence report
3. Both A and B
4. None of the above

\_\_\_\_\_15. During a presentence report, the defendant’s attorney may not research an alternate sentence to suggest to the probation officer for the defendant.

1. True
2. False

\_\_\_\_\_16. During a presentence report, the defendant’s attorney can assist the defendant in finding a job or enrolling in a drug rehab program to improve his or her profile.

1. True
2. False

\_\_\_\_\_17. During a presentence report, the defendant’s attorney can meet with the probation officer to present helpful information.

1. True
2. False

\_\_\_\_\_18. During a presentence report, the defendant’s attorney can prepare a written statement explaining why the defendant should receive a light sentence.

1. True
2. False

\_\_\_\_\_19. During a presentence report, the defendant’s attorney cannot have a private presentence report done.

1. True
2. False

**Matching:**

\_\_\_\_\_20. At the sentencing hearing, who can defendants have testified to their good character and rehabilitative efforts?

\_\_\_\_\_21. What do defendants have a right to when they speak on their own behalf before the judge?

\_\_\_\_\_22. Who can speak on a defendant’s behalf before the judge?

\_\_\_\_\_23. Who can work with defendants to prepare them for what to say before the judge?

1. Allocution
2. The defendant’s attorney
3. Witnesses
4. No one

\_\_\_\_\_24. What has to be within the range the law has specified for the category of crime?

\_\_\_\_\_27. What is an alternative punishment to incarceration that defendants might be eligible for in which defendants remain free while meeting certain requirements determined by the judge?

1. Probation
2. The sentence
3. Time served
4. The punishment

\_\_\_\_\_28. What does the judge consider when assigning the defendant probation?

I. The defendant’s criminal record

* 1. The seriousness and violence of the crime III. Whether the defendant is a danger to society

IV. Whether the defendant is willing to make restitution to the victim V. What culpability the victim had in the crime

1. I, II, IV
2. II, III, V
3. I, II, III, V
4. I, II, III, IV, V

\_\_\_\_\_29. Who are defendants responsible for reporting to when they are on probation?

\_\_\_\_\_31. When defendants violate their probation, what may they have where the defense and prosecution will show evidence of why or why not they should receive the punishment determined by the judge? They are entitled to this by written notification, and when the burden of proof is less and strict rules for evidence do not have to be followed?

\_\_\_\_\_32. What may defendant be able to take that covers both the new offense they have committed and the probation violation?

\_\_\_\_\_33. What can defendants file if they disagree with convictions or sentences of their charge?

1. Plea deal
2. Incarceration
3. Probation officer
4. Appeal
5. Probation revocation hearing