

FEDERAL SENTENCING GUIDELINES MANUAL

UNITED STATES SENTENCING COMMISSION

Nivember 1, 2003 Assembarate

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Jeffrey Bellin

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on the approach of the UN ad hoc Tribunals for the former Yugoslavia ICTY and Rwanda ICTR In contrast to sentencing in domestic jurisdictions and in spite of its growing importance sentencing law is a part of international criminal law that is still under construction and is unregulated in many aspects International sentencing law and practice is not yet defined by exact norms and principles and as yet there is no body of international principles concerning the determination of sentence notwithstanding the huge volume of sentencing research and the extensive modern debate about sentencing principles Moreover international judges receive very little guidance in sentencing matters this contributes to inconsistencies and may increase the risk that similar cases will be sentenced in different ways One purpose of this book is to investigate and evaluate the process of international sentencing especially as interpreted by the ICTY and the ICTR and to suggest a more comprehensive and coherent system of guiding principles which will foster the development of a law of sentencing for international criminal justice The book discusses the law and jurisprudence of the ad hoc Tribunals and also presents an empirical analysis of influential factors and other data from ICTY and ICTR sentencing practice thus offering quantitative support for the doctrinal analysis This publication is one of the first to be entirely devoted to the process of sentencing in international criminal justice The book will thus be of great interest to practitioners academics and students of the subject

Arbitrary Justice Angela J. Davis, 2007-04-12 What happens when public prosecutors the most powerful officials in the criminal justice system seek convictions instead of justice Why are cases involving well to do victims often prosecuted more vigorously than those involving poor victims Why do wealthy defendants frequently enjoy more lenient plea bargains than the disadvantaged In this eye opening work Angela J Davis shines a much needed light on the power of American prosecutors revealing how the day to day practice of even the most well intentioned prosecutors can result in unequal treatment of defendants and victims Ranging from mandatory minimum sentencing laws that enhance prosecutorial control over the outcome of cases to the increasing politicization of the office Davis uses powerful stories of individuals caught in the system to demonstrate how the perfectly legal exercise of prosecutorial discretion can result in gross inequities in criminal justice For the paperback edition Davis provides a new Afterword which covers such recent incidents of prosecutorial abuse as the Jena Six case the Duke lacrosse case the Department of Justice firings and more **Living With Hacktivism** Vasileios Karagiannopoulos, 2018-03-05 This book focuses on the phenomenon of hacktivism and how it has been dealt with up to now in the United States and the United Kingdom After discussing the birth of the phenomenon and the various relevant groups from Electronic Disturbance Theater to Anonymous their philosophies and tactics this timely and original work attempts to identify the positive and negative aspects hacktivism through an analysis of free speech and civil disobedience theory Engaging in this process clarifies the dual nature of hacktivism highlighting its potential for positive contributions to contemporary politics whilst also demonstrating the risks and harms flowing from its controversial and legally ambiguous nature Based on this hybrid nature of hacktivism Karagiannopoulos proceeds to offer a critique of the current responses

towards such practices and their potential for preserving the positive elements whilst mitigating the risks and harms involved in such political practices Finally the study focuses on identifying an alternative symbiotic rationale for responding to hacktivism based on a cluster of micro interventions moving away from the conflict based criminal justice model and the potentially unjust and inefficacious results it entails The Internationalisation of Competition Rules Brendan J. Sweenev, 2009-09-10 The widespread move towards more market driven models of political economy combined with the expanding internationalisation of business and commerce has led to a series of proposals for global competition rules To date these proposals have been hotly contested A critical issue is whether some form of international rule making is required or whether soft law solutions are sufficient Competition rules may be required to combat the damage done by global cartels and to diffuse the tensions created when more than one nation seeks to regulate the same conduct Competition rules may also be required to protect the integrity of the world trading system International rule making however presents its own problems not the least of which is a concern with protecting national sovereignty **Dawn Raids Under Challenge** Helene Andersson, 2024-06-13 The 2nd edition of this book provides an updated comprehensive analysis of the European Commission s dawn raid practices from a due process perspective Examining the obligations imposed by the Charter and the ECHR and the response of the Luxembourg and Strasbourg Courts the book shows that whereas the Strasbourg Court manages to strike a balance between efficiency concerns and fundamental rights the approach of the EU Courts is not equally balanced The dawn raid is a powerful tool on which the European Commission relies heavily in its antitrust investigations In 2022 the Commission carried out dawn raids in private homes for the first time in many years and it has declared its intent to make greater use of the power to inspect private premises Furthermore the European Commission is expanding its dawn raid practices into new areas of law Both the Digital Markets Act and the Foreign Subsidies Regulation empower the Commission to carry out dawn raids and to impose heavy fines on anyone failing to cooperate Ensuring adequate procedural safeguards is therefore more important than ever The book provides an essential and timely examination of this important subject and is of great practical interest to companies practitioners and enforcers It is also of theoretical interest offering stimulating reflections on the effectiveness and legitimacy of the Commission's enforcement powers Environmental Law Handbook Christopher Bell, F. William Brownell, David R. Case, Andrew N. Davis, Kevin A. Ewing, Jessica O. King, Stanley W. Landfair, Duke K. McCall, III, Marshall Lee Miller, Karen J. Nardi, Austin P. Olney, Thomas Richichi, John M. Scagnelli, James W. Spensley, Daniel M. Steinway, Rolf R. von Oppenfeld, 2016-12-27 Now in its 23rd edition the Environmental Law Handbook gives readers a comprehensive and up to date look at the major environmental laws affecting U S businesses and organizations Written and compiled by the country's leading environmental law firms it provides the comprehensive and reliable guidance you can trust Mass Incarceration Nation Jeffrey Bellin, 2022-11-17 The United States imprisons a higher proportion of its population than any other nation Mass Incarceration Nation offers a novel in the trenches perspective to

explain the factors historical political and institutional that led to the current system of mass imprisonment The book examines the causes and impacts of mass incarceration on both the political and criminal justice systems With accessible language and straightforward statistical analysis former prosecutor turned law professor Jeffrey Bellin provides a formula for reform to return to the low incarceration rates that characterized the United States prior to the 1970s **Bargaining's Triumph** George Fisher, 2003 Though originally an interloper in a system of justice mediated by courtroom battles plea bargaining now dominates American criminal justice This book traces the evolution of plea bargaining from its beginnings in the early nineteenth century to its present pervasive role Through the first three quarters of the nineteenth century judges showed far less enthusiasm for plea bargaining than did prosecutors After all plea bargaining did not assure judges victory judges did not suffer under the workload that prosecutors faced and judges had principled objections to dickering for justice and to sharing sentencing authority with prosecutors The revolution in tort law however brought on a flood of complex civil cases which persuaded judges of the wisdom of efficient settlement of criminal cases Having secured the patronage of both prosecutors and judges plea bargaining quickly grew to be the dominant institution of American criminal procedure Indeed it is difficult to name a single innovation in criminal procedure during the last 150 years that has been incompatible with plea bargaining s progress and survived The Diplomat in the Corner Office Timothy L. Fort, 2015-10-28 In The Diplomat in the Corner Office Timothy L Fort one of the founders of the business and peace movement reflects on the progress of the movement over the past 15 years from a niche position into a mainstream economic and international relations perspective In the 21st century global business environment says Fort businesses can and should play a central role in peace building and he demonstrates that it is to companies strategic advantage to do so Anchoring his arguments in theories from economics and international relations Fort makes the case that businesses must augment familiar notions of corporate responsibility and ethical behavior with the concept of corporate foreign policy in order to thrive in today s world He presents a series of case studies focusing on companies that have made peace a goal either as an end in itself or because of its instrumental value in building their companies to articulate three different approaches that businesses can use to guell international conflict peace making peace keeping and peace building He then demonstrates their effectiveness and proposes policies that can be utilized by business civil society and government to increase the likelihood of business playing a constructive role in the conciliatory process This book will be of enormous use not only to students and scholars but also to leaders in NGOs government and business Research Handbook on Organisational Integrity Muel Kaptein, 2024-02-12 This ground breaking Research Handbook showcases the value uniqueness versatility and holistic character of organisational integrity Bringing together diverse perspectives from a wide range of expert contributors it not only provides a comprehensive overview of the current state of the field but also charts exciting new directions for future research

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