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Book Reviews: Law of Sentencing

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BOOK REVIEWS

LAW OF SENTENCING. By Arthur W. Campbell.* The Lawyers Co-operative Publishing Company, Rochester, New York. 1978. Pp. 560. Reviewed by Robert F. Fischer.†

Law of Sentencing is a comprehensive text that explains in adequate detail all aspects of the subject of criminal dispositions. Sentencing, long neglected as a subject of general study, is now undergoing major scrutiny by the bench, bar, and law students. The timeliness of the subject is apparent. During the most recent Judicial Conference, a meeting of all Maryland State Circuit Court judges held on April 26-29, 1979, a motion proposed by Judge Marshall A. Levin, Chairman of the Committee on Corrections of the Judicial Conference, to require the use by judges of mandatory guidelines in assessing sentences was tabled. It seemed apparent, however, from comments of the judges attending the conference, that following the completion of a federally funded study to accumulate data on sentences, guidelines designed to help bring about some uniformity in sentences will be implemented.

Arthur W. Campbell's *Law of Sentencing* is an ideal text for use in law school sentencing seminars. It would also be of significant use to members of the bar as a reference tool. Although the bulk of the information contained in the text must of necessity be part of the general knowledge of any competent criminal law practitioner, the author offers some excellent suggestions to aid lawyers who are anxious to provide maximum service to their clients.

A feasible procedure is outlined whereby a careful attorney will begin at the very outset of his representation to compile a record detailing evidence displayed by his client of satisfactory or increased "social stability," that is, any factor, such as a job, schooling, job searching, responsibility in keeping appointments, and so forth, which tends to indicate that the client is improving, redirected, and worthy of a second or perhaps a third or fourth chance on probation. In the present forgiving atmosphere, created in large measure by an enormously overcrowded penal system, an attorney should seldom, if ever, despair of obtaining a probationary disposition.

The bar generally is criticized for not preparing for the sentencing portion of a proceeding as fully as the trial itself. This situation is said to exist in spite of the fact that in many instances a defense lawyer, no matter how skilled, prepared, and resourceful, will lose his case on the merits. At the sentencing phase of a trial, an industrious advocate has an opportunity to blunt the effect of the

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prosecutor's victory by obtaining a favorable disposition for his client. Often the distinction between winning and losing pales in significance when compared to the alternative of either incarceration or probation.

Mr. Campbell has organized his material extremely well, beginning with a concise history of sentencing practices throughout the world. The range of punishments meted out for various offenses seemed limited only by the imaginations of the authorities. For example, the medieval Scandinavian sanction, usually fatal, for killing a member of one's immediate family was for the offender to be hung upside down by a rope attached to his legs in the immediate company of a live wolf similarly suspended. In addition to ingenious methods of putting a person to death, various combinations of torture, mutilation, and maiming were employed. The author has charted the progress of mankind from the highly inventive to more civilized methods of punishment resulting in the massive shift to the use of penitentiaries, where an individual is given a sufficient period of time to reflect upon his misdeeds, and progressing to the present preoccupation with finding satisfactory alternatives to incarceration.

The various functions and responsibilities of each participant in the sentencing process including the judge, probation officer, and defense counsel are set forth in logical and concise order. In addition, the constitutional basis of and principles involved in sentencing are thoroughly explored.

Arthur W. Campbell has produced a thorough, enlightening analysis of criminal sentencing that is worthy of the attention of all conscientious persons involved in this important process, particularly lawyers who wish to improve their understanding of and their ability to deal effectively with the sentencing process.