

Unit 9 Assignment 2 Case Studies

CASE A

John is a 29-year-old man who has been twice convicted of fraud by forging checks. His first conviction resulted in a sentence of five years on probation with an order to make restitution in the amount of \$2,720. John made three payments of \$230 each before absconding supervision. He turned up again after six months and was reinstated on probation by the court after he promised to faithfully fulfill the terms of his supervision and to complete his restitution obligation. During his supervised release, he was in violation of probation conditions regularly and never completed his restitution payments. The current case involves John passing a forged check at a local grocery store in the amount of \$624. Due to his previous failure and non-completion of probation, the court is concerned that he is not capable of following court-ordered probation conditions, yet it does not want to commit him to state prison or to a jail term because his offense is nonviolent. John has a wife and two small children and is their only source of support. He has a high school diploma, he is not mentally ill or disabled, and he is currently employed as a house painter. What type of sentence is appropriate in this scenario?

CASE B

Ricardo is a 23-year-old identified gang member of the Mexican Mafia, a Latino gang with roots in California. He has a history of criminal offenses including shoplifting, one motor vehicle theft, and three DUIs. Ricardo is not assaultive, but the group in which he is a member has been known to participate in assault and other violent acts. His file does not indicate his rank in the gang, but it shows he has been a confirmed member for at least six years. His current offense is larceny involving theft from his former employer, a local carpet-laying company. The PSI concludes that Ricardo needs more structure than can be gained from probation or intensive supervision, but it does not recommend a prison sentence due to his current nonviolent offense. The PSI reports that Ricardo needs to learn discipline, good work habits, respect for the rights of others, and there is concern about his attitude toward authority. What type of sentence is appropriate in this scenario?

CASE C

Sarah is a 22-year-old woman who has been arrested and convicted of a number of crimes including shoplifting, prostitution and possession of a controlled substance. She was put on probation but was again arrested for prostitution and possession of a controlled substance. Her file indicates a history of childhood physical and sexual abuse and years of drug dependency. She also suffers from a number of mental health issues resulting from the abuse, including post-traumatic stress disorder, depression and low self-esteem. The PSI suggests that Sarah does not pose a threat to the community and therefore does not require a prison sentence, yet given her repeated offending would likely benefit from a more structured setting rather than continuing to live independently. Given her history of abuse and drug dependency she would also benefit from therapeutic counseling and treatment to address her mental health issues and drug addiction. What type of sentence is appropriate in this scenario?

CASE D

Mark is an inmate at a state prison, completing his five year sentence for a sex offense against a child. This is his second similar offense. He was convicted of his first offense for a sex offense against a child when he was 17. His second offense was 10 year later for which he is currently incarcerated. He will be released next month, but will be subject to continued supervision upon release for the remainder of his sentence. What type of sentence is appropriate in this scenario?