

Impeachment with Past Convictions

1) Rule 609

a) *Generally permits use of witness's criminal convictions to impeach that witness*

i) *Exception to general rule you can use propensity**

b) (a) General Rule:

i) Rules that apply to attacking a witness's character for truthfulness by evidence of a criminal conviction:

(1) *NOT GENERAL CHARACTER - CHARACTER FOR TRUTHFULNESS ONLY*****

(2) *CONVICTIONS NOT ARRESTS*

ii) (1) For a **crime** that, in the convicting jurisdiction, was **punishable by death or by imprisonment for more than one year**, the evidence:

(1) (A) Must be admitted, subject to Rule 403, in a civil case or in a criminal case in which the **witness is not a D**; and

(2) (B) Must be admitted in a criminal case in which the **witness is a D**, if the probative value of the evidence outweighs its prejudicial effect to that D; and

(a) *Special rule for criminal D's***

(b) *Reverse 403 rule—presumption it stays out unless = more stringent!!*

(3) **Punishable** → what *could* the witness have been punished with? [not what they actually got]

(4) **Extrinsic Evidence** is allowed to rebut answers where witness denies having a criminal conviction!!!!

iii) (2) For **any crime regardless of the punishment**, the evidence must be admitted if the court can *readily determine* that establishing the **elements of the crime required** proving - or the witness's admitting - **a dishonest act or false statement**

Past Convictions

**Mark S. Brodin, Paul J. Liacos, Michael
Avery**



Past Convictions:

Previous Convictions at Sentencing Julian V Roberts, Andreas von Hirsch, 2014-10-01 This latest volume in the Penal Theory and Penal Ethics series addresses one of the oldest questions in the field of criminal sentencing should an offender's previous convictions affect the sentence Although there is an extensive literature on the definition and use of criminal history information the emphasis here is on the theoretical and normative aspects of considering previous convictions at sentencing Several authors explore the theory underlying the practice of mitigating the punishments for first offenders while others put forth arguments for enhancing sentences for recidivists *The Past Predicts The Future: Criminal History and Recidivism of Federal Offenders* United States Sentencing Commission, 2017-04-12 The focus of this report is the 25 431 U S citizen federal offenders released from prison or placed on probation in calendar year 2005 Recidivism refers to a person's relapse into criminal behavior often after the person receives sanctions or undergoes interventions for a previous crime Recidivism is typically measured by criminal acts that resulted in the re arrest re conviction and or re incarceration of the offender over a specified period of time Recent developments particularly public attention to the size of the federal prison population and the cost of incarceration have refocused the Commission's interest on the recidivism of federal offenders This report takes into account chapters four and two of the Guidelines Manual ISBN 9780160934896 in establishing the Commission's methods for evaluation Scoring points for evaluation of the study group and criminal history category identification The Appendix comprised of tables and figures section offers the Study group's offender race median age re conviction rates re incarceration rates offenses categories and more Related products United States Sentencing Commission Guidelines Manual 2016 is available here <https://bookstore.gpo.gov/products/sku/052-070-07703-4> Alternative Sentencing in the Federal Criminal Justice System is available here <https://bookstore.gpo.gov/products/sku/052-070-07686-1> ctid 1103 Federal Probation A Journal of Correctional Philosophy and Practice print subscription available here <https://bookstore.gpo.gov/products/sku/727-001-00000-0> ctid Take Charge of Your Future Get the Education and Training You Need can be found here <https://bookstore.gpo.gov/products/sku/065-000-01446-7> Federal Rules of Criminal Procedure December 1 2016 is available here <https://bookstore.gpo.gov/products/federal-rules-criminal-procedure-2016> *Predictive Sentencing* Jan W de Keijser, Julian V Roberts, Jesper Ryberg, 2019-05-16 Predictive Sentencing addresses the role of risk assessment in contemporary sentencing practices Predictive sentencing has become so deeply ingrained in Western criminal justice decision making that despite early ethical discussions about selective incapacitation it currently attracts little critique Nor has it been subjected to a thorough normative and empirical scrutiny This is problematic since much current policy and practice concerning risk predictions is inconsistent with mainstream theories of punishment Moreover predictive sentencing exacerbates discrimination and disparity in sentencing Although structured risk assessments may have replaced gut feelings and have now been systematically implemented in Western justice systems the fundamental issues and questions that surround the use of risk

assessment instruments at sentencing remain unresolved This volume critically evaluates these issues and will be of great interest to scholars of criminal justice and criminology **Guideline Sentencing** ,1992 **Handbook of Massachusetts Evidence** Mark S. Brodin,Paul J. Liacos,Michael Avery,2006-12-22 Handbook of Massachusetts Evidence is the premier work in its field This comprehensive and practical guide to the law of Massachusetts evidence gives you the latest case law and up to date information on all evidentiary matters including RelevanceNew kinds of scientific and statistical evidenceCharacter evidenceAdmissibility of confessionsPrivileges and disqualifications Domestic Abuse Prevention StatuteExpert testimony In addition this new updated Eighth Edition has been expanded to cover recent topics such as Expert testimony and scientific proof Hearsay Developments in criminal trials With detailed reference to all significant Massachusetts and federal cases with a bearing on the law of evidence this trial attorney s bible provides all the insightful analysis you need for practical day to day use **Sentencing and Criminal Justice** Andrew Ashworth,Rory Kelly,2021-07-15 This revised and updated new edition focuses on major developments in sentencing law practice and theory Sentencing in England and Wales is now dominated by Sentencing Council guidelines and scrutiny of those guidelines is central to this book Issues of principle are identified and discussed to include the constitutional position of the Sentencing Council the meaning of and challenges to proportionality and the sentencing of BAME offenders and women offenders The book welcomes the new Sentencing Code introduced as the Sentencing Act 2020 and critically examines the government s plans for sentencing reform set out in the 2020 White Paper A Smarter Approach to Sentencing Throughout the book sentencing is explored in its wider criminal justice context making it essential reading for courses on sentencing criminal justice and criminal law *Sentencing and Punishment* Susan Easton,Susan M. Easton,Christine Piper,2016 Balanced coverage supportive learning features and a chance to dive into all the key theories and debates the essential guide for sentencing and punishment students Examining the theory behind the headlines and engaging with all the current debates Sentencing and Punishment provides thoughtful reliable and unbiased coverage of sentencing and punishment in the UK to make the perfect companion for your course Thorough and systematic approach Topics examined from legal philosophical and practical perspectives In depth and detailed coverage covering both sentencing and punishment to match to UK courses Discussion questions case studies and sentencing exercises in each chapter so you can apply your knowledge Fully reworked restructured and updated incorporating changes following the 2015 general election Book jacket Punishment and Sentencing Mirko Bagaric,2025-02-03 First published in 2001 Punishment and Sentencing provides a way of introducing principle into sentencing This is done by bridging the gap between the philosophical justification for punishment and sentencing law and practice In terms of the interests it deals with sentencing is the most important area of law Ironically it is also arguably the least coherent Nearly three decades ago sentencing was described as a wasteland in the law Unfortunately little has changed in that time Sentencing decisions are often made in accordance with the idiosyncratic sentiments of sentencers rather than

on the basis of binding rules and principles Part A of the book provides an overview of current sentencing law and practice Part B critically examines the main contemporary theories of punishment Part C discusses the implications that this has for the sentencing process It is a useful text for students of criminology law and philosophy courses as well as a valuable resource for criminal law practitioners *Uses and Consequences of a Criminal Conviction* Margaret Fitzgerald

O'Reilly,2018-11-23 This book examines the increasing retention and use of previous criminal record information within and beyond the criminal justice system There remains a misconception that once an offender has served the penalty for an offence his or her dealings with the law and legal system in relation to that offence is at an end This book demonstrates that in fact the criminal record lingers and permeates facets of the person's life far beyond the de jure sentence Criminal records are relied upon by key decision makers at all stages of the formal criminal process from the police to the judiciary Convictions can affect areas of policing bail trial procedure and sentencing which the author discusses Furthermore with the increasing intensifying of surveillance techniques in the interests of security ex offenders are monitored more closely post release and these provisions are explored here Even beyond the formal criminal justice system individuals can continue to experience many collateral consequences of a conviction whereby access to employment travel and licenses among other areas of social activity can be limited as a consequence of disclosure requirements Overall this book examines the perpetual nature of criminal convictions through the evolution of criminal record use focussing on the Irish perspective and also considers the impact from a broader international perspective A Practical Approach to Sentencing Martin Wasik,2014

Sentencing is one of the fastest moving areas of law with frequent legislative changes and hundreds of reported appellate decisions each year A Practical Approach to Sentencing a completely updated and revised new edition of Emmins on Sentencing offers the most comprehensive coverage of modern sentencing law making it an essential purchase for all criminal practitioners The book provides a clear and complete guide to the sentences which are available to the courts describing the powers of sentencing which can be used and how they are likely to be exercised in practice by the Crown Court or magistrates courts Offering guidance and analysis on sentencing principles and procedures the book also provides a practical summary of relevant sentencing guidelines and leading guideline decisions With thorough coverage and explanation of the changes brought about by the Legal Aid Sentencing and Punishment of Offenders Act this new edition is an indispensable guide for criminal practitioners at all levels The A Practical Approach series is the perfect partner for practice work Each title focuses on one field of the law providing a comprehensive overview of the subject together with clear practical advice and tips on issues likely to arise in practice The books are also an excellent resource for those new to the law where the expert overview and clear layout promote clarity and ease of understanding **Paley on Summary Convictions**

William Paley,1926 *A History of Criminal Justice in England and Wales* John Hostettler,2009 An introduction to the rich history of criminal justice charting all its main developments from the dooms of Anglo Saxon times to the rise of the Common

Law struggles for political legislative and judicial ascendancy and the formation of the innovative Criminal Justice System of today The book looks at the Rule of Law the development of the criminal courts and the people who work in them police forces the jury judges magistrates crime and punishment It deals with all the iconic events of criminal justice history and reform to show how criminal justice evolved Book Jacket *An Introduction to Federal Guideline Sentencing* ,2001

Sentencing Reform in the United States Sandra Shane-DuBow,1985 **Paying for the Past** Richard S. Frase,Julian V. Roberts,2019 All modern sentencing systems in the US and beyond consider the offender s prior record to be an important determinant of the form and severity of punishment for subsequent offences Repeat offenders receive harsher punishments than first offenders and offenders with longer criminal records are punished more severely than those with shorter records Yet the vast literature on sentencing policy law and practice has generally overlooked the issue of prior convictions even though this is the most important sentencing factor after the seriousness of the crime In *Paying for the Past* Richard S Frase and Julian V Roberts provide a critical and systematic examination of current prior record enhancements under sentencing guidelines across the US Drawing on empirical data and analyses of guidelines from a number of jurisdictions they illustrate different approaches to prior record enhancements and the differing outcomes of those approaches Roberts and Frase demonstrate that most prior record enhancements generate a range of adverse outcomes at sentencing Further the pervasive justifications for prior record enhancement such as the repeat offender s assumed higher risk of reoffending or greater culpability are uncertain and have rarely been subjected to critical appraisal The punitive sentencing premiums for repeat offenders prescribed by US guidelines cannot be justified on grounds of prevention or retribution Shining a light on a neglected but critically important topic *Paying for the Past* examines the costs of prior record enhancements for repeat offenders and offers model guidelines to help reduce racial disparities and reallocate criminal justice resources for jurisdictions who use sentence enhancements *Good Faith and Insurance Contracts* Peter MacDonald Eggers,Simon Picken,2017-12-06 *Good Faith and Insurance Contracts* sets out an exhaustive analysis of the law concerning the duty of utmost good faith as applied to insurance contracts Now in its fourth edition it has been updated to address the arrival of the Insurance Act 2015 as well as any references to new case law In addition it synthesises all known judicial decisions by the English Courts concerning good faith in this area This book is still the only text devoted to a discussion of the duty of utmost good faith applicable to insurance contracts As good faith is an issue which arises in respect of all insurance contracts it is a book which will be extremely useful to lawyers involved in insurance as well as insurance practitioners **Sentencing and Punishment** Susan Easton,Christine Piper,2023 Fully reworked restructured and updated and incorporating changes following the 2019 general election this fifth edition is the essential guide for anyone studying sentencing and punishment as part of a law or criminology course *Drug Enforcement Manual* ,1993-04 **Federal Register** ,1987-05-13 *Judicial Decision Making, Sentencing Policy, and Numerical Guidance* Austin Lovegrove,2012-12-06 This book describes an original

empirical study of judicial decision making The process of determining sentences is a difficult one for judges and often unnecessarily intuitive subjective and complex The present study introduces a conceptual outline and empirical technique for increasing the precision of sentencing policy thus offering an aid to judges who sentence in the light of this policy The primary purpose of this model of judicial decision making is to provide a framework for scaling the seriousness of any single case in relation to the facts of that case and for relating this assessment to the appropriate quantum of sentence The validity of the model is tested and cross validated in an archival study This innovative research serves as an important prototype for a system of numerical guidance to judges and sentencers

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