Mandatory Minimum Sentences in Utah: Does the Punishment Fit the Crime?

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MANDATORY MINIMUM SENTENCES IN UTAH: DOES THE PUNISHMENT FIT THE CRIME?
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In 2004, a 25 year old Utahn was sentenced to 55 years for selling $350 worth of marijuana. The judge handing down this sentence called it, “unjust, cruel, and irrational.” In 2002, a 24 year old Utahn was sentenced to 57 years for committing 3 robberies. The helpless judge delivering the ruling told the court, “I can’t change [the sentence].” Both of these harsh sentences are the result of mandatory minimum sentencing requirements.

In a typical trial court, the judge has a large degree of discretion about what sentence to hand down to the defendant, who has already been found guilty by a jury. But in 1984, Congress declared that “the previously unfettered sentencing discretion accorded to federal trial judges needed to be structured,” and, “specific offenders needed to be targeted for more serious penalties.” With that, Congress passed the Comprehensive Crime Control Act (P. L. 98-473), which created the United States Sentencing Commission to create an enhanced sentencing structure to constrain judges’ sentencing decisions.

Several states soon followed, and in 1993 Utah created the Utah Sentencing Commission. However, Utah’s commission has only an advisory role; the sentencing rules are made by the State Legislature.

Legislatures may have some advantage in making these sentencing mandates. They are sufficiently insulated from individual trials so as to ensure they are not biased by the facts of the individual case, or personal sympathies with one side or another. They also, in theory, are more cognizant of the will of the voters they represent.

Yet the district or trial judge also has strong advantages for holding sentencing discretion. They have full information about the nature of the offense, the impact of the crime, the previous criminal
history of the defendant, and other mitigating factors. They are trained in the legal profession, and generally have a great deal of experience in criminal justice. The courtroom also provides an advocate to represent the defendant in sentencing, to ensure that punishment is fair. This advocate can also file for an appeal if they believe there were flaws in the trial or sentencing.

Some have argued that strong legislative restrictions on the judiciary represent a conflict in the separation of powers. Others dismiss this, and claim instead that legislative restriction serves as a check on judicial power, and allows the will of the people to be represented. In 1989, the Supreme Court upheld the constitutionality of the U.S. Sentencing Commission in Mistretta v. United States (488 U.S. 361).

Restrictions on judges also shift a large amount of discretion onto the District Attorney, who brings charges against the accused. It is the DA who decides if they will bring charges with long mandatory sentences, or if they will seek a lesser charge with lower penalties.

If current trends continue, we are likely to see increasingly stiff punishments, and reduced judicial discretion in the courtroom.