

Campbell's *LAW OF SENTENCING*,

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### **PREFACE TO THE THIRD EDITION**

A quarter-century after the first edition of this treatise, criminal cases continue to generate the bulk of American courthouse business – with ninety percent ending in guilty pleas. Thus, for the vast majority of accused citizens – and eventually for each judge, prosecutor, and defense counsel – sentencing looms as the foremost concern. Of course, it is the most significant encounter with our criminal process system justice for those who plead guilty. For them sentencing becomes their only arena for securing the constitutional promise of due process, equal protection, speedy sentencing and effective assistance of counsel, while at the same time avoiding *ex post facto* sentences and ones that are cruel and unusual or create double jeopardy.

Yet a tragic irony repeats itself each day in American courtrooms. First, those facing sentencing are accompanied by lawyers and judges who by custom and training regard their essential roles to be triers of cases. Second, most sentencing literature labors to convince readers of what the law should be, not what it actually is. As a result, in far too many cases courtroom personnel do not know the law of sentencing, are unaware of their responsibilities, and cannot find a source addressing these concerns.

The irony has intensified since this book's first edition because the 1980s, '90s, and early 21<sup>st</sup> Century brought more changes to sentencing law than had occurred in the prior one-hundred years. Besides thrusting new challenges upon judges and prosecutors, these changes increased demands upon defense counsel and created more potential for claims of ineffective assistance.

Unfortunately advances in electronic research have compounded the problem for most judges and lawyers. Although the treatise made extensive use of this tool, digitized data bases expose the computer's limited help for grasping the larger issues on which smaller ones depend. Digital research retrieves scattered bits of sentencing law, disregarding their link to crucially related concerns and omitting entirely their practical impact.

Accordingly, this treatise presents a single authoritative updated volume of current sentencing law, plus practical advice for judges, lawyers, probation officers, and other professionals in this field. It has completely revised prior editions which at last count had been cited with approval in over 200 judicial opinions and law-review articles.

Having participated in sentencing as a prosecutor, defense counsel, legislative analyst, and judicial advisor, the author realizes he can merely offer rules, rationales, and suggestions. Only when combined in action by conscientious court, counsel, and correctional officials does there exist what can truly be called the law of sentencing.

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