

FEDERAL SENTENCING: Commentary on Gall/Kimbrough S. Ct. Arguments

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Hope For Limiting the Power of Circuit Courts to Impose Sentence

Here is some commentary on the arguments in Gall and Kimbrough at SCOTUSBLOG

And I quote:

. . . if the Guidelines themselves seemed to be losing some of their remaining luster among the Justices, it appeared even clearer that federal appeals courts could see their role in overseeing sentences fading into a distinctly secondary one. The Justices focused closely and repeatedly upon how to define appellate review that would not result, in practice, in making the Guidelines more or less binding. The view now embraced by several appeals courts that a sentence that fell outside a Guideline ranges would be found “unreasonable” if not justified by “extraordinary circumstances” went largely without visible support from the bench.

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