

Supreme Court to tackle sentences

WASHINGTON (AP) - The Supreme Court agreed Monday to try to settle whether long-established rules for sentencing criminals in federal court are constitutional, a question the justices raised with a ruling in June that placed thousands of criminal cases in limbo.

The justices threw federal courthouses into disarray by overturning a state sentencing system that is similar to the one used by federal judges. In the case from Washington state, the high court said the rules gave judges too much sway in determining the length of prison terms.

In a rare summer announcement, the justices said they will hear two cases about the sentencing dilemma on their first day back to work in October.

In the six weeks since the high court ruling, some federal judges have concluded that it rendered the federal sentencing system unconstitutional. Other judges have continued using the old sentencing system. In one Utah courthouse, four different federal judges have taken four different views about whether the system can stand.

"Right now it's just a mess. People don't know what to do," said Roscoe Howard, former U.S. attorney for the District of Columbia and now a Washington lawyer.

With federal judges handing out about 1,200 criminal sentences a week, the number of cases that may be affected by the uncertainty is staggering, the Bush administration's top Supreme Court lawyer argued in court filings.

"The number of federal cases affected by the questions presented in these cases will increase daily until this court resolves those questions," acting Solicitor General Paul Clement argued in asking the high court to move quickly.

The administration defends the federal system, set up by Congress in 1987 as a way to make sentencing more uniform and fair. Judges are given a range of possible sentences for each crime.

Although judges frequently complain that the guideline system leaves them too little flexibility, the rules also rely on judges to make many factual decisions that can affect a sentence, such as the amount of drugs involved in a crime, or whether a gun was used.

The Supreme Court's 5-4 ruling in *Blakely v. Washington* held that juries must decide any matter that can lengthen a sentence beyond the maximum set out in state sentencing guidelines unless the defendant admits to it.

To do otherwise violates a defendant's Sixth Amendment right to a jury trial, the court majority said.

The high court long ago ruled the federal guideline system constitutional but has since begun a re-examination of the role of judges and juries in determining facts.

A ruling four years ago, little noticed at the time, overturned state sentencing rules in New Jersey that allowed a judge to lengthen a criminal sentence based on facts never presented to a jury.

The court said then, and has repeated in other cases since, that the Constitution's guarantee of a jury trial means that judges alone cannot do the work of juries.

It has been unclear whether the federal sentencing rules would survive, but the issue did not come to a head until the Supreme Court ruled in the Washington case.

The high court said nothing Monday about the urgency of the sentencing issue, but the choice to hear the cases so soon is an indication that the court is well aware of the turmoil its ruling caused.

Some judges held off sentencing defendants for days or weeks, and some have reluctantly handed out sentences that were far shorter than they would have issued before the *Blakely* ruling. Federal prosecutors, following advice from the Justice Department, have started drafting their indictments differently or asking judges to consider two separate sentences — one to be used should the sentencing structure be found constitutional, and one if it were scrapped. Even justices who dissented in the *Blakely* case may be surprised by the ruling's profound results. Justice Sandra Day O'Connor, who wrote a dissent in *Blakely*, told a group of federal judges last month that the aftermath "looks like a No. 10 earthquake."



Sentinel-Voice photo by Les Pierres Streater

NAN's honorees, left to right: Carol Wilkinson, Marcia Washington, Tanya Flanagan, Maxie Robinson, Willa Chaney, National Action Network State Chairman Gene Collins, his grandson Kilyn McCoy, NAN volunteer Regina McCurry, Mable Buckner, Lois Greene, banquet coordinator Shelia Collins Davis, NAN's 2003 Woman of the Year recipient Sarann Knight-Preddy, Carolyn Clark, Denise McCurry, Irene Bustamante, Linda Taylor and Veronica Ottey.

NAN

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children and help to raise them right."

Founded in New York by the Rev. Al Sharpton, NAN is a political, social-activist organization that works to empower and uplift all people. NAN recognized 29 women for their contributions to the community through professional, personal, social and civic endeavors.

Recognized with Greene, "Woman of the Year," were Debbie Holleran, Yvonne Lewis, Denise McCurry, Catherine Mizzi, Veronica Ottey, Shirley Parraguire, Maxine Robinson, Delores Sawyer, Linda Taylor, Betty Turner, Marcia L. Washington, Laurna Wesley, Carol Wilkinson and Debbie Williams. Also recognized were

Shirley Barber, Christine Brady, Hannah Brown, Minnijean Brown-Trickey, Mable Buckner, Irene Bustamante, Willa Chaney, Carolyn D. Clark, Pat Cunningham, Thalia Dondero, Bonnie Finley-Smith, Tanya Flanagan and Angela Gardner. Brown-Trickey directed her keynote to the leaders of tomorrow.

"I want to talk especially to the young people here tonight, about the Little Rock Nine desegregation crisis because it's my social responsibility to educate them about this matter," she said. "If I am to use my authority to make a difference and testify about this incident, then I must tell you that it was not a Black or White issue that you saw on television. Television at that

time, in 1957, was White only and the only image that you saw of young Black people was Buckwheat. So who cares and who knows about that because it was a long time ago. But on Sept. 3, 1957, nine of the most beautiful, innocent, and optimistic young people walked across the headlines of the world and the world changed."

Someone had to be called forward to interrupt history.

"This young girl and three boys went to school on the first day and were met by mobs of violent, screaming, terrorizing, hating, vindictive people who were there to stop us from going to school," Brown-Trickey recalled. "We also had the state militia guarding the front of the school with their bayonets saying that we couldn't go in. We were being challenged not only by the mob but the institution of the State of Arkansas."

"When we hear the word bravery, who do we think of? Rarely do we think of teenagers," she said. "As with the changing of America, we had to overcome this violence. It doesn't mean that we weren't angry, hurt, upset. God gave us the strength and the en-

couragement to position ourselves to deal with this situation. If they went through all of this to stop us, I didn't know initially how I felt about coming here today, but if they were willing to do all this to stop me, then I will be back tomorrow."

Brown-Trickey concluded her remarks by stating that there wasn't anything special about the Little Rock Nine. She stated that we all are ordinary and that we all are capable of doing extraordinary things and that we are the people that can make things happen.

"The spirit of social change in America is back and we need to come together as one and work together to change the things that are not right in the world," she said.

Brown-Trickey has received numerous awards, including the Congressional Gold Medal, a Lifetime Achievement tribute by the Canadian Race Relations Foundation, and the NAACP Spingarn Medal. She was also awarded the International Wolf Award for her work as a teacher, writer, lecturer and her dedication to nonviolence as a means to bring social change and racial harmony.

Silverio

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be here. They make a huge impact."

Nevada is a challenging state because it's hard to categorize people since most residents have located here from somewhere else, bringing with them various political issues and interests.

Silverio knows how important Nevada and the 16 other battleground states are for this election and is passionate about people understanding just how essential their vote is. No matter where they live, their vote does count.

ACT has taken some polls and those polls show people in low-income neighborhoods tend not to vote or feel that their vote will not matter.

"We're about getting them excited about the issues, voting and making a change. And we're not just going to register them and not talk to them until November," Silverio said. "People will get more door knocks, calls and mail pieces about issues that they care about."

Some of the hot-button issues canvassers have reported to her during their door-to-door inquiries are Yucca Mountain, jobs, healthcare, gas prices and education.

ACT has a special program targeted at the 25-and-under population.

"We're targeting a lot of college campuses and high schools too because kids can register at 17 and vote at 18," she said.

Whether or not Nevadans will stay right or go left come election day and not sure if she will continue with politics, Silverio will head back to the Big Apple in November, taking with her the knowledge that she was a part of political history.

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