

U.S.V. Booker – The new standard for sentencing



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With *Blakely v. Washington*, 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004), decided June 24, 2004, the United States Supreme Court set on a collision course with the United States Sentencing Guidelines. The decision in *United States v. Booker*, 125 S.Ct. 738, decided January 12, 2005, shows the collision and the preliminary impact on federal sentencing.



For new cases or for those that have not been sentenced, the defendant should anticipate a presentence report with a complete set of guidelines calculations. Unlike previous sentencings, the attorney for the defendant can argue for leniency, not bound by the guidelines, or try to argue for special circumstances previously forbidden by the guidelines.³

