

Judgement Regarding Jail

In this case, Fellman's only violation was breaking curfew during probation, and as such he should receive some form of disciplinary action for that violation. I would only suggest jail if that was the standard response to a break of probation, but considering the other facts of the case, I would suggest a possible alternative of a fine for breaking the probation. Since his risk classification suggests that he is low risk, and the accident was entirely due to the pedestrian, I would be confident in separating the curfew crime from the accident and its charges. Regarding the accident, the injured woman was at fault for drunkenly jaywalking at night during low-visibility conditions, this can hardly be blamed on Fellman. Considering all the factors of this case, I would strongly recommend against jailing Fellman. Since the woman was injured, I would consider it unnecessary to fine her; but I would consider it wholly unjust to order restitution from Fellman as well. Her medical bills should serve as a reminder to her obligations to behave responsibly in society for the safety of herself and the safety of others.

Risk Classification Scales

The risk classification scales enable us to treat people convicted of crimes more ethically and risk assessments are fair and trustworthy, as shown in various studies. The systems used in criminal justice for risk assessment have come a long way from their initial form, and all have proven to be effective ways to reduce prison populations while increasing or maintaining public safety. One of the earliest risk assessment tables was developed in Pontiac and used in Illinois, where-after Ernest Burgess wrote in a study, "The available statistics seem to indicate that people of Illinois, as measured by the decrease in violations, have had better protection from its parole system in the last three years than at any time during the past twelve years" (Burgess, 1936).

Pointing to other studies that had been done previously, Burgess says, “expectancy tables have worked out in practice” as a study done by Sam Daykin “shows how closely for 18 different groups the actual outcome in experience is to the statistical expectancy” (Burgess, 1936). Nearly a century ago these assessments and scales were shown to be very effective, but much more recent studies have come to similar conclusions. In a study by Megan Stevenson and Jennifer Doleac, it was found that a judge’s “discretion mitigated costs at the expense of reducing benefits” (Stevenson & Doleac, 2022). Meaning, a judge’s individual discretion differing from the pure mathematical model which the assessments provide, changes the results by reducing recidivism, with the trade-off of reducing incarceration less drastically. Considering the consequences of recidivism for violent offenders, this means the human factor is keeping society safer overall, while helping reduce strain on the system by utilizing the risk assessments as a single factor, not a determinant, in considering sentencing or paroles.

Appeal Consideration

Given this case, and all the factors involved, I would grant the appeal for Fellman for various reasons. First, to determine and change a sentence due to media response is a miscarriage of justice; popular opinion has no place in determining what is or is not fair, as it is often formed without all of the facts. Secondly, the original sentencing was overly harsh as the only crime committed was a curfew related parole violation. In light of the evidence and circumstances of this case, I would sentence Fellman to pay a fine of such an amount that would impress upon him the seriousness of violating parole, but I would avoid sentencing him for an accident that was plainly not his fault. Justice is meant to be blind, and that means not over-charging people simply because they are famous or more well known to the public.

References

Burgess, E. W. (November, 1936). Protecting the public by parole and by parole prediction.

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