

# Can a judge sentence you for crimes a jury has found you not guilty of?

*The Church of Scientology National Affairs Office Joins in Bipartisan Support for New Legislation Aimed at Ending an Unjust Judicial Sentencing Practice*

WASHINGTON, DC, USA, October 3, 2019 /EINPresswire.com/ -- A diverse, bipartisan group of criminal justice reform advocates are supporting the [Prohibiting Punishment of Acquitted Conduct Act of 2019](#). The support for the bill was in the form of a sign-on [letter](#) addressed to bill sponsors Senate Judiciary Chair Lindsey Graham (R-SC) and Ranking Member Dianne Feinstein (D-CA). The Church of Scientology National Affairs Office joined such groups as the National the Association of Criminal Defense Lawyers, #Cut50, American Civil Liberties Union, American Conservative Union, Drug Policy Alliance and Prison Fellowship in support of the legislation.



Participants in the Interfaith Criminal Justice Coalition, including John Stanard, with Senator Grassley

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The Church has a historical legacy of speaking out against injustice in whatever form it may take.”

*John Stanard, National Director for Social Betterment*

The bill, introduced this week, was cosponsored by Senators Patrick Leahy (D-VT), Thom Tillis (R-NC), Cory Booker (D-NJ), and Mike Lee (R-UT). If enacted, the legislation would end the unjust practice of judges increasing sentences based on conduct for which a jury has acquitted a defendant.

The letter points out that under current federal law judges may override a jury’s not guilty verdict and sentence a defendant for conduct he or she was acquitted of by a jury.

This is because the law requires a jury to convict beyond a reasonable doubt, but allows judges to use a less demanding standard when imposing sentencing enhancements.

As an example of the kind of injustice that can happen under current law, the letter cites the case of three defendants who were convicted of possessing small amounts of crack cocaine but were acquitted by a jury of conspiracy to distribute charges. However, the judge in the case increased their sentences based on their actions, even though a jury found them not guilty of a crime for those actions. On appeal to the Supreme Court, which did not take the case, Justice Scalia, joined by Justice Ginsburg and Justice Thomas, stated that the practice of sentencing based on acquitted conduct “has gone on long enough” and constituted a likely violation of their Constitutional Rights.

“The Church has a historical legacy of speaking out against injustice in whatever form it may take,” stated John Stanard, National Director for Social Betterment at the Church’s national office. “Decades before the U.S. built up the largest prison population in the world, our Founder, L. Ron

Hubbard, spoke out about the danger of creating more hardened criminals through the excessive use of incarceration in his essay *The Criminal College*," Stanard stated. "We continue to follow his lead," Stanard continued "both with advocacy as well as through support of the [Criminon](#) program, whose rehabilitation curriculum is based on secular derivations of Hubbard's humanitarian research. Criminon provides justice-involved individuals with real-world skills they can use to improve their decision-making and reverse negative life habits," Stanard stated.

Since 2013, Mr. Stanard has been an active national advocate for criminal justice reform working in a bipartisan manner with other like-minded reform groups such as the Interfaith Criminal Justice Coalition, consisting of over 50 national, faith-based advocacy organizations in Washington, DC.

"The Church will continue its advocacy work in collaboration with its national faith partners and other like-minded organizations to enact further, much needed reforms to improve the criminal justice system in this country," concluded Stanard.

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September 26, 2019

The Honorable Lindsey Graham  
Chairman  
Committee on the Judiciary  
U.S. Senate  
Washington, D.C. 20515

The Honorable Dianne Feinstein  
Ranking Member  
Committee on the Judiciary  
U.S. Senate  
Washington, D.C. 20515

Re: Prohibiting Punishment of Acquitted Conduct Act of 2019

Dear Chairman Graham and Ranking Member Feinstein:

The undersigned organizations write in support of the Prohibiting Punishment of Acquitted Conduct Act of 2019, which was introduced this week by Senators Durbin and Grassley, and cosponsored by Senators Leahy, Tillis, Booker, and Lee. This bill would end the unjust practice of judges increasing sentences based on conduct for which a defendant has been acquitted by a jury.

The Fifth and Sixth Amendment guarantees of due process and the right to trial by jury for those accused of a crime are fundamental to our criminal justice system. These guarantees require the government to prove a defendant's guilt to a jury beyond a reasonable doubt.

Despite this, current federal law allows judges to override a jury's not guilty verdict by sentencing a defendant for the very conduct he or she was acquitted of by the jury. This is because the law requires a jury to convict beyond a reasonable doubt, but allows a judge to impose sentencing enhancements based on the less demanding standard of preponderance of the evidence.

Permitting sentencing based on acquitted conduct is unjust, undermines due process, and subverts the critical function of jury trials in our legal system. This practice has been roundly criticized by practitioners, judges, and scholars. In one case, three defendants were convicted of possessing small amounts of crack cocaine, but were acquitted by the jury on conspiracy to distribute charges. Nevertheless, the judge increased their sentences based on them engaging in a conspiracy. Though the Supreme Court did not take the case, Justice Scalia, joined by Justice Ginsburg and Justice Thomas, stated that the practice of sentencing based on acquitted conduct "has gone on long enough" and constituted a likely violation of the Sixth Amendment.<sup>1</sup> Additionally, former Judiciary Committee Chairman Hatch introduced the original version of

<sup>1</sup> *Jones v. United States*, 135 S. Ct. 8, 9 (2014) (Scalia, J., dissenting from denial of certiorari).

Letter supporting criminal justice bill