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Blakely v. Washington: Implications for State Courts

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The immediate reaction to the recent U.S. Supreme Court decision in *Blakely v. Washington* is that the decision set sentencing on its ear. A quick reaction from federal courts indicated that *Blakely* likely made certain aspects of the U.S. Sentencing Guidelines unconstitutional. However, responses from the states have been less immediate. This is due in part to the different sentencing schemes in operation in each state, and in part to the confusion engendered by *Blakely*.

A recent memo by the Knowledge and Information Service (KIS) of the National Center for State Courts attempts to determine the possible effects of *Blakely* on state sentencing by analyzing the opinion and capturing state practices.

Which courts will likely be affected? Most states will not be affected. In general, the more similar a state's guidelines are to the federal guidelines, the greater the *Blakely* effect. A preliminary list of affected states includes:

- Alaska
- Arizona
- California
- Colorado
- Idaho
- Indiana
- Michigan
- Minnesota
- New Mexico
- North Carolina
- Ohio
- Oregon
- Tennessee
- Washington

However, an exact count is difficult, as some implications of the case are not yet clear. Many states anticipate that only a handful of cases will be affected.

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Annual Meeting Notice

Notice is hereby given pursuant to Article V, Section 1, of the bylaws of the American Judges Association that the annual meeting will be held October 25-29, 2004, at the Grand Hyatt on Union Square in San Francisco, California. The annual membership meeting will be held Thursday, October 28 at 8:00 a.m.

Notice is hereby given that the annual meeting of the American Judges Foundation will be held Tuesday, October 26, 2004, at noon at the Grand Hyatt on Union Square.



Photo courtesy of the San Francisco Convention and Visitors Bureau