

# Individual State Responses to *Blakely v Washington*

## Kansas

The Kansas Commission dealt with "Blakely type" issues before the Supreme Court decision because of the *Kansas vs Gould* decision in 2002.

[Changes in Kansas Statutes Post Gould](#)

[Forms to be used by juries when dealing with raising sentences above the guideline maximum.](#)

## Michigan

The Michigan Supreme Court issued the attached decision that includes a footnote describing how the Court interprets the impact that *Blakely* will have on the Michigan sentencing guidelines scheme.

[Syllabus of \*People vs. Claypool\*](#)

[Decision - \*People of the State of Michigan vs. Claypool\*](#)

## Minnesota

[The Impact of \*Blakely v. Washington\* on Sentencing in Minnesota](#) - Short Term Recommendations

[The Impact of \*Blakely v. Washington\* on Sentencing in Minnesota](#) - Long Term Recommendations

[Supreme Court Promulgated Rules Establishing Procedures with \*Blakely v. Washington\*](#)

## Pennsylvania

### Impact of *Blakely v Washington* in Pennsylvania

On June 24, 2004, the US Supreme Court found that sentences that depart above the standard range of the Washington Sentencing Guidelines to be in violation of the 6th Amendment, if the facts supporting such a sentence were not admitted by the defendant nor proven beyond a reasonable doubt. *Blakely v Washington* (542 U.S. \_\_\_\_\_) (2004)

The Commission has received numerous inquiries related to this decision and its impact on the Pennsylvania Guidelines. Following a preliminary analysis of the Opinion of the Court (Scalia) and the dissenting opinions (particularly Breyer), and discussions with experts throughout the state and country, there seems to be consensus that the *Blakely* decision does not appear to

impact the Pennsylvania Sentencing Guidelines. In both the Opinion by Justice Scalia (page 13 of the Opinion), and the dissent by Justice Breyer (page 5 of his dissent), a distinction is made between determinate sentencing systems, such as Washington and Kansas, and indeterminate sentencing systems. An indeterminate sentencing system, such as that retained by Pennsylvania, appears safe, particularly because the guidelines and *Blakely v Washington* (542 U.S. \_\_\_\_\_) (2004) most mandatorics apply to minimum sentences and do not limit or control maximum sentences.