

# Northern Illinois University

# Law Review

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## The Governor James R. Thompson Lecture Series

- Sentencing Reform in the States: Some  
Sobering Lessons from the 1970's** ..... 1  
*Franklin E. Zimring*

*An analysis of the sentencing reform movement of the 1970's which attacked parole board discretion in favor of determinate sentencing systems. Professor Zimring criticizes the outcomes of that reform and presents some lessons for future law-reformers.*

- Commentary: Some Lessons from the History of  
Illinois Sentencing Laws** ..... 19  
*James B. Haddad*

*An analysis that criticizes Professor Zimring's conclusions and argues that sentencing reform in Illinois resulted in a fair, determinate system based on lessons learned from the past.*

- Commentary: The Imprisonment Decision—Why Not  
Try Something Old?** ..... 33  
*Joel H. Swift*

*A response to Professor Zimring discussing the procedures used in the sentencing process, focusing on the imprisonment decision. A more extensive use of "due process" type procedures at the sentencing stage is proposed.*

- Commentary: Imprisonment—The Misplaced Focus of  
Sentencing Reform** ..... 43  
*Andrea Monsees*

*A response to Professor Zimring suggesting that imprisonment was a temporary adjustment to the loss of more productive forms of punishment and that it is an anachronism when used as the focus of sentencing reform.*

## ARTICLE

- The Admissibility of Eyewitness Testimony on  
the Issue of Eyewitness Identification in  
Criminal Trials ..... 59

*Edward B. Arnolds,  
William K. Carroll and  
Michael P. Seng*

*The authors raise the serious problems inherent in the use of eyewitness identification of defendants in criminal trials. They suggest that allowing expert testimony on its unreliability is essential to counteract possible adverse effects on the jury's determination of guilt.*

## COMMENT

- Judicially Created Defenses to the Unauthorized  
Use of Trademarks ..... 87

*Jonathan Binnie*

*This comment identifies circumstances in which courts have permitted the unauthorized use of another's trademark where the use was outside the exceptions enumerated in the Lanham Act. The author ascertains underlying policy interests being protected and unifying principles in each defense, then sets forth the elements necessary to raise these defenses to claims of trademark infringement and unfair competition.*

## CASENOTES

- Bullington v. Missouri: The Cloning of  
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*The double jeopardy clause is now interpreted to prohibit a redetermination of a sentence where a state's capital sentencing statutes mandate a bifurcated trial in which the sentencing hearing is procedurally identical to the guilt determination portion of the trial.*

- San Diego Gas & Electric: A Regulation  
Gone Too Far?* ..... 143

*This note analyzes the dissenting view of the Court that the mere imposition of a zoning regulation can effect a permanent or temporary taking of property for which compensation must be paid under the fifth and fourteenth amendments.*

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