

1 that imprisonment of any duration is not cruel and un-  
2 usual.

3 MR. MARTINEAU: As long as it is within the  
4 bounds set by the Legislature, that is right.

5 THE CHAIRMAN: That doesn't mean that this  
6 sentence would be meaningless, though.

7 MR. MILLER: Would you not agree --

8 MR. MARTINEAU: It is under our current cir-  
9 cumstances where we don't have corporai punishment  
10 provided by law.

11 MR. MILLER: Is it not agreed that a judge  
12 could strike down an excessive sentence, regardless of  
13 what the Legislature said, that if it was cruel and un-  
14 usual in his opinion, that it wouldn't be constitutional?

15 MR. MARTINEAU: The Court of Appeals held  
16 as long as it is within the limits set by the Legislature,  
17 it is not cruel and unusual, no matter how ridiculous  
18 the sentence might be. It might be accumulative terms  
19 adding up to 2000 terms for stealing some tobacco.

20 MR. MILLER: Cigarettes.

21 MR. MARTINEAU: Yes, if you steal a carton