

# FAKE IDS - SCRIPTED JUDGE'S GUIDE

## *You Be the Judge Sentencing Exercise - Judge's Guide*

### **The Cost of Fake IDs:** Are You Willing to Pay With Your Future?

#### How Aggravating and Mitigating Factors Affect Sentencing Decisions

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## INSTRUCTIONS

**Judge:** After listening to a volunteer read a fictional scenario, you will be the judges on this case.

1. We'll start with the scenario just as it is, and you will determine the sentence within the parameters that I set out for you.
2. Then I will add in aggravating factors that would argue for a stiffer sentence and mitigating factors that would argue for a lighter sentence.
3. After I give you a new factor, I'll ask: Who would give a more severe sentence based on that factor and who would give a more lenient sentence?
4. To wrap up the exercise, I will ask you to weigh the totality of **all** the factors, and determine your ultimate sentencing decision. Then we will discuss.
5. We will start with a volunteer reading the scenario. Who will read the paragraph to us?

## FICTIONAL SCENARIO

Ken Williams is a senior at State College. He is arrested for producing and selling fake IDs, specifically, driver's licenses. He crosses state lines to sell the IDs in a three-state area. Ken ultimately is charged with and convicted of producing and selling false identification documents in violation of federal law. He could face years in prison.

**Judge:** Now that you've heard the scenario, each of you is the judge. When deciding on an appropriate sentence, the judge looks to the facts and circumstances of the case. I'd like to remind you that aggravating factors would favor making the sentence more severe, and mitigating factors would favor making the sentence less severe. After I give you a factor, you can raise your hand and tell me if it is aggravating or mitigating and how that factor would affect your sentencing decision.

How would you sentence Ken if:

## AGGRAVATING FACTORS

1. This is not a one-time offense. Ken sold more than 500 fake IDs in nine months.
2. He made more than \$10,000 over and above his tuition costs.
3. He sold the fake IDs to underage high school students who used them to get into clubs.
4. A high school girl used one of Ken's fake IDs to drink and drive. She crashed her car, injuring her best friend.

## MITIGATING FACTORS

1. He does not have any previous criminal history -- not even a traffic ticket.
2. He began producing fake IDs to fund his college education.
3. He has a promising future. He has a 3.8 GPA and plans to go to medical school.

**Judge: To wrap up the exercise,** I will ask you to work with the person next to you and weigh the totality of **all** of the factors and decide what your ultimate sentencing decision is. Then we will discuss.