

STUDENT TEACHER DWI - SCRIPTED JUDGE'S GUIDE

You Be the Judge Sentencing Exercise - Judge's Guide

When a Student Teacher Drinks and Drives

How Aggravating and Mitigating Factors Affect Sentencing Decisions

INSTRUCTIONS

Judge: After listening to a volunteer read a fictional scenario out loud, 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 come up to the microphone and read one paragraph so that everyone can hear you?

FICTIONAL SCENARIO

After celebrating her birthday with friends, student teacher Barbara Bentley decides to drive her car home from a bar. The police follow Barbara on a federal parkway for a few miles. Her driving gives the police a reason to suspect that she is driving under the influence. The officer pulls her over. Barbara takes a breathalyzer test, and she is over the legal limit. She is convicted of a federal offense and faces jail time.

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 Barbara if:

AGGRAVATING FACTORS

1. She teaches drivers' education at her school.
2. She is holding a Smartphone when she is stopped by police.
3. Her blood -alcohol content is just slightly over the legal limit.
4. She crashes into a van carrying the girls' basketball team and one girl ends up paralyzed.

MITIGATING FACTORS

1. She is the single mother of a one year old.
2. She stops after the accident, stays at the scene, and calls police.
3. She takes responsibility for her actions and pleads guilty.

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.