

SENTENCING EXERCISE

Conviction: Count 1

Offense: Armed Bank Robbery; violation of 18 U.S.C. § 2113(a) and (d)

Maximum Statutory Penalties: 25 years and/or \$250,000; Class B Felony: up to 5 years supervised release following imprisonment; up to 3 years imprisonment upon subsequent revocation.

Note: an additional count of conviction for 18 U.S.C. § 924 (c) (use, carry, possession of firearm in relation to a crime of violence) would have required a consecutive sentence of at least 5 years imprisonment.

- committed robbery
- a federally insured bank
- carried a .38 caliber revolver (operational and loaded)
- pushed a teller, resulting in bodily injury (cut on forehead, bruises, contusions)
- restrained a customer (used packaging tape to bind and put into storage area)
- \$18,000. in bank loot taken, \$8000 recovered upon arrest 6 weeks after robbery
- within few days of apprehension defendant provided full information to the government and announced intentions to plead guilty

- defendant is a 23 year old male
- raised in broken family
- was sickly during childhood and missed a lot of school
- dropped out of school in the 9th grade and is functionally illiterate
- no job skills
- work history is that of construction laborer
- spotty employment record; currently unemployed and seeking work
- drinks 2 to 6 beers daily; occasional marijuana use
- lives with older sister
- never married
- has one child for which he is under a support order
- at time of robbery the defendant was in arrears in child support, had outstanding bills and had not contributed for some time to sister for living arrangements
- financial records show that within two weeks following the robbery, the defendant became current in his child support with a payment of \$4000, paid off outstanding debts of \$2000, gave his sister \$1000 and made a \$1000 down payment on a used car
- defendant has no noteworthy assets
- the defendant reports he was feeling pressure due to financial and family obligations and robbed the bank to get “out of the hole.” In addition to the \$8000 spent on financial obligations and the down payment for an automobile, the defendant states that he used the remaining \$2000 to buy clothes and “party.”
- the defendant has prior criminal record resulting from conduct committed after the defendant was 18 years old and disposed of in state court, as follows:

5 years ago	auto theft	2 years probation
2 years ago	grand larceny	6 months jail