

## Lesson Plan: Mandatory Sentencing- Case Studies

**Objective:** To help students make decisions based on Measure 11 criteria

**Materials:** Measure 11 charges and sentences, Definitions of Measure 11 crimes, Student versions of case studies (case scenarios are based on real cases but may have some changes from the true facts), Teacher answer version of case studies.

**Strategy:** Case study analysis

**Time Allocated:** Minimum of one class period

### A. Warm-up (5 minutes)

Review what has already been learned about mandatory sentencing. Elicit opinions about Measure 11.

### B. Procedure

#### Step One (10 minutes)

Do the first case orally as a class group. Divide the class in three. One group listens for the most significant facts, one determines the correct charge, and the third decides the sentencing. Ask random students from each group to respond in front of the entire class. Model what will happen in small groups.

#### Step Two (30 minutes)

Go through each of the rest of the case studies in small groups. (You may want to give each group only 5-10 of the cases). Use definitions of crimes and sentencing minimums to decide on the charge and the sentence for each case.

### C. Class Debrief (10 minutes)

Discuss actual outcomes. What was the hardest choice you had make: the charge or the sentence? Why?

Point out that the district attorney determines the charge and the judge determines the sentence (sort of).

Point out that discretion is left to the district attorney in Measure 11 cases.

### D. Journal Entry (5 minutes)

Choose one of the case studies and write about why it has or has not been charged as a Measure 11 crime.

Or

Choose one of the case studies and decide whether you think the charge and sentence were fair given the circumstances. Why or why not?

## **Mandatory Sentencing: Case Studies**

Teacher Copy

1. Juvenile male shoots at adult male.

### **Circumstances:**

A car with five juveniles stops at a gas station to use the phone. A second car, containing a group of college age people also drives into the gas station. The occupants of both cars engage in a heated dialogue and exit their vehicles to continue and escalate the exchange. One juvenile, a 17 year old male from the first vehicle, instructs his friends to leave, which they do. He then pulls out a gun and fires at a member of the group from the second vehicle. A victim, one of the college students, is hit by a bullet and suffers a significant flesh wound. The shooter runs from the scene and is picked up by his friends. The second vehicle chases, uses a cell phone to contact 911, and stays with the first vehicle until police arrive and apprehend the shooter.

### **Charge:**

The shooter is charged with Assault II for causing physical injury with a dangerous weapon.

### **Outcome:**

The shooter, a 17 year old male, is sentenced to 70 months in prison. He will not be released from prison until he is almost 23 years old. The victim recovered.

## **Mandatory Sentencing: Case Studies**

Teacher Copy

2. Juvenile female participates in robbing and beating an adult.

### **Circumstances:**

A 16 year old female, along with two adult male friends, talks to an intoxicated man who looks wealthy. They convince him into going for coffee while he sobers up. Instead of going to a coffee shop, they walk him to a secluded area, beat him up, and steal \$250.

### **Charge:**

The 16 year old female is charged with Robbery II and Assault III. Assault III is not a Measure 11 offense.

### **Outcome:**

The 16 year old female was convicted of the charge and sentenced to serve 70 months, the mandatory minimum sentence for Robbery II, in a state correctional institution. She will not be released from custody until she is almost 22 years old. The victim recovered.

## **Mandatory Sentencing: Case Studies**

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3. Juvenile male beats up an adult male.

### **Circumstances:**

A 17 year old male and an adult male were walking with an unleashed Rottweiler dog. A middle-aged man in the same general area was walking home from the grocery store with a gallon of milk and observed the Rottweiler dog chasing a neighbor dog. The middle-aged man tells the juvenile and his companion that the Rottweiler should be on a leash. The juvenile and his adult companion jump on the man and punch him. He suffers a significant, but not permanent injury.

### **Charge:**

The juvenile is charged with Assault II for causing physical injury.

### **Outcome:**

The juvenile will serve 70 months in a prison. He will be almost 23 years old before he can be released from prison.

## **Mandatory Sentencing: Case Studies**

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4. Three juvenile males beat two other juvenile males.

### **Circumstances:**

Three 17 year old males armed with bats were walking around a secluded area looking for other juvenile males known to them. They encountered two young men who they did not know and they engaged in a short conversation with them. Then they left. A short time later, the three juvenile males surreptitiously returned to the two young men and attacked them from behind with a bat causing physical injuries. One victim sustained permanent injury.

### **Charge:**

Assault I for causing serious physical injury with a dangerous weapon and, in the alternative, Assault II for causing physical injury with a dangerous weapon.

### **Outcome:**

The defendants pleaded guilty to Assault I and Assault III (not a Measure 11 offense) and received sentences of 104 months in state prison. They will be almost 26 before they are released from prison.

## **Mandatory Sentencing: Case Studies**

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5. A 15 year old female stabs a second juvenile female.

### **Circumstances:**

A 15 year old female claimed that some of her clothing had been stolen. A few days later she saw a second juvenile female wearing the clothing the 15 year old female claimed to have been missing. She yelled at the second girl, who denied that she stole the clothes. The 15 year old girl then started a fight with her by attacking her. Then she pulled out a knife and stabbed the second female seven times. The second female does not die from her wounds.

### **Charge:**

The 15 year old female was charged with Assault I and Assault II.

### **Outcome:**

The 15 year old female was convicted and sentenced to 90 months in prison. She will not be released until she is almost 23 years old. The victim has physically recovered from her wounds.

## **Mandatory Sentencing: Case Studies**

Teacher Copy

6. Three 17 year old males rob two convenience stores and stab one clerk.

### **Circumstances:**

Three juvenile males in the company of an adult male enter a 7-11 store, threaten the clerk with a switch blade, and steal beer and other merchandise. They proceed to a second convenience store, where they stab the clerk and steal money and merchandise. All of the defendants are in various stages of intoxication during these events. The clerk survives but is seriously injured.

### **Charges:**

All are charged with Robbery I and Assault I.

### **Outcome:**

One juvenile pleaded guilty to Robbery I and was sentence to 90 months in prison. He will not be released until he is almost 25 years old. The other juveniles pleaded guilty to Robbery I and Attempted Robbery I (not a Measure 11 crime) and have been sentenced to 90 month plus 42 months on the non-Measure 11 offense.

## **Mandatory Sentencing: Case Studies**

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7. Two 17 year old males rob a couple at Rocky Butte and shoot one victim.

### **Circumstances:**

Two 17 year old juvenile males in the company of an adult male saw a juvenile woman and her boyfriend at Rocky Butte. They went up to them and demanded the couple give them their money. The juveniles grabbed the girl and took her purse, while the adult male brandished a gun. As they are leaving, the adult male shot the boyfriend. He is hit in the arm and recovers completely.

### **Charge:**

All are charged with Robbery I and Assault II.

### **Outcome:**

One juvenile pleaded to other Measure 11 crimes in another case for which he will serve almost 11 years in prison. The adult male and the other juvenile were convicted of Robbery I and Assault II. They received a 90 month sentence in state prison for the Robbery I conviction with a 70 month sentence running currently for the Assault II conviction. This juvenile will not be released from prison until he is 25 years old. The fact that the juveniles did not have the gun did not result in a lesser charge. They were guilty of Robbery I and Assault II because they assisted the adult in the commission of the crime.

## **Mandatory Sentencing: Case Studies**

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8. A 16 year old male hits adult male in the face with weapon and knocks out several teeth.

### **Circumstances:**

A neighboring juvenile male and juvenile female argue. The father of the female intervenes and the argument escalates. The father punches the juvenile male in the nose causing a nosebleed. The juvenile male returns home. His mother wants to know what happened. She goes to confront the father of the female juvenile. While the two adults are discussing the incident, the juvenile male returns and hits the father of the juvenile female in the face with a tire iron which knocks out several of the father's teeth.

### **Charge:**

The juvenile male is charged with Assault II for causing physical injury with a weapon.

### **Outcome:**

The juvenile male, in a plea negotiation, waived his right to a jury trial, stipulated to the facts and pleaded guilty to an Assault III charge, which is not a Measure 11 offense. He will serve 15 months in a state prison, and will not be released until he is almost 18 years old. Had he been convicted of Assault II, he would have been sentenced to 70 months in prison.

## **Mandatory Sentencing: Case Studies**

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### **9. Woman robbed at ATM**

#### **Circumstances:**

A woman was making a cash deposit for her employer at an ATM machine. She had about \$2,228 in cash in a paper bag. A man came up from behind and grabbed her by the throat. He yelled, "Give me the money or I'll shoot you." She refused to give him the money. They struggled and the man tried to choke the victim. During the struggle, the bag broke and the cash spilled to the ground. As the victim tried to scatter the money with her foot to make it harder for the man to get it all, he hit her over the head with a hard object. He then grabbed some money and ran. A bystander came to her aid and also found a loaded gun clip on the ground two feet from the victim. The man was arrested several blocks away with a handgun and \$700 in cash.

#### **Charge:**

The man was charged with Robbery I and Assault II.

**Outcome:** Both are Measure 11 crimes. Because they involve different elements and separate harm, the judge will have discretion to impose a maximum of 160 months, if the sentences are run consecutively, and 90 months if run concurrently.

## **Mandatory Sentencing: Case Studies**

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**10.** A man ties a woman to his bed and rapes her.

### **Circumstances:**

A man, accompanied by Mary and her boyfriend, were driving around when they saw Jane outside of a convenience store. Since Mary knew Jane, they offered her a ride home. The man was driving and he dropped Mary and her boyfriend off first. Then he took Jane back to his apartment, supposedly so she could see the new building since she was thinking about moving. After having a drink at the man's apartment she decided to walk home, only a block away. As she started to leave, she saw another man with a bag coming downstairs. She was knocked unconscious. When she woke up she was tied naked to a bed, and the man was hitting her on the head with a rolling pin. Throughout the night, the man raped and sodomized her. He also threatened to kill and mutilate her with a knife and tried to strangle her. The man had a friend who helped commit some of these crimes. The woman was released in the morning.

### **Charge:**

Kidnapping I, Attempted Murder, Assault II, Rape I, Sodomy I, and two counts of unlawful sexual penetration I.

### **Outcome:**

The man was sentenced to 650 months, which is over 54 years.

## **Mandatory Sentencing: Case Studies**

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**11.** A male shoots another male in the mall parking lot.

### **Circumstances:**

The defendant and two of his friends had lunch at a restaurant near Clackamas Town Center. As they were leaving the restaurant, they got into a verbal fight with three other guys. There was no physical confrontation and they continued walking towards the mall. As they approached it, the other three guys drove up behind them, stopped in the middle of the street and got out. They came toward the defendant and his friends and started to argue again. The defendant and his friends say that two of the guys hit one of the defendant's friends. None of the witnesses recall seeing anyone being hit. Defendant, who was standing a few feet away, raised his arm and fired five shots from a revolver. One of the three guys was hit and died at the scene. Another one of them was hit in the arm.

### **Charge:**

The defendant was charged with Manslaughter I, Attempted Murder, Assault I.

**Outcome:** Depending on whether the sentences are run concurrently or consecutively, the sentence could be a maximum of 280 months and would be a minimum of 120 months.

## **Mandatory Sentencing: Case Studies**

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12. Two males are robbed on a bridge.

### **Circumstances:**

Two males were staying at a hotel near the Steel Bridge in Portland. One night they walked downtown to go to a nightclub and then walked back to their hotel at about 11:45 p.m. As they were walking across the bridge, they were attacked by three homeless men. The homeless men asked for money and drugs. The men refused to give them any money. One of the homeless men pulled out a knife and threatened to stab the men if they didn't give them money. The men handed over their wallets.

### **Charge:**

The man was charged with two counts of Robbery II.

### **Outcome:**

The man would be sentenced to a maximum of 140 months (because there were two victims) and a minimum of 70 months of Measure 11 time.

## **Mandatory Sentencing: Case Studies**

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**13.** A male hits another man over the head with a pipe.

### **Circumstances:**

Bob lived in a van that was parked in a vacant lot. Larry came up to the van one night and started yelling at Bob, who was drinking. Larry then smashed the back window of the van with a piece of pipe. Bob recognized Larry and got out of the van so that Larry would not do more damage to the van. Bob moved around to the back of the van to talk to Larry, but doesn't remember what happened next. It is clear though that Bob was hit in the head with the pipe and taken to the hospital. Several tests were done on Bob and he had to stay in the hospital overnight. The fight left Bob with a scar that the judge described as "a two-inch-long, half-inch wide divot" on Bob's forehead that was visible from 40 feet away. Bob still has the scar.

### **Charge:**

Assault I - The court found that the scar constituted "serious and protracted disfigurement" which is part of the definition of "serious physical injury."

### **Outcome:**

The man was sentenced to 7 years, 6 months.

## **Mandatory Sentencing: Case Studies**

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**14.** A male and his accomplice take four people hostage so that they can rob a store.

### **Circumstances:**

A man and his accomplice wanted to rob a large retail store in Eugene. They began planning the robbery. They got the name of the store manager and began watching him to find out his habits. One day they broke into his home when no one was there. A few minutes later, the manager's 15 year old son and his friend entered the house. The man met them at the door with a butcher knife. He took them into the family room and tied them to chairs and gagged them. The man gave them something to drink and let them watch T.V. Later the manager's wife and 18 year old son arrived home. The man used the knife to get them to go to the family room where they were tied up and gagged. The man told them all that he wasn't going to hurt them, but that he was just waiting for the manager to get home so that he could take them to the store so the man could rob it. When the manager got home, the man met him with the knife, showed him his tied up family, and told the manager the plan to rob the store. Out of fear for his family's safety, the manager agreed to go along with the plan. Before they left, the man moved one son to the laundry room, the other son to the dining room, and the wife to just outside of the laundry room. The man told the family that he and the manager were going to the store to get the money and that the manager would be dropped off in the country after the robbery. He also stated that there was a paid sniper outside of the house with instructions to shoot anyone who attempted to leave and to burn the house down if anyone screamed. The phone lines were cut. The man and the manager went to the store where the robbery occurred without any problems. The accomplice also left. Meanwhile the wife and one of the sons were able to untie themselves and the other boys. They spliced the phone wires together and called the police. The police spotted the manager's car, which he was driving, on the freeway. They arrested the man.

### **Charge:**

The man was charged with five counts of Kidnapping I, one count of Robbery I, and one count of Burglary I. The defendant argued that only the taking of the manager should qualify as a kidnapping since the others weren't moved far enough. The court said there just had to be some movement of the victim by the defendant with an intent to substantially interfere with the victim's liberty. He was convicted of Kidnapping in the first degree and not in the second degree since he took them as hostages in order to force the manager to deliver money as a ransom.

### **Outcome:**

This case was decided in 1980, before Measure 11, and the defendant was sentenced to 480 months (40 years). Under Measure 11, the court could sentence the defendant to 540 months of Measure 11 time (i.e. no reductions for good time, early release, etc). In 1980, a 480 month sentence likely would have meant much less time served because of eligibility for good time and the parole board could make the sentences concurrent.

## **Mandatory Sentencing: Case Studies**

Teacher Copy

15. A 13 year old female has sex with her 16 year old boyfriend.

### **Circumstances:**

A 13 year old female went to the home of her 16 year old boyfriend on two occasions. When she got there, he was in bed asleep. She woke him up and joined him in bed. They then had sex. Her mother found out and reported it to the police, even though the girl did not think her boyfriend had done anything wrong. The boyfriend had committed other crimes in the past.

### **Charge:**

The boyfriend was charged with two counts of Rape II.

### **Outcome:**

The trial court refused to impose the Measure 11 sentence of 75 months since it felt that would be “cruel and unusual punishment. The case was appealed and the Court of Appeals required the court to impose the mandatory minimum sentence of 6 years, 3 months. That means the boyfriend will be 22 years old when he gets out of jail.

See case brief on State v. Thorp.

Today, this case would fall into one of the exceptions and possibly result in a shorter sentence for the defendant. The exceptions in ORS 137.712(C) allow a judge to sentence a person convicted of Rape II to less than the minimum Measure 11 time of 75 months if, among other factors, the defendant is less than 5 years older than the victim.

## **Mandatory Sentencing: Case Studies**

Teacher Copy

**16.** A 15 year old male kills his parents and then goes on a shooting spree at school.

### **Circumstances:**

After being released into his father's custody after he was arrested for having a handgun at school, a 15 year old male shot his father in the head with a rifle. After killing his father, he talked on the phone to some friends but didn't tell them what he had done. Later his mom came home, and he met her in the garage where he shot her six times with a pistol, killing her. The next morning he went to school armed with three semiautomatic weapons. As he went towards the cafeteria, he warned one student to stay away from the cafeteria. He then shot another student in the head, killing him. Then he shot and wounded two other students. He entered the cafeteria and opened fire, wounding 23 students. He saw a student crawling under a table so he shot him in the neck, killing him. He put his gun up to the head of another student and pulled the trigger but the gun was empty. While he was reloading, some students tried to subdue him but he pulled out another weapon and wounded one of them. Eventually he was subdued, arrested and taken to the police station. At the police station he used a knife he had concealed to attempt to attack a detective, but he was subdued. He claims that voices told him to kill the people.

### **Charge:**

The juvenile was charged with four counts of Aggravated Murder and 26 counts of Attempted Aggravated Murder.

### **Outcome:**

Kip Kinkel pleaded guilty to 4 counts of Murder and 25 counts of Attempted Murder, and pleaded no contest to the final count of Attempted Murder. He was sentenced under Measure 11. Due to a stipulated sentencing agreement, the trial court allowed the four 25 year sentences for the murders to run concurrently. The court then imposed a sentence of 90 month for each of the counts of attempted murder to be served after the murder sentences. The court allowed the attempted murder sentences to run partially concurrently and partially consecutively which meant that he will serve the 25 year murder sentence followed by 26 three year and four month sentences for the attempted murders. He was sentenced to a total of 111 years and 8 months.

See case brief on [State v. Kinkel](#).

## **Mandatory Sentencing: Case Studies**

Student Copy

1. Juvenile male shoots at adult male.

### **Circumstances:**

A car with five juveniles stops at a gas station to use the phone. A second car, containing a group of college age people also drives into the gas station. The occupants of both cars engage in a heated dialogue and exit their vehicles to continue and escalate the exchange. One juvenile, a 17 year old male from the first vehicle, instructs his friends to leave, which they do. He then pulls out a gun and fires at a member of the group from the second vehicle. A victim, one of the college students, is hit by a bullet and suffers a significant flesh wound. The shooter runs from the scene and is picked up by his friends. The second vehicle chases, uses a cell phone to contact 911, and stays with the first vehicle until police arrive and apprehend the shooter.

### **Charge:**

### **Outcome:**

## **Mandatory Sentencing: Case Studies**

Student Copy

2. Juvenile female participates in robbing and beating an adult.

### **Circumstances:**

A 16 year old female, along with two adult male friends, talks to an intoxicated man who looks wealthy. They convince him into going for coffee while he sobers up. Instead of going to a coffee shop, they walk him to a secluded area, beat him up, and steal \$250.

### **Charge:**

### **Outcome:**

## **Mandatory Sentencing: Case Studies**

Student Copy

3. Juvenile male beats up an adult male.

### **Circumstances:**

A 17 year old male and an adult male were walking with an unleashed Rottweiler dog. A middle-aged man in the same general area was walking home from the grocery store with a gallon of milk and observed the Rottweiler dog chasing a neighbor dog. The middle-aged man tells the juvenile and his companion that the Rottweiler should be on a leash. The juvenile and his adult companion jump on the man and punch him. He suffers a significant, but not permanent injury.

### **Charge:**

### **Outcome:**

## **Mandatory Sentencing: Case Studies**

Student Copy

4. Three juvenile males beat two other juvenile males.

### **Circumstances:**

Three 17 year old males armed with bats were walking around a secluded area looking for other juvenile males known to them. They encountered two young men who they did not know and they engaged in a short conversation with them. Then they left. A short time later, the three juvenile males surreptitiously returned to the two young men and attacked them from behind with a bat causing physical injuries. One victim sustained permanent injury.

### **Charge:**

### **Outcome:**

## **Mandatory Sentencing: Case Studies**

Student Copy

5. A 15 year old female stabs a second juvenile female.

### **Circumstances:**

A 15 year old female claimed that some of her clothing had been stolen. A few days later she saw a second juvenile female wearing the clothing the 15 year old female claimed to have been missing. She yelled at the second girl, who denied that she stole the clothes. The 15 year old girl then started a fight with her by attacking her. Then she pulled out a knife and stabbed the second female seven times. The second female does not die from her wounds.

### **Charge:**

### **Outcome:**

## **Mandatory Sentencing: Case Studies**

Student Copy

6. Three 17 year old males rob two convenience stores and stab one clerk.

### **Circumstances:**

Three juvenile males in the company of an adult male enter a 7-11 store, threaten the clerk with a switch blade, and steal beer and other merchandise. They proceed to a second convenience store, where they stab the clerk and steal money and merchandise. All of the defendants are in various stages of intoxication during these events. The clerk survives but is seriously injured.

### **Charges:**

### **Outcome:**

## **Mandatory Sentencing: Case Studies**

Student Copy

7. Two 17 year old males rob a couple at Rocky Butte and shoot one victim.

### **Circumstances:**

Two 17 year old juvenile males in the company of an adult male saw a juvenile woman and her boyfriend at Rocky Butte. They went up to them and demanded the couple give them their money. The juveniles grabbed the girl and took her purse, while the adult male brandished a gun. As they are leaving, the adult male shot the boyfriend. He is hit in the arm and recovers completely.

### **Charge:**

### **Outcome:**

8. A 16 year old male hits adult male in the face with weapon and knocks out several teeth.

**Circumstances:**

A neighboring juvenile male and juvenile female argue. The father of the female intervenes and the argument escalates. The father punches the juvenile male in the nose causing a nosebleed. The juvenile male returns home. His mother wants to know what happened. She goes to confront the father of the female juvenile. While the two adults are discussing the incident, the juvenile male returns and hits the father of the juvenile female in the face with a tire iron which knocks out several of the father's teeth.

**Charge:**

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**Outcome:**

## **Mandatory Sentencing: Case Studies**

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### **9. Woman robbed at ATM**

#### **Circumstances:**

A woman was making a cash deposit for her employer at an ATM machine. She had about \$2,228 in cash in a paper bag. A man came up from behind and grabbed her by the throat. He yelled, "Give me the money or I'll shoot you." She refused to give him the money. They struggled and the man tried to choke the victim. During the struggle, the bag broke and the cash spilled to the ground. As the victim tried to scatter the money with her foot to make it harder for the man to get it all, he hit her over the head with a hard object. He then grabbed some money and ran. A bystander came to her aid and also found a loaded gun clip on the ground two feet from the victim. The man was arrested several blocks away with a handgun and \$700 in cash.

#### **Charge:**

#### **Outcome:**

## **Mandatory Sentencing: Case Studies**

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**10.** A man ties a woman to his bed and rapes her.

### **Circumstances:**

A man, accompanied by Mary and her boyfriend, were driving around when they saw Jane outside of a convenience store. Since Mary knew Jane, they offered her a ride home. The man was driving and he dropped Mary and her boyfriend off first. Then he took Jane back to his apartment, supposedly so she could see the new building since she was thinking about moving. After having a drink at the man's apartment she decided to walk home, only a block away. As she started to leave, she saw another man with a bag coming downstairs. She was knocked unconscious. When she woke up she was tied naked to a bed, and the man was hitting her on the head with a rolling pin. Throughout the night, the man raped and sodomized her. He also threatened to kill and mutilate her with a knife and tried to strangle her. The man had a friend who helped commit some of these crimes. The woman was released in the morning.

### **Charge:**

### **Outcome:**

## **Mandatory Sentencing: Case Studies**

Student Copy

11. A male shoots another male in the mall parking lot.

### **Circumstances:**

The defendant and two of his friends had lunch at a restaurant near Clackamas Town Center. As they were leaving the restaurant, they got into a verbal fight with three other guys. There was no physical confrontation and they continued walking towards the mall. As they approached it, the other three guys drove up behind them, stopped in the middle of the street and got out. They came toward the defendant and his friends and started to argue again. The defendant and his friends say that two of the guys hit one of the defendant's friends. None of the witnesses recall seeing anyone being hit. Defendant, who was standing a few feet away, raised his arm and fired five shots from a revolver. One of the three guys was hit and died at the scene. Another one of them was hit in the arm.

### **Charge:**

### **Outcome:**

## **Mandatory Sentencing: Case Studies**

Student Copy

**12.** Two males are robbed on a bridge.

### **Circumstances:**

Two males were staying at a hotel near the Steel Bridge in Portland. One night they walked downtown to go to a nightclub and then walked back to their hotel at about 11:45 p.m. As they were walking across the bridge, they were attacked by three homeless men. The homeless men asked for money and drugs. The men refused to give them any money. One of the homeless men pulled out a knife and threatened to stab the men if they didn't give them money. The men handed over their wallets.

### **Charge:**

### **Outcome:**

## **Mandatory Sentencing: Case Studies**

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13. A male hits another man over the head with a pipe.

### **Circumstances:**

Bob lived in a van that was parked in a vacant lot. Larry came up to the van one night and started yelling at Bob, who was drinking. Larry then smashed the back window of the van with a piece of pipe. Bob recognized Larry and got out of the van so that Larry would not do more damage to the van. Bob moved around to the back of the van to talk to Larry, but doesn't remember what happened next. It is clear though that Bob was hit in the head with the pipe and taken to the hospital. Several tests were done on Bob and he had to stay in the hospital overnight. The fight left Bob with a scar that the judge described as "a two-inch-long, half-inch wide divot" on Bob's forehead that was visible from 40 feet away. Bob still has the scar.

### **Charge:**

### **Outcome:**

14. A male and his accomplice take four people hostage so that they can rob a store.

**Circumstances:**

A man and his accomplice wanted to rob a large retail store in Eugene. They began planning the robbery. They got the name of the store manager and began watching him to find out his habits. One day they broke into his home when no one was there. A few minutes later, the manager's 15 year old son and his friend entered the house. The man met them at the door with a butcher knife. He took them into the family room and tied them to chairs and gagged them. The man gave them something to drink and let them watch T.V. Later the manager's wife and 18 year old son arrived home. The man used the knife to get them to go to the family room where they were tied up and gagged. The man told them all that he wasn't going to hurt them, but that he was just waiting for the manager to get home so that he could take them to the store so the man could rob it. When the manager got home, the man met him with the knife, showed him his tied up family, and told the manager the plan to rob the store. Out of fear for his family's safety, the manager agreed to go along with the plan. Before they left, the man moved one son to the laundry room, the other son to the dining room, and the wife to just outside of the laundry room. The man told the family that he and the manager were going to the store to get the money and that the manager would be dropped off in the country after the robbery. He also stated that there was a paid sniper outside of the house with instructions to shoot anyone who attempted to leave and to burn the house down if anyone screamed. The phone lines were cut. The man and the manager went to the store where the robbery occurred without any problems. The accomplice also left. Meanwhile the wife and one of the sons were able to untie themselves and the other boys. They spliced the phone wires together and called the police. The police spotted the manager's car, which he was driving, on the freeway. They arrested the man.

**Charge:****Outcome:**

## **Mandatory Sentencing: Case Studies**

Student Copy

15. A 13 year old female has sex with her 16 year old boyfriend.

### **Circumstances:**

A 13 year old female went to the home of her 16 year old boyfriend on two occasions. When she got there, he was in bed asleep. She woke him up and joined him in bed. They then had sex. Her mother found out and reported it to the police, even though the girl did not think her boyfriend had done anything wrong. The boyfriend had committed other crimes in the past.

### **Charge:**

### **Outcome:**

16. A 15 year old male kills his parents and then goes on a shooting spree at school.

**Circumstances:**

After being released into his father's custody after he was arrested for having a handgun at school, a 15 year old male shot his father in the head with a rifle. After killing his father, he talked on the phone to some friends but didn't tell them what he had done. Later his mom came home, and he met her in the garage where he shot her six times with a pistol, killing her. The next morning he went to school armed with three semiautomatic weapons. As he went towards the cafeteria, he warned one student to stay away from the cafeteria. He then shot another student in the head, killing him. Then he shot and wounded two other students. He entered the cafeteria and opened fire, wounding 23 students. He saw a student crawling under a table so he shot him in the neck, killing him. He put his gun up to the head of another student and pulled the trigger but the gun was empty. While he was reloading, some students tried to subdue him but he pulled out another weapon and wounded one of them. Eventually he was subdued, arrested and taken to the police station. At the police station he used a knife he had concealed to attempt to attack a detective, but he was subdued. He claims that voices told him to kill the people.

**Charge:**

**Outcome:**