

Scottish Sentencing Council

If you were the judge

CASE STUDY: DEATH BY DRIVING



Imagine you are a judge hearing a court case where you must sentence Tom for an incident of causing death by driving dangerously.

In Scotland, the [prosecutor](https://www.copfs.gov.uk/) (<https://www.copfs.gov.uk/>) decides what offence the accused is charged with, and in which court their case will be heard. Depending on the offence and the circumstances of the case, this could be the High Court (for the most serious cases), the sheriff court, or the justice of the peace court (for the least serious cases). Given the very serious nature of death by driving offences, these cases are heard in the High Court or in a sheriff court. For further details, see our [What the Law Says](https://www.scottishsentencingcouncil.org.uk/about-sentencing/what-the-law-says/) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/what-the-law-says/>) or watch our introductory [video](https://www.scottishsentencingcouncil.org.uk/sentencing-information/sentencing-videos/sentencing-video/) (<https://www.scottishsentencingcouncil.org.uk/sentencing-information/sentencing-videos/sentencing-video/>) on the court system.

Dangerous driving

Tom is charged by the police with death by dangerous driving. The prosecutor decides to prosecute Tom in the High Court for the offence. The offence took place near Pitlochry and the case is heard at the High Court sitting in Edinburgh. A date is set. The [preliminary hearing](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=P) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=P>) will be held in open court where the public can attend. When Tom appears in court, he can accept the charge against him and plead 'guilty', or he can deny the charge and plead 'not guilty'.

If you think Tom should plead guilty, turn to page 2. If you think he should plead not guilty, turn to page 3

Because Tom pled guilty to the offence, there is no trial. In court, the prosecutor summarises the [evidence](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster/?c=E) (https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster/?c=E) and facts gathered by the police and the prosecution. The prosecutor says that Tom was driving at 95mph in a 60mph zone. He made a call, holding his mobile phone in one hand. He was put on hold but continued to clutch the phone in his hand for a prolonged period. On a bend, a van in front braked to give room to a cyclist. Tom's vehicle smashed into the van when it slowed, sending it off the road. The driver of the van was injured and two passengers were killed. Tom stopped and contacted the emergency services and waited for the police to arrive.

The court has a victim statement from the driver of the van. A victim statement allows a victim, or surviving family member, to describe the impact that a crime has had on them. See our [Information for Victims](https://www.scottishsentencingcouncil.org.uk/about-sentencing/information-for-victims/) (https://www.scottishsentencingcouncil.org.uk/about-sentencing/information-for-victims/) web page for further details about such statements. In this case, the statement described how devastated the driver was by the loss of her partner and a friend, who were the passengers in the van. She also described her injuries of severe bruising and swelling. As judge, you defer the sentence for background reports on Tom and a new court date is set. At the next hearing, the background report says that Tom is remorseful, while his defence lawyer provides evidence that he has now voluntarily given up his driving licence. The lawyer explains that Tom was speeding because he was late for a job interview. He realised that he would be late and was phoning the company to inform them of the delay when the accident occurred.

Sentencing guidelines

As judge, when deciding your sentence, you must consider all sentencing guidelines that apply. In this case, you must consider the sentencing guideline for death by driving offences. The Scottish Sentencing Council has also published two [general guidelines](https://www.scottishsentencingcouncil.org.uk/sentencing-guidelines/approved-guidelines/) (https://www.scottishsentencingcouncil.org.uk/sentencing-guidelines/approved-guidelines/), which must be taken into account in every case. These are on the [principles and purposes of sentencing](https://www.scottishsentencingcouncil.org.uk/media/1964/guideline-principles-and-purposes-of-sentencing.pdf) (https://www.scottishsentencingcouncil.org.uk/media/1964/guideline-principles-and-purposes-of-sentencing.pdf) and on [the sentencing process](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf), which sets out the [eight steps](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) a judge should follow when deciding a sentence.

A third general guideline, on [sentencing young people](https://www.scottishsentencingcouncil.org.uk/media/2171/sentencing-young-people-guideline-for-publication.pdf) (https://www.scottishsentencingcouncil.org.uk/media/2171/sentencing-young-people-guideline-for-publication.pdf), must also be considered when the offender is 24 years or under at the time they are found guilty or plead guilty to an offence. You decide whether the sentencing young people guideline must be considered in this case.

If Tom is 42, turn to page 4. If Tom is 22, turn to page 5

In court, Tom pleads not guilty. He is given a date to return for trial. At the trial, the prosecutor presents the case against him. He is defended by his lawyer. The prosecutor calls a number of witnesses to give evidence, and asks them questions about what happened. Police officers, who investigated the crime, say that a van went off the road. The driver was injured and two passengers were killed. Tom called the emergency services. Just before the accident, Tom was caught on speed cameras driving at 95mph in a 60mph zone. The van driver said that Tom sped up behind her and she saw him in her rear view mirror holding a mobile phone in one hand. She braked when she spotted a cyclist on a bend in the road ahead and Tom drove into the back of the van, sending it off the road. Evidence from accident investigators and medical experts was consistent with the van being hit from behind. Tom gives evidence in his own defence. He admits speeding but claims that the van suddenly went off the road without being hit. He says he was speeding because he was late for a job interview and was using his mobile phone to inform the company of the delay, but was put on hold. The jury considers all of the evidence it has heard, and finds Tom guilty of death by dangerous driving.

The court has a victim statement from the van driver. A victim statement allows a victim, or surviving family member, to describe the impact that a crime has had on them. See our [Information for Victims](https://www.scottishsentencingcouncil.org.uk/about-sentencing/information-for-victims) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/information-for-victims>) web page for further details about such statements. In this case, the statement described how devastated the driver was by the loss of her partner and a friend who were passengers. She also described her injuries of severe bruising and swelling. The defence lawyer tells the court that Tom is unemployed. As judge, you defer the sentence for background reports on Tom and a new court date is set.

Sentencing guidelines

As judge, when deciding your sentence, you must consider all sentencing guidelines that apply. In this case, you must consider the sentencing guideline for death by driving offences. The Scottish Sentencing Council has also published two [general guidelines](https://www.scottishsentencingcouncil.org.uk/sentencing-guidelines/approved-guidelines/) (<https://www.scottishsentencingcouncil.org.uk/sentencing-guidelines/approved-guidelines/>), which must be taken into account in every case. These are on the [principles and purposes of sentencing](https://www.scottishsentencingcouncil.org.uk/media/1964/guideline-principles-and-purposes-of-sentencing.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/1964/guideline-principles-and-purposes-of-sentencing.pdf>) and on [the sentencing process](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf>), which sets out the [eight steps](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf>) a judge should follow when deciding a sentence. A third general guideline, on [sentencing young people](https://www.scottishsentencingcouncil.org.uk/media/2171/sentencing-young-people-guideline-for-publication.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/2171/sentencing-young-people-guideline-for-publication.pdf>), must also be considered when the offender is 24 years or under at the time they are found guilty or plead guilty to an offence. You decide whether the sentencing young people guideline must be considered in this case.

If Tom is 42, turn to page 6. If Tom is 22, turn to page 7

The Council's principles and purposes guideline states that the core principle of sentencing in Scotland is that sentences must be fair and proportionate. It also lists five of the purposes that judges might consider when deciding a sentence.

Which purpose(s) would you seek to achieve with your sentence?

☐

Protection of the public

☐

Rehabilitation of offenders

☐

Expressing disapproval of offending behaviour

☐

Giving the offender the opportunity to make amends

☐

Punishment

Check your answers on page 8

The [sentencing young people guideline](https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf)

(<https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf>) is based on scientific evidence from around the world, which shows that our brains continue to develop up until the age of at least 25. This means that a young person will generally have a lower level of maturity, and therefore a lower level of culpability. Culpability is the level of blame of the offender.

The defence lawyer tells the court that Tom was speeding because he was worried about being late for his first ever job interview. The lawyer notes the guideline

on [sentencing young people](https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf)

(<https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf>). Research shows that, as a young person, Tom's judgement may not be as good as an older person's - especially in terms of taking risks and considering what could happen as a result. The research also shows that young people may find it easier to change their behaviour than older people.

The Council's [principles and purposes guideline](https://www.scottishsentencingcouncil.org.uk/media/j1jo1tw2/guideline-principles-and-purposes-of-sentencing.pdf)

(<https://www.scottishsentencingcouncil.org.uk/media/j1jo1tw2/guideline-principles-and-purposes-of-sentencing.pdf>) states that the core principle of sentencing in Scotland is that sentences must be fair and proportionate. It also lists five of the purposes that judges might consider when deciding a sentence. Based on the research, the [sentencing young people guideline](https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf>) emphasises one of these purposes

Which purpose(s) would you seek to achieve with your sentence?

(please choose 1)

☐

Protection of the public

☐

Rehabilitation of offenders

☐

Expressing disapproval of offending behaviour

☐

Giving the offender the opportunity to make amends

☐

Punishment

Check your answers on page 9

The Council's principles and purposes guideline states that the core principle of sentencing in Scotland is that sentences must be fair and proportionate. It also lists five of the purposes that judges might consider when deciding a sentence.

Which purpose(s) would you seek to achieve with your sentence?

☐

Protection of the public

☐

Rehabilitation of offenders

☐

Expressing disapproval of offending behaviour

☐

Giving the offender the opportunity to make amends

☐

Punishment

Check your answers on page 10

The [sentencing young people guideline](https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf)

(<https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf>) is based on scientific evidence from around the world, which shows that our brains continue to develop up until the age of at least 25. This means that a young person will generally have a lower level of maturity, and therefore a lower level of culpability. Culpability is the level of blame of the offender. The defence lawyer tells the court that Tom was speeding because he was worried about being late for his first ever job interview. The lawyer notes the guideline on [sentencing young people](https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf>). Research shows that, as a young person, Tom's judgement may not be as good as an older person's - especially in terms of taking risks and considering what could happen as a result. The research also shows that young people may find it easier to change their behaviour than older people.

The Council's [principles and purposes guideline](https://www.scottishsentencingcouncil.org.uk/media/j1jo1tw2/guideline-principles-and-purposes-of-sentencing.pdf)

(<https://www.scottishsentencingcouncil.org.uk/media/j1jo1tw2/guideline-principles-and-purposes-of-sentencing.pdf>) states that the core principle of sentencing in Scotland is that sentences must be fair and proportionate. It also lists five of the purposes that judges might consider when deciding a sentence.

Based on the research, the [sentencing young people guideline](https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf)

(<https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf>) emphasises one of these purposes.

**Which purpose(s) would you seek to achieve with your sentence?
(please choose 1)**

☐

Protection of the public

☐

Rehabilitation of offenders

☐

Expressing disapproval of offending behaviour

☐

Giving the offender the opportunity to make amends

☐

Punishment

Check your answers on page 11

Which purpose(s) would you seek to achieve with your sentence?**Protection of the public**

As a judge you might consider how a sentence will protect the public from the offender in the future.

**Rehabilitation of offenders**

As a judge you might consider how a sentence will help the offender to stop their offending behaviour.

**Expressing disapproval of offending behaviour**

As a judge you might consider how a sentence will show disapproval for what the offender did.

**Giving the offender the opportunity to make amends**

As a judge you might consider how a sentence will let the offender make amends for the offence.

**Punishment**

As a judge you might consider how a sentence will punish the offender.

Now turn to page 12 to decide the seriousness of the offence

Which purpose(s) would you seek to achieve with your sentence?**Protection of the public**

As a judge you might consider how a sentence will protect the public from the offender in the future, however rehabilitation should be a primary (first) consideration when sentencing a young person.

**Rehabilitation of offenders**

Yes, as a judge you should consider how a sentence will help the young person to stop their offending behaviour as a primary (first) consideration. But this does not mean it is the only purpose to consider.

**Expressing disapproval of offending behaviour**

As a judge you might consider how a sentence will show disapproval for what the offender did, however rehabilitation should be a primary (first) consideration when sentencing a young person.

**Giving the offender the opportunity to make amends**

As a judge you might consider how a sentence will let the offender make amends for the offence, however rehabilitation should be a primary (first) consideration when sentencing a young person.

**Punishment**

As a judge you might consider how a sentence will punish the offender, however rehabilitation should be a primary (first) consideration when sentencing a young person.

Now turn to page 13 to decide the seriousness of the offence

Which purpose(s) would you seek to achieve with your sentence?**Protection of the public**

As a judge you might consider how a sentence will protect the public from the offender in the future.

**Rehabilitation of offenders**

As a judge you might consider how a sentence will help the offender to stop their offending behaviour.

**Expressing disapproval of offending behaviour**

As a judge you might consider how a sentence will show disapproval for what the offender did.

**Giving the offender the opportunity to make amends**

As a judge you might consider how a sentence will let the offender make amends for the offence.

**Punishment**

As a judge you might consider how a sentence will punish the offender.

Now turn to page 14 to decide the seriousness of the offence

Which purpose(s) would you seek to achieve with your sentence?**Protection of the public**

As a judge you might consider how a sentence will protect the public from the offender in the future, however rehabilitation should be a primary (first) consideration when sentencing a young person.

**Rehabilitation of offenders**

Yes, as a judge you should consider how a sentence will help the young person to stop their offending behaviour as a primary (first) consideration. But this does not mean it is the only purpose to consider.

**Expressing disapproval of offending behaviour**

As a judge you might consider how a sentence will show disapproval for what the offender did, however rehabilitation should be a primary (first) consideration when sentencing a young person.

**Giving the offender the opportunity to make amends**

As a judge you might consider how a sentence will let the offender make amends for the offence, however rehabilitation should be a primary (first) consideration when sentencing a young person.

**Punishment**

As a judge you might consider how a sentence will punish the offender, however rehabilitation should be a primary (first) consideration when sentencing a young person.

Now turn to page 15 to decide the seriousness of the offence

Your [first step](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf>) as judge is to decide the seriousness of the offence. To do this, you must consider the culpability (this is the level of blame of the offender) and the harm caused.

For this offence the level of harm, which is that death has been caused, is fixed by law. So the seriousness of the offence is largely decided by the level of culpability, or blame, of the offender.

The guideline for sentencing death by dangerous driving offences provides a table with three levels of seriousness: Level A, Level B and Level C. You can see the table on page 5 of the guideline published on our [website](https://www.scottishsentencingcouncil.org.uk/media/ytuhsy0m/statutory-offences-of-causing-death-by-driving-sentencing-guideline.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/ytuhsy0m/statutory-offences-of-causing-death-by-driving-sentencing-guideline.pdf>).

The table lists the features that you should consider in selecting the level of seriousness.

Which level of death by dangerous driving would you choose to help you decide your sentence? (Please select 1)

☐ Level A

☐ Level B

☐ Level C

Check your answers on page 16

Your [first step](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf>) as judge is to decide the seriousness of the offence. To do this, you must consider the culpability (this is the level of blame of the offender) and the harm caused. For this offence the level of harm, which is that death has been caused, is fixed by law. So the seriousness of the offence is largely decided by the level of culpability, or blame, of the offender.

The [sentencing young people guideline](https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf>) states (at paragraphs 10 – 12) that when you consider the level of blame of a young offender, you should think about their level of maturity. Research shows that our brains are not fully developed as a young person and the culpability, or blame, of a young person will generally be lower than that of an older person. However, your consideration of harm to the victim is not changed by the guideline. This is true for all offences.

The guideline for sentencing death by dangerous driving offences provides a table with three levels of seriousness: Level A, Level B and Level C. You can see the table on page 5 of the guideline published on our [website](https://www.scottishsentencingcouncil.org.uk/media/ytuhsy0m/statutory-offences-of-causing-death-by-driving-sentencing-guideline.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/ytuhsy0m/statutory-offences-of-causing-death-by-driving-sentencing-guideline.pdf>). The table lists the features that you should consider in selecting the level of seriousness.

Which level of death by dangerous driving would you choose to help you decide your sentence? (Please select 1)

☐ Level A

☐ Level B

☐ Level C

Check your answers on page 17

Your [first step](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf>) as judge is to decide the seriousness of the offence. To do this, you must consider the culpability (this is the level of blame of the offender) and the harm caused.

For this offence the level of harm, which is that death has been caused, is fixed by law. So the seriousness of the offence is largely decided by the level of culpability, or blame, of the offender.

The guideline for sentencing death by dangerous driving offences provides a table with three levels of seriousness: Level A, Level B and Level C. You can see the table on page 5 of the [guideline](https://www.scottishsentencingcouncil.org.uk/media/ytuhsy0m/statutory-offences-of-causing-death-by-driving-sentencing-guideline.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/ytuhsy0m/statutory-offences-of-causing-death-by-driving-sentencing-guideline.pdf>) published on our website.

The table lists the features that you should consider in selecting the level of seriousness.

Which level of death by dangerous driving would you choose to help you decide your sentence? (Please select 1)

☐ Level A

☐ Level B

☐ Level C

Check your answers on page 18

Your [first step](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) as judge is to decide the seriousness of the offence. To do this, you must consider the culpability (this is the level of blame of the offender) and the harm caused. For this offence the level of harm, which is that death has been caused, is fixed by law. So the seriousness of the offence is largely decided by the level of culpability, or blame, of the offender.

The [sentencing young people guideline](https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf) (https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf) states (at paragraphs 10 – 12) that when you consider the level of blame of a young offender, you should think about their level of maturity. Research shows that our brains are not fully developed as a young person and the culpability, or blame, of a young person will generally be lower than that of an older person. However, your consideration of harm to the victim is not changed by the guideline. This is true for all offences.

The guideline for sentencing death by dangerous driving offences provides a table with three levels of seriousness: Level A, Level B and Level C. You can see the table on page 5 of the guideline published on our [website](https://www.scottishsentencingcouncil.org.uk/media/ytuhsy0m/statutory-offences-of-causing-death-by-driving-sentencing-guideline.pdf) (https://www.scottishsentencingcouncil.org.uk/media/ytuhsy0m/statutory-offences-of-causing-death-by-driving-sentencing-guideline.pdf). The table lists the features that you should consider in selecting the level of seriousness.

Which level of death by dangerous driving would you choose to help you decide your sentence? (Please select 1)

☐ Level A

☐ Level B

☐ Level C

Check your answers on page 19



Level A

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.



Level B

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.



Level C

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.

To select aggravating factors, go to page 20



Level A

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.



Level B

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.



Level C

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.

To select aggravating factors, go to page 21



Level A

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.



Level B

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.



Level C

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.

To select aggravating factors, go to page 22



Level A

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.



Level B

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.



Level C

We asked a practising judge and they said that they would probably put this case at level B because Tom was driving 35 mph over the limit at excessive speed; and was using a mobile phone for a prolonged time while on hold.

To select aggravating factors, go to page 23

Step 2 (<https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf>) is to decide the sentencing range. These are set out in the guideline. For death by dangerous driving at level B, the sentencing range falls **between 4 - 7 years' custody**. Custody means [prison](https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/>) for people aged over 21, and a [young offenders' institution](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y>) for people aged 21 or under.

Custody means [prison](https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/>) for people aged over 21, and a [young offenders' institution](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y>) for people aged 21 or under.

Step 3 (<https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf>) is to consider factors which might make an offence more serious, or less serious. The death by driving guideline lists some factors you could consider. These factors may move your sentence outwith the range at step 2 which was 4 - 7 years' custody. For example, aggravating factors may make the sentence higher than 7 years, and mitigating factors may make the sentence lower than 4 years.

Choose 3 factors which could make an offence of death by dangerous driving more serious. (This is in general for all death by dangerous driving offences – it may not be part of this particular case).

☐

More than one person was killed

☐

The offender was seriously injured

☐

The offender had other ways to travel

☐

The offender has relevant previous convictions
(convicted crimes before)

☐

The victim was a vulnerable road user such as a
cyclist or horse rider

☐

The offender was late for an event such as a job interview

Check your answers on page 24

Step 2 (<https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf>) is to decide the sentencing range. These are set out in the guideline. For death by dangerous driving at level B, the sentencing range falls **between 4 - 7 years' custody**. Custody means [prison](https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/>) for people aged over 21, and a [young offenders' institution](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y>) for people aged 21 or under.

Custody means [prison](https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/>) for people aged over 21, and a [young offenders' institution](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y>) for people aged 21 or under.

Step 3 (<https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf>) is to consider factors which might make an offence more serious, or less serious. The death by driving guideline lists some factors you could consider. These factors may move your sentence outwith the range at step 2 which was 4 - 7 years' custody. For example, aggravating factors may make the sentence higher than 7 years, and mitigating factors may make the sentence lower than 4 years.

Choose 3 factors which could make an offence of death by dangerous driving more serious. (This is in general for all death by dangerous driving offences – it may not be part of this particular case).

☐

More than one person was killed

☐

The offender was seriously injured

☐

The offender had other ways to travel

☐

The offender has relevant previous convictions
(convicted crimes before)

☐

The victim was a vulnerable road user such as a
cyclist or horse rider

☐

The offender was late for an event such as a job interview

Check your answers on page 25

Step 2 (<https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf>) is to decide the sentencing range. These are set out in the guideline. For death by dangerous driving at level B, the sentencing range falls **between 4 - 7 years'**

custody. Custody means [prison](https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/>) for people aged over 21, and a [young offenders' institution](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y>) for people aged 21 or under.

Custody means [prison](https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/>) for people aged over 21, and a [young offenders' institution](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y>) for people aged 21 or under.

Step 3 (<https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf>) is to consider factors which might make an offence more serious, or less serious. The death by driving guideline lists some factors you could consider. These factors may move your sentence outwith the range at step 2 which was 4 - 7 years' custody. For example, aggravating factors may make the sentence higher than 7 years, and mitigating factors may make the sentence lower than 4 years.

Choose 3 factors which could make an offence of death by dangerous driving more serious. (This is in general for all death by dangerous driving offences – it may not be part of this particular case).

☐

More than one person was killed

☐

The offender was seriously injured

☐

The offender had other ways to travel

☐

The offender has relevant previous convictions
(convicted crimes before)

☐

The victim was a vulnerable road user such as a
cyclist or horse rider

☐

The offender was late for an event such as a job interview

Check your answers on page 26

Step 2 (<https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf>) is to decide the sentencing range. These are set out in the guideline. For death by dangerous driving at level B, the sentencing range falls **between 4 - 7 years' custody**. Custody means [prison](https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/>) for people aged over 21, and a [young offenders' institution](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y>) for people aged 21 or under.

Custody means [prison](https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/prison-sentences/>) for people aged over 21, and a [young offenders' institution](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y) (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=Y>) for people aged 21 or under.

Step 3 (<https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf>) is to consider factors which might make an offence more serious, or less serious. The death by driving guideline lists some factors you could consider. These factors may move your sentence outwith the range at step 2 which was 4 - 7 years' custody. For example, aggravating factors may make the sentence higher than 7 years, and mitigating factors may make the sentence lower than 4 years.

Choose 3 factors which could make an offence of death by dangerous driving more serious. (This is in general for all death by dangerous driving offences – it may not be part of this particular case).

☐

More than one person was killed

☐

The offender was seriously injured

☐

The offender had other ways to travel

☐

The offender has relevant previous convictions
(convicted crimes before)

☐

The victim was a vulnerable road user such as a
cyclist or horse rider

☐

The offender was late for an event such as a job interview

Check your answers on page 27

Which 3 factors could make an offence of death by dangerous driving more serious?



More than one person was killed

This is one of the factors listed in the guideline which can make the offence more serious.



The offender was seriously injured

This is not something that would be expected to increase a sentence.



The offender had other ways to travel

This is not something that would be expected to increase a sentence.



The offender had relevant previous convictions
(convicted of crimes before)

This is one of the factors listed in the guideline which can make the offence more serious.



The victim was a vulnerable road user such as a
cyclist or horse rider

This is one of the factors listed in the guideline which can make the offence more serious.



The offender was late for an event such as a job interview

This is not something that would be expected to increase a sentence.

To select mitigating factors, go to page 28

Which 3 factors could make an offence of death by dangerous driving more serious?



More than one person was killed

This is one of the factors listed in the guideline which can make the offence more serious.



The offender was seriously injured

This is not something that would be expected to increase a sentence.



The offender had other ways to travel

This is not something that would be expected to increase a sentence.



The offender had relevant previous convictions
(convicted of crimes before)

This is one of the factors listed in the guideline which can make the offence more serious.



The victim was a vulnerable road user such as a
cyclist or horse rider

This is one of the factors listed in the guideline which can make the offence more serious.



The offender was late for an event such as a job interview

This is not something that would be expected to increase a sentence.

To select mitigating factors, go to page 29

Which 3 factors could make an offence of death by dangerous driving more serious?



More than one person was killed

This is one of the factors listed in the guideline which can make the offence more serious.



The offender was seriously injured

This is not something that would be expected to increase a sentence.



The offender had other ways to travel

This is not something that would be expected to increase a sentence.



The offender had relevant previous convictions
(convicted of crimes before)

This is one of the factors listed in the guideline which can make the offence more serious.



The victim was a vulnerable road user such as a
cyclist or horse rider

This is one of the factors listed in the guideline which can make the offence more serious.



The offender was late for an event such as a job interview

This is not something that would be expected to increase a sentence.

To select mitigating factors, go to page 30

Which 3 factors could make an offence of death by dangerous driving more serious?



More than one person was killed

This is one of the factors listed in the guideline which can make the offence more serious.



The offender was seriously injured

This is not something that would be expected to increase a sentence.



The offender had other ways to travel

This is not something that would be expected to increase a sentence.



The offender had relevant previous convictions
(convicted of crimes before)

This is one of the factors listed in the guideline which can make the offence more serious.



The victim was a vulnerable road user such as a
cyclist or horse rider

This is one of the factors listed in the guideline which can make the offence more serious.



The offender was late for an event such as a job interview

This is not something that would be expected to increase a sentence.

To select mitigating factors, go to page 31

Choose 3 factors which could make an offence of death by dangerous driving less serious (This is in general for all death by dangerous driving offences – it may not be part of this particular case).

☐

The offender knew the car was defective

☐

The offender was distracted by their mobile phone

☐

The offender showed remorse
(this means they were sorry for the harm they caused)

☐

The offender had a previously good driving record

☐

The offender was exhausted after important work
such as preparing for a job interview

☐

The offender voluntarily gave up their licence

Check your answers on page 32

Choose 3 factors which could make an offence of death by dangerous driving less serious (This is in general for all death by dangerous driving offences – it may not be part of this particular case).

☐

The offender knew the car was defective

☐

The offender was distracted by their mobile phone

☐

The offender showed remorse
(this means they were sorry for the harm they caused)

☐

The offender had a previously good driving record

☐

The offender was exhausted after important work
such as preparing for a job interview

☐

The offender voluntarily gave up their licence

Check your answers on page 33

Choose 3 factors which could make an offence of death by dangerous driving less serious (This is in general for all death by dangerous driving offences – it may not be part of this particular case).

☐

The offender knew the car was defective

☐

The offender was distracted by their mobile phone

☐

The offender showed remorse
(this means they were sorry for the harm they caused)

☐

The offender had a previously good driving record

☐

The offender was exhausted after important work
such as preparing for a job interview

☐

The offender voluntarily gave up their licence

Check your answers on page 34

Choose 3 factors which could make an offence of death by dangerous driving less serious (This is in general for all death by dangerous driving offences – it may not be part of this particular case).

☐

The offender knew the car was defective

☐

The offender was distracted by their mobile phone

☐

The offender showed remorse
(this means they were sorry for the harm they caused)

☐

The offender had a previously good driving record

☐

The offender was exhausted after important work
such as preparing for a job interview

☐

The offender voluntarily gave up their licence

Check your answers on page 35

Which 3 factors could make an offence of death by dangerous driving less serious?



The offender knew the car was defective

This is not something that would be expected to reduce a sentence.



The offender was distracted by their mobile phone

This is not something that would be expected to reduce a sentence.



The offender showed remorse
(this means they were sorry for the harm they caused)

This is one of the factors listed in the guideline which can make the offence less serious.



The offender had a previously good driving record

This is one of the factors listed in the guideline which can make the offence less serious.



The offender was exhausted after important work
such as preparing for a job interview

This is not something that would be expected to reduce a sentence.



The offender gave up their licence

This is one of the factors listed in the guideline which can make the offence less serious.

To learn about previous convictions, go to page 36

Which 3 factors could make an offence of death by dangerous driving less serious?



The offender knew the car was defective

This is not something that would be expected to reduce a sentence.



The offender was distracted by their mobile phone

This is not something that would be expected to reduce a sentence.



The offender showed remorse
(this means they were sorry for the harm they caused)

This is one of the factors listed in the guideline which can make the offence less serious.



The offender had a previously good driving record

This is one of the factors listed in the guideline which can make the offence less serious.



The offender was exhausted after important work
such as preparing for a job interview

This is not something that would be expected to reduce a sentence.



The offender gave up their licence

This is one of the factors listed in the guideline which can make the offence less serious.

To learn about previous convictions, go to page 37

Which 3 factors could make an offence of death by dangerous driving less serious?



The offender knew the car was defective

This is not something that would be expected to reduce a sentence.



The offender was distracted by their mobile phone

This is not something that would be expected to reduce a sentence.



The offender showed remorse
(this means they were sorry for the harm they caused)

This is one of the factors listed in the guideline which can make the offence less serious.



The offender had a previously good driving record

This is one of the factors listed in the guideline which can make the offence less serious.



The offender was exhausted after important work
such as preparing for a job interview

This is not something that would be expected to reduce a sentence.



The offender gave up their licence

This is one of the factors listed in the guideline which can make the offence less serious.

To learn about previous convictions, go to page 38

Which 3 factors could make an offence of death by dangerous driving less serious?



The offender knew the car was defective

This is not something that would be expected to reduce a sentence.



The offender was distracted by their mobile phone

This is not something that would be expected to reduce a sentence.



The offender showed remorse
(this means they were sorry for the harm they caused)

This is one of the factors listed in the guideline which can make the offence less serious.



The offender had a previously good driving record

This is one of the factors listed in the guideline which can make the offence less serious.



The offender was exhausted after important work
such as preparing for a job interview

This is not something that would be expected to reduce a sentence.

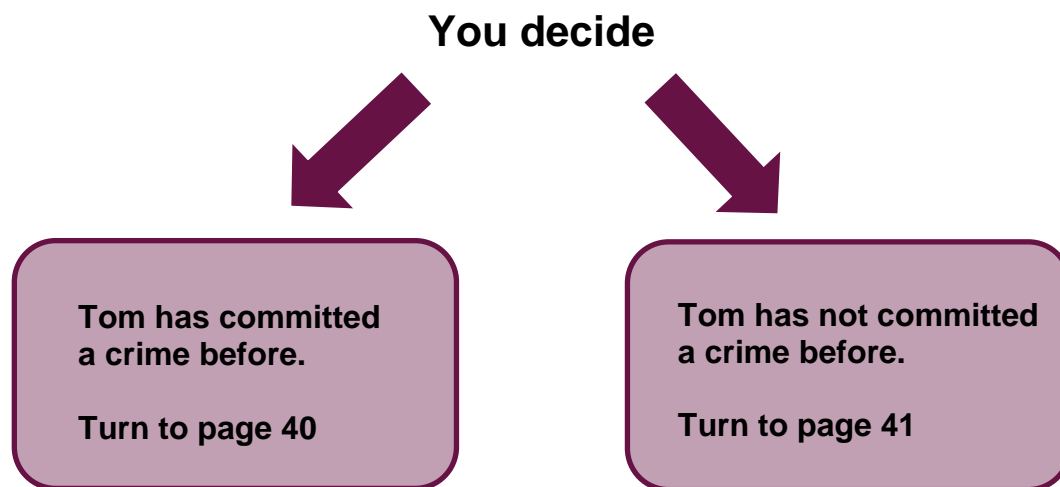


The offender gave up their licence

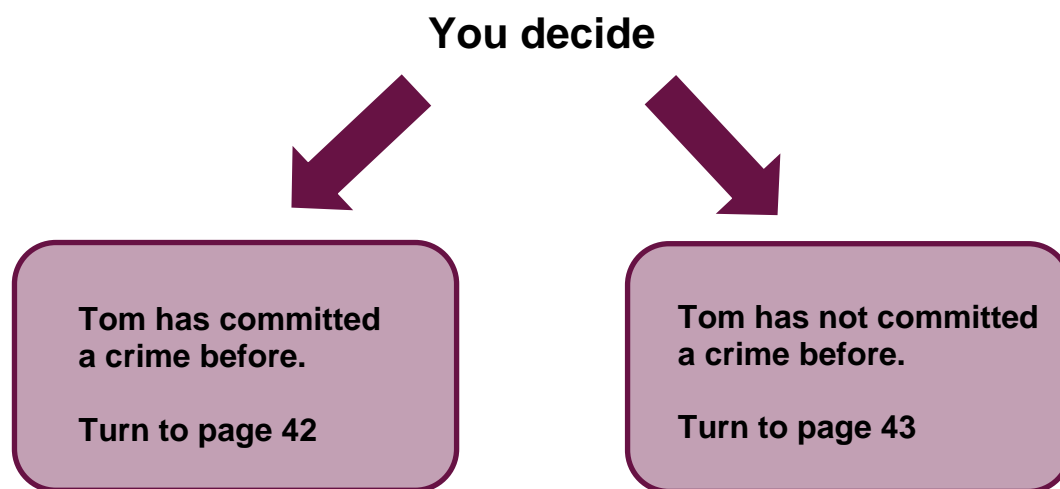
This is one of the factors listed in the guideline which can make the offence less serious.

To learn about previous convictions, go to page 39

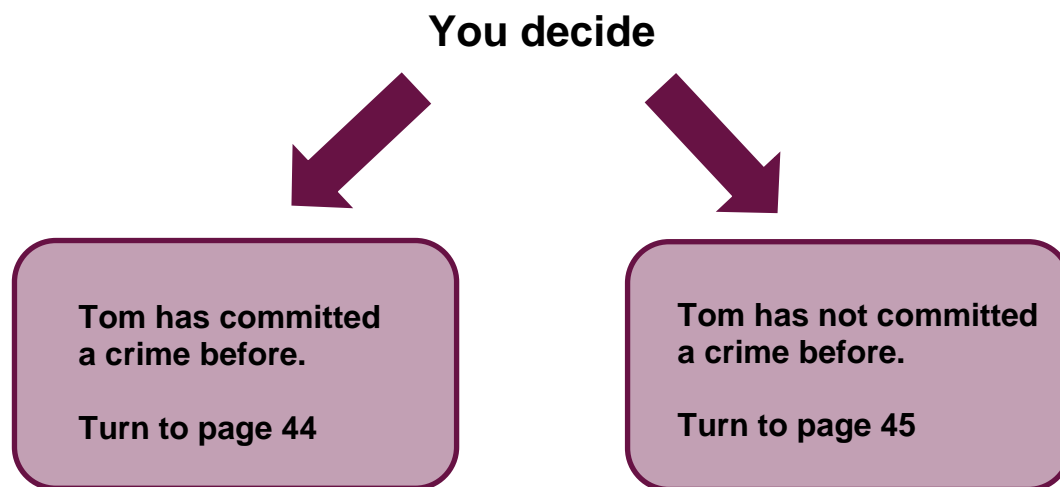
If an offender has committed a similar crime before, it can make an offence more serious.



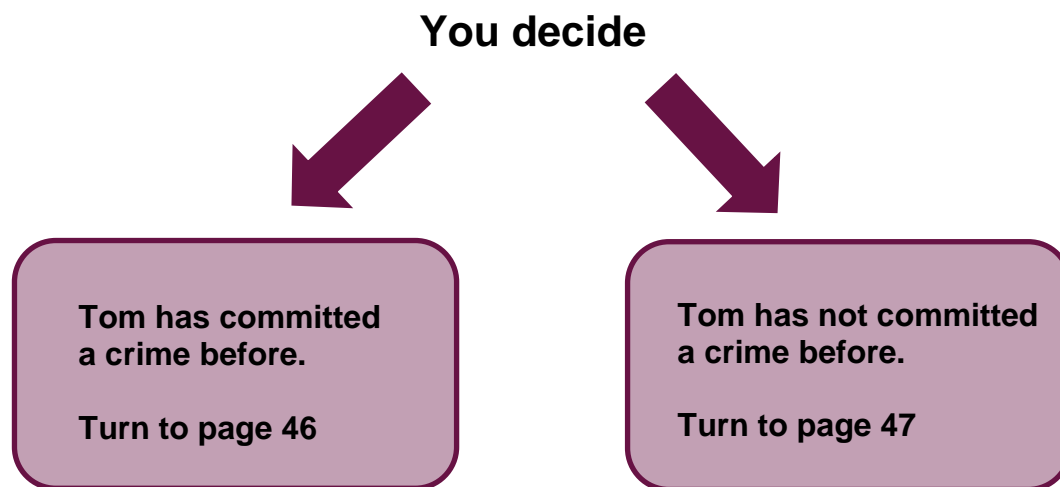
If an offender has committed a similar crime before, it can make an offence more serious.



If an offender has committed a similar crime before, it can make an offence more serious.



If an offender has committed a similar crime before, it can make an offence more serious.





Tom has committed a crime before

(from page 36)

When giving the court the facts of the case, the prosecutor said that Tom had committed a road traffic offence before. Five years ago, he pled guilty to dangerous driving after speeding, skidding off the road and damaging a fence. You should also consider that, in the current offence, more than one person was killed. These are two aggravating factors that can make the offence more serious.

The fact that Tom is remorseful, and voluntarily gave up his licence, are mitigating factors that can make the offence less serious.

You are now ready for [step 4](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf>). It is time to decide the '[headline](#)' (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H>) sentence.

5-year prison sentence

6-year prison sentence

7-year prison sentence

8-year prison sentence

To check your answer, go to page 48



Tom has not committed a crime before

(from page 36)

In this offence, more than one person was killed. This is an aggravating factor that can make the offence more serious.

There are also mitigating factors which can make the offence less serious: Tom is remorseful, voluntarily gave up his licence, and has a previously good driving record.

You are now ready for [step 4](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf>). It is time to decide the '[headline](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H)' (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H>) sentence. Based on the sentencing range (a prison sentence between 4 – 7 years) decide what your sentence is.

4-year prison sentence

5-year prison sentence

6-year prison sentence

7-year prison sentence

To check your answer, go to page 49



Tom has committed a crime before

(from page 37)

When giving the court the facts of the case, the prosecutor said that Tom had committed a road traffic offence before. Five years ago, he pled guilty to dangerous driving after speeding, skidding off the road and damaging a fence. You should also consider that, in the current offence, more than one person was killed. These are two aggravating factors that can make the offence more serious. The fact that Tom is remorseful and voluntarily gave up his licence are mitigating factors that can make the offence less serious.

You must also consider that Tom is under the age of 25 and take into account the sentencing young people guideline. This states (at paragraph 9) that you should consider Tom's maturity and that you should consider rehabilitation. You are now ready for [step 4](#) (<https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf>). It is time to decide the '[headline](#)' (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H>) sentence. Based on the sentencing range (a prison sentence between 4 – 7 years), decide what your sentence is.

5-year prison sentence

6-year prison sentence

7-year prison sentence

8-year prison sentence

To check your answer, go to page 50



Tom has not committed a crime before

(from page 37)

In this offence, more than one person was killed. This is an aggravating factor that can make the offence more serious.

There are also mitigating factors which can make the offence less serious: Tom is remorseful, voluntarily gave up his licence, and has a previously good driving record.

As Tom is under the age of 25 you must take into account the [sentencing young people guideline](https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf) (https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf). This states (at paragraph 9) that you should consider Tom's maturity and that you should consider rehabilitation.

You are now ready for [step 4](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf). It is time to decide the '[headline](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H)' (https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H) sentence. Based on the sentencing range (a prison sentence between 4 - 7 years), decide what your sentence is.

4-year prison sentence

5-year prison sentence

6-year prison sentence

7-year prison sentence

To check your answer, go to page 51



Tom has committed a crime before

(from page 38)

The prosecutor said that Tom had committed a road traffic offence before. Five years ago, he pled guilty to dangerous driving after speeding, skidding off the road and damaging a fence. You should also consider that, in the current offence, more than one person was killed.

These are two aggravating factors that can make the offence more serious.

You are now ready for [step 4](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf>). It is time to decide the '[headline](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H)' (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H>) sentence. There are several more steps listed in the sentencing process guideline, but for Tom's case today, this will be your final sentence.

5-year prison sentence

6-year prison sentence

7-year prison sentence

8-year prison sentence

To check your answer, go to page 52



Tom has not committed a crime before

(from page 38)

In this offence, more than one person was killed. This is an aggravating factor that can make the offence more serious.

Tom has a previously good driving record, which is a mitigating factor that can make an offence less serious.

You are now ready for [step 4](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf>). It is time to decide the '[headline](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H)' (<https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H>) sentence. There are several more steps listed in the [sentencing process](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (<https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf>) guideline, but for Tom's case today, this will be your final sentence.

4-year prison sentence

5-year prison sentence

6-year prison sentence

7-year prison sentence

To check your answer, go to page 53



Tom has committed a crime before

(from page 39)

The prosecutor told the court that Tom had committed a road traffic offence before. Five years ago, he pled guilty to dangerous driving after speeding, skidding off the road and damaging a fence. You should also consider that, in the current offence, more than one person was killed. These are two aggravating factors that can make the offence more serious.

You must consider that Tom is under the age of 25 and take into account the [sentencing young people guideline](https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf) (https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf). This states (at paragraph 9) that you should consider Tom's maturity and that you should consider rehabilitation.

You are now ready for [step 4](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf). It is time to decide the 'headline' (https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H) sentence. There are several more steps listed in the [sentencing process](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) guideline, but for Tom's case today, this will be your final sentence.

4-year prison sentence

5-year prison sentence

6-year prison sentence

8-year prison sentence

To check your answer, go to page 54



Tom has not committed a crime before

(from page 39)

In this offence, more than one person was killed. This is an aggravating factor that can make the offence more serious.

Tom has a previously good driving record, which is a mitigating factor that can make an offence less serious.

You must consider that Tom is under the age of 25 and take into account the [sentencing young people guideline](https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf) (https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf). This states (at paragraph 9) that you should consider Tom's maturity and that you should consider rehabilitation.

You are now ready for [step 4](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf). It is time to decide the 'headline' (https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H). There are several more steps listed in the [sentencing process](https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf) guideline, but for Tom's case today, this will be your final sentence.

4-year prison sentence

5-year prison sentence

6-year prison sentence

7-year prison sentence

To check your answer, go to page 55

5-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 8 years' imprisonment.

6-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 8 years' imprisonment.

7-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 8 years' imprisonment.

8-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 8 years' imprisonment.

Now that you have a [headline](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H) sentence, you are nearly at your final sentence. Because Tom pled guilty as soon as possible, you must take this into account at [step 5](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf). The [law](https://www.legislation.gov.uk/ukpga/2020/17/section/73/enacted) (https://www.legislation.gov.uk/ukpga/2020/17/section/73/enacted) in Scotland says that you can discount, or reduce, his sentence because he pled guilty. This is because a guilty plea saves witnesses from having to give evidence, and saves court time, which means that other cases can be heard more quickly. Read more on our [website](https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors/) (https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors/).

There are several more steps listed in the [sentencing process](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) guideline, but for Tom's case today, you are now ready to decide your final sentence.

You decide

4 ½-year prison sentence
(reduced from 8 years for the guilty plea)

Turn to page 56

5 ½-year prison sentence
(reduced from 8 years for the guilty plea)

Turn to page 56

4-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 7 years' imprisonment.

5-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 7 years' imprisonment.

6-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 7 years' imprisonment.

7-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 7 years' imprisonment.

Now that you have a [headline](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H) sentence, you are nearly at your final sentence. Because Tom pled guilty as soon as possible, you must take this into account at [step 5](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf). The [law](https://www.legislation.gov.uk/ukpga/2020/17/section/73/enacted) (https://www.legislation.gov.uk/ukpga/2020/17/section/73/enacted) in Scotland says that you can discount, or reduce, his sentence because he pled guilty. This is because a guilty plea saves witnesses from having to give evidence, and saves court time, which means that other cases can be heard more quickly. Read more on our [website](https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors/) (https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors/).

There are several more steps listed in the [sentencing process](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) guideline, but for Tom's case today, you are now ready to decide your final sentence.

You decide

4-year prison sentence
(reduced from 7 years for
the guilty plea)

Turn to page 57

5-year prison sentence
(reduced from 7 years for
the guilty plea)

Turn to page 57

5-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 6 years' imprisonment.

6-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 6 years' imprisonment.

7-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 6 years' imprisonment.

8-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 6 years' imprisonment.

Now that you have a [headline](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H) sentence, you are nearly at your final sentence. Because Toms pled guilty as soon as possible, you must take this into account at [step 5](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf). The [law](https://www.legislation.gov.uk/ukpga/2020/17/section/73/enacted) (https://www.legislation.gov.uk/ukpga/2020/17/section/73/enacted) in Scotland says that you can discount, or reduce, his sentence because he pled guilty. This is because a guilty plea saves witnesses from having to give evidence, and saves court time, which means that other cases can be heard more quickly. Read more on our [website](https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors/) (https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors/).

There are several more steps listed in the [sentencing process](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) guideline, but for Tom's case today, you are now ready to decide your final sentence

You decide

4 year prison sentence
(reduced from 6 years for
the guilty plea)

Turn to page 58

5 year prison sentence
(reduced from 6 years for
the guilty plea)

Turn to page 58

4-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 5 years' imprisonment.

5-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 5 years' imprisonment.

6-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 5 years' imprisonment.

7-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 5 years' imprisonment.

Now that you have a [headline](https://www.scottishsentencingcouncil.org.uk/about-sentencing/jargon-buster?c=H) sentence, you are nearly at your final sentence. Because Tom pled guilty as soon as possible, you must take this into account at [step 5](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf). The [law](https://www.legislation.gov.uk/ukpga/2020/17/section/73/enacted) (https://www.legislation.gov.uk/ukpga/2020/17/section/73/enacted) in Scotland says that you can discount, or reduce, his sentence because he pled guilty. This is because a guilty plea saves witnesses from having to give evidence, and saves court time, which means that other cases can be heard more quickly. Read more on our [website](https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors/) (https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors/).

There are several more steps listed in the [sentencing process](https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) (https://www.scottishsentencingcouncil.org.uk/media/2118/the-sentencing-process-guideline-d.pdf) guideline, but for Tom's case today, you are now ready to decide your final sentence.

You decide

**3 ½-year prison sentence
(reduced from 5 years for
the guilty plea)**

Turn to page 59

**4 ½-year prison sentence
(reduced from 5 years for
the guilty plea)**

Turn to page 59

5-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 8 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

6-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 8 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

7-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 8 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

8-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 8 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

Turn to page 60

4-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 7 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

5-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 7 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

6-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 7 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

7-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 7 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

4-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 6 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

5-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 6 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

6-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 6 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

8-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 6 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

4-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 5 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

5-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 5 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

6-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 5 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

7-year prison sentence

We asked a practising judge what headline sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 5 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

The correct answer is:

5 1/2-year prison sentence (reduced from 8 years for the guilty plea)

We asked a practising judge what final sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 5½ years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

Turn to page 60

The correct answer is:

5-year prison sentence (reduced from 7 years for the guilty plea)

We asked a practising judge what final sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 5 years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

Turn to page 60

The correct answer is:

4-year prison sentence (reduced from 6 years for the guilty plea)

We asked a practising judge what final sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 4 years' imprisonment, reduced from 6 years for the guilty plea. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

Turn to page 60

The correct answer is:

3 1/2-year prison sentence (reduced from 5 years for the guilty plea)

We asked a practising judge what final sentence they would give in this fictitious case. They said that they would probably have sentenced Tom to 3½ years' imprisonment. Under the law, the offender must also be disqualified from driving for a minimum of five years, and until the extended driving test is passed.

Turn to page 60

Sentencing guidelines are guidelines, not the law. They do not tie your hands as judge and the sentence is up to you. However, if you decide not to follow a guideline, you must give your reasons.

The likely sentence for this made-up case has been given following consultation with a practising judge. It should not be seen as confirming how this, or a similar offence, would in fact be dealt with in court.

See our [‘About Sentencing’](https://www.scottishsentencingcouncil.org.uk/about-sentencing) (https://www.scottishsentencingcouncil.org.uk/about-sentencing) page for more information and material, including videos and quizzes.

RETURN TO THE START OF TOM'S STORY AND SEE WHAT THE DIFFERENT PATHS MEAN FOR HIS SENTENCE.

[RETURN TO START](https://www.scottishsentencingcouncil.org.uk/education-resources/if-you-were-the-judge-case-studies/tom/) (https://www.scottishsentencingcouncil.org.uk/education-resources/if-you-were-the-judge-case-studies/tom/)

See our [Factors Page](https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors/) (https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors/) for more information on how judges decide sentences.

See our [Sentences and Appeals](https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentences-and-appeals/) (https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentences-and-appeals/) page for more information on the range of sentences available in Scotland.