

Scottish Sentencing Council

If you were the judge

CASE STUDY: ROBBERY



Paul has been charged with robbing a shop. Follow his case at Aberdeen Sheriff Court and use the interactive buttons to make choices about what happens next. Then decide what sentence you would give him - if you were the Sheriff.

Paul is a 32-year-old painter and decorator. He is currently unemployed. He is charged with robbing £80 from a local, family-run grocery shop in Aberdeen at 10 pm on a Tuesday night in June. The charge against him says that he had a knife and wore a balaclava to cover his face. The charge also has a 'racial aggravation'. This means that Paul is further accused of showing ill-will towards the shop owner based on the shop owner's race. Paul is charged 'on indictment'. This means that the charge is more serious. It means that if he pleads not guilty, his trial will be heard before a judge and a jury. Less serious charges are heard before a judge sitting alone without a jury. In Scotland, the prosecutor, called a procurator fiscal, decides in which court a case is heard. This could be the High Court (most serious), a sheriff Court, or a justice of the peace court (least serious). For further details, see our [What the Law Says](#) page or watch our videos.

This case is heard at the sheriff court. Because the incident happened in Aberdeen, the case is heard at Aberdeen Sheriff Court. A date is set for his case which will be held in open court where the public can attend. You can read more how about how court hearings work.

When Paul appears at the Court, he can accept the charge against him and plead 'guilty', or he can deny the charge and plead 'not guilty'.

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

Paul appears at Aberdeen Sheriff Court. He is asked how he pleads. He admits that he committed the crime and pleads guilty to the charge against him.

The prosecutor presents the case against Paul in court. Paul is defended by his lawyer. The prosecutor tells the Sheriff what happened in this robbery by summarising the evidence gathered by the police.

The prosecutor tells the Sheriff that the shopkeeper had been just about to close for the night when a man burst through the door wearing a balaclava and holding a small fishing knife. The man ordered the shopkeeper to open the till. When he did so, there was £80 inside. The shopkeeper explained that most of the day's earnings had been taken to the bank earlier. The accused reacted angrily to the amount of money in the till and he began to shout. The shopkeeper's family is from Poland and the accused shouted that he should return there. The accused also yelled other racial insults about the man's family.

The shopkeeper was very nervous and handed the accused the cash. The accused then backed out of the store, still shouting.

The shopkeeper is now too anxious to run the store alone and says that he cannot get the offensive remarks said about his family out of his head. His family are also nervous now when helping out in the shop.

The prosecutor will tell the Sheriff whether Paul has committed other offences before (called previous convictions) or has not. If Paul has not committed other offences before he is a 'first offender'.

To choose if Paul has previous convictions, turn to page 4. To choose if Paul is a first offender, turn to page 5.

Paul appears at Aberdeen Sheriff Court. He is asked how he pleads. He says he did not commit the crime and pleads not guilty. He is given a date to return to the Court for a trial before a jury.

The prosecutor presents the case against Paul in court. Paul is defended by his lawyer. At the trial, the prosecutor calls the shopkeeper as a witness to give evidence. The prosecutor asks the witness questions about what happened. The shopkeeper says in his evidence: "I was just about to close the shop when a man burst through the door wearing a balaclava and holding a knife. He ordered me to open the till. When I did, he was furious there wasn't more money inside. I said my brother had taken the day's earnings away earlier, and the man got very angry. He started to shout. My family is from Poland and he shouted that we should go back there and yelled other racial insults about us. I was very nervous and gave him the cash. He backed out of the store, still shouting."

The prosecutor then asks the shopkeeper how the incident has made him feel and what impact it has had on him and his family. The shopkeeper says: "I'm too anxious now to run the store alone and I can't get the offensive things he said about us out of my head. My family are also nervous now when helping out in the shop."

Paul also gives evidence in the trial. He says that he was with his girlfriend at the time of the robbery and that he did not do it.

However, based on the evidence, the jury find Paul guilty of the charge. You can read more about how a trial works.

The prosecutor will tell the judge whether Paul has committed other offences before (called previous convictions) or has not. If Paul has not committed other offences before he is a 'first offender'.

To choose if Paul has previous convictions, turn to page 6. To choose if Paul is a first offender, turn to page 7.

The prosecutor tells the Court that Paul has one previous conviction. He stole laptop computers from different cars two years ago. For those offences, he was sentenced to a Community Payback Order.

The Sheriff asks for a report on Paul's background. This will be prepared by a social worker. The Sheriff then adjourns the court for the report to be prepared. This means Paul must return at a later date to be sentenced.

At the next court hearing, Paul's lawyer explains the background to the offence. The lawyer tells the Sheriff that Paul had been suffering severe drug withdrawal symptoms at the time of the robbery and had acted out of desperation. The lawyer says that Paul is not a racist, but used racial insults out of frustration at not finding more cash in the till. The lawyer adds that Paul is now very keen to tackle his drug problem.

The lawyer also highlights some of the things said about Paul in the report. The report states that Paul successfully completed his previous Community Payback Order by doing unpaid work. This involved gardening work in a local park.

It is now time for the Sheriff to decide what sentence to give Paul. There is a range of sentences available for charges on indictment in the sheriff court. This includes imprisonment of up to a maximum of five years. It also includes a community based order, a fine, a compensation order, or a mix of some of these. See our What the Law Says page for more information on maximum sentences at the different court levels.

The Sheriff must not only follow the law, but must also consider other matters including the seriousness of the offence and the factors of the case that will make the sentence more severe (called aggravating factors) or that will make the sentence less severe (called mitigating factors). The Sheriff will decide which factors to take into account, and then decide how important each factor is.

To decide Paul's sentence, turn to page 8.

The prosecutor tells the Sheriff that Paul has not come to the attention of the police before and that he is a first time offender.

The Sheriff asks for a report on Paul's background. This will be prepared by a social worker. The Sheriff then adjourns the court for the report to be prepared. This means Paul must return at a later date to be sentenced.

At the next court hearing, Paul's lawyer explains the background to the offence. The lawyer tells the Sheriff that Paul had been suffering severe drug withdrawal symptoms at the time of the robbery and had acted out of desperation. The lawyer says Paul is not a racist but used racial insults out of frustration at not finding more cash in the till.

The lawyer also highlights some of the things said about Paul in the report. The report states that Paul has a drug problem, but is now very keen to tackle it and turn his life around.

It is now time for the Sheriff to decide what sentence to give Paul. There is a range of sentences available for charges on indictment in the sheriff court. This includes imprisonment of up to a maximum of five years. It also includes a community based order, a fine, a compensation order, or a mix of some of these. See our [What the Law Says](#) page for more information on maximum sentences at the different court levels.

The Sheriff not only has to follow the law, but must also consider other matters including the offence and the factors of the case that will make the sentence more severe (called aggravating factors) or that will make the sentence less severe (called mitigating factors). The Sheriff will decide which factors to take into account, and then decide how important each factor is.

To decide Paul's sentence, turn to page 9.

The prosecutor then tells the Court that Paul has one previous conviction. He stole laptop computers from different cars two years ago. For those offences, he was sentenced to a Community Payback Order.

The Sheriff asks for a report on Paul's background. This will be prepared by a social worker. The Sheriff then adjourns the court for the report to be prepared. This means Paul must return at a later date to be sentenced.

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The lawyer also highlights some of the things said about Paul in the report. The report states that Paul successfully completed his previous Community Payback Order by doing unpaid work. This involved gardening work in a local park.

It is now time for the Sheriff to decide what sentence to give Paul. There is a range of sentences available for charges on indictment in the sheriff court. This includes imprisonment of up to a maximum of five years. It also includes a community based order, a fine, a compensation order, or a mix of some of these. See our What the Law Says page for more information on maximum sentences at the different court levels.

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To decide Paul's sentence, turn to page 10.

The prosecutor tells the Sheriff that Paul has not come to the attention of the police before and that he is a first time offender.

The Sheriff asks for a report on Paul's background. This will be prepared by a social worker. The Sheriff then adjourns the court for the report to be prepared. This means Paul must return at a later date to be sentenced.

At the next court hearing, Paul's lawyer explains the background to the offence. The lawyer tells the Sheriff that Paul had been suffering severe drug withdrawal symptoms at the time of the robbery and had acted out of desperation. The lawyer says Paul is not a racist but used racial insults out of frustration at not finding more cash in the till.

The lawyer also highlights some of the things said about Paul in the report. The report states that Paul has a drug problem, but is now very keen to tackle it and turn his life around.

It is now time for the Sheriff to decide what sentence to give Paul. There is a range of sentences available for charges on indictment in the sheriff court. This includes imprisonment of up to a maximum of five years. It also includes a community based order, a fine, a compensation order, or a mix of some of these. See our What the Law Says page for more information on maximum sentences at the different court levels.

The Sheriff not only has to follow the law, but must also consider other matters including the offence and the factors of the case that will make the sentence more severe (called aggravating factors) or that will make the sentence less severe (called mitigating factors). The Sheriff will decide which factors to take into account, and then decide how important each factor is.

To decide Paul's sentence, turn to page 11.



Which of the three sentences below would you give Paul?

(from page 4)

Community Payback Order (CPO)

A CPO with four parts made up of 300 hours of unpaid work; repaying the shopkeeper £80; attending a drug treatment course; and attending regular appointments with a criminal justice social worker. A CPO is an alternative to prison or detention. It is a way for an offender to pay back to the community for a crime, and is often a very demanding sentence. It can have different parts to it. This one has four parts. The first part is for Paul to do 300 hours of unpaid work for the community. The second part is for him to pay back the shop owner the £80 that he took. The third part is that he must attend a drug treatment course to help him overcome his drug problem. The fourth part is an offender supervision requirement, which means that he must attend regular appointments with a criminal justice social worker to address the causes of his offending behaviour and to monitor if he is keeping to the requirements of the Order.

Go to page 12.

2 years, 6 months in prison

2 years, 6 months in prison with a Supervised Release Order of a further 12 months with the condition that he attends a drug treatment course. This sentence gives Paul time in prison along with a Supervised Release Order of 12 months. This means that when Paul gets out of prison he will be supervised in the community by a social worker for another 12 months. During that time he must attend a drug treatment course. If he commits a further crime during that 12 months, he could go back to prison.

Go to page 13.

3 years, 6 months in prison

3 years, 6 months in prison with a Supervised Release Order of a further 12 months with the condition that he attends a drug treatment course. This sentence gives Paul time in prison along with a Supervised Release Order of 12 months. This means that when Paul gets out of prison he will be supervised in the community by a social worker for another 12 months. During that time he must attend a drug treatment course. If he commits a further crime during that 12 months, he could go back to prison.

Go to page 14.



Which of the three sentences below would you give Paul?

(from page 5)

Community Payback Order (CPO)

A CPO with four parts made up of 300 hours of unpaid work; repaying the shopkeeper £80; attending a drug treatment course; and attending regular appointments with a criminal justice social worker. A CPO is an alternative to prison or detention. It is a way for an offender to pay back to the community for a crime, and is often a very demanding sentence. It can have different parts to it. This one has four parts. The first part is for Paul to do 300 hours of unpaid work for the community. The second part is for him to pay back the shop owner the £80 that he took. The third part is that he must attend a drug treatment course to help him overcome his drug problem. The fourth part is an offender supervision requirement, which means that he must attend regular appointments with a criminal justice social worker to address the causes of his offending behaviour and to monitor if he is keeping to the requirements of the Order.

Go to page 15.

1 year, 3 months in prison

1 year, 3 months in prison with a Supervised Release Order of a further 12 months with the condition that he attends a drug treatment course. This means that when Paul gets out of prison he will be supervised in the community by a social worker for another 12 months. During that time he must attend a drug treatment course. If he commits a further crime during that 12 months, he could go back to prison.

Go to page 16.

2 years, 3 months in prison

2 years, 3 months in prison with a Supervised Release Order This means that when Paul gets out of prison he will be supervised in the community by a social worker for another 12 months. During that time he must attend a drug treatment course. If he commits a further crime during that 12 months, he could go back to prison.

Go to page 17.



Which of the three sentences below would you give Paul?

(from page 6)

Community Payback Order (CPO)

A CPO with four parts made up of 300 hours of unpaid work; repaying the shopkeeper £80; attending a drug treatment course; and attending regular appointments with a criminal justice social worker. A CPO is an alternative to prison or detention. It is a way for an offender to pay back to the community for a crime, and is often a very demanding sentence. It can have different parts to it. This one has four parts. The first part is for Paul to do 300 hours of unpaid work for the community. The second part is for him to pay back the shop owner the £80 that he took. The third part is that he must attend a drug treatment course to help him overcome his drug problem. The fourth part is an offender supervision requirement, which means that he must attend regular appointments with a criminal justice social worker to address the causes of his offending behaviour and to monitor if he is keeping to the requirements of the Order.

Go to page 18.

3 years, 4 months in prison

3 years, 4 months in prison with a Supervised Release Order of a further 12 months with the condition that he attends a drug treatment course. This sentence gives Paul time in prison along with a Supervised Release Order of 12 months. This means that when Paul gets out of prison he will be supervised in the community by a social worker for another 12 months. During that time he must attend a drug treatment course. If he commits a further crime during that 12 months, he could go back to prison.

Go to page 19.

3 years, 10 months in prison

3 years 10 months in prison with a Supervised Release Order of a further 12 months with the condition that he attends a drug treatment course. This sentence gives Paul time in prison along with a Supervised Release Order of 12 months. This means that when Paul gets out of prison he will be supervised in the community by a social worker for another 12 months. During that time he must attend a drug treatment course. If he commits a further crime during that 12 months, he could go back to prison.

Go to page 20.



Which of the three sentences below would you give Paul?

(from page 7)

Community Payback Order (CPO)

A CPO with four parts made up of 300 hours of unpaid work; repaying the shopkeeper £80; attending a drug treatment course; and attending regular appointments with a criminal justice social worker. A CPO is an alternative to prison or detention. It is a way for an offender to pay back to the community for a crime, and is often a very demanding sentence. It can have different parts to it. This one has four parts. The first part is for Paul to do 300 hours of unpaid work for the community. The second part is for him to pay back the shop owner the £80 that he took. The third part is that he must attend a drug treatment course to help him overcome his drug problem. The fourth part is an offender supervision requirement, which means that he must attend regular appointments with a criminal justice social worker to address the causes of his offending behaviour and to monitor if he is keeping to the requirements of the Order.

Go to page 21.

2 years in prison

2 years in prison with a Supervised Release Order of a further 12 months with the condition that he attends a drug treatment course. This sentence gives Paul time in prison along with a Supervised Release Order of 12 months. This means that when Paul gets out of prison he will be supervised in the community by a social worker for another 12 months. During that time he must attend a drug treatment course. If he commits a further crime during that 12 months, he could go back to prison.

Go to page 22.

3 years in prison

3 years in prison with a Supervised Release Order This sentence gives Paul time in prison along with a Supervised Release Order of 12 months. This means that when Paul gets out of prison he will be supervised in the community by a social worker for another 12 months. During that time he must attend a drug treatment course. If he commits a further crime during that 12 months, he could go back to prison.

Go to page 23.

In this particular scenario, the Sheriff sentences Paul to 2 years and 6 months in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an ‘aggravating’ factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks the Supervised Release Order he could be sent back to prison.

In Court, the Sheriff explains the sentence to Paul by saying: “You caused your victim and his family considerable upset. Not only did you frighten your victim by having a knife, but you shouted racial abuse about him and his family. This has had a lasting effect on them. You pled guilty to a racial aggravation. You have a previous conviction for theft and have already been given a community based sentence. I have no choice but to sentence you to a prison sentence. To your credit, you pled guilty at an early stage which saved your victim from having to give evidence at a trial. You also seem to want to tackle your drug problem. I would have sentenced you to 40 months in prison but because of your early guilty plea I will reduce that to 30 months.”

What 4 factors might make Paul's sentence more severe?

- Having a knife

- His age

- His face was masked by a balaclava

- He was suffering drug withdrawal

- He made insulting racial remarks

- He has previous convictions

Turn to page 24 to check your answers.

CORRECT

In this scenario, the Sheriff sentences Paul to 2 years and 6 months in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an 'aggravating' factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks the Supervised Release Order he could go back to prison.

In Court, the Sheriff explains the sentence to Paul by saying: "You caused your victim and his family considerable upset. Not only did you frighten your victim by having a knife, but you shouted racial abuse about him and his family. This has had a lasting effect on them. You pled guilty to a racial aggravation. You have a previous conviction for theft and have already been given a community based sentence. I have no choice but to sentence you to a prison sentence. To your credit, you pled guilty at an early stage which saved your victim from having to give evidence at a trial. You also seem to want to tackle your drug problem. I would have sentenced you to 40 months in prison but because of your early guilty plea I will reduce that to 30 months."

What 4 factors might make Paul's sentence more severe?

- He was suffering drug withdrawal

- He made insulting racial remarks

- His face was masked by a balaclava

- His age

- He has previous convictions

- Having a knife

Turn to page 25 to check your answers.

You selected 3 years, 6 months in prison with a Supervised Release Order of a further 12 months with the condition that Paul attends a drug treatment course. In this scenario, the Sheriff sentences Paul to 2 years and 6 months in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an 'aggravating' factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks the Supervised Release Order he could go back to prison.

In Court, the Sheriff explains the sentence to Paul by saying: "You caused your victim and his family considerable upset. Not only did you frighten your victim by having a knife, but you shouted racial abuse about him and his family. This has had a lasting effect on them.

You pled guilty to a racial aggravation. You have a previous conviction for theft and have already been given a community based sentence. I have no choice but to sentence you to a prison sentence. To your credit, you pled guilty at an early stage which saved your victim from having to give evidence at a trial. You also seem to want to tackle your drug problem. I would have sentenced you to 40 months in prison but because of your early guilty plea I will reduce that to 30 months."

What 4 factors might make Paul's sentence more severe?

His face was masked by a balaclava

He was suffering drug withdrawal

He made insulting racial remarks

He had previous convictions

His age

Having a knife

Turn to page 26 to check your answers.

You selected a Community Payback Order. In this scenario, the Sheriff sentences Paul to 2 years, 3 months in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an 'aggravating' factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks or breaches the Supervised Release Order he could go back to prison.

In Court, the Sheriff explains the sentence to Paul by saying: "You caused your victim and his family considerable upset. Not only did you frighten your victim by having a knife, but you shouted racial abuse about him and his family. This has had a lasting effect on them. You pled guilty to a racial aggravation. I have no alternative but to impose a prison sentence. To your credit, you have never been in trouble before, and you seem to want to tackle your drug problem. You also pled guilty at an early stage which saved your victim from having to give evidence at a trial. I would have sentenced you to 36 months in prison but because of your early guilty plea I will reduce that to 27 months."

What 3 factors might make Paul's sentence more severe?

- Having a knife

- His age

- He was suffering drug withdrawal

- His face was masked by a balaclava

- He made insulting racial remarks

- He plead guilty to the charge

Turn to page 27 to check your answers.

You selected 1 year, 3 months in prison with a Supervised Release Order of a further 12 months with the condition that Paul attends a drug treatment course. In this scenario, the Sheriff sentences Paul to 2 years, 3 months in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an ‘aggravating’ factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks the Supervised Release Order he could go back to prison.

In Court, the Sheriff explains the sentence to Paul by saying: “You caused your victim and his family considerable upset. Not only did you frighten your victim by having a knife, but you shouted racial abuse about him and his family. This has had a lasting effect on them. You pled guilty to a racial aggravation. I have no alternative but to impose a prison sentence. To your credit, you have never been in trouble before, and you seem to want to tackle your drug problem. You also pled guilty at an early stage which saved your victim from having to give evidence at a trial. I would have sentenced you to 36 months in prison but because of your early guilty plea I will reduce that to 27 months.”

What 3 factors might make Paul's sentence more severe?

- Having a knife

- His age

- His face was masked by a balaclava

- He made insulting racial remarks

- He was suffering drug withdrawal

- He plead guilty to the charge

Turn to page 28 to check your answers.

CORRECT

In this scenario, the Sheriff sentenced Paul to 2 years, 3 months in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an 'aggravating' factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks the Supervised Release Order he could go back to prison.

In Court, the Sheriff explains the sentence to Paul by saying: "You caused your victim and his family considerable upset. Not only did you frighten your victim by having a knife, but you shouted racial abuse about him and his family. This has had a lasting effect on them. You pled guilty to a racial aggravation. I have no alternative but to impose a prison sentence. To your credit, you have never been in trouble before, and you seem to want to tackle your drug problem. You also pled guilty at an early stage which saved your victim from having to give evidence at a trial. I would have sentenced you to 36 months in prison but because of your early guilty plea I will reduce that to 27 months."

What 3 factors might make Paul's sentence more severe?

- Having a knife

- His age

- His face was masked by a balaclava

- He made insulting racial remarks

- He plead guilty to the charge

- He was suffering drug withdrawal

Turn to page 29 to check your answers.

In this scenario, the Sheriff sentences Paul to 3 years and 4 months in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an ‘aggravating’ factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks the Supervised Release Order he could go back to prison.

In Court, the Sheriff explains the sentence to Paul by saying: “You caused your victim and his family considerable upset. Not only did you frighten your victim by having a knife, but you shouted racial abuse about him and his family. This has had a lasting effect on them. You were found guilty of a racial aggravation. You have a previous conviction for theft and have already been given a community based sentence. I have no choice but to sentence you to prison. You did not admit your guilt and your victim was required to give evidence at your trial in court. However, you do seem to want to tackle your drug problem.”

What 4 factors might make Paul's sentence more severe?

- Having a knife

- His age

- His face was masked by a balaclava

- He made insulting racial remarks

- He has previous convictions

- He was suffering drug withdrawal

Turn to page 30 to check your answers.

CORRECT

In this scenario, the Sheriff sentences Paul to 3 years and 4 months in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an 'aggravating' factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks the Supervised Release Order he could go back to prison.

In Court, the Sheriff explains the sentence to Paul by saying: "You caused your victim and his family considerable upset. Not only did you frighten your victim by having a knife, but you shouted racial abuse about him and his family. This has had a lasting effect on them. You were found guilty of a racial aggravation. You have a previous conviction for theft and have already been given a community based sentence. I have no choice but to sentence you to prison. You did not admit your guilt and your victim was required to give evidence at your trial in court. However, you do seem to want to tackle your drug problem."

What 4 factors might make Paul's sentence more severe?

- He made insulting racial remarks
- His face was masked by a balaclava
- His age
- He has previous convictions
- Having a knife
- He was suffering drug withdrawal

Turn to page 31 to check your answers.

You selected 3 years 10 months in prison with a Supervised Release Order. In this scenario, the Sheriff sentences Paul to 3 years and 4 months in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an 'aggravating' factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks the Supervised Release Order he could go back to prison.

In Court, the Sheriff explains the sentence to Paul by saying: "You caused your victim and his family considerable upset. Not only did you frighten your victim by having a knife, but you shouted racial abuse about him and his family. This has had a lasting effect on them. You were found guilty of a racial aggravation. You have a previous conviction for theft and have already been given a community based sentence. I have no choice but to sentence you to prison. You did not admit your guilt and your victim was required to give evidence at your trial in court. However, you do seem to want to tackle your drug problem."

What 4 factors might make Paul's sentence more severe?

- He has previous convictions
- His age
- Having a knife
- His face was masked by a balaclava
- He made insulting racial remarks
- He was suffering drug withdrawal

Turn to page 32 to check your answers.

In this scenario, the Sheriff sentences Paul to 3 years in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an 'aggravating' factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks the Supervised Release Order he could go back to prison.

In Court, the Sheriff explains the sentence to Paul by saying: "You caused your victim and his family considerable upset. Not only did you frighten your victim by having a knife, but you shouted racial abuse about him and his family. This has had a lasting effect on them. You were found guilty of a racial aggravation. I have no choice but to impose a prison sentence. To your credit, you have never been in trouble before, and you seem to want to tackle your drug problem."

What 3 factors might make Paul's sentence more severe?

- Having a knife
- His age
- His face was masked by a balaclava
- He made insulting racial remarks
- He was suffering drug withdrawal

Turn to page 33 to check your answers.

In this scenario, the Sheriff sentences Paul to 3 years in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an 'aggravating' factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks the Supervised Release Order he could go back to prison.

The Sheriff tells Paul: "You caused your victim considerable distress. Not only did you frighten him by holding a knife while carrying out the robbery, but you shouted racial abuse at him. This has had a lasting effect on him. You were found guilty of a racial aggravation. I have no choice but to impose a prison sentence. To your credit, you have never been in trouble before, and you seem to want to tackle your drug problem."

What 3 factors might make Paul's sentence more severe?

- Having a knife
- His age
- His face was masked by a balaclava
- He made insulting racial remarks
- He was suffering drug withdrawal

Turn to page 34 to check your answers.

CORRECT

In this scenario, the Sheriff sentences Paul to 3 years in prison with a Supervised Release Order of a further 12 months. The Sheriff explains that 6 months of this is for the racial insults which are an 'aggravating' factor. The Sheriff also explains that a condition of the Supervised Release Order is that Paul attends a drug treatment course. This means that once Paul completes his time in prison, he will be released into the community under the supervision of a social worker for a further 12 months. If he does anything that breaks the Supervised Release Order he could go back to prison.

In Court, the Sheriff explains the sentence to Paul by saying: "You caused your victim and his family considerable upset. Not only did you frighten your victim by having a knife, but you shouted racial abuse about him and his family. This has had a lasting effect on them. You were found guilty of a racial aggravation. I have no choice but to impose a prison sentence. To your credit, you have never been in trouble before, and you seem to want to tackle your drug problem."

What 3 factors might make Paul's sentence more severe?

- Having a knife
- His age
- His face was masked by a balaclava
- He made insulting racial remarks
- He was suffering drug withdrawal

Turn to page 35 to check your answers.

What 4 factors might make Paul's sentence more severe?



Having a knife

Using a weapon can make a sentence more severe.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



He has previous convictions

Committing a similar or related offence before can make a sentence more severe. Both robbery and theft are crimes of dishonesty. Robbery is more serious than theft because it involves violence.

Turn to page 36 to choose what factor might make Paul's sentence less severe.

What 4 factors might make Paul's sentence more severe?



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



He has previous convictions

Committing a similar or related offence before can make a sentence more severe. Both robbery and theft are crimes of dishonesty. Robbery is more serious than theft because it involves violence.



Having a knife

Using a weapon can make a sentence more severe.

Turn to page 37 to choose what factor might make Paul's sentence less severe.

What 4 factors might make Paul's sentence more severe?



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



He has previous convictions

Committing a similar or related offence before can make a sentence more severe. Both robbery and theft are crimes of dishonesty. Robbery is more serious than theft because it involves violence.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



Having a knife

Using a weapon can make a sentence more severe.

Turn to page 38 to choose what factor might make Paul's sentence less severe.

What 3 factors might make Paul's sentence more severe?



Having a knife

Using a weapon can make a sentence more severe.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



He pled guilty to the charge

The Sheriff will consider whether to make Paul's sentence less severe because he pled guilty, but pleading guilty will never make a sentence more severe.

Turn to page 39 to choose what factor might make Paul's sentence less severe.

What 3 factors might make Paul's sentence more severe?



Having a knife

Using a weapon can make a sentence more severe.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



He pled guilty to the charge

The Sheriff will consider whether to make Paul's sentence less severe because he pled guilty, but pleading guilty will never make a sentence more severe.

Turn to page 40 to choose what factor might make Paul's sentence less severe.

What 3 factors might make Paul's sentence more severe?



Having a knife

Using a weapon can make a sentence more severe.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



He pled guilty to the charge

The Sheriff will consider whether to make Paul's sentence less severe because he pled guilty, but pleading guilty will never make a sentence more severe.



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.

Turn to page 41 to choose what factor might make Paul's sentence less severe.

What 4 factors might make Paul's sentence more severe?



Having a knife

Using a weapon can make a sentence more severe.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



He has previous convictions

Committing a similar or related offence before can make a sentence more severe. Both robbery and theft are crimes of dishonesty. Robbery is more serious than theft because it involves violence.



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.

Turn to page 42 to choose what factor might make Paul's sentence less severe.

What 4 factors might make Paul's sentence more severe?



He has previous convictions

Committing a similar or related offence before can make a sentence more severe. Both robbery and theft are crimes of dishonesty. Robbery is more serious than theft because it involves violence.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



Having a knife

Using a weapon can make a sentence more severe.



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.

Turn to page 43 to choose what factor might make Paul's sentence less severe.

What 4 factors might make Paul's sentence more severe?



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



He has previous convictions

Committing a similar or related offence before can make a sentence more severe. Both robbery and theft are crimes of dishonesty. Robbery is more serious than theft because it involves violence.



Having a knife

Using a weapon can make a sentence more severe.



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.

Turn to page 44 to choose what factor might make Paul's sentence less severe.

What 3 factors might make Paul's sentence more severe?



Having a knife

Using a weapon can make a sentence more severe.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.

Turn to page 45 to choose what factor might make Paul's sentence less severe.

What 3 factors might make Paul's sentence more severe?



Having a knife

Using a weapon can make a sentence more severe.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.

Turn to page 46 to choose what factor might make Paul's sentence less severe.

What 3 factors might make Paul's sentence more severe?



Having a knife

Using a weapon can make a sentence more severe.



His age

Paul is 32. His age will not make his sentence more severe. If he were particularly young or particularly old, his age might be considered as a 'mitigating' factor which means it might make his sentence *less* severe.



His face was masked by a balaclava

Paul hid his face with a balaclava which made him seem more threatening. It also shows that he planned the robbery.



He made insulting racial remarks

The charge against Paul included a racial 'aggravation'. This means that not only did Paul rob his victim but he also showed ill-will towards him based on his race.



He was suffering drug withdrawal

Being drunk, on drugs or suffering drug withdrawal symptoms would not make a sentence more severe.

Turn to page 47 to choose what factor might make Paul's sentence less severe.

Choose two

He held a knife but didn't use it

His willingness to tackle his drug problem

His early guilty plea

He is unemployed

His mother is a justice of the peace

Turn to page 48 to check your answers.

Choose two

He held a knife but didn't use it

His willingness to tackle his drug problem

His early guilty plea

He is unemployed

His mother is a justice of the peace

Turn to page 48 to check your answers.

Choose two

He held a knife but didn't use it

His willingness to tackle his drug problem

His early guilty plea

He is unemployed

His mother is a justice of the peace

Turn to page 48 to check your answers.

Choose two

He held a knife but didn't use it

His willingness to tackle his drug problem

His early guilty plea

He is unemployed

His mother is a justice of the peace

Turn to page 48 to check your answers.

Choose two

He held a knife but didn't use it

His willingness to tackle his drug problem

His early guilty plea

He is unemployed

His mother is a justice of the peace

Turn to page 48 to check your answers.

Choose two

He held a knife but didn't use it

His willingness to tackle his drug problem

His early guilty plea

He is unemployed

His mother is a justice of the peace

Turn to page 48 to check your answers.

Choose one

He held a knife but didn't use it

His willingness to tackle his drug problem

He is unemployed

He attended a private school

Turn to page 49 to check your answers.

Choose one

He held a knife but didn't use it

His willingness to tackle his drug problem

He is unemployed

He attended a private school

Turn to page 49 to check your answers.

Choose one

He held a knife but didn't use it

His willingness to tackle his drug problem

He is unemployed

He attended a private school

Turn to page 49 to check your answers.

Choose one

He held a knife but didn't use it

His willingness to tackle his drug problem

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He attended a private school

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Choose one

He held a knife but didn't use it

His willingness to tackle his drug problem

He is unemployed

He attended a private school

Turn to page 49 to check your answers.

Choose one

He held a knife but didn't use it

His willingness to tackle his drug problem

He is unemployed

He attended a private school

Turn to page 49 to check your answers.

What factors might make Paul's sentence less severe?



He held a knife but didn't use it

If Paul had used the knife his crime would have been a different, more serious crime. The Sheriff deals only with the crime that Paul has been convicted of.



His willingness to tackle his drug problem

The Sheriff accepted that Paul wanted to tackle his drug problem and took this into account when deciding the sentence.



His early guilty plea

The Sheriff must take into account an early guilty plea (the law). This shows that Paul accepts he committed the crime. It also means that a trial does not need to be held. This frees up court time to deal with other cases and saves witnesses from having to give evidence in court. When a guilty plea is given, it is up to the Sheriff to decide by how much to reduce the sentence.

A reduction of up to one-third can be given for a guilty plea made at an early stage of a case depending on the offence. A smaller reduction will be given for a guilty plea made at a later stage of a case. A plea of guilty made on the day of the trial may only be given a discount of 10% or less because witnesses will have attended court expecting to give evidence. In this case, the Sheriff reduced the sentence by one-quarter to take into account of when Paul pled guilty.



He is unemployed

Being unemployed would not make a sentence less severe. If Paul did have a job, the Sheriff might take that into consideration when deciding on the sentence. For example, the Sheriff might consider whether time in prison would mean that Paul might lose his job.



His mother is a justice of the peace

This would not make any difference to his sentence.

Turn to page 50.

What factors might make Paul's sentence less severe?



He held a knife but didn't use it

If Paul had used the knife his crime would have been a different, more serious crime. The Sheriff deals only with the crime that Paul has been convicted of.



His willingness to tackle his drug problem

The Sheriff accepted that Paul wanted to tackle his drug problem and took this into account when deciding the sentence.



He is unemployed

Being unemployed would not make a sentence less severe. If Paul did have a job, the Sheriff might take that into consideration when deciding on the sentence. For example, the Sheriff might consider whether time in prison would mean that Paul might lose his job.



He attended a private school

This would not make any difference to his sentence.

Turn to page 50.

This case scenario is fictitious and was created as a tool to help assist the understanding of how judges decide sentences. Each court case is different and will always be sentenced based on its individual factors. Every case has its own unique factors and none will be exactly like this example of Paul's story.

See the Factors Page on the Scottish Sentencing Council website for more information on how judges decide sentences.

See our Sentences and Appeals page for more information on the range of sentences available in Scotland.

RETURN TO THE START OF PAUL'S STORY AND SEE HOW THE DIFFERENT CHOICES YOU MAKE CHANGE HIS SENTENCE.