

Sentencing Exercise – Prosecutor Instructions

You are about to summarize the facts briefly for the judge and make an argument in the sentencing hearing of *State v. Steven Winslow*. The defendant has just plead guilty to one count of Felony Death by Motor Vehicle, because he was driving while impaired and got into a crash resulting in the death of another driver. The defendant is a record level one, with a clean record, and is pleading guilty to a class D felony. Felony Death by Motor Vehicle does allow for probation, even though class D felonies are typically active sentences only. The defendant has agreed to one aggravating factor, number 8, that due to his high speeds in excess of 90 miles per hour, he created a risk of serious injury or death to others on the road.

You can start by giving the judge a quick summary of the evidence and then making your argument for the sentence that you feel is most appropriate. You may ask the judge to make a finding that the aggravating factor outweighs any potential mitigating factors and that the defendant should be sentenced in the aggravated range, or you can argue for something lower, or leave it in the discretion of the judge. As you make your arguments, consider the facts below and a victim impact statement that was sent in by the victim's mother. You must also consult the felony sentencing grid for class D, record level 1 offenders.

FACTS: On February 28, 2021, at 11:30 PM, the victim, Ralph Marsden, was operating a red Honda Civic on I-85 Northbound. According to witnesses, Marsden was slowing down to approximately a speed of 50 miles per hour to exit the interstate offramp when the Defendant, Stephen Winslow, operating a silver Chevy Tahoe at approximately 90 miles per hour ran into the back of Mr. Marsden's vehicle. Marsden was pronounced dead at the scene shortly thereafter when EMS arrived. The defendant, who was unresponsive at the time police arrived, was taken to the hospital and underwent a blood test, where it was determined that his blood alcohol level was 0.18.

VICTIM IMPACT STATEMENT:

My name is Loretta Marsden and my son was Ralph Marsden was taken away from me by a drunk driver. Ralph was 27 years old, a graduate of University of North Carolina at Greensboro, who was working his dream job a licensed social worker offering therapy and counseling to people of all ages, but with a focus on children with anxiety, self-esteem, and eating disorders. Ralph used to pick me up every Sunday and bring me to church. He volunteered at the day care center there and was mentor for hundreds of kids over the years. I understand that the Defendant is a young person too, but I will never get the chance to see Ralph again and I think that some jail time for the Defendant is appropriate.