**Part A: Pre- Sentence Report**

**Defence**

The defendant Bart should receive a reduced sentence due to certain mitigating factors that apply to this case. Bart should have a lesser sentence because he had no knowledge of the firearm, played a lesser role in the crime, it would harm his family severely, he cooperated with law enforcement and incarceration has been shown not to work on Bart. Bart lacked the mens rea for committing a crime using a firearm, Bart had no knowledge that Wally possessed a firearm and only become aware during the commission of the crime therefore Bart cannot be held to the minimum 14 year sentence and should be given a lesser sentence. Bart also did not threaten anyone compared to Bart who did and played a more minor role in the crime, Bart simply followed the orders of Wally by taking money from the cash register and was not involved in the threats spewed. By putting Bart in prison it would unduly harm his family, Bart is the sole supporter of his wife and children, by imprisoning Bart it would cause him to lose his job and cause Bart’s family to lose their only source of income punishing them severely. In this case Bart showed clear remorse and has accepted guilt for his actions, Bart by pleading guilty and cooperating with law enforcement shows he sees his actions were wrong and feels remorse and thus should not be punished as severely. Finally Bart has had a troubled criminal past, where he has been in prison for much of his life, more time in prison will not rehabilitate Bart, Bart should be given a lesser prison sentence with parole but be given access to training and education opportunities so he can support his family without the need for crime.

**Part B:**

**Judge**

The defendant Bart will be given a balanced sentence based on the mitigating factors and the purposes of sentencing. The following purposes for sentencing should apply: Retribution, Rehabilitation, Protection, Restitution and Denunciation. When sentencing Bart, denunciation should be considered, it must be demonstrated that this act is unacceptable because recently in the community many convenience stores have been getting robbed so an example should be set to discourage potential criminals. Restitution should be considered when applying the sentence, both defendants returned all the money to the victims and thus a lesser sentence may be appropriate. In regards to Protection, Bart is not a danger to society, Bart had no intention of threatening or using a firearm, it was Wally’s intention to do this and Bart had no role in this show of force. Rehabilitation should be prioritized over Retribution, the standard method of detaining of the criminal has been shown to be ineffective against Bart, Bart has spent a lot of time in prison but still repeat offends. Bart must be rehabilitated he must be in programs and learn that these acts are unacceptable but not in prison because he does not learn in prison he only suffers. Though Bart did not attempt to use a firearm he still committed an act that was against the law and must be held accountable for his actions, even though Bart must be rehabilitated he still must be punished. When sentencing Bart’s case the purposes for sentencing must be considered or the sentence may not be effective for Bart.