**Tip: Tab 23-- Getting Started on Government Sentencing Witnesses**

- Approach organizing your sentencing case as you approached findings: know your case; know the impact of the crimes; ask for murder boards early

- The findings phase determines the crimes from which you get a punishment range; sentencing is about focusing the members or judge on the most appropriate punishment within that range

- Sentencing witnesses testify to assist the court in arriving at a just sentence (see RCM 1001)

-- Sentencing witnesses focus on matters in aggravation (or extenuation and mitigation) and rehabilitative potential of the accused (see RCM 1001(b)(4 & 5)

--- Evidence in aggravation is not focused on whether something happened (findings), but is evidence that should affect the severity of the sentence (see RCM 1001(b)(4))

---- Ex., if a member is convicted of a DUI, an aggravating fact could be that this was the member’s second DUI. The number of previous DUIs would not arise during findings but becomes relevant in sentencing to show that the member has not learned from the previous DUIs and continued to offend

- Prepare [directs](../10.%20%20Govt%20Witness%20List,%20Order%20of%20Witnesses%20&%20Directs%20with%20Potential%20Objections/Tip%20on%20Drafting%20Direct%20Examination%20and%20Initial%20Witness%20Prep.docx) as you would for findings

- The commander and the first sergeant are common government sentencing witnesses

-- They should testify about how the accused’s crimes impacted the mission/unit

-- They should be familiar with the accused’s record and the impact of his crimes

--- They should not just read from the accused’s EPRs on the stand

--- They should be familiar with any of the accused’s prior misconduct

-- Caveat: If 1) they are not familiar with the accused; 2) they are not familiar with the impact; or 3) their testimony does not add much strength to the case, then they probably should not testify

- Victims should testify about how the crimes impacted them, how they suffered

- Defense witnesses will often testify about the good things the accused has done

-- It will likely not be necessary to [cross-examine](../14.%20%20Defense%20Witnesses,%20Cross%20Examination%20&%20Potential%20Objections/Tip%20on%20Cross%20and%20Objections%20Cheat%20Sheet.docx) the accused’s parents or spouse