**Tip: Getting Started on Sentencing Argument** (See [Subfolder](Ancillary%20Training%20on%20Sentencing%20Argument) for more training)

- Open with your theme and your sentencing recommendation

*Ex. The accused is a predator and he must be stopped. The appropriate sentence in this case is 5 years confinement and reduction to E-1*

- Briefly describe/summarize the facts and offenses, reminding the court of the crime, and that punishment of the crime is the reason for the sentencing portion of the trial

- In front of members (*not for judge alone hearing – judges are very familiar with these principles*), briefly discuss principles of sentencing; include why they support each aspect of the sentence:

-- Punishment of the wrongdoer

-- Protection of Society

-- Deterrence (both general and specific)

-- Preservation of good order and discipline

-- Rehabilitation of the wrongdoer

- Use each sentence recommendation and weave facts & sentencing principles into your justification

*Ex. 5 years confinement is appropriate in this case because the accused should be punished for his behavior and society must be protected from him. He showed he will hurt people and not think twice.*

-- Talk about the most egregious facts deserving punishment and/or protection of society

-- You can also address specific deterrence and why 5 years will help the accused to not commit future crimes

-- Use the sentencing principles to justify your 5 year recommendation

*Ex. Reduce him to AB because no one in the unit should be looking up to someone who committed this crime. Show other Amn that this behavior will not be tolerated* (general deterrence).

-- Talk about what we expect of Airmen of the accused’s rank (see AFI 1-1)

-- Use the sentencing principles to justify the rank reduction

- If possible, talk about how the crime impacted the victim, unit, mission, etc. (provided you put on evidence of impact)

- Wrap up hitting the key points in aggravation and reiterate the requested sentence

**- Rebuttal Considerations (can be used in main argument as well)**

- Comb the accused’s unsworn and record. Look for items that display he has not learned his lesson or is not taking responsibility.

*Ex. The accused often talks about not causing harm to his family in sentencing, i.e. don't put me in jail, reduce me in rank because they will suffer. Counter this with "the accused wasn't thinking about his family when he engaged in this crime; now he is asking you to care more about his family than he did. He is the one who has to make it right with his family, not you."*

*Ex. If there are previous LOR or Art 15 responses that say "this will never happen again," you can use this to talk about lack of rehabilitative potential. "The accused said he learned his lesson before, but he didn't. Now he is telling you he has learned his lesson again, but there is no way you can trust what he says."*