

Judicial Judgment Task

Background: John Sander was driving home from an annual Christmas office party on the evening of December 24 when his automobile struck and killed a pedestrian by the name of Martin Lowe.

The circumstances leading to this event were as follows: The employees of the insurance office where Sander worked began to party at around 2:00 p.m. on the afternoon of the 24th. By 5:00 p.m. some people were already leaving for home, although many continued to drink and socialize. Sander, who by this time had had several drinks, was offered a lift home by a friend who did not drink and who suggested that Sander leave his car at the office and pick it up when he was in 'better shape.' Sander declined the offer, claiming he was 'stone sober' and would manage fine. By the time Sander had finished another drink, the party was beginning to break up. Sander left the office building and walked to the garage where he had parked his car, a four-door 1965 Chevrolet. It had just started to snow. He wished the garage attendant a Merry Christmas and pulled out into the street. Traffic was very heavy at the time. Sander was six blocks from the garage when he was stopped by a policeman for reckless driving. It was quite apparent to the officer that Sander had been drinking, but rather than give him a ticket on Christmas Eve, he said that he would let Sander off if he would promise to leave his car and take a taxi. Sander agreed. The officer hailed a taxi and Sander got into it. The minute the taxi had turned a corner, however, Sander told the driver to pull over to the curb and let him out. Sander paid the driver and started back to where he had parked his own car. Upon reaching his car he proceeded to start it up and drove off. He had driven four blocks from the street where the police officer had stopped him when he ran a red light and struck Lowe, who was crossing the street. Sander immediately stopped the car. Lowe died a few minutes later on the way to the hospital. It was later ascertained that internal hemorrhaging was the cause of death. Sander was apprehended and charged with negligent homicide. The police medical examiner's report indicated that Sander's estimated blood alcohol concentration was between 2.5 and 3.0% at the time of the accident."

Task: After everyone in the group is finished reading, work with your group to determine a specific number of years of imprisonment for the defendant described in the case account and a reasoning for your choice. Remember that we are interested in your personal opinions, so please work off of and be expressive about your own personal judgment. Do not worry about how others might react to the case or how you feel you should react to it. One other thing: in discussing the sentence with the group, consider the question of parole as being beyond your jurisdiction. That is, sentence the defendant irrespective of whether or not you feel he should have opportunity for parole after a certain number of years in prison.