

# PRINCIPLES

- the punishment of offenders
- the reduction of crime (including its reduction by deterrence of the individual and the whole)
- the reform and rehabilitation of offenders
- the protection of the public
- the making of reparation by offenders to persons affected by their offence

# AIMS

- Sentences should be just and fair to victims, offenders and society
- Sentences should be understood by victims, offenders and society
- To achieve that they must be consistent
- The approach of the courts must be the same
- By applying guidelines and enforcing them on appeal
- To explain every sentence

# Effects

- Consistency
- Transparency
- Fewer appeals, 57% cases succeed on appeal
- Greater public understanding
- Improves the standing of the Judiciary
- Supports the Rule of Law

# MURDER

- Criminal Justice Act 2003 Schedule 21 starting points
- **Whole life** for 21 and over
  - Murder of two or more if each murder involves
    - Substantial planning
    - Abduction or
    - Sexual or sadistic conduct
  - Murder of a child including abduction or sexual or sadistic motivation or
  - Murder done for the purpose of advancing a political, religious or ideological cause, or
  - Murder by someone previously convicted of murder

## 30 Years if 18 or over

- Murder of police officer or prison officer in the course of duty
- Murder involving firearm or explosive
- Murder for gain (in robbery or burglary) or done for gain
- Murder to obstruct the course of justice
- Murder involving sexual or sadistic conduct
- Murder of two or more persons
- Murder that is racially aggravated

25 years

- Murder involving the use of a knife or bladed weapon brought to the scene by the accused

15 years

- Murder by someone over 18 not involving the above

12 years

- Murder by someone under 18 at the time



# Aggravating factors

- a significant degree of planning or premeditation,
- the fact that the victim was particularly vulnerable because of age or disability,
- mental or physical suffering inflicted on the victim before death,
- the abuse of a position of trust
- the use of duress or threats against another person to facilitate the commission of the offence,
- the fact that the victim was providing a public service or performing a public duty, and
- concealment, destruction or dismemberment of the body.

# Mitigating Factors

- an intention to cause serious bodily harm rather than to kill,
- lack of premeditation,
- the fact that the offender suffered from any mental disorder or mental disability which (although not falling within section 2(1) of the Homicide Act 1957, lowered his degree of culpability,
- the fact that the offender was provoked (for example, by prolonged stress) in a way not amounting to a defence of provocation,
- the fact that the offender acted to any extent in self-defence,
- a belief by the offender that the murder was an act of mercy, and
- the age of the offender.

## Plea of guilty

- One third credit for early plea

# Guilty Plea

- System that is always applied
- That is widely known
- Defendants should be told when charged
- Defence advocates have a duty to tell clients