

LAW: SUMMER PROJECT

---

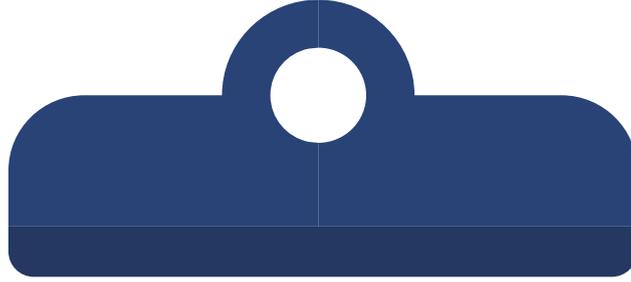
# ENGLISH LEGAL SYSTEM: SENTENCING



Student Name:

Hand in date:

As part of your upcoming Law studies, you will be learning about how the English legal system works, you will learn the process of how criminal cases are heard in the courts, the roles of the legal personnel who will assist these cases and how the guilty offender is punished by the courts. These tasks will allow you to gain an understanding of some of the aspects of sentencing that judges must consider when they are punishing the guilty offender and passing the sentence for the crime that they have committed.



Summer Task Check List:	Complete:
Task 1: Key Legal Terms	
Task 2: Sentencing Aims	
Task 3: Factors in Sentencing	
Task 4: Sentencing Cases	
Task 5: Insight into the Sentencing Act 2020	

### Useful Resources

Tutor2u  
Sentencing Blogs



Sentencing  
Council



CPS,  
Sentencing



Gov.uk –  
How sentences  
are worked out



Courts and  
Tribunals  
Judiciary



Sentencing  
Act 2020



# Task 1: Key Legal Terms

When studying Law, you will use different key legal terms and it is important to know and understand what each term means. You should research the UK definitions of each of the following terms.

Key Term	Definition	Did you get this correct?
Defendant		
Prosecution		
Offender		
Magistrate		
Judge		
A Jury		
Solicitor		
Barrister		

Crown Court		
Magistrates Court		
Indictment		

## Introduction to Sentencing

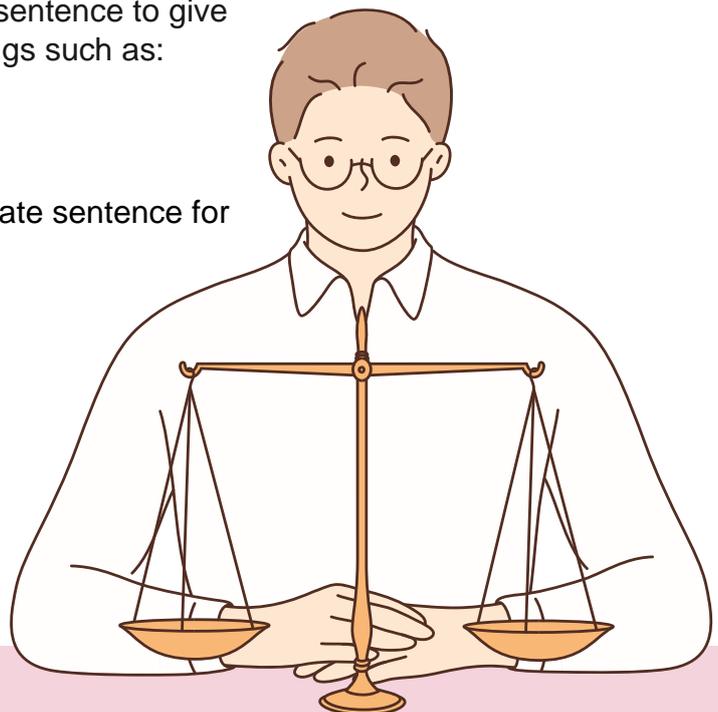
When a person is suspected of committing a crime, their first encounter with the law is often dealt with by the police, who will question them and gather evidence around their involvement in the crime. If the police believe that the person has committed the crime, they will pass this to the Crown Prosecution Service (CPS) who will decide whether there is enough evidence and whether it is in the interests of justice to charge the individual with the criminal offence. It will then be the role of the criminal courts to determine whether the person is guilty or innocent.

When the court case starts the person who has been accused of the crime will be known as the defendant, they will have the opportunity in court to plead guilty or not guilty to the crime. If they plead not guilty, a trial will happen and either a bench of Magistrates (3 people) or a jury (12 people) will decide if the defendant is guilty or not guilty. If the defendant pleads guilty or are later found guilty by the Magistrates or the jury, it will then be the role of the Magistrates or the judge to sentence the defendant for the crime that they have committed. Once they are guilty the defendant will then be known as the offender.

When the judge or Magistrate is deciding what sentence to give the offender, they will consider a number of things such as:

- The aim of the sentence
- The factors within the case
- Sentencing guidelines

They will use these to decide the most appropriate sentence for the offender in line with the crime committed.



# Sentencing within the English Legal System



The defendant has pleaded guilty or been found guilty by the Magistrate or Jury. They will now be known as the offender.



There will then be a sentencing hearing, here the Judge or Magistrates will decide the most appropriate sentence to give the defendant for the crime that has been committed.

**When deciding the sentence, the judge will consider the following:**



## The aims and purpose of the sentence

Here the magistrate/judge will consider what they want to achieve when they sentence the offender. Do they want to punish them? Rehabilitate them? Deter them from committing a crime again?



## The factors in the case

They will look at various aspects of the case and the case facts and decide if certain elements or factors justify a more serious or more lenient sentence.



## Sentencing Guidelines

The magistrates/judge will look at sentencing guidelines. Each criminal offence has a guideline, these will outline the different sentences that can be given based on the different aspects and factors involved within the case.

# Task 2: Sentencing Aims

The first thing that a Judge or Magistrate will consider is the aim and purpose of their sentence. They will consider what they want to achieve for the offender with the sentence that they will pass. The different aims that they can consider can now be found in Section 57 of the Sentencing Act 2020.

**Task:** Below you will find an explanation of each of the different aims and purposes of sentencing. You should read each explanation and then using the different types of sentences listed below the table, decide which sentence could be used by the judge to achieve that aim or purpose.

Aim/Purpose of Sentencing	Explanation	Which type of sentence would achieve this aim?	Were you correct?
<b>Punishment of Offenders</b>	The offender's behaviour deserves to be punished. The sentence should be seen as giving the offender 'just deserts' and the punishment should fit the crime that they have committed.		
<b>Reduction in Crime</b>	Here the offender will receive a sentence that will aim to reduce crime, this could be done by giving a harsh sentence to deter the offender and other people from committing crimes again in the future. The offender and others in society will not commit future crimes because they will be in fear of receiving harsh punishments.		
<b>Reform and Rehabilitation of Offenders</b>	The sentence will aim to reform or rehabilitate the offender. The sentence will change the offender's behaviour and tackle the reasons why they commit a crime in the hope that they will not commit crimes again.		
<b>Protection of the Public</b>	This aim works upon the principle that the public needs to be protected from dangerous offenders. The sentence will remove the offender from society as a whole or parts of it to ensure that the offender is incapable of committing crimes, so the public are protected from them.		
<b>Making Reparations</b>	This aim will require the offender to compensate the victim or society for the crime that they committed. Here the sentence will make sure that the offender will repay the victim of the crime or society as a whole.		

## Possible Sentencing Types:

A fixed term prison sentence that is proportionate to the crime eg if murder is committed then a life sentence is given

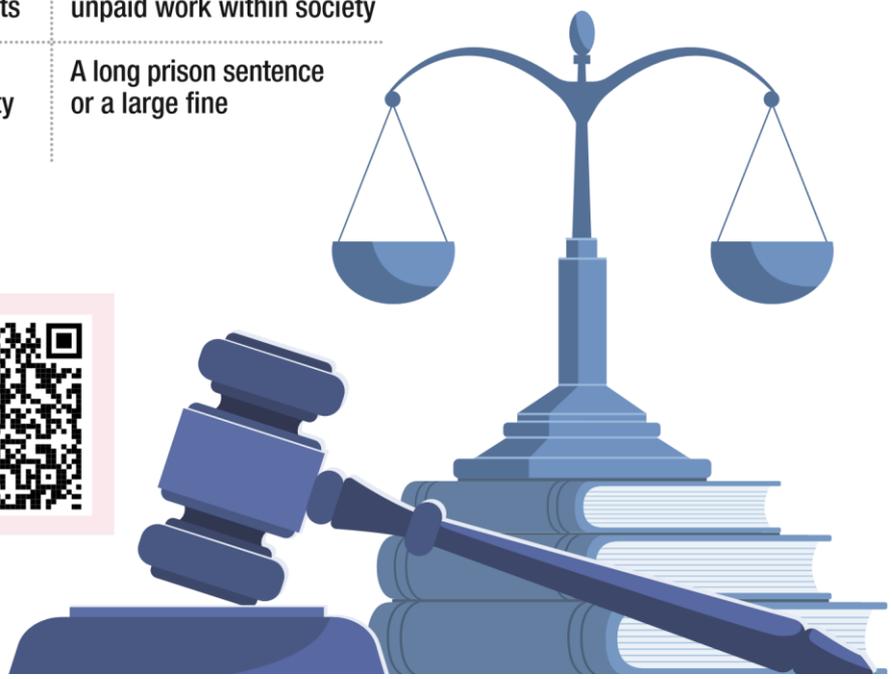
Drug and Alcohol treatment or education requirements

Compensation order or unpaid work within society

Long prison sentences, curfew, prohibited activity order

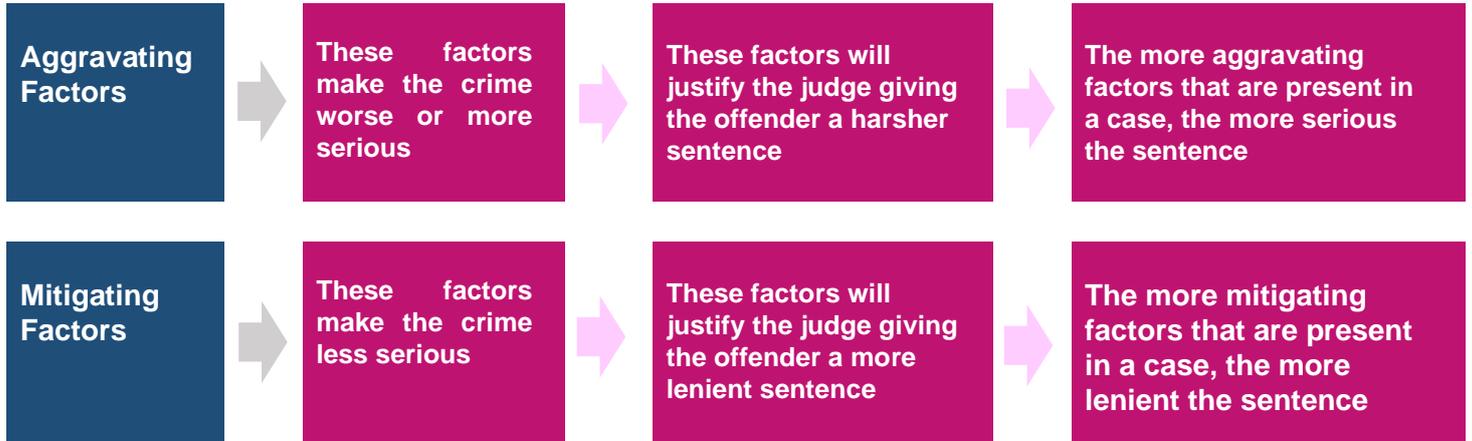
A long prison sentence or a large fine

Further information on types of sentences can be found on the Sentencing Council website:



# Task 3 Sentencing Factors

When the Magistrate or the judge is trying to decide the most appropriate sentence for the offender, they will look at the facts (story) of the case and identify any aggravating or mitigating factors that could help them determine how serious or lenient the sentence should be.



Using the definitions of aggravating and mitigating factors, look at the list of factors below and identify if the factor is aggravating or mitigating.

Aggravating Factors These make the crime seem worse		Mitigating Factors These make the crime seem less serious or bad		
A vulnerable victim	The offender is suffering from a mental illness	Showing no remorse	Racially aggravated crimes	The offender has no previous convictions
The offender is a child	Use of a weapon	The offender has previous convictions	An early guilty plea	Co-operating with the police

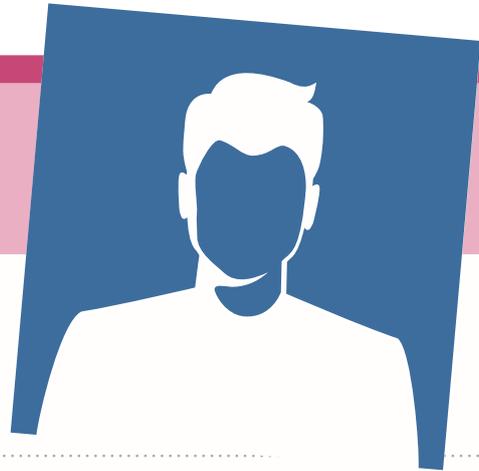
# Task 4 Sentencing cases

Research the following cases and create a case file on each of the offenders. You should complete the following for each case:

- Explain the facts of the case.
- Identify the aggravating and mitigating factors in the case.
- Detail the sentence that was given.
- Decide if you think that the sentence was justified and explain why.

## Thomas Mair (2016)

### Case facts



.....

.....

.....

.....

.....

.....

.....

Aggravating Factors	Mitigating Factors

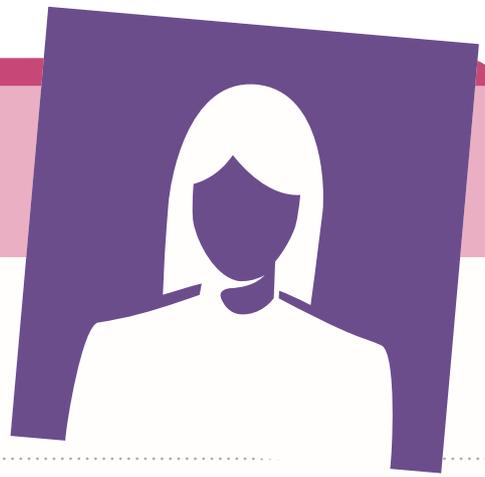
**The Sentence Given:**

**Is this sentence justified? Why?**



# Rose West (1995)

## Case facts



.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Aggravating Factors	Mitigating Factors

**The Sentence Given:**

**Is this sentence justified? Why?**



# Task 5: Insight into the Sentencing Act 2020

## Insight Task: The Sentencing Act 2020



You should scan the QR codes and access the Tutor2U blog post upon the Sentencing Act 2020. Read the blog carefully and answer the following questions to gain an insight and understanding of the legal importance of this Act.



1 What is the purpose of the Sentencing Act 2020?

---

---

---

---

---

---

2 What is the function of the Law Commission, why do you think that they chose sentencing as a project to be involved in?

---

---

---

---

---

---

### 3 What changes does the Sentencing Act 2020 make to the laws of sentencing in the UK?

Sentencing Provision	Sentencing Act 2020 Reference	Previous Statutory Reference
Adult Aims of Sentencing		Section 142 Criminal Justice Act 2003
Aggravating and Mitigating Factors		Section 143 Criminal Justice Act 2003
Custodial Sentencings		Section 152 Criminal Justice Act 2003
Mandatory Life Sentences		Section 225 Criminal Justice Act 2003
Life Sentence for Second Offence		Section 122 The Legal Aid, Sentencing and Punishment of Offenders Act (LAPSO) 2012
Extended Sentences		Section 226-230 Criminal Justice Act 2003 and Section 124 The Legal Aid, Sentencing and Punishment of Offenders Act (LAPSO) 2012
Suspended Sentences		Section 189 Criminal Justice Act 2003 and Section 68 The Legal Aid, Sentencing and Punishment of Offenders Act (LAPSO) 2012
Fines		Section 163 Criminal Justice Act 2003
Discharges		Section 7 Criminal Justice Act 1948
Community Orders		Section 177 Criminal Justice Act 2003 and Section 166 The Legal Aid, Sentencing and Punishment of Offenders Act (LAPSO) 2012

# The Answers

## Task 1 Key Legal Terms

Key Term	Definition
Defendant	This is the person who is part of a court case, and they are suspected of
Prosecution	This is the person or team of people who are bringing a case against the defendant. They are trying to prove that the defendant committed a crime
Offender	This is a person who has pleaded guilty to or been found guilty of committing a crime.
Magistrate	A magistrate is a lay judge. Lay means that they have no legal training. Magistrates sit in, hear and decide cases in Magistrates' Court. Magistrates hear cases involving minor criminal offences.
Judge	The person that is in charge of a criminal case in Crown Court. They hear cases involving more serious criminal offences.
A Jury	A group of 12 people from society who sit in Crown Court trials and decide if the defendant is guilty or not guilty.
Solicitor	A legal professional who works directly with clients, giving advice and dealing with legal matters.
Barrister	This person will advocate in court. This means that will speak in court and act on behalf of the prosecution or defence in the criminal case.
Crown Court	The court where serious criminal cases are heard and tried.
Magistrates Court	The court where minor criminal cases are heard and tried.
committing a crime.	
Indictment	This is the document that sets out the offences/crimes that the defendant is

## charged with. task 2 Sentencing Aims

### Aim/Purpose of Sentencing The sentence that would achieve this aim

Punishment of Offenders	A fixed term prison sentence that is proportionate to the crime eg if murder is committed then a life sentence is given
Reduction in Crime	A long prison sentence or a large fine
Reform and Rehabilitation of Offenders	Drug and Alcohol treatment or education requirements
Protection of the Public	Long prison sentences, curfew, prohibited activity order
To Make Reparation to the	Compensation order or unpaid work within society

People Affected by Their Offences

- Racially aggravated crimes.
- Use of a weapon.
- The offender has previous convictions.

## task 3 Sentencing Factors

### Aggravating Factors:

These make the crime seem worse.

- A vulnerable victim.
- Showing no remorse.

### Mitigating Factors:

These make the crime seem less serious or bad.

- AThe offender is suffering from a mental illness.

- The offender has no previous convictions.
- The offender is a child.
- An early guilty plea.
- Co-operating with the police.

## task 4 Sentencing in Real Life

Thomas Mair Case Facts: **Thomas Mair, shot and murdered Jo Cox, an MP.**

Aggravating Factors:

- Racially motivated attack
- Terrorist attack
- Use of a weapon - gun
- Pre-meditated attack

Mitigating Factors: **History of mental illness - OCD**

Sentence Given: **Life imprisonment with a whole life order**

---

William Cornick Case Facts: **William Cornick was 15 years old when he murdered his teacher in school. He stabbed her seven times.**

Aggravating Factors:

- Use of a weapon - knife
- Pre-meditated attack
- No remorse

Mitigating Factors:

- Early guilty plea
- Offender is a child
- *Mental illness*

Sentence Given: **Life imprisonment with a minimum of term of 20 years**

---

Rose West Case Facts: **Rose West collaborated with her husband Fred West to murder nine women, she also murdered her eight-year-old step daughter**

Aggravating Factors:

- Vulnerable victim
- Use of weapons
- Previous convictions
- No remorse

Mitigating Factors: **Abuse in childhood**

Sentence Given: **Life imprisonment with a whole life order**

---

Henry Long Case Facts: **Henry Long killed PC Harper along with two other offenders. They dragged PC Harper with a tow rope from their car for more than a mile, after he tried to apprehend them for theft.**

Aggravating Factors:

- Attack on a police officer
- Gang attack
- Previous convictions
- No remorse

Mitigating Factors:

- Early guilty plea to manslaughter charge

- **Age of offender (18 at the time the offence was committed)** Sentence Given: **16 years in prison**

## task 5 Insight into the Sentencing Act 2020

1 The purpose of the Sentencing Act 2020 was to create a single piece of legislation offering more clarity for legal practitioners when advising on sentences and judges when passing them. One of the major problems identified with the previous patchwork of legislation contained in over 65 different acts was that with no consistent approach to drafting, it was often difficult to pin down and interpret, the Act hopes to rectify this.

2 The function of the law commission is to review areas of the law and make recommendations for change, with the aim of ensuring that the law is as simple, accessible, fair, modern and cost-effective as possible. They chose sentencing as a project due to the fact that it had been highlighted by judges in cases that complexity of sentencing legislation was an issue.

Sentencing Provision	Sentencing Act 2020 Reference	Previous Statutory Reference
Adult Aims of Sentencing 2003	<b>Section 57 Sentencing Act 2020</b>	Section 142 Criminal Justice Act 2003
Aggravating and Mitigating Factors	<b>Section 63 Sentencing Act 2020</b>	Section 143 Criminal Justice Act 2003
Custodial Sentencings	<b>Sections 221-232 Sentencing Act 2020</b>	Section 152 Criminal Justice Act 2003
Mandatory Life Sentences	<b>Section 332 Sentencing Act 2020</b>	Section 225 Criminal Justice Act 2003
Life Sentence for Second Offence	<b>Section 283 Sentencing Act 2020</b>	Section 122 The Legal Aid, Sentencing and Punishment of Offenders Act (LAPSO) 2012
Extended Sentences	<b>Section 279 Sentencing Act 2020</b>	Section 226-230 Criminal Justice Act 2003 and Section 124 The Legal Aid, Sentencing and Punishment of Offenders Act (LAPSO) 2012
Suspended Sentences	<b>Section 286 Sentencing Act</b>	Section 189 Criminal Justice Act 2003 and Section 68 The Legal Aid, Sentencing and Punishment of Offenders

---

Act  
(LAPSO) 2012

---

Fines	<b>Section 118 -121 Sentencing Act 2020</b>	Section 163 Criminal Justice Act 2003
Discharges	<b>Section 79-80 Sentencing Act 2020</b>	Section 7 Criminal Justice Act 1948
Community Orders	<b>Section 201 Sentencing Act 2020</b>	Section 177 Criminal Justice Act 2003 and Section 166 The Legal Aid, Sentencing and Punishment of Offenders Act (LAPSO) 2012