

CROWN
COURT
PRACTICE

SENTENCE

FALLON

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CROWN COURT PRACTICE: SENTENCE

by

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a Recorder

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**CROWN COURT PRACTICE:
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Preface

The object of this book is twofold: to present the rules of sentencing in a practical and related sequence and to illustrate the range of sentences. In so far as the rules are concerned, it is hoped that the presentation will assist practitioners in Crown Courts. In so far as the illustrations are concerned, it is impossible to determine the length of a sentence divorced from the facts of the instant case. Each case must be considered independently, and the illustrations are not intended to be other than a tool for the practitioner's use.

Nothing original is stated and no attempt is made to influence sentencing policy. The principles of sentencing have been dealt with elsewhere, and, in particular, by Mr. D. A. Thomas in his admirable book *The Principles of Sentencing*.

The important questions are: what types of sentence can be used in a particular case? What type of sentence should be used? What level of sentence within the right type is appropriate?

In answering the last question, the upper and lower levels of a range are of limited value; nevertheless, it is anticipated that some practitioners, while bearing in mind the limited value of "ranges", will derive some help from them.

Without the sentencing section of the Criminal Law Review, it would have been impossible to collect cases illustrating the ranges and invariably the cases dealt with are Court of Appeal cases. This means that there are many illustrations of the more serious types of cases but few of the less serious. There are cases in which the Court of Appeal has varied immediate sentences to individualised non-custodial sentences, but it is assumed that practitioners know, for instance, that probation is used over a very wide range of offences. A perusal of the table of cases will indicate that the majority of cases referred to are comparatively recent and shades of change if not actual changes frequently occur. It is therefore hoped to keep abreast of the future changes by supplements from time to time.

I am indebted to Rupert Bursell, a member of my chambers, who has been kind enough to read the first draft of this book. The present work incorporates many of the helpful suggestions he made.

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December 1974

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