

Services to Individuals

Crime and Defence Representation

Sentencing

Pre-Sentence Report

This is a report prepared by the Probation Service to assist the court in deciding which sentencing option would be most suitable in the particular circumstances of your case. It is therefore essential that you co-operate fully to ensure that any recommendation made to the court is favourable to you.

Types of Sentences

a) Fine

A financial penalty for less serious offences, particularly including motoring offences.

b) Absolute or Conditional Discharge

In this case you would be discharged from the court on condition that you did not commit any further offence within a specified period of time e.g. twelve months. In the event that you did commit an offence during that time period, you would be liable to be sentenced not only for the new offence, but also to be sentenced afresh for the original offence committed.

An absolute discharge involves no such condition.

c) Community Sentences

These are usually imposed for cases that are too serious for a fine or a discharge, but where a term of imprisonment is inappropriate. There can be one or many requirements attached to the Community Order, the important being as follows:

- i) Unpaid work requirement - this would involve between 40 and 300 unpaid hours being completed for the benefit of the community over a given period of time, and is supervised by the Probation Service.
- ii) Supervision requirement - this is a period of supervision by the Probation Service for the purpose of rehabilitation, and this can be for a period of between 6 and 36 months.
- iii) Curfew requirement - this can be up to 12 hours a day for any number of days in the week, and subject to a total period of 6 months. During the stated time and dates, you would be obliged to stay at a particular address and not to go out. The order is supervised by a monitoring company, and involves a tag being worn around the ankle which is electronically linked to a telephone point at the address.

A wide range of other requirements include a drug Rehabilitation Programme, an Alcohol Treatment requirement, Mental Health treatment, a requirement of residence, an exclusion order, an attendant sentence requirement and certain activities being prohibited.

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d) Imprisonment

A sentence of imprisonment may be imposed in the case of more serious offences. The Magistrates Court has powers to impose up to 6 months for each either way offence and a total of 6 months for any number of summary only offences.

The terms of imprisonment imposed by the Crown Court are unlimited and as specified for each individual offence.

e) Deferred Sentence

In this case your sentence would be deferred to allow the court to consider your progress and will specify what progress they expect you to achieve within a specified time scale.

f) Suspended Sentence

The court can impose a period of imprisonment, but suspend the order upon certain conditions. These can include a condition that all Community Orders are completed, or a condition to seek alcohol, drug or mental health treatment. A failure to comply with the conditions will mean the suspended order taking immediate effect. Successful completion of the conditions will mean that no term of imprisonment will be imposed.

g) Youth Court

In relation to cases kept in the Youth Court for persons under the age of 18, there are a variety of specific sentences available for youths. Where a person under the age of 18 pleads guilty to his first court conviction for an imprisonable offence, (e.g. theft, assault or excess alcohol) the court must pass a Referral Order for a period of up to 12 months. The requirement of the Order will mean that the youth and an appropriate adult must be in contact with a panel of three suitably qualified people who will provide a number of tasks, including making financial or other reparation to the victim of a crime, attending mediation sessions, carrying out unpaid work for the community.

Other options include a Supervision Order, Action Plan Order and Reparation Order. In the serious cases, the Youth Court can pass a term of imprisonment of up to 24 months at a Detention and Training Centre.

h) Ancillary Orders

In addition to the above the court can order a number of Ancillary Orders including, Football Banning Orders, Anti-Social Behaviour Orders and Restricting Orders.

When the court considers sentence it will take all relevant matters into consideration including any recommendation contained in a pre-sentence report, any mitigation put forward on your behalf by your Solicitor or Barrister, the state at which any guilty plea was made, any previous convictions and your record of discharging any previous sentences received. If you have no previous convictions the evidence of any character witnesses may be taken into account.

The court will also normally order that a contribution be paid towards the prosecution costs. These range from £20.00 to £60.00 for an early guilty plea to over £150.00 for a guilty verdict after a trial at the Magistrates Court. Prosecution costs in the Crown Court can sometimes amount to many hundreds of pounds if convicted.
