



You be the Judge: **Burglary case**

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This is a transcript for the Burglary case on the You be the Judge interactive guide to sentencing.

INTRO VIDEO

Have you ever wondered how judges and magistrates decide on the sentences they pass? The sentence should fit the crime. But what else should it achieve? Our guide to sentencing shows how the decision-making process works, and then gives you an opportunity to pass sentence yourself.

These offenders have each been charged with a criminal offence and are waiting to hear their fate. The scenarios are based on real-life cases, and last about five minutes. You will hear the evidence and then decide on the sentence. Afterwards, we'll tell you exactly what sentence they actually received, and why. How will your sentence compare? You be the Judge.

**Before we start, please tell us:
What do you think about sentencing?**

It's too lenient / It's about right / It's too harsh

BURGLARY VIDEO 1

The trial: Alexander Jackson

Clerk

Mr Jackson, on May 15th having entered as a trespasser the dwelling at 47 Dean Lane you stole therein an engagement ring, other jewellery and a laptop computer. Do you plead guilty or not guilty?

Defendant

Not guilty.

Clerk

Most criminal cases are heard in a magistrates' court. The more serious cases are tried in the Crown Court by a judge and jury. In this case, Alex Jackson has pleaded not guilty so a trial will take place and a jury will be asked to decide if he is guilty or not guilty. If they find him guilty, it is for the judge to decide on an appropriate sentence.

As court clerk, I manage the court on behalf of the judge during the trial, though I'm not a lawyer. This includes preparing the judge's papers and keeping a record of the proceedings.

To get the background on this case, let's hear some of the evidence given during the trial, first from the police officer and then the witness.

Police officer in the stand

I was called to attend at 47 Dean Lane at 3am. We arrived at the premises to find the kitchen window had been forced open and the ground floor had been ransacked. The occupants, Mr and Mrs Parker, had been asleep upstairs, with their young baby in a separate room. Mr Parker reported hearing a loud noise and went to investigate. He disturbed the intruder, who ran off.

Will the fact that the victims were at home at the time of the break-in affect your sentence?

Yes / Not sure / No

BURGLARY VIDEO 2

Victim in the stand

I came downstairs to see what the noise was and saw the defendant run from the lounge into the kitchen. I took one look at the chaos downstairs

and went straight upstairs to tell my wife what had happened. We were both really shaken up and she was scared something might have happened to our daughter.

He took about £5,000 worth of valuables including my mother's engagement ring, which was one of the few things I had left of hers. It wasn't worth a great deal but I had planned to give it to my daughter someday.

My wife's still really scared after the burglary, and won't stay in the house on her own. When I work nights, she takes the baby and stays with her sister.

Do you think the fact that an item of sentimental value was taken is significant?

Yes / Not sure / No

BURGLARY VIDEO 3

Clerk

Will the jury foreman please rise. Have you reached a verdict?

Jury foreman

Yes.

Clerk

Do you find the defendant guilty or not guilty of burglary?

Jury foreman

Guilty.

Three weeks later: Sentencing hearing

Clerk

During the sentencing hearing the judge will consider the seriousness of the case and the offender's circumstances.

One of the documents before the judge is Alex Jackson's Pre-Sentence Report. This has been prepared by his probation officer and provides relevant information about his background and the risk of him reoffending.

Prosecutor

Your Honour, I would draw your attention to the fact that Mr Jackson has two previous convictions for domestic burglary.

Defence

Your Honour, I represent Mr Jackson. Mr Jackson has been a heroin addict for over five years, although he is now on a rehabilitation programme. On the night in question, Mr Jackson was suffering from acute withdrawal symptoms. It was obviously an act of considerable desperation to break into a property that was occupied at the time.

Since his arrest, Mr Jackson's former partner has agreed to take him back on the condition that he addresses his addiction problem. I can confirm that his treatment is progressing well.

Would a genuine commitment from Alex to come off drugs affect your sentence?

Yes / Not sure / No

BURGLARY VIDEO 4

Defence

Mr Jackson recognises the acute distress he must have caused to Mr and Mrs Parker and wishes to express his sincere apologies. The recent birth of his baby daughter has been a real wake up call for Mr Jackson. He says he owes it to her, and his partner, to get his life sorted out.

Clerk

You've heard the arguments. Now it's time for you to be the judge.

Judge to defendant

Please stand, Mr Jackson. You have been found guilty of burglary. The sentence of this court is...

**What sentence should Alex get?
Choose from the following options:**

- 2.5 years imprisonment
- 3.5 years imprisonment
- 4.5 years imprisonment
- 6 years imprisonment

After selecting their sentence, users are shown what sentence other people chose, with their own choice highlighted in orange.

BURGLARY VIDEO 5

Sentence explained

Judge to offender

You've been convicted of burglary. As we heard from Mr Parker, the stress that you have caused to him and his wife has been immense, and you have left them in a state of constant fear and anxiety.

Had you pleaded guilty, then that would have been a matter I could have taken into account in your favour. However, since you have not, and as you have two previous convictions for domestic burglary, I must, impose the mandatory minimum sentence of three years' imprisonment. The fact that it was carried out late at night whilst the householders were asleep in their beds is an aggravating factor.

To your credit, you are making constructive efforts to overcome your addiction problem. However, it would not be right for this court to set that positive development against the misery that you've caused Mr and Mrs Parker. Your offence merits a prison sentence. Therefore, I sentence you to three and a half years imprisonment...

Sentence given:

Prison: 3.5 years (option 2)

Clerk

In this case, Alex Jackson's loss of liberty is clearly a punishment, but it also protects the public from further criminal acts. For a third offence of domestic burglary, the law requires a judge to give a minimum three year prison term, other than in exceptional circumstances. Alex will be able to continue his drug programme while he's in prison.

The law says that it's not just the monetary value of goods that influences the sentence given, but also their sentimental value.

And that concludes this case. Whether or not you agreed with the sentence given, I hope you discovered that there's more to sentencing than meets the eye.

**Having viewed this case, please tell us:
How do you feel about sentencing?**

It's too lenient / It's about right / It's too harsh