



You be the Judge: **Robbery case**

www.cjsonline.gov.uk/ybtj

This is a transcript for the Robbery 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

ROBBERY VIDEO 1

Plea hearing: Andrew Roberts

Clerk

Some offences can be dealt with in the magistrates' court or the Crown Court. But a serious offence such as a street mugging committed by an adult – which in court is categorised as a robbery – is always heard in a Crown Court. 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 proceedings.

(She turns to the offender.) Mr Roberts on the 17th of December, you robbed Miss Gillian Hunter of £75 in cash, credit cards and a mobile phone. Do you plead guilty or not guilty?

Offender

Guilty.

Clerk

As Mr Roberts has pleaded guilty there is no need for a trial with a jury. A date will be set for a sentencing hearing when the judge alone will decide the sentence.

Sentencing hearing

Clerk

To determine the most appropriate sentence, the judge will have to decide how serious she considers the offence to be. To assist her, she will ask the prosecution barrister to set out the facts of the case and draw her attention to any aggravating factors.

The judge will also consider the mitigating factors raised by Andrew Roberts's barrister. She will consider a Pre-Sentence Report, prepared by a probation officer, which covers Mr Roberts's background, the risk of harm that he represents and the likelihood of him committing further crimes. The judge will also take account of the sentencing guidelines for robbery.

Prosecution

Your Honour, on the night in question Miss Hunter was walking home at about 00:20 am when she was grabbed from behind by an adult male, later identified as Mr Andrew Roberts. He dragged Miss Hunter into the side alley of a house and threatened her by holding a knife to her throat.

She was forced to hand over her handbag which contained her house keys and mobile phone. Her attacker then ran off. Obviously in a distressed state, Miss Hunter alerted a passer-by who telephoned the police. The offender was arrested in the vicinity and found to be in possession of Miss Hunter's mobile phone and bank cards taken from her purse.

Will the fact that the robbery was committed at night affect your sentence?

Yes / Not sure / No

ROBBERY VIDEO 2

Clerk

The judge will now hear arguments from the defence concerning any factor she should take into account that might reduce the sentence – so-called mitigating factors. These might relate to the nature of the offence or personal circumstances of the offender.

Defence

Your Honour, Mr Roberts fully acknowledges the gravity of his crime and cooperated with the police fully following his arrest. He entered a guilty plea at the earliest possible opportunity. Mr Roberts has no previous convictions but he is a long-standing drug addict and he carried out this robbery to feed his drug habit. He wishes to express his profound remorse for the distress he caused to Miss Hunter.

The fact that Andrew pleaded guilty saved his victim from re-living her experience in court. Will this affect your sentence?

Yes / Not sure / No

ROBBERY VIDEO 3

Clerk

You've heard the arguments, now it's time to consider your sentence.

Judges have the benefit of detailed guidelines, to help them decide on the appropriate sentence. So let me give you some hints.

In most cases of robbery, an adult offender is likely to receive a prison sentence. For this type of street robbery, the guidelines suggest a starting point of four years imprisonment. As the judge, you need to decide whether

to increase the sentence because of the aggravating factors in the case, and whether to decrease it due to the mitigating factors and any discount for an early guilty plea.

Now it's time for you to be the judge.

Judge to offender

Please stand Mr Roberts. You have pleaded guilty to robbery. I sentence you to...

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

- 2 years imprisonment
- 3 years imprisonment
- 4 years imprisonment
- 5 years imprisonment

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

ROBBERY VIDEO 4

Sentence explained

Judge to offender

Robbery is an extremely serious offence. To attack a young woman in the dark and put a knife to her throat is utterly deplorable – she would have been terrified. The fact that you are a drug addict cannot possibly excuse such behaviour.

The fact you didn't harm your victim with the knife does not make the offence less serious. I consider your use of a weapon, and the fact that the offence was committed at night on a vulnerable victim, to increase the seriousness of the offence.

In your favour, I note you do not have any previous convictions. I also note you made a plea of guilty at the earliest opportunity. In doing so you have at least spared your victim from having to relive her experience in court and you will receive a discount of a third for that.

I sentence you to four years imprisonment.

**Sentence given:
Prison: 4 years (option 3)**

Clerk

So, Andrew Roberts has been sentenced to four years.

In this case, the judge reduced Andrew's sentence by a third for his early guilty plea, and then added to the sentence for the aggravating factors (his use of a weapon, for example). That resulted in the sentence of four years.

This means he will spend two years in prison, and the rest under the supervision of the probation service. If he breaches the conditions of his sentence while in the community, he is likely to find himself back in prison.

It's a sad fact that a significant number of robberies are committed by addicts who steal to buy drugs. While he's in prison Andrew will receive help to address his drug addiction.

And that concludes this case – I hope this helps you understand how sentencing decisions are made. But why not try another of our cases?

**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