

2011

# **Sentencing Referencer**

by Dr David Thomas Q.C.

**SWEET & MAXWELL**

# Sentencing Referencer

**LYNDON. HARRIS**



## **Sentencing Referencer:**

Sentencing Referencer 2012 David Arthur Thomas, 2011-12 Kerly's on the Law of Trade Marks and Trade Names has a heritage dating back to 1894 providing expert guidance on all aspects of UK trade mark law Through a mix of insightful commentary and up to date analysis of case law and legislation from the UK and Europe it is the reference for the provision of clear and authoritative advice Sentencing Referencer 2012 print and eBook , *Sentencing Referencer 2000* D. A. Thomas, 2000 Revised annually to keep up to date this paperback provides essential information on all aspects of sentencing law Its clear layout and practical approach mean that the practitioner preparing a plea in mitigation or advising on appeal can quickly locate the key points of legislation affecting the sentencing powers of the courts Maximum sentences for the most common indictable offences are set out in an easy to follow table at the back of the book The text is fully cross referenced to the provisions of the Powers of Criminal Courts Sentencing Act 2000 New developments covered in this edition also include minimum sentences for house burglars who commit offences for the third time football banning orders and detention and training orders *Achieving Consistency in Sentencing* Lyndon Harris, 2022-08-29 The Sentencing Council of England and Wales has as its core aim to promote consistency in sentencing with a developed system of appellate guidance at sentencing in addition to a narrative guidelines system which is now two decades old As such there is much to analyse and many lessons to be learned for England and Wales and other jurisdictions Consistency in sentencing is widely regarded to be an essential component of a fair sentencing system but what does consistency mean exactly In *Achieving Consistency in Sentencing* the author maintains that consistency incorporates both substantive and procedural elements focussing upon the proper application of principle The notion of comparing like cases is rejected as simplistic impractical and unprincipled Lyndon Harris argues that a more principled approach reconciles the tension between consistency and individualised justice which has been suggested to exist The author uses clear empirical evidence of inconsistency in sentencing to emphasize the crucial need for discretion during the sentencing exercise which he argues should be structured in a way that encourages sentences to be imposed in accordance with the principles underpinning the scheme while maintaining the ability to individualise sentences Using England and Wales as a case study this work analyses various methods of structuring discretion The latter part of the book examines the interplay between the primary givers of guidance Parliament the Court of Appeal Criminal Division and the Sentencing Council and draws conclusions good and bad as to ways in which consistency can be achieved Lyndon Harris identifies lessons to be learned while pointing out the strengths and deficiencies in the various devices used to guide sentencing judges when they are required to exercise their discretion The book draws attention to the need for greater flexibility and structure while emphasising the work that needs to be done to address racial and gender inconsistencies in sentencing Thus while providing a theoretically sound critique of the concept this monograph is of direct practical relevance to those studying or practising in sentencing systems worldwide **Handbook on Sentencing Policies and Practices in**

**the 21st Century** Cassia Spohn,Pauline Brennan,2019-06-14 Sentencing Policies and Practices in the 21st Century focuses on the evolution and consequences of sentencing policies and practices with sentencing broadly defined to include plea bargaining judicial and juror decision making and alternatives to incarceration including participation in problem solving courts This collection of essays and reports of original research explores how sentencing policies and practices both in the United States and internationally have evolved explores important issues raised by guideline and non guideline sentencing and provides an overview of recent research on plea bargaining in the United States Australia and the United Kingdom Other topics include the role of criminal history in sentencing the past and future of capital punishment strategies for reducing mass incarceration problem solving courts and restorative justice practices Each chapter summarizes what is known identifies the gaps in the research and discusses the theoretical empirical and policy implications of the research findings The volume is grounded in current knowledge about the specific topics but also presents new material that reflects the thinking of the leading minds in the field and that outlines a research agenda for the future This is Volume 4 of the American Society of Criminology s Division on Corrections and Sentencing handbook series Previous volumes focused on risk assessment disparities in punishment and the consequences of punishment decisions The handbooks provide a comprehensive overview of these topics for scholars students practitioners and policymakers

**The Safest Shield** Igor Judge,2015-11-19 This selection of lectures essays and speeches by Lord Judge nearly all written when he was Lord Chief Justice of England and Wales brings together his analysis of a wide range of topics which underpin the administration of justice and the rule of law Apart from a few personal reflections the discussion ranges from the development of our constitutional arrangements to matters of continuing constitutional uncertainty with observations about different aspects of the court process and the discharge of judicial responsibilities Based on Lord Judge s experience in the law and a deep interest in history this selection offers sometimes uncomfortable sometimes amusing but always stimulating reading and will provoke thoughtful reflection on and better understanding of the arrangements by which we are governed and the practical application of the rule of law

Transforming International Criminal Justice Mark Findlay,Ralph Henham,2005-06-01 This book sets out an agenda to transform international criminal trials and the delivery of international criminal justice to victim communities through collaboration of currently competing paradigms It reflects a transformation of thinking about the comparative analysis of the trial process and seeks to advance the boundaries of international criminal justice through wider access and inclusivity in an environment of rights protection Collaborative justice is advanced as providing the future context of international criminal trials The book s radical dimension is its argument for the harmonization of restorative and retributive justice within the international criminal trial The focus is initially on the trial process a key symbol of developing international styles of justice It examines theoretical models and political applications of criminal justice through detailed empirical analysis in order to explore the underlying relationship of theory and empirical study applying the outcome in

theory testing and policy evaluation in several different jurisdictions The book injects a significant comparative dimension into the study of international criminal justice This is achieved through searching the traditional foundations of internationalism in justice by employing an original methodology to enable a multi dimensional exploration of contexts local regional and global so recognising the importance of difference within an agenda suggesting synthesis The book argues for a concept of international trial within a rights paradigm understood against different procedural traditions and practices and provides a detailed description of trials and trial decision making in various jurisdictions Transforming International Criminal Justice also sets out to develop effective research strategies as part of its interrogation of specific trial narratives and meanings in contemporary legal cultures Key themes are those of internationalisation fair trial and the exercise of discretion in justice resolutions sentencing in particular and the lay professional relationship and its dynamics Finally the book provides a searching critique of the relevance of existing criminology and legal sociology in relation to international criminal justice and speculates on trial transformation and the merger of retributive and restorative international criminal justice comparative analysis of the criminal trial process internationally argues for harmonization of retributive and restorative justice within the international criminal trial sets out an agenda to transform international criminal trials and the delivery of international criminal justice to victim communities **THOMAS' SENTENCING REFERENCER.** LYNDON. HARRIS, 2023

Exercising Discretion Loraine Gelsthorpe, Nicola Padfield, 2012-12-06 The exercise of discretion in the criminal justice system and related agencies often plays a key part in decisions which are made but definitions of discretion are not clear and despite widespread recognition of its importance there is much controversy on its nature and legitimacy This book seeks to explore the importance of discretion to an understanding of the nature of the making of justice in theory and practice taking as its starting point the wide discretionary powers wielded by many of the key players in the criminal justice and related systems It focuses on the core elements and contexts of discretion looking at the power ability authority and duties of individuals officials and organisations to decide select or interpret vague standards requirements or statutory uncertainties

**Changing Contours of Criminal Justice** Mary Bosworth, Carolyn Hoyle, Lucia Zedner, 2016-11-03 Celebrating the 50th Anniversary of the Oxford Centre for Criminology this edited collection of essays seeks to explore the changing contours of criminal justice over the past half century and to consider possible shifts over the next few decades The question of how social science disciplines develop and change does not invite any easy answer with the task made all the more difficult given the highly politicised nature of some subjects and the volatile evolving status of its institutions and practices A case in point is criminal justice at once fairly parochial much criminal justice scholarship is now global in its reach and subject areas that are now accepted as central to its study victims restorative justice security privatization terrorism citizenship and migration to name just a few were topics unknown to the discipline half a century ago Indeed most criminologists would have once stoutly denied that they had anything to do with it Likewise some central topics of past criminological attention like probation

have largely receded from academic attention and some central criminal justice institutions like Borstal and corporal punishment have at least in Europe been abolished. Although the rapidity and radical nature of this change make it quite impossible to predict what criminal justice will look like in fifty years time, reflection on such developments may assist in understanding how it arrived at its current form and hint at what the future holds. The contributors to this volume have been invited to reflect on the impact Oxford criminology has had on the discipline, providing a unique and critical discussion about the current state of criminal justice around the world and the origins and future implications of contemporary practice. All are leading internationally renowned criminologists whose work has defined and often re-defined our understanding of criminal justice policy and literature.

*Sitting in Judgment* Penny Darbyshire, 2011-09-30. The public image of judges has been stuck in a time warp: they are invariably depicted in the media and derided in public bars up and down the country as privately educated Oxbridge types usually out of touch and more often than not as old men. These and other stereotypes of the judge as a pervert, the judge as a right wing monster, have dogged the judiciary long since any of them ceased to have any basis in fact. Indeed, the limited research that was permitted in the 1960s and 1970s tended to reinforce several of these stereotypes. Moreover, occasional high profile incidents in the courts, elaborated with the help of satirists such as *Private Eye* and Monty Python, have ensured that the old white Tory judge caricature not only survives but has come to be viewed as incontestable. Since the late 1980s the judiciary has changed largely as a result of the introduction of training and new and more transparent methods of recruitment and appointment. But how much has it changed and what are the courts like after decades of judicial reform? Given unprecedented access to the whole range of courts from magistrates' courts to the Supreme Court, Penny Darbyshire spent seven years researching the judges, accompanying them in their daily work, listening to their conversations, observing their handling of cases and the people who come before them, and asking them frank and searching questions about their lives, careers and ambitions. What emerges is without doubt the most revealing and compelling picture of the modern judiciary in England and Wales ever seen. From it we learn that not only do the old stereotypes not hold but that modern baby boomer judges are more representative of the people they serve and that the reforms are working. But this new book also gives an unvarnished glimpse of the modern courtroom which shows a legal system under stress, lacking resources but facing an ever increasing caseload. This book will be essential reading for anyone wishing to know about the experience of modern judging, the education, training and professional lives of judges, and the current state of the courts and judiciary in England and Wales.

*The Routledge Handbook of Technology, Crime and Justice* M. R. McGuire, Thomas Holt, 2017-02-24. Technology has become increasingly important to both the function and our understanding of the justice process. Many forms of criminal behaviour are highly dependent upon technology and crime control has become a predominantly technologically driven process, one where traditional technological aids such as fingerprinting or blood sample analysis are supplemented by a dizzying array of tools and techniques including surveillance devices and DNA profiling. This

book offers the first comprehensive and holistic overview of global research on technology crime and justice. It is divided into five parts each corresponding with the key stages of the offending and justice process. Part I addresses the current conceptual understanding of technology within academia and the criminal justice system. Part II gives a comprehensive overview of the current relations between technology and criminal behaviour. Part III explores the current technologies within crime control and the ways in which technology underpins contemporary formal and informal social control. Part IV sets out some of the fundamental impacts technology is now having upon the judicial process. Part V reveals the emerging technologies for crime control and justice and considers the extent to which new technology can be effectively regulated. This landmark collection will be essential reading for academics, students and theorists within criminology, sociology, law, engineering and technology and computer science as well as practitioners and professionals working within and around the criminal justice system.

*The Penal Landscape* Anita Dockley, Ian Loader, 2013-07-18 The Howard League for Penal Reform is committed to developing an effective penal system which ensures there are fewer victims of crime, has a diminished role for prison and creates a safer community for all. In this collection of ten papers, the charity has brought together some of the most prominent academic experts in the field to map out what is happening in a specific area of criminal justice policy, ranging from prison privatisation to policing and the role of community sentences. The Howard League guide has two main aims: first, it seeks to paint a picture of the current state of the penal system using its structures, processes and the specific groups affected by the system as the lens for analysis. However, each author also seeks to identify the challenges and gaps in understanding that should be considered to predicate a move towards a reduced role for the penal system and prison in particular, while maintaining public confidence and safer communities. In doing so, we hope to inspire researchers and students alike to develop new research proposals that challenge the status quo and seek to create the Howard League's vision for the criminal justice system with less crime, safer communities, fewer people in prison.

**Opinion Writing and Case Preparation** The City Law School, 2020-08-19 Opinion Writing and Case Preparation equips trainee barristers with the tools and techniques they need to identify, analyse and present convincing legal arguments and gives a thorough grounding in the skill of writing opinions. With its systematic approach to legal research and fact management, the manual provides trainee barristers with an efficient and reliable method for preparing a client's case. The fundamental qualities of effective writing are also clearly identified and explained, helping you develop this essential skill. Particular care is taken to guide you through the appropriate ways of writing opinions in a variety of contexts.

**Smith and Hogan's Criminal Law** David Ormerod, Karl Laird, John Cyril Smith, Brian Hogan, 2015 Criminal Law is written with the needs of the student foremost in mind to provide more than ever as modern and as comprehensive an exposition of the criminal law as he or she could possibly require.

**International Criminal Procedure** Göran Sluiter, Håkan Friman, Suzannah Linton, Sergey Vasiliev, Salvatore Zappalà, 2013-03-21 International Criminal Procedure: Principles and Rules is a comprehensive study of international criminal

proceedings written by over forty leading experts in the field The book offers a systematic overview and detailed comparison of the standards governing the conduct of proceedings in all major international and internationalized criminal courts from the Nuremberg and Tokyo Tribunals to the recently established Cambodian Extraordinary Chambers and the Special Tribunal for Lebanon Based on a major research project the study covers all procedural phases from the initiation of investigation to the appeals process It pays special attention to the crosscutting themes which shape the contemporary discourse on international criminal justice including the law of evidence the defence issues the procedural role of victims and negotiated dismissal of international crime cases The book not only takes stock of the procedural legacy of the UN ad hoc Tribunals for the former Yugoslavia and Rwanda and the International Criminal Court but also reflects on the future directions of international criminal procedure Investigating the tribunals procedural law and practice through the prism of human rights law domestic legal traditions and tribunals special objectives the expert group puts forth proposals on how the challenges facing international criminal jurisdictions can best be met International Criminal Procedure will be an indispensable work for practitioners involved in the adjudication of serious crimes on both national and international level as well as international law students and academics **THOMAS' SENTENCING REFERENCER 2023** LYNDON.

HARRIS,2022 *Drugs* Great Britain: Parliament: House of Commons: Home Affairs Committee,2012-12-10 Whilst it supported a number of steps the Government has taken in its 2010 drug strategy it believes more needs to be done to comprehensively address the drugs problem in the UK The report focuses on the need to break the cycle of drug addiction and highlights in particular the need for improved treatment in prisons and wider society and for early intervention with better education and preventative work Three key areas were covered prisons treatment and the calling for the establishment of a Royal Commission into the issues The Committee was disturbed to find that almost a quarter of prisoners found it easy to get drugs in prison and recommended that measures such as regular random drug tests based on suspicion be increased It was concerned that the Government's policy of recovery was not being implemented in particular that drug rehabilitation in prison was undermined by the lack of support for offenders on release and did not take into account prescription drug addiction The Committee is also concerned that the goal of retaining addicts in treatment has precluded attempts at recovery It supported the Government's objective of recovery but noted that this will require a range of treatment options with each individual needing a tailored treatment plan The Committee highlighted residential rehabilitation and the use of buprenorphine as an alternative to methadone as two treatment methods which were currently under utilised Treatment must also be supplemented by housing training and employment support if required **European**

**Legal Book Index** ,1996 *Sentencing Referencer* D. A. Thomas,1997



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