

Crown Court video transcript

I'm Julian Goose, I'm the resident judge here at Sheffield, I'm the honorary recorder of Sheffield.

What is the role of a judge in the Crown Court?

A judge is required to make sure the trial works fairly, fairly for both the prosecution and the defence. To make rulings on law to make sure the case is conducted in accordance with the law, make sure trials are managed up to the trial and during the trial so they run efficiently and at the end if there is a conviction to pass sentence also people plead guilty and they have to be sentenced without a trial. So there is an awful lot of responsibility as well as a need to make sure at all times that everything is conducted in accordance with the law and in proper fairness.

How does a judge decide what sentence someone should get?

Sentencing isn't just about punishment. It's important that sentencing actually helps to protect the public and to do that sentencing involves both a punishment element but also rehabilitation both of those go together to form the sentence.

When it comes to the court actually passing sentence, its necessary firstly to identify what the harm has been - that's the harm to the victim or victims and secondly the blameworthiness, how serious is the conduct of the offender, taking those together and then looking at what makes it more serious or less serious fixing the sentence as a balance taking into account mitigating or lessening serious or aggravating - more serious - features then comes to a sentence that needs to be imposed. There is also the necessary process of adjusting for sentences where people plead guilty. There is a policy that the courts apply created by law, by parliament, that those who plead guilty at the earliest stage will get a certain amount of discount from their sentence. If they plead guilty late in the day they get much less off and the reason for that is because not only does it save court time but it avoids added trauma for the victim having to wait until a trial comes to an end before finally they see justice being done.

How much discretion do judges have in sentencing?

Well first and foremost its judges who make the decision on sentencing and that's vital to the process - the constitutional process - of judges in our society but it is parliament who impose the maximum and minimum sentences depending on the type of case and judges have to pass sentence within that. Its also parliament that

determines how much of the sentence any offender serves in custody when it is a prison sentence and that isn't something that judges deal with at all – it's a fixed amount of law. Once the sentencing process starts, and the maximum and minimum sentence is determined for the offence, it's then for judges to apply sentencing guidelines set by the Sentencing Council to the particular offence. That makes it a transparent and consistent process throughout the different courts in England and Wales

How do the guidelines feature in sentencing?

Judges use sentencing guidelines which are produced by the Sentencing Council for all judges and magistrates courts as well through England and Wales. The purpose of those is to ensure there is consistency and transparency of the sentencing decision, fixing starting points in accordance with whatever is the harm or whatever is the blameworthiness of an offender.

It will then produce a sentence within a range that the judge will impose depending on the interests of justice in the case.

Do you think judges and the public are in tune?

Far more than you think. When you explain to people what facts are involved in a particular case and ask them what their sentence would be it's remarkably similar to the sentence that really is appropriate and was passed in the case.