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THE PRINCIPAL SECRETARY

To: All Chief Clerks and Crown Court Office Managers

SENTENCING OF CO-ACCUSED IN CROWN COURT CASES

I am writing at the direction of the Lord Chief Justice to ask you to seek to ensure that co-accused in Crown Court cases are sentenced by the same judge, other than in exceptional circumstances.

In recent months, there have been a number of appeals to the Court of Appeal in cases where it was alleged that there had been a disparity between the sentences imposed by different judges on co-accused involved in the same case. This practice has been criticised by the Court of Appeal in Northern Ireland and also in England and Wales, and it is desirable that steps should be taken to ensure that it does not recur.

The circumstances in which this difficulty has arisen in the past have been those where one or more defendants have pleaded Guilty on arraignment and have been sentenced while their co-accused who have pleaded Not Guilty have been put back for trial. It has sometimes occurred that the subsequent trial has been presided over by a different judge who will then go on to sentence those defendants if they subsequently plead guilty or are convicted.

I would be grateful if you could arrange to take steps to ensure that Crown Court cases in which there are two or more defendants are dealt with by the same judge for purposes of sentencing each of the co-accused.

The Lord Chief Justice has written to the Crown Court Judges to this effect.



D A LAVERY

5 September 1995