

INTRODUCTION TO SENTENCING

Key Questions

1. *Why do we punish offenders?*



Sentencing hypothetical *R v Arnold*

Arnold pleaded guilty to charges of selling methamphetamine, a Class A drug. Under the Misuse of Drugs Act 1975 the maximum penalty for that offence is life imprisonment.

The accepted facts are that Arnold made regular purchases of one or two grams of methamphetamine which he then divided into smaller quantities and sold on to other persons including his family, associates, and on a number of occasions an undercover police officer. The total amount of the drug sold over the relevant period was about 80 grams.

Arnold is 50 years of age, has a number of low-level prior convictions but has never been sentenced to imprisonment, he has for many years been addicted to methamphetamine, but has since his arrest successfully undertaken treatment to help end the addiction. He is married, with five adult children. He pleaded guilty at the first opportunity after his arrest.

Litigators for both prosecution and defence are agreed the sentencing judge must take into account the following guidance from the Court of Appeal in deciding the starting point for

