Lavinia Woodward Update

By Graham Gilbert

3PB Barristers

Back in August, I wrote a short piece about Ms Lavinia Woodward, the Oxford medical student who has gained an unfortunate notoriety following her conviction for stabbing her then-boyfriend in the leg with a bread knife. In part, her "fame" arose because HHJ Pringle, QC, adjourned sentencing until 25th September and indicated that he may see fit to impose a suspended sentence. On 25th September, he did just that, and so it seems to be a suitable time to look more closely at his reasons for doing so.

Adjourning Sentencing

As I noted in my previous article, the adjourning of a sentencing hearing to allow a convicted defendant to demonstrate a determination to address the underlying causes of their criminal behaviour is not uncommon. HHJ Pringle made clear in this case that this was only one of his reasons for doing so. In his sentencing remarks, he notes:

"I decided to defer your sentence until the last weekend (sic) in September. I did so for two reasons: firstly, to allow you to continue with your counselling; secondly, for you to demonstrate over a lengthier period of time that you had truly rid yourself of your alcohol and Class A drug addiction."

As the Learned Judge then indicated, this means that sentencing court is able to garner a fuller picture of the defendant before it. In Ms Woodward's case, an updated psychological report was available, as well as additional ones. This enabled HHJ Pringle to remark that he was "quite content" that he was in a position to pass sentence.

The Suspended Sentence

It is this that has caused something of a media frenzy. For example, *The Sun's* front page on 26 September bore the headline "TOFF JUSTICE" with the sub-heading "Posh Oxford Uni Girl spared jail after stabbing boyfriend". The sentence also adorned the front page of *The Guardian,* as well as making the news in several other forums.

As was the case when HHJ Pringle initially indicated that such a sentence was a possibility back in May, the inference appears to be that the justice system is bending over backwards

to be lenient to a white, middle class, educated individual. A quick glance at the Learned Judge's sentencing remarks and the sentencing guidelines would reveal that this is simply not the case.

The first step for the sentencing process was for the Learned Judge to place the offence in to one of three categories, based on an assessment of its culpability and harm. The Learned Judge viewed Ms Woodward's actions as falling within Category 2 (in divergence from my earlier article, where I anticipated the offence falling into the highest category, Category 1, on the basis of a finding of greater culpability and higher harm). Although he acknowledged that the offence was one of greater culpability due to Ms Woodward's intoxication, he stated that:

"in my view this was a case of lesser harm. Whilst this was clearly a case where your behaviour must have been extremely intimidating to your partner, the actual injuries were relatively minor and certainly less serious in the context of this offence."

The injuries in question were two small cuts to the partner's fingers, which were treated with steri-strips, and a larger cut to his leg, which required three stitches. In the wider context of section 20 wounding offences, such injuries are not serious. Compare them, by way of example, to the injuries caused by Mr Paul Bartley: the complainant in his case required fifteen stitches after Mr Bartley punched him in the face. Or to those injuries caused by Mr Lee Gallop, who bit through a player's ear during a football match. In the light of such injuries, it is clear to see that the Learned Judge was entitled to consider the wounds suffered by Ms Woodward's partner as less serious and categorise the offence as he did.

A Category 2 offence has starting point for sentence of 1 and a half years' custody, with a range of 1 to 3 years.

Having categorised the offence, the Learned Judge then had to assess the aggravating and mitigating factors of it. He noted that there were no statutory aggravating factors, and only one non-statutory one: that she was *"heavily under the influence of alcohol".*

Conversely, HHJ Pringle then noted the *"many"* mitigating factors available to Ms Woodward. In overview, these were:

1. Her lack of previous convictions;
2. Her immaturity which was *"not commensurate"* for a 24-year-old, and particularly not one with her level of intelligence;
3. Her emotionally unstable personality disorder;
4. Her determination to rid herself of her addictions, which HHJ Pringle described as the most significant factor; and
5. Her remorse, which the Learned Judge described as genuine.

It should be noted that the way she expressed that remorse *could* be treated as an aggravating factor: she broke her bail conditions to speak with her former partner to apologise. However, this is not the most severe breach of bail and, even if it had been treated as an aggravating factor, the mitigation highlighted above would be more than enough to outweigh it, particularly given her attempts to address her addictions which would, otherwise, have been another strong aggravating factor.

In light of these factors, and bearing in mind that Ms Woodward was entitled to substantial credit for her early guilty plea, a sentence substantially lower than the 1 and a half year starting point was always a distinct possibility.

Under section 189 of the Criminal Justice Act 2003, any sentence of two years' or under can be suspended by the court, in the right circumstances. Given the extensive mitigation listed above, and the starting point for the offence being less than 2 years in any event, it is clear to see that HHJ Pringle was acting well within his powers and the guidelines in sentencing Ms Woodward as he did, no matter what the media might suggest.

A Final Note

A point that has been somewhat lost in the press is that the Learned Judge did not suggest that Ms Woodward's desired career as a surgeon was a mitigating factor. This was initially suspected to be a factor by some sections of the press. It was suggested that the court would not want to jeopardise someone from having a middle-class career. However, Mr James Sturman, QC, representing Ms Woodward, noted that *any* sentence other than a discharge could jeopardise Ms Woodward's career prospects. It remains to be seen what effect this sentence will have on Ms Woodward (Oxford are yet to decide at the time of writing) but a possible bar from her sought after job is a possibility. That does not appear to be the act of a court going out of its way to accommodate.

28 September 2017

Graham Gilbert

Barrister
3PB Barristers

01962 868 884
graham.gilbert@3pb.co.uk

3pb.co.uk