

Lavinia Woodward & Natalia Sikorska

By [Graham Gilbert](#), Barrister

In almost any other set of circumstances, Lavinia Woodward and Natalia Sikorska would not be paired together. Ms Woodward has been attending Oxford University studying medicine, with aspirations of becoming a heart surgeon. Ms Sikorska is a business management student at the University of Westminster and a model. However, the two have been linked recently in various parts of the media for the sentences they have received, in Ms Sikorska's case, or have been indicated that they will receive, in Ms Woodward's.

To briefly recap the offences each woman committed: at Oxford Crown Court in May this year Ms Woodward admitted one count of unlawful wounding, contrary to section 20 of the Offences Against the Person Act 1861. During a drug-fuelled episode she stabbed her boyfriend in the leg with a bread knife having thrown other items at him just before.

Her sentencing has been adjourned until September 25th to allow an assessment to be made of her progress in addressing her drug addiction. She has also been made subject to a restraining order. HHJ Pringle, QC, indicated that she may escape an immediate custodial sentence.

Ms Sikorska appeared at Westminster Magistrates' Court in August charged with theft from a shop (shoplifting) contrary to section 1 of the Theft Act 1968. She had been apprehended trying to steal assorted items from Harrods, the total value of which was £959.59. She pleaded guilty to the offence and was handed a 12-month conditional discharge by the magistrates.

If various parts of the media were to be believed, this is an outrage and the court going beyond its powers to be exceptionally lenient to white, middle-class and attractive women. *The Times*, for example, noted that members of the public can appeal against lenient sentences at the bottom of an article discussing the two women's sentences.¹ But have the courts really gone beyond their ambit in these cases, or is there an element of the media fixating on two attractive young women and sensationalising court's acting firmly within their powers?²

¹ <https://www.thetimes.co.uk/past-six-days/2017-08-04/news/shoplifting-model-natalia-sikorska-let-off-for-being-intelligent-ssln7xgc9>

² There can be no denying that the two women's looks have attracted the media's attention. *The Daily Mirror*, for example, managed to unearth and publish, a nude calendar picture of Ms Woodward, taken in support of Oxford University's LGBTQ Society: <http://www.mirror.co.uk/news/uk-news/oxford-student-who-could-spared-10484367>, whilst *The Daily Mail* reported on Ms Sikorska going for a run in the days following her hearing and that she had posted pictures on social media of herself in lingerie prior to the hearing, along with pictures of both: <http://www.dailymail.co.uk/news/article-4760198/Shoplifting-model-posted-picture-lingerie.html>

Sentencing Guidelines

Ms Sikorska

The answer in Ms Sikorska's case is quite straightforward: the court was acting firmly within its powers when sentencing her to a conditional discharge.

Ms Sikorska's offending falls firmly within the lowest category of the sentencing guidelines which encompasses behaviour which displays "little or no planning or sophistication **and** goods stolen of low value". That the former applies in this matter is uncontentious, but there may be some debate as to how the goods can be described as of a low value when their total value was close to £1,000.

The answer is that Ms Sikorska never actually stole the goods in question. She was apprehended as she was leaving the store and thus the goods were recovered. It is open to conclude that they were then returned to the shelves and, eventually, sold. The loss to the shop was nil. As a result, the only way that the value of the goods becomes a consideration in this case is as a factor indicating greater harm: "offender targeted high value goods". This would generally cause a slight uplift in the sentence but was outweighed by Ms Sikorska's substantial mitigation.

Having placed Ms Sikorska's behaviour in the lowest offending category, the court would note that the starting point for a sentence is a Band B fine (the equivalent of 75-125% of a defendant's weekly income) for a first-time offender convicted after trial. However, the court may pass sentences for such offending ranging from a low-level community order, at the top end, to a conditional discharge at the lower end. Where an offence falls within the guidelines is dependent on an offender's individual mitigation and any factors that aggravate the offence.

It has already been mentioned that the high value goods Ms Sikorska attempted to steal count as an aggravating factor – and would appear to be the *only* such factor in her case. Weighed against that must be her guilty plea (entitling her to a substantial amount off any sentence), and a host of other positive factors, including her position as a student (which would also impact on her ability to pay any fine) and, as the court noted, other talents. Weighing all these considerations in mind, the court was perfectly entitled to pass a sentence at the lowest end of the category.

Ms Woodward

Ms Woodward's case is a little more complicated to comment on, given she has not been sentenced yet. However, there is nothing uncommon in a defendant being given the opportunity to prove they are attempting to address addictions or issues that have led to offending behaviour and the power for a court to do so is provided by sections 1-1D of the Powers of the Criminal Courts Sentencing Act 2000. Indeed, I write this sitting in Reading Crown Court where my hearing followed a sentence that had been deferred using just these powers. The defendant had shown that he addressed his addiction to Class A drugs and his sentence of imprisonment was suspended, partly as a result. He was a middle-aged, slightly rotund, man – no members of the media were present to report on his sentencing.

However, the main cause of the angst in the media has arisen from HHJ Pringle's indication that any custodial sentence *may* be suspended. Such sentences can be passed on any

sentence of imprisonment of less than two years (section 189 Criminal Justice Act 2003) and, in 2016, accounted for 4.5% of the sentences passed by criminal courts.³

The question, therefore, is: how does Ms Woodward's offending result in a sentence that *might* be suspended, i.e. carry a prison sentence of two years or less?

A brief look at the sentencing guidelines categories for offences of unlawful wounding suggests that Ms Woodward's acts fall within the top category, reserved for those offences in which there is greater culpability on the behalf of the offender and greater harm caused by their actions. In Ms Woodward's case, the greater harm arises from the stab wound to her victim's leg, whilst the greater culpability is a result of her use of weapon, the bread knife. As such the starting point for any sentence, regardless of plea or her character, is three year's imprisonment.

However, as soon as one turns to consider the aggravating and mitigating factors of Ms Woodward's case, it becomes clear how a sentence of two years might be the conclusion of HHJ Pringle. Ms Woodward's guilty plea, entered at the first opportunity, means that she can receive the maximum discount from her sentence that a court may grant: 33%, or a year in her case. This is before bearing in mind the ongoing impact of any personal mitigation that may serve to lower the sentence further.

It should be acknowledged, however, that there is a substantial aggravating factor in Ms Woodward's case that could cause an uplift in sentence: that she stabbed her ex-partner whilst under the influence of drugs. It is in the light of this consideration that the power to defer sentence becomes important. If, come late September, Ms Woodward can demonstrate to the court's satisfaction that she has addressed her addiction, then this aggravating factor is, to some extent, negated. When balanced against her substantial mitigation, it is plain to see how the sentence could remain at two years or less.

Conclusion

From the above, the courts in both instances have acted entirely properly and within their powers.

In Ms Sikorska's case, the court chose to pass a sentence at the lowest end of the category available, as is often the case for first time shoplifters. In Ms Woodward's instance, the court has indicated that a suspended sentence may be imposed, and the path by which that is available is clear.

In neither case has the court acted outside of the powers available to it. What has certainly not occurred in either case is the court manipulating its own processes to benefit those before it.

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3 PB Barristers

³ Taken from Criminal Justice Statistics Quarterly: December 2016:
<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2016>