



JUDICIARY OF  
ENGLAND AND WALES

**Perkins, Bennett, Hall -v- R**

**Court of Appeal (Criminal Division)**

**26 March 2013**

**SUMMARY TO ASSIST THE MEDIA**

**The Court of Appeal (Lord Chief Justice, Mr Justice Simon and Mr Justice Irwin) has today given judgment in three separate appeals that raised a number of different questions about victim personal statements, and in cases of homicide, family impact statements.**

The Court discusses Victim Personal Statement/Family Impact statements in paragraphs 2 – 15.

**Lord Judge, the Lord Chief Justice, on behalf of the Court said:**

“Victim Personal Statements that is, statements by the victims of a crime or crimes, or in cases involving death, Family Impact Statements, by surviving members of the family of the deceased, were formally introduced into the criminal justice system of England and Wales in 2001. In this judgment they will be referred to as the statement or statements. They were included in the Practice Direction (Criminal Proceedings: Consolidation) [2002] 1 WLR 2872 and they are now found in Part III 28 of the Current Consolidated Criminal Practice Direction [2009] 1 WLR 1396. Their purpose is to allow victims a more structured opportunity to explain how they have been affected by the crime or crimes of which they were victims. They provide a practical way of ensuring that the sentencing court will, consider, in accordance with s.143 of the Criminal Justice Act 2003, “any harm which the offence caused”, reflecting on the evidence of the victim about the specific and personal impact of the offence or offences, or in the cases of homicide, on the family of the deceased. The statements may, albeit incidentally to the purposes of the sentencing court, identify a need for additional or specific support or protection for the victims of crime, to be considered at the end of the sentencing process. At the same time, the process does not create or constitute an opportunity for the victim of crime to suggest or discuss the type or level of sentence to be imposed. The distinction is important, and is sometimes misunderstood.” (para 2)

“Properly formulated statements provide real assistance for the sentencer. An example of how seriously they are taken by the court is that they are one of the few documents which are always specially flagged in the papers prepared for the judges of this court, considering an appeal against sentence or an application by the Attorney General to refer an unduly lenient sentence to the court.” (para 10)

“In the context of appeals, just as the sentencing decision cannot be influenced by the views of the victim about the level and range of sentence, perhaps we should note that the views of the victim cannot provide a basis for this court to conclude that the appeal is or is not well founded. ...

“The guidance given by this court to the victims of crime and their families in the context of appeals states that it “would be extremely rare for someone who has been the victim of an offence (or their family) to be asked to speak or give evidence to the court”. That is an inevitable consequence of the jurisdiction exercised in this court, which in the context of appeals against sentence, does not constitute a re-hearing. There may, indeed, be practical difficulties, not least that the prosecution is often not represented on an appeal against sentence, and an appellant may waive his rights to attend. Nevertheless there will, as the guidance implies, be a small handful of cases where the court decides that it should allow a victim to read or give evidence along the lines of a properly drafted and served witness statement, as in *Bennett*, following a very serious crime.” (para 13 – 14)

The Court then considered the three individual appeals.

### **Robert Perkins**

The circumstances of Mr Perkin's case are set out in paragraphs 1, 16 - 35. **The Court dismissed his appeal against sentence, save in relation to the Sexual Offences Prevention Order.**

### **Billy Bennett**

The circumstances of Mr Bennett's case are set out in paragraphs 1, 36 – 53. The Court heard the oral evidence of the victim during the appeal. **The Court dismissed his appeal against sentence.**

### **Ronnie Hall**

The circumstances of Mr Hall's case are set out in paragraphs 1, 54 – 67. **The Court dismissed his appeal against conviction.**

-ends-

**This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document.**