

137.3 *Crown Court Extent of power*

R v Catchpole 2014 EWCA Crim 1037 D pleaded to theft and common assault and a robbery count was dropped. The Judge was very unhappy with this. The Judge gave D 3 months in all which meant D was entitled to immediate release. Later in the day, a probation officer said he was not aware that D was appearing for sentence and that D was due to be sectioned under Mental Health Act 1983. The officer asked for an order D should be assessed under the 1983 Act. The Judge said he was going to rescind the sentence totally and remand D in custody. Defence counsel was located. The Judge said he knew too little about D and there was no mention of mental health problems in the probation report. A psychiatric report was shown to the Judge and he ordered the sentence to be rescinded and remanded him to a hospital. Later a different Judge sentenced D to a Hospital Order. Held. The actions of the first Judge were lawful. There was no objection to the matter being heard by a different judge. Appeal dismissed.

137.17 *There must be a hearing in open court*

R v G 2014 EWCA Crim 1221 LCJ The Judge forgot to sentence on some counts in a complicated indictment. Court staff pointed this out and the judge indicated the sentence to them. Held. Yet again Crown counsel failed in their duty to point this failure out. It is no part of the way justice is conducted that any sentence is imposed other than in open court. The Judge should have returned to court and pronounced the sentences in open court.