



## R v Amanda Vickery, Plea in Mitigation

### Case History

Amanda Vickery indicated a guilty plea at her first hearing in the magistrates' court to a single charge of theft. Her case was committed to the Crown Court for sentence because the magistrates took the view that their sentencing powers (a maximum of 6 months' imprisonment) were insufficient. She appears today in the Crown Court for sentence. There is a pre-sentence report available to the court (attached).

### The Facts

The following is a summary of the facts as they appear in the prosecution witness statements.

Amanda Vickery (aged 19) was, by an informal arrangement, the carer for Theresa Monckton (aged 58). Theresa Monckton was a neighbour and friend of Amanda Vickery's mother. In her mid-50's she developed Parkinson's disease. The condition progressed quickly and soon she needed help with every-day tasks such as dressing and washing. A very limited care service was provided by the local authority. Amanda Vickery, who is a student, started in February of 2018 to provide extra care in return for a payment of £50 per week and help with her college work. She was at that time studying for an art 'A' level and is now pursuing a course in film and photography. Theresa Monckton had worked as a photographer and had at one time been married to a film director (now deceased), so she was in a position to offer help and advice. In addition, Amanda Vickery was permitted to borrow Theresa Monckton's photographic equipment for use in her college work. In 2019 Theresa Monckton gave Amanda Vickery a digital camera for use in still and video photography.

Amanda Vickery went to Theresa Monckton's house almost every day. She would help with cleaning and preparing meals. She regularly did grocery shopping. She would also spend time talking to Theresa Monckton. She would show her projects she was working on at college. Often she would take a laptop computer with her and they would work together on the computer on editing video and still images.

Amanda Vickery had keys to Theresa Monckton's house and was trusted to come and go as she pleased.

In June of 2019 Theresa Monckton lent Amanda Vickery a Hasselblad 503 CW camera. This is an old-fashioned, but high-quality camera that takes images on film. It was to be used in a summer project on portrait photography. It had previously been used by Theresa Monckton for photography in her studio. Theresa Monckton had sold much of her photographic equipment when she became too ill to work, but she had kept the Hasselblad because it was her favourite camera and she could not bear to part with it. It had been a gift from her husband and was one of a limited anniversary edition produced by the manufacturer in 1998. She was happy to lend it to Amanda Vickery because she liked the idea of it being used and she was interested to see what a young photographer used to digital equipment would make of using a film camera.

In October 2019 Amanda Vickery's college term re-commenced. At around that time, Theresa Monckton asked her about the summer portrait photography project and said she was keen to see the results. Amanda Vickery said that only now that term had started did she have access to a darkroom and she was

learning how to develop and print the photographs as she went along, so it would be a while before she would have results to show. During the autumn of 2019 the project was mentioned a few more times, but there were never any prints to look at.

In November 2019, Theresa Monckton asked Amanda Vickery if she could have the Hasselblad camera back, as she wanted to put it in a display cabinet in her living room. Amanda Vickery replied that she would bring it back soon.

In December 2019 Theresa Monckton spoke on the phone to an old friend, Derek Rogers, to whom she had not spoken for some time. Derek, who was a photographer, asked Theresa Monckton if she had sold her Hasselblad. He said he had seen one of the limited edition 503 CW's listed for sale on an online auction site. He was surprised to see it there because they are very rare, and he would have expected it to be advertised on a more specialist forum. Theresa Monckton told him that she had not sold the camera, but she had lent it to a photography student. Derek said that he found that most suspicious. Against Theresa Monckton's wishes, he insisted on speaking about it to a friend of his who was a police officer.

On 20<sup>th</sup> December 2019 a police officer visited Theresa Monckton at home to ask her about the camera. Amanda Vickery was there at the time. As soon as the officer said to Theresa Monckton that she wanted to talk to her about the camera, Amanda Vickery said, "I'm so glad you've come. I've been waiting for this to happen." When she was asked to explain, she immediately admitted that she had sold the camera. She said she had hoped that Theresa Monckton would just forget about it. She said she had not realised how important it was to Theresa Monckton, but she did realise that it was worth a lot of money. She said that she had sold it for £6,000. A search of the archives of the online auction site confirmed that this was the case.

In her statement Theresa Monckton said that the theft had shocked her. She said that the fact that the camera was a gift from her late husband made the loss of it very hard to bear. She said that she is now very wary of allowing anyone into her home. She feels that if someone like Amanda Vickery, whom she thought of as a friend, can do this to her, she cannot trust anyone.

Amanda Vickery made full admissions in her police interview.

## **The Prosecution's submission**

In the course of opening the facts to the court, prosecution counsel submitted that by reference to the theft sentencing guideline, this is an offence where culpability is high (A) because of a breach of a high degree of trust and the deliberate targeting of the victim on the basis of her vulnerability, and harm is in category 2 because the theft was of goods of medium value (between £500 and £10,000) with the additional harm factors of loss of an item of substantial value to the loser and the emotional distress and fear/loss of confidence caused to the victim.

The Crown accepts that none of the aggravating features in the guideline is present.



## Short Format Pre-Sentence Report

This is a Pre-Sentence Report as defined in Section 158 of the Criminal Justice Act 2003.

Offender details			
<b>Name:</b>	Amanda Jane Vickery		
<b>Date of Birth:</b>	08/07/2000	<b>Age:</b>	19
<b>Address:</b>	27 Aven Drive, Portslade, Brighton BN41 2RX		
<b>Delius CRN:</b>		<b>PNC ID:</b>	20/264927D

Offence details
<b>Main offence and date:</b> Theft between 01/06/19 and 30/09/19
<b>Other offences and dates:</b>

### Summary of the offence:

Ms Vickery has pleaded guilty to theft of a Hasselblad 503 CW camera to the value of £6,000.

### Offence analysis:

Ms Vickery's account of the offence is consistent with the prosecution case: she worked as an informal carer for the loser, Theresa Monckton, while undertaking a college course in film and photography. Ms Monckton had been a professional photographer but had stopped working due to ill-health. It was because of her condition (Parkinson's disease) that she needed the help of Ms Vickery with shopping, cooking and cleaning. Ms Vickery benefitted from a payment of £50 per week as well as help with her college course work.

In early summer 2019 Ms Monckton lent to Ms Vickery a Hasselblad 503 CW camera for use in a project involving the use of a camera that uses film, rather than the digital cameras that Ms Vickery was used to. Ms Vickery accepts that she did not use the camera for the project, indeed there was no such project. In fact, she listed the camera for sale on eBay where it sold for £6,000. She has since spent the money on this year's fees for her college course.

Ms Vickery is sorry for what she did. She describes her relationship with Ms Monckton as more of a friendship than a carer relationship. She says she feels terrible because Ms Monckton had been very good to her in helping her with her coursework as well as by giving her a gift of a DSLR camera that she used for both still and video photography.

She sold the camera so that she could pay her college course fees. It had been intended that the fees would be paid by her mother out of her savings, but Ms Vickery said she felt bad about her mother spending her savings on her education, especially as her mother's hours at the care home where she works had recently been reduced, meaning that she was likely to need her savings for every day expenses.

When she took the camera, she had hoped that Ms Monckton would not ask for it back and would not miss it. She accepts that this was unrealistic, and she allowed her need for money to influence her thinking about what was likely to happen.

Ms Vickery lives with her mother in the house in which she grew up. Her father left when she was very young. She has little memory of him and no relationship with him. She has no siblings. She describes her relationship with her mother as the centre of her life. She knows that her mother is

ashamed of her behaviour in committing this offence and she fears that it will negatively affect their relationship in the long term.

Ms Vickery attended the local comprehensive school. She left at the age of 18 with 'A' levels in art and English. She did not enjoy school and describes herself as a loner who didn't fit in.

Ms Vickery was nervous and hesitant throughout our interview. She says she has always been shy. For her the appeal of photography is that she can express herself without having to talk to people. She gets on well with the other students on her course, but does not socialise with them outside college. She has few friends of her own age and no really close friends. She finds it easier to talk to people of her mother's generation than to people of her own age. She misses her relationship with Ms Monckton. She had a boyfriend for a few months when she was 17, but has had no intimate relationships since. She has no one to talk to about her worries about money. She cannot talk to her mother about it, because she knows that her mother will do everything she can to help. Ms Vickery does not want her to do so, as she is aware that money is very tight for her mother.

**Pattern of offending:**

Ms Vickery has no previous convictions.

**Offender assessment**

Issues			
Accommodation		Employment	
Finance	✓	Relationships	✓
Substance misuse		Physical and Mental Health	
Thinking and Behaviour	✓	Experience of trauma	
Caring responsibilities		Other	

**Finance**

Ms Vickery is in receipt of a student loan. Since this offence was discovered, she has not had any other income. She tries to give her mother £100 per month towards her bed and board, but she does not always manage it. She fears that this offence will mean that she will become unemployable and that she will have to leave her college course.

**Relationships**

Ms Vickery is isolated. Her only close relationship is with her mother and that has been strained by the commission of this offence. This lack of relationships could lead to increasing alienation from society increasing the risk of further offending.

## Thinking and behaviour

As some of the above details suggest, Ms Vickery can find herself overcome by her worries and pushed into a situation where she makes bad decisions without thinking through the consequences of her actions for herself and others.

### Risk assessment

#### Likelihood of further offending:

Ms Vickery is a 19-year-old woman with no previous convictions. The Offender Group Reconvictions Scale, a statistical measure based on age, offence type and gender, gives a 13% likelihood of reconviction in 2 years - a low risk of reconviction. Dynamic factors promoting offending are poor decision-making skills and a lack of supportive relationships.

#### Risk of serious harm:

Ms W is assessed as a low risk of harm to the public.

**Response to previous supervision:** N/A

**Details on previous supervision:** N/A

### Proposed sentence (including length and any sentence components)

Ms Vickery hopes that a custodial sentence might be avoided. The Court will be aware that a prison sentence is likely to have a significant adverse impact upon her ability to continue in education and to find rewarding work in the future. As such, should the Court be willing to consider an alternative to an immediate custodial sentence, the defendant might be punished with a 12-month Community Order with the following requirements:

150 hours' unpaid work;

A programme requirement to attend the "Think First" programme for 10 days to aid Ms Vickery with thinking and decision-making.

If a custodial sentence is inevitable but there are factors present which mean the Court can consider suspending the sentence, it might also consider reducing the level of punishment in the requirements outlined to ensure the overall sentence is proportionate.

Ms Vickery indicates that she will comply with the recommended sentence.

## Notes of conference with client on the day of the sentencing hearing

- Client has not been sleeping for the past 3 weeks.
- She is terrified of losing her place on the course.
- She feels sick when she thinks of what she has done to Ms Monckton.
- She would do anything to go back in time and not do this.
- She is trying to get a job evenings and weekends. She hopes to work in a shop or a pub.
- She would like to pay back to Ms Monckton the value of the camera, though she knows that it is not the loss of the money that really hurt Ms Monckton. She cannot see how she can ever repay that amount of money.
- She is aware that she might have to go to prison. She can't imagine quite what that would be like, but she is very scared of the prospect.
- She feels lonely and hopeless. She and her mother do not talk to each other like they used to.

## List of requirements that can be attached to a community order or suspended sentence order

Requirement	Usual purpose/notes
Unpaid work (40-300 hours)	To punish the offender
Rehabilitation activity	To make reparation by, e.g. repairing damage caused by offending, or to rehabilitate the offender by taking part in an accredited programme.
Programme	To address issues causing offending by taking part in an accredited programme.
Prohibited activity	To prevent the offender from undertaking activities that constitute, or lead to, offending.
Curfew (2hrs-16 hrs per day)	To keep the offender indoors and out of trouble at times when he or she is apt to get into trouble.
Exclusion	To exclude the offender from a place, places or an area where he or she is apt to get into trouble.
Residence	To keep the offender living at a single stable address.
Foreign travel prohibition	Keeps the offender in the UK and out of overseas trouble.
Mental health treatment	Requires that the offender submit to treatment as an outpatient or as an inpatient. Can only be imposed if the offender's mental condition requires and is susceptible to treatment.
Drug rehabilitation	Includes treatment and testing. Can only be used if the offender is dependent on, or has a propensity to misuse, and controlled drug.
Alcohol treatment	Requires treatment for alcohol dependency. Can only be used if the court is satisfied that the offender is dependent on alcohol and that his dependency is such as requires and may be susceptible to treatment.
Alcohol abstinence and monitoring	Provides for monitoring of alcohol use by way of an electronic tag fitted to the offender. Can only be used if consumption of alcohol contributed to the commission of the offence and an alcohol treatment requirement is not appropriate.
Attendance centre (12 – 36 hours)	Only available for offenders under 25. To address issues leading to offending.
Electronic monitoring	Can be used to ensure compliance with any other requirement. Usually used in conjunction with a curfew.