



THE COURT OF APPEAL

**Sheehan J.
Mahon J.
Edwards J.**

CJA 45/16

CJA 46/16

In the matter of section 2 of the Criminal Justice Act 1993

The People at the Suit of the Director of Public Prosecutions

V

Edward Wall and Patrick Wall

Applicant

Respondents

JUDGMENT of the Court (ex tempore) delivered on the 4th day of November 2016 by Mr. Justice Edwards

1. In this respondents both pleaded guilty before Dublin Circuit Criminal Court to one count of burglary contrary to s. 12 of the Criminal Justice (Theft and Fraud Offences) Act 2001 and one count of attempt contrary to common law to commit the offence of burglary contrary to the same provision.
2. The respondents were each sentenced to four years imprisonment on the burglary count to date from the 5th February, 2016, with the final year thereof suspended upon conditions and also to three years imprisonment on the attempted burglary count also to date from the 5th February, 2016, both sentences to run concurrently. The applicant seeks a review of both sentences pursuant to s. 2 of the Criminal Justice Act 1993 on the grounds that the said sentences were unduly lenient.
3. The facts of the matter are as follows. On the 31st October, 2014, in the course of a joint operation being conducted by the Organised Crime Unit, the National Surveillance Unit and the Emergency Response Unit of An Garda Síochána, a silver Mazda motor vehicle bearing an O7 C set of registration plates was observed to be parked at the Red Cow Inn on the Naas Road, Dublin 12. It was decided on the basis of intelligence received to monitor the movements of this vehicle. Later during the course of that day the number plates on that vehicle were noted to have been changed to 09 D 11500.
4. At 8.20 pm on the same evening the vehicle was intercepted by gardaí in Balbriggan travelling south on the R132 Road in circumstances where gardaí had reason to suspect that its occupants had recently committed a burglary in the Drogheda area. Although gardaí signalled to the vehicle to stop it failed to stop. The gardaí in the intercepting garda vehicle gave chase, in the course of which the suspect vehicle collided with other garda vehicles but continued on. The suspect vehicle was subsequently observed turning on to a minor road, following which the driver of it abandoned his still moving vehicle and ran into the garden of a house. Moments later the suspect vehicle collided with the gateway of another house. Gardaí in the pursuing vehicle arrived on the scene and with firearms drawn two of them immediately apprehended the two rear seat occupants of the suspect vehicle, one of whom was the respondent Patrick Wall.
5. The men in the rear seats were found to be wearing balaclavas and gloves and to be equipped with pry bars. Another garda pursued the driver of the suspect vehicle and in due course successfully apprehended him also. The driver was the respondent Edward Wall. The suspect vehicle was then searched and in the front passenger footwell a sock was found contained various items of jewellery which it was later established were the property of a Ms. Julie Riordan and which had been stolen earlier that evening in the course of a burglary from the home in Drogheda which Ms Riordan shared with her partner, Mr. Adam O'Donovan.
6. In the course of a subsequent forensic examination the jewellery in the sock was found to have DNA on it which matched a sample taken from Edward Wall. In addition to the pry bars previously mentioned, a number of other housebreaking implements were also found in the boot of the suspect vehicle including an axe like log splitter, pliers and screwdrivers.
7. The home of Ms. Riordan and Mr. O'Donovan in Drogheda had been entered when they had gone out in the early evening for something to eat and their house was vacant and secured. The couple returned at about 8.20 pm to discover that their house had been ransacked and damaged and that a number of items had been stolen. The stolen items including a gold necklace with a diamond pendant in the shape of flower, which was valued at €50; a gold bracelet valued at €500; a flat gold chain with a small diamond; a gold rectangle ring with a diamond; a Claddagh ring; a silver ring; a two colours gold ring with a square shaped jewel; and a gold diamond tennis bracelet. In addition an Armani watch was taken and a pair of Lacoste shoes belonging to Mr. O'Donovan was taken. The respondent Patrick Wall was found to be wearing these shoes at the time that he was apprehended. All property with the exception of the Armani watch was recovered. However, damage to the house estimated at €4,600 was caused. A wall had been dug out in an attempt to access a safe and the safe itself was severely damaged. The householders were, however, insured and it is anticipated that they will recover the cost of making good the damage from their insurers.
8. The attempted burglary to which the respondents also pleaded guilty occurred on the same date, but after the burglary just described. In this instance the respondents attempted to break into a house at Woodgrange, Painstown, Co Meath. However, unknownst to them the occupants of the house in question, a Mr. and Mrs. O'Boyle, were at home. Mrs. O'Boyle observed the suspect vehicle from an upstairs window of an unlit room as it drove slowly past their house and then turned around and came back. She observed a man who was carrying a flashlight walking entering their garden by means of the front driveway and walking alongside her car. This man proceeded in the direction of a side gate which happened to be locked. She then saw him return to the front driveway.

Next she saw three figures in the driveway, one of whom wearing beige trousers and she then heard a loud bang similar to a shotgun. She believed that her husband had been shot and started screaming as a result of which the men outside attempted to flee the scene.

9. Mrs. O'Boyle's husband was downstairs at the time. He also heard the bang and looked outside and saw two men there. He immediately telephoned the gardaí and as he was doing so he heard a car screech away.

10. As the would be burglars attempted to flee in their vehicle, they encountered a brave neighbour of the O'Boyles', a Mr. O'Ciabháin, who having heard the commotion correctly concluded that his neighbours had been raided in some fashion and had armed himself with a iron bar and gone out on the road. The O'Boyles' house was around a bend in the road from where Mr. O'Ciabháin positioned himself. He then heard a car start up, rev its engine, and take off at speed. Mr. O'Ciabháin remained where he was and waited for the car to come around the bend. As it did so he struck the speeding car on the windscreen with the iron bar damaging its windscreen. While the car was able to continue on its journey and did not stop it bore the damage inflicted by Mr. O'Ciabháin. When the vehicle in which the respondents were travelling was intercepted in Balbriggan later that evening, it was found to have a windscreen that bore damage consistent with it having been struck with an iron bar.

Evidence as to the personal circumstances of the respondents

11. The sentencing court heard evidence that Patrick Wall who was of traveller ethnicity was born on the 15th April, 1979. He is married and has five children. He relatively recently suffered the loss of his brother, Gerry, in tragic circumstances. He grew up in poverty and in otherwise difficult circumstances following the abandonment of his mother by his father just two weeks before he was born. He had little or no education. These adversities in his early life were described in some detail by a Mr. Mervyn Ennis, a retired social worker who knows the family well both professionally and personally.

12. The court further heard that Patrick Wall has had a problem with alcohol and suffers from depression in the context of which he has had episodes of suicidal ideation. One of his daughters Bridie, has medical difficulties involving a bone disease in respect of which she is receiving ongoing treatment in Our Lady's Childrens Hospital in Crumlin.

13. The heard that Patrick Wall has a number of previous convictions, including four previous convictions for burglary, one of which was for aggravated burglary. He also has a conviction for handling stolen property, a number of convictions for s. 4 theft and a number of convictions for road traffic matters. Two of the burglary offences were dealt with by the imposition of suspended sentences of imprisonment of ten months and of two years duration, respectively. The aggravated burglary was dealt with by the imposition of a community service order and the remaining burglary matter was dealt with by the imposition of a custodial sentence of six months imprisonment.

14. Insofar as Mr. Edward Wall is concerned, he is also of traveller ethnicity and is in fact a cousin of Mr. Patrick Wall. He was born on the 17th March, 1972. He has no educational attainments and cannot read or write. He is a married man with eight children ranging in ages from 22 years down to 4 years. Five of the children are between the ages of 15 years and 4 years. His parents are still alive, but they are both in poor health. He assists in looking after his parents. His mother suffers from emphysema and his father, who has long standing mental difficulties, now has dementia.

15. Edward Wall originally had eleven siblings, but has lost two brothers over the years, the most recent being his brother Luke in tragic circumstances. He and his wife also lost an eighteen month old son, who suffered a cot death. Mr. Mervyn Ennis, who also testified on behalf of the Edward Wall, told the court that in his experience many travellers deal emotionally with tragedies and bereavements through drink and that appears to have been how Edward Wall attempted to cope with the loss of his brother and his son and other more distant members of this family.

16. In addition to drinking heavily Edward Wall has also engaged in misuse of drugs including cocaine. This led to tensions between himself and his wife as a result of which he agreed to undergo and has undergone a detoxification programme recommended to him by his doctor.

17. The sentencing court heard that Edward Wall has a very large number of previous convictions including eight previous convictions for burglary. He has received various sentences for these burglaries ranging from suspended sentences of some months duration to actual custodial sentences of up to three years. The prosecuting garda described him as "a prolific burglar" and this was surely fair comment having regard to his record. In addition to his many convictions for burglary he also has recorded convictions for handling stolen property, for production of an article for a revenue offence, for public order matters and for road traffic matters.

18. Both respondents pleaded guilty at a relatively early stage. While neither made any admissions at interview, they were otherwise cooperative, including providing samples for the purposes of forensic DNA analysis.

19. The sentencing court was told that both respondents were on bail in respect of other matters at the time when these offences were committed. However, it was elicited in cross examination of the prosecuting garda that in the case of Mr. Edward Wall the charges in respect of which he had been bailed were subsequently withdrawn. The sentencing court received no evidence concerning what happened in respect of the matters in respect of which Mr. Patrick Wall had been bailed.

20. On behalf of Mr. Edward Wall, the sentencing court also received a written testimonial from Mr. Mervyn Ennis consistent with his oral testimony; and a testimonial from the principal of St. Aidan's National School, which Mr. Edward Wall's children attend, in which the principal spoke very well of Mr. Wall and his wife and confirmed that they were involved in their children's education. The court also received a letter from Swiftbrook Medical Centre confirming the medical difficulties that Mr. Wall's father faces and also a letter from Mr. Wall's own doctor, Dr. Coady, noting that he had been diagnosed with possible seronegative arthritis and depression.

21. On behalf of Mr. Patrick Wall the sentencing court again received a written testimonial from Mr. Ennis consistent with his oral testimony; a letter from the principal of St. Thomas's Junior National School confirming that Mr. Wall's daughter Maggie is a pupil there and was due to make her first holy communion in May 2016; a similar letter from the principal of St. Thomas's Senior National School confirming that his daughter Bridie is a pupil there and was due to make her confirmation in May 2016; and finally a testimonial from a Fr. Val Martin of St. Nicholas of Myra Parish in Dunlavin, Co. Wicklow, who knows the Wall family well. Fr. Martin is a former parish priest of Jobstown which is the parish in which Patrick Wall and his family reside.

22. Both respondents respectively offered a sum of €3,000 to be paid over to the injured parties should the sentencing court consider it appropriate, as an earnest of their remorse.

Impact on the victims

23. Although this was not a case where victims were required to be afforded the facility of giving victim impact evidence, the sentencing judge enquired as to how they had been impacted "given that there was a violation of their dwelling in both instances". The court was informed that in her statement in the Book of Evidence Ms Riordan had (*inter alia*) stated "since the break-in, I'm very much more wary and even more so if I'm in the house on my own. It has made me a lot more conscious of people outside the house at night. I have asked my partner to come out once or twice when I have been on my own coming home. I've started to lock the internal door in the house and I've had security laminated glass fitted to the windows."

24. The court was further told that while Ms Riordan lives with her partner Mr Donovan there are times when she arrives home and he is not there and she is afraid to get out of her car and instead rings him to come out and meet her.

25. The court also heard that the O'Boyle's had not commented on how they had been affected, other than in so far as Mrs O'Boyle had indicated that she had initially apprehended when she heard the shotgun like bang that her husband had been shot.

The sentencing judge's remarks

26. In passing sentence on the respondents the sentencing judge said the following:

"Both of the accused in this case have pleaded guilty to one count of burglary and one count of attempted burglary, the offences having been committed on the 31st of October 2014. The accused had been under observation by garda surveillance at the time, members of An Garda Síochána had observed the number plates on the vehicle being utilised by the parties as having been altered, and suspected that it had been used for some form of criminal activity. Gardaí approached the vehicle and indicated to the driver to pull over. The driver refused to comply, resulting in gardaí being involved in pursuing the vehicle until such time as it was stopped and abandoned by the occupants, who sought to make good their escape. Both were apprehended by the gardaí, Mr Patrick Wall having been a rear seat occupant, and Mr Edward Wall, the driver of the vehicle. The gardaí searched the vehicle and recovered jewellery, the property of Ms Riordan, whose home in County Louth had been burgled earlier that evening by the accused. The property had been ransacked by the accused, causing in excess of €4,000 worth of damage.

The parties had also attempted to commit a further burglary at the home of the O'Boyles in County Meath. Mrs O'Boyle had observed the car approaching from an upstairs room in her dwelling house and became alarmed after the accused had entered onto the property. She heard a loud bang and feared that her husband, who was downstairs, had been injured. The accused became alarmed by her screams and sought to flee the property. A neighbour who had also heard the commotion sought to come to their assistance and managed to strike the vehicle with a crowbar before it was driven away from the scene. Clearly, these offences had a significant impact on the injured parties, who had their dwellings violated by the accused. Ms Riordan has since taken additional steps to better secure her property, and no doubt all parties are doing their best to put these matters behind them. Fortunately, all Ms Riordan's property was recovered, save and except for the watch and, indeed, the dwelling house was properly insured.

Mr Edward Wall was born on the 17th of March 1972 and comes before the Court with 34 previous convictions, some of which were for similar type of offences and, indeed, for which he has already served custodial sentences. I accept his personal circumstances as outlined in the correspondence before the Court and, indeed, as outlined by Mr Le Vert and Mr Ennis, and also the fact that a custodial sentence will have a significant impact on his extended family. I also accept that he is now remorseful for his actions and, indeed, has spared the victims of his crimes any further trauma, by pleading to these matters. I must also take account of the fact that he was on bail in respect of other matters at the time of the commission of these offences.

Mr Patrick Wall was born on the 15/4/1979 and comes before this Court with 17 previous convictions, many of which are for similar type offences for which he has also served time in custody, and the most notable of which is an aggravated burglary, a matter dating back to 2007. Again, I accept his personal circumstances as outlined to the Court and the impact a custodial sentence will have on his young family. I also accept that he is now remorseful for his actions and, indeed, that a guilty plea was forthcoming in this matter.

In my view, this Court has no alternative but to impose custodial sentences in this matter, in particular having regard to the gravity of the offences, the previous convictions of each of the accused and that despite repeated periods in custody, the parties have failed to rehabilitate themselves and continue to embark on criminal activity to the detriment of other members of society. In all the circumstances, therefore, I impose sentences as follows: In respect of Mr Edward Wall, I sentence him to four years imprisonment on count No. 1 and three years in respect of count 4, both sentences to run concurrently, and propose to suspend the final 12 months on the basis that he undergo post-release supervision for a period of two years, to co-operate fully with the Probation Services over that period, to keep the peace, be of good behaviour and not come to the adverse attention of the guards, the accused to enter a bond of €100 in that regard."

"In respect of Mr Pat Wall ... I sentence him in respect of count 5 to four years imprisonment and in respect of count No. 9, three years imprisonment, again, both sentences to run concurrently and, again, I will suspend the final 12 months on the same terms and conditions as Mr Edward Wall, again, the accused to enter his own bond of €100 in that regard."

27. The sentencing judge subsequently added the following addendum:

"As I understood it, both parties came to Court with monies by way of compensation. It seems to me that the losses sustained relate only to Ms Riordan who, I understand, had to engage additional security measures at her house to some extent, I have no indication of what that value is, and, indeed, that there was a loss of a watch, as I understand it, which was never recovered. So, in those circumstances, I will direct that €500 from each of the accused be paid over to her so that she is fully compensated in respect of those losses."

The grounds on which a review is sought

1. The appellant seeks a review of both respondents' sentences on the grounds of undue leniency, and complains in each case:

- ☐ That the sentencing court gave insufficient weight to the aggravating factors in the case.
- ☐ Without prejudice to the generality of the foregoing, that the sentencing court had inadequate regard to the fact that

the offences committed by the respondent were apparently carefully planned and sophisticated in their execution.

☐ Without prejudice to the generality of the foregoing, that the sentencing court had inadequate regard to the fact that the respondent had numerous previous convictions for similar offences.

Submissions and Discussion

28. In addition to referring us to the jurisprudence laying down principles concerning how the jurisdiction under s. 2 of the Criminal Justice Act 1993 is to be exercised, the court was also referred to three decisions of the Court of Appeal (Criminal Division) in England concerning how sentencing in burglary cases ought to be approached, namely *R. v. Saw* [2009] EWCA Crim 1, [2009] 2 All ER 1138; *R. v. Brewster* [1998] 1 Cr. App. R. (S.) 181, and *R. v. McInerney* [2003] 2 Cr. App. R. (S.) 39.

29. It requires to be stated immediately that sentencing cases from England and Wales are necessarily of limited persuasive value in circumstances where judges in that jurisdiction are required to adhere to stringent sentencing guidelines set by a Sentencing Council. We have no such structures in Ireland. Moreover, in the specific case of burglary, there is in that jurisdiction, since 1999, a statutory "three strikes and you're out" policy which requires a mandatory minimum sentence of at least three years to imposed for a burglary if an offender has two previous convictions for burglary. Yet another point of relevant significance is that sentences in England and Wales are generally higher than they are in Ireland, but in circumstances where prisoners typically received 50% remission for good behaviour as opposed to 25% remission here. It seems to us that in circumstances where burglary has been on the statute books in Ireland since before the foundation of the State, it is surely not necessary to look abroad for sentencing guidance. The Irish courts have been sentencing burglars throughout all those years and in consequence relevant comparators based on decisions of the Irish courts should be readily available.

30. In any case we have considered the list of suggested aggravating circumstances advanced in *R. v. McInerney* which finesses the earlier list promulgated in *R. v. Saw*. Most of the items on that list save for the "three strikes and you're out policy", are matters which an Irish court would have regard to in any event. In general terms there is nothing novel in the list advanced. However, the weight to be attached to each aggravating factor is a matter for the sentencing judge to determine in the circumstances of the particular case according to his or her understanding of current Irish sentencing policy. The views on a court in another jurisdiction operating on advice from a statutory sentencing advisory panel, (now the Sentencing Council since 2010) as to the weight to be attached to different factors may not necessarily be reflective of current Irish sentencing policy and practice and should therefore be approached with significant caution.

31. In addition, having also considered the possible mitigating factors commended in *R. v. McInerney*, we again see nothing novel in them. Again they are matters to which an Irish court would be likely to have regard in any event. We would not, however, foreclose on the possibility that case other mitigating factors not mentioned in *R. v. McInerney* might be relevant in an individual case, particularly in light of the constitutional requirement under our law that sentences must be proportionate and must take into account the personal circumstances of the offender. As stated in *The People (Director of Public Prosecutions) v. McCormack* [2000] 3 I.R. 306 at 315, and indeed in other cases:-

"The sentence to be imposed is not the appropriate sentence for the crime, but the appropriate sentence for the crime because it has been committed by that accused."

32. Once again the weighting to be afforded to individual mitigating factors, and cumulatively to all of the mitigating factors, is a matter for a sentencing judge to determine in the circumstances of the particular case according to his or her understanding of current Irish sentencing policy.

33. In support of the contention that the sentencing judge failed to take sufficient account of aggravating factors and, as he put it, "absences of mitigation" in the case, counsel for the appellant has pointed to the following specific circumstances as being of particular relevance:

☐ The offences were carefully planned and sophisticated as evinced by the following:

- (i) The presence of a number of items used in house breaking (screwdrivers, flashlight, pry bars, log-splitter, pliers);
- (ii) The presence of items designed to prevent detection by gardaí (balaclavas and gloves);
- (iii) The two offences occurring in the same day is demonstrative of a spree of calculated offending;
- (iv) The use of a vehicle with false registration plates put onto it that day;

☐ The two respondents were part of a team of burglars operating together on the day;

☐ Both respondents had significant previous convictions for burglaries.

☐ The destruction of property in the Louth burglary;

☐ The theft of items of high value in the Louth burglary;

☐ The lack of co-operation with gardaí on being apprehended;

☐ Neither defendant could be described as young person;

☐ Both respondents were on bail at the time the offences were committed.

34. We wish to offer commentary on some items on that list. We agree that in the circumstances of this case it was aggravating that the respondents had previous convictions for burglary. In general Irish sentencing law does not regard a record of previous convictions as being aggravating at all. It merely results in the progressive loss of the mitigation to which an offender would otherwise be entitled had he been of previous good character. However, in recent times this Court has indicated a willingness, depending on the circumstances of the case, and as an exception the general rule, to regard a previous conviction for an identical or very similar crime

as aggravating the seriousness of an offence. This is an appropriate case in which to treat the respondent's previous convictions for burglary as aggravating.

35. However, it has also been pressed upon us that we should follow *R. v. Brewster* in which the English Court of Appeal noted that "*the record of the offender is of more significance in the case of domestic burglary than in the case of some other crime*", and we are not persuaded that we should so regard it. In circumstances where violation of a dwelling is itself a separate aggravating factor because of the constitutional guarantee in Article 40.5 of the Constitution, we do not consider that it is necessary to go any further than we have done thus far and therefore we are not to be taken as approving at this time the statement in *R. v. Brewster* which the appellant commends to us. In any event while the evidence is that both respondents in this case have previous convictions for burglaries, the transcript is entirely silent concerning whether those previous burglaries, or any of them, were burglaries involving the violation of a dwelling rather than burglaries of commercial premises such as shops, warehouses, offices or indeed other non residential properties.

36. Counsel for the appellant has submitted that the offending was at the higher end of the scale of seriousness having regard to the aggravating factors such that only a custodial sentence was appropriate in this case. Moreover in circumstances where the available custodial penalties ranged from zero to a maximum of fourteen years, starting at the higher end of the range should have resulted, he says, in an ultimate sentence, even after appropriate discount for mitigation, well in excess of that imposed by the sentencing judge.

37. In response counsel for both respondents have submitted that the sentencing judge's sentences were appropriate and were not unduly lenient.

The Court's Decision

38. We agree with the respondents that the sentences here have not been demonstrated to be unduly lenient. The by now well rehearsed jurisprudence with respect to the jurisdiction to review a sentence under s. 2 of the Act of 1993 (in particular *The People (Director of Public Prosecutions) v. McCormack* [2000] 4 I.R.356; *The People (Director of Public Prosecutions) v. Redmond* [2001] 3 I.R. 390 and *The People (Director of Public Prosecutions) v. Byrne* [1995] 1 I.L.R.M. 279), indicates that before a reviewing court can find the sentence to have been unduly lenient, it must be satisfied that the sentence imposed involved "*a clear divergence by the court at trial from the norm*" that will have been caused by "*an obvious error of principle*".

39. It is somewhat regrettable that no comparators have been produced to this Court by the moving party as to the typical sentences imposed for normal, that is non aggravated, burglaries of dwellings both occupied and unoccupied. While it is trite to say that no two cases are the same, that is true of all offences and yet comparators are frequently produced to us with respect to other offences. We of course accept counsel's statement that there are few reported appeal court judgments on sentencing for burglary in Ireland. However, this court deals regularly with burglary cases and we are aware that there are certainly many unreported judgments, and written records of ex tempore judgments, in the public domain. For example, earlier this year we gave judgment in *The People (Director of Public Prosecutions) v. Shaun Kelly* [2016] IECA 210, a burglary case in which a number of comparators were put before us which are in fact referenced in the judgment. Moreover, we also note that simply inputting the search string "sentencing" and "burglary" into the search box on the Judgments and Determinations page of the Irish Courts Service website yielded a list, on today's date, of some 108 judgments. While not all of these would necessarily be relevant as comparators, we venture to suggest that this list would be likely to contain at least some useful comparators.

40. Unfortunately this is yet another case in which a sentencing judge has not indicated his or her starting point or headline sentence in terms of assessing where on the range of potential penalties the case should be located or, for that matter, the amount by which there was a discounting from that headline sentence to reflect mitigation.

41. The Court is in a very difficult situation in circumstances where the applicant effectively invites us to speculate that either the judge's unspoken starting point was too high, or that she discounted excessively for mitigation, or that she was in error in both of those respects, but is unable to say which of those three things it was. In effect, counsel for the applicant is saying "*The trial judge got it wrong, but I can't say for certain how she got it wrong. All I can say is she must have been in error because the ultimate sentence looks wrong*". However, even in that respect he is not able to back up the assertion that "*it looks wrong*" by reference to comparators.

42. Even in the relatively short time since its establishment, this Court has dealt with a sufficient number of burglary cases to enable us to say that we are not persuaded that the sentences here, though undoubtedly lenient and possibly very lenient, are so lenient as to be a deviation from the norm.

43. In an application such as this, the applicant bears the onus of proof. We consider that that onus has not been discharged in the present case.

44. Finally, and for future reference, due to the persistence of the problem that we have alluded to of insufficient reasons being given by sentencing judges, we would regard it as appropriate for the prosecution at a sentence hearing to draw a sentencing judge's attention to the jurisprudence of this Court concerning the giving of reasons at sentencing, and in particular the desirability of identifying both the headline sentence and the amount of discount for mitigation being afforded in every case.