

NOTES ON THE STYLE OF THE LAW

On the heading of the sentencing remarks in R v Carrick

by

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≈ sentencing remarks ≈ close readings ≈ criminal law ≈
offences ≈ evil incarnate ≈



WICKEDNESS is a concept some may see as outmoded, but there is no other language than that of good and evil which can in any useful sense describe the conduct of David Carrick. While an attested constable, in a position where he swore an oath to be loyal to Her Majesty the Queen¹ and to do right by Her subjects, this evil creature engaged in a campaign of unrelenting sexual terror against numerous women. 12 of his victims courageously came forward with their stories, and Carrick was left with no choice but to admit to a staggering 71 offences. The sentencing remarks of Cheema-Grubb J,² who imposed a life sentence with a minimum term of nearly 31 years, are therefore of great significance. In a time when trust in the justice, particularly among women, is rightly shaken, the words and style of the sentencing are fraught with enormous societal weight. Therefore, in this Note, I propose to analyse one crucial aspect of these remarks: the heading.

As I recently discussed the disastrous new heading used in sentencing remarks,³ I will not belabour the point about the awfulness of the 'logo' shown *infra*.

Courts and Tribunals Judiciary

However, I think it is worth repeating (briefly) the point that the diminution of the Royal Arms in this heading is a most grave mistake. In every courtroom in England & Wales where the Crown Court may sit, the Royal Arms stand behind the judge, prominent enough that everyone in the courtroom may see them.

¹ Of righteous and blessed memory

² Sentencing Remarks of 7 February 2023.

³ 'On the Sentencing Remarks in *R v El-Jundi & El-Abboud*', Note of 3 February 2023.

This is not merely a signifier of sovereignty (important as that is). These Armorial Bearings carry a symbolic power about them, as metaphors for something bigger and more dignified than everyday life. They stand for the Crown, and all the power, history, and might that concept brings with it. They strike fear into the hearts of the wicked and bring comfort to their victims, for it is by the Armiger of these bearings that legitimate State authority derives the power to deprive the convict of his liberty and remove him from society. When a generic corporate logo heads sentencing remarks, that effect is lost.

This may sound like I am simply waxing poetic, but this is a very real and important point about the construction and creation of judicial authority. Here, I would point sceptical readers to one of the most important analyses of judicial legitimacy, done by Prof. Judith Resnik, in her legendary article ‘Tiers’.⁴ The entire article is well-worth reading,⁵ but I quote here one of my favourite passages in all of law (internal citations omitted):

Ritual and formality serve multiple ends. To the extent ritual and formality dictate undertaking a certain, careful process in every case, better outcomes may result. Ritual and formality also give decision-making an appearance of ‘correctness’, and thus legitimate the decisions rendered. Further, ritual dignifies those who undertake it. The state confirms individuals’ worth by employing its ritual in response to claims of wrongdoing; the moments of hearing and deciding are solemnized. In addition, ritual links past and future. For example, as we open court with words used decades ago, we associate ourselves with those who have said and those who will say the same words. In this way, ritual unites us with others who share the same ritual. When ritual is highly formalized, it serves to constrain individuals’ power and, in some sense, to diffuse that power to the many persons who have created, observed, and enforced the ritual.⁶

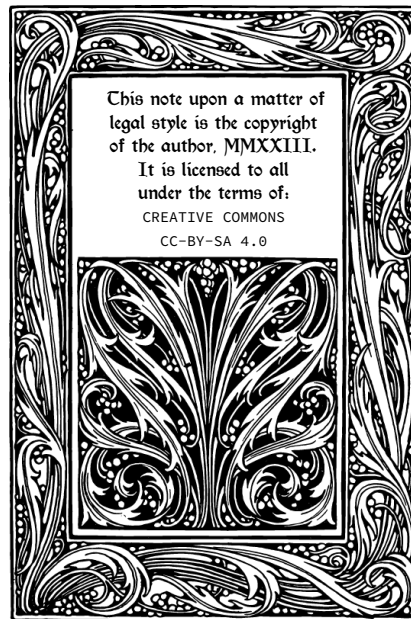
The worth and dignity of the survivors of Carrick’s abominable offending should be honoured by demonstrating that no less than His Majesty the King is taking a personal interest in ensuring that the public record hears of their courage and of their attacker’s base evil. That begins with the heading, which is the starting ritual which begins the asynchronous modern practice of the world experiencing the sentencing hearing in its own time, as each reader goes over the remarks downloaded from the website. The beginning of the remarks should be a sight to behold. The Arms below, engraved by Reynolds Stone for a Scroll of Honour for the families of deceased soldiers in 1945, would be far more suited to this task:

4 (1984) 57 So Cal L Rev 837

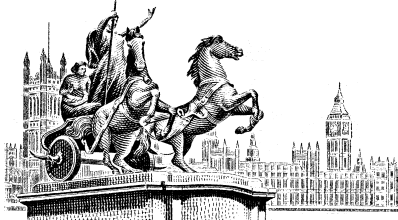
5 I would go so far as to say *essential* reading.

6 *ibid*, 854





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