

Case study 1 - Previous convictions

My name is Marianne. I am 50 years old. I was in care from the age of eight to sixteen. When I was in care I suffered the most appalling abuse. The people that were supposed to be looking after me failed. They did not keep me safe.

Between the ages of eight and about ten I was in Woodall Children's Home. While I was there I was regularly hit by one of the staff. This staff was called Edie and she hated me I have no idea why. She would hit me on the head or on my legs for anything that annoyed her. I think this was happening two or three times a week but I can't really remember.

When I was ten I moved to another children's home, Trinity House. This was even worse because one of the staff there used to take me away on trips and then use this to abuse me. This started as just touching me and then eventually by the time I was twelve he was making me have sex with him. Because of this I kept running away but I would always get caught. One time I tried to tell the police what was happening but they just told me that I should stop talking rubbish and trying to blame other people.

Because I ran away so much and one time ended up in Manchester in a squat I was locked up. At least there the staff didn't abuse me although the restraints were horrible. I was restrained when I got angry and attacked the staff and also I was locked in my room after these incidents.

I didn't really get to school very much and no one cared if I learned anything. All I cared about was getting out of care and being independent and away from all these people.

After leaving care I had my own flat in a shared house. There was supposed to be support but there wasn't really. I got in with a group where I felt like they cared about me. I started doing stuff for them, shoplifting and eventually I got into burglaries. I was caught a couple of times and ended up in court.

The first time I ended up in court I faced a number of shoplifting charges. My lawyer did a deal and I pleaded guilty to three of the six charges I faced. My not guilty pleas were accepted for the remaining three charges. I was placed on probation for all the offences I had been convicted of.

The second time I appeared in court I was convicted after a jury trial for breaking into three houses. I was sent to prison for four years. I had a year added to this sentence because I was on probation at the time of the housebreakings. I had to serve the sentence for breaching my probation order after my housebreaking charges concluded. In total, I spent about 2

and a half years in prison. While I was in prison my addiction to drugs only got worse. I was using drugs so I could forget all the things that happened to me.

On my release from prison I had to keep getting drugs and I got into more and more crime to pay for them. I fell back in with the group I had hung out with before going to prison. One of the group sold themselves for sex and I started doing that too. A while after that I started helping a group of younger girls – I would get them clients and they paid me some of their takings. Some of the girls were under sixteen so when I was caught for this I was convicted of lewd, indecent or libidinous conduct and was sent to prison for three years.

After I got out of prison for that time I was really low and still using drugs. I got involved in a burglary and we were caught by the house owner. He tried to force us out our house and started hitting the two of us. We turned on him and before we knew it he was dead on the floor. I was convicted of murder at age 26. I was sentenced to life imprisonment with a punishment part of 16 years. I was granted parole after 17 years in prison.

I am really sorry about what happened, it was an accident. I went on a course in prison and I understand now that what happened to me as a child made me into the person I am today and meant I had to use drugs and get into violent crime. I have not committed any more crimes since I was released from prison.

1. How would you assess whether Marianne should be precluded from redress?
2. In applying the public interest test, what factors will you weigh up and balance?
3. What difference does it make to your determination, if any at all, that Marianne is not currently in prison.
4. What is your determination on preclusion, and what are your reasons?