

# Luke Mitchell loses appeal against sentence

✘ The convicted killer of Penicuik teenager, Jodi Jones, has lost his appeal against sentence following the majority decision of the appeal court which has just been issued this week. When he was sentenced in 2005, Luke Mitchell, was told he would serve at lesat 20 years.

✘ The Lord Justice Clerk, Lord Gill, was in the minority when he expressed the view that the sentence handed down to Mitchell, who was a teenager at the time of the murder, was excessive. He went on to say:-“There is no doubt that the appellant is an unsympathetic individual. There is also no doubt as to the strength of public outrage in Dalkeith and beyond. But it is important to keep in mind that the appellant was a first offender who was just under 15 years old at the time of the offence. The punishment part appealed against is longer than he had lived at the date of the sentence. Since the appellant will not even be considered for parole until he is almost 36, the chances of his being rehabilitated and making something of his life will be gravely prejudiced. The prospects of his becoming institutionalised beyond hope of recall will be significant.

I have the utmost sympathy for the family of the victim and I understand entirely why this murder should have caused public revulsion. Nevertheless, I think that the sentencing judge should not have imposed a punishment part of such severity on such a young offender. In my opinion, justice would be done in this case if the punishment part of the sentence were fixed at 15 years.”

[The full court decision](#) also includes the reasoning behind the other two judges, Lady Cosgrove and Lord Hardie, who decided that the severity of the sentence reflected the severity of

the crime, and the appeal should be refused. .