

GBH S18	
<p>R V Laverick (att GBH) Court of Appeal case- D attempted to set estranged wife on fire. Two days before the offence, the appellant had sent a message on Facebook to a relative of his wife saying, among other things, "I'm just waiting for the right time, don't give a fuck anymore ... I've got a can of petrol and a two foot long machete ... it's going to be hell or a cell for me and mate I really don't care anymore." On the day of the offence he followed her home after she dropped their child off at school, produced a bottle filled with petrol and threw the contents over her. It went into her face and burned her eyes. She tried to run away but had difficulty because she could not see where she was going. The appellant chased her, continuing to throw petrol over her. Victim ran towards a nearby house, screaming for help. As she did so, the appellant struck matches and threw them in her direction. After the event eight spent matches were found at the scene. Fortunately it was a windy day so the matches did not ignite. Throughout she was begging the appellant to stop. She ran into a nearby garden and tried to get into the house, but no one was in and the door was locked. The appellant pushed her against a fence. He took out a cigarette lighter and flicked the lighter a number of times close to her clothing, by now doused with petrol. She was absolutely terrified and thought she was going to die. She was able to push the appellant away and ran to another property where the occupant was able to allow her into the home and the appellant ran off. The police were called. The appellant was arrested outside his home with a lighter in his possession. He said he was intending to pour petrol over her to scare her with no intention of harming her, and lighting of matches and sparking of the lighter had been purely to scare her. Judge said it was "nothing short of miraculous that petrol did not ignite and had the petrol ignited, she would have become a human torch, she would have suffered injuries which would have been painful in the extreme and disfiguring, almost certainly for the rest of her life. One can think of few crueller crimes short of murder than setting someone alight".</p>	<p>Guilty plea. The judge's conclusion was, taking into account the seriousness of the offence, that the appropriate starting point for a determinate sentence after trial would have been 15 years. There was full credit to be given for the plea and therefore the custodial term was 10 years. Having determined that offender was dangerous, Judge concluded that a life sentence was not necessary; rather an extended licence period would be sufficient to protect the public. He set that licence period at five years – so 15 year sentence. Court of Appeal dismissed appeal</p> <p>With revised factors A1 Culpability A- significant planning, use of a highly dangerous weapon equivalent (petrol). Harm 1 intended</p>
<p>Transcript case 16 – 2016 D and victim had 'bad blood' between them, although history not clear. Victim threw a bottle at outside window of a café where D was with friends and family and gesticulated to him. They had words and victim left and so did D, going in opposite directions. Victim returned with a knife and went into</p>	<p>Found Guilty after trial. Cat 1 offence. Starting point 12 years immediate custody. Extended sentence for dangerousness imposed of 16 years and extended licence period of 4 years, so 20 years in total.</p>

<p>cafe looking for D. D had gone to a flat nearby and retrieved a hidden gun and put disposable gloves and bag on himself, and pulled his hoody up and went to victim to confront him. J said D made a 'conscious decision to teach victim a lesson'. Victim refused to give account of what happened, but J said he had no doubt victim had lunged with his knife at D and that D advanced on him and fired gun, at least two shots, before walking away returning gun to its hiding place and setting off out for a day out paintballing. Victim found at his flat by police, gunshot wound to upper left abdomen and another to his shoulder. Had to have part of his liver removed, repair of a gastric perforation and the removal of bottom half of his pancreas. An operation on his shoulder a week later showed splintering and fragmentation of bone which needed a shortening of the arm and fusing of the damage by the attachment of a metal plate and the removal of dead tissue. In intensive care and HDU for three weeks.</p>	<p>With revised guideline A1 Culpability B – use of a highly dangerous weapon (firearm) Harm 1 – particularly grave injury, requiring removal of parts of internal organs.</p>
<p>Transcript case 17 – 2016 Offence involved kidnap, false imprisonment and blackmail. Gang kidnapped victim and subjected him to 36 hours of torture and violence; stabbing, punching, kicking and burning him with a heated fork, torture with a fork, stabbing and restabbing right arm leading to permanent weakness (and victim is a barber), cutting his beard and forcing him to drink alcohol - deeply degrading as victim a muslim. Made threats/implied he would be killed to terrify him. Ongoing and life changing effect on victim.</p>	<p>Guilty plea – 33% reduction. Starting point 18 years, 12 years for GBH after plea.</p> <p>Revised guideline categorisation A1 Multiple culpability B factors - Planning/premeditation, use of heated instrument to burn/brand victim, prolonged assault. Harm 1 – permanent injury to arm, ongoing and life changing effect.</p>
<p>Transcript case 20 – 2016 Offender got into an argument with victim and victim very aggressively racially abused her. Offender headbutted victim and followed her outside and using a stiletto she was holding hit the victim over the head aiming nine blows, two of which landed. Deep laceration to right eye requiring 20 stitches and a deep laceration to the top of her head along with marks and bruises. High culpability as used two weapons; head and shoe. Greater harm categorisation as attack assessed as sustained and repeated.</p>	<p>Guilty plea – full credit. Starting point 6 years, reduced to 3 years 4 months for plea.</p> <p>Revised guideline categorisation B3 Culpability B – Weapon not in category A Harm 3 – injuries not grave, permanent, irreversible or life changing</p>

<p>Transcript case 36 – 2016 Victim was on way home and saw homeless man and gave him £10, and offender asked for money too (not clear if he was also homeless.) Victim refused and offender attempted to punch and kick him. Then followed him and armed himself with a large bottle and attacked victim from behind. Struck him on side of head causing him to fall to ground then stamped on his head, kicked him, punched him and used the bottle again to hit him. Injuries included numerous facial fractures including cheekbones on both sides, orbit of eye, base of skull and nose. Victim has permanent scarring, ongoing tenderness and pain, nerve damage, interrupted sleep and will not enter city centre.</p>	<p>Starting point 10 years. NG plea, offender refused to attend sentencing hearing. Offence category 2. Offender had a number of previous convictions for violence, including a previous s1 conviction, although not recent enough to provide for dangerousness assessment. Offender described as an entrenched offender and a man of violence. Judge said significant number of aggravating factors take case beyond category range, these included a very clear suggestion of premeditation, he went looking for victim and he armed himself with a weapon. It was in the city centre in the very early morning. There was at least one other person present and a risk of others being present. Defendant concealed his coat and he must have concealed the bottle. A further very significantly aggravating feature is the fact that he was on licence for his last offences of robbery and attempted robbery. Antecedents seriously aggravate this offence. There is little that was said or could be said in mitigation on his behalf. Final sentence 10 years.</p> <p>Revised guideline categorisation – A3 Culpability – Premeditation and use of weapon Harm 3</p>
<p>Transcript case 37 - 2016 - Victim in relationship with offender's sister. All alcoholics. While drunk celebrating sister's birthday offender launched a sustained and savage attack on victim as he hadn't wished his sister a happy birthday. Repeated punches to head and face, sister tried to stop him but couldn't so she called police and offender shouted out comments suggestive of intention to kill or seriously injure victim. Asked sister how many bones he should break, and told police if they were not there in 15 mins he would execute victim, and threatened to throw him out of window and kill him. Rendered victim unconscious during attack and continued to beat him. Injuries included cut/laceration to nose, longer laceration to left cheek beneath left eye. Both eyes severely bruised and there was extensive deep bruising down left side of his face and neck area, as well as left ear. Extensive bruising and cut to back of his hands (defensive injuries). Most serious injury was subdural haematoma. Spent six weeks in hospital and could not return</p>	<p>Cat 1, starting point 10 years. Guilty plea, 33% reduction. Final sentence 7 years.</p> <p>Revised guideline categorisation – B1 Culpability – prolonged, victim vulnerable (became unconscious during attack and continued to beat him) Harm – 1 Life threatening injury (blood clot to brain)</p>

to flat where attack happened.	
<p>Transcript case 40 - 2016 Described as nasty and mean offence; two person attack on victim – offender lead assailant. Victim was knocked unconscious by blow then struck a number of times by both offenders, kicking, stamping and offender used a lump of wood to hit him with. Injuries included a number of facial fractures, continues to suffer effects particularly with sight and some soreness. Not clear if they will resolve in time. Greater culpability, use of shod foot (weapon), harm not serious in the context of the offence.</p>	<p>Category 2 – 6 year starting point. Guilty plea, 33% reduction. Final sentence 4 years imprisonment.</p> <p>Revised guideline categorisation – B3 Culpability B – Leading role in group, weapon other than highly dangerous (wood) Harm – category 3</p>
<p>Transcript case 42 - 2016 Offender was a serving prisoner, boiled a kettle and added 40 sachets of sugar (to maximise pain and suffering of victim) and poured it over head of fellow inmate. Deliberately sadistic and premeditated assault. Told probation officer if it had not been victim, it would have been somebody else. The following day offender telephoned and bragged about it to his mother, telling her that he hoped that victim died. Judge said motivation was clearly and simply to cause him pain and thereby to experience pleasure from doing so. Judge described offender as ‘chillingly dangerous’. Offender has an extensive history of violence and told probation officer he likes violence and derives pleasure from it. Injuries not described but cannot have been severe as Judge says “whilst I acknowledge that in the event the injury was not such as to make it the completed offence, your motivation was such, in my view, to put it at the top of Category 2”.</p>	<p>Guilty plea but Judge said offender did not have much choice (witnesses). Credit not specified. 11 year extended sentence (6 custody, 5 on licence) imposed and dangerousness found.</p> <p>Revised guideline categorisation – A2 Culpability A – Planning/premeditation, highly dangerous weapon equivalent (boiling water and sugar combination) Harm – 2 intended. Grave injuries, burns, potential permanent scarring.</p>
<p>Transcript case 1 - D inflicted injuries on three women using a bottle and then stabbed them all with knives taken from the kitchen of one of the victims. Children were present for at least one of the attacks, but no further information is given for the motive, the situation or any other details of the offence. Judge considered the three counts as one, so imposed one sentence to be served concurrently, reflecting all three. The three women all sustained multiple cuts to the head, and one had a wound to the neck, which didn't cut a major vein/artery but came close. One of the victims sustained defensive injuries to one of her hands causing short term pain and inconvenience to her occupation. Judge said "It is fortunate...that their injuries</p>	<p>Category 1 16 years immediate custody G plea 25% reduction. 12 years custody with extended licence for 5 years (dangerousness)</p> <p>Revised guideline categorisation – B2 – but multiple victims</p>

<p>were not more serious than they turned out to be". D had drunk a lot of alcohol, which he said hadn't affected his conduct, but judge said that even if he was drunk, it is no mitigation.</p>	
<p>R v Henning - The victim and the offender were known to each other. There was a history of bad blood between their families. On 5th June 2014, victim and her cousin went to a house and went to the back garden where there were a number of people, including the offender. The victim asked one of those present about buying some cannabis. The offender said that he had some, but victim said to him "no thanks" and she and her cousin left. The offender lost his temper and started shouting at her and threatening to knock her out. The victim went to the front of the house but the offender followed her and continued to goad her. He slapped her to the face and when she tried to hit him back, he struck her again, causing her to go to the ground. He then stamped on her head twice. Her cousin helped her home but she felt dizzy and sick. She attended hospital. She was found to have a fractured jaw which required surgery and the insertion of metal plates under general anaesthetic. She also had to have a tooth repositioned. While she had made a full recovery from the injury to her jaw, she had been left with the cosmetic disfigurement of a blackened front tooth. She also had anxiety and sleep disturbance which required medication and was still continuing some four months later. Her anxiety led to her sustaining substantial weight loss for some weeks. Offender had no of pre cons. Admitted offence and showed remorse.</p>	<p>Guilty plea on day of trial and 10 per cent discount. Judge found offence fell within category 1. It was a sustained and repeated assault (greater harm) and factors indicated higher culpability, in particular the use of a shod foot to inflict the injuries. She said that the starting point after a trial was one of 12 years with a range of nine to 16 years. The aggravating features here included the previous convictions, but the plea, the appellant's age and his remorse meant that the starting point could be brought down. The sentence was one of 10 years' imprisonment. Upheld on appeal – C of A said it was a severe sentence, but this was a vicious attack by someone with a long history of offending, including offences of violence. They agreed with the approach taken by the judge and did not consider that the sentence was manifestly excessive.</p> <p>Revised guideline categorisation – C2 Culpability C – Shod foot Harm – 2</p>
<p>R v Smallwood at about 1.45 in the morning, the victim and his female companion were walking through the centre of Brighton. By chance they encountered the offender. The female and the offender had formerly been in a relationship. The offender approached the victim and instigated a fight, punching him to the floor. Whilst he was lying prone on the floor, the offender kicked him to the head three times. Witnesses described the kicks "as if taking a conversion in a rugby match", each involving the offender taking a few steps back before each kick. The offender then ran away and went to a night club leaving victim unconscious. He was taken to hospital and found to have a number of injuries - a laceration under his left eye that required 18 stitches, a laceration above his left eyebrow that required gluing, cuts</p>	<p>Judge departed from guideline of a 6 year SP for a category 2 (<i>lesser harm but higher culpability – use of shod foot as a weapon</i>) and imposed 2 years custody for the purpose of suspending it. Referred to C of A by AG. Increased to 4 years by C of A.</p> <p>Revised guideline categorisation – C3 Culpability C – Shod foot Harm – 3</p>

<p>and grazes to his left elbow, a bruised ear and a bruised head. When reviewed in hospital six weeks later he was still experiencing numbness to the left side of his face due to nerve damage caused by the assault and the numbness lasted for some three months. As a result of the attack, victim remains permanently scarred to a very visible part of his face. Offender had no pre cons, in employment and number of good character references. Was drunk at time of offence.</p>	
<p>Transcript case 4 - Both defendants were parents of V (a premature and sickly baby, who's due date was the day of the offence). There was a heightened state of emotion between the parents (including the mother shouting), and V was distressed. D, presumably frustrated by V crying, took hold of V under her arms, shook her briefly and, realising his actions, put her on the floor and alerted the mother to the fact that V "did not look right". D was prone to violent outbursts and was addicted to cannabis. Injuries were fractures to the ribs, the clavicles and damage/bleeding to the brain. A consultant community paediatrician stated that although V is now aged more than 2 years and 4 months, her developmental age is between 12 and 18 months.</p>	<p>Top end of category 2. 8 years 4 months custody starting point 20% discount for plea. Final sentence 6 years and 8 months custody.</p> <p>Revised guideline categorisation – B2 Culpability B – Vulnerable victim Harm – 2</p>
<p>Transcript case 7 - Sustained and repeated attack on victim using shod foot, outside a 30th birthday party where a child and others saw the incident. Caused fractured eye socket and fractured left arm. Defendant was on licence for another offence of violence at time (history of assaults).</p>	<p>Category 1. Starting point not specified but 1/3 reduction for plea and final sentence 10 years custody plus 8 years concurrent for additional attempted s18 offence.</p> <p>Revised guideline categorisation – C3 Culpability C – Weapon (shod foot) Harm – 3</p>
S18 WOUNDING WITH INTENT	
<p>R v Bourke – charged as attempted murder, pleaded to s18 as alternative. DA case. History of frequent and often violent arguments to which Police were called. Victim often attacked offender. Drunken argument resulted in victim being stabbed. She had multiple stab wounds to neck, belly and back including penetration of lung and into stomach area, kidney and liver and defence wounds to forearms. Placed in medically induced coma. At least 20 stab wounds but her life never in danger. Attack was sustained and violent. Victim left with scars to body and a drooping left</p>	<p>Category 1 case. Guilty plea at first opportunity. 15 year starting point reduced to 10 and 5 years extended licence. Quashed on appeal and replaced with 13 and a half year starting point with credit for plea; 9 years and a 3 year extended sentence. Revised guideline categorisation – A1 Culpability A – use of highly dangerous weapon (knife), prolonged assault (20 stab wounds)</p>

<p>eye. No longer capable of work and no longer felt safe in her own home. Provocation and DA on both sides found.</p>	<p>Harm 1 – particularly grave, multiple stab wounds</p>
<p>R v Matthews – Offender had been on a three-day cocaine binge and then visited his adoptive parents' house. He was angry with them because he had not been able to attend his grandfather's funeral a year earlier. He assaulted his mother by pulling her head down and punching her to the shoulder. Concerned by his general violent behaviour, his mother had earlier removed the knives from the house. However, he found a knife and went towards his mother with it and said "I'll kill someone one of these days. I'll kill you". He tried to stab her in the neck but she took the brunt of the cut to her left arm as she tried to defend herself. After seemingly calming down, he stabbed her in the leg and refused to let his father call an ambulance. He then sat down to drink a beer. His mother required surgery to remove the knife from her leg which was embedded in her shin bone and stitches to the lacerations to her neck and arm. She suffered deep vein thrombosis as a result of the knife wounded her leg. Offender was 35 years old and had numerous previous convictions including violent offences, some of which had been committed against his parents. The judge noted the effect of the offending on the mother, the progress he had made in custody, and that his psychological issues had led to substance abuse.</p>	<p>Offender pleaded guilty to two sequential attacks on his mother. Extended sentence, comprising a 10-year custodial term and a four-year extended licence period.</p> <p>C of A held sentence was appropriate.</p> <p>Revised guideline categorisation – B2 Culpability – highly dangerous weapon (knife) Harm – 2 grave but non life threatening injury (surgery required, DVT caused)</p>
<p>Transcript case 10 - D and V had a long-standing family dispute. They bumped into each other, by chance, at a supermarket. D went and armed himself with a Sabatier knife, encouraged V to "Come outside" for a fight, and stabbed V in the chest and elbow, wounding both.</p>	<p>Category 2. Plea not specified. 6 years immediate custody. Extended sentence of 7 years 6 months and extended licence of 18 months – 9 years in total.</p> <p>Revised guideline categorisation – B3 Culpability – highly dangerous weapon (knife) Harm - 2</p>
<p>Transcript case 29 - 2016 Breach of RO and a S18 towards ex girlfriend. RO imposed and two months later he visited her home at 6.45 in morning armed with a vegetable knife 8 inches long with a serrated pointed edge. As she left front door he was waiting and repeatedly punched her in face. Then used knife to stab her, principally in head and neck. Whispered in her ear 'you ruined my life'. She begged him to stop. Police were called and he went into her home. Injuries included cuts and stab wounds to her neck. Broken nose, cuts to eyebrow, hand, cheek and ear. Persistent blows, fractured right eye socket, cuts had to be stitched. She thought</p>	<p>Starting point 12 years. 33% discount for Guilty plea. Final sentence 8 years custody.</p> <p>Revised guideline categorisation – A1/2 Culpability – Planning/premeditation, use of highly dangerous weapon (knife) Harm – 1/2. Very high degree of psychological harm</p>

<p>she would be killed and was terrified. She has had to move home and continues to have problems sleeping. Has eye socket injury requiring specialist attention as do other injuries and scars she received.</p>	
<p>Transcript case 31 - 2016 Bottled victim while drunk - not clear if already broken or he broke it. Caused neck injuries and permanent scarring and Judge says victim psychologically scarred for life.</p>	<p>Category 2. Starting point 6 years custody. 33% discount for plea. Final sentence 4 years. Revised guideline categorisation – A/B3 Culpability – Use of weapon (bottle) likely to be highly dangerous if broken, maybe not highly dangerous if not? Harm – A/B3.</p>
<p>Transcript case 38 - 2016 - Offender and brothers (co-d's) attended a house party where words were exchanged with others, although everything seemed to be resolved. Knives then appeared on scene and offender struck victim who was walking away with knife, causing wound to his face. 7 cm very deep laceration, and only through intervention of expert medical assistance was facial nerve undamaged. Scar left but not permanent and barely noticeable.</p>	<p>Category 2 – 4 year starting point (departed from guideline) Judge said case falls towards the bottom end of Cat 2 range, it was a single blow. Great deal of mitigation found; only one previous conviction - when aged 15, some years ago - for an offence of burglary, so no history of violence, described in PSR as posing a medium risk of reoffending. Having regard to the fact that this was a moment of madness and the injury, whilst still serious, is not as bad as it might have been. 25% credit as plea on day of trial, final sentence 3 years. Revised guideline categorisation – A3 Culpability – A - highly dangerous weapon (knife) Harm – 3</p>
<p>R v Smith - The victim had gone to S's house to complain about repairs that S had carried out on his partner's vehicle. An argument ensued, S asked V to leave and was shouting and threatening him. S took a metal pole from his car, V got into his vehicle and the S struck the car with the pole. V came out of the vehicle and was assaulted with the pole, causing lacerations to his forehead and bruising to his left arm. The jury rejected the appellant's defence of self-defence. When passing sentence, the judge stated that the appellant could have retreated but had instead grabbed the pole causing injury.</p>	<p>The offence was a Category 2 offence with a six-year starting point and a range of between five to nine years' imprisonment. Six years imposed. Court of Appeal found sentence was towards the bottom of the range but did not merit uplift. The sentence was manifestly excessive. The altercation was over car repairs and the assault was not the most serious kind for such cases. The injuries were not so severe. The correct sentence should have been five years' imprisonment. Revised guideline categorisation – C3 Culpability – C – non highly dangerous weapon (pole) Harm – 3</p>