

22.11 Cases

R v Jenkins 2015 EWCA Crim 105, 1 Cr App R (S) 70 (p 491) D pleaded guilty to two counts of causing serious injury by dangerous driving. He collided with a car on the other side of the road and severely injured the two occupants. Held. It was a single act of dangerous driving. The Judge should not have passed consecutive sentences. *R v Noble* 2002 EWCA Crim 1713, 2003 2 Cr App R (S) 65 (p 312) applied.

22.20 Licence *Defendant serving a sentence for a revoked licence/Defendant's licence would have started by sentence*

R v Hookway and Others 2015 EWCA 931, 2 Cr App R (S) 43 (p 337) H, M and J pleaded to a security guard robbery. At the time of the offence, H and M were serving prisoners on day release and J was released on licence. By the time H and M were sentenced, the conditional release date had passed. Had it not been for the fact that the two were remanded into custody prior to sentence, they would have been released from prison. For H and M, the Judge gave sentences consecutive to the sentences they were serving. J was given a concurrent sentence. Held. Because the present offence was committed whilst they were both serving prison sentences, neither of them was subject to administrative recall by the Secretary of State pursuant to [Criminal Justice Act 2003 s 254](#) and, because such recall had not occurred by the time they were sentenced for the present offences, they must be taken to have been released from the earlier sentences. As we see it, the position can be tested in this way. In the absence of any administrative recall, there is no power to detain H and M in prison pursuant to the original sentences until some date in 2017, after which point, the present sentences will commence. If there is no such power then H and M can only be held in prison pursuant to the sentences in the present case, so those sentences must run once they are passed. Therefore the Judge was unable to order the sentences to be consecutive.