

**68.16a** *Order must be proportionate*

*R v De Jesus* 2015 EWCA 1118, 2 Cr App R (S) 44 (p 343) D and S pleaded to two robberies. D's mother died as a result of medical negligence and D used part of his share of the damages paid to buy a car which was worth just under £14,000. Using the car, D and S drove to a dimly lit site. One took a baseball bat out of the car and the two used that in a robbery of two students. The Judge gave them both 28 months and he forfeited D's car. The defence argued that there was an unreasonable disparity between D and S. Held. The Judge was right to give the two the same sentence. Deprivation Orders are not in the nature of confiscation orders which deprive the offender of the proceeds of this offending. Proportionality is an important factor. We quash the order.

**68.20** *On the facts, order correct/incorrect*

See also: *R v Hamlett* 2015 EWCA Crim 1412 (Plea to dangerous driving. Police chase over two miles and 80 mph speeding in 30 mph zone. Red lights crossed. Pros ask for order. Defence say why it was unsuitable and no mention in sentencing remarks until Judge prompted by prosecution. Held. It was something of an afterthought. The car was worth £10,000. The suspended sentence, unpaid work, £500 fine and disqualification was sufficient.)