

217.5 *Debt collecting*

R v Ford 2015 EWCA Crim 561, 2 Cr App R (S) 17 (p 177) D was convicted of blackmail. V was a drug user who purchased cocaine from D. D was a large well-built 33-year-old. V was a timid, submissive man. V would pay £1,000 in cash a month. By 2011, V ran into financial difficulties. On V's pay day, D would meet him and withdraw V's money from a cash machine. By mid-2012, D made V set up a standing order for £1,000 a month. In November 2012, V lost his job. He paid the December payment and was then out of funds. Over seven months, D applied pressure on V, his father, F, and his sister. A series of highly threatening texts and phone calls followed. D threatened to smash or fire bomb their homes. He also threatened to break V's arms and legs. V was terrified. £12,000 was obtained. V and F had been significantly affected by D. D had about 40 convictions between 1996 and 2011. Eight were for harassment and threatening behaviour. During the trial he procured witnesses to lie. D put forward a wholly false 10-year service in army war zones when in fact he had been discharged after 75 days for stealing from his colleagues. The Judge said V was bled dry. Held. It is plain the Judge did not add to the sentence for his court room lies, [but it destroyed much of his mitigation]. D was also a significant drug dealer. The threats were over a long period. A severe sentence was required although no violence was used, so **7 years** not 8.

Note: Why D was not prosecuted for drug supply is not explained. Ed.

217.6 *Embarrassing material/behaviour*

R v C 2015 EWCA Crim 1519 D pleaded (full credit) to blackmail. D was aged 33 and married with three children. J, his wife's 14-year-old half-sister, was staying with D and they were together when J was sending messages to V, a 16-year-old boy from school. V sent J a photo of his erect penis, which D saw. D sent V a picture of himself saying he was J's brother and he would beat the shit out of him. D said he would report V and V was apologetic. D referred to J being underage and told V he could go to prison for this. V asked to make it up. D said that was not good enough and money might help to prevent the matter going to the police. V said he was skint and D said, "Police it is then". V pleaded for another chance. D said apologising was not enough and that V would go down for one picture. Various exchanges followed ending with '£75 in four weeks.' The exchanges lasted about 30 minutes. D was on bail for nearly a year and was barred from his own home and barred from unsupervised contact with anyone under the age of 16. (This is likely to have been because of a charge he was acquitted of. Ed.) Held. There was no sophistication or premeditation. With D's good character, we start at 12 months, so with plea, **8 months**.

217.8 *Kidnapping individuals for ransom etc.*

R v James 2015 EWCA 339 D pleaded (at different times) to blackmail, false imprisonment and Class A drug supply. V owed C a £2,000 drug debt. V agreed to pay it off by selling drugs but instead consumed the drugs himself. The debt was then said to be £7,000. M and C visited V's address. They were angry and held V responsible for a burglary at C's house. V was told to get into a taxi and V was taken to C's house. As V walked in, D struck him with his hand on his face causing his nose to bleed. V was questioned about the burglary. D struck him again causing V to crouch on the floor. D punched him five to six times on the back of the head. D also placed his hand around V's throat and applied pressure. V was now told the debt was £14,000. V agreed to pay. After two hours, V was told to telephone his mother and meet her. The meet took place and C told the mother, M, that she should re-mortgage her house to repay the debt. An oblique threat was made about M's other son. M was told V would stay with C until the debt

was paid. Further, if D was arrested, V would be killed. V was taken back to C's address. The next day, V managed to return home and learned that M had contacted the police. At D's address, police found 35.1 grams of cocaine (28% purity) and a dealers' list. D was aged 24 and had convictions for common assault and an offensive weapon and was on bail. The Judge found there were no weapons used and no serious injury. Held. Such violent, abusive and threatening behaviour will not be tolerated. A life was threatened. D was the lead player in the assault which was prolonged. The 8 ½ year starting point for the blackmail was not too high. **84 months** on the blackmail upheld. Because of totality we reduce the drug sentence making **9 years** not 11 in all.