

**285.5**    *Case*

*Att-Gen's Ref No 26 of 2015* 2015 EWCA 1119, 2 Cr App R (S) 53 (p 384) D pleaded to section 18. D was dancing in a bar and at 1.25 am. she accidentally danced backwards into V. Words were exchanged and then D seized V's wine glass and pushed it into V's face. An artery was cut near V's ear causing profuse bleeding. Without the prompt action of door staff and a medical team, V's life could have been in serious danger. Staff thought D was drunk. V then suffered from anxiety and depression. D was of good character. She was the mother of five children aged 20, 19, 18, 13 and 12. She had been the victim of two violent and abusive relationships. She had lived in a series of refuges and temporary homes. D suffered from depression and Bell's palsy. She worked in a care home. After taking the children to school, she started work at a care home at 8 am. She worked until 8 pm and returned home at 8.30 pm. Her 74-year-old mother and her older children helped her. Following her mother's arrest, her 20-year-old daughter had to return home ending her relationship and her hopes to train as a nurse. The pre-sentence report said D was affected by anti-depressants and alcohol on the night. The probation officer considered arrangements could be made but was [worried about it]. The officer was concerned about the impact of imprisonment on D's two youngest children and whether the house would be lost because of the rent arrears. Although the plea was tendered at the PCMH, the Judge accepted that counsel's commitments had caused a problem and gave a 50% discount. He considered that it was a Category 2 case as the case was not of the most serious kind and assessed the risk of re-offending as low. The Judge was concerned about the family structure and imposed a 2-year Suspended Sentence Order with a supervision requirement. Held. D's deep remorse did mean the plea discount was not inappropriate. We reject the suggestion the Judge's categorisation was wrong. The offence was completely out of character. D had struggled with domestic and mental health problems for some time. The Judge was looking for a proportionate sentence. The sentence was not unduly lenient.