

275.5 Cases

R v GP 2017 EWCA Crim 1938 D pleaded guilty to incest. A rape charge was dropped. V, now aged 44, was D's natural daughter. D left the family home when D was young and had no contact with her during her childhood. In 1997, when V was aged 24 or 25 and had her own daughter, she sought to make contact with D. V had a number of personal issues at this time, including self-harming. She contacted her father and they arranged to meet. They spent some time in a pub and D introduced V to friends as his 'daughter'. After this they went to a nightclub and then went back to D's flat and shared a single bed. D and V eventually lost contact after the incident and it was in 2016 that the matter came to the attention of the police. In interview, D denied rape and then exercised his right of silence. D was aged 65 and had no previous convictions. A psychiatric report referred to the fact that the appellant had suffered from long-standing mental health difficulties. It was accepted that there had been one act of consensual sexual activity. The Judge gave full credit for the plea, noted the raised harm due to the vulnerability of V and stated that she was unable to suspend the sentence due to the serious nature of the crime. Held. A written basis of plea should have been before the Court. The Judge was not assisted by the Crown opening matters which appeared to be inconsistent with their [decision to drop the rape count]. V was particularly vulnerable. **8 months** not 14.