

**323.8** *Alcohol/Drugs etc.*

*R v Briggs* 2018 EWCA Crim 1135 D pleaded to two sex assaults and resisting a constable. D spoke to a lone young female, V1, on a tow path. He spoke in Romanian which V1 could not understand. D appeared in disarray and had bleeding cuts around his mouth. He grabbed hold of both her wrists, pushed her against a fence and kissed her, putting his tongue into her mouth. V1 bit D's tongue but he continued and she continued to resist. D was saying, "I love you. You love me. I want you. You want me." He restrained her and pinned her against the fence, holding onto one of her wrists with his other hand near to her left breast. V1 was pushed to the ground and he straddled her, holding on to her hands and legs, as she tried to wriggle free. He told her to stop screaming and covered her mouth to stop her making a noise. Fortunately, another female, V2, was passing on a bicycle. She stopped and said she was calling the police. D got up from the ground, showed V2 a piece of paper and as he did so V1 escaped. D ran after V1, caught her and prevented her from speaking to the police on her phone. They ended up on the ground again. D placed his hand across her mouth and tried to kiss her before seeming to drag her across the path towards the river. V2 who had followed on her bicycle came to assist, and V1 was able to get up and run away. D then grabbed V2 by the hair, pushed her to the floor and straddled her. In Romanian, which she could understand, he said he wanted a national insurance number and, "Kiss me". The police arrived. D attempted to escape by entering the river. One of the victims suffered significant psychological harm. D was aged 20<sup>1</sup> and of good character. He expressed remorse. The defence said the 5 years 4 months on each indicated a starting point of 8 years which would be appropriate for a rape. Held. This was a terrifying assault on two victims. It was a Category 1B offence. It was appropriate to sentence at the top of the range. The aggravating factors were: the location of the offence; the specific targeting of vulnerable victims, lone females walking along the tow path; and D was under the influence of drugs which, according to a psychiatric report caused a psychotic episode. We start at 6 years, so with the plea discount, **4 years** YOI on each concurrent. We reduce the resisting a PC sentence, so 1 months' YOI concurrent not 2 months' YOI consecutive.

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<sup>1</sup> This is according to a news report.