

291.14 Pubs/After drinking

R v Broadbent and Others 2018 EWCA Crim 1495 B pleaded to GBH. B, D and K pleaded to ABH. After a night out, V1 and V2, whom they did not know, were walking home. D, B and K approached them. The defendants were saying things to V1 and V2, who were not aggressive. Despite this, D punched V1 in face. B then punched V2 in the face. V1 was then repeatedly punched by all three defendants until he fell to the ground. A passer-by intervened and there was a lull in the proceedings. However, after V1 got up from the ground looking dazed, the defendants surrounded him again and B was seen to deliver a hard punch to V1, who was knocked to the ground unconscious (presumably the GBH). The defendants ran off but were tracked by CCTV and a police helicopter. In interview, all three defendants denied the offences until they were shown the CCTV. They then all admitted their parts in the incident. V1 suffered a soft tissue injury to his face. His victim impact statement said he suffered anxiety as a result of the attack and is now reluctant to socialise at night. V2 suffered multiple fractures of the left orbit. In his statement he said that the effect of his injuries meant that he missed part of his university education because of the pain, stress, anxiety and depression caused by the assault. His face was now out of alignment due to his eye socket having been displaced. He will have to have surgery to remedy his facial disfigurement. Each of the defendants was of good character and had positive references. D was aged 22 and B and K were both aged 19. The Judge described the incident as “a drink-fuelled, unprovoked attack”. The Judge in an e-mail after the hearing said from what he now knew he would have given a full plea discount not 25%. Held. The two offences were both Category 2. The aggravating factors were: location, timing of the offences, the intake of alcohol and the effect on both victims. The mitigation was their good characters. For B, we start at 2 years, so with the plea, **16 months’ YOI** not 27 months. For D, we start at 9 months, so with the plea, **6 months** not 39 weeks. For K, we start at 6 months, so with the plea, **4 months’ YOI**.

291.21 Unprovoked attack

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