

28.19 *Maximum must be reserved etc.*

R v Saxton 2018 EWCA Crim 1976 D pleaded to a section 20 assault. He punched and kicked a sex offender, V, in a medical centre of a prison with another. The two called him a ‘dirty Paki rapist’. V was seriously injured. D had 90 previous offences, many of which were relevant. The Judge started at 5 years (the maximum). The defence said the case did not justify the maximum sentence. Held. It is well established that the maximum sentence is reserved not for the worst possible case which can realistically be conceived, but for cases which are truly identified as being of the utmost gravity. This can be because of one single stand-out feature or a series of features. Where the maximum sentence is relatively low there may indeed be a broad range of cases that require sentences [at]1 or approaching the maximum. The maximum here was justified.

1 The judgment says ‘another’, which must be a typo.