

228.1a Judicial guidance

R v Gregory and Butler 2017 EWCA Crim 1297 G and B pleaded to conspiracy to burgle. They were involved in 48 burglaries of commercial and club premises. The benefit figure was about £212,000 and the damage caused was about £½m. The Judge said he bore in mind the sentence that would have been appropriate had he been able to pass consecutive sentences. For G, he considered that the proper sentence was 14 years and gave 25% for the plea making 10½ years. He then reduced that to 10 years as that was the maximum sentence. Held. That was not permissible. The Judge should have started with the maximum and reduced that with the plea to 7½ years.

228.5 Sentence to reflect etc.

Att-Gen's Ref 2018 Re Doherty and Others 2018 EWCA Crim 1924 Four defendants pleaded to a puppy farm fraud. Held. Those who participate in a conspiracy involve themselves in a crime which goes beyond their individual role within the conspiracy. Of course, their individual roles may vary in the importance and/or in the duration of their involvement. The court must therefore assess the culpability of the individual offender. When determining the harm caused or intended to be caused by the offence, the court looks to the conspiracy as a whole, not to the part played by the individual offender. [The principles in *R v Khan and Others* 2013 (see below) were repeated].

For more detail, see **266.45**.