

306.4 Assaults etc. in prison

See also: *R v Saxton* 2018 EWCA Crim 1976 (D pleaded (20% credit) 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). Held. The maximum was appropriate. It was a sustained assault on a vulnerable victim with a weapon in a prison. D played the leading role and there was an element of extra-judicial punishment. 5 years extended sentence (4 years’ custody 1 year’s extended licence) upheld.)

306.7 Conveying articles into prison Drugs Cases

R v Borchert 2018 EWCA Crim 1230 D pleaded to conveying items into prison. On arrival at HMP Park to visit a prisoner, D was detained by staff and asked if she had any prohibited items on her person. D said that she did, and produced a cylindrical package from her vagina. The police were called and her mobile phone was examined. There were several messages about collecting ‘subbies’ from a male and taking them into prison. She also provided her bank details in the messages, so that she could be paid for doing so. The package seized contained 16.9 grams of tobacco, four SIM cards and 49.5 tablets which contained the class C substance buprenorphine (a heroin substitute). D admitted the offence in interview and said that she had visited the prison in order to visit a close friend. She obtained the package via a third party and thought it contained Subutex and tobacco. She said she thought it was just for her friend’s own use. The value of the drugs was between £1,470 and £2,450. The SIM cards were worth £200. The amount of drugs and number of SIM cards was an indication that other inmates were to be supplied. In her basis of plea, D said that she had feelings for her friend in prison and she had been at a very low point in her life. She felt that her friend took advantage of her vulnerability. He had asked D to bring items in a number of times and eventually she relented. D was now aged 32 and had one previous conviction for theft. A pre-sentence report detailed D’s history of anxiety, depression and self-harm. She was on prescribed medication. D had three children, two of whom had been adopted and one of whom was in long-term foster care. D had been a drug user herself although she claimed to have become drug-free recently. The Judge took account of D’s mental and physical health problems and the fact that she had made full and frank admissions. The Judge also stated the seriousness of these offences and the possible consequences, not only for prisoners but also for those who were trying to run the prison on a day-to-day basis. He said D had been persuaded rather than pressurised into taking the articles and only an immediate custodial sentence would be appropriate. Held. We find she was paid for doing it. We start at 18 months, not 3 years, to reflect the mitigating factors, so with plea, **12 months** not 2 years.