

65.15 *Maximum given with a plea of guilty*

R v Higham 2016 EWCA Crim 2314 D pleaded to dangerous driving, disqualified driving and no insurance. He was involved in a police chase with other people in his car. The Judge said the case had pretty well all the aggravating factors you can possibly get. D's driving record was 'appalling'. The Judge said he stopped counting at 11 disqualified driving offences on his record. He gave D the maximum (2 years and 6 months consecutive) saying D had no alternative but to plead. Held. Anyone who pleads guilty at the earliest opportunity is entitled to as a general rule a one third discount, *R v Caley and Others* 2012 EWCA Crim 2821, 2013 2 Cr. App. R. (S.) 47 (p 305). It is not a reason to reduce the discount because the maximum penalty is inadequate or because the defendant could have been charged with something different. Despite the overwhelming nature of the evidence [which was then a reason for a reduced discount] there was no proper ground to reduce the discount, so 16 months and 4 months consecutive.

65.18a *Defendant changes his plea*

R v Collins 2018 EWCA Crim 2238 In October 2017, a week before his trial for sex offences, D pleaded guilty. The victim, V, was aged 12 when the offences were committed in 2015. D then changed his legal representatives and sought to vacate his pleas. The case had to be transferred to another Crown Court where a judge did not know his former legal representatives. His plea application was refused. In June 2018, D was sentenced to 8 years. V explained in her impact statement the roller-coaster of emotions and prolonged agony that D's plea application had caused her. The Judge said he would have given 10% for the pleas but because of the application, the discount would have been negligible, so he gave no discount. Held. The 10% discount was correct. We do not underestimate the effect the plea application had on V, but D should have had some discount. We give 5%.