

4.21 *Advice and grounds Excessively long*

R v Campbell 2019 EWCA Crim 1069 D served excessively long grounds. The Registrar directed him to lodge a concise summary. He failed to do so. The Registrar wrote again. The defendant said the grounds were compliant as they were less than 100 pages. A final direction was given and no summary was produced. The single Judge refused leave and gave advice as to how the grounds could be made easier to understand. The Registrar wrote again with warnings. The advice and directions were not complied with. The full court gave directions. Held. We will read the first six pages of the grounds. This was what D had been warned would happen. On that we refuse leave.

4.75 *Shall ‘not be dealt with more severely’, Defendant Unlawful sentences*

R v Dayib 2019 EWCA Crim 795 D pleaded to possession of a prohibited weapon. He was committed for sentence along with some other offences which included assault PC, common assault and possession of an offensive weapon. D was sentenced to consecutive terms of imprisonment. Held. That was unlawful. It should have been detention [under [Powers of Criminal Courts \(Sentencing\) Act 2000 s 91](#)] for the sentences lawfully committed. The last three offences were unlawfully committed because they were committed under section 6, which could not apply. Because the committals were nullities the sentences cannot be considered when applying section 11(3). We sit as the Divisional Court and we quash those committals. One of us sits as a District Judge and the best order is to pass 6 months’ detention and training on the committals, consecutive to the other detention, making 5 years 2 months in all.

Note: The key issue here appears to be the fact that there was no jurisdiction to pass any sentence on the wrongly committed offences. I think the case is wrongly decided, because ‘dealt with more severely’ has no reference to legality. The principle in *R v Howden 2006* (see above) could be extended to this situation. Ed.

4.88 *Defendant retried Limit on Sentence*

R v Carty 2019 EWCA Crim 1005 In 2008, D was convicted of attempted murder and a firearm offence and was sentenced to 14 years IPP on the attempted murder offence. In 2009, his convictions were quashed. In 2010, he was reconvicted of the same offences and the Judge considered if he passed the same sentence, D would serve a longer period than originally imposed, so he passed 12 years IPP less 28 days on remand. There was a long delay until D appealed about the loss of credit for the first period of remand time. Held. The Judge had not been referred to Schedule 2(3), see above. The date of the sentence should have been the start of the 2008 sentence. We substitute the original 14-year IPP term less the days served on remand with the 2008 start date. The effect of this is that his earliest date of release would be 5 months earlier than before.