

201.15 Relationship offences 2 years or less

R v Robinson 2019 EWCA Crim 1083 D pleaded on the day his case was listed for trial to an offence of ABH. A sexual assault count was dropped. D and V had been in a relationship for 8 years. They had a 2-year-old child together (and V's child from a previous marriage) so they kept in contact after their relationship had ended. In the early hours, D knocked at V's door and she let him in. D was angry and accused V of seeing someone else saying words to the effect of "If you're not fucking me, you must be fucking someone." D then pinned V's legs apart with his elbows as she sat on the sofa and pulled her shorts aside to expose her vagina. He said "You've fucked someone" whilst looking at it and then slapped her face with one hand and hit her with the other hand which was holding a mobile phone. D continued to hit her with punches to the face and scratched her as he tried to pull her top down. After that he stopped and went into the kitchen. V thought of escaping but couldn't leave her children upstairs. D returned carrying a screwdriver and threatened to kill both of them but then changed his behaviour and tried to get V to the front door for some fresh air. V resisted, fearing she would be locked out and D became angry again. He held his hands on her throat for a while but did not squeeze and then went to get ice from the kitchen for V's face. D eventually left the house after again threatening to kill himself. V suffered bruising, swelling and tenderness to the left side of her head where the mobile phone had hit her, a scratch to one of her breasts and bruising to her legs. During the incident V had feared for her life. D initially denied the offence, saying that V had already had some of the injuries when he arrived. The Judge placed the offending in the highest bracket of harm in the guidelines. He acknowledged that there were no elements relevant to higher culpability but that D's actions in going to the house late at night and then assaulting and speaking to V as he did were very worrying, added to which he slapped her with a phone in his hand. The Judge placed the offending in Category 1 and started at 16 months to reflect the late plea. He declined to suspend the sentence saying that immediate custody for an offence as unpleasant as this was the appropriate punishment. Held. This was a very disturbing incident. The physical injuries may have been relatively minor but the nature of the incident itself was not. Harm was high given the additional elements of humiliation and degradation. However, there were no elements of higher culpability and so we place the offending at the top end of Category 2. After a small reduction for mitigation represented by D's lack of previous convictions and the late plea, **10 months**, not 16 months.