

41.8 *Long periods are counter-productive*

R v Cunningham 2019 EWCA Crim 956 D pleaded to aggravated vehicle taking and driving with no insurance. He drove a Range Rover when chased by a police car for around 12 minutes. His speeds ranged from 20 mph to the 'high end of 60 mph' in a 30 mph area. D drove through three red lights, drove on the wrong side of the road and overtook stationary vehicles waiting at a set of traffic lights. At the end of the chase, D leapt from the still-moving vehicle and ran off. The car crashed into a bus shelter. D was aged 20 when sentenced and had previously received 3 years for drug offences. He had been recalled on licence for that offence. D received 16 months. Held. 5 years' disqualification (with the 8-month extension) will have a considerable effect on D when he is released from custody and he has no history of previous driving offences, so **3 years** (with the 8-month extension).

44.7 *Must warn defence advocate*

R v Branson and Taylor 2019 EWCA Crim 735 T was convicted of conspiracy to supply class A drugs and fraud. He had pleaded to possession of cannabis. The prosecution case was that T was a trusted lieutenant of the controller of the drug gang, AA, and drove AA around on occasions. T was sentenced to 9 years with 6 months' consecutive for the fraud. The Judge, without warning the defence, disqualified T for 12 months with an extension. Held. The Judge was plainly entitled to disqualify T. However, he should have raised the matter with counsel and had he done so counsel could have made submissions. Disqualification was not necessary, so we remove it.

Note: The implication was that had the defence been able to make submissions in the Crown Court, the Court would have upheld the order as it was an order within the Judge's discretion. As the defence were denied an opportunity to make those submissions it would be wrong to uphold it as the submissions might have been successful. Ed.