

**215.16 *Genuine mistake***

*R v Randall* 2014 EWCA Crim 71 D pleaded to failing to surrender. He appeared at the Magistrates' Court for a robbery charge. Conditional bail was renewed and a preliminary hearing was ordered to take place at the Crown Court some two weeks later. D failed to attend and the Judge issued a warrant. He was arrested at his mother's house the following afternoon. On arrest he told the officer that he thought he was in court the following day. When aged 18, D had two convictions for failing to comply with community orders. Held. D made a mistake, albeit as a result of negligence on his part. This type of offence is not dealt with by the guidelines. Even if the Judge had rejected D's account and found that he deliberately failed to attend, the starting point would only have been 14 days before discount for the plea. On the basis that this was a negligent failure to attend, the entire sentencing range in the guidelines fell below custody. The single day that D spent in custody from arrest to court appearance would have been sufficient. **1 day** not 30.