

**344.4** *Pre-guideline cases*

*R v F* 2014 EWCA Crim 539 LCJ D was convicted of common assault and committing an offence with intent to commit a sexual offence. His neighbour, V, asked D if she could borrow his lawn mower as hers was broken. D said he would mow the lawn for her. V said she would pay him or give him a bottle of wine. D said a blow job would do. V thought he was joking. The next day, D mowed the lawn and afterwards V offered him £10. D said that that was not what they had agreed, that V knew what he wanted and that he had "...been thinking about it all night". D then grabbed V's arms and pulled her into the living room onto a couch. D said, "It won't take long" and "it's not that big". V managed to free herself and noticed his flies were unzipped. There was a bruise on one of V's arms. D was aged 69 with no convictions. Since the offence he had received three conditional discharges for benefit fraud. V felt she had no option but to move house because of her apprehension if she stayed. Held. The sex offence for the section 62 count must have been rape (oral sex). However he didn't get very far and stopped when he realised she would not agree. The incident was over very quickly. D was now prepared to move. With that and the other factors, **1 year** not 2.