

225.6 *Cases*

R v Fuller 2013 EWCA Crim 2625 D pleaded (full credit) to three charges of assault by beating. D and his two brothers, B1 and B2, were involved in an altercation with two soldiers outside a nightclub which B1 later pleaded to GBH and B2 to ABH. D's offending consisted of a single blow to one of the soldiers and a later scuffle with the club doorman. The Judge highlighted alcohol as an aggravating feature of the offence but gave full credit. D was aged 19 and had no convictions. Held. The Judge was incorrect in putting the offences in category 1 of the guidelines. D became tainted with the much more serious offences committed by B1 and B2. **2 months** concurrent not 4, enabling him to be released immediately.

Note: When the Court said the case was not a Category 1 case, the clear implication is that the case should have been dealt with a non-custodial sentence. Ed.