

262.5 General offences

R v Pierre 2014 EWCA Crim 733 D pleaded to false imprisonment and ABH. D was part of a gang. The gang believed that V had made detrimental comments about them. V was lured to a flat belonging to another member of the gang. When asleep, V was kicked in the face by D. Others who were present looked on as he was kicked, slapped, punched, and bitten. He was unable to defend himself. The assault was filmed on a phone and forwarded to others using the BlackBerry Messaging service. After two hours, V nosedived through a window to escape. D, aged 26, had 11 convictions for 15 offences. The PSR highlighted his lack of empathy for V, saying D felt V had deserved what he got. Held. Gang behaviour could not be tolerated. The assaults were designed to be degrading. The Judge's starting point of 7 years could not be criticized. To give a distinction between H, the ringleader and D, his lieutenant. With full credit, **4 years 3 months** not 4 years 9.

See also: *Att-Gen's Ref No 9 of 2014* 2014 EWCA Crim 952 (Plea on day of trial (10% credit) to false imprisonment and ABH x5. Victim was next door neighbour. He was vulnerable. Made to live in the garage. Treated like a slave, shouted at, fed one meal a day and made to defecate in a bucket. He was free to leave but pressure exerted on him to remain. Routinely subjected to violence with weapons. Suffered bruising, swelling and fractures. 2½ years for false imprisonment consecutive to 4 years for the ABH, making **6½ years** which was not unduly lenient.)