

306.2 *Guideline cases*

R v Gomes-Monteiro and Others 2014 EWCA Crim 747 LCJ 1 It is important that the Youth Court plays the closest attention to the guidance given in *R v Povey* 2008. Given the prevalence of knife crime among young persons, the Youth Court must keep a very sharp focus, if necessary through the use of more severe sentences, on preventing further offending by anyone apprehended for carrying a knife in a public place and to securing a reduction in the carrying of knives. It is important particularly in relation to knife crime that the guidance given in respect of cautions is aligned to the sentencing practice (as it should be in the light of our observation) in the Youth Court, the Magistrates' Court and the Crown Court.

306.7 *Article carried/held where public official etc. present*

See also: *R v Fryer* 2014 EWCA Crim 1004 (Early plea to possession of a bladed article. Disagreements with staff at the job centre. Decided to make a public protest against what he perceived to be the incorrect stoppage of his benefits. Attended job centre with knife with 6-inch blade. Attached himself to a radiator with plastic handcuffs, put the knife on the floor and declared he wasn't leaving until he received his money. PSR noted high risk of harm. Aged 49. Previous for manslaughter by stabbing in 1988. Very serious offence. Not far below the worst category of such offences. Starting at 3½ years, not 4 (the maximum), was appropriate. Full credit. **28 months** not 32.)

306.7a *Previous convictions for knife crime*

R v Lally 2014 EWCA Crim 1090 D pleaded to possession of a bladed article. In the early hours of the morning, he was arrested by the police after a fight. He was not charged, his case being he was attacked and was defending himself. On arrival at the police station, he informed the police he had a 'tool' in his sock. A plain knife in a sheath was found. He also had a small amount of cannabis (fined in separate proceedings). D had previous for violence including robbery with a knife and received a 12-year extended sentence for manslaughter committed with a knife. He was subject to a suspended sentence imposed for ABH at the time of the instant offence. A psychiatric assessment revealed no mental illness but a high risk of harming others due to his weapon carrying, use of alcohol and drugs propensity for extreme violence when angry and criminal associations. D told the assessor he would stab and torture anyone that crossed him and would have no feelings about it. The Judge imposed 2½ years and activated the 9-month suspended sentence in full. Held. In a case such as the present where D not only had an appalling history of serious knife crime but had also expressed current intention to use a knife to inflict terrible injuries, a sentence close to the statutory maximum cannot only be expected but it necessary to protect the public. Given D's record and expressed intention of harming people, the Judge was entitled, to perceive a sinister intention in his having concealed a knife about his person. With a 20% plea credit, there was nothing excessive about **2½ years**. Suspended sentence activation reduced because of part compliance etc. from 9 months to 3. 2 years 9 months in all.

¹ This case is also referred to as *R v Monteiro and Others* 2014 EWCA Crim 747.