

**358.6** *Relationship/ex partners etc.*

*R v Pilat* 2014 EWCA Crim 668 D pleaded to making a threat to kill. He was married to V for about 30 years. He lost his job and developed a drink problem. He started to abuse V and tried to make her feel worthless. The police were called on numerous occasions. One evening, V woke to find D sitting on the bed, holding a large knife above her with the blade pointing toward her. V said it was the sharpest knife in their knife block. D told her he would kill her and then himself. V tried to phone the police but D stopped her. V locked herself in the lavatory and called the police. D, aged 53, had a drink/drive conviction for which he was then on bail. The PSR was 'distinctly unfavourable' to D, saying that D did not recognise the harm he had caused and minimised his responsibility. Held. This domestic violence was the culmination of months of worsening behaviour from D toward his wife. We start at 27 months not 5 years 3 months, so with the early plea, **18 months** not 3½ years.

*R v J* 2014 EWCA Crim 849 D pleaded to making threats to kill (×2). He had been in a relationship with V for four years. It was tempestuous and characterised by frequent arguments and subsequent reconciliations. He became aware that V was carrying his child. At that time they were not speaking due to an unrelated argument. D attempted to contact V but she did not respond. He was upset because V said she was considering terminating the pregnancy. When V was not answering her phone or responding to text messages, D asked his mother to intervene. He told his mother that he intended to kill V if she aborted the child. However the basis of plea stated that he did not intend to carry out the threat. His mother reported the threat to the police and while she was at the station D phoned her, again threatening to kill V if she aborted the child. Officers overheard the conversation and described D as being very angry. D also said he said he had taken legal advice as to the likely sentence he would receive for murder in these circumstances. D had a poor record, involving 30 previous offences including criminal damage, arson, perverting the course of justice and dishonesty offences. A number of his convictions involved him assaulting or harassing previous girlfriends. In 2010 he received a Restraining Order for harassment and was subsequently given a custodial sentence for breaching that order. He was in breach of a Community Order imposed in 2012 for assault and battery on a young woman when he committed the instant offences. D had been physically and sexually abused and was taken into care at an early age. He had had over 500 foster carers. Held. The threats persisted over a very short period of time (less than two days) and were not communicated to V. D was unstable and vulnerable and was acting under some real emotional pressure. Allowing for his previous convictions, 24 months was appropriate. The late plea would attract no more than 1/6 discount. **20 months** not 30.