

73.7 Judge must sentence for the offences the defendant had pleaded to/been convicted of Using other incidents not charged to show offence was not an isolated incident

See also: *R v Burrowes* 2014 EWCA Crim 1401 (The Judge took into account one of the bad character incidents, which she said showed that D was part of a paedophile ring. The prosecution on appeal said the incident showed the indicted offence was not an isolated incident. Held. It should not have been used to aggravate this offence.)

73.21 Evidence Using evidence from co-defendant(s) trial

R v Murray 2014 EWCA Crim 195 D pleaded to conspiracy to import drugs. There was a basis of plea. L was convicted of the same count. The prosecution said in effect the basis of plea was a matter for the Judge. The Judge relied on L's evidence for D's sentence. Held. That evidence may have had self-serving aspects. If the Judge was not going to hold a *Newton* hearing he should not have relied on the evidence. Sentence reduced.

73.75 *Newton* hearing abandoned Loss of guilty plea credit

R v Duggan 2014 EWCA Crim 1368 D pleaded at the earliest opportunity to causing serious injury by dangerous driving. D and V had been involved in an altercation in a pub with D offering to 'take the matter outside'. Bystanders subsequently intervened and escorted D to her car, which she got into. V then approached D and there was a verbal altercation. D refused to get out of her car and instead tried to drive out of her parking space. She manoeuvred two to four times to try and get out, but on the last occasion D crushed V against a parked car. V had a fractured femur but suffered no continuing disability. During sentencing, D interrupted the Judge as he described the dangerous driving as involving "three reversing manoeuvres" and shouted, "It didn't". The Judge immediately decided to hold a *Newton* hearing. The matter was adjourned and about two months later at the intended hearing two witnesses turned up. D accepted the facts and a hearing was no longer needed. Subsequently, the Judge only awarded D 10% credit. Held. It was unnecessary to adjourn for a *Newton* hearing as the matter could have been clarified then. D should therefore receive a full one third credit.