

**11.39 Double jeopardy reduction**

*Att-Gen's Ref Nos 4-8 of 2014* 2014 EWCA Crim 651, 2 Cr App R (S) 51 (p 414) para 43 Double jeopardy should not feature to any great extent in cases where significant custodial sentences are imposed.

*Att-Gen's Ref No 45 of 2014* 2014 EWCA Crim 1566 LCJ D pleaded to two counts of conspiracy to supply and was sentenced to five years. D was subsequently convicted of rape and sentenced to five years to run concurrently with his six-year sentence for the drugs offences. Held. The order to make the sentences concurrent made the rape sentence unduly lenient. The principle of double jeopardy remains. [However sentencing has changed considerably since 2006.] This court is more conscious of the position of victims. It is entirely proper for the Court not to refer to 'double jeopardy' where there is no reduction for it in sentencing. In future, the Court of Appeal will not refer to 'double jeopardy' where no question of the consideration of double jeopardy arises. The principle does not arise here.

*Att-Gen's Ref No 59 of 2014* 2014 EWCA Crim 1926 The principle of double jeopardy, in our view, has little, if any, effect in a case of this kind given it does not fall into the exceptional category identified in *Att-Gen's Ref No 45 of 2014* 2014 EWCA Crim 1566 at para 20. A significant sentence of imprisonment, (2 ½ years) was imposed by the trial judge in any event, the case was referred speedily to this Court and we are particularly conscious of the consequences of these offences for the victims.