

242.16 *Conduct of the defence during a trial*

R v Perrett 2019 EWCA Crim 695 D was convicted of six counts of indecent assault against a boy. She had sex with a 14-year-old boy, B, on two occasions. The Judge said D sought to blacken B's character with fictitious accusations of blackmail and counter-allegations of serious sexual misconduct, including attempted rape. Further, D had sought to diminish B's credibility by an extensive examination of B's medical and mental health history. The Judge treated the allegations as significant aggravating features for the sentence. Held. The attempted rape suggestion was a gratuitous allegation. No complaint can be made about the Judge's approach.

242.13a *Deportation Don't adjust sentence to prevent or assist deportation*

R v Alkidar 2019 EWCA Crim 330 LCJ D pleaded to using threatening words to provoke fear of violence. D was a failed asylum seeker with mental health problems. Held. It appears that the Judge ignored fundamental sentencing principles to increase the custodial term to engineer deportation. That was simply not permissible.

242.54 *Release Don't take release into account etc.*

Att-Gen's Ref 2018 Re Osborne 2018 EWCA Crim 2958 D was convicted of attempted GBH. He lured a prostitute to his flat and attacked her with a hammer. Six months before the offence he had been released from a custody for life sentence. That sentence was for manslaughter on the grounds of diminished responsibility where D had made a surprise attack on a good friend. The Judge passed a determinate sentence because D was subject to a life licence. Held. That was contrary to principle as release dates should be left out of sentencing. Extended sentence substituted.