

306.12 Possession Transmitting/receiving devices etc. in prison

R v Timmins 2018 EWCA Crim 2579, 2019 Cr App R (S) 39 (p 271) D pleaded to possession of a mobile phone and unauthorised transmission of an image. When D was remanded in custody for dangerous driving and disqualified driving, he made a video of his cell using his mobile. The images, with others, were posted on Facebook and Instagram. D then received 19 months for the driving offences. His cell was searched and his mobile was found. D was then released on licence but five months later drove dangerously when disqualified and received 22 months' imprisonment. D was now aged 38 and had 106 previous convictions on 50 occasions. They were mostly road traffic, Theft Act 1968 or criminal damage offences. In 2013, he had a conviction for conveying a mobile into prison. The Judge said there was a need to deter others, the offending was for 'months' and for the transmission offences he started at 18 months and with D's late plea made that **16 months**. The defence said that with a 2-year maximum sentence, 18 months was too long for use of a mobile for non-criminal purposes. Held. As there was only a 2-year maximum there will inevitably be bunching at the top of the range. That means less scope to draw distinctions between different offences. The sentence was a global sentence. A stern penalty was expected. We dismiss the appeal.

306.14 Prison officers as defendants

See also: *R v Bennett* 2019 EWCA Crim 792 (D pleaded to misconduct in public office, supplying drugs, possession with intent to supply and conveying a List A article into prison. D was a probationary prison officer at a Young Offender Institution. She had sexual contact with four prisoners followed by letters each way and mobile calls. D also advised one prisoner about how to be housed with his friends when they were security concerns about that. She warned inmates about cell searches. She also advised how to defeat the mobile phone blocking system. 56 grams of skunk was found in her jacket. She admitted she was intending to pass that to a prisoner. D also admitted doing that the previous day. 123 grams of synthetic cannabinoids were found at her home address. The total value of the drugs (both found at her home address and passed or intended to be passed to prisoners) was in the order of £10,000. D was aged 44 and had previously been in the RAF and the police. She suffered from depression and anxiety. The defence said the starting point of about 9½ years was too high. Held. **6½ years** was a very severe sentence but was not manifestly excessive.)