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IN THE COURT OF APPEAL
CRIMINAL DIVISION

Case No: 2017/03760/A3



Royal Courts of Justice
The Strand
London
WC2A 2LL

Neutral Citation Number: [2023] EWCA Crim 1678

Thursday 14th December 2023

B e f o r e:

LORD JUSTICE DAVIS

SIR DAVID CALVERT-SMITH

THE RECORDER OF MIDDLESBROUGH

(His Honour Judge Bourne-Arton KC)

(Sitting as a Judge of the Court of Appeal Criminal Division)

ATTORNEY GENERAL'S REFERENCE

UNDER SECTION 36 OF

THE CRIMINAL JUSTICE ACT 1988

R E X

- v -

W K

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APPROVED JUDGMENT

Thursday 14th December 2023

LORD JUSTICE DAVIS:

1. On 13th October 2017, this court handed down a judgment allowing an appeal on a Reference by the Attorney General: see [2017] EWCA Crim 1684. The judgment of the court was specific that the sentence imposed in the Crown Court below – a total custodial term of 12 years' imprisonment, with an extended licence period of one year on counts 3 and 4, under section 236A of the Criminal Justice Act 2003 – should be increased to a total custodial term of 16 years' imprisonment, with the like extended licence period. The order as drawn up on that date was likewise specific as to that being the total sentence.

2. However, it has recently been identified that there has been a lack of clarity in paragraph 31 of the judgment as to how, by reference to the combination of concurrent and consecutive individual sentences on certain of the individual counts, that total sentence was to be made up. That lack of clarity is in consequence replicated in paragraph (3) of the order. That, in turn, has given rise to a further potential ambiguity as to the release date of the offender.

3. Clearly matters should be rectified so as to give effect to the undoubted overall intention of this court. The parties have been notified and have raised no objection to the proposed adjustments.

4. In consequence, paragraph 31 of the judgment of the court is to be adjusted and paragraphs (3) and (4) of the order are to be rectified so that it is specified in paragraph (3) that the sentence on count 22 is to be expressed as one of 18 months' imprisonment, consecutive; and the sentences on counts 26 and 32, whilst remaining concurrent inter se, are to be six and a half years' imprisonment, consecutive. In paragraph (4), the sentence of four years' imprisonment on count 23 is to be expressed to run concurrently. The remainder of the

sentence is affirmed.

5. These adjustments are designed to reflect the intention of the court and to achieve the specified result of a 16 year custodial term, with a one year extended licence period.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

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