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IN THE COURT OF APPEAL
CRIMINAL DIVISION

Case No: 2022/01661/A4

Neutral Citation Number: [2023] EWCA Crim 1198



Royal Courts of Justice
The Strand
London
WC2A 2LL

Thursday 5th October 2023

B e f o r e:

LORD JUSTICE STUART-SMITH

MR JUSTICE CHOUDHURY

THE RECORDER OF NOTTINGHAM

Her Honour Judge Shant KC

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

R E X

- v -

B G W

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Miss S Harris appeared on behalf of the Appellant

Mr D Markham appeared on behalf of the Crown

J U D G M E N T

Thursday 5th October 2023

LORD JUSTICE STUART-SMITH: I shall ask Mr Justice Choudhury to give the judgment of the court.

MR JUSTICE CHOUDHURY:

Introduction

1. No matter relating to the victim in this case shall during his lifetime be included in any publication if it is likely to lead members of the public to identify him as being a person concerned in the proceedings. Without prejudice to the generality, the following matters shall not be included in any publication during his lifetime if their inclusion is likely to have the result mentioned: (a) his name; (b) his address; (c) the identity of any school or other educational establishment attended by him; (d) the identity of any place of work of his; and (e) any still or moving picture of him.

2. On 21st January 2022, following a trial in the Crown Court at Harrow before His Honour Judge Cole and a jury, the appellant (then aged 17) was convicted of two counts of conspiracy to kidnap (counts 1 and 4), two counts of conspiracy to commit false imprisonment (counts 7 and 9), and two counts of conspiracy to blackmail (counts 8 and 10).

3. On 29th April 2022, he was sentenced by the trial judge on each of those counts to concurrent extended sentences of 15 years and 6 months, comprising a custodial element of 10 years 6 months and an extended licence period of 5 years.

4. The appellant appeals against those sentences with the leave of the single judge.

The Background

5. The offences arose in the context of two episodes of kidnap involving the same victim.

The appellant and the complainant, a 17 year old male, had been friends. The complainant borrowed £500 from the appellant and, although he paid it back, the appellant wanted more money from him. Interrogation of the appellant's phone showed communication with the complainant prior to the first set of offences in September 2020 with references to the money owed and the need to repay the debt one way or another, including asking the complainant to move and collect drugs for the appellant as a way of repaying the debt. The complainant refused to do so.

The First Kidnapping

6. On 25th September 2020, the complainant went to Harlesden to buy an electric scooter about which somebody had messaged him. He communicated by phone with the apparent seller who was in fact one of the co-accused in the case. He was met by one of the defendants ("Defendant 1") and then led to where the appellant and others were waiting. They demanded money from him. He was punched and slapped and then taken to a block of flats near Harlesden Station and held until the complainant's family paid £300. On that occasion the family paid the ransom without police involvement. The complainant was released at around midnight on 26th September, having been held against his will for a period of some five hours. The police only became involved after the complainant had been released. He did not want to take the matter further with the police at the time.

7. After this episode the complainant moved out of London and stayed with relatives as his family were concerned for his safety.

The Second Kidnapping

8. On Saturday 5th December 2020, the complainant travelled to Watford to meet a girl. He also agreed to meet another defendant ("Defendant 2"), who had been his friend for six years and who was also a friend of the appellant. Defendant 2 had not been involved in the events

of 25th September, and, in any event, the complainant thought that the debt situation with the appellant had ended.

9. The complainant planned to meet Defendant 2 by an underpass near Watford railway station and then meet the girl at another location. Defendant 2 did not show up at the agreed location. He messaged the complainant that he could not find him. He was met by the appellant and others in the underpass. One of the group had a knife. They told the complainant that they wanted more money. The appellant had by this time increased the debt from £500 to £1500. The appellant said that the complainant had "cussed his mother" and he demanded £3,000. After the first kidnap, the complainant had spoken disparagingly about the appellant and his family to a person he believed to be a friend. However, he later discovered that the appellant had set up a false account in that person's name, and that the complainant had in fact been unknowingly communicating with the appellant all along.

10. The appellant told the complainant that he was to be taken to Stonebridge. The appellant was with another male who had a knife and held it to the complainant's back. The complainant's phone was taken, and he was made to get into a cab with the others and told to pull up his Covid mask to cover his eyes. He was in the back seat, sandwiched between the appellant and another male. He was taken to a block of flats in Stonebridge, and then moved to another address. Before being moved to the second address he was threatened that he would be stabbed if he spoke. He was beaten by a group which increased in number to around nine people by the time they reached the second address. One of those who joined the group was Defendant 2. All of the others were masked.

11. Once inside the flat the complainant was beaten, including with saucepans, a belt and a gun. At times he thought he would be killed. The appellant told the person who lived at the flat that the complainant would be staying a couple of days and that person said that he

wanted £50 from the group, which he was told he would receive. The complainant was kept at the flat. Another person who happened to be at the address had a broken foot and was using crutches. Soon after he arrived the complainant was stripped and beaten by the appellant with those crutches.

12. The complainant was prevented from leaving, and some of the group were stationed outside the front door. The group used the complainant's thumb print to open his phone and then changed the password. They obtained the PIN for his online banking. His phone was never returned to him. Two males were later seen to use the bank card to withdraw money from a petrol station and from an ATM.

13. The complainant's family were called, and he spoke to them. The appellant controlled the calls. The complainant said that the appellant had hit him with a crutch and with a gun and had threatened him with a knife. During his ordeal the complainant was subjected to humiliating treatment and made to strip naked. Videos of some of his ordeals were sent to several members of his family. His mobile phone was taken by the appellant. Repeated demands for money were made to the complainant's family using his mobile phone. The complainant's family transferred some money. The family called the police after the ransom calls had been made, and the police arranged for the ransom cash to be placed in a car in Harlesden.

14. Officers observing the vehicle saw Defendant 1 and another person approach it and remove an envelope containing £500 in cash.

15. When the complainant's uncle attempted to contact his nephew, he was told by an unknown male that if he did not pay £3,000 then the complainant would be stabbed and killed.

16. The complainant suffered injury to his nose, facial bruising, including a black eye, and severe bruising to both his upper arms and multiple scratches to his arms, chest and back.

17. The complainant's ordeal only ended when he was released on the morning of 7th December 2020. He had been held against his will for around 36 hours.

The Trial and Sentence

18. The appellant was tried with two co-defendants. The trial lasted some two months. His two co-defendants were also convicted on the same charges of conspiracy to kidnap, false imprisonment and blackmail.

19. A further four co-defendants were convicted on some or all of the similar charges against them, following a trial in July 2023. One had previously pleaded guilty to two of the charges against him. They are all due to be sentenced on 6th October 2023 in the Crown Court at Harrow. Two were acquitted of all charges, and a further two remain at large, having never been charged.

20. In clear and cogent sentencing remarks, the judge took account of a detailed pre-sentence report, a psychologist's report and a report on the appellant's educational progress in detention.

21. The psychologist's report noted in particular that the appellant had trouble settling in school due to his "impulsivity" and suffered from "complex PTSD", as a result of abuse at the hands of adults at a boarding school in Kenya, which he had attended some years earlier. This results in "irritable behaviour and angry outbursts, reckless or self-destructive behaviour, problems with concentration, feelings of detachments (sic) from others, sleep disturbance,

cognitive distortions with self-blame". The report concluded that the appellant is a "highly vulnerable young person".

22. The judge also considered the impact of the offending on the complainant and his family. He noted the injuries suffered by the complainant which, as we have said, included bruising and grazes to his face, limbs, wrists, hands and back, and his fear during the second kidnapping that he would die.

23. Whilst there are no guidelines applicable to these offences, the judge took account of the guidelines on sentencing children and young persons ("the youth sentencing guidelines"), and he took account of relevant authorities.

24. As to the appellant's role in the offending, the judge concluded that although he was the youngest, the appellant was "clearly the architect and driving force of both kidnaps and the only defendant to be facing both sets of offending". The judge formed the view that the appellant is highly "manipulative, controlling and ruthless", and that he played a "leading role" in the crimes.

25. The judge then took account of numerous aggravating features, including the fact of planning and organisation, the attempts to blame an innocent and vulnerable third party, and the attempts to persuade the complainant to sell drugs for him in lieu of the debt.

26. As to mitigation, the judge said as follows:

"Personal mitigation. Obviously, age, 17, 16 during the offences. I will put this shortly and to be sensitive about it, abuse in Kenya, post-traumatic stress disorder although, in my judgment, that disorder did not have any particular link to the type of offending that was caused here; lack of previous

convictions; and doing well in custody. I form the view that he is an intelligent young man who seems to be now on the path to obtaining qualifications that befit his intelligence."

27. After considering the position of the co-defendants, the judge proceeded to sentence the appellant as follows:

"... as an aggregate total sentence in your case, I adopt a starting point, for a mature offender, had you been a mature offender, of 16 years' custody. With an age-based reduction, and taking account of all the other personal mitigation, and to a much lesser extent the difficult conditions there have been in custody during the pandemic, the sentence for all counts in your case, the determinate part of it, will be ten and a half years' detention on each count, concurrently. I make that under section 250 of the Sentencing Act 2020.

In your case, I have to consider dangerousness. I note and endorse the conclusion in the pre-sentence report that you are a high risk of harm caused to the community. Having been through all the steps under section 254 of the Sentencing Code, I find these are specified offences, it is one where detention under section 250 is appropriate and that there is a significant risk to members of the public of serious harm occasioned by the commission of further specified offences.

In coming to that conclusion, I have considered a combination of the following factors. One, first and foremost, your decision to take [the complainant] as a hostage for ransom on two separate occasions. Two, the degree of violence and planning involved. Three, your blaming of another man ... right up to the first day of trial, before you changed the nature of your defence, a man with dementia who resided at a drugs stronghold that you decided to take [the complainant] to. Four, that cell letter demonstrating a continuing desire to control others whilst in custody.

There will therefore be an extension period for each of these determinate sentences of five years. So, for each offence there will be a concurrent ten and a half year sentence with a five year extension, meaning the total sentence is 15 and a half years."

28. In relation to the co-defendants, the judge took a lower starting point of 11 years on

account of their more limited role in the offending. They were not found to be dangerous, and the judge passed the sentences to which we referred earlier.

The Appeal against Sentence

29. The appellant lodged Grounds of Appeal in May 2022. The first ground of appeal is that a greater reduction than the one-third applied by the judge was warranted, given the appellant's young age and his particular vulnerabilities and mitigation; in particular his history of sexual and childhood trauma and his diagnosis of PTSD and ADHD merited a further downwards adjustment. The second ground is that the disparity in the sentence imposed upon the appellant and that imposed upon his co-defendants was excessive, given that all three were involved in the later, more serious of the two kidnapping episodes.

30. Following the grant of leave by the single judge, the matter came before a different constitution of this court in February of this year. It was apparent at that stage that further information in the form of medical and other reports would be necessary in order to form a fair assessment of the appellant's position. The hearing was therefore adjourned to enable those reports to be lodged.

31. This court has had the benefit of the following reports, which were not available to the judge at the time of sentence:

(1) An updated prison report dated 12th May 2023, which noted, amongst other things, that the appellant "continues to struggle with PTSD" and "struggles to engage with the custody regime due to fear or threat of violence".

(2) A psychology report from Dr Parker, dated 15th March 2023. This notes, amongst other matters that:

"[The appellant] described a number of trauma symptoms which were having a significant impact on his functioning both in custody and prior to entering custody. [The appellant] described both flashbacks and intrusive thoughts of his trauma, which cause very significant distress. Additionally, [he] described avoiding certain situations, as well as avoiding conflict with others in order to manage his trauma symptoms. This can cause [him] to acquiesce and make it challenging for him to stand up to those he disagrees with or to advocate for his own needs effectively. [He] described several triggers which present regularly in custody and significantly increase his trauma symptoms, including confined spaces and the sound of keys being used.

...

A pre-existing diagnosis of ADHD exists for [the appellant] ... [for which he was on stable medication which he found helpful]

...

[The appellant's] significant trauma history alongside his ADHD diagnosis and longstanding social anxiety means that [he] can present as highly vulnerable in a custodial setting. He has been able to develop strong relationships with staff with significant support, however without his current supports, [he] would present as vulnerable to influence by peers in order to avoid conflict and due to his impulsivity. [He] is also at risk of self-isolation and significant deterioration in mental health within custody without access to his current robust support network as the prison environment presents multiple scenarios in line with [his] trauma triggers (being locked in rooms, the sound of keys, smaller spaces)."

Despite these difficulties, it was noted that the appellant had engaged

"exceptionally well with a number of mental health professionals".

(3) A psychiatric report from Dr Farnham, dated 19th June 2023. His conclusions are summarised at paragraphs 70 to 77 of the report as follows:

"70. [The appellant] is now 18 years old. It appears from his account that he struggled with hyperactivity and attention deficit as a child and was the subject of a managed move culminating in him attending a pupil referral unit. He was

subsequently taken to a school in Kenya where it appears he suffered severe physical and sexual abuse. It appears that this abuse has contributed to and aggravated his various mental health difficulties and has adversely shaped his personality structure. It appears that much of the previous concern about possible learning disability arose as an artefact of PTSD and partially treated ADHD. However, he presents with features suggestive of mild language and cognitive difficulties.

71. I have been asked to consider, from a psychiatric perspective, the impact of punishment on a child or young person in comparison to an adult, and the factors that a Court should take into account including:

1. Any mental health problems or learning difficulties/disabilities;
2. Any experiences of brain injury or traumatic life experience (including exposure to drug and alcohol abuse) and the developmental impact this may have had;
3. The vulnerability of children and young people to self-harm, particularly within a custodial environment; and
4. The effect on children and young people of experiences of loss and neglect and/or abuse.

72. With respect to the court, in [the appellant's] case it seems to me, from a psychiatric perspective, that there are two broad areas that are relevant to these considerations. The first is age and relative immaturity and the second is the presence of mental disorder.

73. I understand the normal meaning of maturity to be, 'the state of being mentally and emotionally well-developed, and therefore responsible' (Cambridge English Dictionary). In psychological terms maturity can also be considered as the ability to respond to the environment in an appropriate manner.

74. It is generally now understood that the brain does not fully mature until an individual is in their mid-twenties. Before that age, people tend to respond to situations emotionally rather than rationally as the parts of the brain responsible for rational judgement are not fully developed.

75. In my opinion [the appellant] suffers from ADHD, complex PTSD and a mood disorder that is probably best described as recurrent depression. I have attached the World Health Organisation's International Classification of Diseases Edition Eleven (ICD-11) diagnostic criteria for these conditions

as an appendix to this report.

76. In my view his age and pre-existing conditions are such that he is likely to lack maturity, compared to an adult over the age of 25 and compared to somebody without his pre-existing mental conditions.

77. As regards the effect of punishment in my opinion [the appellant] suffered significant emotional, physical and sexual trauma in Kenya, sufficient to lead to a diagnosis of complex PTSD, on the background of pre-existing ADHD and low mood. These traumatic experiences are likely to have affected the development of his personality and psychological functioning and left him with certain vulnerabilities such as problems with low mood and with controlling his mood, feelings of guilt and worthlessness and problems being close to others. With respect to the court, [the appellant's] depression, ADHD and psychological reactions to trauma, including complex PTSD, are all likely to render him more vulnerable to further deteriorations of his mental health in custody, including increased risk of self-harm, compared to somebody without these conditions."

32. In helpful submissions before us, Miss Harris submits that these further reports demonstrate both the connection between the appellant's PTSD and ADHD, and the poor behavioural and criminal choices he has made. She also drew to our attention the severe additional impact that custody is having and will continue to have on him because of those conditions, particularly the PTSD.

33. Mr Markham, on behalf of the Crown, submits that the grave, repeated nature of the offending, which resulted in considerable harm, means that, notwithstanding the further information, the judge's conclusions as to culpability remain sound.

Discussion: Ground 1

34. Paragraph 6.46 of the youth sentencing guidelines provides:

"6.46 When considering the relevant adult guideline, the court **may** feel it appropriate to apply a sentence broadly within the

region of half to two thirds of the adult sentence for those aged 15 – 17 and allow a greater reduction for those aged under 15. This is only a rough guide and must not be applied mechanistically. In most cases when considering the appropriate reduction from the adult sentence **the emotional and developmental age and maturity of the child or young person is of at least equal importance as their chronological age.**"

35. In giving the judgment of the court in *R v ZA* [2023] EWCA Crim 596, William Davis LJ at [82] provided helpful guidance on the approach to be taken in sentencing children and young people. The following subparagraphs of that guidance are of particular relevance here:

"82. ...

(5) The contents of the Youth Justice Service pre-sentence report and any medical/psychiatric/psychological reports will be key. Courts should consider these reports bearing in mind the general principles at section 1 of the overarching youth guideline, together with any youth-specific offence guideline, carefully working through each.

(6) In general, it will not be helpful to go straight to paragraph 6.46 of the overarching youth guideline without having first directed the court to general principles canvassed earlier in that guideline, as well as to any youth-specific guideline. The stepped approach in the overarching youth guideline and any youth-specific offence guideline should be followed. Working through the guideline(s) in this way will enable the court to arrive at the most appropriate sentence for the particular child or young person, bearing in mind their individual circumstances together with the dual aims of youth sentencing."

These passages highlight the importance of considering the general principles in section 1 of the youth sentencing guidelines, before proceeding to apply a discount in line with the guidance in paragraph 6.46 thereof. Whilst all of those principles are to be taken into account in sentencing children and young people, we highlight the following which are of particular significance in the present case:

"1.1 When sentencing children or young people (those aged under 18 at the date of the finding of guilt) a court must have regard to:

- the principal aim of the youth justice system (to prevent offending by children and young people); and
- the welfare of the child or young person.

1.2 While the seriousness of the offence will be the starting point, the approach to sentencing should be individualistic and focused on the child or young person, as opposed to offence focused. For a child or young person, the sentence should focus on rehabilitation where possible. A court should also consider the effect the sentence is likely to have on the child or young person (both positive and negative) as well as any underlying factors contributing to the offending behaviour.

...

1.5 It is important to bear in mind any factors that may diminish the culpability of a child or young person. Children and young people are not fully developed, and they have not attained full maturity. As such, this can impact on their decision making and risk-taking behaviour. It is important to consider the extent to which the child or young person has been acting impulsively and whether their conduct has been affected by inexperience, emotional volatility or negative influences. They may not fully appreciate the effect their actions can have on other people and may not be capable of fully understanding the distress and pain they cause to the victims of their crimes. Children and young people are also likely to be susceptible to peer pressure and other external influences and changes taking place during adolescence can lead to experimentation, resulting in criminal behaviour. When considering a child or young person's age their emotional and developmental age is of at least equal importance to their chronological age (if not greater).

...

1.8 The impact of punishment is likely to be felt more heavily by a child or young person in comparison to an adult as any sentence will seem longer due to their young age. In addition, penal interventions may interfere with a child or young person's education and this should be considered by a court at sentencing.

...

1.12 In having regard to the welfare of the child or young person, a court should ensure that it is alert to:

- any mental health problems or learning difficulties/disabilities;
- any experiences of brain injury or traumatic life experience (including exposure to drug and alcohol abuse) and the developmental impact this may have had;
- any speech and language difficulties and the effect this may have on the ability of the child or young person (or any accompanying adult) to communicate with the court, to understand the sanction imposed or to fulfil the obligations resulting from that sanction;
- the vulnerability of children and young people to self harm, particularly within a custodial environment; and
- the effect on children and young people of experiences of loss and neglect and/or abuse.

1.13 Factors regularly present in the background of children and young people that come before the court include deprived homes, poor parental employment records, low educational attainment, early experience of offending by other family members, experience of abuse and/or neglect, negative influences from peer associates and the misuse of drugs and/or alcohol.

...

1.16 Evidence shows that looked after children and young people are over-represented in the criminal justice system. When dealing with a child or young person who is looked after the court should also bear in mind the additional complex vulnerabilities that are likely to be present in their background. For example, looked after children and young people may have no or little contact with their family and/or friends, they may have special educational needs and/or emotional and behavioural problems, they may be heavily exposed to peers who have committed crime and they are likely to have accessed the care system as a result of abuse, neglect or parental absence due to bereavement, imprisonment or desertion. The court should also bear in mind that the level of parental-type support that a looked after child or young person receives throughout the criminal justice process may vary and may be limited. For example, while parents are required to attend court hearings, this is not the case for social workers responsible for looked after children and young people. In some instances, a looked after child or young person (including those placed in foster homes and independent accommodation, as well as in care homes) may be before the court for a low-level offence that the police would not have been involved in, if it had occurred in an ordinary family

setting.

...

1.20 When considering a child or young person who may be particularly vulnerable, sentencers should consider which available disposal is best able to support the child or young person and which disposals could potentially exacerbate any underlying issues. This is particularly important when considering custodial sentences as there are concerns about the effect on vulnerable children and young people of being in closed conditions, with significant risks of self harm, including suicide."

36. The other relevant guideline in this context is "Sentencing offenders with mental disorders, developmental disorders or neurological impairments", paragraph 22 of which provides:

"Custodial sentences. Where an offender is on the cusp of custody or detention, the court may consider that the impairment or disorder may make a custodial sentence disproportionate to achieving the aims of sentencing and that the public are better protected, and crime reduced by a rehabilitative approach. Where custody or detention is unavoidable, consideration of the impact on the offender of the impairment or disorder may be relevant to the length of sentence and to the issue of whether any sentence may be suspended. This is because an offender's impairment or disorder may mean that a custodial sentence weighs more heavily on them and/or because custody can exacerbate the effects of impairments or disorders. In accordance with the principles applicable in cases of physical ill-health, impairments or disorders can only be taken into account in a limited way so far as the impact of custody is concerned. Nonetheless, the court must have regard both to any additional impact of a custodial sentence on the offender because of an impairment or disorder, and to any personal mitigation to which their impairment or disorder is relevant."

37. Bearing in mind these principles, we turn to the various reports in this case. It is abundantly clear from those reports that the appellant's conditions and his complex PTSD render his experience of custody considerably more difficult and trauma-inducing than it might be for a young person without such conditions. It is less clear whether those conditions

and his childhood experiences of abuse and trauma were a contributory factor in the offending conduct so as to diminish his culpability. We note Dr Farnham's conclusion that "this abuse has contributed to and aggravated [the appellant's] various mental health difficulties and has adversely shaped his personality structure", and Dr Parker's view that the appellant is prone to impulsivity and is "vulnerable to influence by peers". However, the suggestion that the appellant was vulnerable to peer influence is somewhat at odds with the judge's clear findings based on seeing the appellant over several weeks, that the appellant was the "architect" of the kidnapping scheme and that he was a "manipulative, controlling and ruthless" individual. These findings are not challenged.

38. It is also relevant to note in this regard that the jury's finding of guilt tends to undermine the appellant's contention, relied upon as part of his defence, that he conducted himself as he did under duress and acted under the influence of older members of a criminal gang who required him to enforce a drug debt.

39. That said, the conclusions expressed as to the appellant's overall vulnerability and immaturity cannot be disputed. Nor can it be ignored that the very fact that a child as young as 16 can be found to have engaged in such serious criminal conduct may itself be evidence of a reaction to some earlier trauma.

40. Taking all of these matters into account, we are of the view, informed as it is by far more material than was available to the sentencing judge, that the severe impact of custody on the appellant is a factor to be taken into account as an aspect of personal mitigation in his favour. The judge noted that the appellant was "doing well in custody", but that does not, in our view, take account of the substantial obstacles that the appellant has had to and continues to overcome in order to do well. These obstacles are also likely to have an effect on the efficacy of efforts to rehabilitate.

41. Whilst we note that there is in the material before us a suggestion that culpability is also diminished, such diminution is, in our view, limited. It is, in our view, very much the appellant's vulnerability that causes us to reach the conclusions that we do in this case.

42. In our view, the appellant's age would of itself justify a reduction of at least one third from the starting point applicable to an adult offender. Personal mitigation in the form of the appellant's conditions and traumatic background, all of which go to making the experience of custody extremely difficult for him, as well as his good character, warrant a further substantial reduction. We consider that there is ample justification on the material before us for an overall reduction of one half from the 16 year starting point identified, correctly in our view, by the judge.

Ground 2

43. This ground was not developed. We can deal with it very briefly. In our view, the second ground of appeal is without merit. There were sound reasons for the imposition of longer sentences on the appellant, who was the only one involved in both episodes of kidnapping and was clearly the driving force behind them both. Moreover, the aforementioned further reduction in the appellant's sentence and consequential diminution of the difference in sentence renders the disparity argument weaker still.

Conclusion

44. Accordingly, for the reasons set out above, we quash the determinate sentence of 10 and a half years' detention on counts 1 and 4 (conspiracy to kidnap) and counts 7 and 9 (conspiracy to commit false imprisonment). In their place we impose determinate sentences of 8 years' custody on each of those counts.

45. We do not disturb the finding of dangerousness. Accordingly, an extended licence period remains appropriate. We see no reason to reduce the 5-year extension period imposed by the judge. Accordingly, the sentences on counts 1, 4, 7 and 9 will be an extended sentence of 13 years', comprising a custodial element of 8 years' detention in a young offender institution and an extended licence period of 5 years, to run concurrently on each count.

46. We have not imposed any extended sentences for the offence of conspiracy to blackmail. That is because, as the Registrar has helpfully identified, blackmail is not a "specified" offence within the meaning of section 255 of the Sentencing Act 2020, and an extended sentence is not available for that offence. The extended sentence imposed below was therefore unlawful.

47. Accordingly, we quash the extended sentence in respect of counts 8 and 10 (conspiracy to blackmail) and replace it with an ordinary determinate sentence of 8 years' detention in a young offender institution. This, too, will run concurrently with the other sentences.

48. To that extent this appeal is allowed.

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

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