Neutral Citation Number: [2019] EWCA Crim 1140

Case No: 201804472 A4 & 201900635 A4

IN THE COURT OF APPEAL (CRIMINAL DIVISION)
ON APPEAL FROM THE CROWN COURT AT WOOLWICH
HHJ FINUCANE QC
T20187167
ON APPEAL FROM THE CROWN COURT AT LIVERPOOL
HHJ WOODHALL
T20187038

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 03/07/2019

Before:

THE RIGHT HONOURABLE THE LORD BURNETT OF MALDON
LORD CHIEF JUSTICE OF ENGLAND AND WALES
THE RIGHT HONOURABLE LADY JUSTICE HALLETT
and
THE RIGHT HONOURABLE LADY JUSTICE RAFFERTY

- -

Between:

ARON STEFAN CHIN-CHARLES	**Applicant**
- and -	
REGINA	**Respondent**
ANTHONY CULLEN	**Applicant**
AND	
REGINA	**Respondent**

- -
- -

Mr Iain Edwards (instructed by **Wainwright & Cummins Solicitors**) for the **Applicant Aron Stefan Chin-Charles**
Mr Simon Heptonstall (instructed by **CPS Appeals and Review Unit**) for the **Respondent**
Mr Matthew Lawson (instructed by **Potter Derby Solicitors**) for the **Applicant Anthony Cullen**
Mr Simon Heptonstall (instructed by **CPS Appeals and Review Unit**) for the **Respondent**

Hearing dates: 6 June 2019

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Approved Judgment

The Lord Burnett of Maldon CJ:

Introduction

1. These two applications for leave to appeal against sentence have been listed sequentially for the court to consider the length, nature and structure of sentencing remarks in addition to the individual merits of the applications. We announced our decisions at the conclusion of the oral argument. This judgment records those decisions and gives our reasons for reaching them.

2. In both cases sentencing remarks were comprehensive. They set out in considerable detail the judge's reasons. In *Chin-Charles* the remarks for one defendant in a factually and legally simple drugs and causing grievous bodily harm with intent case ran to 17 pages of transcript. We attach them at annex A. At annex B we attach remarks that capture all that is necessary in a fraction over two pages. In the case of *Cullen* (sentenced with 19 co-accused in a complex drugs and weapons conspiracy) the remarks extended over 76 pages.

3. Statute dictates the nature and, to some extent, the content of sentencing remarks. Section 174 of the Criminal Justice Act 2003 as amended sets the parameters:

> "Duty to give reasons for and to explain effect of sentence
>
> (1) A court passing sentence on an offender has the duties in subsections (2) and (3).
>
> (2) The court must state in open court, in ordinary language and in general terms, the court's reasons for deciding on the sentence.
>
> (3) The court must explain to the offender in ordinary language—
>
> (a) the effect of the sentence,
>
> (b) the effects of non-compliance with any order that the offender is required to comply with and that forms part of the sentence,
>
> (c) any power of the court to vary or review any order that forms part of the sentence, and
>
> (d) the effects of failure to pay a fine, if the sentence consists of or includes a fine.
>
> (4) Criminal Procedure Rules may—
>
> (a) prescribe cases in which either duty does not apply, and
>
> (b) make provision about how an explanation under subsection (3) is to be given.

(5) Subsections (6) to (8) are particular duties of the court in complying with the duty in subsection (2).

(6) The court must identify any definitive sentencing guidelines relevant to the offender's case and—

(a) explain how the court discharged any duty imposed on it by section 125 of the Coroners and Justice Act 2009 (duty to follow guidelines unless satisfied it would be contrary to the interests of justice to do so);

(b) where the court was satisfied it would be contrary to the interests of justice to follow the guidelines, state why.

(7) Where, as a result of taking into account any matter referred to in section 144(1) (guilty pleas), the court imposes a punishment on the offender which is less severe than the punishment it would otherwise have imposed, the court must state that fact.

(8) Where the offender is under 18 and the court imposes a sentence that may only be imposed in the offender's case if the court is of the opinion mentioned in—

(a) section 1(4)(a) to (c) of the Criminal Justice and Immigration Act 2008 and section 148(1) of this Act (youth rehabilitation order with intensive supervision and surveillance or with fostering), or

(b) section 152(2) of this Act (discretionary custodial sentence), the court must state why it is of that opinion.

(9) In this section "definitive sentencing guidelines" means sentencing guidelines issued by the Sentencing Council for England and Wales under section 120 of the Coroners and Justice Act 2009 as definitive guidelines, as revised by any subsequent guidelines so issued."

4. Rule 25.16(7) of the Criminal Procedure Rules provides:

"When the court has taken into account all the evidence, information and any report available, the court must-

(a) as a general rule pass sentence at the earliest opportunity;

(b) when passing sentence –

(i) explain the reasons;

(ii) explain to the defendant its effect, the consequences of any failure to comply with any order or pay any fine, and any power that the court may have to vary or review the

sentence, unless the defendant is absent or the defendant's ill-health or disorderly conduct makes such an explanation impracticable, and

(iii) give any explanation in terms the defendant, if present, can understand (with help if necessary); and

(c) deal with confiscation, costs and any behaviour order."

5. Ancillary duties may include explicitly deducting any time which arises from the offender having been on a qualifying curfew and tag; and both considering a compensation order and giving reasons if one is not made.

6. Subsections 2 and 3, and the rule, are directed to ensuring that the offender understands the nature and effect of the sentence. The key to the nature of sentencing remarks is the use of the terms "in ordinary language" and "in general terms". The offender is the first audience because he or she must understand what sentence has been passed, why it has been passed, what it means and what might happen in the event of non-compliance. If the offender understands, so too will those with an interest in the case, especially the victim of any offence and witnesses, the public and press.

7. There has been a tendency in recent years, understandable but unnecessary, to craft sentencing remarks with the eye to the Court of Appeal rather than the primary audience identified by Parliament. This has led to longer and longer remarks. It is not unusual to find the equivalent of a judgment, with extensive citation of authority, detailed discussion of the relevant guidelines, expansive recitation of the various arguments advanced and a comprehensive explanation of the resolution of factual and legal issues. This should be avoided. The Court of Appeal always has the Crown's opening and any note for the sentencing hearing, and a record of mitigation advanced. In many cases both sides have produced notes for sentencing. The Court of Appeal will have the pre-sentence report. None should be exhaustively rehearsed in sentencing remarks and, if mentioned, only briefly.

8. The task of the Court of Appeal is not to review the reasons of the sentencing judge as the Administrative Court would a public law decision. Its task is to determine whether the sentence imposed was manifestly excessive or wrong in principle. Arguments advanced on behalf of appellants that this or that point was not mentioned in sentencing remarks, with an invitation to infer that the judge ignored it, rarely prosper. Judges take into account all that has been placed before them and advanced in open court and in many instances, have presided over a trial. The Court of Appeal is well aware of that.

9. On occasion authority is cited by parties. Save in exceptional circumstances sentencing remarks need not refer to it.

10. The sentence must be located in the guidelines. In general, the court need only identify the category in which a count sits by reference to harm and culpability, the consequent starting point and range, the fact that adjustments have been made to reflect aggravating and mitigating factors, where appropriate credit for plea (and amount of credit) and the conclusion. It may be necessary briefly to set out what

prompts the court to settle on culpability and harm, but only where the conclusion is not obvious or was in issue, and also to explain why the court moved from the starting point.

11. Findings of fact should be announced without, in most cases, supporting narrative.

12. If in play, a finding of dangerousness contrary to statute must be recorded. Supporting facts should be set out only when essential to an understanding of the finding, not as a matter of course.

13. Victim personal statements might merit brief reference (Criminal Practice Direction VII Sentencing F3d). Limited brief reference to the contents of reports will be apt only if essential to an understanding of the court's decision.

Chin Charles

Background

14. In April 2018 at Blackfriars Crown Court Aaron Chin Charles, 26, pleaded guilty to Count 1 on indictment 0244 and on 9 May 2018 at Woolwich Crown Court changed his plea on Count 2 to guilty. On indictment 7167 he pleaded guilty to Count 1.

15. On 29 June he was sentenced on indictment 0244 on Count 1, possession with intent to supply crack cocaine contrary to section 5(3) of the Misuse of Drugs Act 1971, to 3 years and 3 months' imprisonment; on Count 2 for a like offence, the drug heroin, to the same term concurrently. On indictment 7167 for causing grievous bodily harm with intent, contrary to section 18 of the Offences Against the Person Act 1861, under S226A Criminal Justice Act 2003 the court imposed an extended determinate sentence of 14 years its custodial term 10 years its extension period 4 years.

16. He had breached the terms of a suspended sentence of six months imposed for threatening another with a bladed article contrary to section 139AA of the Criminal Justice Act 1988 imposed on 12 September 2016 in the Crown Court sitting at Inner London. It was activated in full consecutively.

17. The total loss of liberty was 10 ½ years with 4 years extended licence.

18. The judge told the defendant he would serve two thirds of the sentence before eligibility for parole. That is accurate only as to the extended sentence. He will serve half the consecutive six months for breach of the suspended sentence. He also attracts 4 days credit for time spent on curfew which are to be deducted from the 6 months.

19. There were consequential orders.

20. The Registrar has referred to the full court his application for leave to appeal against sentence and for an extension of 95 days, the relevant form having gone to the wrong Crown Court.

21. Basel Robbins bought class A drugs from the applicant. At an arranged meeting on 13 November 2017 Robbins, already in debt to the applicant but seeking to buy more drugs, got into the applicant's car where they argued. Punches were thrown, the

applicant produced a knife and stabbed the unarmed complainant repeatedly. He then pursued Robbins on foot across the road continuing the attack. Whether he stabbed him again outside the car is unclear but closed-circuit television and footage taken on a mobile phone showed him kicking Robbins once he was on the ground. He left him lying there and drove off. Robbins had at least five superficial 1-3cm long cuts to his thighs, arm, shoulder blade chest and eyebrow. He had defensive cuts to both hands. The applicant had a scratch on one finger.

22. The applicant was arrested near his home. He had heroin in 24 packages each of 2.20g at 20% - 40% purity mixed with caffeine and paracetamol, and crack cocaine in 23 packages each of 2.25 g at 75% - 95% purity mixed with phenacetin. The Crown described him as a low order street dealer over months in a significant role in category three within the Sentencing Guidelines. His profits would be modest.

23. Interviewed under caution he made no comment. In a victim personal statement Basel Robbins described continuing anxiety and depression, that he now limped and used analgesia.

24. A basis of plea read:

> "Possession with intent to supply heroin.
>
> The Defendant pleads guilty to Count 4 (possession of heroin with intent to supply). Having already pleaded guilty to Count 3 (possession of cocaine with intent to supply). The Defendant sold drugs directly to users as a low-level street dealer. He sold for limited financial gain, to a limited circle of customers, most of whom were friends. He had no influence on anyone above him in the chain and very little awareness of the scale of the operation.
>
> Causing grievous bodily harm with intent.
>
> The Defendant pleads guilty to Count 1 (grievous bodily harm with intent). The complainant was a customer. He made contact with the Defendant on 12 November in order to obtain drugs. When they met, it transpired that the complainant had only £8. The Defendant refused to supply drugs on credit. An argument ensued. Punches were thrown by both men. The complainant refused to leave the Defendant's car. The Defendant felt that this behaviour was provocative."

Pre-sentence report.

25. The applicant conceded that stabbing the complainant was entirely disproportionate to any threat posed but denied having lost his temper or that his actions related to his inability to regulate his anger. His offending was thought to include elements of immaturity, risk-taking and reckless behaviour. He posed a high risk of physical harm to members of the public and known drug users through the use of weapons. The risks were not imminent.

26. Born on 30 October 1992, the applicant had a previous conviction in 2016 for threatening an individual with a bladed article contrary to section 139AA Criminal Justice Act 1988.

Grounds of Appeal

27. Grounds of appeal complain that the judge should have positioned the case in category 2 of the sentencing guidelines (lesser harm, higher culpability) and a starting point of 6 years adopted, and that the assessment of dangerousness was flawed.

28. Mr Edwards disputed the judge's conclusions that the victim's injuries, described as 'superficial' by medical professionals, could amount to serious injury in the context of an offence of causing grievous bodily harm with intent and that the assault was sustained. It took place over a matter of minutes and the stabbings were all part of one fast moving incident.

29. He also challenged the finding of dangerousness describing the risk of harm posed by the applicant as vague and speculative and related to 'some unspecified point in the future'. That he might be a future risk does not justify the imposition of an extended sentence.

Conclusions

30. This offence of causing grievous bodily harm with intent does not sit easily within either category one or two of the Guideline. Category one is reserved for offences involving greater harm and greater culpability and serious injury should normally be present. However, this was a sustained attack, a factor indicating greater harm. It is common ground that there was higher culpability.

31. Aggravating factors included carrying a knife for use in a drug dealing business, the continuing effect on the victim, the previous conviction for threatening an individual with a sword and breach of the suspended sentence it attracted. He was also guilty of supplying heroin and crack cocaine, offences within category three with a significant role. For one offence the starting point is 4 years 6 months, the range 3 years 6 months to 7 years. 25% credit for plea reduced 4 years 6 months to 3 years 3 months. This offending, albeit in the context of a drug deal which had gone wrong, could have merited consecutive terms.

32. Having ordered the sentences to be served concurrently, the judge had then to ensure that the sentence reflected the overall seriousness of the offending.

33. Thus, once aggravating features and context were reviewed, whether the matter were on the cusp of category 1 and 2 or within category 2 the result would have been the same. 10 years 6 months for total offending of this seriousness is not excessive.

34. The finding of dangerousness was open to the judge. That more serious injuries did not occur was chance not design. One wound was just above the victim's eye and one close to his lungs. This was not the first time the applicant had used a weapon to intimidate. A clear escalation in the seriousness of his offending and his potential for causing really serious harm sat within the criminal lifestyle he adopted, enforced by use of a potentially lethal weapon.

35. We give leave and extend time solely to afford credit for four days on curfew. The suspended sentence of six months will be activated and the extended sentence of 14 years will run consecutively.

Cullen

Background

36. On 2 March 2018 in the Liverpool Crown Court, the applicant pleaded guilty to Count 1 (Conspiracy to supply cocaine) and Count 2 (Conspiracy to supply cannabis).

37. On 20 September 2018 the applicant was convicted on Count 3 (Conspiracy to possess prohibited weapons without authority), Count 4 (Conspiracy to possess prohibited weapons for sale or transfer without authority, and Count 5 (Conspiracy to possess ammunition without a certificate).

38. On 18 January 2019, the applicant was sentenced to a total of 27 years imprisonment, comprising 10 years imprisonment on count 1, 4 years imprisonment on count 2, 10 years imprisonment on Count 3, 17 years imprisonment on Count 4, and 5 years imprisonment on count 5. All the sentences were ordered to run concurrently save for the term of 17 years on count 4 that was ordered to run consecutively.

39. The Registrar has referred his application for leave to appeal against the sentence to the full Court.

Facts

40. The applicant and his brother; Leon Cullen, were involved in two major drugs and firearms conspiracies as joint co-leaders of an organised crime group based in Warrington. They used their reputation and threats of or actual violence to maintain their drugs empire and ensure they were paid for the supplies. They worked closely with another organised crime group headed by Lee Stoba.

Count 1- Cocaine Conspiracy

41. The indictment period for Count 1 ran from 1 June 2016 to 11 January 2018. The prosecution case was that the conspiracy supplied at least 50 kilograms of cocaine over that period, but the judge concluded that he would sentence on a conservative estimate that at least 20 kilograms were supplied. During an extensive investigation, the police identified 28 trips to Winsford and West Cheshire and Wales involving the delivery of wholesale quantities of high purity cocaine for onward supply.

42. Investigating police officers made several seizures of the drugs supplied between November 2016 and June 2017 amounting to approximately 3 ½ kilograms of cocaine at purity between 85 % and 63 %. They also seized a total of £204,680 in cash from various locations and dealers' lists on which the applicant's fingerprints were discovered. The cocaine lists contained 76 different names, yet only five of those were explained by the trips to Winsford and North Wales. A significant amount of cocaine dealing had therefore gone undetected. The lists also showed that the Cullens were owed thousands of pounds for the supply of drugs and that in January and February alone approximately £¾ million pounds worth of cocaine was supplied with profit forecasts over £½ million for the two months.

43. The group ran the conspiracy as a business. They calculated their overheads and used a company as a front. They acquired properties in and around Warrington for storage and distribution and paid their employees well, providing some with accommodation.

The wage bill alone was calculated to be £50,000 per month with overheads calculated at about £57,000 per month.

44. The group changed telephones frequently and used a wide variety of methods to avoid detection including the use of different vehicles. One van had the logo of the 'front' business on the side and another had a sophisticated hidden area between the boot and the back seat, operated automatically from the cigarette lighter system.

Count 2 – Cannabis Conspirac*y*

45. Dealer lists showed the group dealt in kilogram quantities of cannabis with £45,000 owed in one month. This equated to their selling nine kilograms of cannabis at £5,000 per kilo. Just one seizure of a kilogram of cannabis was made on 15 February 2017.

46. Shortly after the seizure of a kilogram of high purity cocaine on 20 June 2017 the organised crime group decided to replace lost income by developing a commercial cannabis farm on an industrial estate in Wigan.

47. The police executed a search warrant on 14 September 2017 and found a disguised self-built room which contained two growing zones with 29 plants in one zone, 30 in the other, sodium lamps and a water butt. The plants had the capacity to produce between 1½ kilos of skunk cannabis three times a year.

Counts 3 to 5 - Firearms and Ammunition Conspiracies

48. Various members of the group were also involved in the supply and use of firearms. Weapons and ammunition were sold and or used to intimidate others in the drugs business. A co-conspirator, Houghton, acted as armourer for the applicant and his brother moving weapons and ammunition in and out of his girlfriend's house as and when required.

49. With his brother and others, the applicant arranged the sale of a firearm to a customer in Liverpool. However, the gun, a Ruger .357; a lightweight semi-automatic pistol, had been deactivated and required more work to restore it to working condition. The conspirators therefore planned to replace it with one stored by Houghton. This was an Amadeo Rossi .38 revolver with ammunition. Before the substitution could take place, the Ruger .357 (worth between £1500 and £3000 in working condition) was seized and on 27 July 2017 police officers searched the home of Houghton's girlfriend.

50. They found the following:

    i. The Amadeo Rossi .38 revolver that has been deactivated and restored to working condition with a live bullet. The gun was worth between £1,500 and £3,500.

    ii. A Russian AK 7.62 semi-automatic assault rifle which was successfully test fired in both single shot and automatic modes. There was also a magazine for the weapon although it was faulty. The gun was worth between £3,500 and £6,000.

iii. 37 x 39mm bulleted cartridges suitable for use in the AK semi-automatic assault rifle.

iv. An AJC Higgins Model 20 pump action 12 bore shotgun with internal capacity to hold two 12 bore cartridges. It was worth between £1,000 and £1,500.

v. A Beretta Model 70 .32 self-loading pistol and magazine containing two bullets. It had the capacity for a silencer to be fitted and was worth between £1,500 and £3,500.

vi. An Enfield No 2 Mk 1 .38 revolver which also was successfully test fired and worth between £1,500 and £3,500. On the outside of its wrapping were five .38 special reloaded cartridges.

vii. A FEG PA-63 9mm self-loading pistol together with two suitable magazines. The gun had been deactivated and restored to working condition and had the capacity to have a silencer attached. It was worth between £1,500 and £3,500. One of the magazines contained two bullets appropriate for use in the gun.

viii. A sound moderator that could have fitted either the Beretta or the FEG PA-63. The presence of a sound moderator would increase the value of each of the guns. 49 x CBC 9mm parabellum bulleted cartridges

51. All the guns were in working order and all had ammunition for them, except the pump action shotgun.

52. The police arrested the applicant on 18 January 2017 as he was attempting to flee the country.

Sentencing

53. In sentencing the applicant and 19 other conspirators on 18 January 2019, the judge took some hours to give his sentencing remarks and they stretch to approximately 76 pages. He carefully analysed the nature and extent of each conspiracy and the roles played by each participant. He referred to the relevant sentencing guideline and authorities in some detail.

54. He described Count 1, the conspiracy to supply cocaine, as a sophisticated, well planned, well prepared, successful, and persistent criminal operation. He ascribed to the applicant a leading role and took the starting point for the supply of Class A with an indicative quantity of 5 kilograms of 14 years, with a range 12 to 16 years. A serious aggravating factor was that the cocaine supplied was of a very high purity. For Count 2 the production of cannabis was a Category 2 case, the indicative quantity being an operation capable of producing significant quantities for commercial use. The guideline indicated a leading role starting point of 6 years with a range of 4½ to 8 years.

55. In relation to the firearms conspiracies, the judge answered the questions posed in the cases of *R. v Avis* [1998] 1 Crim App. R. 420 and *R. v Sheen and Sheen* [2012] 2 Crim App. R. S3. (22B-23E) as follows:

i. There were multiple weapons all but one of which were lethal.

ii. There was live ammunition and there were silencers to go with them.

iii. The weapons included semi-automatic weapons.

iv. All the firearms and ammunition were held in readiness to be used or transferred to other criminals and/or to be deployed in support of the drug dealing business.

v. Bullets were used to threaten debtors.

56. The applicant was 31 and had unrelated convictions from 2007. A significant aggravating factor was that in May 2012 he pleaded guilty to conspiracy to supply cocaine for which he was sentenced to 66 months imprisonment. On that occasion, he was caught (with another) moving a quarter kilogram of pressed cocaine of high purity at 83% into North Wales. He was released from that sentence on 18 August 2014 and remained on licence until 19 May 2017. The index offences were therefore further aggravated by the fact that he was on licence for a substantial period of the conspiracies.

57. The judge acknowledged the character references submitted on the applicant's behalf and the fact that he was a family man who would not see his young daughter grow up.

58. He had pleaded guilty to counts 1 and 2 at the first available opportunity and was due a full one third discount. He was convicted by the jury on counts 3-5. The judge identified the principal issue in his case as one of totality. He decided that the only way to ensure all the applicant's offending was properly reflected was to impose concurrent sentences in relation to the drugs offences, concurrent sentences in relation to the firearms and ammunition offences but consecutive sentences as between the drugs and firearms offences.

59. Had Counts 1 and 2 been considered in isolation, on count 1, the sentence after trial would have been one of 18 years' imprisonment reduced for his plea to 12 years; and on Count 4 the sentence would have been 19 years' imprisonment. As the sentence on Count 4 was to run consecutively to the sentence on count 1 for totality each of the sentences were reduced on Count 1 to 10 years and on Count 4 to 17 years imprisonment consecutively.

Grounds of Appeal

60. There is one ground of appeal namely that the Judge failed to allow sufficient discount for the isolated sentences in order to reflect the totality of the aggregate sentence. There is no challenge to the imposition of consecutive sentences in respect of Counts 1 and 4 and to the sentences that would have been imposed had the offences under Counts 1 and 4 been sentenced as isolated incidents. The challenge is to the limited reduction of 2 years in respect of each of sentence. Mr Lawson, in admirably succinct but effective submissions, maintained that the appropriate reduction should have been higher so that the total sentence was in the bracket of 20 to 24 years.

Conclusions

61. The applicant led an organised crime group dealing in Class A drugs, Class B drugs, firearms and ammunition. This was offending at a very high level. The nature and

scale of it merited a very substantial sentence. Mr Lawson accepted that the judge selected appropriate sentences for the individual offences and applied the principle of totality. His only complaint is that the judge did not reduce the sentence further. We have considerable difficulty in accepting an argument that the applicant deserved a greater discount for the fact he extended his drugs supply empire into the supply of firearms.

62. In imposing consecutive sentences, the judge was obliged to reach a sentence that was "just and proportionate" according to the Sentencing Council's Definitive Guideline. In our judgment, that is precisely what he did and the applicant has no cause to complain.

63. The application for leave to appeal against sentence is refused.

Appendix A

The Sentencing remarks in Chin-Charles

"You may remain seated, Mr Chin-Charles. I want to make it clear, from the beginning, that the eloquent submissions of your counsel have, indeed, reduced the sentence that I had in mind, somewhat. For that, you should be grateful to him for his skills. However, I am going to begin, almost at the beginning, on 13 August 2016, when you were still, as I understand it, only 23.

On that night, the police were called to a fight outside a pub in Stretton High Road, very close to where you live. As they were called to the fight, they became aware that someone was shouting that he has got a blade. They then saw you wearing a black balaclava and carrying, in your hand, what appeared to be a large carving knife with a black handle. You were talking to somebody whilst you were doing it, and they seemed to be unbothered. But, then you walked towards three other people and waved the knife at them, threateningly. You were, clearly, agitated and acting in an erratic manner. The officers approached you and shouted at you to stop. You just walked away, still waving the knife. The police drew their CS spray canisters. You went to the opposite side of the road and they followed you, where you approached a bus stop. To their eyes, it looked as though you were going to attack the people sitting, or standing, next to the bus stop but did not do so. There were others who were shouting at you and you crossed back to the other side of the road and headed towards them. The position is that, you were, initially, talking to them and then you began to move away and the police officer approached you. Because you were holding a large knife the police tried to arrest you and put you against the shutters of a shop. Another member of the public also tried to be involved. At this point, they had drawn their ASPs and you were struggling and they were not sure if you still had the knife. The position was, you were subdued, eventually, after you had been sprayed with CS spray. The knife, you had, in fact, dropped close by and it is described as an ornamental knife and not sharp. I have to say that I have photographs in front of me, clearly, shows a knife with a considerable blade. Whether the blade is sharp or not, there is no doubt that, had it been used to stab somebody, that it would have inflicted a very serious injury, indeed. The position is, that it was both the balaclava and dagger were retrieved, that you were, extremely, abusive and aggressive to the police officers, calling them pussies and cunts and you spat in the back of the van.

They arrested you for having an offensive weapon and affray. You seemed unconcerned about this and you continued to behave, using the same sort of language, all the way to the police station. The position is that I outline those facts because that is the suspended sentence that was imposed upon you, for that offence, on 13 August 2016, on 12 September 2016, when you were given a suspended sentence of imprisonment for six months, wholly suspended for 24 months. An offence which you are now in breach of, that suspended sentence. And so, that forms the background of what, then, happens next.

You are the subject of a suspended sentence and on the thirteenth day of November 2017, a little over a year and two months later, you are in contact with one of your clients for your drug dealing activities, called Mr Robbins. You had, as the pre-sentence report shows, taken up those activities following the death of your mother, a

wholly conscious decision you made because, as it says in the report, you knew it was easy money. But, the position is, when you went to meet Mr Robbins you were, again, armed with a knife, no doubt because of the activity in which you were indulging, namely class A drug dealing. You now, as a result of that meeting, stand charged with, and have pleaded guilty to, causing grievous bodily harm with intent to Mr Robbins. With intent to do him grievous bodily harm and also with two offences of possessing a controlled drug of class A, with intent, in one case cocaine, in the other, heroin.

In relation to the causing grievous bodily harm, with intent, you pleaded guilty at the door of the court on the day of trial but, nonetheless, I will still give you 10% credit for that. In relation to the two offences of drug dealing, possession with intent to supply class A drugs, you pleaded guilty at the PTPH and, therefore, you receive 25% credit. I will come back to those in a moment.

Despite Mr Robbins' assertions that the meeting was for another purpose, it is absolutely clear to me, and I fully accept from your point of view, that this was a meeting over a drug deal. There are conflicting versions of what happened in the car. And I am persuaded by your counsel's submissions that the version given by the complainant, Mr Robbins, is not true. However, I have no real means of knowing, exactly, what did happen inside that car. And what the reason was that led, initially, it appears, to punching each other. Whatever, that happened and you, then, drew your knife. And then, to a man who was not armed and in close proximity to you, you began to stab him. The number of injuries recorded by the surgeons, who later dealt with this man, is at least five stab wounds or wounds as a result of you using the knife. They include injuries to the right arm, the right shoulder blade, the chest, the right eyebrow, right thigh and left thigh, and, indeed, cuts to Mr Robbins' hands that were of, apparently, of a defensive nature, not surprisingly trying to protect himself against the knife.

It is accepted, on your behalf, that your knife was always yours. I mention that because, initially, you tried to suggest, in effect, that it was his. And that he had attacked you, all of which was a lie. The reality is that, whatever happened in the car, your car was covered in blood both inside and, to some extent, outside. Then, I have seen the CCTV where he, for whatever reason, got out of your car, maybe reluctantly, maybe he tried to get back in, but you pursued him across the road when he was out of the car. He fell to the ground and it is, perfectly, possible to see the flashes of the silver blade of your knife on the CCTV or video footage on the phone that was filming it. It is not clear whether you, in fact, stabbed him again outside. Perhaps, as your counsel acknowledges, and I acknowledge too, that does not matter so much because you had, already, stabbed him more than enough. The position is, as I say, this was being filmed by somebody overlooking the scene. The quality of the footage is not great, it is clear that, whatever you did went way beyond what was necessary.

You have suggested you were, perhaps, acting in self-defence. There is, perhaps, nothing so great in the difference between your builds but nothing justified you using a knife at any time at all. I do not accept that the use of the knife could be said to be in self-defence. It was entirely, as I am going to come to in due course, owing to your aggressive behaviour and aggressive stance, as is clearly pointed out in the pre-sentence report's careful analysis of your character. The reality is, at that moment, having left him lying on the ground, you drove off with, practically, no injuries at all.

All you had was a scratch on your forefinger. He had at least five wounds to him. You can be seen, also, before you left, kicking him whilst he is on the ground. That is clear on the CCTV, kicking him whilst he was already down. I am not saying that those, necessarily, caused any injuries. But, they do show that, in fact, any suggestion of self-defence or limiting yourself, in some way, to what was necessary, was untrue. You kicked him when he was down.

The position is, as is put in the time-honoured phrase, the prosecution say you, effectively left him for dead because you had no idea what you had done with your knife or how serious the injuries were. Far from stopping and calling, even anonymously, from a phone box or on, no doubt, one of your drug dealing phones from which the number could not be traced, you made no efforts to alert anybody to the plight in which you had left the complainant, none at all.

I also have to say that I have seen, apart from a letter I will come to, very little by way of expression of remorse or regret for what you did. Indeed, in due course, as I will come to, you showed a desire to try and fight the case on the grounds of self-defence, that he was your attacker.

You also, when you were, eventually, arrested near your address, and found in possession of the class A drugs which form counts three and four in the indictment. You were found to be in possession of those and then you were interviewed at the police station and you made no comment.

The position is, as I say, that, initially, in your defence statement, at paragraph two and three, you tried to suggest that the complainant was trying to get drugs from you and attempting to rob you. You no longer rely on that assertion. You also asserted that he had attacked you with the knife, causing you injury. That was also a lie. And you were acting in self-defence to prevent yourself being stabbed by the complainant and badly injured. The position is that, as you say in paragraph three, you then claimed that he was arranging to smoke drugs with you. That too appears to be untrue. And then you say this; the complainant attacked the defendant in the car, using his fists initially, and then using a knife that cut the defendant on his finger. All of that is now admitted to be, in terms of the use of the knife by the complainant, to be untrue. And that you managed to wrest the knife from him; that also was untrue.

I am not punishing you for lying, but, in terms of the suggestion that you have shown any remorse or understanding or insight into your actions, these words in the defence statement, to my mind, demonstrate beyond per adventure that you had not, certainly at that stage, because that then went on to the basis of plea, which I also raised with your counsel. The fact of the matter is, you say that the complainant refused to leave your car and you felt that this behaviour was provocative and you produced the knife to deter him from hitting you and persuading him to leave your car. That could not justify the wounds that you inflicted upon the complainant. Again, I do not punish you for lying or anything else, or for your basis of plea, but when it is said that you have some understanding of what you have done or any regret or remorse, I do not find that in the documents that you have put forward.

I come now to your own, personal, letter to me. To the judge, whilst being in custody I have had time to reflect on my actions and I realise they were unacceptable. Drugs ruin lives of many and damage society and the time I spent, involving myself in drugs,

was just not worth it. Although I had an altercation with Basil[?], he did not deserve to get stabbed and I had taken things way too far. I am full of remorse and, truly, sorry for all my actions.

That is your final submission. But, I have to bear in mind, what you have said before in the other documents, in assessing the truth and integrity of that statement or whether it is merely an opportunistic and self-serving document that you have provided to the court, in the hope that it would engender some sympathy.

In terms of the injuries of the complainant, this is an important issue. Ambulances attended at the scene and, although the wounds had been bound up by the police officers who were there already, they, of course, had to remove the bandages in order to see the wounds, to see the extent of them and the treatment that you needed. They did, indeed, see bleeding wounds. They remember the biggest ones being on the back of your left thigh and the back of your right arm. They recalled it, at the scene, the lacerations being 5-6 cm long and both actively bleeding. I notice that the doctor, later, gives slightly lesser length for the size of the wounds. But nonetheless, the fact of the matter is that they, clearly, were wounds. And, in addition to that, I was able to see some of the wounds, not all of them, some of the wounds, actually at the hospital because the police officers filmed the wounds of the complainant on their body-worn camera footage.

However, I accept that the extent of the medical evidence, in this case, is, perhaps, not as satisfactory as one would have hoped for. The reality is they have recorded, in the statement of Dr Gluckman[?] and also in the statement of the doctor who saw the complainant at the hospital, injuries which have been described, although they are all wounds varying between one cm and three cm, as being superficial. That, despite your counsel's submissions that that just, simply, means what would be meant in ordinary, common parlance, I am afraid I cannot accept, I do not believe that any human being who saw the wounds, by the terms described by the ambulance men or, indeed, the doctors, would describe them as superficial.

Superficial has a particular meaning in medical parlance, which means they were not ones that went deep, internally, in the sense that they are on the skin and damaging to the skin and did not touch internal organs or damage muscles in such a way that they would have involved internal injuries. That does not mean that they are superficial in the ordinary meaning of the word. It just means that they are on the skin and not internal. I am, absolutely, satisfied that they are serious injuries and, indeed, if I had any doubt about it at all, I am completely satisfied that, having received the advice of very experienced counsel and having pleaded guilty to having caused serious grievous bodily harm, with intent to do so, that they are really serious harm because that is what grievous bodily harm means. You did not plead guilty to actual bodily harm, but to grievous bodily harm. I am, absolutely, satisfied that that is what those injuries are and that you did inflict them with the intent of inflicting injuries of really serious harm. So, however, the doctors may describe them, I am, absolutely, satisfied that you have, in fact, inflicted really serious harm upon the complainant. I do not accept that they are merely superficial in the sense of common parlance. And I do not believe that any member of the public, whoever saw them, would describe them, ever, as superficial.

The sequelae, that is the ensuing complications for the complainant are, in fact, set out in part of the GP records, following his release from hospital, which showed that, eventually, although the principle wound on the thigh became infected, initially, it did, eventually, get better. But, as you will have seen, there is a, what is called, victim impact statement from the complainant which I am going to read. He says: "I would like to talk about the impact of the incident, on 13 November, and what it has had on me. I suffer from depression and severe anxiety. This incident has made both these conditions worse. I have been worried, since the incident, about retaliation because I talked to the police and, especially, if I were to go to court. I feel very lucky that my injuries were not worse and that I did not die. It makes me anxious to think how things might have gone and I want Stefan to be punished for this". That, of course, is not a matter for him, but for me. "I have had to ask to be moved because I am so afraid to stay in my home and be in that area. I am, constantly, looking over my shoulder when I go out in case someone who knows Stefan sees me, or is looking for me. I have had trouble sleeping because of this. When I hear movement outside my door, I worry that it could be someone coming for me. I also struggle to sleep because of my injuries. For a time, I could not sleep on either side because of the pain in my legs and the infection. Now, it affects my walking and I limp because of the pain in one leg and the numbness in the other. I also have to stop for a rest now if I am walking more than 200 yards. This has been the case since it happened and it is not improving". That was on 4 May of this year. "I hope it will get better but there is no treatment for it, at the moment, other than painkillers, which I take".

I have to assess all these matters in determining the sentence to pass on you. I turn, first, to the section 18 of grievous bodily harm with intent. In determining that I, of course, look at the sentencing guidelines which are provided for this offence. The position is, in terms of the categories, I must look at the factors, first of all, indicating greater harm. They include; injury, which is serious in the context of the offence. I am satisfied that the injuries are serious, in this case. But, even if that was not the case, I am, absolutely, satisfied beyond any doubt whatsoever, that this is the clearest case of sustained or repeated assault on the same victim. Submissions that it is all part of one incident I am afraid I do not find persuasive at all. This was a man who was stabbed quite a number of times, by you, wholly unnecessarily and you left him lying in the street, having kicked him when he was down. I can think of no clearer example of a sustained or repeated assault on the same victim.

In terms of higher culpability, your counsel has to acknowledge, of course, used a knife, which, immediately, places you into that category. I am absolutely satisfied that this is a case in category one, with a starting point of 12 years and a range of nine years to 16 years.

In addition to that, I must consider statutory aggravating factors. You have a relevant previous conviction. You were, at the time of this offence, in breach of the suspended sentence for having had the knife, to which I have already referred, about a year or so earlier. In addition to that, there is a factor of gratuitous degradation of the victim, I do not take that into account because I take the view that that is part of the sustained or repeated assault on the same victim. Therefore, I do not double count. However, there is, of course, also amongst the other aggravating factors, the ongoing effect upon the victim, of which I have referred to in his victim impact statement.

So, in trying to consider those matters, I then have to look at matters reflecting personal mitigation. In my view, there is an element of remorse, very, very belatedly and very minimal, indeed. But, nonetheless, I do not exclude it altogether. You also pleaded guilty, although at the door of the court, when, of course, you were faced with the prospect of a trial with the victim giving evidence. Accordingly, as I have said, I will reduce the sentence that I would otherwise have passed by 10% for that very late plea. And indeed, slightly more as a result of the minimal remorse.

Accordingly, I see no reason to depart from a starting point of 12 years, but because of those two mitigating factors, I reduce it to 10 years, in respect of count one, section 18.

In relation to the drugs offences at counts three and four, I take the view that this is a significant role case. The starting point is four years and six months, with a range of two to seven years. Although you have previous convictions, I do not take those into account because they are from a completely different sort and did not involve drug dealing. The reality is, I do, however, have to take into account the fact that you committed the offence in breach of the suspended sentence, which is a court order.

In terms of other aggravating features, there was the level of purity of the drugs that was not particularly high and, therefore, I ignore that as well. Again, there are no real mitigating factors, other than your plea, for which you receive 25% credit, as I have indicated. So, for each of those counts, I pass a sentence of three and a quarter years on each count, concurrent. In other words, I have taken four and a half years as the starting point and reduced it by 25%, three and a quarter years.

For the breach of the suspended sentence, I can see absolutely no reason not to implement it, in full. And I do so. Here, if there was ever a breach that deserved full implementation, it is this case. Accordingly, I, therefore, pass a sentence of six months' imprisonment for the breach of suspended sentence.

Therefore, making a total of all the offences being ten and a half years.

Then, of course, I have to consider the issue of dangerousness in your case. For which I, specifically, asked the report to be prepared by the senior probation officer of this court. I am going to read some important sections of that into the record, so that you will understand, and another place can understand, precisely why I am considering the question of an extended sentence.

First of all, it is right that I should make it clear that I do not believe that a section 225 of the relevant act has any application here. So that the life sentence comes into play. But I am absolutely satisfied, for the reasons I shall come to, that section 226A does and, namely, that I should impose an extended sentence. Under that section, under sub-section one, it says that this section applies when a person aged 18 or over is convicted of the specified offence, which is what you have been convicted of in count one. And B, that the court considers there is a significant risk, to members of the public, of serious harm in case of the commission of the offender further specified offences. In other words, further offences of serious violence. I am quite satisfied, for the reasons I shall come to in a minute, that that is, indeed, the case. And indeed, the reality is that there is not merely a significant risk but, in my view, a very high risk,

indeed, of the commission of such further offences on the basis of everything I now know about you.

It has been suggested, because the pre-sentence report does not say that there is an immediate risk, that somehow, that should in any way affect my decision in passing extended sentence. The section does not include that word and it is not a relevant consideration for me to make the decision. Of course, given that you are going to be in prison for some time, immediate is almost irrelevant. But, the fact of the matter is that I have to look at the position overall on the evidence I have as to whether you meet that criteria and I am satisfied that you do.

The pre-sentence report refers to a number of matters. At 2.4, the probation officer says, a matter in which I agree and can hardly be denied, that it was due more to luck than to good judgement that more serious and life-threatening injuries were not inflicted. You agreed, at 2.5, that your actions of stabbing the victim were entirely disproportionate of any threat posed to you by the victim. I completely endorse that. You denied, however, that you had lost your temper or that your actions related to your inability to regulate your anger. That is an extraordinary statement from a man who stabbed a man multiple times with a knife.

What the probation officer, with his experience and insight, says; it may well be that Mr Chin-Charles was attempting to assert his dominance and fear over someone he viewed as inferior, a potentially weaker person, an individual addicted to class A drugs. His actions could also be viewed as defending his position of power and status over the victim and not wanting to appear weak, especially after the victim retaliated. The defendant maintains his stance that he was acting in self-defence, albeit with excessive force. I made it clear, there can be no use of self-defence with the use of a knife, whatsoever.

He goes on to deal, in the next paragraph, 2.6, with the earlier incident of the knife for which you received the suspended sentence. From which you made the conscious decision, which your counsel has acknowledged, to go home and get the knife and come back to the scene, with the knife, and then not merely appear with the knife, in possession of it, but to threaten people with it, which is what you were convicted of, threatening.

He goes on, 2.7; in my assessment has similarities to the index, that means this offence. They both contain clear elements of immaturity, risk-taking, and reckless behaviour. Moreover, both appear to indicate his inability to regulate his emotions as well as the misguided notion of an inappropriate reaction to situations where he may feel disrespected in some way. In my assessment of stabbing an unarmed victim, multiple times, especially the apparent ease and quickness that he did so, may not indicate use of a knife as a last resort during a potentially volatile situation.

His overall offending behaviour would, in my assessment, indicate that he holds pro-criminal attitudes and that he can, easily, resort to weapon-related offences and violence to resolve conflict situations. Moreover, in my assessment, Mr Chin-Charles is an intelligent young man. You have 11 GCSEs to show that. He may fail to consider the consequences of his actions. However, his overall offending would appear to suggest otherwise and he freely chooses to ignore them. 2.8, with the ability of hindsight, the defendant recognised and acknowledged the pain the victim

must have suffered as a result of the physical injuries as well as any ongoing psychological trauma.

I specifically had my attention drawn to paragraph 3.3 in the report dealing with your past and parts of your family life. As I mentioned, a moment ago, you gained 11 GCSEs at school. That is an exceptional achievement. It is a great pity that you did not go on in the same vein. Then you worked in a gymnasium. Then you stopped working after your mother died, according to this report, although it may have been before. You did not return to legitimate employment after your mother died and soon found yourself with limited means. You did not apply for state benefits and the author of the report says you were candid and that you made the decision to make quick and easy money through commencing the supply of illicit drugs to others. I am told, at this time, you had begun drinking heavily, although there is no mention of that in the report, although there is referral to having used illicit drugs. And you knew, from having used illicit drugs in the past, where to go and get them. Therefore, you found it easy to find a line of supply.

I would be grateful if you paid attention to what I am saying and not to those up in the public gallery, nodding to them is not going to help.

As his line of business income was, solely, related to the sale of drugs to others, which also connected to his violent behaviour on this occasion. Your finances, especially how you gained your money, is clearly linked to the risk of harm and reconviction because there is a very obvious equation between drug dealing and violence. If proof were needed of that, the fact is, on the night in question, you were carrying a knife almost as a matter of habit, because of your occupation.

3.4; in terms of his lifestyle and associates, as indicated by his action of, intentionally, selling class A substances and possessing weapons in the public domain, Mr Chin-Charles is, in my assessment, an individual who holds pro-criminal views and beliefs. He was eager to impress upon me that he has no other recorded actual use of violence towards others. His view that his behaviour, on this occasion, was out of character for him. He was made aware, by the author, that it was difficult to accept that, due to his previous conviction for threatening others with a knife, alongside his lifestyle choices of being an armed drug dealer in the public domain.

3.6; With reference to his thinking skills and attitude, Mr Chin-Charles has made some deliberate and intentional criminal lifestyle choices. In my assessment, he is fully able to apply reasoning to certain situations and in terms of problem-solving, his previous limited finances, he chose unlawful means to achieve this.

Of course, he was in breach of a suspended sentence when he committed this offence. Clearly, that order did not act as a deterrent to him, either deciding to supply drugs or to continue to possess weapons in public, having already been sentenced for threatening others with the samurai sword or knife, outside a public-house. He chose to ignore the order of the court and continue offending in the manner he did whilst subject to the suspended sentence. Another indication, in the assessment of the author of the report, of overall pro-criminal attitudes.

There endeth the assessment of the risk of serious harm. In paragraph 4.1, the author of the report refers back over the previous conviction, the injuries to the victim, and

the fact that it was more due to luck than anything else that they were not more serious. There was, in his assessment, a significant and worrying escalation, in terms of seriousness and harm in relation to the index offences and his past offending. The position is, he is concerned about the fact that you produced a knife and used it multiple times to inflict, potentially, very serious injuries. He says, at 4.2, it is against the above background, including the clear escalation in harm posed in offending behaviour, in my assessment, Mr Chin-Charles has been assessed as posing a high risk of physical harm to members of the public and known, drug-using individuals, through the use of weapons. In relation to the matter which you were convicted initially, of the samurai sword, that is because you were using it in a threatening manner. And then, of course, you chose to use the knife to inflict grievous bodily harm, with intent.

4.4; as Mr Chin-Charles has been convicted of a schedule 15 offence, the court has requested assistance with dangerousness. Mr Chin-Charles has been assessed as posing a high risk of physical harm to members of the public and known, drug dealing individuals, through the use of weapons. The court will use that assessment when considering whether he is eligible for an extended sentence. He has been advised to prepare himself for a long sentence. He is also aware of the fact that the court may view his previous weapon conviction and the number of stab wounds inflicted, on this occasion, as aggravating features of this case, which would support a ruling of dangerousness. He is right, they do, completely.

I am absolutely satisfied that you are dangerous, within the provision of section 226A of the act. The maximum period for which I can impose a suspended sentence for this kind of offence is five years. I do not, in fact, impose the full maximum. But, I am absolutely satisfied that I should impose a sentence of four years extension.

So, the main sentence is ten and a half years and the period of extension is four years.

The position is that you will serve two-thirds of that sentence before you become eligible for parole. All the days you have spent in custody will count towards your sentence. Eventually, at the end, when you are paroled, or released on licence, you will be on licence for the remainder of your sentence. While you are on licence you must comply with all of its conditions. If you breach any of the conditions then the Secretary of State may withdraw the licence and order your return to custody. That does not mean you have to commit further offences, although that would also be a breach of your licence.

The sentencing guidelines council have issued guidelines about sentence such as yours and I have followed them in what I regard as the correct interpretation. I have given you the appropriate credit in respect of all matters to which you have pleaded guilty, reflecting the times at which you did so.

I do not make any order for compensation because there is no, realistic, means of it being paid and I make no order for costs. Are there any other matters, apart from the order that I have made for forfeiture and destruction, except the victim surcharge, in the appropriate amount. You may go down."

Appendix B Alternative sentencing remarks.

On 13 August 2016 whilst wearing a balaclava, agitated and erratic, and carrying a large ornamental knife which could have inflicted very serious injury, you were arrested by police who used CS spray. On 12 September 2016 you were sentenced to imprisonment for six months suspended for 24 months for threatening another with a bladed article. You are in breach of that sentence.

On 13 November 2017 armed with a knife you met Mr Robbins, a client of your Class A drug dealing business. You pleaded guilty to Count 1, causing him grievous bodily harm with intent to do him grievous bodily harm, and to Counts 3 and 4, possessing cocaine and heroin with intent to supply. You attract 10% credit for your late plea to Count 1 and 25% for your earlier pleas to Counts 3 and 4.

Whilst inside a car you inflicted at least five skin-deep 1-3 cm wounds. Mercifully, the injuries were not more serious. Mr Robbins got out, you pursued him and attacked him further when he went to the ground. Your use of the knife was not in self-defence as you for some time claimed. You made no comment when interviewed about the drugs.

Your letter to me claims you are now remorseful.

Mr Robbins is depressed and anxious. He limps and still uses analgesia.

Count 1. By reference to the sentencing guideline, this was an extended assault with serious injury, although perhaps not very serious in the context of this offence. It is common ground that there was higher culpability because of the use of the knife. Category 1 one is reserved for offences involving greater harm and greater culpability and serious injury should normally be present. However, this was a sustained attack, a factor independently indicating greater harm.

The starting point for category 1 is 12 years with a range 9 to 16 years. The offence is aggravated by the previous conviction, the breach of the suspended sentence and the effect upon the victim. Belated minimal remorse and the late plea at the door of the court provide mitigation. I reduce the starting point of 12 years to 10 to take account of all I have heard, and bear in mind that the sentences for the drugs offences I now turn to will be concurrent.

On Counts 3 and 4 your role was significant with a starting point of 4 years 6 months and range of 2 to 7 years. Your previous convictions do not affect sentence. There are no aggravating factors. Your plea provides mitigation. I reduce 4 years 6 months by 25% to 39 months on each count.

All these sentences are concurrent. The resulting custodial term of 10 years for these offences reflects the overall criminality.

A detailed pre-sentence report sets out the high risk you pose of further such offences. You easily resort to weapons and violence to resolve conflict.

You are dangerous for the purposes of the statute. In my discretion, I impose an extended sentence. There will be a custodial term of 10 years and an extended licence of 4 years.

You have 11 GCSEs. After your mother died you made quick easy money through the supply of drugs. The suspended sentence of six months did not deter you from that or from possession of weapons in public. I activate it in full. You will serve six months' imprisonment for that breach, but you are entitled to have four days deducted because you were on a qualifying curfew.

The extended sentence will be consecutive to the activated sentence.

You will serve half of six months less four days. You will then serve two thirds of 10 years before you become eligible for parole. The Parole Board may order your release thereafter if they consider it safe to do so. On parole or released on licence, you remain on licence for the balance of your sentence. I make no compensation order because there is no prospect of your paying it and I make no order for costs. I make the victim surcharge order in the appropriate amount.