

WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

Neutral Citation No. [2024] EWCA Crim 1504



IN THE COURT OF APPEAL

CRIMINAL DIVISION

ON APPEAL FROM THE CROWN COURT AT PRESTON

MR RECORDER SLACK

CASE NO 202403540/A3

Royal Courts of Justice
Strand
London
WC2A 2LL

Friday, 29 November 2024

Before:

LORD JUSTICE DINGEMANS
MR JUSTICE BRIGHT
THE RECORDER OF BRISTOL
HIS HONOUR JUDGE BLAIR KC
(Sitting as a Judge of the CACD)

REFERENCE BY THE ATTORNEY GENERAL UNDER
S.36 OF THE CRIMINAL JUSTICE ACT 1988

REX
V
JORDAN JEFFRIES

Computer Aided Transcript of Epiq Europe Ltd,
Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE
Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court)

MR F HOOKWAY appeared on behalf of the Attorney General
MISS R WOODS appeared on behalf of the Offender

J U D G M E N T
Approved

LORD JUSTICE DINGEMANS:

Introduction

1. This is the hearing of an application by His Majesty's Solicitor General for leave to refer a sentence which the Solicitor General considers to be unduly lenient.
2. The applicant, who was born on 25 July 1990, is now a 34-year-old man. He had, before the offences the subject of this Reference, 43 previous convictions for 95 offences. Twenty-nine of those offences were for breaches of court orders. One conviction was for intimidation in 2006. To be fair to the respondent Mr Jeffries, all but four convictions had occurred before July 2010. There was then a 13-year gap in offending and during that time Mr Jeffries worked as a landscape gardener. He then started abusing drugs and alcohol again and he lost his work. He then committed three offences of criminal damage and one offence of battery between 8 February and 31 July 2023. He was sentenced on 27 March 2024 for those offences to an overall sentence of 12 weeks' imprisonment suspended.

The burglary

3. On 19 October 2023 Nicole Stevenson was at her home address in Clitheroe. There is a CCTV camera at the rear of her property. At around 10.30am this recorded a Volkswagen Golf motorcar pull up close to the house. Two males got out. One of them was Mr Jeffries. He exited from the driver's side seat. The second male was not identified. They were both dressed in black and their faces covered. Mr Jeffries was wearing one glove on his right hand, while the other male had a glove on each hand and bin bags covering his shoes.
4. The men then entered the rear garden by breaking the gate. Mr Jeffries then kicked the back door twice, destroying it and gaining entry. Both men then rushed through the

broken door. Once inside Mr Jeffries and his accomplice smashed crockery and pushed furniture over. We have seen the photographs of the destruction caused. Mr Jeffries picked up a kitchen chair and Miss Stevenson retreated into the living room. Mr Jeffries followed her and shouted: "Don't fuck with my family" (we will come back to that later). Mr Jeffries then threw the kitchen chair at Miss Stevenson, it struck her forearms. Mr Jeffries then grappled with Miss Stevenson and took her mobile phone. He threw it into the hallway and stamped on it. The prosecution submit that was an attempt to stop her calling the police. He then picked up the phone and said: "Actually I'm taking it with me." He shut the door and returned to the kitchen where more damage was caused. The men were in the house for about one minute. They returned to their car and Mr Jeffries drove away.

5. Miss Stevenson fled her address, this was recorded by CCTV camera at the front of the house and showed her running out of the property in bare feet. She ran towards where her sister worked. Her sister called the police. Miss Stevenson confirmed she had known Mr Jeffries for over 16 years. Historically they had been friends but they are certainly not friends at the moment. The police investigation found Mr Jeffries' fingerprint on the DVD player and he was arrested on 25 October 2023, some six days later. He was interviewed and answered no comment.
6. On 27 March 2024 Mr Jeffries was sentenced for the three offences of criminal damage and one battery which had been committed on dates between 8 February 2023 and 31 July 2023 and as noted above he was sentenced to an overall sentence of 12 weeks' imprisonment.
7. Mr Jeffries was charged with burglary with intent to do unlawful damage on 20 May 2024. He appeared at Blackburn Magistrates' Court. No indication of plea was given and

the case was sent to Preston Crown Court.

8. The prosecution have referred to some alleged breaches of police bail. These were neither pursued nor proved and therefore we take no account of them.
9. The pretrial preliminary hearing was listed for 18 June. On 12 June an indictment was uploaded reflecting counts of aggravated burglary and theft. An amended indictment was served on 18 June to reflect two counts of burglary, one with intent to do unlawful damage and the other relating to the theft of the phone in the course of the burglary. Mr Jeffries appeared before Preston Crown Court on 18 June and pleaded guilty to the two counts.
10. He was released on conditional bail pending sentence. One of the conditions was an exclusion from an area that included Miss Stevenson's home address.

The intimidation

11. On 21 July 2024, a month after his appearance in the Crown Court, Miss Stevenson received two text messages. The sender read "anonymous" and the messages were:
"Your day is coming to you watch drop the case or else" - that was sent after the plea of guilty. The second was: "No one likes u no wonder ur mum took her own life haha ring police ur days coming u tramp yes this is Jordan [Jordan is the first name of Mr Jeffries] bet us wasn't expecting me to get urn um did u haha now do us all a favour and do what ur mum did saves me coming after u wen I get out trust me if go 2 prison ur life aint going 2 be worth living."
12. The fact that Mr Jeffries gave his first name is relied on to show that the offending was not sophisticated, but it is apparent however that giving the name would not reduce the harm suffered by Miss Stevenson.
13. On 22 July, Miss Stevenson received a further message from the same sender saying: "Im

going 2 get every1 2 give u crap if I go 2 prison and no1s going 2 stop me so ring police ill be out in 24 hours haha I hate u. U aint going 2 get away with sending me 2 prison u deserve everything that cums 2 u."

14. On 26 July he was arrested in respect of those allegations, interviewed on the same day and denied sending them. He was charged on 26 July. He appeared at Preston Magistrates' Court on 27 July. A not guilty plea was indicated but at the pretrial preliminary hearing in Preston Crown Court on 28 August he pleaded guilty and sentence was adjourned to 5 September.

The sentencing

15. Victim personal statements showed that after the burglary Miss Stevenson was scared of leaving the house and in her latest statement she described being prescribed anti-depressants, waiting for counselling and finding it hard to relax and avoiding leaving home. Her sister walked her to and from work and checked during lunch breaks.
16. A pre-sentence report was available. That showed that Mr Jeffries asserted there was a long running dispute between his partner, her family and Miss Stevenson's family. He alleged that on the morning of the burglary he had received an edited photograph that implied a threat against his eight-year-old daughter. He claimed he went to Miss Stevenson's home to get her phone. He denied knowing Miss Stevenson was at the property before he entered and claimed he stopped when he saw her, took her phone and left. The author of the report noted that this was minimising his behaviour and failing to accept all that he had done. He was misusing drugs and alcohol at the time and had relapsed for the previous 12 months.
17. As part of the background between Miss Stevenson's family and Mr Jeffries' partner and the comment "don't fuck with my family", the defence relied on material disclosed by the

prosecution that addressed this issue. The judge recorded that Miss Stevenson herself had been prosecuted for sending deeply unpleasant messages to Mr Jeffries' partner but that had failed on a technicality (which was not specified). The allegation by Mr Jeffries' partner was that Miss Stevenson and her sister had harassed her over an extended period. Although the Solicitor General identified that this was never proved by a conviction, the judge was entitled to take into account the matters as background. In order to establish matters of relevant background or mitigation on behalf of the defence, the matters only need to be proved on the balance of probabilities.

18. Miss Woods has relied today on further material to the effect that Mr Jeffries' mother had received unpleasant messages sent by or on behalf of Miss Stevenson. There is no application to adduce fresh evidence. Miss Stevenson has not had any fair opportunity to respond to these allegations. We take no account whatsoever of that material.

19. Mr Jeffries was sentenced on 5 September. At the conclusion of the hearing he was sentenced to a total of three years four months' imprisonment. There was a sentence of three years four months (40 months) for burglary before a discount of 25 per cent for plea, which gave a sentence of two years six months (30 months), a sentence of one year four months (16 months) for intimidation with a discount of 25 per cent for plea which gave a sentence of one year. That was made consecutive but reduced to eight months to take account of totality. That gave a sentence of three years two months. A restraining order in favour of Miss Stevenson was imposed for seven years. The breaches of the suspended sentences were put to Mr Jeffries and admitted on the basis that they were consecutive sentences of four weeks each, when the sentences had been structured differently. The judge activated eight weeks of them, a further two months. On 11 October 2024 a slip rule hearing took place when the correct breaches were put to

Mr Jeffries and he admitted them but the overall sentence remained as three years four months.

The offence-specific guidelines

20. There are guidelines for domestic burglary and witness intimidation. So far as the burglary was concerned it was high culpability A because there was a significant degree of planning which was a revenge attack on a lone woman. It was Category 1 because violence was used and Miss Stevenson was present at the property. A Category 1A offence has a starting point of three years and a range of two to six years. There were aggravating factors being the offence committed with another, the deliberate smashing of the phone, Mr Jeffries serving a community order and Mr Jeffries numerous previous convictions.
21. So far as intimidation was concerned it was high culpability A because there were threats of violence and Category 1 because of serious distress or impact on Miss Stevenson. Category 1A has a starting point of two years' imprisonment with a range of one to four years. The judge accepted that the background of animosity between the parties and the fact that Mr Jeffries had already pleaded guilty meant that he should go lower in the range.
22. There is also a guideline for breach of suspended sentences. If the breach involves more serious offences being committed and a new offence similar in gravity being committed with no or low level compliance, the penalty of full activation of the original custodial term is recommended.

The respective cases

23. It is submitted on behalf of the Solicitor General that the sentence was unduly lenient because the starting point for the burglary counts did not adequately reflect the

seriousness of the offending, the starting point for intimidation did not adequately reflect the seriousness of offending, the sentence should not have been reduced for totality once the original starting point had been reduced and the suspended sentence ought to have been activated in full.

24. It is submitted on behalf of Mr Jeffries that the sentence was not unduly lenient. The judge correctly categorised each offence within the Sentencing Council guidelines and the Solicitor General, it was submitted, was double-counting factors that applied. It was submitted that the judge was correct to take into account the background to these offences and that the judge made proper reductions for totality.

The proper sentence

25. In our judgment the judge identified the correct category for the burglary offences and that is common ground between the parties. The judge did go up to reflect the aggravating factors. It is true that many other judges might have gone up by a bit more, but it is in our judgment impossible to say that the judge's sentence in relation to burglary was unduly lenient.

26. So far as the starting point for intimidation is concerned, the judge again identified the correct category. The judge reduced it to take account of the background which was proved to his satisfaction before him, although the judge rightly did not attempt to attribute blame, other than the blame due to the offender for all that he had done and for which he was being sentenced. The judge's reduction to one year four months was in our judgment generous, but we are not in a position to say that it was unduly lenient. These are the sort of adjustments that judges are best able to judge for themselves.

27. So far as the suspended sentence is concerned, the complaint is that only eight weeks rather than 12 weeks was activated. Many judges would have activated the 12 weeks but

some reduction for totality would again have had to be made. It is impossible to say that the eight week addition was itself unduly lenient.

28. For all those reasons we refuse leave for this Reference.

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

Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE

Tel No: 020 7404 1400

Email: rcj@epiqglobal.co.uk