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Neutral Citation Number: [2024] EWCA Crim 1609

IN THE COURT OF APPEAL

CRIMINAL DIVISION

ON APPEAL FROM THE CROWN COURT AT

SNARESBROOK

HHJ POUNDER CP No: 01HT1014524

CASE NO 202403674/A2

Royal Courts of Justice
Strand
London
WC2A 2LL
Friday, 20 December 2024

Before:
LORD JUSTICE LEWIS
MR JUSTICE GARNHAM
MR JUSTICE CONSTABLE

REX
V
ALIA ABDULLAHI

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MISS V SMART appeared on behalf of the Appellant

J U D G M E N T

1. MR JUSTICE GARNHAM: On 14 June 2024 in the Crown Court at Snaresbrook, the appellant Alia Abdullahi pleaded guilty to offences of robbery and assault on an emergency worker. On 13 September 2024 before His Honour Judge Gerard Pounder she was sentenced to 30 months' imprisonment on the former and one month concurrent on the latter. She now appeals against sentence by leave of the single judge.
2. The relevant facts are as follows. On 6 January 2024 Mr Ali, a gentleman aged 94 who uses a walking stick, was withdrawing money from a Barclays Bank cashpoint in the Mile End Road in East London. As he attempted to put the money into his wallet, the appellant approached him from behind and made to grab the money and the wallet. We have seen the CCTV of the incident and it is apparent that Mr Ali put up a spirited fight and a prolonged struggle followed. In the course of the struggle the appellant bit Mr Ali on the hand and eventually succeeded in taking £200 in cash and the wallet from Mr Ali. She then fled the scene. Mr Ali was taken to hospital and given a tetanus injection made necessary by the bite. Understandably he was distressed and frightened by this utterly unprovoked and cowardly attack upon him. He is now frightened to leave his home.
3. The appellant was arrested on 12 January 2024 and taken to a police station. Whilst in the custody suite she kicked a police officer, PC Phillips, as he carried out his duties.
4. The appellant was aged 25 at sentence. She had no previous convictions but had one caution in 2018 for assault of an emergency worker.
5. In sentencing the appellant the judge said this:

"You are entitled to credit for a guilty plea, and it seems to me that you pleaded at the stage of the – equivalent to the Pre-Trial Hearing. I know there were issues, and you had to change your solicitors, but I do think that you must have been appreciative of the situation, and there was clear evidence on the CCTV; but, again, there are sentencing guidelines which reflect when you

plead, and if you plead at the court door it is 10%; if you plead at the Pre-Trial Preparatory Hearing then it is 25%. In this case it was between the two, so it seems to me the appropriate discount is one of 16.6 recurring percent. So with a starting point of three years I reduce it in respect of the robbery to a sentence of 30 months (two and a half years) in respect of Count 1. In respect of the assault emergency worker, it is going to be a concurrent sentence. I took at totality, and it seems to me that there should be one of one month's concurrent to that, making a total of 30 months."

6. It is argued by Miss Smart on the appellant's behalf that the reduction of 16.7% for the guilty plea was wrong in law. It was Miss Smart's submission in writing that the discount should have been between 25 and 33%. In her oral submissions she maintains that the discount should have been 33%. Helpfully in that context she refers us to the case of R v Nolan [2022] EWCA Crim 726. In our judgment there is some force in that submission but it does not take the appellant as far as Miss Smart submits.
7. This was an appalling attack on an elderly man and the judge was perfectly entitled to adopt the starting point he did. However, in our judgment there is force in the argument as to credit for plea. The appellant could have pleaded at the first opportunity in the Magistrates' Court, but she did not. Accordingly, she is not entitled to 33 per cent. However, her legal advisers then raised the question of her fitness to plead. As soon as it was made clear that she was fit to plead she did so. In those circumstances she was entitled to a discount of 25 per cent from the sentence of 36 months. The judge's approach proceeded on an error of principle. Applying the correct discount of 25 per cent reduces the term to 27 months.
8. The appropriate figure for the assault was six weeks. The judge imposed one month concurrent. Given the entitlement to a similar discount that is unobjectionable.
9. It follows that we allow this appeal, we quash the sentence of 30 months for the robbery

and impose in its stead a term of 27 months. The other sentence remains unaltered.

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