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IN THE COURT OF APPEAL

CRIMINAL DIVISION

[2024] EWCA Crim 36



No. 202303082 A5

Royal Courts of Justice

Tuesday, 16 January 2024

Before:

LORD JUSTICE POPPLEWELL  
MR JUSTICE CHOUDHURY  
HER HONOUR JUDGE ANGELA RAFFERTY KC

REX  
v  
TOMMY ROBINSON

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Mr D. Wolchover appeared on behalf of the Appellant.  
The Crown were not represented.

J U D G M E N T



LORD JUSTICE POPPLEWELL:

- 1 On 11 July 2023 the appellant pleaded guilty to two charges of possession with intent to supply crack cocaine and heroin respectively. On 18 August 2023 he was sentenced by Mr Recorder Beer KC in the Crown Court at Luton to two years' imprisonment. He appeals against sentence with the leave of the single judge.
- 2 Following reports of a male being seen dealing drugs, the police stopped and searched the appellant in the street. He had on him a total of 33 wraps, 25 of crack cocaine and 8 of heroin, with a combined value of around £330. He also had £210 in cash and two burner mobile phones.
- 3 He is now aged 41. He has a number of previous convictions but none in the last nine years and none for the supply of drugs.
- 4 The pre-sentence report revealed that he has a history of drugs abuse and previous attempts to get clean, but with relapses. On this occasion he was allowed to run up a drugs debt and had been forced to act as a runner to pay it off. He exhibited genuine remorse and a determination to get clean, and had shown good progress towards that goal whilst in custody awaiting sentence. He suffers from a schizoaffective disorder.
- 5 In sentencing, the Recorder treated him as having a lesser role in category 3 street dealing, which attracts a starting point of three years and a range of two to four and a half years. The recorder said that there were no aggravating features, and referred to his having taken steps to address his addiction. The Recorder then took three years after trial as the appropriate sentence, and reduced it to two years giving full discount for his early pleas of guilty.
- 6 The ground of appeal is that the Recorder failed to reflect the mitigation available to him. We see force in this argument. His genuine remorse, the steps taken to address his addiction, his resolution to distance himself from those involved in drug dealing, and his neurodiversity condition, all taken together, required a downward adjustment from the three-year starting point.
- 7 An appropriate sentence after a trial would have been 27 months. Accordingly, giving full discount for plea, we will reduce the sentence to one of 18 months' imprisonment on each count.
- 8 To that extent the appeal is allowed.

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This transcript has been approved by the Judge.