



Neutral Citation Number: [2024] EWCA Crim 55

Case No: 202301282 A1

**IN THE COURT OF APPEAL (CRIMINAL DIVISION)**  
**ON APPEAL FROM LEEDS CROWN COURT**

**His Honour Judge Kearl KC**  
**T20227582**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 17/01/2024

**Before :**

**LORD JUSTICE STUART-SMITH**  
**MR JUSTICE CAVANAGH**

and

**HER HONOUR JUDGE TRACEY LLOYD-CLARKE**  
**(Sitting as a Judge of the CACD)**

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**Between :**

**CHRISTOPHER DONALDSON**  
**- and -**  
**REX**

**Appellant**

**Respondent**

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Computer Aided Transcript of Epiq Europe Ltd,  
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Court)  
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**NON-COUNSEL APPLICATION**

Hearing date: 17 January 2024

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**Approved Judgment**  
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**MR JUSTICE CAVANAGH :**

1. This is a renewed application for permission to appeal against sentence, leave having been refused by the single judge.
2. On 22 March 2023, the applicant was convicted after a trial at Leeds Crown Court of three offences: murder, section 18 wounding with intent and assault occasioning actual bodily harm. The applicant was sentenced to life imprisonment for murder. The judge imposed a minimum term in accordance with Schedule 21 to the Sentencing Act 2020 of 24 years less time served on remand. This minimum term took account of the criminality involved in all three offences, and also of totality.
3. These convictions arose out of events on 2 September 2022. Lorraine Hargreaves, the applicant's then-girlfriend, had gone to sell some stolen goods at a property and became embroiled in a fight with a man called Donald Price. She returned and falsely told the applicant and another man, Anthony Sladek, that she had been assaulted by Price. The applicant went to the property with Hargreaves and Sladek and joined in an assault on Price, in which Price was hit and kicked in the head by the applicant. This was the section 47 actual bodily harm count.
4. Subsequently, Price, along with two associates, Cain Adams and Anthony Steel, went to the property in which Hargreaves was living to take revenge. They were armed with weapons. Another fight broke out. The applicant, who had been drinking, armed himself with a knife from an upstairs kitchen and came downstairs to join the fray. Price attacked the applicant with a chain, causing a wound to his head and the applicant stabbed Price in the head in return. This was the section 18 offence.
5. Further fighting took place before Anthony Steel saw that the applicant had a knife. He went towards the applicant to disarm him. By this stage Steel was unarmed. The applicant stabbed Steel three times: once in the back, once to the head and once to the chest. Steel died of his injuries.
6. The applicant was aged 45 at the time of sentence. He had 44 convictions for 109 offences during the period from March 1990 to May 2022. These included five offences against the person.
7. The judge rejected the contention on behalf of the applicant that he had acted in self-defence. Steel was unarmed and had been no threat to the applicant. The judge decided that the starting point for the purposes of Schedule 21 was 15 years, as the applicant had not taken a knife to the scene. However, it was an aggravating factor that he had taken a knife from upstairs and had taken it downstairs to use in the fight. The victim had suffered three knife injuries, including one in the back. The judge regarded the applicant's history of violent offending as an aggravating feature. These included a conviction for wounding with intent in 2019. The applicant had shown no remorse. The judge accepted in mitigation that there had been no intention to kill and that the attack which led to the murder and the section 18 offence had not been premeditated. The judge decided that the appropriate minimum term for the murder alone would have been 21 years. He considered that the appropriate sentence for the two other offences would have been nine years in total, on the basis that the sentence for the actual bodily harm offence would have been consecutive. But he reduced the additional part of the minimum term attributable to these other offences to three years because of totality, and also because he bore in mind that the applicant would not have served the full term of a determinate sentence in prison for those two offences.
8. The applicant has put forward three grounds of appeal. These were (1) that the judge's initial starting point of 21 years' imprisonment for the offence of murder was too high, (2) that the judge failed to have sufficient regard to the principle of totality,

and (3) that the minimum term imposed was manifestly excessive.

9. In refusing permission to appeal, the single judge said as follows:

"1. The total sentence by way of minimum term was 24 years, less time spent on remand, of which the Judge ascribed 21 years to the murder count and 3 years to the s.18 and s.47 counts.

2. The applicant was party to a vicious attack on Price. When subsequently confronted at his home, he equipped himself with a knife from the kitchen upstairs, stabbed Price in the face by the front door downstairs and then stabbed the intervening Steel three times, with significant force and so as to cause death. He was in drink. He also had a very bad record, including for offences of violence.

3. The Judge adopted a starting-point of 15 years for the murder. But clearly in the circumstances a significant uplift was called for, reflecting the fact that in some ways this was close to being, even though not being, a 25 year starting-point case under paragraph 5A of Schedule 21, and reflecting also the aggravating factors. Mitigation was in effect limited to no intent to kill and lack of pre-meditation. An uplift to 21 years was, in my opinion, properly open to the Judge in such circumstances. In addition, the (very serious) other offences called for further significant uplift to the minimum term.

4. I can identify no arguable basis for saying that an overall minimum term of 24 years was excessive."

10. We have carefully considered the grounds of appeal that have been put forward on behalf of the applicant. We entirely agree with the single judge. For the reasons he gave, the grounds of appeal are not arguable and the application for permission to appeal is refused.

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

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