

**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.**

IN THE COURT OF APPEAL  
CRIMINAL DIVISION  
Case No: 2021/00350/A2  
[2021] EWCA Crim 1359



Royal Courts of Justice  
The Strand  
London  
WC2A 2LL

Thursday 12<sup>th</sup> August 2021

**THE VICE PRESIDENT OF THE COURT OF APPEAL CRIMINAL DIVISION**  
**(Lord Justice Fulford)**

**MR JUSTICE GOOSE**

**SIR RODERICK EVANS**

---

**REGINA**

**- v -**

**LANCE ROBERT CRAIG EDWARDS**

---

Computer Aided Transcript of Epiq Europe Ltd,  
Lower Ground, 18-22 Furnival Street, London EC4A 1JS  
Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court)

---

**Miss Z Walker** appeared on behalf of the Applicant

---

**JUDGMENT**

Thursday 12<sup>th</sup> August 2021

**LORD JUSTICE FULFORD:** I shall ask Mr Justice Goose to give the judgment of the court.

**MR JUSTICE GOOSE:**

**Introduction**

1. This is a renewed application for leave to appeal against sentence following refusal by the single judge. The applicant is represented before us today by Miss Walker, who did not appear in the court below.

2. On 5<sup>th</sup> January 2021 in the Crown Court at Nottingham before His Honour Judge Coupland, the applicant, Lance Edwards, who is aged 41, pleaded guilty at the start of his trial to wounding with intent to cause grievous bodily harm, contrary to section 18 of the Offences against the Person Act 1861. He was sentenced to imprisonment for life, with a minimum term to be served of seven years and two months' custody. The sentence was ordered to be served consecutively to an extended sentence of 15 years, comprising 12 years' custody and an extended licence period of three years, for a similar offence of inflicting grievous bodily harm with intent, contrary to section 18 of the 1861 Act. The applicant was serving that Extended Sentence in custody at the time he committed the offence which gives rise to this application.

**The Offence**

3. On 11<sup>th</sup> November 2019, whilst serving his custodial sentence at HMP Lowdham Grange, the applicant assaulted another prisoner with a sharp implement. The incident was captured on CCTV footage. It showed the applicant walk calmly up to the victim and, with an object that appeared shiny and metallic, inflict a downward motion to the face of the victim which caused a substantial and deep laceration from the forehead down to the upper neck. We have seen photographs of the injury and its later treatment which required multiple stitches: it was a very long and deep facial laceration. A prison officer who attended the scene was so shocked by the extent of the injury that he required a significant period of leave from his duties.

4. The applicant initially denied that he was responsible for the injury. Later, he accepted that he had assaulted the victim, but claimed to have used a cell key. The prosecution did not accept that the weapon used was a key. The applicant's explanation as to why he attacked the victim was the mistaken belief that he was a sex offender.

**The Sentence**

5. The applicant has 26 convictions for 70 offences, including for an offence of section 20 wounding in 2011 and, most significantly, the offence in 2018 of section 18 grievous bodily harm, for which he received the Extended Sentence of 15 years. Although the full details of that offence were made known to the court below and have been provided to this Court, it is sufficient to observe that it involved a repeated, unprovoked attack upon a victim with a weapon, causing serious injuries. When sentencing the applicant for that offence, the court determined that he was a dangerous offender.

6. In sentencing the applicant for the present offence, the judge concluded that this wounding with intent was serious in the context of the offence, given the severity of the wound caused, and was an offence of greater harm. Higher culpability was established by the use of a weapon and a significant degree of premeditation.

7. As a category 1 offence, the guideline starting point was 12 years' custody, with a range of nine to 16 years. The offence was made more serious by the fact of the applicant's previous convictions, and that it was an offence which occurred within the prison environment.

8. The mitigating factors included that the applicant would be required to serve a lengthy period in custody before his release; and that it appeared that he was developing an insight into the consequences of his actions. Further, the judge took into account as mitigation the effect of custody, and the very limited access the applicant had had whilst in custody to his family and children during the Covid-19 pandemic. The judge expressly stated that he took into account the principle of totality, given that he was to impose a consecutive sentence to that which the applicant was already serving. The judge concluded that a sentence of 12 years' imprisonment was appropriate, which he reduced by ten per cent for the late guilty plea, which provided a sentence of ten years and nine months. He reduced that term by a third, to seven years and two months, to establish the minimum term of custody under section 323 of the Sentencing Act 2020, to go with the imprisonment for life. The judge directed that the sentence would be served consecutively, and explained its consequences to the applicant.

### **The Grounds of Appeal**

9. The principal grounds of appeal are: firstly, a challenge to the custodial term as being manifestly excessive; and secondly, a challenge to the order that the sentence be served consecutively, rather than concurrently.

### **Discussion and Conclusion**

10. In sentencing the applicant, the judge was careful to adopt a stepped approach. Firstly, he decided that a discretionary life sentence based only on the offence itself, whilst its seriousness was high, did not merit such a sentence. Next, the judge satisfied himself that the offence fell within Schedule 15 to the 2020 Act (the offence condition); and that the substantive sentence to be imposed exceeded ten years' custody (the sentence condition). The judge found no basis to declare that a life sentence would be unjust, and therefore imposed the sentence of imprisonment for life, under sections 273 and 283 of the 2020 Act. There is no criticism of the judge's reasons or conclusions for that sentence on behalf of the applicant. We agree with that concession.

11. We turn to the applicant's first ground of appeal: that the total custodial term was manifestly excessive. We are not persuaded that there is any merit in this argument. It is clear from the judge's sentencing remarks that he carefully considered totality. Given a starting point under the guideline of 12 years' custody, and the seriously aggravating factors, comprising the applicant's previous offences and the fact that the current offence occurred within the prison environment, a substantial uplift from the starting point would have been appropriate – in our judgment, up to 14 or 15 years' custody. The fact that, on the limited mitigation, the judge maintained a sentence at the starting point of 12 years demonstrates that he had totality and proportionality firmly in his mind.

12. We are also unpersuaded by the second ground, that the judge made any error in ordering the sentence to be served consecutively to the existing extended sentence. Whilst it may be desirable, it is not wrong for the court to impose one indeterminate sentence consecutively to another existing indeterminate sentence. This is recognised within the totality guideline and in the decisions of this court in *R v Hills* [2008] EWCA Crim 1871, and *R v Ashes* [2007] EWCA Crim 1848. Further, since this offence was against an entirely different victim, at a different place and different time to the offence in 2018, it is unarguable that it was wrong for the judge to impose a consecutive sentence.

13. In the course of her oral submissions, Miss Walker submitted that the judge should have imposed a concurrent sentence, but increased the minimum term to one that exceeded the balance of the outstanding custodial term of the existing extended sentence. This was a fresh point, not clearly raised in the written Grounds of Appeal. However, in the circumstances of this case, we are not persuaded that it would be correct to take such a course. We are satisfied

that it was entirely correct to impose consecutive sentences. It is not necessary, therefore, for us to determine whether this is permissible. We will leave the point for another court to consider should it arise in the future. There is no merit in this ground of appeal.

14. Accordingly, we are not persuaded that there is any merit in any of the grounds of appeal. This renewed application for leave to appeal against sentence must be refused.

---

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

Lower Ground, 18-22 Furnival Street, London EC4A 1JS  
Tel No: 020 7404 1400  
Email: rcj@epiqglobal.co.uk

---