

ENGLAND AND WALES / JUDGMENT

R v David Sladden

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Ms C Pattison appeared on behalf of the Solicitor General. Ms R Finnegan appeared on behalf of the Respondent Offender.

J U D G M E N T (Draft Approved) LORD JUSTICE DINGEMANS, Senior President of Tribunals:

Introduction

1. This is the hearing of an application by His Majesty's Solicitor General for leave to refer a sentence. The respondent is David Sladden, a 35 year-old man who was, before the offending the subject of this reference, of previous good character.

2. On 14 July 2025 in the Crown Court at Canterbury, Mr Sladden pleaded guilty to controlling and coercive behaviour in an intimate or family relationship contrary to sections 76(1) and (11) of the Serious Crime Act 2015. The guilty plea was entered on the first day of trial, following a Goodyear indication on the full facts of the prosecution case. The Goodyear indication was properly sought, on a form which referred to the possibility of the Attorney General referring this matter to this court.
3. The judge sentenced the respondent, Mr Sladden, to a suspended sentence order comprising a custodial term of 18 months suspended for 24 months, with a requirement to complete 100 hours' unpaid work and a rehabilitation activity requirement of up to ten days. A restraining order was imposed for ten years and a victim surcharge was applied. 4. It is submitted by Ms Pattison on behalf of the Solicitor General that the sentence of 18 months was simply too low, given the categorisation of 1A for this offending, and that in any event the sentence should not have been suspended. It is submitted by Ms Finnegan on behalf of Mr Sladden that the sentence was appropriate. It might have been lenient, but it was not unduly lenient. The judge started at the correct starting point. The judge had regard to all of the evidence, including the mitigation of good character, work and effect on others. There was also delay in the prosecution. The factual circumstances
5. The victim of the offending, who we will refer to as A, and Mr Sladden were in what was described as an on-and-off relationship for some seven years. They have three young children together, all born between 2016 and 2022. The relationship finally ended in May 2022. During this time, the couple did not live together. A lived in her own house with the children, but Mr Sladden frequently stayed.
6. There was violence on 3 March 2018, when Mr Sladden assaulted A at her home address. He put his hands around her throat and squeezed, restricting her breathing for about ten seconds. She managed to get Mr Sladden off her neck.
7. There was further violence on 20 February 2022, when Mr Sladden was angry that A had a friend over to visit. He put his hands around A's throat and squeezed for a few seconds. He did not restrict her breathing, but caused discomfort. The children were present, and they were upset and crying. A slapped Mr Sladden to get him away. He pushed her backwards, causing her to fall backwards and land on their daughter, who was standing at the bottom of the stairs. She suffered bruising to the neck, which we have seen in photographs. As is apparent, the assault was carried out in the presence of the children.
8. There was also threatening behaviour and damaging of household goods in April 2022. A had tried to end her relationship with Mr Sladden. He reacted by causing significant damage to the property. He used an axe to damage the shed door, the garden gate and the pergola, and he smashed ornaments inside her bedroom and said that if she had another man, he would kill him and smash the house up.

9. The other relevant behaviour was that Mr Sladden would belittle A. She did not work and stayed at home to look after the children. Mr Sladden, who was working as a roofer, told her, in front of other people, that she was lazy and should be working and providing for her children. He would call her a "shit mum" for not wanting to be at home with her children. Mr Sladden and A would frequently argue about finances, including his lack of financial support for the family.
10. Mr Sladden isolated A from family and friends. He wanted to know where she was and who she was with. He checked her phone for messages. He would accuse her of seeing other men, and he did not like her having male friends on social media. He falsely accused her of having an affair. He would make her delete persons as friends, and he would make it difficult for her to see female friends and cousins.
11. Mr Sladden monitored her time and daily events, taking control of aspects of daily life. He would make her leave the bathroom door wide open, as he did not trust her being in the room alone in case she was speaking to other men on the phone. A photographed and video recorded Mr Sladden spying on her from the stairs when she was using the bathroom. We have seen photographs and video of that. He would tell her what time she had left, how many minutes she had been away, and ask her why it had taken her so long. He made her send him photographs to prove where she was. He commented on her physical appearance and told her what she could and could not wear.
12. In December 2021, A underwent surgery and was medically advised to avoid sexual intercourse for a six week period. On multiple occasions when she slept downstairs, Mr Sladden requested sexual intercourse and then accused her of cheating.
13. After they separated, finally at the end of May 2022, Mr Sladden entered the property when A was out. He looked through her drawers. He initially refused to give the key that he had back, but did so at about the end of May 2022. After the relationship had ended, he had driven past her house on numerous occasions and parked his van outside to watch. It was common ground, that that behaviour was not part of the coercive and controlling behaviour in an intimate or family relationship because there was no longer a relationship, but it was behaviour that aggravated the effect of all the offending that had gone before. A video recorded one session.
14. It seems that matters then continued with a separation before coming to a head on 26 March 2023, when Mr Sladden was driving. A's brothers appear to have stopped Mr Sladden's car and there was then an incident. That incident has led to charges against A's brothers for assault occasioning actual bodily harm, which will be determined at Maidstone Crown Court on 17 November 2025. We have no further details of that, and we now know that it was on 31 March 2023 that A reported matters to police. She said that she had felt well enough, effectively, to report matters to her mother and then to the police. A also in her witness statement reported to having been scared and paranoid after Mr Sladden had left, and had checked the security of her house on numerous occasions. The proceedings

15. Mr Sladden was arrested on 1 April 2023. He was interviewed by the police on 1 April 2023, but he denied any wrongdoing. It seems that on 21 May 2023, the police or the Crown Prosecution Service decided not to take any further action. That was then the subject of further representations, and Mr Sladden was then charged on 25 July 2024 by postal requisition, so over a year and three months after the interview. That is relevant, because Ms Finnegan has relied on matters which have occurred after these events in support of the submission that even if this is an unduly lenient sentence, the sentence should not be increased.
16. Mr Sladden attended the Magistrates' Court in September 2024. The case was sent to Canterbury Crown Court and he was remanded on bail. The case was listed for a pre-trial preliminary hearing in October 2024, and he pleaded not guilty. The trial date was fixed originally for April 2027, but was then varied to 14 July 2025. On 9 May, a defence statement was served, where Mr Sladden denied the acts. On 14 July the case was listed for trial. Counsel on behalf of Mr Sladden sought a Goodyear indication on the full facts of the prosecution case. A note to assist the judge was uploaded with an accompanying form. The form set out relevant law and procedure, and included the statement that this court might increase any sentence that was given if there was a reference.
17. When giving the Goodyear indication, the Judge said: "The court would categorise this offending in category A1 which is that put forward by the Crown. As advocates have indicated that has a starting point of two years, six months, or 30 months' imprisonment with a range of between one and four years. In categorising the culpability the court has particularly taken into account the persistence of the abuse for such a long time, and the different methods and degree of control. For the harm, the court has listened to submissions from the Crown that there have been many threats to violence, physical assault including strangulation, insistence on sex when the victim had recently had cervical surgery, the need for the victim to change the locks and the other matters set out in the victim personal statement dated 4 September 2023."
18. The judge said that the aggravating factors were that it was carried out in the presence of children, including the strangulation, where, according to the witness statement, the victim fell over one of the children. The mitigating factors are the fact that the defendant has never committed a criminal offence or been convicted before, also that he has complied with all bail conditions, with no further offending and no further harassment or stalking of A.
19. The judge then concluded: "The court would be minded to impose a restraining order which would ensure that that state of affairs continues even after the bail conditions have been discharged." The judge finally said: "If this matter had gone to trial the sentence the court would impose, bearing in mind the court has not received full submissions, but this is an indication, would be a sentence of 20 months' imprisonment. There would be a 10 per cent discount which would mean that the court would be looking at a sentence of 18 months."

20. Then the judge went on to say that the sentence would be suspended because of the good prospect of rehabilitation, the fact that there would be a detrimental effect on others, namely the family and children with whom Mr Sladden was currently living. There were no previous convictions and therefore no history of not complying with court orders. There was a need to undertake some courses to better understand his offending.
21. Mr Sladden pleaded guilty. The judge then sentenced in accordance with the indication given. Post sentence materials
22. We have a report dated 14 October 2025 prepared by probation, showing that at the time of the report, some 69 out of the 100 hours of work had been carried out. We are told today in submissions that it is now 87 hours out of the 100 hours, and that Mr Sladden has engaged well with probation. There are mental health issues which are preventing Mr Sladden from working full time at the moment. The probation report stated that Mr Sladden had some insight into the toxic nature of the relationship, but was engaged in some victim blaming. Relevant guidelines and law
23. The offence specific guideline provides that higher culpability A factors are: conduct intended to maximise fear or distress; persistent action over a prolonged period; and use of multiple methods of controlling or coercive behaviour. For harm category 1, there is: fear of violence on many occasions; very serious alarm or distress, which has a substantial adverse effect on the victim.
24. For a category A1 offence, there is a starting point of two years six months' custody, and a range of one to four years' custody. Aggravating factors include some of the offending, including acts of violence, committed in the presence of children, and that is also noted as an aggravating factor in the domestic abuse overarching principles definitive guideline. Mitigating factors include no previous convictions; no further offending in respect of A, or at all; remorse; and steps to stay out of trouble.
25. So far as factors in relation to the overarching guidelines on community punishments, factors in favour of a suspended sentence order include whether there is a realistic prospect of rehabilitation; strong personal mitigation; and where immediate custody will result in harmful impact on others. Factors against a suspended order include where the offender presents a risk or danger to the public; appropriate punishment could only be achieved by immediate custody; and a history of poor compliance with court orders.
26. Reference was made in the course of submissions, both written and oral before us today, to R v Alfie Cook [2023] EWCA Crim 452 and R v Borsodi [2023] EWCA Crim 899 at paragraph 17, which suggests a starting point for a single offence of strangulation of 18 months and the fact that that would normally result in immediate custody. As was made clear in Borsodi, each case will have to turn on its own facts.

27. So far as this reference is concerned, the principles to be applied can be summarised as follows: the judge at first instance is particularly well placed to assess the weight to be given to competing factors in considering a sentence; a sentence is only unduly lenient where it falls outside the range of sentences which the judge at first instance might reasonably consider appropriate; and leave to refer a sentence should not be granted in borderline cases. Section 36 of the 1988 Act is designed to deal with cases where judges have fallen into gross error. Finally, as Lord Lane CJ pointed out in Attorney General's Reference No 4 of 1989 at page 371, even where this court considers a sentence to be unduly lenient, it has a discretion as to whether to exercise its powers. This reference
28. In our judgment, the judge was right to put this case into category A1, and that is common ground between the parties. That gave a starting point of two years six months, or 30 months. There were very important aggravating factors which have been effectively common ground before us, but there were also very important mitigating factors which we have identified.
29. For ourselves, we consider that the judge's reduction was lower than we would have gone, but we are not able to say that that was unduly lenient. We all consider it to be lenient, but we do not consider it to be unduly lenient. That is because the judge was best placed to make the assessment between aggravating and mitigating factors, and had regard to all the relevant factors. There is nothing in the remarks that the judge made, either when giving the Goodyear indication or when sentencing, which suggests that any relevant factor was left out of account. It is not for us to sentence at first instance, we are reviewing this matter on appeal, and we would consider therefore the sentence to be lenient but not unduly lenient.
30. That still leaves the second point of the reference, which is whether or not the sentence should have been suspended. In our judgment, the judge again exercised a discretion by having regard to all the relevant factors. Again, some of us might not have suspended this particular sentence, particularly in the light of the issues of strangulation which have been brought into sharper focus in the reference, but we are wholly unable to say that the judge was not entitled to suspend this sentence. We have regard in that respect to the fact that now, with the passage of further time, it is apparent that Mr Sladden has benefitted from the suspended sentence order, and is beginning to appreciate the harm that he caused to A.
31. For all those reasons, we will refuse to grant leave and refuse the reference. 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

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