

ENGLAND AND WALES / JUDGMENT

# R v Andrew Welsh

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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 ON APPEAL FROM THE CROWN COURT AT DURHAM (HHJ AMANDA RIPPON) [11WW0149225] CASE NO 202504443/A3

[2026] EWCA Crim 595 Royal Courts of Justice Strand London WC2A 2LL Friday 17 April 2026  
Before: LORD JUSTICE HOLGATE MR JUSTICE PICKEN RECORDER OF LEICESTER (HIS HONOUR JUDGE TIMOTHY SPENCER KC) (Sitting as a Judge of the CACD) REX V ANDREW WELSH

Computer Aided Transcript of Epiq Europe Ltd, Lower Ground, 46 Chancery Lane, London WC2A 1JE Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court)

MS A HAUGSTAD appeared on behalf of the Appellant.

## J U D G M E N T LORD JUSTICE HOLGATE:

1. On 15 July 2025 in the Crown Court at Durham, the appellant pleaded guilty to driving whilst disqualified (count 6). On Friday 17 October 2025, at a pre-trial review three days before his trial was due to start on the following Monday, the appellant changed his plea to guilty on two counts, controlling or coercive behaviour in an intimate or family relationship, contrary to section 76 of the Serious Crime Act 2015 (count 2) and dangerous driving (count 7). The appellant accepts that three other counts were ordered to lie on the file because they were rolled up within the facts of count 2. Those counts were threatening with a bladed article in a private place (count 1), assault by beating (count 3) and criminal damage (count 5). The prosecution offered no evidence on an allegation of kidnapping.
2. On 27 November 2025 Her Honour Judge Rippon sentenced the appellant to an overall term of imprisonment for 42 months, comprising 41 months on count 2, a consecutive term of 1 month on count 6 and a concurrent term of 14 months on count 7. The appellant was disqualified from driving for 69 months, comprising a 4-year discretionary period for dangerous driving (count 7) and a 21-month extension pursuant to section 35A of the Road Traffic Offenders Act 1988 in relation to the sentence on count 2 and for 45 months,

comprising a 2-year discretionary period for driving while disqualified (count 6) and a 21-month extension and until an extended driving test is passed. He appeals against sentence with the leave of the single judge.

3. The appellant and the victim, Danielle Batty, began a relationship in May 2025. They had known each other for about 12 years. The victim said that for the first three or four days everything was fine but things then deteriorated. The appellant went from being a very nice person to making paranoid accusations.
4. On one occasion, without any warning, he produced a Stanley knife and held it to the victim's neck whilst he was on top of her. He asked: "Have you ever met Stanley?" and then said: "No, actually, I couldn't do that to you." He then got up as though nothing had happened. The victim was shocked and thought that the appellant had been contemplating harming her. She told her mother about the incident at the time. On another occasion, when the victim had refused the appellant's request for sex, he said horrible things to her, punched her and pulled her legs apart which made her feel degraded.
5. The appellant would monitor the victim's whereabouts. She suspected that he had installed a tracking device on her mobile phone because he always appeared to know where she was. He was aggressive and angry all the time, saying that he hated her. The victim tried to end the relationship about one week before the events on 14 June 2025 because she could not take anymore. But when she was told that the appellant had taken an overdose she felt sorry for him and unblocked his number.
6. On the evening of Saturday 14 June 2025 the victim was trying to avoid the appellant because he had said to her that whatever happened to her daughter would be on her head. She was driving her car when the appellant passed her in his own car and said: "Got you". He followed her into Langley Park Industrial Estate where both vehicles pulled up. A witness saw the two vehicles driving down the access road side by side at about 1.30 am. The witness then heard voices for 3 to 4 minutes and saw one vehicle drive away. That was the appellant's car, the victim's car was left behind.
7. The victim said that the appellant had damaged the indicators on her vehicle when he arrived. She reluctantly got into the front passenger seat of the appellant's car. There were two other people sitting in the back. The appellant then drove his vehicle at high speeds and in a dangerous manner. As the judge said, this was a deliberate attempt to make the victim feel terrified and intimidated. She said there were occasions when the car came close to colliding with trees and a wall. She thought the appellant was drunk. She herself drank a bottle of wine because she thought that if she was going to die she did not want to know about it. She thought she was in the appellant's car for about half-an-hour to an hour. The appellant was disqualified from driving at the time.
8. Eventually the appellant drove to the home of an acquaintance. The victim took the opportunity to get out of the car and to hide. She hid by lying on the ground under a nearby van. While she was doing this, she heard the appellant shouting and saw him pacing around

the van. She waited for about 5 minutes for him to leave. She thought he had left but he then returned. She was petrified. Eventually he did leave. She left her hiding position where she had been lying flat on her stomach and jumped over a number of fences and hedges. She tried knocking at a number of doors in the early hours of the morning. Eventually one lady opened her front door and gave her refuge. She telephoned the police. The victim, who had obtained the appellant's phone, used it in order to call her mother, saying: "He's kidnapped me, mum". She sounded hysterical and did not know where she was. Her mother also called the police. The victim sustained a bruise to her arm at some point during the evening's events but she could not remember what had caused it.

9. We have read Ms Batty's victim personal statements. She says that as a result of the appellant's offending she does not feel able to trust anyone and is fearful. She has had panic attacks and nightmares regarding the knife incident and the dangerous driving. She has flashbacks in which she sees the appellant telling her "Run and see how far you get" - something he said to her on the last day. She takes antidepressants and is due to have mental health therapy.
10. The victim has a 4-year-old daughter. She struggles to find the energy and motivation to look after her. She sometimes feels like avoiding her daughter while she is trying to improve her mental health so as to be better able to look after her.
11. In particular, the victim has had to move out of her home because she no longer felt safe there. She has moved into a house with additional security measures. Prior to the incident the victim had a cleaning business from which she was earning about £1800 a month. She has been unable to work because of the offences and is now dependent upon state benefits of about £600 a month.
12. The appellant was born on 20 September 1989. He had 15 convictions for 36 offences spanning from 2008 to 2025. These included eight previous offences of driving whilst disqualified from 2018 onwards, the last committed as recently as 13 May 2025. He also had convictions for three offences of dangerous driving, firstly in 2013, which attracted 6 months' imprisonment, 2018 and 2020. In October 2018 he was sentenced to 20 months' imprisonment for dangerous driving and driving whilst disqualified. In July 2020 he was sentenced to 15 months' imprisonment for dangerous driving and 9 months for dwelling burglary. In 2021 he was sentenced to 10 months' imprisonment for intimidating a witness, consecutive to 20 months' imprisonment for a section 20 wounding.
13. There was no pre-sentence report before the Crown Court. We consider that no such report was necessary or is required for this appeal.

14. The prosecution accepted the appellant's written basis of plea and so no Newton hearing was necessary. In relation to count 2, the appellant accepted that he verbally abused the victim during an argument and damaged her car and, on a separate occasion, held a knife to her throat. In relation to count 7 the appellant accepted driving at speeds above the relevant speed limits but he did not accept any off-road driving or making handbrake turns.
15. In her sentencing remarks the judge said that under the Guideline for Coercive Behaviour the appellant's culpability was category A on three grounds, namely his conduct was intended to maximise fear or distress, there had been the use of multiple methods of controlling or coercive behaviour and conduct intended to humiliate and degrade the victim. She said the scope and duration of the offence fell between categories A and C and therefore within category B. However, that factor alone did not reduce the overall culpability because of the three category A factors previously referred to. She then said that harm fell within category 1. For a category A1 offence the starting point was 2 years 6 months' custody within a range of 1 year to 4 years.
16. The judge said that the dangerous driving involved category A culpability because of a deliberate decision to ignore the rules of the road and to disregard the risk to others. Harm fell within category 2. For a category A2 offence the starting point was 36 weeks' custody within a range from a high-level community order to 18 months.
17. The driving while disqualified involved higher culpability and greater harm and therefore fell within category 1, with a starting point of 12 weeks' custody within a range of high-level community order to 26 weeks.
18. The judge said that the offending was aggravated by previous convictions for dangerous driving, driving while disqualified, the section 20 wounding and witness intimidation. The offence under count 2 was also aggravated by the victim's inability to work, resulting in her falling into debt, and her having to move home.
19. The only mitigation was the fact that the appellant's offending had slowed in recent years and that there had been some progress in prison. She said that there would be a credit of 25 per cent for the guilty plea on count 6 and a credit of 12 per cent for the pleas on counts 2 and 7.
20. The judge then had regard to the Totality Guideline. Although the dangerous driving was obviously relevant to other road users, she decided that in this case it formed part of the controlling or coercive behaviour and as such seriously aggravated the sentence on count 2. The driving whilst disqualified merited a short consecutive sentence because it had nothing to do with the offending against the victim and was the ninth such offence.
21. The judge considered that the overall sentence on counts 2 and 7 would have been 46 months after a trial which reduced to 41 months after credit for plea. She then passed a concurrent sentence of 14 months for the dangerous driving and a consecutive sentence of 1 month for the driving whilst disqualified.

22. When granting leave to appeal the single judge said it was not entirely easy to derive the grounds of appeal from counsel's advice, but he considered that there were three points: 1. Insufficient credit for the guilty pleas on counts 2 and 7;
2. The judge took too high a starting point for the lead offence;
3. The judge erred in her approach to the sentencing for the offence of dangerous driving.
23. He directed the appellant to set out the grounds of appeal clearly. Counsel provided Perfected Grounds dated 18 March 2026. Counsel confirmed in her oral submissions this morning that the appellant pursues grounds 1 and 2 but not 3. Logically ground 2 comes before the application of credit for pleas.
24. Under ground 2, Ms Haugstad submits that the relationship in this case lasted only 4 weeks and the constituent offences taken from the basis of plea were equivalent to three summary offences, two attracting a maximum penalty of 6 months' imprisonment and a third, criminal damage, a maximum of 3 months. She goes on to submit that the higher penalties for the offence under section 76 of the 2015 Act do not increase the gravamen of that offending, given the shortness of the relationship. The maximum penalty of 5 years for an offence under section 76 has to cover "relationships of all durations and all types of conduct throughout". Given that the appellant's last offence of violence had been committed in 2021, the judge had imposed too high a sentence on count 2.
25. Counsel submits that category A culpability for a section 76 offence is aimed at long-term offending, which has a cumulative effect from various methods of control and thus was intended for more than three individual incidents. She submits that the judge was wrong to say that there were three category A factors present in this case. The section 76 offence should have been treated as falling at the lower end of category A2, or the upper end of B2. It will be noted that this submission involved an implicit challenge to the judge's categorisation of harm as category 1 but without providing any reasoning in support.
26. Under ground 1 counsel submits that the judge was wrong to give about 12 per cent credit for plea, the reduction should have been 15 per cent as a matter of principle. There had been significant discussions between counsel, both at the pre-trial review and before then, to "resolve the case" by guilty pleas on counts 2 and 7 and the prosecution's decision agreeing not to proceed on other counts. Discussion Ground 2
27. We see no basis for interfering with the judge's assessment that the harm fell into category 1. This victim suffered serious alarm or distress on several occasions and plainly there has been a substantial adverse effect on her way of life and her mental well-being. It may also be said that she has suffered significant psychological harm. The degree of harm involved would justify moving the sentence upwards within the appropriate category range.

28. Accordingly, the issue is whether the judge was wrong to place the section 76 offence within category A1. The only other alternative would be category B1. At this point it is important for us to stress that the sentencing of section 76 offences is heavily dependent on the facts of each case. Little, if anything, is to be gained by seeking to compare the facts of one case with those of another and we note that counsel for the appellant did not fall into that trap.
29. In some cases the question has arisen whether a judge was correct to treat the facts as falling within one particular category A factor: "persistent action over a prolonged period". This was so in *R v Tarang Katira* [2020] EWCA Crim 89 (see paragraphs 12 - 17). There the Court said that there has to be at least two occasions on which controlling or coercive behaviour occurred for any offence under section 76 to be committed at all. In that case five incidents of a relatively short duration, over a period of nine months, did not, on the facts of that case, fall within that category A factor. The prosecution did not rely upon any other category A factor. The Court said that in such cases effect must be given to the language "persistent action over a prolonged period." But in the present case the judge did not suggest that that particular factor applied. Instead, she relied upon other factors in category A. At this point we also note that the Guideline does not suggest that the other factors falling within category A are necessarily linked to the duration of the conduct. They can, for example, relate to the intensity and effect of the conduct upon the victim.
30. The Court made some helpful observations at paragraph 17 on the overlapping nature of the category ranges and the relevance not only of the number but also the nature of incidents which may require a sentencing judge to move up within a range or even to a higher category: "We make two further observations: firstly, there will be occasions where the number and nature of the incidents combined may require the sentencer to move up the range to a higher category; secondly, there is a significant overlap in the category ranges which is an acknowledgment of the fact that it is sometimes difficult to reflect the overall nature of the offending when choosing which category it falls into. The ranges within the guideline are such that the lowest point in the sentencing range for culpability A category 1 begins at 1 year, which is identical to the starting point for culpability B category 1 offending. Whereas the highest point in the sentencing range for culpability B category 1 is two-and-a-half years, which is identical to the starting point for the culpability A category 1 offence."
31. We do not accept the appellant's submission that the section 76 offending in this case related simply to three matters which could have been dealt with as summary offences, namely the assault, the threatening use of a knife and the criminal damage. That submission is unrealistic. First, they formed only part of the appellant's behaviour as described in the prosecution opening and by the judge. There is no ground of appeal that in relying upon those matters the judge went improperly beyond the agreement between prosecution and defence on the basis of plea. Second, there is no complaint regarding the way in which the judge treated the appellant's dangerous driving as part of his offending under section 76, resulting in the imposition of a concurrent rather than the consecutive sentence which

would otherwise have been justified. Third, the three "summary" matters were being punished as controlling and coercive behaviour in the context of domestic abuse and not, for example, the criminal damage to the indicator lights on the victim's car when she and the appellant parked on the industrial estate. Similarly, the dangerous driving was not being punished simply because of its effect, whether actual or potential, on the public, but in the specific context of the domestic abuse.

32. Here the judge was entitled to conclude that three category A factors applied: conduct intended to maximise fear of distress; humiliating or degrading treatment of the victim and multiple methods of control. The appellant's dangerous driving at high speeds, over a period of 30 to 60 minutes followed by his behaviour as we have summarised already, was a clear example of his intention to cause maximum fear and distress to the victim. As the judge rightly said, it was "an appalling ordeal" for her. That ordeal only came to an end when she was able to escape and hide under a van before ultimately seeking refuge from a local resident once the appellant had decided to leave the scene. The serious psychological impact of this and other conduct by the appellant on the victim is not surprising.
33. In this case it was necessary for the judge to bring together a number of factors, including factors going beyond the section 76 offending, which make the exercise unusual. True, the relationship lasted for a relatively short time. But the intensity of the appellant's conduct during that period, particularly the dangerous driving and the knife incident, have had serious impacts on the victim which are ongoing. They include her fear of the appellant which caused her to move home. There were also the aggravating features to which the judge referred, including the appellant's antecedents, violence and intimidation and the very bad record of dangerous driving and driving whilst disqualified. The essential question is whether the overall sentence before credit for plea of 46 months was manifestly excessive. We consider that it was not, even if it might be described as severe. Ground 1
34. There is no merit in this ground. The trial was listed to start on Monday 20 October 2025 and the guilty pleas to counts 2 and 7 were not entered until the previous Friday. The guilty pleas were virtually at "the door of the court". The fact that there were discussions between counsel, whether on the previous Friday or over a longer period prior to that date, does not alter the analysis. It is not being suggested that the defence offered the pleas with a proposed written basis of plea at an earlier stage, or that there was a legitimate reason why they could not have done so. Applying the principles in the Definitive Guideline on Guilty Pleas and *R v Plaku* [2021] EWCA Crim 568; [2021] 4 WLR 82, the allowance made by the judge in this case was perfectly proper. Conclusions
35. For these reasons we dismiss the appeal against sentence in relation to the length of the term of imprisonment that was imposed.
36. We finally need to deal with the form in which the disqualification should be expressed, having regard to the principles in *R v Needham* [2016] EWCA Crim 416; [2016] 1 WLR

4449. For the avoidance of doubt, the appellant is disqualified from driving as follows. First, we order discretionary disqualification of 4 years for dangerous driving under count 7 and a concurrent period of disqualification of 2 years for driving whilst disqualified under count 6. Second, pursuant to s 35A of the Road Traffic Offenders Act 1988 we order an extension period of 7 months 15 days in relation to counts 6 and 7. Third, pursuant to s35B of that Act we order an uplift period of 13 months 15 days in relation to count 2 (taking into account also the concurrent sentence on count 7). Fourth, we quash the order for disqualification until an extended driving test is passed, because the appellant is already subject to that requirement by a court order made on 9 July 2020. The total period of disqualification is therefore 68 months 30 days. Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof. Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE Tel No: 020 7404 1400 Email: Rcj@epiqglobal.co.uk 14

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