

ENGLAND AND WALES / JUDGMENT

R v Aron Hadsh

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IN THE COURT OF APPEAL CRIMINAL DIVISION ON APPEAL FROM THE CROWN COURT AT ISLEWORTH (HIS HONOUR JUDGE HAMMERTON) [01FH1224224] Royal Courts of Justice The Strand London WC2A 2LL Case No 2025/02930/A2 Thursday 5 March 2026 B e f o r e: THE LADY CARR OF WALTON-ON-THE-HILL, THE LADY CHIEF JUSTICE OF ENGLAND AND WALES MR JUSTICE JAY HIS HONOUR JUDGE LEONARD KC (Sitting as a Judge of the Court of Appeal Criminal Division)

ATTORNEY GENERAL'S REFERENCE THE CRIMINAL JUSTICE ACT 1988

R E X

- v - ARON HADSH

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Miss C Pattison appeared on behalf of the Attorney General The Offender was unrepresented

J U D G M E N T

Thursday 5 March 2026 THE LADY CHIEF JUSTICE:

1. The provisions of the Sexual Offences (Amendment) Act 1992 apply to this offence. Under those provisions, where an allegation has been made that a sexual offence has been committed against a person, no matter relating to that person shall during that person's lifetime be included in any publication if it is likely to lead members of the public to identify that person as the victim of the offence. This prohibition applies unless waived or lifted in accordance with section 3 of the Act.

Introduction

2. On 13 May 2025, following a trial in the Crown Court at Isleworth before His Honour Judge Hammerton and a jury, the offender Aron Hadsh was convicted of sexual assault, contrary to section 3 of the Sexual Offences Act 2003 (count 2). The jury acquitted him on a charge of kidnap (count 1).
3. On 18 July 2025, the offender was sentenced by the trial judge to 14 months' imprisonment and imposed a five year restraining order. The offender was placed on the Sex Offender's Register for two years and warned that he needed to keep the police informed of his address.
4. His Majesty's Solicitor General now applies, under section 36 of the Criminal Justice Act 1988, for leave to refer the sentence to this court because she regards it as unduly lenient.
5. The offender was not expected to attend today's hearing, although he had been served with the Reference (in both English and translated into Tigrinya) before the listing of today's hearing. He served no Respondent's Notice and asked for no legal representation. But he has in fact attended the hearing in person (albeit late), and we have permitted him to address us orally. For this purpose, he has had the assistance of an English/Tigrinya interpreter. The Factual Background
6. The offender is of Eritrean origin. He entered the country illegally in 2021, but has been granted leave to remain as an asylum seeker until 2028. At the time of the offending he was 26 years old. His first language is Tigrinya.
7. The victim was 19 years old. She had an IQ of 63 and learning difficulties. Her ability to think in visual terms and to respond to new situations was assessed as being extremely low.
8. The offender had met the victim on one occasion prior to the date of the offence when she asked him for a cigarette outside a food bank, and they had a brief conversation.

9. On Friday 21 June 2024, the offender encountered the victim picking fruit outside a different food bank, close to the hostel where the offender was living. The offender came up behind the victim and put his arms on her back. She turned around to him. She did not recognise him and was confused. She asked him if he needed help. He said that he did not. She asked him what he wanted, and he said, "You know me". The offender then squeezed and hugged the victim tightly, and kissed her on the cheek. He then began to touch her breasts through her crop top. . He told her that he liked her, loved her and that he wanted to be her friend.
10. The victim told him that she had to go home, but the offender persisted. He asked her if she wanted to go to the park, and if she wanted a drink. She repeated that she had to go home and began to walk away, but he followed her. They ended up on a bench in a small park area. The offender began to touch the victim's naked breasts underneath her clothing, squeezing one nipple hard and painfully. He rubbed her vagina over her trousers, kissed her on the mouth and inserted his tongue. The victim noticed that he smelled of alcohol. She did not consent to any of the activity and felt that the incident had lasted some minutes. She managed to leave and to return home, where she reported the assault.
11. The offender was arrested after the victim saw him outside the same food bank two months or so later. The Trial and Sentence
12. During the trial the offender's counsel became professionally embarrassed and withdrew. The offender chose to represent himself, and he remained unrepresented at the point of conviction and sentence.
13. The judge proceeded to sentence, having been told that the offender had been informed of the right to apply for legal aid and had failed to take up the opportunity to do so.
14. The judge had the benefit of a pre-sentence report, in which the offender was assessed as posing a high risk of serious harm to vulnerable females. The judge noted the victim's vulnerability and her impact statement.
15. The offender had no previous convictions. He had suffered psychological trauma as a result of hostage experiences in the past, resulting in ongoing psychological disturbance. The judge stated that the pre-sentence report included substantial personal mitigation.
16. The judge placed the offending within category 2B of the Sentencing Council Guideline on Sexual Offences, with a starting point of 12 months' custody and a range of a high-level community order to two years' custody.
17. The judge held that there was more than one relevant harm factor: the victim's vulnerability, the touching of her naked breast, and that this was a prolonged or sustained incident. He stated that three category 2 factors took the starting point "right to the top end of the category range".

18. As to aggravating factors, the offender was under the influence of alcohol and had targeted a particularly vulnerable victim, although the judge made clear that he had to avoid double counting that aspect, for that had already had an impact of increasing the starting point.
19. The judge acknowledged three mitigating factors: that the offender was to be treated as of previous good character; that he had difficult personal circumstances; and that conditions in prison were likely to be more challenging because English was not the offender's first language.
20. The judge concluded, having considered all of these factors, that the least sentence that he could pass was 14 months' imprisonment, in addition to a two year licence period owing to the sexual nature of the offending.
21. The judge further concluded that the offender's high risk of direct contact sexual re-offending and the circumstances of the offence meant that suspension of the custodial sentence was not an option. The judge also imposed a restraining order for five years, preventing the offender from contacting the victim directly and from entering the London Borough of Hammersmith and Fulham.
22. The question of a Sexual Harm Prevention Order was overlooked. A slip rule hearing took place the following month in order to address the question. In the absence of the offender, who did not attend that hearing, there was no jurisdiction to vary, but the judge indicated that he would not have acceded to the application in any event. The Solicitor General's Submissions
23. The overarching submission for the Solicitor General is that a sentence of 14 months' imprisonment did not fully reflect the seriousness of the offending.
24. Miss Pattison, who appears for the Solicitor General, emphasises that there is no challenge to the judge's categorisation, his identification of factors relating to harm, or by way of aggravating factors or mitigating factors. There is no complaint of the judge's decision that the level of harm pushed the sentence range up to the top end, before consideration of the aggravating factors. She points out that it is not entirely clear how the judge arrived at his term of 14 months, but in her submission a figure significantly higher than a category 2B range was merited, before taking account of mitigation. The combination of an insufficient uplift to the starting point and a generous downward reduction for mitigation had led to an ultimate sentence of 14 months' imprisonment that was (in her words) "substantially too low". A determinate sentence substantially higher than 14 months is said to have been merited.

25. The offender, in his short oral submissions, emphasises the fact that he has already served 11 months in prison. We note in passing that that would be the equivalent of serving the custodial part of a 22 month sentence of imprisonment. He tells us that he has been on probation for six months and that (in his words) he feels that he “has done his service”. This was the only mistake like this that he has ever made, and he has committed no crime since leaving prison. Discussion
26. References under section 36 of the Criminal Justice Act 1988 are made for the purpose of the avoidance of gross error, the allaying of widespread public concern at what may appear to be an unduly lenient sentence, and the preservation of public confidence in cases where a judge appears to have departed to a substantial extent from the norms of sentencing generally applied by the courts in cases of a particular type: see Attorney General's Reference No 132 of 2001 (R v Johnson) [2002] EWCA Crim 1418; [2003] 1 Cr App R(S) 41 at [25]. As was emphasised in R v Mohammed Arfan [2022] EWCA Crim 1416 at [34], sentencing is an art and not a science and leniency itself is not a vice. For appellate interference to be justified, the sentence in question must be not only lenient, but unduly so. We remind ourselves that the hurdle is a high one.
27. As already indicated, in this case it is rightly not suggested that the judge made any error of principle in categorising the offence as category 2B offending. The judge's sentencing remarks overall are both careful and well structured.
28. The challenge is to the term adopted before reduction for mitigation. The judge did not identify a specific figure in this regard, but did state that it would be right at the top end of the category range. This was in order to reflect the number of category 2 harm factors. As the Sentencing Council Guideline states, a case of particular gravity reflected by multiple features of culpability or harm could merit upwards adjustment from the starting point.
29. In addition, there was an element of targeting of the victim, although it is by no means clear to use that that targeting was necessarily linked to the victim's vulnerability and the influence of alcohol.
30. Again, we cannot find fault with the judge's approach as such. It is reasonable to assume that the judge took a term of somewhere at the top end of the relevant range, and then made a downward reduction for what was substantial mitigation. We do not accept the submission that it was unduly lenient to stay within the category range. Whilst there was justification for rising above the starting point of one year, there were insufficient aggravating features for such a course, particularly given the need to avoid double counting.
31. A term of, say, 22 months' imprisonment (less eight months for mitigation) was lenient for what was undeniably serious offending, but we are unable to conclude that it was unduly so.
32. We grant leave, but we dismiss the Reference.

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