

ENGLAND AND WALES / JUDGMENT

R v Matthew Ashby

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R EX

- v – MATTHEW ASHBY

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Mr D Prior appeared on behalf of the Appellant

J U D G M E N T

Friday 24 April 2026 LORD JUSTICE DOVE:

1. On 21 September 2023, in the Crown Court at Lewes before His Honour Judge Huseyin, the appellant Matthew Ashby pleaded guilty at a plea and trial preparation hearing to two counts on indictment 47CC0641523. Count 1 charged damaging property, contrary to section 1(1) of the Criminal Damage Act 1971; and count 3 charged assault by beating, contrary to section 39 of the Criminal Justice Act 1988. He pleaded not guilty to counts 2 and 4 on that indictment, which charged respectively a further offence of assault by beating and an offence of intentional strangulation, contrary to section 75(A)(1) of the Serious Crime Act 2015.
2. A trial was listed before Mr Recorder Mulligan. On the first day of that trial, 21 July 2025, the appellant was re-arraigned on count 4 and pleaded guilty. Count 3 was ordered to lie on the file.
3. On 6 November 2023, at Brighton Magistrates' Court, the appellant indicated a guilty plea to a charge of possession of a controlled drug of Class A with intent to supply (methamphetamine), contrary to section 5(3) of the Misuse of Drugs Act 1971. He was committed for sentence, pursuant to section 14 of the Sentencing Code. A number of other offences were sent for trial at the Crown Court. They were charged on a second indictment, 47EE3407123, and were as follows: count 1, possession of a controlled drug of Class B (cannabis) with intent to supply, contrary to section 5(3) of the 1971 Act; count 2, driving whilst disqualified, contrary to section 103(1)(b) of the Road Traffic Act 1988; count 3, dangerous driving, contrary to section 2 of the 1988 Act; and count 4, possession of a controlled drug of Class B (cannabis), contrary to section 5(2) of the 1971 Act.
4. On 4 December 2023, at a plea and trial preparation hearing before His Honour Judge Gold KC in the Crown Court at Lewes, the appellant pleaded guilty to counts 2 and 4.
5. At some further juncture, three counts were additionally added to the indictment. These were: count 5, possession of a controlled drug of Class A (cocaine) with intent to supply, contrary to section 5(3) of the 1971 Act; count 6 (which was an erroneous further count of possession with intent to supply a Class A drug, as it identified ketamine as a Class A drug); and count 7 (which was a further erroneous offence of possession with intent to supply a Class A drug, as it related to the offence of possession of methamphetamine, for which the appellant had already been committed for sentence).
6. On 12 April 2024, in the Crown Court at Lewes, before His Honour Judge Huseyin, the appellant appeared for a further case management hearing. He was re-arraigned on counts 1, 3, 5 and 6. Count 7 was identified as having been added in error and was removed from the indictment. The error in respect of count 6 was also identified, and a further count 8 was added as a replacement, which correctly identified ketamine as a Class B drug. At that hearing the appellant pleaded guilty to counts 1, 3, 5 and 8. As counts 1 and 4 were charged as alternatives to each other, the appellant's earlier guilty plea to the simple possession offence charged in count 4 fell away following his plea on count 1. The appellant also pleaded guilty to a related summary offence of driving a motor vehicle on a road without

third party insurance, contrary to section 143 of the 1988 Act.

7. At around the same time, on 10 April 2024, the appellant appeared at Brighton Magistrates' Court and pleaded guilty to six further offences. He was committed to the Crown Court for sentence on case reference 47CC2769423. Those offences were: offence 1, driving whilst disqualified, contrary to section 103(1)(b) of the 1988 Act; offences 2, 3 and 4, driving a motor vehicle with a proportion of a specified drug above the specified limit, contrary to section 5A(1) and (2) of the 1988 Act; offence 5, possession of a Class B controlled drug (cannabis) with intent to supply, contrary to section 5(3) of the 1971 Act; and offence 6, fraudulently using a registration mark contrary to section 44(1) and (3) of the Vehicle Excise and Registration Act 1994.
8. Also on 10 April 2024 at Brighton Magistrates' Court the appellant pleaded guilty to a further offence of driving whilst disqualified and an offence of using a motor vehicle on a road or public place without third party insurance. These were likewise committed to the Crown Court for sentence under reference 47EE3739223.
9. The sentencing hearing took place on 18 September 2025, in the Crown Court at Lewes before His Honour Judge Mooney. The procedural complications of this case which came before him can be seen from what we have already set out. It was a case of considerable complexity.
10. The judge decided to tackle the sentencing exercise, having consulted Mr Prior, who appeared on behalf of the appellant in the court below as he does before use this morning and for whose submissions we are very grateful, by identifying lead offences thematically in three categories: firstly, the offences of domestic violence; secondly, the drugs offences; and thirdly, the driving offences.
11. The judge then examined the appropriate sentences for the lead offences under these themes, taking into account the associated offences under those themes as aggravating features and also reflecting the appellant's mitigation and the need to have regard to the principle of totality. The leading offences in each theme were then aggregated by making them consecutive, to arrive at an overall sentence which took account of all of the relevant features. The details of that sentencing were as follows.
12. As to the offences on indictment 47CC0641523, the appellant was sentenced to 15 months' imprisonment for the offence of intentional strangulation, with concurrent terms of one month and two months' imprisonment for the offences of criminal damage and assault by beating offences respectively.
13. As for the matters on the committal with the reference 47CC2769423, no separate penalty was imposed in respect of the driving offences. The judge chose to treat the dangerous driving offence on indictment 47EE3407123 as the lead driving offence and to deal with every other driving matter as an aggravating feature. The appellant was sentenced to three years' imprisonment for the offence of possession with intent to supply a controlled drug of

Class B (cannabis), which was ordered to run concurrently with the lead drug supply offence in relation to the cocaine on indictment 47EE3407123.

14. The appellant received no separate penalty for the offences the subject of committal 47EE3739223.
15. On indictment 47EE3407123, the appellant was sentenced to nine months' imprisonment for the offence of dangerous driving, which was ordered to be served consecutively to the sentence in respect of the offence of intentional strangulation. As to the offence of possession with intent to supply cocaine, the judge treated the supply of ketamine and the supply of cannabis on that indictment as aggravating features, arriving at a sentence of four years and eight months' imprisonment, which was ordered to run consecutively to the sentences for the dangerous driving and intentional strangulation.
16. The overall sentence at which the judge arrived was one of 80 months' imprisonment (six years and eight months).
17. The appellant now appeals against sentence by leave of the single judge.
18. We turn to the facts behind the appellant's considerable offending which took place over a year or so. It began on 19 June 2022 when the appellant and his partner were staying in a caravan at Hayling Island Holiday Park. There was an argument between the two of them and the appellant threw his partner's mobile phone to the ground, causing it to smash. This incident formed the subject of count 1 on indictment 47CC0641523.
19. Counts 3 and 4 on that same indictment also concerned the appellant's partner. They arose out of a single incident on 10 February 2023. A child was present during the incident. The appellant's basis of plea on count 3, which was accepted by the prosecution was that he had become involved in an argument with his partner over his cocaine use. He threw a handbag at her which contained a full bottle of beer. He did not intend to hit her, although he accepts that he was reckless as to that risk and did not know that the bag contained the bottle of beer. The consequence was that the bottle smashed, leaving shattered glass on the floor. His partner then lunged at him and head-butted him. The appellant pushed her away in self-defence and she fell down onto the floor, cutting herself on the broken glass.
20. The basis of plea on count 4 was that during the altercation, part of the appellant's arm made contact with his partner's neck, which interfered with her breathing. He did not cause any lasting injury, and the strangulation was one of limited force.
21. The offending forming the subject matter of case reference 47CC2769423 occurred on 12 September 2023. The appellant was stopped whilst riding a motorcycle in the Brighton area. The motorcycle had false number plates and a backpack worn by the appellant was found to contain over £3,000 in cash and a quantity of cannabis. Further searches were made at the appellant's home address, where more cannabis was found, totalling approximately 300 grams. The appellant was also over the limit while driving in respect of three drugs, cannabis, cocaine and benzoylecgonine (BZE).

22. Next was the offending under committal 47EE3739223, which occurred on 27 October
2023. The police had been following the appellant as he drove a motorcycle in Falmer, near Brighton. He was not apprehended on that occasion, but was recognised following a review of the footage of the driving incident charged on indictment 47EE3407123. It was thus identified that he was driving whilst disqualified and without insurance.
23. That offending occurred on 4 November 2023. It was the evening of the annual bonfire celebrations in Lewes – an event which attracts large crowds, a significant police presence and involves the closure of roads from around 4 pm. At around 7 pm patrolling officers heard the revving of a motorcycle engine near a roundabout on Court Road. They approached and signalled to the rider (the appellant) to stop. Instead, he drove past the officers and towards the crowd. Officers, together with members of the crowd, then forced the appellant off the motorcycle, in the course of which a passer-by was subject to a very minor injury which did not require medical attention. The appellant was searched. He had in his possession nearly £600 in cash, cannabis and bags containing a white powder which was later confirmed to be Class A drugs. Checks later conducted revealed that the appellant had been disqualified from driving at the time of the offending.
24. Further searches were then made at the appellant's address, where drugs and drug paraphernalia were found. These included just over 450 grams of methamphetamine, with a street value of between £33,600 and £72,000, along with approximately 400 grams of cocaine and just under 80 grams of ketamine. The total value of the drugs was £50,440 to £95,010. The wherewithal necessary to sell drugs was found at the appellant's home. A download of the appellant's phone indicated that he was actively dealing in drugs.
25. For the first lead offence of intentional strangulation, it was agreed that the offence fell within category C2 of the sentencing guidelines, with a starting point of one year's custody, and a category range from a high level community order to two years and six months' custody. The judge treated the earlier incident of criminal damage as an aggravating feature. He also noted that the offence had been committed in the presence of a child. As a consequence, the judge selected a starting point of 18 months. He noted that the appellant was entitled to ten per cent credit for his guilty plea entered on the first day of trial. The judge found that the appellant had demonstrated genuine remorse; and on the strength of his personal mitigation and allowing for the credit for the guilty plea, the judge applied a three month reduction to arrive at the imposed sentence of 15 months' imprisonment.
26. The second lead offence of dangerous driving was aggravated by the litany of other driving offences. The judge took a sentence of 12 months' custody as his starting point. The judge imposed no separate penalty in relation to the many other driving offences with which the appellant had been charged and to which he had pleaded guilty. He arrived at the sentence of nine months' imprisonment after applying 25 per cent credit for the guilty plea.

27. As for the third and final lead offence in relation to the cocaine, the judge described the appellant as playing a significant role in category 3 level dealing within the sentencing guidelines. He treated the possession with intent to supply cannabis and ketamine as aggravating features, no doubt so as to reflect the mitigation available to the appellant, as well as the need to have regard to totality. In addition, and keeping in mind totality, the judge did not impose an additional consecutive sentence for the earlier cannabis offence. In the light of all these matters, the judge decided that a starting point of seven years' imprisonment was justified as a sentence after trial. After applying 30 per cent credit for the guilty plea, the figure of four years and eight months' imprisonment was reached.
28. The appellant was disqualified from driving for six years and six months (that is, five years and an extension period of 18 months) and ordered to take an extended re-test. Forfeiture and destruction orders were made in relation to the drugs and paraphernalia.
29. In his helpful submissions, both written and orally this morning, Mr Prior advances the appeal on three bases to which we will come.
30. The appellant was born on 26 December 1991 and so is now aged 34. No issue is taken by Mr Prior in relation to either the structuring of the sentence in principle, or the specific credit for the appellant's guilty pleas to the various offences, bearing in mind when they were entered. It is accepted by him that the relevant guidelines were identified and accurately applied. We should place on record that each of these concessions is able to be made as a result of the important contribution which it is very clear that counsel who appeared on behalf of the prosecution, and in particular Mr Prior on behalf of the appellant, made in assisting the judge in the complex task which he faced in sentencing the appellant for this lengthy and disparate list of offences. We would in particular commend the approach taken by the judge, and accepted by counsel, in the form of the thematic structuring of the sentence which enabled the construction of a coherent overall architecture to the difficult sentencing exercise which occurred in this case.
31. The submission before us is that the sentence was manifestly excessive for the three reasons forming the grounds: first, that there was an insufficient reduction made for the appellant's personal mitigation and the progress which he made whilst on remand; secondly, that the judge's starting point of seven years' imprisonment for the lead drug offence was too high; and thirdly, that an insufficient reduction was made for totality.
32. In relation to the first limb, Mr Prior places reliance on a psychological report which details the appellant's upbringing and personal history. The appellant was exposed to drug use in the home from a young age, and started to use cannabis at the age of 12 and cocaine at the age of 19. The appellant developed an addiction to drugs and was at points spending up to £15,000 per month on his drug habit. He has a history of suicidal ideation, first following the death of his father in 2018, and later in the period before his arrest for these offences. The appellant has tragically suffered the loss of a child in infancy and is now estranged from his four surviving children, after separating from his long-term partner.

33. Whilst on remand, the appellant completed a number of courses in tackling his addiction. He is now free from drugs. He has taken further courses aiming to improve his education. He has also undertaken work as a listener with the Samaritans, and holds a position on the Lewes Assurance Multi-Skills Team, for which he was nominated for an award. Mr Prior submits that this level of commitment to positive change was a factor of considerable significance to which the judge ought to have attached greater weight.
34. As to the second limb, it is submitted that whilst large quantities of a variety of different drugs were involved and would attract a sentence beyond the starting point, the offending in the autumn of 2023 needs to be seen in the context that the appellant was himself addicted to drugs at that time. The fact that a variety of drugs was involved did warrant an upward adjustment from the starting point, but not, as the judge did, to the very top of the category range.
35. Finally, on the third limb, Mr Prior submits that any reduction for totality, which the judge indicated he was applying, did not have any effect in reality. Although it was appropriate to order the sentences for the lead offences to run consecutively, by treating the non-lead offences as aggravating features, which pushed the sentences towards the top of the range, any reduction pursuant to the principle of totality was in effect lost.
36. We deal with these issues and the submissions in the order in which they were raised. It is, in our view, important to note that right at the outset of his sentencing remarks, the judge observed of the appellant that "it is quite clear that you are a very different man now to the one that committed all of these offences and you are to be commended for the efforts that you have made to turn your life around". We have no doubt that this was entirely deliberate and that the judge was identifying that the commendable progress that the appellant had made in taking purposeful strides towards his rehabilitation and seeking to help others through his work in prison was clearly being taken into account in the setting of the sentences, in particular for the lead offences in this case.
37. At a later stage, in the context of the offence of intentional strangulation, the judge pointed out that the appellant's genuine remorse is a common feature of the mitigation which he was taking into account. Further, after the judge had completed his sentencing remarks and pronounced sentenced, he addressed the appellant's counsel, Mr Prior and made clear: "For the sake of completeness, I have had regard to everything I have seen and read. In particular the psychiatric report reveals for the good that at the moment [the appellant] is not suffering from mental health issues. I have regarded that at the time he committed these offences the mental health issues from which he was suffering were predominantly drug-related and of his own making, but he is to be credited for putting that behind him".
38. The judge's frequent imposition of no separate penalty for many of the offences for which the appellant was to be sentenced was a further feature of the tempered approach which he took to the sentencing of the appellant, bearing in mind the personal mitigation which he had identified, along with the need to have regard to totality.

39. In short, we do not consider that it was necessary for the judge to have provided further reasons, or to have repeated the points which he had heard in mitigation and which at the outset of the sentencing remarks he made clear he had accepted and which he took into account in the sentences at which he arrived. Indeed, it is important to note that each of the sentences which the judge passed for each of the lead offences was within the relevant guidelines which were applicable, and the process of imposing consecutive sentences, bearing in mind the distinct nature of the three themes for which lead sentences were identified, was unimpeachable.
40. Standing back, the overall sentence did, in our judgment, reflect both the protracted period of prolific and varied criminality for which the appellant came to be sentenced, and also afforded adequate and proper adjustments to reflect the personal mitigation, which was a strong feature of his case.
41. Whilst, for the reasons we have given, we have concluded that there is no substance in the first ground of this appeal, we would not want to leave our discussion of it without, like the judge, marking the praiseworthy endeavours in which the appellant has engaged to advance his rehabilitation, restore his mental health, and assist others in the Prison Estate. The efforts which the appellant has made are truly impressive and set a strong example to others. We are satisfied, however, that this dimension of the case clearly featured properly in the judge's assessment of the appropriate sentences to be imposed.
42. In relation to the second ground, whilst it is true to say that the judge's sentence after trial on the lead drugs offence was at the top end of the relevant range for an offender supplying Class A drugs with a significant role in category 3, it needs to be borne in mind that this sentence did not simply reflect one, but four offences of drug supply. It also had to reflect the very large sums of money and the high value of the drugs which the appellant had at the time of his arrest. Factoring all of these features, and reflecting the appellant's drugs offending in a single sentence, took these matters into account, along with the judge declining to impose an additional sentence for one of the cannabis offences which was committed whilst the appellant was on bail.
43. We are unable to identify any proper basis on which we could conclude that for this level and quantity of drug dealing, including the dealing of Class A drugs, the sentence imposed on the lead drugs offence could be regarded as manifestly excessive.
44. The final ground of appeal is that the judge failed to have proper regard to totality. The reality is that the judge regularly, through the course of providing his reasons for the sentences he imposed, referred to the need to have regard to totality, and made obvious allowances through attenuating sentences or imposing no separate penalty, to ensure that totality was reflected in the overall sentence that the appellant received.

45. As we have already observed, standing back we are not satisfied that, either individually or collectively, the sentences thematically imposed in this case led to a sentence which was either manifestly excessive or wrong in principle. Mr Prior accepts that the judge had totality in mind. We are satisfied that he made adequate and appropriate allowances for that important sentencing principle.
46. For the reasons which we have given, this appeal must be dismissed.
47. We would not, however, want to leave the appeal without associating ourselves with the sentiments of the judge. We very much hope that all of the hard work that the appellant has put into his rehabilitation and helping those around him will stand him in good stead to lead a positive and productive life in the community on his release.

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