

ENGLAND AND WALES / JUDGMENT

R v Thomas Hoe

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[2026] EWCA Crim 554 Royal Courts of Justice Strand London WC2A 2LL Thursday 16 April 2026
Before: LORD JUSTICE HOLGATE MR JUSTICE LAVENDER RECORDER OF LEICESTER
(HIS HONOUR JUDGE TIMOTHY SPENCER KC) (Sitting as a Judge of the CACD) REX V
THOMAS HOE

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)

MR A STEPHENS appeared on behalf of the Appellant.

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

1. On 24 July 2025 in the Crown Court at Lewes before HHJ Martin Huseyin, the appellant was acquitted of attempted murder of his friend, Alex Leggatt-Barrett, but convicted of wounding him with intent (counts 2 and 4) respectively and was convicted of wounding his mother, Vicky Hoe, with intent (count 1). On 4 April 2025 the appellant had pleaded guilty to count 3, having a bladed article in a public place, contrary to section 139 of the Criminal Justice Act 1988 (count 3). On 25 September 2025 the judge sentenced the appellant to 15 years' imprisonment, comprising a term of 15 years on count 4 and concurrent terms of 6

years 6 months and 1 year on counts 1 and 3 respectively. He appeals against sentence by leave of the single judge.

2. The appellant was living in a property which belongs to his mother. Mr Leggatt-Barrett was also living there. For some time there had been a disagreement between mother and son because she refused to provide him with a key to the back door of the property. This had festered in the appellant's mind. It vexed him.
3. On 16 January 2025 there was a disagreement because Ms Hoe had taken the key to the back door. The appellant suddenly became extremely angry, went into the kitchen and picked up a knife he had been using to prepare food. He stabbed his mother in the face near an eye. Because the knife tracked downwards across the cheek it did not damage the eye but she has a permanent scar.
4. The appellant left the house straightaway. He was followed by Mr Leggatt-Barrett who had seen what the appellant had done to his mother and went to tackle him in the street outside. The appellant brandished the knife towards Mr Leggatt-Barrett, stabbing him at least seven times. A passing motorist, Mr Gradden, saw the two men standing and then the appellant delivering four or five blows quickly. At one point the appellant was standing over the other man, striking downwards on top of him when he had one knee on the ground. One witness heard the victim cry out: "Stop, Stop. You're killing me."
5. Mr Leggatt-Barrett suffered serious stab wounds to his neck, back, right arm and leg. The stab wounds to the neck came close to major arteries and the windpipe, all critical for life, missing them by fractions of an inch. One blow did however cut a major artery (the radial artery in the right arm), severed a tendon and caused nerve damage. There was a very serious loss of blood. The victim returned to the house where his girlfriend, Ms Finch, thought he was dying in front of her. 6. In interview the appellant said that his mother had annoyed him and that Mr Leggatt-Barrett had rugby tackled him to the floor before the offending in count 4 had occurred.
7. The appellant was born on 14 April 1996. He was of previous good character. We have read the victim personal statements of Mr Leggatt-Barrett and Ms Finch. The injuries suffered by the victim had been life changing. Following medical treatment to save his life he has had to undergo extensive physiotherapy. He is right handed. He has lost strength and feeling in his right hand. It has been impossible for him to write and to grip an object. He has been trying to learn to write again using his left hand. The injury to muscles in his left leg meant that he could not walk far and he walked with a limp. He used to enjoy long walks. He suffers serious panic attacks, nightmares and depression. He has been frightened to leave his home. Instead of being a happy, lively person he has become withdrawn. The attack by someone he had considered to be a close friend makes it difficult for him to trust others. He requires medication for depression and anxiety disorders.

8. He had been earning about £2,500 a month as a labourer. He will not be able to return to that work. He has been reduced to relying on State Benefits and food banks. He will need to retrain to seek work which does not require physical strength, but has so far been unable to make plans for that change. Seven months after the attack physiotherapy was still continuing. Mr Leggatt-Barrett has been told that the recovery will be very slow and difficult, and with no prospect of a full recovery. Mobility has improved marginally but he still has virtually no strength in his hand and arm. He is not yet suitable for retraining.
9. Ms Finch described the shock of seeing blood pump out of her boyfriend's neck wound and thinking that he would die because of the amount of blood being lost. She suffers from panic attacks and flashbacks and has needed counselling. She has ongoing psychological symptoms said to amount to PTSD.
10. Dr Aslanyan provided a psychiatric report on the appellant at the direction of the judge. By his mid-20s the appellant was smoking cannabis and was drinking alcohol each day. From his account it is possible that he had felt resentment and anger towards his mother from his adolescence onwards, but he remained dependent upon her for some things including accommodation. He may have deficits in his ability to understand and communicate his own emotional states and the emotions of other persons. The expert said that the offences and the appellant's risk might benefit from further exploration.
11. The doctor considered the possibility of the appellant having a neurodevelopmental disorder such as ASD but there were no overt signs of deficits in socio-emotional reciprocity, such as issues with non-verbal cues, indicative of ASD. It was unlikely that he would meet the diagnostic criteria for ASD but he did have some ASD traits, particularly evidence of deficits in his ability to imagine and respond to feelings and emotional states of himself and others. But a diagnosis of ASD would require a full multi-disciplinary assessment, the threshold for which the appellant did not currently meet.
12. The doctor considered that it was likely that the appellant had previously met the criteria for disorders relating to cannabis and alcohol use but that usage had reduced without harmful effects. There was no evidence of other mental disorders or of a personality disorder.
13. In her pre-sentence report the probation officer said that the appellant's explanation of the offences demonstrated that he had the capacity to use serious violence with minimal provocation. She had regard to the psychiatric report. She said that the appellant posed a medium risk of committing further violent offences unless he addresses his motivation in relation to the index offences. On the issue of dangerousness, the probation officer said that the appellant did not present a significant risk, as opposed to a mere possibility, of causing serious harm to members of the public by the commission of further specified offences. Her report concluded by noting that the appellant had indicated that he wished to address his offending-related needs and to avoid returning to custody in future.

14. We have also read the character references provided by members of the appellant's family, friends and neighbours which undoubtedly provide positive evidence of the appellant's hitherto good character.
15. We will give only a summary of the judge's careful and detailed sentencing remarks. He said that the appellant had used a highly dangerous weapon falling within category A for high culpability. The harm caused to the appellant's mother fell within category 2. The harm caused to Mr Leggatt-Barrett plainly fell within category 1.
16. The judge considered that the appellant's consumption of alcohol prior to the attack did not make a significant contribution to the offending. But there were signs of a lack of self-care and hygiene in relation to the appellant and his room in the period before the offences, indicating that he was experiencing very low moods or hopelessness. That contrasted with the positive evidence given by others about his previous character. Albeit not a diagnosis there were autistic traits, which could mean that the appellant had under-reported symptoms of low mood or depression. The sudden outburst of extreme violence was out of character. It was to be hoped that the psychiatrist would get to the bottom of these matters during the prison sentence. These factors counted as personal mitigation.
17. In addition, there was the appellant's previous positive good character, very clear evidence of remorse and emotional maturity more like someone in their late teens or early 20s than someone aged 28 at the time of the offences. The judge also took into account the fact that the appellant had been one of the first to call the police and had told them that he had stabbed people. But there was some evidence of self-pity and a perception of having been the victim of what had happened.
18. The judge then said that he kept a close eye on the proportionality principle, that the overall sentence for multiple offences forming part of the same incident must be kept to a proportionate level. He treated count 4 as the lead offence, the sentence for which would have to be substantially uplifted to reflect the concurrent sentences for the other offences. The judge explained why the appellant should not be considered as a dangerous offender and he passed the sentences to which we have already referred.
19. We are grateful to Mr Andrew Stephens for his very clear written and oral submissions. In summary, he submits that the total sentence of 15 years' imprisonment was manifestly excessive as the judge firstly, failed to take sufficient account of the mitigating factors of the case, secondly, took too high a starting point in relation to the sentence and thirdly, failed to have sufficient regard to the principle of totality. Discussion
20. Mr Stephens rightly accepted that the use of a knife in this case involved a highly dangerous weapon. He also accepted that the harm was correctly treated as category 2 for count 1 and category 1 for count 4. We agree. The starting point for a section 18 offence in category 1A is 12 years' custody within a category range of 10 to 16 years. The starting point for category 2A is 7 years within a range of 6 to 10 years. As the judge said, these were very serious offences. There were two victims. The offending took place in or close to their home or property,

where each victim was entitled to be safe, particularly as regards the behaviour of someone else living in the same dwelling.

21. In relation to count 4, there were two category 1 harm factors: life-threatening injuries and permanent injury having a substantial and long-term effect on the victim's ability to carry on normal day-to-day activities and to work. That justified moving from the starting point to the top of the range for category 1A to reflect all the features of the offence in count 4. Section 63 of the Sentencing Act 2020 requires the court, when assessing seriousness, to consider not only the harm the appellant has caused or intended to cause but also the harm that might foreseeably have been caused. Here the blows to the neck carried a serious risk of causing death. It is also significant that count 1 involved a blow to the face of the appellant's mother not far from an eye. In these circumstances, a sentence after trial for a mature offender would have been expected to be something over 20 years before allowing for personal mitigation. The key consideration in this appeal is how that assessment should be adjusted for the appellant's own personal mitigation.
22. In our judgment, we do not consider that the psychiatric report called for a substantial adjustment. No mental or personality disorder was diagnosed which would reduce culpability to a significant extent or would make the effect of a prison sentence harder for this appellant to bear. The author referred to autism traits, but he did not clearly tether that opinion to the carrying out by the appellant of extremely violent attacks on two people - one his mother and the other a close friend (see *R v Jacobs* [2024] EWCA Crim 1503; [2024] 4 WLR 8 at [84] to [85]). The expert does not appear to have made an assessment of emotional maturity relative to chronological age. However, relying on his own observations during the trial, the judge assessed the appellant's emotional maturity to be roughly that of a 20-year-old, in relation to which the observations of this Court in *R v Clarke* [2018] EWCA Crim 185; [2018] 1 Cr App R(S) 52 at [5] are relevant.
23. Even after taking into account the appellant's previous positive good character, remorse, his summoning of assistance and the totality principle, we have come to the clear conclusion that the submission that the overall sentence of 15 years' at which the judge arrived was manifestly excessive cannot be sustained. In our judgment, the judge did make an adequate overall allowance for the appellant's mitigation. For these reasons we must dismiss this appeal. 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

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