Neutral Citation Number: [2018] EWCA Crim 1775

Case No: 201802145 A2

IN THE COURT OF APPEAL (CRIMINAL DIVISION)
ON APPEAL FROM THE CROWN COURT AT WARWICK
His Honour Judge Lockhart Q.C.
T20187056

REFERENCE UNDER s. 36 OF THE CRIMINAL JUSTICE ACT 1988

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 26/07/2018

Before :

THE PRESIDENT OF THE QUEEN'S BENCH DIVISION
(SIR BRIAN LEVESON)
MR JUSTICE WILLIAM DAVIS
and
SIR WYN WILLIAMS
(sitting as a Judge of the Court of Appeal)

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Between :

	REGINA	**Appellant**
	- and -	
	ROBERT ANTHONY BROWN	**Respondent**

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Robert Buckland Q.C., S-G and **Tim Cray** for the Crown
Tyrone Smith Q.C. for the Respondent

Hearing date : 10 July 2018

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Judgment Approved

Sir Brian Leveson P :

1. n 26 March 2018, in the Crown Court at Warwick, Robert Brown ("the offender") pleaded guilty at the plea and trial preparation hearing to two offences of causing death by dangerous driving contrary to section 1 of the Road Traffic Act 1988, and one count of driving whilst disqualified contrary to section 103(1)(b) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1998.

2. On 27 April 2018, at the same court, before Judge Lockhart QC, the offender was sentenced to concurrent terms of 9 years' imprisonment in respect of the counts of causing death by dangerous driving and 4 months' imprisonment for driving whilst disqualified. He was disqualified from driving pursuant to Sections 34 and 35A of the Road Traffic Offenders Act 1988. The discretionary period was 10 years 6 months. The

extension period was 4 years 6 months. The total period of disqualification was 15 years. The offender (who has never been qualified to drive) was required to undertake an extended driving test before lawfully being able to drive. No separate penalty was imposed in respect of summary driving offences which he admitted.

3. Pursuant to the provisions of s. 36 of the Criminal Justice Act 1988, H.M. Solicitor General now seeks to refer the sentences imposed to this court as unduly lenient. We grant leave.

The Facts

4. It was around 2.00 p.m. on the afternoon of 22 February 2018. A group of three mothers and their nine children were crossing Longfellow Road, Coventry which is a two lane road in a residential built up area with numerous shops and local amenities. It was subject to a speed limit of 30 mph. The group had made proper checks of the road in both directions before beginning to cross and, as they did so the children were under the close control of the adults.

5. At that time, the offender was driving a Ford Focus car along Longfellow Road with a woman named Harrison as his front seat passenger. Travelling along the road, he was seen by onlookers and other drivers to be driving too fast for the road conditions. He overtook a van and a taxi at speed and cut in front of those vehicles as he passed them, his car wobbling from side to side as he did so. Pedestrians said that he was driving "like a mad man" and "at motorway speeds". He was observed to be "lent right back with an arm high up on the wheel like a boy racer".

6. As the offender approached the part of Longfellow Road between Morris Avenue and MacDonald Road he accelerated so that he was travelling at around 70 mph. It was at this point that he approached the group, crossing from his offside but because he was travelling so fast the group of mothers and children failed to appreciate the danger. It is important to note that the offender had a clear line of sight for a distance of over 100 metres as he drove towards the group. Even driving at 60 mph a competent driver would have been able to stop prior to reaching the group, the stopping distance at that speed being 73 metres.

7. Amongst the group crossing the road was Casper Platt-May aged two: he was being pushed in a push along car. Walking close to him was his six year old brother Corey. The offender's car drove straight into the two children with no effort made to avoid them. The offender only began to brake immediately prior to the impact. Both children were thrown into the air. They died from the multiple injuries sustained in that impact.

8. Following the collision the offender drove on the short distance to the junction of Longfellow Road and Hipswell Highway before stopping. The airbags on the Ford Focus had inflated. The offender and his passenger, Harrison, got out of the car. The offender tried to push the inflated airbag so that he could restart the car. A man who was carrying out maintenance work on a nearby bus-stop saw what was happening. He came over and took the keys of the Focus from the offender saying: "You're not going

anywhere".

9. The offender and Harrison then went back to the scene of the collision. Harrison told those at the scene that she had been driving the car. When the offender started to walk away, the man who had taken the key of the Focus from the offender took hold of him to prevent him leaving. Harrison struck the man with the result that the man lost his grip on the offender who was able to run off. Harrison in due course pleaded guilty to assault with intent to prevent the apprehension of the offender. The offender and Harrison hid in a nearby garden where they were found by the police.

10. On arrest the offender was aggressive towards and uncooperative with the police. He claimed that he was not driving the Focus. In interview he initially made no comment to all questions. He then said that a man called Marcus had been driving and had jumped from the moving car after the collision. When confronted with the evidence which demonstrated that this account was a lie, the offender became abusive and told the interviewing officer to "shove it up your fucking arse".

11. Analysis of the offender's blood sample showed that he had taken a mixture of drugs before he drove. Cocaine was detected consistent with consumption in the preceding eight hours. The level of cocaine in his blood was 4½ times the legal limit for driving. He also had consumed a mixture of strong sedatives.

12. It does not need this court to underline that the impact of these offences has been truly catastrophic on the family of the two boys. We have read the victim personal statements provided by their mother and 8 year old brother and recognise that no sentence which the court can impose will ever make up for the loss that they have suffered.

13. Turning to the offender (who was born on 5 May 1964), he has been convicted 57 times for a total of some 209 offences. He has served many sentences of imprisonment, the longest being for a term of six years. He had most recently been released on licence from a 6 month sentence imposed on 17 November 2017 some six days before he committed these offences. Of particular significance is the fact that he has never held a driving licence or car insurance and has amassed 30 convictions for driving whilst disqualified. On four previous occasions he has driven with excess alcohol. He also has been convicted twice of failing to provide a specimen for analysis. In 1998 he was convicted of aggravated vehicle taking when he drove dangerously.

14. The judge had a letter from the offender's daughter. He accepted that the offender had expressed remorse to his daughter for what he had done (although the children's mother did not accept that the offender was sorry and spoke of the abuse and aggression that he exhibited at this first appearance in court). It was also noted that, in the light of the fact that he had killed two very young children, the offender would face difficulties in custody. A medical report noted that he suffered from a mental and behavioural disorder due to substance misuse and had other issues surrounding his mental health.

15. In sentencing the offender, the judge assessed the level of seriousness of the offence as very high. He said that there was a prolonged and persistent course of bad driving as evidenced by the way in which the offender drove when overtaking other vehicles prior

to the collision. He observed that the offender had taken a cocktail of drugs which affected his ability to make decisions and to drive properly. The speed at which the Focus was driven was grossly excessive for the road conditions. The offender was driving aggressively as if he were a "boy racer". No regard was paid to the pedestrians crossing the road who were vulnerable road users.

16. By reference to the Sentencing Guidelines Council Definitive Guideline for offences involving death by driving, the judge concluded that the offence fell within Level 1 of the guideline by reference to the nature of the offence. He found that there were additional aggravating factors:

i) Two children died; this was something which could and should have been readily anticipated given the area in which the offender was driving.

ii) The nature and extent of the offender's previous convictions. These included many convictions for motoring offences including driving when intoxicated. They demonstrated that the offender was a man who lived a life of crime and incarceration.

iii) When he drove on this occasion, the offender was disqualified from driving. He had never held a driving licence or been insured to drive.

iv) The conduct of the offender after the accident in that he failed to stop, he tried to run away and he falsely claimed that he had not been the driver.

17. The judge recognised that the offender had pleaded guilty at the plea and trial preparation hearing although no indication of plea had been given when the offender was sent from the magistrates' court. In accordance with the Sentencing Council Definitive Guideline for Reduction in Sentence for a Guilty plea, the judge reduced the sentence by 25%.

18. The judge also referred to totality. He stated that he would pass what he termed the lead sentences on the counts of causing death by dangerous driving and aggravate those sentences to reflect the other offending, in particular driving whilst disqualified, rather than passing consecutive sentences for the lesser offences.

19. The maximum sentence for an offence of causing death by dangerous driving is 14 years' imprisonment. The Sentencing Guidelines Council Definitive Guideline to which we already have referred provides three levels of offence. Level 1 is the most serious level of offence. It provides for "the most serious offences encompassing driving that involved a deliberate decision to ignore (or a flagrant disregard for) the rules of the road and an apparent disregard for the great danger being caused to others". The starting point for a Level 1 offence is 8 years' custody with the sentencing range being 7 to 14 years' custody. Other than guidelines in relation to some summary offences where the maximum sentence is 6 months' custody, there is no other offence in relation to which the sentencing guideline provides a sentencing range the top of which is also the maximum sentence for the offence. It should be emphasised that the starting point in

any of the guidelines issued by the Sentencing Guidelines Council applies to a first time offender.

20. The additional aggravating factors referred to in the guideline include previous convictions for motoring offences, more than one person killed as a result of the offence, other offences committed at the same time and irresponsible behaviour connected to the offence such as failing to stop or falsely blaming another.

21. In the circumstances, the judge took the view that the starting point for a Level 1 offence should be increased to reflect the aggravating features (with some allowance for remorse) to a term of 12 years' imprisonment. Discounting that sentence by 25%, arrived at the sentences imposed for each of the offences of causing death by dangerous driving and imposed a concurrent term of 4 months' imprisonment (being 25% off the maximum term of 6 months' imprisonment) for driving while disqualified.

The Reference

22. The primary ground on which the Robert Buckland Q.C., H.M. Solicitor General, submits that the sentence imposed at the Crown Court was unduly lenient does not relate the judge's assessment of the seriousness of the offence or his categorisation of the offence within the guideline. Rather, it is argued that the judge should have reflected the loss of two young lives by imposing consecutive sentences in relation to each of the counts of causing death by dangerous driving. By that route the judge would have been enabled to identify a starting point greater than the statutory maximum for a single offence and to pass an overall sentence in the region of 12 years' imprisonment even after allowing the appropriate discount for plea. This would have been achieved by imposing consecutive sentences of six years' imprisonment on each count. This is not a course that was suggested to the judge in the Crown Court but, it is said, it is a course he could and should have adopted.

23. The guideline issued by the Sentencing Guidelines Council deals with the position where more than one person is killed in these terms:

> "19. The seriousness of any offence included in these guidelines will generally be greater where more than one person is killed since it is inevitable that the degree of harm will be greater. In relation to the assessment of culpability, whilst there will be circumstances in which a driver could reasonably anticipate the possible death of more than one person (for example, the driver of a vehicle with passengers (whether that is a bus, taxi or private car) or a person driving badly in an area where there are many people), there will be many circumstances where the driver could not anticipate the number of people who would be killed.
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> 20. The greater obligation on those responsible for driving other people is not an element essential to the quality of the driving and so has not been included amongst the determinants of seriousness that affect the choice of sentencing range. In practical terms, separate charges are likely to be brought in relation to each death caused. Although concurrent sentences are likely to be imposed

(in recognition of the fact that the charges relate to one episode of offending behaviour), each individual sentence is likely to be higher because the offence is aggravated by the fact that more than one death has been caused.

21. Where more than one person is killed, that will aggravate the seriousness of the offence because of the increase in harm. Where the number of people killed is high and that was reasonably foreseeable, the number of deaths is likely to provide sufficient justification for moving an offence into the next highest sentencing band."

24. The guideline was issued in July 2008 and the important sentence is in paragraph 20, namely the reference to concurrent sentences being the likely outcome due to offences being related to a single episode of offending behaviour. This reflected the view of this court as to the relevant sentencing principle. In relation to the offence of causing death by dangerous driving, that was confirmed in *R v Noble* [2002] EWCA Crim 1713. That case concerned the death of six people caused by the dangerous driving of the defendant. At that time the maximum sentence for the offence was 10 years' imprisonment. After a trial the judge imposed consecutive sentences totalling 15 years' imprisonment. This court allowed an appeal against sentence by substituting concurrent terms of 10 years' imprisonment in respect of the six counts on the indictment. The principle was stated as follows:

"15. It seems to this Court that the element of chance in the number of people killed by a single piece of dangerous driving underlines the appropriateness of the general principle which applies throughout sentencing for criminal offences, namely that consecutive sentences should not normally be imposed for offences arising out of the same single incident: see the decisions in Jones (1980) 2 Cr App R (S) 152 and Skinner (1986) 8 Cr App R (S) 166 . That is not an absolute principle. It may admit of exceptions in exceptional circumstances, as the trial judge in the present case rightly stated. He referred to the decision in Dillon (1983) 5 Cr App R (S) 439 , which was such an exception.

16. But where such exceptional cases occur, they tend to be ones where different offences are committed. It seems to this Court to be wrong in principle to impose consecutive sentences in respect of each death arising from a single piece of dangerous driving. We emphasise in saying that that it is right that the total sentence imposed in such cases should take account of the number of deaths involved. We have read the letters from relatives of several of those who died in the present case. They bring home to any reader the depth of the tragedy which has resulted from the behaviour of this appellant. At the same time, one has to recognise that no prison sentence of whatever length on the offender can make up for the anguish caused or bring back to life those who have been killed.

17. While, therefore, the total sentence should take account of the number of deaths, it cannot be determined by it, if only because of the chance nature of the number of the deaths, as we have

already emphasised. The fact that multiple deaths have been caused is not of itself a reason for imposing consecutive sentences. The main focus of the sentencing judge in such cases has to be on the dangerousness of the driving, taking into account all the circumstances of that driving, including the results."

25. *Noble* was approved in *Attorney-General's Ref (No 57 of 2009)* [2009] EWCA Crim 2555 (*R v Ralphs*) in which, giving the judgment of the court. Lord Judge CJ said (at [27]):

> "……consecutive terms should not normally be imposed for offences which arise out of the same incident or transaction. R v Noble [2003] 1 CAR(S) 312 provides a clear example: consecutive sentences for causing several deaths by dangerous driving were quashed. Notwithstanding the numerous deaths there was a single act of dangerous driving."

26. Much more recently, this court considered the same principle in relation to offences of causing serious injury by dangerous driving, an offence closely aligned with the offence of causing death by dangerous driving which carries a maximum sentence of 5 years' imprisonment. In *R v Jenkins* [2015] EWCA Crim 105, two people had suffered serious injury in a collision caused by the defendant's dangerous driving. The trial judge imposed consecutive sentences of 3 years' imprisonment (being, in each case, 4½ years' less one third for early guilty plea) i.e. a total of 6 years' imprisonment. This court quashed those sentences but took the starting point of 4½ years' for each offence less a lesser discount for guilty plea imposing 3 years 7 months on each count concurrent. Giving the judgment of the court, Treacy LJ said:

> "12 It seems to us that the submission that the judge should not have passed consecutive sentences is correct. In *R v Noble* [2003] 1 Cr App R (S) 65 consecutive sentences were passed for causing several deaths by dangerous driving in the same incident. Those sentences were quashed. Notwithstanding the numerous deaths, there was a single act of dangerous driving and the sentence originally passed offended the principle that consecutive terms should not normally be imposed for offences arising out of the same incident or transaction. That decision is binding on this court and indeed was approved by Lord Judge CJ in *Attorney General's Reference (No 57 of 2009)* [2009] EWCA Crim 2555.
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> 13 Further support for the argument can be gleaned from the Sentencing Council's definitive guideline in relation to totality. At page 6 of that guideline, under the rubric of cases where concurrent sentences are to be passed, the specific example is given of:
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> > "A single incident of dangerous driving resulting in injuries to multiple victims where there are separate charges relating to each victim. The sentences should generally be passed concurrently, but each sentence should be aggravated to take into account the harm caused;"

> 14 There is thus a clear process to be observed in this type of case indicated not only by settled authority, but also by recent guidance from the Sentencing Council."

The guideline cited by Lord Justice Treacy was effective from 11 June 2012.

27. Despite that weight of authority and the guidance of the Sentencing Guidelines Council and the Sentencing Council, the Solicitor General argues that consecutive sentences should have been imposed in the circumstances of this case and he invites us to reconsider the previous authority cited. Although the judge had a duty under Section 125(1) of the Coroners and Justice Act 2009 to follow the Sentencing Council guideline in relation to totality, it is said that the interests of justice in this case required him not to do so.

28. The basis of the Solicitor General's argument is that, insofar cases involving the death of another are concerned, a general principle that concurrent sentences should follow when more than one death results from a single incident is inconsistent with the principle defined in *Attorney General's Reference (Nos 60, 62 and 63 of 2009)* [2009] EWCA Crim 2693 (generally known as *Appleby*). *Appleby* was concerned with the level of sentencing for offences of involuntary manslaughter and the effect on sentences for manslaughter of s. 143 and Schedule 21 of the Criminal Justice Act 2003 (concerning the determination of the seriousness of an offence and the sentencing regime for murder respectively). The ratio of the case is encapsulated by Lord Judge CJ (at [22]) in these terms:

> "…..crimes which result in death should be treated more seriously, not so as to equate the sentencing in unlawful act manslaughter with the sentence levels suggested in schedule 21 of the 2003 Act, but so as to ensure that the increased focus on the fact that a victim has died in consequence of an unlawful act of violence, even where the conviction is for manslaughter, should, in accordance with the legislative intention, be given greater weight."

29. The Solicitor General submits that this expression of principle should override previous authority in respect of the imposition of consecutive sentences for offences arising out of a single incident. He argues that, applied properly, *Appleby* permits consecutive sentences when that is necessary to allow sufficient weight to be given to the fact that deaths have resulted from a criminal act. We do not agree.

30. The first and most obvious problem with this submission is that this court had the opportunity to consider whether s. 143 of the 2003 Act affected the principle in respect of consecutive sentences in *Ralphs*. The principle was affirmed notwithstanding the passage of the 2003 Act. Judgment in *Ralphs* was handed down on 3 December 2009. Judgment in *Appleby* was handed down on 18 December 2009. Lord Judge CJ presided over the court in both cases. The proposition must be that in *Appleby* Lord Judge CJ had in mind that consecutive sentences might be appropriate in cases of causing death by dangerous driving when 15 days earlier he had expressly approved the contrary position. We consider that proposition to be wholly untenable.

31. Secondly, *Appleby* was concerned specifically with sentencing in cases of involuntary manslaughter, an offence for which no guideline then was available (although a definitive guideline for this offence is due to be issued by the Sentencing Council within the next few months). The court was concerned to give guidance to sentencing judges given that many of the decided cases pre-dated the 2003 Act and thus pre-dated the approach to murder as identified in Schedule 21. *Appleby* had no wider significance or purpose.

32. Thirdly, it is important to recognise that, in appropriate cases, if the prosecution charge offences of manslaughter (for which the maximum is life imprisonment) and the defendant is convicted, the court has the scope to impose a longer sentence than the maximum permitted for the offence of causing death by dangerous driving. Tyrone Smith Q.C. for the offender drew our attention to *R v Dobby* [2017] EWCA Crim 775 as an example of a case involving multiple deaths in which this course had been taken.

33. In that case, for two offences of manslaughter (and other driving offences), the judge imposed an extended determinate sentence with a custodial term of 12 years' imprisonment. Before credit for a late plea this represented a sentence of 15 years' imprisonment i.e. greater than the maximum term for causing death by dangerous driving. It is to be noted that the sentences in *Dobby* were concurrent consistent with the principle of sentencing for offences arising out of the same incident.

34. It is important to emphasise that we do not refer to the availability of the offence of manslaughter in order to encourage the prosecuting authorities to charge that offence and, in that regard, repeat and endorse the observations of Davis LJ (at [37]) expressed in these terms:

> "There has been ongoing debate as to whether the maximum available sentence of 14 years' imprisonment currently set for the statutory offence of causing death by dangerous driving is appropriate and whether such maximum should be increased. That, however, is a matter for Parliament; it is not a matter for the courts. Nevertheless, it is clearly important that the sentence that Parliament has decreed as appropriate by way of a maximum for offences of causing death by dangerous driving is not to be circumvented simply and solely by means of the charge that the prosecution choose to bring. As Mr Smith pointed out, many cases falling within Level 1 of the guideline relating to causing death by dangerous driving could, on the argument of the Crown, potentially be charged as manslaughter."

That is not to say that it is never appropriate to charge the offence of manslaughter in circumstances such as these. Such charges will be appropriate when the nature of the driving justifies them, that is to say when the driving is of such seriousness that it can be set apart from dangerous driving per se.

35. In the course of submissions, we were told by the Solicitor General that consideration is being given to inviting Parliament to consider an increase of the maximum sentence for the offence of causing death by dangerous driving. As Davis LJ observed in *Dobby* that

is not a matter for the courts which are concerned solely with the sentencing regime as it is at present. What Parliament may choose to do in the future is of no relevance to the principle in relation to the imposition of consecutive sentences.

36. In the circumstances, we are wholly satisfied that none of the developments relied on by the Solicitor General provide any support for a change to the principle that consecutive sentences should not be imposed for offences arising out of a single incident. Reference was made to the decision of this court in *R v Mannan* [2016] EWCA Crim 1082 in which it was said that "if there are several victims it is perfectly possible that a judge would conclude that due to the level of harm there may even be room for consecutive sentences". Insofar as this is relied on as authority to support the Solicitor General's submission, such reliance is misplaced. The statement was not part of the ratio of the decision in *Mannan*. There was only one death in that case. In any event, it was consistent with the use of the term "normally" (in *Ralphs*) or "generally" (in the definitive guideline) and is consistent with a consecutive sentence being imposed for an offence committed at the same time but entirely distinct from the offending giving rise to death. A good example could be the imposition of a consecutive sentence for driving while disqualified.

37. The secondary basis on which the Solicitor General submits that the overall sentence was unduly lenient is that the starting point of 12 years' imprisonment after a trial identified by the judge was wrong. A starting point at or very near to the maximum sentence should have been chosen. Mr Smith contests that proposition. He argues that the judge carried out a meticulous analysis of all of the relevant factors and reached a judgment as to the appropriate starting point which was open to him. Even if the sentence might have been a little longer, it cannot be said that the sentence was unduly lenient. It was argued (albeit tentatively) that there would be worse cases than this one for which the maximum should be reserved.

38. We have no hesitation in rejecting the argument that the maximum sentence must be reserved for some notional case, the gravity of which cannot be matched by any other set of circumstances. As we already have noted, the sentencing guideline for the offence of causing death by dangerous driving provides a sentencing range which encompasses the maximum sentence for the offence. At page 10 of the guideline this appears:

> "Level 1 is that for which the increase in maximum penalty was aimed primarily. Where an offence involves both of the determinants of seriousness [which this offence did] …..particularly if accompanied by aggravating factors such as multiple deaths or injuries or a very bad driving record this may move an offence towards the top of the sentencing range".

It is clear that the top of the sentencing range (which, for this offence, is the maximum sentence permitted by parliament) is not reserved for a notional exceptional case (which might itself justify a charge of manslaughter). If the nature of the offence is serious enough, it may attract the maximum sentence after a trial even if one could envisage some even more grave set of circumstances.

39. In our judgment, the circumstances of this case did justify a sentence before credit for plea at the very top of the sentencing range i.e. the maximum sentence for a single offence. The driving itself involved every element of seriousness set out in the guideline. There were multiple additional aggravating factors which included the appalling record of the offender; this is particularly so in relation to driving in circumstances when he has never lawfully been able to drive. The mitigating factors were very limited in effect.

40. Although we pay tribute to the great care taken by the judge in sentencing this very difficult case, by reference to his sentencing remarks it is clear that the circumstances (including the fact of multiple death and all the aggravating features) was so grave that we have come to the conclusion that the starting point before the very limited mitigation and allowance for the guilty pleas should have been 14 years' imprisonment. We would reduce that sentence to 13½ years to reflect the judge's acceptance of a measure of remorse (notwithstanding the views expressed by the victims' mother). To that sentence, however, we would add 6 months being the appropriate sentence to impose (prior to allowance for plea) for deliberate disregard of the road traffic laws by driving while disqualified which we would order to be served consecutively. Discounting by 25% for the guilty pleas leads to a sentence of 10½ years' imprisonment.

41. That leaves open the question whether the sentence was unduly lenient or one which, although perhaps at the lowest end of the bracket, fell legitimately within the discretion of the judge. In some cases such a difference might lead to a conclusion that the sentence was lenient but not unduly so. However, this is a case involving the loss of two lives. Satisfied as we are that the total proper sentence after trial would have been 14 years' imprisonment, we conclude that to impose a sentence based on 2 years below the proper sentence was unduly lenient.

42. In the circumstances, this reference succeeds. Adjusting the figures with an eye to totality (rather than mathematical accuracy in relation to the discount), we quash the sentences imposed by the judge and sentence the offender for each offence of causing death by careless driving to 10 years' 3 months imprisonment (to run concurrently) and for the offence of driving while disqualified to 3 months' imprisonment to run consecutively making 10½ years' imprisonment in all. This increase in the sentences of imprisonment requires us to adjust the order of disqualification from driving. The discretionary period will remain 10 years 6 months. The extension period now will be 5 years 3 months.