

No: 201804474/A3

IN THE COURT OF APPEAL

CRIMINAL DIVISION

Royal Courts of Justice

Strand

London, WC2A 2LL

19 June 2019

Before:

Lady Justice Rafferty DBE

Mr Justice Julian Knowles

THE RECORDER OF NORTHAMPTON

HIS HONOUR JUDGE Mayo

(Sitting as a Judge of the CACD)

**Regina  
and  
Kelly Louise Allison**

**Non-Counsel Application**

The Recorder

: On 8 June 2018 in the Crown Court at Newcastle upon Tyne, the applicant pleaded guilty to applying a corrosive fluid with intent, contrary to section 29 of the Offences Against the Person Act 1861. On 8 October 2018 she was sentenced to an extended sentence of nine years, made up of a custodial term of six years and an extended licence period of three years, pursuant to section 226A of the Criminal Justice Act 2003. There was to be no separate penalty for three further counts of criminal damage. She renews her application for leave to appeal against sentence after refusal by the single judge.

The facts are set out in the summary prepared by the Court of Appeal Office and do not require rehearsal here.

The applicant was 34 at sentence. She had no previous convictions. She had been warned about her hostile behaviour towards her ex-partner by the police. She was entitled to full credit for her plea. Three of her children were subject to care orders because of her mental impairment. She had longstanding mental health difficulties. The author of a pre-sentence report assessed her as posing a low risk of re-offending within two years but a high risk of serious harm to her son's father. The offences involved planning and she would have been aware that the chemical was likely to cause serious injury. Psychiatric reports available to the sentencing judge set out her emotionally unstable personality disorder and on occasion hostility, aggression and unpredictability. Fluctuations in her presentation and mood would be exacerbated by her drug use. She had probably previously had a depressive episode.

She had also suffered mental and behavioural disorders due to multiple drug use and use of psycho-active substances. She was not thought to pose a significant risk of serious harm to the public. The risk to herself was greater, so she was not statutorily dangerous in the view of the psychiatrist.

The Recorder found the lack of serious lasting injury was to be mere good fortune. This wicked offence had a profound effect upon the G family. He was surprised at the psychiatrist's conclusion as to dangerousness. The guideline in play was that as to section 18 of the Offences Against the Person Act 1861. The offence was at the very top of Category 2 or bottom of Category 1. A sentence of nine years was reduced to six years in view of the

plea. The applicant posed a significant risk because of her emotionally unstable personality disorder and linked behaviour necessitating an extended sentence.

In the grounds of appeal the six years was not challenged. The single judge wrote as follows:

“... the judge was fully entitled to reach a different conclusion to the psychiatrist, to find that you were dangerous and to impose an extended sentence. It is not arguable that your sentence was manifestly excessive or otherwise wrong in principle.”

We agree. This application is dismissed.