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No: 201804355/A4

**IN THE COURT OF APPEAL**  
**CRIMINAL DIVISION**

Royal Courts of Justice  
Strand  
London, WC2A 2LL

Friday, 29 March 2019

**B e f o r e:**

**MR JUSTICE JEREMY BAKER**

–  
**THE RECORDER OF GREENWICH**  
**HIS HONOUR JUDGE KINCH QC**  
(Sitting as a Judge of the CACD)

**R E G I N A**

v

**CRAIG BRADLEY**

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(Official Shorthand Writers to the Court)

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**Non-Counsel Application**

**J U D G M E N T**

1. **THE RECORDER:** In this case the provisions of section 45 of the Youth Justice and Criminal Evidence Act 1999 are engaged. No matter relating to either of the victims in this case shall, while they are under the age of 18, be included in any publication if it is likely to lead members of the public to identify them as a person or persons concerned in these proceedings.
2. On 7 August 2018 in the Crown Court, the applicant was convicted of two offences of attempted kidnap. On 26 September 2018 he was sentenced to an extended sentence of six years, comprising a custodial term of four-and-a-half years' imprisonment and an extended licence period of 18 months. He seeks to renew his application for leave to appeal against sentence after refusal by the single judge.

### **The facts of the case**

3. On Thursday 23 November 2017 an 11-year-old girl "A" was walking home with a friend of hers from school at about 4.15 in the afternoon when she noticed a blue car driving slowly past. Some 15 minutes later the same car approached the two girls on a street corner. It was being driven by the applicant. He asked the girls for directions to a supermarket before at that stage driving off. Some 15 minutes or so later, when it must have been getting dark, A and her friend parted company and A was on her way home. She heard a car behind her. It was the same blue car. The applicant pulled over and this time he got out of the vehicle and asked A to go to him. He then opened the boot of the car and began to rummage around, saying that he had a map in there. A was suspicious because she had noticed earlier that the car had a sat nav. Fortunately, being very close to her home, she managed to leave and walk quickly down the path and knocked loudly on her front door. The applicant in fact followed her down the path and when the girl's mother answered the applicant asked her for directions to an Asda supermarket before then leaving.
4. Count 2, the attempted kidnapping of "C". A few minutes later another girl, aged 12, was walking the five to ten minute route back home from a friend's house. The applicant pulled over in his car and said: "Hi, can you help me?" The girl replied: "No, thank you" and carried on walking. But the applicant drove his vehicle slowly alongside her, then got out of the car and grabbed C's upper right arm and pulled her towards him. She managed to break free and ran away. She laid down behind a garden wall to hide from him. A little time later she telephoned her mother in hysterics. She stayed on the telephone until she reached home and told her mother what had happened.
5. Not long after, C noticed the applicant's car which was still in the area but on wasteland opposite her home. She told her mother who ran outside but the applicant drove away. Another family member managed to get a note of the vehicle's registration number. The registration matched a car belonging to the applicant. Police officers searched his home and found a jacket which matched the description given by the first girl, A, as the one worn

by the suspect.

6. After his arrest the applicant was interviewed and admitted having driven around the area but not specifically at the locations described by the victims. He denied both offences. He was subsequently convicted at his trial.

### **The sentence**

7. The applicant was 39 years old. He had three convictions for four offences spanning the period 1998 to 2016. There was one relevant conviction for an offence of sexual assault in 2006, for which he received a sentence of 18 months' imprisonment. That was for a sexual assault committed against an adult female with whom he had been in a relationship. There was a pre-sentence report which made clear he maintained his denial of any sexual motive. He was assessed as a low risk of re-offending generally, but by the Risk Matrix 2000 analysis he was considered a high risk of future sexual offences and the probation officer suggested he presented a high risk of serious harm, particularly to women and children.
8. A psychological report assessed that his IQ score was within the range of people designated as having learning difficulties, although that IQ was lower than the psychologist would have expected from his presentation in interview. In all events the report concluded his intellectual level was not a consideration with respect to these offences.
9. In sentencing, the judge observed these were two separate offences of attempting to kidnap two young girls on the same day. CCTV footage showed that darkness was beginning to fall. The applicant was not a qualified driver, he was therefore required to have a qualified driver in the car with him but that day he had deliberately chosen to drive around alone in order to approach young girls. He had been persistent in his actions. This was determined and pre-thought-out behaviour. The judge concluded there could be only one explanation behind that behaviour. He committed the offences with a view to committing sexual offences against the children. He was living an isolated and lonely life and he had been, according to the pre-sentence report, misusing drugs and alcohol. These were both serious specified offences. The court concluded he posed a significant risk of causing serious harm to others. The court then determined that each offence would merit a custodial term of four years and that an extended sentence was necessary.

### **Assessment**

10. The grounds of appeal criticise the judge on the basis that firstly the sentence imposed was manifestly excessive for attempted kidnapping with little force being used. The second ground is that the finding of dangerousness and the consequential imposition of an extended sentence was wrong in principle.
11. The single judge concluded that the sentencing judge was entitled to find that the motive in attempting to kidnap the young girls was sexual and that he was right then to go on and consider the guidelines issued by the Sentencing Council for sexual offences. While not

the offence charged, the guideline for an offence contrary to section 62 of the Sexual Offences Act, namely committing an offence with intent to commit a sexual offence, was helpful. It indicated that the sentence for a section 62 offence should be commensurate with that for the preliminary offence actually committed, but with an enhancement to reflect the intention to commit a sexual offence. The preliminary offence here was attempted kidnap, not simply common assault, and a more significant enhancement would appear to be warranted in the case of an intention to commit sexual offences upon girls under the age of 13. He referenced the relevant starting points for sexual offending against an abducted girl under 13 for a Category 2A rape at 13 years, or a Category 2A assault by penetration at 11 years and six years for a Category 1A sexual assault. Taking into account the fact that these were attempts with no sexual offence in fact committed, a lesser sentence was warranted. However, the judge was right to take a very serious view of this offending and a sentence of four years six months after a trial was fully justified. While neither child was in fact kidnapped and no significant force used, it was a serious aggravating feature of the case. The applicant was intent on kidnapping children in order to commit sexual offences. The judge was clearly entitled to take the view that he posed a significant risk of serious harm occasioned by the commission by him of further specified sexual offences against young girls. Accordingly, upon finding that the custodial element of the sentence would be at least four years, he was entitled to pass an extended sentence in the way that he did.

12. We agree with the views expressed by the single judge and the application must be refused.

**Epiq Europe Ltd** hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

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