

Neutral Citation Number: [2018] EWCA Crim 3017
2018/00511/A1
IN THE COURT OF APPEAL
CRIMINAL DIVISION

Royal Courts of Justice
The Strand
London
WC2A 2LL

Friday 16th March 2018

B e f o r e:

LORD JUSTICE GROSS

MRS JUSTICE LANG DBE

and

MR JUSTICE PHILLIPS

REGINA

- v -

SHENIKA YOUNG

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(Official Shorthand Writers to the Court)

Miss A Bright appeared on behalf of the Appellant

J U D G M E N T
(Approved)

Friday 16th March 2018

LORD JUSTICE GROSS: I shall ask Mr Justice Phillips to give the judgment of the court.

MR JUSTICE PHILLIPS:

1. On 30th January 2018 in the Crown Court at Isleworth the appellant (now aged 25) pleaded guilty to one offence of acquiring or possessing criminal property, contrary to section 329(1) of the Proceeds of Crime Act 2002. On 31st January she was sentenced by His Honour Judge Moore to eight months' imprisonment. She appeals against that sentence with the leave of the single judge.

2. The facts of the offence are these. On 22nd February 2016 a company named Bridgepoint Road Markings, based in Northern Ireland, made an electronic payment of £58,000 intended to discharge a debt to a creditor, a company named Industrial Rubber. In fact, emails between the companies had been intercepted and a spoof email had been sent with false account details which resulted in the payment being fraudulently diverted. The diverted payment arrived in the appellant's TSB account. Almost immediately £15,000 was transferred to another account of the appellant at Santander. Over the following three days the appellant attended branches of Santander on six occasions and withdrew in cash all of that £15,000 using her chip and PIN card and showing her passport as identification in relation to the larger withdrawals.

3. Of the balance remaining in the appellant's TSB account, £34,000 was transferred to three other accounts and not to those of the appellant. The remainder (about £8,000) was recovered.

4. The effect on the victim – a small company – was significant. It was not able to obtain

necessary materials from a supplier. Accordingly, it lost contracts and had to terminate the employment of two people.

5. The appellant was of previous good character. She was nearing the end of a four year degree course in psychology at the University of West London, as well as working as a mental health support worker at the time of sentence.

6. There was a basis of plea in which the appellant said that she had agreed to provide her bank details and to allow complete access to it to an unnamed individual for a fee of £3,000; that she acted under direction at all times; that, on withdrawing the cash, she immediately handed it over to an unnamed person; that she did not know the money were the proceeds of crime but strongly suspected that it was; and that she had agreed to act in this way because she had been at the risk of being made homeless due to rent arrears and other debts.

7. The learned judge took the view that the applicant was an integral and important part of a professional operation and that, whilst not the ringleader, the appellant knew exactly the criminality involved. He regarded the offence as one of medium culpability under the relevant sentencing guideline for money laundering as the appellant was motivated by financial gain and it was a group activity. He placed it in category 5 for harm, covering the range of £10,000 to £100,000. The guidelines provide a starting point of 18 months' custody for such offences, with a range of 26 weeks to three years' custody. The judge reduced the starting point to one year, to reflect the appellant's mitigation and good character, and gave full credit for her early guilty plea. But he stated that he had no hesitation in imposing an immediate custodial sentence.

8. Miss Bright of counsel, who has appeared today for the appellant, contends that the judge should have suspended the sentence as this was a one-off offence committed by a lady of

previous good character who was under extreme financial pressure. She also points to the fact that the appellant is due to take her final exams for her psychology degree next week and submits that it would be appropriate for us to vary the sentence to permit her to do so.

9. We do not agree. This was a serious fraud of an increasingly prevalent nature. The appellant's role, which was crucial to the success of the fraud, was deeply dishonest and persistent. It involved several transactions which she knew to be for a criminal purpose. We consider that the sentence was, if anything, lenient and that the judge was right not to suspend it. It is regrettable that the result is that the appellant will not be able to take her exams next week, but that is due her own offending. We hope that she will be able to resume her studies when she has completed her sentence and that she will have learned her lesson.

10. The appeal is, however, dismissed.

11. The court directed that the Crown Court record be amended administratively to reflect that the correct amount of the Victim Surcharge Order that was imposed in the court below was in the sum of £100.00.
