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IN THE COURT OF APPEAL  
CRIMINAL DIVISION



Neutral Citation Number: [2023] EWCA Crim 776

CASE NO 202300930/A4

Royal Courts of Justice  
Strand  
London  
WC2A 2LL

Friday 23 June 2023

Before:

LORD JUSTICE LEWIS  
MR JUSTICE JAY  
SIR NIGEL DAVIS

REX  
V  
FRANCESCO PURA

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Computer Aided Transcript of Epiq Europe Ltd,  
Lower Ground, 18-22 Furnival Street, London EC4A 1JS  
Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court)

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MR D RICHARDS appeared on behalf of the Appellant

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

## **LORD JUSTICE LEWIS:**

1. On 6 March 2023 in the Crown Court at Lewes, the appellant Francesco Pura was sentenced to 45 months' imprisonment for one offence of possessing class A drugs, namely cocaine, with intent to supply. He was also sentenced to 45 months' imprisonment for an offence of possessing criminal property, that sentence to be served concurrently. He appeals with the leave of the single judge.
2. The facts can be stated briefly. The appellant was detained driving an Audi car on 31 July 2022 down a dirt track to a property known as Springfield Parks. Inside the car were 32 wraps of cocaine totalling 12.2 grams at 82 per cent purity. Inside a wheel arch of the car were a further 25 wraps of cocaine at 83 per cent purity. The cocaine had a street value of about £2,200 to £2,850. The appellant had £1,420 in his wallet. A co-accused was also detained driving down the same track towards Springfield Parks.
3. In one room in the property at Springfield Parks were wraps of cocaine linked to the co-defendant. In a second room there were 50 wraps of cocaine weighing 20 grams with a purity of 84 per cent and a street value of between £2,000 and £2,050, along with the appellant's passport and cash.
4. The appellant pleaded guilty to the two offences on the basis that he had entered the United Kingdom illegally and had been pressurised to deal in drugs in order to pay off the debt incurred in enabling him to come to the United Kingdom.
5. In his sentencing remarks the judge accepted that the appellant played a lesser role because of the pressure placed upon him. It was a Category 3 offence within the Sentencing Guidelines for Drug Offences. The starting point was three years' imprisonment with a range from two years to four years and six months' imprisonment. The judge considered that there would have to be an upward adjustment from the starting

point to reflect the fact that this was a relatively large operation involving significant amounts of money. The only mitigating factor was the absence of previous convictions. The sentencing judge considered that a sentence of five years would be appropriate. He reduced that by 25% to reflect the guilty plea and imposed sentences of 45 months' imprisonment for each offence to be served concurrently.

6. Mr Richards, in his helpful and focused written and oral submissions, submitted that the sentence was manifestly excessive. He submitted that a sentence of five years before the reduction for the guilty plea was above the range for a lesser role in a Category 3 offence and gave no credit for the mitigation. Mr Richards accepted that there would have to be an upward adjustment from the starting point of three years to reflect the amount of drugs involved. Nonetheless, he submitted that a sentence of four years, reduced by 25% for the guilty plea, resulting in a sentence of three years, would be the appropriate sentence and a sentence of 45 months, he submitted, was manifestly excessive.
7. We agree with Mr Richards' submissions. The starting point for a lesser role in a Category 3 offence involving class A drugs (in this case cocaine) was three years. There would have to be an upward adjustment, as the judge said, to reflect the amount and value of the drugs involved. Further, there would have to be some reduction to reflect the mitigation that the appellant had no previous convictions.
8. In all those circumstances a sentence in the region of four years before the reduction for the guilty plea would have been appropriate. The sentence will be reduced by 25% to reflect the guilty plea, resulting in a sentence of three years. In those circumstances the sentence of 45 months was manifestly excessive.
9. We therefore allow this appeal. We quash each of the sentences of 45 months imposed on counts 1 and 2 and we substitute a sentence of three years for each offence to run

concurrently.

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

Lower Ground, 18-22 Furnival Street, London EC4A 1JS

Tel No: 020 7404 1400

Email: [rcj@epiqglobal.co.uk](mailto:rcj@epiqglobal.co.uk)