



CASE REVIEW UK

Sample Case Review Report

SENTENCE APPEAL SUPPORT

CLIENT	Mr A (anonymised sample)
SENTENCE UNDER REVIEW	17 years' imprisonment, Crown Court
OFFENCE	Conspiracy to supply a Class A controlled drug
SCOPE	Appeal against sentence only
DATE OF REPORT	14 August 2026
PREPARED BY	Senior Reviewer, Case Review UK

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PLEASE READ FIRST

Important disclaimer

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Any time limits, procedural steps or strategic recommendations set out below are given for information only and must be confirmed with a solicitor or barrister instructed to act. Past outcomes in other cases are not a guarantee of future results.

Case Review UK accepts no liability for any loss arising from reliance on this report.

How this report was produced

Every page of the bundle is first read by our AI pre-scan, which flags inconsistencies, possible grounds, sentencing anomalies and time limits. A senior UK lawyer or barrister then verifies each finding line by line, removes anything that is not right, adds the legal judgement only a human can give, and signs the final report. **AI is a tool here, never the decision-maker.**

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A note on honesty

Where we conclude that a ground is weak, or that there is no realistic appeal at all, we say so plainly. We would rather tell you that at the outset than take a fee for pursuing something that cannot succeed.

SECTION 1

Executive summary

Mr A was sentenced to 17 years' imprisonment in the Crown Court following conviction after trial for conspiracy to supply a Class A controlled drug. He instructed Case Review UK to carry out a fixed-price review of his case papers to identify whether there were any arguable grounds of appeal against sentence.

Having reviewed the indictment, the sentencing remarks, the pre-sentence report, the antecedent history and selected trial transcripts, we have identified a number of serious concerns about the way in which the sentence was constructed. In our view there are realistic prospects that the Court of Appeal (Criminal Division) would reduce the sentence significantly if leave to appeal is granted and the matter is argued before the Full Court.

ASSESSMENT AT A GLANCE	
ORIGINAL SENTENCE	17 years' imprisonment
INDICATIVE OUTCOME	9 years 4 months
PRIMARY ISSUE	Wrong categorisation of role under the Sentencing Council guideline; starting point set too high
SECONDARY ISSUES	Inadequate credit for personal mitigation; totality; absent qualifying-curfew declaration
GROUND'S IDENTIFIED	5 — of which 2 assessed as strong
IMMEDIATE NEXT STEP	Apply for leave to appeal sentence within 28 days; instruct a solicitor of record

The indicative outcome above is an estimate only. It reflects what we consider a properly constructed sentence would have been on the material we have seen. The Court of Appeal may take a different view, and no outcome can be guaranteed.

Our overall assessment is that this case **warrants an application for leave to appeal sentence**. The grounds are not guaranteed to succeed, but they are properly arguable and supported by the material we have reviewed.

SECTION 2

Documents reviewed and the scope of this review

The following documents were provided by the client and reviewed as part of this assessment:

- Indictment — counts, dates and co-defendants
- Sentencing remarks of the trial judge, transcribed
- Pre-sentence report prepared by the Probation Service
- The defendant's personal mitigation statement and character references
- Selected trial transcripts covering the opening, the relevant evidence and defence submissions on sentence
- Antecedent history, confirming no previous convictions
- Bail record, including the period spent on an electronically monitored curfew
- The applicable Sentencing Council definitive guideline for drug offences

What we have not seen

We have not reviewed the full trial bundle, any unused material, or any communications between the client and his previous solicitors. **Our conclusions are limited to the documents listed above.** If further material becomes available — in particular the complete transcript of the evidence relied on to establish role — our assessment may change, and we would review it at no additional charge within the scope of this instruction.

Why the missing material matters here

Role under the drugs guideline is a finding of fact made on the evidence. The strength of Ground 1 below depends heavily on what the surveillance officers and telephone analysts actually said, rather than on how the judge later summarised it. We have flagged this as the first item to obtain, and it should be requested before grounds are settled.

Approach taken

Stage 1	AI pre-scan of the full bundle — every page read, inconsistencies, sentencing anomalies and deadlines flagged
Stage 2	Senior lawyer verification of each flagged item against the papers and the guideline
Stage 3	Cross-check of the sentencing arithmetic against the guideline categories and ranges
Stage 4	Search for comparable reported Court of Appeal decisions on role and starting point
Stage 5	Grounds drafted, rated for strength, and signed off by the senior reviewer

SECTION 3

Summary of facts

Mr A was said by the Crown to have played a significant part in a conspiracy to supply cocaine over a period of approximately six months. The prosecution relied on telephone evidence, ANPR data, and observations by surveillance officers. The defence disputed the level of involvement attributed to Mr A, and he was convicted after a trial.

In his sentencing remarks the judge made findings of fact as to role. He found that Mr A's role fell between "significant" and "leading", and sentenced on the basis that Mr A had directed or organised the activity of others within the conspiracy, albeit not at the very highest level.

The judge took a headline sentence of 20 years, which he reduced to 17 years to reflect personal mitigation and the defendant's previous good character. Short consecutive sentences were imposed for associated counts, producing the total of 17 years.

Mr A had spent a period on bail subject to an electronically monitored curfew of not less than nine hours per day before he was remanded into custody. **No declaration of the resulting credit period was made when sentence was passed.**

The sentence as constructed

STEP	WHAT THE JUDGE DID
Role	Found to be between significant and leading; sentenced on a leading-role basis
Harm	Category 1 by reference to quantity
Headline term	20 years, uplifted above the category range to reflect the scale of the conspiracy
Mitigation	Reduced by 3 years for personal mitigation, good character and delay
Associated counts	Short consecutive terms, absorbed into the total
Credit for plea	None — convicted after trial
Qualifying curfew	No credit period specified
Total	17 years' imprisonment

Setting the sentence out in this way makes the points of challenge visible. Each of the rows above is examined in Section 4.

SECTION 4

Legal analysis

Issue 1 — Culpability and role under the guideline

The Sentencing Council guideline for supply offences requires the court first to determine the offender's role — leading, significant or lesser — and then the category of harm by reference to quantity. The sentencing remarks indicate that Mr A was in substance placed in the leading-role category.

In our view the evidence relied upon does not comfortably support a leading-role categorisation. The observations and communications are more consistent with a significant role: someone trusted within the chain, but not directing or organising others. The distinction is critical, because moving from significant to leading raises the starting point by several years.

R v Healey and others [2012] EWCA Crim 1005 remains the guideline authority on how role and harm are to be approached. Hughes LJ, then Vice-President, made clear that the guideline operates as a sliding scale and that the culpability and harm boxes do not have "hard edges". A judge is therefore entitled to place an offender between categories — but must explain the basis on which he does so.

That last point matters here. The judge expressly found the role to be *between* significant and leading, and then sentenced as though it were leading. If the finding was genuinely intermediate, the starting point ought to have reflected an intermediate position rather than being taken from the top of the two.

R v Khan (Kasim Ali) and others [2013] EWCA Crim 800 addresses the application of the drugs guideline specifically in conspiracy cases. Treacy LJ explained that where an individual is shown to have been involved only for part of the conspiracy, or in certain transactions, or otherwise to have had an identifiably smaller part in the whole, the judge should have regard to the factors limiting that individual's part relative to the conspiracy as a whole — and it may be appropriate to adjust the category to one better reflecting the reality. The court is entitled, as a balancing factor, to reflect that the offender formed part of a wider course of criminal activity.

On the material we have seen, Mr A's involvement was confined to a six-month window within a longer-running conspiracy, and to a subset of the transactions charged. That engages the first limb of *Khan* directly.

The argument against us

We should be straightforward about the counter-argument. In *R v Descombre and Thomas* [2013] EWCA Crim 72 the Court confirmed that a leading role does not require an operational hierarchy and a chain of employees beneath the offender. The Crown will say that direction of others, expectation of substantial financial gain and closeness to the source can each independently engage leading-role factors. Ground 1 is therefore arguable rather than certain, and should be advanced alongside Grounds 2 to 4 rather than in isolation.

Issue 2 — Starting point and the discount for mitigation

Even on a leading-role categorisation, a headline of 20 years sits well above the applicable category range. An uplift can properly be made where the quantity far exceeds the indicative figure for the category, and the judge was entitled to reflect the scale of this conspiracy. What is missing from the remarks is any explanation of how the figure of 20 years was arrived at, or why it required an uplift of that size.

The judge then allowed a discount of three years for personal mitigation, previous good character and the delay in bringing the case to trial. In our assessment that discount was insufficient. The mitigation advanced — strong personal references, a genuine attempt at rehabilitation, and the complete absence of any previous convictions — ought to have attracted greater weight. Mitigation is not a reason to depart from the guideline range, but it is a material consideration in fixing the final sentence within it.

Issue 3 — Totality and consecutive sentences

Although the conspiracy count attracted the principal sentence, the judge also imposed short consecutive sentences for the associated counts. The combined effect was a total of 17 years. There is a realistic argument that the principle of totality was not properly applied, and that the overall package, viewed as a whole, is excessive for this offending and this offender. The sentencing remarks do not record the judge standing back to consider whether the aggregate was just and proportionate.

Issue 4 — Credit for the qualifying curfew

Mr A spent a period on bail subject to an electronically monitored curfew of not less than nine hours per day. Where a court passes a determinate sentence and the offender was on bail subject to both a qualifying curfew condition and an electronic monitoring condition, **section 325 of the Sentencing Act 2020 requires the court to specify the credit period** for the purposes of section 240A of the Criminal Justice Act 2003. The calculation broadly halves the qualifying days, with deductions for non-compliant days and rounding up to the nearest whole number.

No such declaration appears in the sentencing remarks or on the record. This is not a matter of judicial discretion: the direction is mandatory, and the omission has a direct and calculable effect on the release date. It is also the most easily corrected of the errors identified, and can often be resolved administratively or by way of a slip-rule application without troubling the Full Court.

Practical effect

Of the issues above, Issue 4 is the one that will change Mr A's release date whatever happens to the appeal. We recommend it is pursued immediately and separately from the application for leave, so that it is not left to await the outcome of the wider grounds.

SECTION 5

Arguable grounds of appeal

Based on the analysis above, the following grounds of appeal against sentence are properly arguable. Each is rated for strength on the material currently available.

Ground 1 — Wrong categorisation of role

ARGUABLE

The judge erred in sentencing on a leading-role basis when the evidence, taken at its highest, supported no more than a significant role — or, on his own finding, an intermediate position between the two. This produced an inflated starting point. Strength depends on the full transcript of the evidence relied on to establish role.

Ground 2 — Excessive starting point

STRONG

Even accepting a leading-role categorisation, a headline of 20 years was too high on the facts of this case, and the sentencing remarks contain no reasoning explaining the size of the uplift above the category range. The absence of that reasoning is itself a point of challenge.

Ground 3 — Inadequate credit for mitigation

ARGUABLE

The discount allowed for personal mitigation, previous good character and delay was insufficient, and did not give proper weight to the mitigating features advanced on Mr A's behalf. A discount of three years on a headline of 20 is modest for a defendant of genuine previous good character.

Ground 4 — Totality

ARGUABLE

The consecutive sentences imposed for the associated counts produced an overall term that was excessive, and the remarks do not show the principle of totality being applied to the aggregate.

Ground 5 — Qualifying curfew credit not declared

STRONG

The court did not specify the credit period for time spent on an electronically monitored qualifying curfew, as required by section 325 of the Sentencing Act 2020. The direction is mandatory. This ground does not depend on the success of Grounds 1 to 4 and should be pursued at once.

Grounds not pursued. We considered, and have not included, any challenge to the harm categorisation. The quantity evidence was not seriously in dispute at trial and a challenge on that basis would in our view be unarguable. We mention it so that you know it has been considered rather than overlooked.

SECTION 6

Assessment of prospects

We assess the prospects of a successful appeal against sentence as **realistic**. The case is not a certainty. But the sentencing structure is open to serious criticism, and the Court of Appeal has reduced comparable sentences where the categorisation of role or the starting point has been shown to be wrong.

The likely outcome, if the appeal is allowed, would be a reduction in the headline sentence and a corresponding reduction in the overall term. Our indicative view is that a sentence in the region of 9 years and 4 months would properly reflect this offending and this mitigation. That is an estimate only, and the Court of Appeal may take a different view.

Ground 5 stands apart from the others. It does not depend on persuading the Court that the judge was wrong about anything, only that a mandatory declaration was omitted. We would expect it to succeed.

SECTION 7

Recommended next steps and time limits

The 28-day time limit for applying for leave to appeal against sentence runs from the date of sentence — not from the date of conviction, and not from the date of this report. Late applications are possible but require an extension of time and an explanation for the delay.

- Instruct a solicitor of record to apply for leave to appeal sentence to the Court of Appeal (Criminal Division)
- Prepare and lodge the required forms (Form NG) together with concise grounds and the sentencing remarks
- Raise the section 325 curfew declaration immediately and separately — it need not wait for the leave application
- Obtain the full transcript of the evidence relied on to establish role, which Ground 1 depends upon
- Obtain a written opinion from junior counsel or King's Counsel on the strength of the grounds before the hearing
- Gather any further mitigation evidence — post-sentence references, courses completed in custody, medical reports
- Keep a careful note of all deadlines; the Single Judge may grant or refuse leave without an oral hearing

SECTION 8

What this report does not cover

This review is limited to an assessment of an appeal against sentence. We have not advised on appeals against conviction, parole, licence conditions, recall, categorisation, confiscation proceedings, or any application to the Criminal Cases Review Commission. Those matters would require separate review, and may involve different time limits and procedural rules.

If any of them is relevant to your case, tell us and we will scope it before you commit to anything further.

SECTION 9

Confidentiality and data handling

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