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Regina v Vlastimil Loja

No: 200602482 B1

Court of Appeal Criminal Division

11 January 2007

[2007] EWCA Crim 106**2007 WL 555794**

Before: Mr Justice Underhill Sir Charles Mantell

Thursday, 11 January 2007

Representation

- Mr P Briegel appeared on behalf of the Appellant.
- Mr D Dunkin appeared on behalf of the Prosecution.

Judgment

Sir Charles Mantell:

1 On 30th January 2005, at about lunchtime, a Honda motorcar was seen at the Channel Tunnel at Folkestone obviously intending to cross over to France. In the car was Vlastimil Loja, a man of some 28 years of age; Mrs Farquarson and another woman. Later that afternoon the same car approached the immigration control kiosk at Coquelles in France. There were by this time two additional women in the car. They turned out in due course to be Thais. Further inquiries revealed, or so the authorities considered, that those two women were being brought into this country illegally with a view to them working as prostitutes and turning over most of the money they earned in that occupation to Mrs Farquarson. That led to all those mentioned being charged with a variety of offences but more particularly in the case of Loja with assisting illegal entry.

2 Following a trial at Maidstone Crown Court on 24th March 2006 Loja was convicted of that offence and sentenced to 3½ years' imprisonment. Mrs Farquarson was also convicted of that offence. She received a sentence of 4 years' imprisonment, and in addition for other offences relating to managing a brothel she received concurrent sentences of 5½ years, leading to a total sentence in her case of 5½ years. The other woman mentioned but so far not named, Esther Villegas Lewis, received a sentence of 3 years on the assisting illegal entry count, but 4 years for other offences, resulting in a total sentence in her case of 4 years. This is an appeal with leave of the single judge ably presented by Mr Briegel on the basis that the sentence imposed on Loja, although not excessive in itself, was nevertheless to be considered unfair, having regard to the sentences received by the others.

3 We have already mentioned that the sentences were meted out by the trial judge, HHJ Lawson QC, following a trial in which he had ample opportunity to assess the relative culpability of those involved. Once it is accepted that a sentence of 3½ years in itself was not manifestly excessive or wrong in principle, it would be difficult to proceed on the one ground which has been advanced before us, namely that of disparity. It is said that, having regard to the conduct of Mrs Farquarson in particular, a fair-minded member of the public would consider that an insufficient distinction had been made between the treatment which she received and that dealt out to this appellant.

4 We respectfully disagree. Here, the trial judge was in the prime position for assessing respective culpability. We know not what additional material may have been available to him in the case of the other two, or what impression he may have formed of them during the course of the trial. Whether that be the case or not, we are far from satisfied that in this case a fair-minded member of the public would think that this appellant had been other than properly treated.

5 Accordingly this appeal against sentence is dismissed.

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