

## R v Ford [2011] EWCA 473

Ford pleaded guilty to five counts of making corrupt payments. These payments were to secure contracts for his company. Ford made the payments to PK, who along with his wife SK also pleaded guilty to dishonesty offences. Another defendant, H also made corrupt payments to PK and pleaded guilty to the charges. Ford and H entered into agreements under section 73 of the Serious Organised Crime and Police Act 2005 (SOCPA) (assistance by defendant - reduction in sentence). They both gave evidence at another defendant's trial S, who also made corrupt payments to PK, as part of that agreement.

Ford was of previously good character, who has since found employment at a local college in the same field. Ford stated that he did not realise the payments were illegal but did think that they were unethical. He was sentenced to 2 years imprisonment. He appealed against his sentence saying that the judge had not taken into account the level of his cooperation, the fact that he was of previously good character and for that reason he should have been given a greater discount in sentence which should have been suspended. Ford also stated that the judge had not followed the judgment of Dougall (R v Dougall [2010] EWCA 1048).

### Held

**Appeal allowed.** Sentence reduced to 18 months although the court found that there was no exceptional reason why the sentence should be suspended.

The court stated that the level of cooperation in Dougall was to a much greater degree than that of Ford. In Dougall, D had been the only person to accept personal criminal liability, had cooperated in complex transatlantic investigations which meant that he could not be employed for some time and his career was effectively over. He was also involved in trying to persuade another country to stop their corrupt practices. Although Ford's cooperation was no doubt invaluable, it was on an entirely different level to that of Dougall.

The court further held that the Dougall case did not automatically mean that every person who entered into a section 73 agreement would get an automatic 50% discount in sentence.

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Reference should always be made to the original case.*