

WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

IN THE COURT OF APPEAL

CRIMINAL DIVISION

[2022] EWCA Crim 1750



No. 202200147 B4

Royal Courts of Justice

Friday, 9 December 2022

Before:

LORD JUSTICE EDIS
MR JUSTICE SWEETING
SIR NICHOLAS BLAKE

REX
V
THOMAS SCHREIBER

Transcript prepared from digital audio by
Opus 2 International Ltd.
Official Court Reporters and Audio Transcribers
5 New Street Square, London, EC4A 3BF
Tel: 020 7831 5627 Fax: 020 7831 7737
CACD.ACO@opus2.digital

MR J STONE KC appeared on behalf of the Appellant.

THE CROWN did not appear and were not represented.

J U D G M E N T

LORD JUSTICE EDIS:

- 1 This is a renewed application for leave to appeal against sentence in a case where the applicant was convicted of murder, attempted murder and dangerous driving and received a sentence of life imprisonment for murder with a minimum term of 36 years, less 253 days spent on remand. Other orders were also made which it is unnecessary to set out now.
- 2 We have, earlier this morning, granted the application for leave to appeal against sentence. We also grant a representation order which must, we regret, be a representation order for leading counsel alone. We are very grateful to junior counsel for his attendance and also for the attendance of solicitors representing the appellant who have attended together *pro bono* in order to advance his case. However, the clear practice of this court in dealing with sentence appeals is to do so by granting representation orders for one single advocate and to allow a representation order for leading counsel is, we think, as far as we can properly go.
- 3 In *R v Palmer* [2017] EWCA Crim 471 and in the Practice Direction at 39A.7 the desirability of representation on behalf of the prosecution in cases involving fatalities is clearly set out.
- 4 The prosecution decided, when contacted by the Criminal Appeal Office, that they did not wish to attend the application for leave, although they did wish to attend the hearing of the appeal if leave were granted. We have attempted to make arrangements today for prosecuting counsel to make submissions, including by CVP if possible; those enquiries have not borne fruit. It is not possible for the prosecution to be represented by counsel at the appeal if we deal with it today. We are, therefore, unable to deal with the substantive appeal.
- 5 The particular reason for this is that the views of the families of the two victims of the offences on the indictment are of considerable importance. We have received a statement from the victim of Count 2, the appellant's mother, made quite recently in which she sets out her views of the sentence which was imposed. Whether that is actually admissible on the appeal or not we consider that it is important that the court dealing with the appeal is fully informed about the opinions of any family member who wishes to express an opinion to the court. The sensitivity of the case is significant. That is the reason why we have decided that the appeal will be heard on another day when the prosecution can be represented and when these matters can be attended to fully.

CERTIFICATE

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

Transcribed by Opus 2 International Limited
Official Court Reporters and Audio Transcribers
5 New Street Square, London, EC4A 3BF
Tel: 020 7831 5627 Fax: 020 7831 7737
CACD.ACO@opus2.digital

This transcript has been approved by the Judge