

**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

ON APPEAL FROM THE CROWN COURT AT ISLEWORTH

HIS HONOUR JUDGE HAMMERTON T20217411

CASE NO 202301739/B5

NCN: [2024] EWCA Crim 1188

Royal Courts of Justice  
Strand  
London  
WC2A 2LL

Friday, 19 July 2024

Before:

LORD JUSTICE WARBY  
MRS JUSTICE MAY DBE  
HIS HONOUR JUDGE TIMOTHY SPENCER KC  
(Sitting as a Judge of the CACD)

REX  
V  
SHEA WILLIAMS

---

Computer Aided Transcript of Epiq Europe Ltd,  
Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE  
Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court)

---

NON-COUNSEL APPLICATION

---

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

MRS JUSTICE MAY:

**Introduction**

1. On 26 April in the Crown Court at Isleworth following a retrial the applicant was convicted of attempted murder (Count 1), possessing a firearm with intent to endanger life (Count 3) and possessing ammunition without a certificate (Count 7). A co-defendant Anthony Wabali was acquitted and the jury were unable to reach verdicts in respect of the other co-defendant Jerome Manning. The applicant renews his application for leave to appeal against conviction following refusal by the single judge.
2. The single ground of appeal filed on 27 July 2023 is that the judge wrongly admitted as bad character evidence expert material on a North London gang known as the Church Road Soldiers ("CRS"). A few days ago the Criminal Appeal Office received a letter from solicitors asking to adjourn this renewal hearing. The solicitors were not the firm that had represented the applicant at trial. They made it clear that they had not yet been formally instructed and asked for an adjournment in order to obtain further information. There was mention in the letter of the possibility of further witnesses. The request came very late, on the eve of the day before the hearing, where the single judge's decision refusing leave was issued in October 2023 and the application to renew was filed in November 2023, over eight months ago. Furthermore, the existing ground of appeal had been drafted by senior and junior trial counsel who would, at the time of drafting it, have been very familiar with the issues, particularly as the conviction had followed a retrial. Moreover, there was nothing in the solicitors' letter indicating what further challenge might be advanced, which trial counsel had not already considered and raised. For these reasons we refused the application.

### **The factual background**

3. On Friday 29 October 2021 a party took place in the garden of 56 Hillfield Avenue, northwest London. The party carried on into the early hours of the 30th. In his statement, read to the jury, the victim, Jarvis Ansah described going to the party but deciding to leave after a few hours as 'the vibe was off'. As he was leaving he heard running and loud bangs which sounded like gunshots. He remembered being hit and falling to the ground and hearing footsteps around him. He was hit several more times before the footsteps ran away. Ansah had been followed by three men, two of whom had shot him. Some 18 shots were fired in all. Ansah sustained very serious injuries. Neither he nor any other witness was able to identify the gunmen. There was no evidence that the victim and defendants were known to each other. There was no evidence of motive or that the shooting had been gang or territory related.
4. CCTV from a nearby doorbell camera was played to the jury. The footage captured sounds of gunfire before a male voice could be heard shouting, 'Why, why, why?' and a possible second male voice shouting, 'For what reason?' before more gunshots were heard. Ansah can be seen running into shot and falling to the floor while shots are heard. Two men are seen running in the direction of Ansah, each holding and discharging a firearm towards him. Ansah is by this time on the ground. As the gunmen run past him the first gunman stands over him firing at point-blank range before running off whilst discharging two further shots in his direction. The second male can also be seen running past and discharging his firearm at Ansah. The words 'That's why you joker, bright' are heard on the footage. Wabali is seen running into shot as Ansah is on the ground. He jogs past him in the same direction as the two gunmen and, as he moves past, Wabali can be heard to say 'Pussyhole, yeah'.

5. The prosecution case at trial was that the applicant and Manning were gunmen 1 and 2 respectively and that they shot Ansah nine times each with intent to kill him. Wabali had no gun but was said to have encouraged or assisted as part of a joint enterprise. Wabali accepted being there but denied any involvement in the shooting. The applicant and Manning both denied presence.

**Bad character**

6. The prosecution successfully applied for leave to adduce evidence from a police officer, DC Jones about the CRS gang as bad character evidence. It was admitted pursuant to section 101(1)(d) of the Criminal Justice Act 2003 as relevant to an important matter in issue, namely, whether the defendants were responsible for the shooting. It was not suggested that the motive for the shooting was gang related, however it was suggested that the defendants were members of or associated with the CRS which had access to and a willingness to use firearms. The prosecution submitted that the fact that all three were members of the same gang that espoused the use of firearms in the commission of offences should be available to the jury when deciding their verdicts. The defence argued that the evidence should not be used to bolster a weak case. The judge disagreed that it was a weak case. The evidence against the applicant consistent of an identification from CCTV footage by an officer, together with strong circumstantial evidence. Directing himself by reference to the case of Lewis [2015] EWCA Crim 48, the judge determined that the evidence was relevant and he rejected an application to exclude it as unfairly prejudicial on the basis that careful directions to the jury could adequately address the risk of an unfairly adverse effect.
7. The prosecution case against the applicant at trial relied on the following:
  1. The gang affiliation evidence was reduced to admissions. DC Jones did

not give evidence and was not cross-examined. The agreed evidence included that the applicant featured in music videos alongside members of CRS and one of those videos featured a gun as well as hand signs for guns. DC Jones had seen the applicant at 'gang block parties' which had taken place on the Church End Estate as well as music video shoots filmed on the estate. An Instagram account associated with CRS had posted a photograph of the applicant posing alone.

2. On the night of the shooting, the applicant was in the company of Manning and Wabali who were CRS members.
3. A red bandana attributed to the applicant was seized at the scene. That bandana was consistent with membership of the CRS which used the colour red as an identifier and whose members carried bandanas.
4. The applicant was the registered keeper of a BMW which had undergone sophisticated modification so as to have a secret lockable compartment within the driver's console. The applicant was arrested two days after the shooting driving his BMW, whereupon a search recovered wraps of crack cocaine and heroin from the secret compartment. He was in possession of a drugs phone and pleaded guilty to two counts of possession with intent to supply arising from the drugs found.
5. Swabs of two types of gunshot residue were recovered from inside the secret compartment in the BMW, one of which was consistent with one of the guns used in the shooting.
6. Through CCTV footage, cell site and telematics/GPS data from the BMW, the prosecution were able to adduce the following evidence in relation to the night of 29 October: At around 11.16pm the applicant left his home address in northwest London in his BMW. He had his phone with him. At 11.48pm he telephoned Manning who he then picked up in NW10. The BMW and Wabali's Audi drove to Oxford, before returning to London after 4.00am. At 4.35am the two vehicles drove in convoy along Hillfield Avenue, where the party was being held. They parked at the junction of Hillfield Avenue and Lyon Park Avenue within metres of each other. Two males were seen on CCTV to get out of the BMW and the officer in the case, DC Wise, gave evidence that from his close examination of the CCTV he identified these men as the applicant and Manning. Wabali got out of the Audi with a female. Wabali did not dispute that he was the driver of the Audi nor that he was present at the party. DC Wise's evidence was that the group which could be seen walking towards the party address included the applicant. The video footage from the doorbell camera showed that after the shooting, the two gunmen ran off up Hillfield Avenue towards the junction with Lyon Park Avenue, followed by Wabali, towards where the cars had been parked. It

was not in dispute that the applicant and Manning returned to the applicant's home address in the BMW on the afternoon of the 30th.

7. The prosecution submitted that, if the jury were satisfied that a particular defendant was a member of CRS, the gang evidence was relevant to the issue of identification and/or to rebut innocent association.
  8. The jury heard that the applicant had one conviction for robbery, which was not gang-related, as well as the conviction for the drugs found in the BMW two days after the shooting.
8. The defence case for the applicant and Manning was that they had been wrongly identified and had not been there. Wabali accepted having been there but denied participation. None of the defendants gave evidence at trial; all, including the applicant, had given largely no comment interviews. The identifying witness DC Wise was cross-examined extensively at the trial.
  9. The issue for the jury in respect of the applicant was whether they were sure that he was one of the gunmen (count 1) and whether he was in possession of a handgun with the requisite intent (count 3), together with ammunition (count 7).

### **Grounds of appeal**

10. The advice and grounds prepared by trial counsel for this appeal contends that the evidence of DC Jones was wrongly admitted and that the prejudice caused to the applicant by its admission renders his conviction unsafe. It is said that DC Jones' evidence could not establish that the applicant had been a member of CRS. The highest it went was that the applicant was sometimes in the presence of others alleged to be gang members. There was no evidence of any positive gang activity on the part of the applicant. As there was no evidence to suggest that the shooting of Ansah was in any way related to gang membership or to residence in a particular area of London, evidence of CRS could not assist in determining the issues in the case. Moreover, it is submitted

that even if it could be said to be relevant the evidence was so prejudicial that it should have been excluded.

## **Decision**

11. We have considered the trial judge's ruling admitting the bad character evidence carefully. It was an excellent ruling, correctly applying the law and the principles set out in Lewis to the facts and issues in the present case. The judge took account of the fact that there was no evidence of the shooting here being gang related. Under section 101(1) (d) the question is whether the evidence is "relevant to an important matter in issue." The matter in issue here was whether the applicant had been correctly identified as present at the shooting. The evidence going to CRS and his association with CRS was clearly relevant to that issue. Further, as the judge indicated, his directions to the jury, as to which no complaint is made, could and did deal with the risk of any adverse prejudicial effect. It is of note that the gang evidence had also been admitted against the applicant's co-defendants, one of whom, Wabali, about whom the jury also heard he had two sets of previous convictions for possession of loaded firearms, was acquitted, and in relation to the other the jury could not agree a verdict. These differential verdicts indicate that the jury carefully followed the directions which they had been given. Finally, and in any event, the circumstantial evidence against this appellant was very strong, placing his phone and his car at the scene at the time of the shooting with gunshot residue of the same kind as one of the guns which had been used found in a hidden compartment of that car just two days later.
12. We are entirely satisfied that, for these reasons, the applicant's conviction is unarguably safe. The renewed application must accordingly be dismissed.

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

Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE

Tel No: 020 7404 1400

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