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IN THE COURT OF APPEAL
CRIMINAL DIVISION



Royal Courts of Justice
The Strand
London
WC2A 2LL

[2024] EWCA Crim 1222

ON APPEAL FROM THE CROWN COURT AT GUILDFORD
(HER HONOUR JUDGE LEES) [T20230018]

Case No 2023/02530/B5; 2023/02531/B5

28 August 2024

B e f o r e:

LORD JUSTICE POPPLEWELL

LORD JUSTICE FULFORD
(Sitting in Retirement)

MRS JUSTICE TIPPLES

R E X

- v -

PAUL MICHAEL REED

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Non-Counsel Application

APPROVED JUDGMENT

LORD JUSTICE POPPLEWELL:

1. The applicant applies for an extension of time in which to apply for leave to appeal against conviction and for an extension of time in which to renew his application for an extension of time in which to apply for leave to appeal against sentence, following refusal of his applications by the single judge.

2. The facts and circumstances of the case are set out in the Criminal Appeal Office Summary and are well known to the applicant. We do not need to repeat them. The single judge gave full and cogent reasons in writing for rejecting the applications which the applicant has received. We entirely agree with those reasons which explain why an appeal has no realistic prospect of success either in respect of conviction or sentence.

3. In a letter dated 7 June 2024 the applicant asked the court to consider some further matters. The first is an application to call Dr King as an expert witness. She produced a psychiatric report prior to the trial, dated 20 March 2012. That evidence would not be admissible on any appeal because it was available to be deployed at the trial if then relevant and admissible.

4. One of the proposed grounds of appeal is that the applicant's counsel should have sought to adduce Dr King's evidence at the trial. However no attempt to do so was made, and because the applicant has declined to waive privilege, we do not know the reasons for that decision. In those circumstances trial counsel cannot properly be criticised for not having sought to adduce it. Moreover, the Crown has indicated in its Respondent's Notice that had any application been made, it would have been resisted on grounds that the report was not admissible and that if, contrary to those submissions, Dr King's report had been admitted, it would have been met with expert evidence from the Crown. In those circumstances, it is far

too late to seek to introduce it at this stage and it would be contrary to the interests of justice to admit it for the purposes of the present applications.

5. The applicant also seeks to have the first complainant called to face further cross-examination. This, too, is impermissible. The applicant was represented at trial by experienced counsel and no criticism of his cross-examination was made in the proposed grounds of appeal, as a result of which we have no transcript of the cross-examination. It is too late to raise this criticism, which in any event cannot properly be made in the absence of waiver of privilege and an opportunity for trial counsel to address the criticism. We should add that the questions which it is now suggested should be put to the first complainant, were she to be recalled, do not go to the heart of the case on the counts with which she was concerned and could not realistically affect the safety of the convictions on those counts.

6. In his letter the applicant also says that he would like to know why it took the police over 14 months and two investigating officers to charge him. The answer to any such enquiry would be entirely irrelevant to the proposed grounds of appeal against either conviction or sentence.

7. Finally, the applicant refers to the fact that, following his conviction and sentencing, the terms of the Sexual Harm Prevention Order were amended, it appears following a suggestion by the sentencing judge. Contrary to his submission, this provides no support for the argument that the terms which were in force when the applicant breached the order were unclear or vague. The order in force at the time of breach prevented contact with women who were unknown to him, and the convictions followed clear and proper directions to the jury as to what was meant by "known". The amendment is intended to make the order more restrictive specifically in relation to shop assistants by making clear that if the applicant has contact with them in or outside a shop, after an initial contact in the shop, that initial contact,

or series of contacts, should not be treated as rendering them known to him. That does not in any way undermine the clarity or certainty of the order in its original form.

8. For these reasons the applications are refused.

9. In refusing the conviction application, the single judge indicated that a loss of time order should be considered if the application were renewed. We consider that it is appropriate to make a loss of time order in relation to both the conviction and sentence applications. They are not merely unmeritorious, but hopeless and a waste of court resources and time. Moreover, they represent a further example of the applicant's attempts to manipulate proceedings which have characterised his conduct throughout.

10. We accordingly direct that 28 days of the time spent by the applicant in custody shall not count towards his sentence.

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

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