IN THE COURT OF APPEAL

CRIMINAL DIVISION

Case No. 202201870 B1
202203173 B1

Royal Courts of Justice
Strand
London
WC2A 2LL

[2024] EWCA Crim 1224

Thursday, 4 July 2024

Before:

LORD JUSTICE POPPLEWELL
MRS JUSTICE STEYN
HIS HONOUR JUDGE DEAN KC
(Recorder of Manchester)

REX
V
ABDUL RAHEEM HOWE

REPORTING RESTRICTIONS:
THE PROVISIONS OF THE SEXUAL OFFENCES (AMENDMENT) ACT 1992 APPLY

Computer Aided Transcript of Epiq Europe Ltd,
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MS F DAVY and MS C BAKER appeared on behalf of the Applicant.
The Crown were not represented.

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A P P R O V E D J U D G M E N T

LORD JUSTICE POPPLEWELL:

1 The applicant was convicted on fifteen counts, of which seven were of rape, two of kidnap, one of false imprisonment and one of perverting the course of justice. He was sentenced to concurrent sentences on all counts, the longest being imposed on each of the rape counts, namely an extended sentence of 26 years and 8 months, comprising a custodial term of 20 years and 8 months, and an extended licence period of 6 years.

2 The applicant renews his applications for leave to appeal against conviction and leave to appeal against sentence following the refusal of both by the single judge. He needs a short extension of time for both, which we grant.

3 We do not need to set out the facts of the case in this judgment because these are renewal applications and the case raises no questions of principle which are of relevance to other cases. The facts are well known to the applicant and set out fully in the Criminal Appeal Office summary, the grounds of appeal and the respondent's notice. Similarly, the applicant is well aware of the reasons which the single judge gave for refusing leave both in relation to conviction and sentence.

4 Miss Davy has appeared with Miss Baker *pro bono* before us and we are very grateful to them for doing so. Despite the attractively presented submissions, we entirely agree with the remarks of the single judge and the reasons which he gave for refusing leave on each of the four grounds advanced. Accordingly, dismiss the conviction application.

5 We also agree with the single judge that the length of the custodial element of the sentence was not manifestly excessive. The trial judge was entitled to reach the conclusions which she reached on the evidence and she gave adequate weight to the applicant's youth and his limited personal mitigation.

6 As to the sentence being an extended one, we had not understood from the grounds of appeal that there was any challenge to the finding of dangerousness. Miss Davy told us

that she did wish to make such a challenge. In the circumstances of the brutal sexual offending which took place in this case and the absence of any remorse or insight, as reflected in the Pre-sentence Report, the suggestion that there was any error by the trial judge finding the applicant to be dangerous is one which is not merely ambitious but, in our view, hopeless.

7 A further challenge was made to the imposition of an extended sentence both on the basis that a determinate sentence would have been sufficient, given its length, or alternatively, that if an extended licence was required, a period of six years was manifestly excessive. The difficulty with these submissions is that it is clear from the Pre-sentence Report that the applicant was not prepared to accept his guilt, maintained his innocence and was not interested in engaging with his offending behaviour. There therefore remains a real risk that his dangerousness will remain at its current level at the end of what is a lengthy sentence. It was necessary to impose an extended sentence with an extended licence to meet that risk upon his release. A period of six years might be regarded as on the long side, but it was well within the discretion properly available to the judge and was not, in our view, a manifestly excessive period given the nature of the risk which is posed by the applicant and the potential harm to the public.

8 Accordingly, the sentence application is also dismissed.

9 We should finally mention the victim surcharge. The record of the sentence includes a victim surcharge in the sum of £191. That is in error because no such surcharge was pronounced by the judge and it is the judgment pronounced in open court which is determinative, and accordingly, we make clear that the record should be amended to remove the victim surcharge accordingly.

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

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