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IN THE COURT OF APPEAL  
CRIMINAL DIVISION



CASE NO 202302564/B2  
NCN: [2024] EWCA Crim 1283

Royal Courts of Justice  
Strand  
London  
WC2A 2LL

Wednesday, 19 June 2024

Before:

LADY JUSTICE WHIPPLE  
MR JUSTICE BRYAN  
HIS HONOUR JUDGE LICKLEY KC  
(Sitting as a Judge of the CACD)

REX  
V  
ELLIOT MATTHEW ROWLEY

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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)

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NON-COUNSEL APPLICATION

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

1. LADY JUSTICE WHIPPLE: The provisions of the Sexual Offences (Amendment) Act 1992 apply to this offence. Under those provisions where a sexual offence has been committed against a person, no matter relating to that person shall, during that person's lifetime, be included in any publication if it is likely to lead members of the public to identify that person as the victim of that offence. This prohibition applies unless waived or lifted in accordance with section 3 of the Act.
2. On 31 May 2022 the applicant was convicted of three counts of rape of a child under 13 years and two counts of sexual assault of a child under 13 years following a trial before Her Honour Judge Miller sitting at Winchester Crown Court.
3. On 14 November 2022 Her Honour Judge Miller sentenced the applicant to an extended determinate sentence of 29 years, comprising a custodial term of 25 years and an extension period of four years.
4. The applicant now renews an application for an extension of time of 392 days in which to seek leave to appeal against conviction having been refused on the papers by the single judge. The applicant is at the present time unrepresented.
5. The facts are well-known to the applicant and are set out in the Criminal Appeal Office summary. It is sufficient simply to note that the two complainants were the applicant's biological daughter, C1, who was then aged 11, and C1's half-sister, C2, who was then aged 12. The applicant was alleged to have raped both of them more than once during lockdown in 2020 when the applicant had sole care of both girls.
6. The applicant's defence at trial was set out in his defence case statement. He pleaded not guilty saying that the events did not take place and that the complainants were imagining or fabricating these events. He asserted that they had likely colluded with each other and influence each other's accounts. He said that he had never sexually touched either girl in

any way whatsoever. The jury were not persuaded of his defence and were sure that he way lying.

7. By his grounds of appeal the applicant advances four main points. First of all he says that the police never investigated C2's alibi for C1 which related to a birthday party at a friend's house. Secondly, he says that C2 had lied, coerced and manipulated C1 and asked for discovery. Thirdly, he says that he would like the evidence of the paediatrician called at trial to be reviewed by a gynaecologist. Fourthly, he says that the court should consider the case of an individual (to whom we shall refer as DT) who was the one-time partner of C2's and C1's mother. The grounds are opposed by the Crown.
8. In refusing permission on the papers, the single judge said this:

"3. There is significant delay in this case which has not been adequately explained. Your trial counsel advised you that you had no grounds of appeal. You have provided no explanation as to why it has taken you over one year to put forward the grounds you now advance. I would not have refused [an extension of time] if you had identified a good arguable point. However your grounds of appeal are not arguable.

4. As to ground (1), there is a fundamental contradiction in your case. First, you say that [the friend] does not exist and there was no party; then you say you wish to call [the friend] or her parents to prove that there was a party. No further explanation of your case is provided.

5. As to ground (2), here, again, you say that [the friend] does exist and the party happened. Both [C1] and [C2] were cross-examined in detail by your counsel at the trial.

6. As to ground (3), Dr Laura Porter, a paediatrician, gave evidence and was cross-examined. Her evidence, both as regards examination and statistics, was balanced and fair, as summarised in the summing up. There is no basis to question that evidence and you give no explanation of the purpose of any review by another doctor.

7. As to ground (4), the jury was aware of an investigation against another individual with regard to allegations made by [C2]. You put forward no basis for suggesting that DT committed the offences for which you were convicted.

Overall, it is not arguable that your convictions are unsafe."

9. Having reviewed all the papers for ourselves and taken careful note of the various points advanced by the applicant we find ourselves in full agreement with the single judge. We do not consider there to be any merit in the grounds of appeal. Further, we are not persuaded that a proper explanation has been put forward for the failure to commence this appeal within time.
10. We therefore refuse the application for an extension of time and we refuse leave to appeal against conviction.

**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