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IN THE COURT OF APPEAL
CRIMINAL DIVISION
ON APPEAL FROM THE
CROWN COURT AT NORWICH
MR RECORDER HARDY T20207009
CASE NO 202300409/B1
NCN: [2024] EWCA Crim 851



Royal Courts of Justice
Strand
London
WC2A 2LL

Tuesday 2 July 2024

Before:

LORD JUSTICE MALES

MR JUSTICE BRYAN

MRS JUSTICE THORNTON

REX

V
"MI"

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NON-COUNSEL APPLICATION

J U D G M E N T

MRS JUSTICE THORNTON:

1. The provisions of the Sexual Offences (Amendment) Act 1992 apply to this offence.

Under these 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 19 August 2022, in the Crown Court at Norwich before Mr Recorder Hardy, the Applicant was convicted unanimously of a number of offences which, in summary, comprised rape of a child under 13, rape, sexual assault of a child under 13, sexual assault of a child, attempted rape of a child under 13 and rape. The Applicant was sentenced to imprisonment for life with a minimum term of 22 years.
3. The Applicant renews his application for an extension of time in which to seek leave to appeal against conviction, with leave to call a witness, appeal against sentence, and for a representation order after refusal by the single judge.
4. The background to the offending, which was described by the sentencing judge as a "sustained, systemic, unending and relentless" campaign of abuse of his own children for over a decade, is set out in the note produced by the Court of Appeal office.
5. We have carefully considered the grounds of appeal advanced by the Applicant. The Recorder's approach to this sensitive case cannot be faulted. The grounds of appeal

have no merit for the reasons given in considerable detail by the prosecution in the Respondent's Notice and in addition by the single judge as follows:

“As the Recorder rightly said, the jury's verdicts meant that you had engaged in a sustained, systemic, unending and relentless campaign of the vilest abuse imaginable of your own children for over a decade. You were found guilty, amongst other things, of:

- raping your son, 33 times;
- raping your daughter, 24 times;
- raping your daughter, 24 times; and.
- attempting to rape your daughter.

The sentence which the Recorder imposed was entirely merited.

As for your grounds of appeal:

- (1) No pre-sentence report was necessary.
- (2) The fact that you had no previous convictions provided little, if any, mitigation in a case of this nature.
- (3) You have provided no medical evidence in relation to your mental health issues. They cannot reduce your culpability for your offending. They can be treated in prison.
- (4) The Recorder was entitled to refer in his sentencing remarks to the 'cutlery incident' in 2012. He had heard the evidence at trial and was well-placed to form an impression of your character. He regarded that incident as illustrative of your tendency to 'Lie, deny, minimise, criticise.'
- (5) Your allegation that the Recorder spoke to a witness in private is based on a misunderstanding of the Recorder's sentencing remarks. The Recorder quoted from an entry in the police records in which a police officer wrote, 'I have spoken to the mother of the victim ...'.
- (6) The fact that you complied with your bail conditions provided little, if any, mitigation in a case of this nature.

(7) The Recorder's sentencing remarks provide no support for your unparticularised allegation that he was biased.

(8) The Recorder was entitled to have regard to what your victims said.

(9) Your criticism of your lawyers' conduct of the trial is not relevant to your proposed appeal against sentence.

(10) You say that you were convicted on circumstantial evidence. That is irrelevant to your appeal against sentence, but it is also incorrect. Your victims gave direct, not circumstantial, evidence."

6. The application for an extension of time is also refused.

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

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