

Neutral Citation Number: [2018] EWCA Crim 2892  
2017/02886/C1  
IN THE COURT OF APPEAL  
CRIMINAL DIVISION

Royal Courts of Justice  
The Strand  
London  
WC2A 2LL

Tuesday 3<sup>rd</sup> October 2018

B e f o r e:

LORD JUSTICE HOLROYDE

MR JUSTICE GOOSE

and

HIS HONOUR JUDGE WALL QC

(Sitting as a Judge of the Court of Appeal Criminal Division)

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**REGINA**

- v -

**KOSTADIN KOSTOV**

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Computer Aided Transcript of Epiq Europe Ltd, 165 Fleet Street, London EC4A 2DY  
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Non-Counsel Application

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**J U D G M E N T**  
**(Approved)**

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Tuesday 3<sup>rd</sup> October 2018

**LORD JUSTICE HOLROYDE:**

1. On 19<sup>th</sup> May 2017 in the Crown Court at Exeter the applicant was convicted of the murder of Gregana Prodanova. He was sentenced by the trial judge, Royce J, to life imprisonment, with a minimum term of nineteen years. His trial counsel advised him that there were no arguable grounds of appeal against either conviction or sentence. The applicant nonetheless applied for leave to appeal against conviction. His application was refused by the single judge, who provided clear, written reasons for his decision. The application is now renewed to the full court.

2. The applicant and Ms Prodanova had lived together for many years in their native Bulgaria and had three children. There was a history of admitted violence by the applicant against his partner. In December 2015, she left their family home and came to England. Here she formed a relationship with another man, Mr Tororov. In April 2016 the applicant followed her to this country and moved in with her. It was the prosecution's case that he was jealous of her relationship with Mr Tororov. There was an incident on 6<sup>th</sup> May 2016 in which the applicant cut up Ms Prodanova's clothing, broke her phone and injured her finger.

3. Ms Prodanova was last seen alive on 4<sup>th</sup> August 2016. Her naked and partly decomposed body was later found in a suitcase by a railway embankment.

4. The applicant denied any involvement in the murder of Ms Prodanova. The prosecution were, however, able to present a compelling circumstantial case against him. The key features of that case were as follows:

- (1) The admitted history of the applicant's violence towards his partner.
  
- (2) The fact that the applicant admitted that Ms Prodanova had returned home on 4<sup>th</sup> August 2016, after which date she was never seen alive again, did not make any telephone calls, and did not access her Facebook account.
  
- (3) When Mr Tororov rang Ms Prodanova on 4<sup>th</sup> August 2016, her phone went to voicemail. He then received a text message purporting to come from the deceased. It said that she was returning to Bulgaria because her mother had died. That was untrue. Ms Prodanova's mother was still alive.
  
- (4) There was clear evidence that between 4<sup>th</sup> and 7<sup>th</sup> August 2016 the applicant was in possession of Ms Prodanova's phone. He had placed his SIM card into her handset.
  
- (5) The clothing that Ms Prodanova had been wearing on 4<sup>th</sup> August was recovered. It had been cut with scissors and was stained with the applicant's blood. Scissors found at the applicant's home bore fibres which matched the clothing. The bag in which the clothing was found also contained a beer can from which was recovered the applicant's DNA.
  
- (6) CCTV footage on 7<sup>th</sup> August 2016 showed the applicant in disguise, carrying a suitcase which contained something heavy. The suitcase shown on this footage appeared to be the same as the suitcase in which the body of Ms Prodanova was later found. The applicant's own suitcase was missing from his home.

(7) There was evidence that the applicant had made an internet search into the question of how long it would take for a human body to decompose.

5. The applicant gave evidence at trial in which he denied guilt and put forward his innocent explanations for the various matters on which the prosecution relied. By their verdict, the jury plainly disbelieved his evidence.

6. In his initial grounds of appeal, the applicant alleged that the prosecution case contained a number of errors, including a mistranslation of a Bulgarian phrase, and that the prosecution had failed to investigate other suspects. He complained that the jury was biased against him and that the judge had pulled faces when summarising the defence case in his summing-up. He complained that he had been confined to answering questions and had been unable to state his version of events. He complained that his legal representatives had failed to act upon his instructions to take evidence from potential witnesses in Bulgaria.

7. Legal professional privilege was waived and trial counsel and solicitors responded to the criticisms made of them.

8. In his written reasons for refusing leave to appeal, the single judge dealt specifically with each of the points made by the applicant. He carefully explained why none of them gave rise to any arguable ground of appeal. Having read and considered the papers afresh, each member of this court unhesitatingly agrees with all that the single judge said.

9. The applicant has advanced further grounds when renewing his application to the full court. He repeats his complaints about his legal representation, about the failure to contact witnesses in Bulgaria, and about his inability to give evidence freely. He maintains his innocence, reiterates

his points about gaps and omissions in the prosecution case, and suggests that Mr Tororov could either have murdered Ms Prodanova or disposed of her body after an accidental death. He complains that he has been discriminated against and that he was prejudiced in the eyes of the jury because he had been remanded in custody.

10. We have considered these further grounds, as well as those originally advanced. We are satisfied that none of them is arguable. The transcript shows that the learned judge's summing-up contained correct legal directions and a fair and balanced summary of the evidence. There was no material irregularity in the conduct of the trial. The responses of trial counsel and solicitors make it entirely clear that the applicant was well represented and that he chose to ignore sensible advice given to him by his legal team.

11. The points advanced by the applicant are, in essence, nothing more than jury points put forward in support of a defence which the jury rejected. His assertion that he was unable to present his full case is simply untrue. Not only did he give evidence, but at the conclusion of his evidence the learned judge specifically gave him an opportunity to say what he wanted to say.

12. In short, there is no merit in any of the proposed grounds of appeal and no arguable ground for saying that the conviction is unsafe. It was based, as we have briefly indicated, on the most compelling evidence.

13. This renewed application is accordingly refused.

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