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IN THE COURT OF APPEAL

CRIMINAL DIVISION

**[2023] EWCA Crim 1636**



No. 202300147 A4

Royal Courts of Justice

Wednesday, 13 December 2023

Before:

LORD JUSTICE EDIS  
MRS JUSTICE FARBEY  
HER HONOUR JUDGE MORELAND

REX  
V  
JEAN-CLAUDE PLACIDE

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

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Non-counsel application.

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

## **MRS JUSTICE FARBEY:**

- 1 The provisions of the Sexual Offences (Amendment) Act 1992 apply to this offence. Under those provisions no matter relating to the victim of the applicant's offences 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 those offences. This prohibition applies unless waived or lifted in accordance with section 3 of the Act.
- 2 On 9 November 2022 in the Crown Court at Croydon, before Her Honour Judge Lowe, the applicant (then aged 57) was convicted of six offences. On 4 January 2023 before the same judge the applicant was sentenced as follows: on each of four counts of rape (counts 1, 3, 4 and 5), an extended determinate sentence of 22 years, pursuant to section 279 of the Sentencing Act 2020, comprised of a custodial term of 17 years and an extended licence period of 5 years, each to run concurrently with each other; on one count of false imprisonment (count 2), 3 years' imprisonment to run concurrently; on one count of controlling or coercive behaviour in an intimate or family relationship (count 6), 3 years 6 months' imprisonment to run concurrently. The total sentence was therefore an extended determinate sentence of 22 years. Appropriate ancillary orders were made.
- 3 The applicant applies for an extension of time of 96 days in which to renew his application for leave to appeal against sentence following refusal by the single judge.
- 4 The facts may be taken from the Court of Appeal Office summary. There is no need for us to dwell on the distressing detail. It is sufficient to note that the applicant and C1 commenced a relationship in 2014. A year into the relationship the applicant's behaviour towards C1 changed. He became distrustful of her relationships with other men and accused her of being antagonistic. Count 3 reflected an occasion between 2016 and 2018 when the applicant woke C1 and raped her. He pushed C1's legs into a painful position that made it very difficult for her to breathe. When C1 told the applicant that he was hurting her, he simply carried on.
- 5 On 13 December 2018 the applicant raped C1 (count 1) and falsely imprisoned her (count 2) in his flat. C1 had attempted to leave before the rape but the applicant shut the door and pushed C1 into the bathroom, where he raped her. The applicant told C1 to shut up or he would kill her. He pulled her hair and threatened to put her head through the bathroom mirror. He banged C1's head repeatedly against the wall before continuing to rape her. After the applicant went to bed, C1 tried to leave but the applicant stopped her. He took a pair of kitchen scissors and told C1 to take her clothes off and get into bed. C1 was allowed to leave the following morning.
- 6 In 2018, during a trip to Tenerife, the applicant became angry after seeing C1 speak to another man. He pulled her into the apartment which caused her to fall to the floor and bang her head. He accused C1 of having sex with a man and forced her into the shower where he kept her for a number of hours to "cleanse" C1 of her "sins". The following morning C1 told the applicant that she was going to hospital because of the injury to her head. The applicant told C1 that she was not going to hospital and then anally raped her (count 4). The applicant anally raped C1 on a further two occasions (count 5).
- 7 Count 6 related to the applicant using and threatening considerable violence against C1, as well as using demeaning language. He made and sent repeated unwanted phone calls and texts.
- 8 C1's personal impact statement sets out how she suffered physical injuries and an erosion of self-confidence that has affected her interaction with family and friends. She suffered other psychological effects.

- 9 In her sentencing remarks the judge made plain that she was applying the Sentencing Guideline for rape. She concluded that each of the rapes was a category 2A offence which means that she regarded them as medium harm but high culpability offences. The starting point for a single category 2A offence is 10 years' custody. The category range is 9 to 13 years' custody.
- 10 In relation to the offence of controlling or coercive behaviour, she concluded that the offence fell within category 1A, meaning that the offence was one of high harm and high culpability. The starting point was two and a half years and the category range was one to four years.
- 11 There are no Sentencing Guidelines for false imprisonment. The judge noted that the offence went on for a prolonged period and that the applicant had utilised the threat of violence by a weapon, namely the scissors.
- 12 The judge dealt with aggravating factors, which included ejaculation so far as the rapes were concerned and the fact that some of the applicant's behaviour was undertaken when intoxicated with alcohol. By way of mitigation the judge took into consideration the lack of relevant previous convictions, the effect of imprisonment on the applicant's family, particularly his children, and the applicant's very troubled early life. She had the benefit of a Pre-Sentence report. On the basis of all the evidence - in particular the conclusions of the Pre-sentence Report - the judge concluded that the applicant satisfied the statutory test for dangerousness such that she should impose an extended licence period.
- 13 Balancing the aggravating and mitigating factors, she imposed a 17-year custodial period for each of the rapes to reflect the seriousness of the applicant's offending as a whole. We have already set out the other elements of the sentence which was, in total, an extended determinate sentence of 22 years.
- 14 In his grounds of appeal, the applicant submits that the sentence was manifestly excessive. He contends that the judge erred in concluding that the rape offences, when taken together, elevated the offending into category 1A of the Sentencing Guideline, and then in imposing an extended sentence of 22 years. He submits that the rape offences should have been placed in category 2A of the guidelines with an upward adjustment to take into account their number and nature. He submits in correspondence that relevant evidence or relevant challenges were not made at trial. In this latter regard his submissions amount in effect to a disagreement with the jury's verdicts. The points he makes are irrelevant to a sentence appeal. A further denial of his offending behaviour takes him nowhere in this application.
- 15 The submission that the sentence is manifestly excessive is not arguable. As we have said, the starting point for a single offence of rape was in this case 10 years, but the judge had to sentence the applicant for four offences of rape as well as for the serious offences of false imprisonment and controlling or coercive behaviour. The applicant could, therefore, expect a very significant upward adjustment from the starting point for a single offence.
- 16 The judge was bound to impose an overall sentence that was just and proportionate, reflecting the overall seriousness of the applicant's offending. The applicant's offending was very serious. It is not realistic to argue that the judge could not impose an overall sentence that was higher than the category range for a single offence of rape.
- 17 The judge's decision to impose an extended licence period is not open to criticism and has not been the subject of challenge before us.
- 18 The only question for this court on an appeal is whether the overall sentence was either

manifestly excessive or wrong in principle. It is not arguable that either of these tests is met. We regard the sentencing remarks as clear and well structured. The sentence was perhaps generous to the applicant.

- 19 For these reasons we refuse to extend time, which would serve no purpose, and would refuse leave to appeal.

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**CERTIFICATE**

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

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This transcript has been approved by the Judge.