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IN THE COURT OF APPEAL

CRIMINAL DIVISION

ON APPEAL FROM THE CROWN COURT AT LEEDS

HHJ BELCHER T20197439

CASE NO 202303455/B2

Neutral Citation Number: [2024] EWCA Crim 1533

Royal Courts of Justice
Strand
London
WC2A 2LL

Friday 29 November 2024

Before:

LADY JUSTICE MACUR

MR JUSTICE LAVENDER

MR JUSTICE LINDEN

REX

V

LESLIE TERENCE HOUSECROFT

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NON-COUNSEL APPLICATION

J U D G M E N T

MR JUSTICE LINDEN:

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

Under those provisions, where an allegation has been made that 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 1992 Act.

2. On 26 March 2021, the applicant was convicted on all 14 counts on the indictment, after a trial at the Leeds Crown Court which was presided over by HHJ Belcher. On 6 May 2021 he was sentenced as follows:

Count	Offence	Pleaded guilty or convicted	Sentence	Consecutive or Concurrent	Maximum
1	Indecent assault contrary to section 14(1) of the Sexual Offences Act 1956	Convicted	5 years imprisonment	Concurrent to count 5	10 years imprisonment
2	Indecency with a child contrary to section 1(1) of the Indecency with Children Act 1960	Convicted	8 years imprisonment	Concurrent to count 5	10 years imprisonment
3	Sexual assault of a child under 13 contrary to section 7(1) of the Sexual Offences Act 2003	Convicted	1 year imprisonment	Concurrent to count 5	14 years imprisonment
4	Rape contrary to section 1(1) of the Sexual Offences Act 1956	Convicted	Special custodial sentence pursuant to section 265 of the Sentencing Act 2020 of 11 years comprising a	Consecutive to count 5	Life imprisonment

			custodial term of 10 years and an extended licence period of 1 year		
5 – 9	Rape	Convicted <i>(count 6 by a majority of 10 to 2)</i>	Special custodial sentence pursuant to section 265 of the Sentencing Act 2020 of 17 years comprising a custodial term of 16 years and an extended licence period of 1 year <i>(concurrent on each count)</i>		Life imprisonment
10	Rape	Convicted	8 years imprisonment	Concurrent	Life imprisonment
11 & 14	Sexual assault contrary to section 3(1) of the Sexual Offences Act 2003	Convicted	1 year imprisonment	Concurrent	10 years imprisonment
12	Sexual assault	Convicted	6 months imprisonment	Concurrent	10 years imprisonment
13	Sexual assault	convicted	4 weeks imprisonment	Concurrent	10 years imprisonment
Total Sentence:		Special custodial sentence pursuant to section 265 of the Sentencing Act 2020 of 28 years comprising a custodial term of 26 years and an extended licence period of 2 years			
Other relevant orders: A Sexual Harm Prevention order was imposed until further order					

3. This is the applicant's renewed application for an extension of time of 894 days to appeal against his conviction on all of the counts on which he was found guilty, and for permission to appeal following a refusal of both on the papers by the single judge, Sir Nigel Davis.
4. The applicant is a litigant in person and the basis for his proposed appeal and his application for an extension of time is set out in a number of documents which he has

submitted to the Court. These include his notice of appeal against conviction, which was received by the Criminal Appeal Office on 4 October 2023 and letters from him dated 12 February, 5 March, 24 April and 2 July 2024. We have read all of these in coming to our decision.

5. We have also read the comments from the applicant's trial counsel dated 4 December 2023, in response to generalised criticisms of her which are stated or implied in the documents submitted by him. The applicant's former counsel's comments reveal that his case was conducted appropriately by her and in accordance with his instructions. The view of his counsel, which we share, was that there could be no criticism of the trial judge's directions of law or her summing-up, and indeed we note that no such criticisms are made by the applicant in the various documents which he has submitted in support of his proposed appeal.
6. At the end of the trial, the applicant was advised by his counsel that there were no grounds on which his conviction could be appealed. This is no doubt the principal reason for the delay in him appealing of around 2½ years. Moreover, the applicant did not raise any criticism of his counsel's conduct of the trial at the time.
7. In these circumstances and given that the proposed appeal falls a long way short of being arguable, we can be brief.
8. The applicant was aged 73 at the date of his conviction. The allegations against him were made by five complainants who came forward at different points in 2018 and 2019. It is

not necessary to repeat the details of their allegations but, in summary:

- a. Counts 1 to 3 involved multiple instances of sexual touching of a child (Child “A”) when she was aged between 4 and 11 and an instance of the applicant forcing her to touch him sexually when she was 4 or 5. These counts covered a period between the end of the 1990s and the early 2000s.
 - b. Count 4 involved rape of a child (Child “B”), when he was around 11 or 12, between the end of 1999 and the early 2000s.
 - c. Counts 5 to 9 involved at least six rapes of a boy (Child “C”) when he was between the ages of 4 or 5 and in his early teens. The counts covered a period between the mid-1990s and 2003.
 - d. Count 10 was a rape of person “D”, which took place between May and the end of December 2007, and counts 11 and 12 involved sexual touching of D between May 2000 and May 2008.
 - e. Counts 13 and 14 involved sexual touching of person “E” between January 2013 and December 2014, and then in mid-2016.
9. The prosecution case at trial was based on the evidence of the complainants themselves, but the prosecution also relied on various other witnesses, who gave oral evidence or whose written evidence was read to the jury. The applicant’s case was that he denied all

of the allegations against him. He gave evidence in the course of which he claimed that all of the complainants were lying and suggested various reasons why each of them would do that.

10. Although the applicant has submitted a number of documents in support of his appeal, what it boils down to is this. For the reasons which he argued before the jury, all of the allegations against him are, he says, false and the complainants and other witnesses, including his former partner, all committed perjury. Moreover, he says that there was no forensic evidence against him as the allegations were false. At the time of his arrest and at the trial, he was clear that he could not have committed most of the offences as he was impotent at the time when they were alleged to have occurred. His barrister, he says, got off to a bad start by asking him questions which he could not understand, and both his barrister and the prosecution barrister appeared to be against him.
11. The answer to these arguments is that there is no evidence that the applicant's barrister was against him, nor that his conviction was unsafe because he got off to a bad start when he gave evidence. Nor is there any evidence that prosecuting counsel did anything other than conduct the case appropriately.
12. The purpose of an appeal is not simply to give an appellant an opportunity to assert that he is innocent, or to attempt to argue that he is on the basis of a partial version of a small part of evidence which the jury heard at the trial. It is the role of the jury to assess the evidence, find the facts and reach verdicts as to the guilt or otherwise of the defendant. This Court will only interfere with a jury's guilty verdict if it is unsafe because something

went wrong during the trial process.

13. In this case, the applicant's evidence and arguments that all of the complainants were lying as part of a plan to see him convicted was put before the jury and the jury rejected his case. In short, having heard all of the witnesses, including the applicant himself, the jury were sure that each of the complainants was telling the truth in relation to each of the relevant counts and the jury did not believe the applicant's denials. The applicant simply disagrees with the outcome of his trial but there is nothing which he has identified which would suggest that any of the verdicts in his case was unsafe.

14. The applicant's argument that there was no forensic evidence because the allegations were false is misconceived. There are many reasons why there may be no forensic evidence to corroborate or support a truthful allegation, including that, as is common in relation to sexual offences, the complaint was made some time after the offence was committed. That is the case here.

15. Nor does the applicant's reliance on his alleged impotence provide an arguable basis for his proposed appeal. His evidence and the evidence of other witnesses on this topic was summed up fully to the jury which therefore considered it in coming to their verdicts. There were some inconsistencies as to dates but, even if the applicant's evidence was true - and no medical evidence to support it has been presented to us or, we understand, was presented at the trial - what he told the jury was that in 2003 he had suffered a lower back injury and was diagnosed with various other conditions for which he was prescribed medication. After about 5 years (so in about 2008) the medication prevented him from

getting an erection. When he was interviewed by police in 2018, he said that he had been impotent for around 10 years, and other evidence which he gave suggested that these issues arose in around 2008, although there was also evidence that he used Viagra to address his difficulties in this regard.

16. As is apparent from our summary of the counts on which the applicant was found guilty, a number of his offences involved sexual touching of his victim rather than penetration by him. His alleged erectile dysfunction was irrelevant to these counts. Moreover, all of the offences alleged against him which involved penetration of his victim, save for one, occurred before the end of April 2003 and therefore around 5 years before his erectile dysfunction. The exception was count 10 which was the rape of a person D in the second half of 2007, so before 2008. Even in relation to this count, the applicant's evidence of erectile dysfunction and, we should add, the evidence of person D about the rape, did not rule out the possibility that he had committed the offence.

17. In short, there was no evidence put before the jury which irrefutably demonstrated that the applicant could not have committed any of the offences involving penetration. In any event, the applicant gave evidence on this topic to the jury and his argument was submitted to them. It was for the jury to decide what they made of it. Evidently they did not consider that he had succeeded in casting any reasonable doubt on any of the relevant allegations against him.

18. For all these reasons, we do not consider that the applicant has begun to establish a reasonably arguable case that his conviction is unsafe. That being so, we would refuse

permission in any event.

19. But, in addition to this, the applicant has not established any acceptable reason for his appeal being out of time. As we have noted, it is clear that the appeal was not brought within the relevant deadline because the applicant was advised that there was no basis for an appeal. He says that over the last 2 or more years he has been trying to get his original solicitors to reopen the case but without success. This, however, does not justify the delay there has been.

20. For all of these reasons, in agreement with the single judge, we refuse an extension of time and we refuse leave to appeal in any event.

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

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