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IN THE COURT OF APPEAL

CRIMINAL DIVISION

ON APPEAL FROM THE CROWN COURT AT CHELMSFORD

HIS HONOUR JUDGE MORGAN CP No: 42MR2015023

CASE NO 202400842/B5 [2024] EWCA Crim 1547

Royal Courts of Justice
Strand
London
WC2A 2LL

Friday, 22 November 2024

Before:

LORD JUSTICE WILLIAM DAVIS
MRS JUSTICE FARBEY DBE
THE RECORDER OF NOTTINGHAM
HER HONOUR JUDGE SHANT KC
(Sitting as a Judge of the CACD)

REX
V
ALEX CRANE

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NON-COUNSEL APPLICATION

J U D G M E N T

MRS JUSTICE FARBEY:

1. On 25 January 2024 in the Crown Court at Chelmsford before His Honour Judge Morgan the applicant was convicted by a jury of one count of wounding with intent to do grievous bodily harm. On 31 May 2024 he was sentenced to 10 years' imprisonment. The applicant disposed of the services of his lawyers part-way through the trial. He renews his application for leave to appeal against conviction following refusal by the single judge.
2. The facts of the case and the evidence upon which the prosecution relied are set out in the Criminal Appeal Office Note. In summary the applicant and a woman called Olivia Smith had been in a relationship. During the course of the relationship the applicant had come to believe that Ms Smith was having an affair with the victim Jamie Russell. It was the prosecution's case that on 17 July 2023 the applicant stabbed the victim in a rage.
3. To prove its case the prosecution relied on witness evidence about how the two men had come to meet at around 10.30 pm. The evidence was that the victim alighted from one vehicle and joined the applicant in another. The applicant's vehicle moved off but some time later veered into a ditch. The victim was seen to stagger along the road with blood on his face and jumper, saying: "He's stabbed me in the face and back." He was taken to Broomfield Hospital and later named the applicant as the attacker.
4. The evidence showed that the victim received a stab wound to the lower left rear side of the chest which penetrated his left lung and diaphragm into the abdomen and into his spleen. He received injuries to the chest, eye, head and fingers. A chest drain was placed and a CT scan was performed which showed active bleeding from the spleen and blood in his abdomen. He was taken to emergency theatre for a procedure to open his abdomen and assess the injury and stop the bleeding. His spleen was removed and the 3-4 centimetre laceration to his diaphragm was repaired.
5. On 19 July 2023 the applicant was arrested at his address. In interview he answered no comment to all questions. The prosecution relied on the applicant's previous convictions for battery and possession of an offensive weapon as bad character evidence.
6. In his defence case statement the applicant stated that he and the victim had started grappling with each other. The applicant was in fear for his life as his breathing was obstructed. He reached for a trowel that was on the passenger side of the car and pushed it towards the victim.
7. The applicant gave evidence as foreshadowed in his defence case statement. The issue for the jury was whether or not the applicant acted in lawful self-defence.
8. The applicant has lodged lengthy grounds of appeal in a number of documents including a document submitted after the single judge had taken his decision. We appreciate that the applicant does not have the benefit of lawyers but it remains the case that the grounds of appeal are at best difficult to understand.
9. The applicant makes complaints about the conduct and competence of his solicitors and

barrister before they stopped representing him. He has however refused to waive privilege. We have seen nothing to suggest that he was not properly and competently advised and represented. On the contrary we have seen a note from his solicitors in the context of an application to transfer legal aid. The note makes plain that the solicitors actively pursued his defence while they were instructed.

10. There is no sense in the applicant's complaint that his solicitor impersonated someone. The explanation for the applicant's apparent concern is that she used her married name to see the applicant in prison because she used that name on her identity documents, such as her passport, which she needed in order to gain entry to the prison. The grounds of appeal concerning the applicant's lawyers and his self-representation have no merit.
11. The applicant submits that he was unfairly prejudiced in the conduct of his defence because he was not legally represented. That was his own choice and did not make the trial unfair. After the applicant dismissed his lawyers the judge provided him with a detailed note of the trial process and what to expect at each stage of the trial. The judge's note demonstrates that the judge gave the applicant an opportunity to reconsider his decision not to be represented. The judge then gave proper assistance to the applicant as an unrepresented defendant; for example, the applicant was provided with a written list of topics about which he might wish to consider giving evidence. The applicant was unusually allowed to recall a number of witnesses and asked to be called a number of witnesses who had never previously been warned. These various features of the trial process demonstrate that the judge adopted fair measures that took account of the fact that the applicant did not have the services of lawyers. The applicant raises mental health issues but the evidence that we have seen shows that he was fit to stand trial.
12. Various complaints are made about the judge's conduct of the trial and the fairness of his summing-up. We have considered the documents before us, including a transcript of the judge's summing-up. We see no merit in the applicant's complaints. The judge had to warn the applicant during the summing-up that he would be returned to the cells if he continued to interrupt but the applicant had only himself to blame given his numerous aggressive and hostile interruptions. The judge fairly summarised the applicant's case and his evidence to the jury. The judge's legal directions show that he was scrupulous in conveying to the jury that they must not be prejudiced against the applicant because he was representing himself. The grounds of appeal concerning the judge have no merit.
13. As to the other grounds of appeal, the applicant's documents are repetitive or raise unarguable points. An issue relating to a boat adds nothing. The recording of the victim's ABE interview was, as is common, presented to the jury in an agreed edited form about which no complaint can be made. Other aspects of the applicant's submissions concern evidence which could or should have been presented to the jury. An appeal is not another chance to raise issues that could have been raised at the trial.
14. The case rested principally on the accounts of the victim and the applicant. It is plain from the jury's verdict that the applicant's account was rejected. We see no merit in any of the grounds of appeal advanced.

15. Accordingly, this renewed application is refused. We note the clear terms in which the single judge refused leave which would have enabled the applicant to understand why his grounds of appeal were not arguable and could not succeed. In refusing leave to appeal the single judge warned the applicant in the following terms:

"I regard all the various grounds as without merit. If the applicant chooses to renew his application before the Full Court and if that application fails, he is warned that he runs the risk of a loss of time order being made."

16. In order to protect the resources of the court and to ensure that those resources are spent on meritorious cases, we consider that we should make a loss of time order. We direct that 56 days shall not count towards the applicant's sentence.

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

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