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IN THE COURT OF APPEAL

CRIMINAL DIVISION

[2024] EWCA Crim 35



No. 202301731 A1

Royal Courts of Justice

Tuesday, 16 January 2024

Before:

LORD JUSTICE POPPLEWELL  
MR JUSTICE CHOUDHURY  
HER HONOUR JUDGE ANGELA RAFFERTY KC

REX

V

NICHOLAS IAN RODDIS

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The Applicant was not represented and did not attend.  
The Crown were not represented.

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

LORD JUSTICE POPPLEWELL:

- 1 On 28 April 2023 the applicant was sentenced in the Crown Court at Sheffield by HHJ Richardson KC, the Recorder of Sheffield, to a total of four years' imprisonment. He renews his application for leave to appeal against sentence following refusal by the single judge.
- 2 The offending consisted of stalking for which the sentence was three months' imprisonment; possession of ammunition for which the sentence was a further total of two months' imprisonment; and failure to notify details required under the Counter Terrorism Act 2008, contrary to s.54 of that Act, for which he was sentenced to a further three years' imprisonment. The stalking occurred during the operational period of a 12-month suspended sentence for a weapons offence, of which the judge 7 months to run consecutively to the other sentences.
- 3 The detail of the offences is set out in the Criminal Appeal Office summary and we do not need to repeat them.
- 4 The notification offences arose out of the applicant's conviction in 2007 for planting an imitation bomb on a bus in Rotherham, together with an associated note which indicated it had been planted by Al Qaeda. Extensive material relating to terrorism was found at his home. He was sentenced to seven years' imprisonment.
- 5 The notification requirements then imposed required him to notify Counter Terrorism Police of, amongst other things, the numbers of any mobile phones which he acquired, and of any new bank cards which he obtained, within defined periods of getting them. He failed to do so in respect of four mobile phones and one bank card. He denied those offences but was convicted of them at the Sheffield Magistrates' Court and committed for sentence.
- 6 The grounds of appeal are that the sentence of three years for the notification offences was manifestly excessive and that the judge failed to take account of the principle of totality. It was suggested that the offences were comparable to breach of a Sexual Harm Prevention Order or the notification requirements under s.91 of the Sexual Offences Act 2003, such that the guidelines for those offences provided an appropriate tool for sentencing these counter-terrorism notification offences.
- 7 In refusing leave to appeal, the single judge said:

"1. There were numerous aggravating features. These included, but were not limited to, offences being committed on bail and during the currency of a suspended sentence, and highly relevant previous convictions.

2. Given the circumstances, and given the antecedents, there can be no sensible challenge to the sentences for the ammunition offences. The consecutive sentence for the separate offence of stalking was also appropriate; as was the activation, in part, of the suspended sentence.

3. That leaves the 3-year sentence for the failure to notify changes pursuant to the Counter Terrorism Act 2008. The applicant had previously been convicted of very serious terrorism offending. I do not agree that, even if the statutory maximum sentence is the same, failure to notify thereafter is (for sentencing purposes) in effect to be equated with failure to notify under s.91 of the SOA 2003: or, indeed, with breaches of a SHPO. Terrorism is one of the gravest of crimes. Compliance with notification requirements is

vital in the interests of public safety. The applicant knew of his obligations but wilfully failed in important respects to comply with them on, it is to be stressed, 5 occasions. Firm and deterrent punishment was called for. There had been no pleas. A sentence of 3 years on that matter was not arguably excessive.

4. That leaves totality. The judge had that well in mind and frequently referred to it and made adjustments for it. It is not arguable that a total sentence of 4 years (including activation of the suspended sentence) was excessive. In truth, the sentencing remarks are very thorough and cogent and are not amenable to viable challenge."

- 8 We have carefully considered the papers and entirely agree with those remarks of the single judge.
  - 9 Accordingly, this application is dismissed.
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**CERTIFICATE**

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This transcript has been approved by the Judge.