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IN THE COURT OF APPEAL
CRIMINAL DIVISION
ON APPEAL FROM THE
CROWN COURT AT LEEDS
HHJ BAYLISS KC T20227209
CASE NO 202303974/A5
NCN: [2024] EWCA Crim 854



Royal Courts of Justice
Strand
London
WC2A 2LL

Thursday 4 July 2024

Before:

LORD JUSTICE MALES

MR JUSTICE BRYAN

MRS JUSTICE THORNTON

REX

V

HERSH OSMAN

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NON-COUNSEL APPLICATION

J U D G M E N T

MRS JUSTICE THORNTON:

1. On 6 June 2023 in the Crown Court at Leeds, the Applicant was convicted of attempting to commit arson with intent to endanger life, contrary to section 1(1) of the Criminal Attempts Act 1981. He was sentenced to an extended determinate sentence of 16 years comprising a custodial term of 12 years and an extended licence period of 4 years.
2. The Applicant renews his application for an extension of time in which to seek leave to appeal against sentence and for a representation order after refusal by the single judge.
3. The background to the offending is set out in the Court of Appeal Office note. In short, the offender was unhappy with the purchase of a television set so went to the shop where he had bought the television armed with an accelerant (petrol), a can and a lighter. He poured petrol around the shop before unsuccessfully attempting to set light to it. As well as someone in the shop at the time, the shop was located under a factory full of workers present at the time.
4. We have carefully considered the grounds of appeal advanced by the Applicant. We consider that they have no merit for the reasons given by the single judge as follows:

“You accuse Leeds Crown Court, where you were sentenced, of having been racist towards you. There is no basis whatever for that allegation. You should not have put it forward. Apart from that improper complaint, you simply assert that you received a much longer sentence than you should have received. However, HHJ Bayliss KC assessed your case carefully, by reference to its factual circumstances and the Sentencing Guideline that applies to arson offences. Every element of the learned Judge’s assessment was fully justified by the facts of the case, and reasonable. There is no reasonable argument that any of it was wrong; in fact, I agree

with all of it. The only difficult question in your case was whether you will be sufficiently dangerous for a longer period than it is possible sensibly to predict, so that a life sentence was required. HHJ Bayliss KC considered that an extended sentence with a 12-year custodial term should be enough to manage the risk you pose and protect the public. That was a favourable decision to you, I do not think it would have been unreasonable to conclude that a life sentence was required.

There is no arguable error in your sentence. It is not much longer than it should have been. It is not arguably longer than it needed to be. It is certainly not manifestly excessive. Your application for leave to appeal is therefore refused.”

5. The application for an extension of time is also refused.

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

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