

Neutral Citation Number: [2018] EWCA Crim 753

No: 201700665/B2

IN THE COURT OF APPEAL
CRIMINAL DIVISION

Royal Courts of Justice
Strand
London, WC2A 2LL

Wednesday, 21 March 2018

B e f o r e:

PRESIDENT OF THE QUEEN'S BENCH DIVISION
(SIR BRIAN LEVESON)

MR JUSTICE SWEENEY

MR JUSTICE LEWIS

R E G I N A

v

MOHAMMED ALI ROSTAMI

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NON-COUNSEL APPLICATION

J U D G M E N T (Approved)

If this transcript is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person.

1. MR JUSTICE SWEENEY: This is a renewed application for an extension of time of 26 days to apply for leave to appeal against conviction and for a representation order, following refusal by the single judge.
2. The provisions of the Sexual Offences (Amendment) Act 1992 apply. No matter in relation to the complainant, to whom we shall refer as "T", shall during her lifetime be included in any publication if it is likely to identify her as such.
3. On 26 January 2016, in the Crown Court at Chelmsford, the applicant, who is now aged 39, pleaded guilty to conspiracy to supply the Class B drug mephedrone in the period between April 2010 and April 2015. On 16 December 2016, at the conclusion of a trial , on another indictment in the same court, before Her Honour Judge Lynch QC and a jury, the applicant was found guilty of six offences as follows: Count 1, sexual activity with a child (the penetration of T's vagina); Count 2, sexual activity with a child (the penetration of T's vagina on three or more occasions); Count 3, causing or inciting sexual exploitation of a child (by causing or inciting T to become a prostitute); Count 5, supplying cocaine to T; Count 6, supplying cannabis to T; and count 13, supplying mephedrone to T.
4. The offences in Counts 1, 2, 3, 5 and 6 were all alleged to have committed in the period when T was aged from 13 to 15. Count 13 was alleged to have been committed in the period between 1 January 2012 and 18 April 2015 and thus when T was aged 18 to 21.

5. On 12 January 2017 the judge imposed a total sentence of 21 years' imprisonment.
6. The facts are outlined in the Court of Appeal Summary. The applicant's defence was that he had not met T until after 2009 or 2010 and thus when she was already at least 16 years old. It was his case that he had never socialised with her, groomed her, had a sexual relationship with her, or caused or incited her to be sexually exploited.
7. Reliance was placed by him on the evidence of one of the prosecution witnesses, Lisa Price, which was said to be supportive of the applicant's position, particularly in relation to T's age by the time that they first met. It was also suggested that T had done a deal with the police to give false evidence against the applicant in return for her not being prosecuted for drugs offence, and that the police had investigated the case in ineptly or corruptly.
8. There are seven grounds of appeal which variously assert that the prosecution evidence as to T's age at the material time was contradictory, confusing and unclear, such that, given that the prosecution case was that she was under 16 in relation to the great majority of the offences, the judge should have stopped the case on a submission of no case or, having not done so, that he failed to sum up the evidence on that issue with appropriate clarity.
9. We have considered these grounds. In the result we find ourselves in agreement with the single judge's conclusion that there is no arguable merit in any of them, and with the robust reasons that the single judge gave for that conclusion. This renewed application is refused.

WordWave International Ltd trading as DTI hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

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