

Neutral Citation Number: [2019] EWCA Crim 2012  
2018/05084/B1  
IN THE COURT OF APPEAL  
CRIMINAL DIVISION

Royal Courts of Justice  
The Strand  
London  
WC2A 2LL

Tuesday 12<sup>th</sup> November 2019

B e f o r e:

LORD JUSTICE HOLROYDE

MR JUSTICE WARBY

and

HER HONOUR JUDGE MUNRO QC  
(Sitting as a Judge of the Court of Appeal Criminal Division)

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**REGINA**

**- v -**

**JAMIE LEE WILLIAMS**

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Non-Counsel Application

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**JUDGMENT**  
**(Approved)**

Tuesday 12<sup>th</sup> November 2019

**LORD JUSTICE HOLROYDE:**

1. This case comes before us today listed as a non-counsel renewed application for leave to appeal against conviction. Mr Williams has attended. He initially addressed the court in submissions seeking an adjournment so that he may obtain legal representation.
2. We have carefully considered what Mr Williams has told us. He has explained the approximate date when he received notice of the single judge's decision. He has indicated that he renewed his application for leave in time, and he has told us something of the efforts which he has been making to obtain legal representation.
3. Unfortunately, the position, in summary, is that he cannot afford legal representation at present and suggests to the court that he would be seeking an adjournment of the order of six months before he would hope to be in a position to present his renewed application to the court.
4. We have to balance the need to do justice to Mr Williams' case with the need to bring finality to proceedings and not unduly to delay them. We have come to the conclusion that, there being no realistic prospect of a hearing for many months if an adjournment is granted, the appropriate course is for Mr Williams to address us in person, as he has indicated he would, if necessary, like to do.
5. In those circumstances, we refuse the application for an adjournment.

(The applicant addressed the court, before it retired to confer)

**LORD JUSTICE HOLROYDE:**

6. I shall ask Her Honour Judge Munro QC to give the judgment of the court.

**HER HONOUR JUDGE MUNRO QC:**

7. On 20<sup>th</sup> February 2018, in the Crown Court at Lewes, the applicant was convicted of assault occasioning actual bodily harm, assault by beating, fraud and dangerous driving. On 13<sup>th</sup> April 2018, he was sentenced to a total of four years three months' imprisonment, made up as follows: for the offence of assault occasioning actual bodily harm (count 1), four years' imprisonment; for the common assault (count 2), three months' imprisonment consecutive; for fraud (count 3), no separate penalty; and for the dangerous driving (count 4), his licence was endorsed and he was disqualified from driving for eighteen months and ordered to pass an extended re-test. A Restraining Order was also made.
8. The applicant appealed against that sentence and on 17<sup>th</sup> October 2018 this court substituted a total sentence of three years three months' imprisonment, reducing the sentence on count 1 to three years' imprisonment. The disqualification substituted was for three years, comprising a discretionary disqualification period of eighteen months and an uplift of eighteen months, pursuant to section 35B of the Road Traffic Offenders Act 1988 and until an extended re-test was passed. This court affirmed the remainder of the sentence.
9. The applicant now renews his application for an extension of time (265 days) in which to apply for leave to appeal against conviction, to rely on fresh evidence, pursuant to section 23 of the Criminal Appeal Act 1968, and for a representation order after refusal by the single judge.
10. The applicant, who has appeared before us today, has expressed himself extremely clearly in making the points that he wants us to consider on this appeal, and we are grateful to him for that.

11. The application arises principally out of the disclosure of material at the hearing of the appeal against sentence. The facts of the alleged offences are accurately set out in the Criminal Appeal Office summary, and we do not need to repeat them. In a nutshell, the applicant was alleged to have engaged in an altercation with his girlfriend in a car which he was driving and then to pull or drag her out of the car and drive off, running over her leg as he did so. She rang 999 and immediately alleged that the applicant had run over her leg. The applicant was charged with assault occasioning actual bodily harm and dangerous driving as a result of those allegations.

12. The evidence at trial included the 999 calls as well as medical evidence and photographs of the complainant's injuries.

13. The complainant gave evidence before the jury that there was "a massive tyre burn" on her leg and that "he's driven off and the back tyre has gone over my right leg".

14. The applicant, in his evidence, denied running over the complainant's leg. He accused the complainant of fabricating the 999 calls. He did not in his evidence put forward an alternative explanation for her injuries, but agreed the medical evidence. Today he has told us that he did in fact push the complainant and that that was how she occasioned her injuries.

15. At trial the applicant did not seek to rely on any expert evidence which might have provided a different explanation for the complainant's leg injuries.

16. The "new" material was primarily an ISR report sent by the CPS to the applicant's solicitors on 2<sup>nd</sup> May 2018 after the trial. That report referred to the belief of an unidentified member of ambulance staff – we are told by the applicant today that it was the driver – to the effect that the injuries were consistent with her being dragged by the car and not run over by it.

17. The respondent points out that the content of that report was disclosed in an unused material schedule at item 4, so that the defence were, or ought to have been, aware of it. In fact, defence counsel had not seen it when it was originally served.

18. In any event, as the applicant agrees, the respondent had available served evidence from a nurse to the effect that the complainant had a tyre mark (or marks) on her leg. It follows that had the applicant sought to adduce the vague belief of a member of the ambulance staff, the high probability is that he would not have been permitted to do so. Even if it had been admitted, there was ample evidence to support the complainant's account and the causation of her injuries. The respondent, to put it simply, would have called the nurse.

19. We note that, even now, the applicant has not produced any expert evidence to contradict the respondent's case.

20. The single judge considered the grounds of appeal and gave detailed and comprehensive reasons for his refusal to grant an extension of time or legal representation. We commend those reasons to the applicant.

21. We have considered the evidence and reviewed all the material again. Having done so, we have no doubt that the single judge accurately reviewed the background and accurately reviewed the material in question and the arguments put forward by the applicant. We agree with his refusal to grant legal representation and an extension of time as there is no prospect of leave to appeal being granted. There is no arguable ground of appeal and no basis for the admission of any fresh evidence.

22. It follows that these renewed applications are refused for the comprehensive reasons given by the single judge.

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