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IN THE COURT OF APPEAL

CRIMINAL DIVISION



Neutral Citation Number: [2021] EWCA Crim 206

CASE NO 201903834/B4

Royal Courts of Justice  
Strand  
London  
WC2A 2LL

Tuesday 16 February 2021

LORD JUSTICE HOLROYDE  
MR JUSTICE LAVENDER  
MRS JUSTICE ELLENBOGEN DBE

REGINA  
V  
JOHN-LEE OZZY OSBORNE

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NON-COUNSEL APPLICATION

**J U D G M E N T**  
(Approved)

1. LORD JUSTICE HOLROYDE: This applicant was convicted of 15 offences of rape. On each count, concurrently, he was sentenced to an extended determinate sentence of 23 years, comprising a custodial term of 18 years and an extension period of five years. He renews his application for leave to appeal against sentence following refusal by the single judge.
2. We shall refer to the victim of the offences as "R". She is entitled to the protection of the provisions of the Sexual Offences (Amendment) Act 1992. Accordingly, during her lifetime no matter shall be included in any publication if it is likely to lead members of the public to identify her as the victim of these offences.
3. The offences were committed over a period of about three months in 2015. R had broken off her relationship with the applicant, whom she had found to be controlling and aggressive. The applicant then embarked upon a sustained campaign of manipulation and blackmail via social media by which he coerced R into having sex with him against her will. In a calculated and malevolent process, he created a number of fictitious persons and persuaded R that she would be harmed, and he would be subject to serious violence, if she did not have sex with him as directed. He succeeded in isolating her from her true friends and reduced her to a feeling of worthlessness. R suffered severe psychological harm, the lasting effects of which are apparent from her victim personal statement.
4. The judge, His Honour Judge Horton sitting in the Crown Court at Bristol, assessed the offences as falling within Category 1A of the Sentencing Council's definitive guideline. The starting point for each offence was therefore 15 years' custody, with a range from 13 to 19 years. That categorisation is rightly not challenged.
5. The judge found the offences to be aggravated by R's vulnerability, which was known to the applicant; the high level of domestic violence; the fact that each offence involved ejaculation; and the applicant's previous convictions for offences when he was aged 16 involving harassment of a young ex-girlfriend by manipulation of her social media and phone accounts.
6. In mitigation, there were letters providing evidence of a better side to the applicant's character, and the judge accepted that the applicant was fearful of imprisonment.
7. A pre-sentence report assessed the applicant as posing a high risk of causing serious harm to R and to other women with whom he might form a relationship by the commission of further similar offences. The judge was also aware that whilst awaiting trial for these offences, the applicant had harassed and coerced another young woman who had broken off a relationship with him.
8. The original grounds of appeal challenged the finding of dangerousness and the length of the custodial terms. The applicant subsequently put forward further grounds, some of which reflect a misunderstanding of the law. We have considered all the points raised.
9. Like the single judge, we can see no arguable ground of appeal. The custodial term, which was within the guideline range for a single offence, cannot possibly be said to be manifestly excessive for 15 offences over a period of months. There was an ample foundation for the judge to conclude that the applicant is a dangerous offender; indeed we think it difficult to see how he could have reached any other conclusion. The judge was entitled to conclude, as he did, that an extended determinate sentence was necessary for the protection of the public.
10. This renewed application accordingly fails and is refused.

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