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IN THE COURT OF APPEAL

CRIMINAL DIVISION

[2024] EWCA Crim 1669



Case No. 202400388 B1

Royal Courts of Justice
Strand
London
WC2A 2LL

Wednesday, 11 December 2024

Before:

LADY JUSTICE WHIPPLE
MR JUSTICE BRYAN
MRS JUSTICE THORNTON

REX

v

GLENN ANSELL

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NON-COUNSEL APPLICATION

J U D G M E N T

LADY JUSTICE WHIPPLE:

1. On 23 May 2002 the applicant, who was then 27 years old, was convicted of one count of murder following a trial before Hughes J at Nottingham Crown Court. The applicant now renews his application for leave to appeal against conviction in relation to which he also seeks a very long extension of time of 7,890 days, or over 21 years. His applications have been refused on the papers by the single judge.
2. The applicant's case was recently reviewed by this court in the context of an application for leave to appeal against sentence. That judgment is reported as *Rex v Glenn Ansell* [2023] EWCA Crim 1529, handed down on 31 October 2023. This is the “sentencing judgment”, and we shall return to it.

The facts

3. The applicant and his victim were associates in the drug culture of Nottingham. They acted as debt collectors. The applicant had a grievance against Mr Monaghan. On 11 June 2001 the applicant and Mr Monaghan were at the home of the applicant's cousin. They had both taken a significant quantity of drugs. The applicant armed himself with a large knife or bayonet. He attacked Mr Monaghan and stabbed him 60 or 70 times. Thereafter, he stripped Mr Monaghan's body and put it in a bath. He nearly severed Mr Monaghan's head with a cut-throat razor. Following that, he wrapped the body in carpet and tried to get assistance to dispose of it. That failed. In due course, the applicant's cousin was arrested. The applicant then telephoned the police and told them that he was responsible. During interview, he admitted killing Mr Monaghan but stated that Mr Monaghan had been aggressive towards other occupants in the house and said

that he (the applicant) had acted in their defence.

4. To prove the case, the prosecution relied on the evidence of Carl Owen, Heidi Gibson and Scott Gibson who had been present in the house when the murder had taken place, and Leslie Gerrard, who was able to provide background information relating to the relationship between the applicant and the deceased and to whom the applicant had confessed the murder.

Grounds of appeal and application for extension of time

5. By the applicant's own grounds, he argues that his conviction is unsafe because:
 - (1) the applicant's legal team did not look into his mental health problems;
 - (2) there was no reference to the applicant's mental health problems or his diagnosis for autistic spectrum disorder, which came subsequently;
 - (3) a psychiatric report was obtained and a diagnosis was given but no consideration was given to applicant's mental health history.
6. The applicant argues that he should have the long extension of time that he seeks, referring to his mental health issues and his difficulties in coping with the autistic spectrum disorder, which has now been diagnosed. He says he did not have the motivation to appeal until he had been sectioned, a reference to his transfer from prison to a psychiatric hospital, although we now understand he is now back in prison.

The sentencing judgment

7. The current applications relating to conviction are based on similar points to those

advanced in the context of his application for leave to appeal against sentence where he argued that Hughes J had not been aware of his mental health difficulties when sentencing. The Court of Appeal (Criminal Division) refused leave to appeal against sentence. That court, presided over by William Davies LJ, noted that various psychiatric reports on the applicant had been prepared between 1995 and 2001 for various reasons. Some of those reports concluded that the applicant did suffer from mental illness, in particular from a significant personality disorder; other reports referred to post traumatic stress disorder and claustrophobia. However, the defence of diminished responsibility had not been raised at the applicant's trial and there was no report prepared specifically for that trial (see paragraphs 8 and 9 of the sentencing judgment).

8. In refusing the applications for leave to appeal against sentence and an extension of time to do so, the court said this:

"12. The application for extension of time and the substantive grounds are linked. They both depend on the proposition that the applicant's mental health was not a matter known to the court in 2002. That proposition is misconceived. As we have indicated, the judge had a body of psychiatric evidence. He referred to it when he passed sentence. The applicant's reference to the Mental Health Act implies that this court should now consider that option, namely some form of order under the Mental Health Act. As the single judge observed, that is simply impossible. The jury convicted of murder. The only option open to the judge by law was life imprisonment. The fact that the applicant has spent considerable periods since 2002 in hospital rather than in prison takes him nowhere. As the

single judge observed, many of those with mental health issues who are convicted of murder thereafter will spend much of their sentences in a secure hospital. That does not mean that there was anything wrong with the trial or sentencing process in the first instance, or that the person concerned has any ground of appeal."

Conclusion

9. We have considered the same body of psychiatric evidence as was referred to in the sentencing judgment. It is clear that the applicant's mental health problems were well known at the time of his trial. As noted in the sentencing judgment, the defence of diminished responsibility was not advanced at trial. That is not altogether surprising in light of the psychiatric evidence that we have seen, some of which states that the applicant's mental health problems have no bearing on his offending (see as an example the report by Dr Gethins dated 23 February 2000).
10. In passing sentence, Hughes J referred to the psychiatric reports that he had seen – the same ones as we have seen. He stated that the applicant had "a measure of troubled history" which was to acknowledge the existence of this evidence. But, said Hughes J, it was "quite clear" that this was a "drug-fuelled" attack. That, then, was the explanation for the attack on Mr Monaghan. That explanation is at odds with any suggestion which might now be made that the applicant's responsibility was in some way diminished.
11. The single judge said that the grounds of appeal failed for the same reasons as the applications concerning sentence. His reasons included this:

"Your mental health problems in 2002 were well known to your lawyers and the Court. The Judge referred to them in his sentencing comments. It is possible that those who are treating you now may have a better insight into your current mental health; but there is nothing to suggest that, as a result of any aspect of your mental health or otherwise, your conviction is unsafe or that the procedure by which the verdict was made was procedurally unfair in any way."

12. We agree with that assessment. We are not persuaded that there is any proper basis on which to challenge the applicant's conviction for murder or to grant this very long extension of time.

13. We refuse these applications for an extension of time and for leave to appeal against conviction.

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

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