

R. Respondent

-v-

ALEX WILLIAM SMITH Applicant

UPDATED SETTLED GROUNDS OF APPEAL AGAINST CONVICTION

INCORPORATING:

- (i) APPLICATION FOR LEAVE TO VARY GROUNDS;
(ii) APPLICATION FOR EXTENSION OF TIME; AND
(iii) APPLICATION TO RENEW OUT OF TIME
DATED 9 AUGUST 2021**

INTRODUCTION

1. Alex William Smith (**'the Applicant'**) seeks leave to appeal his conviction for two offences of delivery of counterfeit coins, contrary to the Forgery and Counterfeiting Act 1981 s. 15(2).
2. The Applicant was convicted, following a guilty plea, on 1 March 1999 and was sentenced to six months imprisonment in respect of each count, to be served concurrently.
3. This application was made out of time and so the Applicant applies for leave to appeal out of time due to fresh evidence. The Applicant also applies to extend the time to renew the application following the refusal of the single Judge (in 2016, see below) and to amend his grounds of appeal.
4. The Court is asked to list the renewed application for leave to appeal and to deal, on that occasion, with those further applications.

SUMMARY GROUNDS OF APPEAL

5. The Applicant now applies for leave to appeal on the basis that his conviction is unsafe in respect of four grounds:

Ground 1 the prosecution amounted to an abuse of process due to the entrapment occasioned by Mazher Mahmood (**'Mahmood'**) as part of an investigation on behalf of the News of the World;

Ground 2 Mahmood's subsequent conviction for conspiracy to pervert the course of justice in respect of similar such investigations calls into question the reliability of his evidence;

Ground 3 fresh evidence obtained from the Royal Mint calls into question the basis for the prosecution and conviction; and

Ground 4 There was a significant disclosure failure by the CPS in that prosecution material which seriously undermined Mahmood's credibility was not disclosed to the defence.

6. The Applicant invites the court to set aside his guilty plea in relation to these offences and this is dealt with below as a preliminary issue.

APPLICATION FOR LEAVE TO VARY GROUNDS

7. In accordance with Criminal Procedure Rule 2020 r. 36.14(5) and the Court's guidance in *R v James* [2018] EWCA Crim 285; [2018] WLR(D) 134, the Applicant applies for leave to advance three fresh grounds of appeal and to vary the notice of appeal accordingly.

8. The fresh grounds of appeal that the Applicant now seeks to rely on are Grounds 1, 2, and 4 above — namely those arising in relation to: the abuse of process arising from entrapment; Mahmood's subsequent conviction for conspiracy to

pervert the course of justice; and the failure by the CPS to disclose what they knew at the time about Mahmood to the Applicant.

9. Although the Applicant sought to appeal his conviction in 2015, at a point in time when Mahmood's misconduct in another investigation was coming to light (see full procedural chronology below) the extent of his dishonesty, deception, and deceit was not fully known until his conviction in 2016 for conspiring to pervert the course of justice, after the single Judge refused leave to appeal in the Applicant's case.
10. In light of those developments in 2016, it is considered that such grounds of appeal are now properly arguable and particularly cogent. It is submitted that, in line with the overriding objective and in the interests of justice, the Court should now consider these fresh grounds of appeal alongside a renewal of Ground 3 that was considered by the single Judge but in respect of which further evidence has also since been obtained.
11. Furthermore, since lodging Settled Grounds of Appeal (incorporating application to vary grounds and application for leave to apply/renew out of time) in February 2021, a significant amount of further evidence relevant to the applicant's case has come to light. This has arisen because the applicant has publicised his appeal via his website and several witnesses have come forward. The basis for Ground 4 has only come to light very recently as a result of this additional evidence.

APPLICATION FOR EXTENSION OF TIME AND TO RENEW OUT OF TIME

12. The Applicant applies for leave to appeal out of time and to renew his appeal out of time, and so makes an application for leave in accordance with Criminal Procedure Rule 2020 ('CrPR') r. 36.4, for the following reasons:
 - (a) the abuse of process in respect of his prosecution (Ground 1) did not come to light until some years after the Applicant's conviction and the Applicant acted promptly to consider his right to appeal at that time;

- (b) the Applicant has relied on *pro bono* legal advice and representation in pursuance of this appeal, which has led to multiple legal representatives being engaged to assist on an ad-hoc basis;
- (c) the Applicant received erroneous advice from his then solicitor following the refusal of his application for leave to appeal by the Single Judge — namely that the Applicant’s recourse following refusal was to apply to the CCRC — and this denied him the opportunity to renew his application for leave to appeal against conviction at that time;
- (d) further evidence has since come to light, including
 - i. the conviction of Mazher Mahmood for conspiring to pervert the course of justice, which came almost six months after the Single Judge’s refusal;
 - ii. the response from the Royal Mint in 2018 in respect of records held in relation to the counterfeit coins in this case;
 - iii. the fact that a number of other victims of Mahmood have complained of drink spiking which demonstrates a *modus operandi* to Mahmood’s unlawful entrapment; and
 - iv. the fact that the CPS were aware at the time of the Applicant’s case that Mahmood was an unreliable witness and yet they failed to disclose this fact the Applicant, despite at least one other Mahmood case collapsing over concerns about Mahmood’s credibility prior to the Applicant’s trial.

FACTUAL BACKGROUND

13. From a young age, Mr Smith was a circus performer, stage magician and television prankster. In the mid-1990s, he worked as a 'shock journalist' associated with another freelance journalist, Alan Breeze ('**Breeze**').
14. Sometime in or around March 1998, in the course of their work as 'shock journalists', the Applicant and Breeze became connected with Mazher Mahmood, aka the "fake sheikh", an investigative journalist at the News of the World ('**Mahmood**'), who was at the time calling himself 'Perry Khan'.
15. During a meeting at the Piccadilly Hotel in Manchester on Thursday 2 April 1998, during which the Applicant was plied with alcohol, Mahmood asked the Applicant to procure escorts, drugs, guns and counterfeit money; and the Applicant bragged that he could supply the same. During the same meeting, the Applicant gave Mahmood three £1 coins and indicated that they were forgeries (although they were not).
16. The Applicant continued to receive contact from Mahmood and his associates over the following week and met Mahmood for a second time on Thursday 9 April 1998. At that meeting, Mahmood provided the Applicant with £400 in cash for the purpose of buying counterfeit money.
17. The Applicant avers that, shortly before the 9 April 1998 meeting, he had been told that an individual (true identity unknown) in a local public house could supply 1,000 counterfeit £1 coins for £400. The Applicant was given that information both by Breeze and also directly from an associate of Mahmood who was posing as Mahmood's bodyguard.
18. Accordingly, the Applicant procured 1,000 supposedly forged £1 coins in the manner suggested by Breeze and Mahmood's associate. The Applicant then delivered those coins to Mahmood at a third meeting later on 9 April 1998.
19. On Sunday 12 April 1998, a story concerning the Applicant, written by Mahmood appeared in the News of the World under the headline '*Kiddies*' TV Star is drug-

dealing pimp — And he coins fortune with counterfeit cash". The Applicant approached local police on the day of publication to offer a voluntary interview.

20. It is understood that, on Sunday 19 April 1998, Mahmood provided the police with covert recordings made during the meetings and 1,000 counterfeit £1 coins.
21. The Applicant was contacted by the police and surrendered himself for an interview under caution, at which he made full comment detailing the events above. He was then charged with delivery of 1,000 counterfeit £1 coins to another, namely Mazher Mahmood.
22. The Applicant pleaded not guilty at Bury Magistrates' Court and was committed to Manchester Crown Court for trial originally on a single-count indictment relating to the delivery of 1,000 counterfeit coins on 9 April 1998. On 21 October 1998, the indictment was amended to contain two counts:
 1. three counterfeit £1 coins delivered to Mahmood on 2 April 1998; and
 2. 997 counterfeit £1 coins delivered to Mahmood on 9 April 1998.
23. On Monday 1 March 1999, the first day of trial, the Applicant changed his plea to guilty. He was sentenced to six months' imprisonment in relation to each of the two offences, to run concurrently. The Applicant was advised that he had no basis for an appeal.
24. In July 2014, Tulisa Contostavlos, a singer and former X-Factor judge, was tried for the supply of Class A drugs in circumstances related to a similar investigation by Mahmood. His Honour Judge McCreath, presiding over that trial, gave a ruling (staying the proceedings on the grounds of an abuse of process and vacating the guilty plea of a co-defendant) that there were "strong grounds for believing" that Mahmood had lied in his evidence in order to conceal the fact that he had been manipulating the evidence in that case by getting another witness to change his account. That ruling called into question numerous other convictions and ongoing cases in which the prosecution relied, in some large part, on evidence provided by Mahmood following investigations conducted by him.

PROCEDURAL BACKGROUND

25. Following the Tulisa Contostavlos trial, the Crown Prosecution Service sent disclosure packs to 25 individuals (including the Applicant) who had either pleaded guilty or been convicted following trial as a result of evidence provided by Mahmood.
26. On 29 July 2015, the Applicant, then being assisted *pro bono* by Siobhain Egan of Lewis Nedas Law ('**Ms Egan**'), applied for leave to appeal his conviction to the Court of Appeal (Criminal Division). That application was refused on 9 May 2016 by the Single Judge, The Honourable Mr Justice William Davis.
27. Ms Egan informed the Applicant of the refusal by email on 17 May 2016 and, in the same email, informed the Applicant that she had proceeded to make an application to the Criminal Cases Review Commission ('**CCRC**'). No instructions were taken from the Applicant in relation to that further application.
28. In the intervening period, in October 2016, Mahmood was convicted for perverting the course of justice and sentenced to 15 months' imprisonment on 21st October 2016.
29. After considerable delay, the Applicant was notified on 25 May 2018 that the CCRC had reached a provisional decision that the conviction would not be referred back to the Court of Appeal. That position was maintained, despite the Applicant submitting further information, and a final decision notice was issued on 11 June 2018.
30. Following the refusal of the CCRC to make a referral, Ms Egan ceased to act for the Applicant. The Applicant also then became aware that it was possible to renew his application for leave to appeal with the Full Court. The Applicant was also subsequently assisted by Mark Lake of Cartwright King to seek and obtain further documentation and to prepare further grounds of appeal.
31. On Friday 24 May 2019, the Applicant, by then acting as a litigant-in-person, submitted grounds of appeal against conviction and an application for an

extension of time. The CPS have responded to these grounds on 15 August 2019.

32. The Applicant has subsequently instructed *pro bono* counsel (James Manning) through Advocate to assist in the preparation of these perfected grounds of appeal (and was assisted *pro bono* by Jon Service of Frazer Bradshaw Solicitors for a time to assist with litigation).
33. Settled Grounds of Appeal were prepared by Mr Manning to distil and clarify the grounds of appeal in this case and to assist the Court to consider the Applicant's renewed application for leave to appeal (and related application for an extension of time in which to renew that application for leave). They were lodged in February 2021 and a Respondent's Notice dated 30 March 2021 was provided by the CPS.
34. Since those Settled Grounds of Appeal were prepared, a number of further witnesses have come forward and that has led to this Amended Settled Grounds document being prepared along with the bundle of supporting evidence.

FRESH COUNSEL APPEAL

35. Further advice has been received from the Court of Appeal in respect of this being a 'fresh counsel' appeal and steps have been taken to contact the Applicant's previous representative, Ms Egan, in line with the guidance in *R v McCook* [2014] EWCA Crim 734, [2016] 2 Cr. App. R. 30 (*'McCook'*), and a response dated 11 February 2021 was received via the Court of Appeal office.
36. Ms Egan's full reply is appended [**Annex A**]. In that reply, Ms Egan confirms that, as averred at §26 above, the Applicant's appeal was submitted directly to the CCRC (without seeking to renew that application before the full Court) without taking any instructions to do so from the Applicant. It is therefore clear that the Applicant was not at fault for the prejudice caused by that. The Court is asked to take this into account when considering his application for an extension of time and to renew out of time.

37. There are numerous references in Ms Egan's response to there being uncertainty concerning Mahmood's involvement in the case against the Applicant. This is unfounded as Mahmood was personally named in both counts on the indictment [**Annex B**].
38. Ms Egan states at §6 of her response that she informed the Applicant "*[a]fter Mahmood's conviction [...] that we would put in an appeal to the Single Judge*". As noted in the chronology above, the appeal notice was in fact originally lodged on 29 July 2015 and was rejected by the single Judge on 17 May 2016, whereas Mahmood was not convicted until 21 October 2016.

PAPERS IN THIS CASE

39. As an historic appeal, there are extremely limited case papers available from the court, police and CPS. The Applicant's legal representatives from the time of trial have also confirmed that they do not hold any case papers or documentation (although the Applicant's trial counsel did provide a short response to the CPS's enquires, detailed below). An article related to the trial was published by the Manchester Evening News on 2 March 1999 and is appended [**Annex C**].

WAIVER OF PRIVILEGE

40. The Applicant makes the necessary waiver of privilege in accordance with R v Singh [2017] EWCA Crim 466, [2018] 1 W.L.R. 1425 ('Singh'). This relates to his instructions, advice and representation at trial, and in order to adduce fresh evidence.

THE APPLICANT'S GUILTY PLEA SHOULD BE SET ASIDE DUE TO ABUSE OF PROCESS AND NON-DISCLOSURE

41. The Applicant's guilty plea may be set aside on appeal when the circumstances are such that the conviction is unsafe (Boal (1992) 95 Cr App R 272).

42. The Applicant changed his plea to guilty on the first day of trial following unsuccessful submissions regarding the exclusion of evidence. The Applicant's trial counsel, Anthony Morris, provided a response to the CPS's enquiry when the Applicant first sought leave to appeal in 2015. That response stated:

"I remember dealing with this case. We raised the defence of entrapment but on the first day of trial before any jury was empanelled there was a conversation in HHJ Henshall's [sic] chambers. Without revealing anything said or indicated I later advised the defendant that the defence was unlikely to succeed and he pleaded guilty." (full bundle page 761)

43. The Applicant's conviction should be quashed, notwithstanding his guilty plea, on the basis that:

- (a) the trial was an abuse of process, such as where *"the trial process should never have taken place because it is offensive to justice"* (per Lord Hughes, *R v Asiedu* [2015] EWCA Crim 714) and see also *Early* (dealt with substantively below);
- (b) the *"conversation in HHJ Henshall's chambers"* (as per trial counsel's response to the CPS in the above paragraph) is understood to refer to a ruling that Mahmood was protected from revealing his sources, and appears to have led to the Applicant being informed that he had no arguable defence, when in fact he had grounds to apply for a stay on the basis of an abuse of process;
- (c) the subsequent conviction of Mahmood constitutes new evidence that supports this appeal (*Swain* [1986] Crim LR 480);
- (d) that the Applicant's guilty plea followed inappropriate legal advice (*McCarthy* [2015] EWCA Crim 1185);
- (e) furthermore, the non-disclosure (Ground 4) by the CPS was sufficiently serious that the Applicant's conviction should be quashed notwithstanding

his guilty plea because it is reasonable to suppose that the undisclosed material might have affected the outcome of the trial (*Chalkley and Jeffries* [1998] 2 Cr App R 79 and *Togher* [2001] 1 Cr App R 33).

GROUND 1 — THE APPLICANT’S CONVICTION IS UNSAFE BECAUSE THE PROSECUTION AMOUNTED TO AN ABUSE OF PROCESS DUE TO THE ENTRAPMENT OCCASIONED BY MAZHER MAHMOOD AS PART OF AN INVESTIGATION ON BEHALF OF THE NEWS OF THE WORLD

44. Following the Applicant’s conviction, it has come to light that Mahmood, in the course of conducting undercover investigations on behalf of the *News of the World* newspaper, undertook to entrap his targets in a manner that would, if known at the time of trial, have given rise to an abuse of process argument.
45. Mahmood acted as *agent provocateur* and entrapped the Applicant to commit these offences in that:
- (a) the Applicant was pressured, induced and threatened to procure counterfeit currency by Mahmood;
 - (b) the Applicant was told by Mahmood’s associates where and from whom he could procure the counterfeit currency;
 - (c) the Applicant was given the money to make such a purchase in advance by Mahmood;
 - (d) Mahmood undertook covert surveillance of his meetings with the Applicant for the purpose of the entrapment;
 - (e) Mahmood edited that surveillance before providing a copy of the footage to the police investigating the alleged offence;
 - (f) the coins were provided to the police by Mahmood some 10 days after they were supposedly delivered to Mahmood by the Applicant, with no known explanation for the delay or evidence of their continuity; and
 - (g) Mahmood had set out with the sole purpose of creating an opportunity for the Applicant to engage in criminal activity, and pressuring the Applicant to

engage in the same, for the purpose of reporting that activity in the media and subsequently to the police.

46. The issue of non-state entrapment was explored by Goldring J in *The Council for Regulation of Health Care Professionals v Gurbinder Saluja* [2006] EWHC 2784 (Admin); [2007] 1 W.L.R. 3094, in which it was held that:

"[...] the authorities leave open the possibility of a successful application of a stay on the basis of entrapment by non-state agents. The reasoning I take to be this: given sufficiently gross misconduct by the non-state agent, it would be an abuse of the court's process (and a breach of Article 6) for the state to seek to rely on the resulting evidence. In other words, so serious would the conduct of the non-state agent have to be that reliance upon it in the court's proceedings would compromise the court's integrity."

47. The police and CPS were aware of Mahmood's suspected dishonesty before the time that the Applicant was charged and prosecuted for these offences, but that was not disclosed to the Applicant in advance of trial. Had the Applicant been aware of Mahmood's suspected dishonesty (*i.e.* through disclosure), such information may have given rise to an abuse of process argument and/or led to the Applicant maintaining his not guilty plea and challenging the credibility of Mahmood's evidence at trial.
48. It has also since come to light that Mahmood's departure from his employment at the *Sunday Times* in 1988 was in connection with attempting to fabricate computer records.
49. It is established law that a conviction may be set aside on the basis of an abuse of process which, had it been known at the time, would have led the Court to stay the proceedings on that basis (*R v Togher & Ors* [2000] EWCA Crim 111; [2001] 1 Cr App R 457).
50. The position was further considered by this Court in the context of a case concerning entrapment where the Appellant had subsequently pleaded guilty but where there was a basis for an application for a stay on the grounds of abuse of process that was unknown at trial (*R v Early & Ors* [2002] EWCA Crim 1904; [2003] 1 Cr App R 19 (*'Early'*)).

51. Since lodging the initial version of the Applicant's settled grounds in February 2021, it has been drawn to the Applicant's attention that there is evidence that Mahmood used unlawful investigative techniques in his investigations including phone hacking of the Applicant [see Alex Smith's first witness statement and the witness statement of Glen Mulcaire].
52. There is a clear evidential basis to assert that Mahmood used private investigators who employed unlawful techniques (phone hacking) in his entrapment of the Applicant (and that Mahmood subsequently lied about this to the Leveson inquiry). Had this been known about at the time of the Applicant's guilty plea it would clearly have given rise to an abuse of process submission.

GROUND 2 — THE APPLICANT'S CONVICTION IS UNSAFE BECAUSE MAZHER MAHMOOD'S SUBSEQUENT CONVICTION FOR CONSPIRACY TO PERVERT THE COURSE OF JUSTICE IN RESPECT OF SIMILAR SUCH INVESTIGATIONS RENDERS MAZER MAHMOOD'S EVIDENCE UNRELIABLE

53. Mahmood, who was the main witness for the prosecution case against the Applicant in 1998/9, has now been convicted for conspiracy to pervert the course of justice, having been found to have lied under oath and tampered with evidence in relation to other similar prosecutions arising from his investigations.
54. In other cases arising out of Mahmood's entrapments / investigations to have come before the courts, it has been apparent that his *modus operandi* is one of deception, lies, deceit, and manipulation of evidence used by Mahmood in the creation of his stories.
55. In particular, it is said that Mahmood:
 - (a) used unlawful methods to obtain evidence;
 - (b) surreptitiously administered 'date rape' type drugs to his targets in order to inebriate them and render them more susceptible to manipulation;
 - (c) operated outside of any proper disclosure regime;
 - (d) presented edited, partial, or falsified evidence; and

(e) hid sources from the court, police, and defence via journalistic privilege.

56. In the present case, the Applicant avers that:

- (a) the covert recordings of his meetings with Mahmood were heavily edited before being provided to the police;
- (b) the three £1 coins provided to Mahmood on 2 April 1998 were genuine;
- (c) he was manipulated and intimidated into obtaining and providing the coins provided to Mahmood on 9 April 1998; and
- (d) Mahmood was instrumental in the procurement and delivery of the coins, including by way of payment in advance and by his associate directing the Applicant to the source of the coins.

GROUND 3 – THAT FRESH EVIDENCE OBTAINED FROM THE ROYAL MINT CALLS INTO QUESTION THE BASIS FOR THE PROSECUTION AND CONVICTION

57. In the course of considering this appeal, the Applicant has sought disclosure from the Royal Mint in relation to the counterfeit coins that he was said to have delivered in this case.

58. That disclosure, in the form of an email from Chris Inson, Legal Counsel and Data Protection Officer at the Royal Mint Limited [**Annex E**], stated that:

“[...] the Royal Mint is routinely sent coins to authenticate and we did have material submitted to us from law enforcement during the period of 01/01/1998 – 01/01/2002, which is the period we searched based on the dates specified in your letter. However, our investigation has uncovered no records held relating to the name of ‘Alex William Smith’, ‘Alex-Leroy’, or ‘Jonathan Royal’.”

59. That response calls into question whether the police or prosecution confirmed the authenticity or otherwise of the coins in the current case.

60. Given the entrapment and evidential concerns in these proceedings, as detailed above, the veracity of the evidence handed to the police by Mahmood required full examination.
61. Additionally, in respect of the first count faced by the Applicant (the three £1 coins given to Mahmood on 2 April 1998), the Applicant averred throughout the investigation and before trial that he knew and believed those coins to be genuine, it therefore represented a reasonable line of enquiry that the prosecution should have authenticated those coins.

GROUND 4 - THERE WAS A SIGNIFICANT DISCLOSURE FAILURE BY THE CPS IN THAT PROSECUTION MATERIAL WHICH SERIOUSLY UNDERMINED MAHMOOD'S CREDIBILITY WAS NOT DISCLOSED TO THE DEFENCE

62. There was a significant failure by the Crown Prosecution Service to comply with their duty of disclosure in that material in the possession of the prosecution at the time of the applicant's case which seriously undermined Mahmood's credibility was not disclosed to the defence.
63. This has only come to the attention of the Applicant very recently as a result of witnesses that have come forward and information that has been supplied to the Applicant relating to the News Group Newspapers Limited phone hacking litigation.
64. Lawyers acting for one of the claimants (John Shannon, also known as John Alford) in the News Group Newspapers ('NGN') litigation have recently contacted the Applicant [see correspondence from James Heath of Atkins Thomson in the Applicant's Evidence bundle]. This is dealt with in the Applicant's second witness statement. In summary:
 - (a) NGN have disclosed material (Generic disclosure provided from NGN's archive in December 2020) to Mr Shannon in the phone hacking litigation which demonstrates that the Metropolitan Police knew that Mahmood was

an untruthful witness in 1994-5 (*i.e.* before the Applicant's case). NGN was in possession of police and prosecution documents:

- i. Identifying Mahmood as having given false evidence in a 1994 court case;
- ii. showing the police to be reluctant to prosecute further cases based on Mahmood's activities; and
- iii. suggesting the police would need to interview Mahmood under causation in relation to a subsequent article.

65. Whilst the existence of this material has been drawn to the Applicant's attention, the Applicant is not able to adduce it at present owing to legal restrictions on the use to which it may be put. The Applicant may seek an order from the CA(CD) to facilitate its use in the Applicant's appeal.

66. At the time of the Applicant's case, the CPS were aware that at least one case that depended on evidence from Mahmood had collapsed, and yet this was not disclosed to the defence at the time. In *R v Sheppard and Norman* in 1994 a decision to offer no evidence was taken by the CPS based on the fact that Mahmood, one of the main witnesses for the prosecution, had given misleading evidence, which in turn led the prosecution to mislead the accused and his defence representatives. Incidentally – this is redolent of the occurrence 20 years later (in 2014) when the Tulisa Contosavlos trial collapsed at Southwark Crown Court due to Mahmood again giving false evidence.

CONCLUSION

67. The Applicant's convictions on both counts are unsafe and the Court is asked to quash those convictions.

9 August 2021

JAMES MANNING

Barrister

Nexus Chambers

IN THE COURT OF APPEAL (CRIMINAL DIVISION)

R.

Respondent

- v -

ALEX WILLIAM SMITH

Applicant

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ON BEHALF OF ALEX SMITH

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R. Respondent

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LIST OF AUTHORITIES

No.	Case Name and Citation	Grounds Paragraph
1.	<i>R v James</i> [2018] EWCA Crim 285; [2018] WLR(D) 134	7
2.	<i>R v McCook</i> [2014] EWCA Crim 734, [2016] 2 Cr. App. R. 30	35
3.	<i>R v Singh</i> [2017] EWCA Crim 466, [2018] 1 W.L.R. 1425	40
4.	<i>Boal</i> (1992) 95 Cr App R 272	41
5.	<i>R v Asiedu</i> [2015] EWCA Crim 714	43(a)
6.	<i>R v Early & Ors</i> [2002] EWCA Crim 1904; [2003] 1 Cr App R 19	43(a), 50
7.	<i>Swain</i> [1986] Crim LR 480	43(c)
8.	<i>McCarthy</i> [2015] EWCA Crim 1185	43(d)
9.	<i>Chalkley and Jeffries</i> [1998] 2 Cr App R 79	43(e)
10.	<i>R v Togher & Ors</i> [2000] EWCA Crim 111; [2001] 1 Cr App R 457	43(3), 49
11.	<i>Regulation of Health Care Professionals v Gurpinder Saluja</i> [2006] EWHC 2784 (Admin); [2007] 1 W.L.R. 3094	46

No.	Primary and Secondary Legislation	Grounds Paragraph
12.	Forgery and Counterfeiting Act 1981 s. 15(2)	1
13.	Criminal Procedure Rule 2020 r. 36.14(5)	7
14.	Criminal Procedure Rule 2020 r. 36.4	11

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**CHRONOLOGY
(FACTUAL & PROCEDURAL)**

Date	Event	Document reference
13 August 1975	Alex Smith ('AS') born	Grounds of Appeal against conviction and application for extension of time limit [201503661B2]
1993-1998	AS befriends Alan Breeze ('AB'), a freelance journalist and associate of Mazher Mahmood ('MM').	Grounds of Appeal
March 1998	AS sends an anonymous letter to MM claiming AS is criminally connected as a pimp in order to set up a prank	Grounds of Appeal
2 March 1998	Manchester Evening News article quotes AS's audio recordings of meetings with MM	Grounds of Appeal
2 April 1998	MM, as 'Perry Khan', meets AS and AB at the Piccadilly Hotel, Manchester. AS handed MM 3 genuine £1 coins pretending they were counterfeit.	Grounds of Appeal
Week of 6 April 1998	MM meets AS again and intimidates him	Grounds of Appeal
9 April 1998	MM meets AS again and gives him £400 in cash to obtain 1,000 fake coins, AS provides these at 5pm that day.	Grounds of Appeal
12 April 1998	AS is featured in a News of the World article accusing him of being a drug	Grounds of Appeal

	dealing pimp dealing with counterfeit coins and gun sales	
12 April 1998	AS voluntarily attends Rochdale police station, he is told there was no complaint of a crime. The police contact him 'a little over a week' later and he surrenders himself to be interviewed under caution, giving a full comment interview to Constable 02058 Ian Elford and Constable 08608 Lee McCrory. [police reference crime report 12692B/98]	Grounds of Appeal
19 April 1998	MM hands evidence including edited video footage of AS and coins to police	Grounds of Appeal
19 August 1998	AS is committed to Manchester Crown Court	IMG_5290
2 September 1998	AS was indicted (06.A3.1393.98) to one count of delivery of 1,000 coins on 9/4/98 contrary to s15(2) 1981 Act	Grounds of Appeal
21 October 1998	Judge applied to have indictment amended to two counts – deliver of 3 coins on 2/4/98 and delivery of 996 coins on 9/4/98. AS was arraigned and entered not guilty pleas.	Grounds of Appeal; DBS Alex Smith; IMG_5293
1998-1999	AS eligible for public funding	Application Form
1 February 1999	CPS document inaccurately states AS was re-arraigned and pleaded guilty	Grounds of Appeal
1 March 1999	AS changes his plea on the first day of trial to guilty with mitigating circumstances	Grounds of Appeal
1 March 1999	AS sentenced to 6 months' immediate imprisonment concurrent for two counts of delivery of counterfeit coins to MM pursuant to the Forgery and Counterfeiting Act 1981 s15(2) by HHJ David Owen	Application Form
2 March 1999	Manchester Evening News article reports Crown's quotes from sentence	IMG_5293
July 2014	Tulisa Contostavlos trial collapses following HH Judge McCreath uncovering dishonesty by MM	Grounds of Appeal
January 2015	CPS sent disclosure packs to 25 defendants including AS who had pleaded or been found guilty on evidence provided by MM	Grounds of Appeal
29 July 2015	AS's appeal against conviction lodged, dated 28 July 2015	Grounds of Appeal; MM bundle 1

6 November 2015	CPS emails SE Crown's Respondent's Notice, opposing appeal and application for leave	CPS Claiming Conviction Safe
9 May 2016	AS's appeal [ref 201503661 B2 JMC] refused by single judge His Hon Mr Justice William Davis	Application form
17 May 2016	AS informed of single judge's decision of 16/5/16 refusing extension of time, permission to appeal against conviction, and legal assistance by email and told his case had been submitted to the CCRC	Grounds of Appeal
21 October 2016	MM sentenced to 15 months' imprisonment for conspiring to pervert the course of justice	Grounds of Appeal
25 May 2018	Provisional declaration made that CCRC would not refer AS's case back to court	Grounds of Appeal
11 June 2018	CCRC final decision refusing reference of AS's case back to court [01192/2016]	Application form
24 June 2018	Emails between AS and SE regarding renewing leave for appeal	Siobhain Emails and Misleads
27 June 2018	AS receives free advice from the Secret Barrister and Matt Stanbury	Grounds of Appeal; img_5274
10 July 2018	AS has a meeting with Mark Lane of Cartwright King to help prepare new grounds of appeal	Grounds of Appeal
31 July 2018	AS sends a letter to Royal Mint	Royal Mints Coins Proof
16 August 2018	Royal Mint respond to AS's letter by email uncovering no records in AS's name from 01/01/98 - 01/01/02	Royal Mints Coins Proof
26 April 2019	AS phones Court of Appeal confirming it would not cost him anything to submit his reapplication	Grounds of Appeal
23 May 2019	AS fails to raise full £10,000 target through Crowd Justice Fund for a Professional Adviser to help with his appeal	Grounds of Appeal
24 May 2019	AS posts reapplication of appeal with Form SJ to Court of Appeal	Grounds of Appeal
August 2019	CPS Respondent's Notice	Grounds of Appeal
15 August 2019	Revised Respondents Notice from CPS with Reply and Corrections document.	Grounds of Appeal
19 August 2019	Letter to Court of Appeal with revised Respondent's Notice signed by AS	Grounds of Appeal

17 March 2020	AS signed statement of truth	Application Form
18 March 2020	AS referred from Citizens Advice Oldham to Advocate	Application Form
20 March 2020	Advocate application form	Application Form
8 April 2020	AS contacts Criminal Appeal Office by email confirming contact details	court-of-appeal-19 th -may
19 May 2020	Criminal Appeal Office confirm by email that AS's application is in a queue for a Criminal Appeal Office Summary, after which a hearing date will be scheduled.	court-of-appeal-19 th -may
23 November 2020	Letter from pro bono solicitor (Jon Service) to Siobhan Egan in line with McCook guidance	Annex A
11 February 2021	Response from Siobhan Egan received, CACD grants further extension to submit settled grounds (to 25 February 2021)	Annex A
25 February 2021	Settled Grounds of Appeal (incorporating application to vary grounds and application for leave to apply/renew out of time) sent to CACD	Settled Grounds of Appeal
30 March 2021	Respondent's Notice (drafted by Jonathan Polnay) from the CPS in reply to Settled Grounds of Appeal	Respondent's Notice
April 2021	Significant volume of further evidence is drawn to the Applicant's attention	
6 May 2021	Matter listed for hearing before the CA(CD) – adjourned administratively on 4 May 2021 at Applicant's request	
9 August 2021	Amended Settled Grounds of Appeal (incorporating application to vary grounds and application for leave to apply/renew out of time) sent to CACD along with bundle of new evidence and Form Ws	