

Neutral Citation Number: [2015] EWCA Crim 1900

No: 2015/1457/B2

IN THE COURT OF APPEAL
CRIMINAL DIVISION

Royal Courts of Justice
Strand
London, WC2A 2LL

Friday, 6 November 2015

B e f o r e:

MR JUSTICE HICKINBOTTOM

THE RECORDER OF WESTMINSTER

HIS HONOUR JUDGE McCREATH

(Sitting as a Judge of the CACD)

R E G I N A

V

SULEYMAN COLUKOGLU

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Non-Counsel Application

J U D G M E N T

(Approved)

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1. THE RECORDER: On 17th November 2014 in the Crown Court at Snaresbrook the applicant was convicted of two counts of acting in breach of a restraining order. On 15th January 2015 he was sentenced to two years' imprisonment concurrently on each count. He sought leave to appeal against sentence. His renewed application to the full court was refused on 8th May 2015, save to the extent of making a technical correction to the amount of the victim surcharge. An order was made that six weeks spent in custody pending the hearing of that application should not count towards the sentence.
2. He now makes a renewed application to the full court for leave to appeal against conviction following refusal by the single judge. The nature of his self-written grounds of appeal has led to a waiver of privilege. We have had the benefit of reading a note from counsel who represented him at the sentencing hearing, a letter from his then solicitors and a very full and complete set of documents provided to us by trial counsel, Mr Thom Dyke. We pay particular tribute to him for the cooperative way in which he has conveyed all relevant information to the court, but also for the manner in which he conducted the trial, acting, we are fully satisfied, with total propriety and in the very best traditions of the profession.
3. The applicant is a man who has to cope with many difficulties in life. It is clear that he has a number of medical and psychological problems which have unhappily been brought about by long term abuse of alcohol.
4. His grounds of appeal, which we have found in a number of handwritten documents, appear to amount to this:
 1. Evidence against him had been doctored, in particular four video recordings. If, as the jury plainly found, these video recordings were an honest and accurate representation of the applicant's conduct towards his neighbour, then at least one of the counts against him was clearly proved.
 2. Previous convictions which were given in evidence against him had never in reality been recorded against him.
 3. Witnesses lied in court, including the police, who had created a false case against him.
 4. The judge acted dishonestly and unfairly, as did the prosecution and his own lawyers.
5. All of these extravagant allegations are demonstrated to be wholly unfounded from the material provided by those who represented him at trial, and did so in circumstances of considerable difficulty, and from the transcript of the relevant parts of the hearing which are available to us.
6. It is abundantly clear that the judge tried the applicant with conspicuous fairness and

gave him considerable toleration at the sentencing hearing, permitting him through his new counsel to make complaints as to the trial process and listening to all of this with laudable patience and good humour.

7. In refusing leave the single judge said this:

"I have considered the papers in your case and your grounds of appeal.

I have read all the papers in your case very carefully and because you are representing yourself I have considered whether there are any other points that could be argued on your behalf.

There is no evidence of any of the accusations you make against the judge, barristers, solicitors or police officers involved in your case. You were properly represented and great care was taken in the presentation of your case. The judge did everything possible to ensure you had a fair trial. There is absolutely no merit in any of your complaints."

8. We have approached this application in the same way and have reached the same view as the single judge. The applications for extension of time and for leave to appeal are therefore refused.
9. The single judge left open the question as to whether this court should make a further loss of time order in the case of this applicant. This has produced from him a demand that he be brought to court to prove his allegations before, as he puts it, "a new and honest judge". He repeats his assertion that a fraud has been committed against him.
10. Whilst recognising the difficulties faced by this applicant, he and others must understand that the time of this court is valuable and is not to be wasted by frivolous renewals of application of this kind. It is in those circumstances and for those reasons that we make a further direction that a further 28 days of the time served pending the dismissal of this application should not count against his sentence.