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2018/04690/B1
IN THE COURT OF APPEAL
CRIMINAL DIVISION

Royal Courts of Justice
The Strand
London
WC2A 2LL

Wednesday 22nd May 2019

B e f o r e:

THE VICE PRESIDENT OF THE COURT OF APPEAL CRIMINAL DIVISION
(Lady Justice Hallett DBE)

MRS JUSTICE SIMLER DBE

and

SIR JOHN ROYCE

REGINA

- v -

CHRISTOPHER JAMES COOKSEY

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Mr H Baker appeared on behalf of the Applicant

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

LADY JUSTICE HALLETT: I shall ask Sir John Royce to give the judgment of the court.

SIR JOHN ROYCE:

1. The applicant Christopher Cooksey is now aged 33. On 17th October 2018, following a trial in the Crown Court at Cardiff before His Honour Judge Crowther QC and a jury, the applicant was convicted of four offences. On 31st October 2018, he was sentenced as follows: on count 5 (false imprisonment), an extended sentence of six years, comprising a custodial term of four years and an extended period of licence of two years; on count 4 (assault occasioning actual bodily harm), a concurrent sentence of 20 months' imprisonment; on count 6 (assault occasioning actual bodily harm), a concurrent sentence of eighteen months' imprisonment; and on count 7 (assault by beating), a concurrent sentence of three months' imprisonment. The total sentence was, therefore, an extended sentence of six years, comprising a custodial term of four years and an extended period of licence of two years.

2. The applicant renews his application for leave to appeal against sentence following refusal by the single judge.

3. The facts were these. The applicant and the complainant, Stephanie Watkis met in August 2017 and began to date. It was apparent that the applicant's subsequent behaviour was directly linked to his inability to recognise that she had had sexual relationships with other males prior to the beginning of her relationship with him. He became obsessed with the issue and repeatedly questioned her about it.

4. Count 4 concerned an occasion when the applicant had seen a message that she had sent in January 2016 – well before her relationship with the applicant had begun. In that message she had commented about the appearance of a young man. The applicant became furious and punched her repeatedly to the ribs and face, which left her with a black eye, bruising to the arm and pain in the ribs. The applicant called her a "whore". Thereafter, he forced her to drink a large amount of Malibu. The following day, he refused to let her go to work. She subsequently informed her work colleagues that she could not get to work because of snow that had fallen over the weekend. When she received a text message stating that she could be collected, she then changed her version of events and said that she had been involved in a car accident and had been to hospital. She noticed that the applicant had moved the key to their flat from its usual place, had locked the door, had unplugged her phone from the wall and had effectively left her trapped in the flat. That was the subject matter of count 5. That count also related to what happened during the week following because, although she did leave the flat, it was only in the company of the applicant and she was not allowed to leave his side.

5. She was further assaulted by the applicant on Boxing Day 2017. That was the subject matter of count 6. That, again, was the result of the applicant questioning her about her previous partners. On that occasion the applicant repeatedly punched her to the ribs. The following day he further assaulted her. This assault was captured on the CCTV at their home. It showed the applicant and Stephanie Watkis returning to their flat and the applicant slapping her in the face and then poking her in the face. That was the subject matter of count 7.

6. On 28th December 2017, she attempted to end her life by taking an overdose. She was hospitalised and released on 2nd January 2018. Following the overdose, she made a complaint to the police which led to the applicant's arrest.

7. In interview the applicant denied any violence. He maintained that he was a caring and compassionate boyfriend. He denied any controlling behaviour and did not accept that he had checked her messages and mobile phone.

8. The applicant was a man of previous good character, apart from an unrelated caution.

9. In sentencing, the judge pointed out the serious nature of the various offences of assault and the fact that Miss Watkis had been kept in her own home. He said that he took account of the applicant's age and lack of previous convictions and that there was no formal evidence that he had behaved previously in such a way. The judge pointed out that he had to follow the sentencing guidelines for assault, for domestic abuse and totality. Each of the assaults he put into category 1. They were sustained and repeated attacks upon a woman who was vulnerable both physically and by virtue of an emotional connection to the applicant. Further aggravation was present because the assaults took place in the home where she was entitled to feel safe. There was degradation, constant insults, the Malibu incident, and each offence had a significant ongoing effect. On the first occasion, the applicant had effectively held her prisoner for a week to prevent her reporting the matter.

10. The judge went on to deal with the question of totality and consecutive sentences. He then proceeded to his assessment in relation to dangerousness. He said:

"In making this assessment, I take into account the evidence I heard at trial, the contents of the pre-sentence report, the mitigation that I have heard and read. I ignore what I know about previous disputed allegations. Nevertheless, the evidence makes clear that within weeks of meeting Miss Watkis, you isolated her within your home, you made her subject to your dominance which you enforced by ruthless violence using your physical power to subjugate her and by demeaning behaviour. You have caused serious physical and enduring psychological harm and you drove her to the brink of tragedy."

The judge made reference to the contents of the pre-sentence report, which indicated that there was a high risk of re-offending if the applicant was in a relationship. He went on to point out that he proposed to make a restraining order in relation to Miss Watkis, but that he needed to consider the protection of the wider public too. He said:

"I am, therefore, driven to the view that an extended sentence is necessary in your case ..."

That is what he passed.

11. On behalf of the applicant, Mr Baker contends: first, that the overall sentence was excessive; and secondly, that the judge was wrong to reach the conclusion that the applicant was

dangerous. He points out that the pre-sentence report made references to complaints by previous partners and advances the contention that it would be wrong of the judge to have taken those into account.

12. It is apparent from his careful sentencing remarks that the judge put to one side any disputed allegation and that he dealt with the applicant on the basis of what he had seen and heard during the case.

13. This court treats more seriously incidents of domestic violence than used to be the case, particularly where it is coupled, as here, with coercive and controlling behaviour in a domestic setting.

14. In refusing leave, the single judge said this:

"I have read the learned judge's sentencing remarks and have reached the conclusion that you fully deserved the sentence passed upon you. It lay well within the broad parameters of the learned judge's sentencing discretion and was neither manifestly excessive nor wrong in principle."

With those words we agree. We conclude that the sentence was indeed neither wrong in principle nor manifestly excessive.

15. In spite of Mr Baker's strenuous efforts, we are unpersuaded that this renewed applicant should be allowed. It must be refused.

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