

2017/03328/B2
IN THE COURT OF APPEAL
CRIMINAL DIVISION

Royal Courts of Justice
The Strand
London
WC2A 2LL

Friday 17th July 2020

B e f o r e:

LADY JUSTICE CARR DBE

MR JUSTICE SWEENEY

and

THE COMMON SERJEANT OF LONDON

(His Honour Judge Marks QC)

(Sitting as a Judge of the Court of Appeal Criminal Division)

REGINA

- v -

STEPHEN TYNDALE

Computer Aided Transcript of Epiq Europe Ltd,
Lower Ground, 18-22 Furnival Street, London EC4A 1JS
Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court)

This transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

WARNING: Reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.

Non-Counsel Application

JUDGMENT

Friday 17th July 2020

LADY JUSTICE CARR:

1. On 20th December 2016, following a trial in the Crown Court at Leicester, the applicant (now 50 years old) was convicted of an offence of conspiracy to defraud (count 1) and conspiracy to conceal, disguise, convert or transfer criminal property (count 2). He also admitted an offence under the Bail Act 1976. He was sentenced to a total of ten years' imprisonment.
2. The applicant renews his application for leave to appeal against sentence. The application was lodged 683 days out of time. The only issue raised in the renewed application concerns a pronouncement under section 240A of the Criminal Justice Act 2003.
3. It is common ground that the number of days spent by the applicant on qualifying curfew under section 240A of the Criminal Justice Act 2003 was 185 days, which produces a credit period of 93 days. There should have been a pronouncement to that effect, as the Judge accepted during the course of submissions in mitigation. But in the event, none was in fact made.
4. We have considered the case of *R v Thorsby* [2015] EWCA Crim 1. It cannot be said that in this case the applicant, with knowledge of the error, has failed to act with due diligence to make the application for an extension of time. We are prepared to grant the necessary extension of time and we make the pronouncement that the number of days under section 240A of the Criminal Justice Act 2003 is 93 days.

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

Lower Ground, 18-22 Furnival Street, London EC4A 1JS
Tel No: 020 7404 1400
Email: rcj@epiqglobal.co.uk
