

ALEX WILLIAM SMITH
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19th August 2019.

REF: CAO – 2015/03661/B2

Dear Court of Appeal,

I am in receipt of the Revised Respondents Notice filed by the Crown Prosecution Service dated 15th August 2019.

Upon close examination of such, it has become clear that there are many Factual Errors and Inaccuracies in the document.

Whilst I accept that some of these may have been made due to previous errors made by other parties over the years and also when my appeal was first submitted (by my then Solicitors) back in 2015 that does not explain the errors being made again now.

I would of hoped that my document dated 24th May 2019 (along with the accompanying documents and evidence) would have been examined and considered more closely by the CPS as this document and the items which accompanied it fully correct any previous errors made, including errors which were made by my Previous Solicitors, Myself due to being unable to clearly remember things and also by other parties including the CPS & Courts themselves.

Therefore I feel compelled to have to send this letter and attached document (**3 copies enclosed**) to bring to the attention of The Court of Appeal, any Judges who may look at this matter and of course the CPS themselves the many errors and inaccuracies contained within their Revised Respondents Notice.

For the record many of these could likely have been avoided if the CPS were to have ignored the original documents prepared by my Solicitors in

2015, as sadly they also contained some errors which have since come to light thanks to me obtaining documents and evidence from numerous sources under GDPR requests as explained in the Renewed Grounds of Appeal that I submitted on 24th May 2019.

Therefore I would respectfully ask that a copy of this letter and the attached examples of errors, oversights and/or omissions made by the CPS in their Revised Respondents Notice is please sent to all relevant parties including the CPS and any Judges who may be asked to consider my appeal.

Sincere thanks in advance,

Yours Truly

Alex Smith

Enc: Ten Page Corrections Document Dated 19th August 2019.

IN THE COURT OF APPEAL (CRIMINAL DIVISION)

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Re: Errors in the Revised Respondents Notice Dated 15th August 2019.

In short there are factual inaccuracies and errors galore along with several complete omissions and oversights made by the Crown Prosecution Service in the Revised Respondents Notice that they have submitted, dated 15th August 2019 in relation to my appeal of the above reference number.

Many if not all of these could have easily been avoided by remembering the one key fact that, **I am now representing myself and submitted Renewed Grounds of Appeal and supporting evidence documents on 24th May 2019.**

Those documents correct any errors made by all parties involved in this matter which were made in the appeal process when first enacted in 2015 and also errors that were made many years before that date.

Therefore I would suggest that previous documents submitted by my Solicitor at the time and indeed documents from other sources are viewed with extreme caution as many of these errors only became clear to me (and thus corrected in my submissions of 24th May 2019) thanks to documents and evidence that I have since been able to obtain due to numerous GDPR requests.

OVERVIEW

In short, it would appear that the CPS have either not fully read the submissions and documents I submitted on 24th May 2019 as my Renewed Grounds of Appeal or have inadvertently overlooked many points made within them as they have incorrectly stated that disclosure and entrapment are two matters which they claim I have not relied on within my appeal.

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In truth I have referred to the disclosures made by the CPS in 2014 relating to Tulisa Contostavlos as I clearly point out that the Modus Operandi in her case is practically identical to that used to entrap me in my case.

Further on the matter of Tulisa I also point out that just like her and her friends, I truly believe that my drinks were tampered with by Mahmood and his associates.

The issue of Non Disclosure by the CPS is also something that I raise in my document of 24th May 2019, something that the CPS has completely ignored in its Respondents notice of 16th August.

The CPS refer to my website of www.circusofthemind.net and how it appeared in 2015, however they seem to have ignored the fact that evidence galore and additional information obtained since 2015 which strongly supports my appeal has been added since, including of course proof of Non Disclosure of relevant facts and evidence relating to Mahmoods previous character and activities by the CPS.

SOME EXAMPLE ERRORS MADE BY THE CPS

01) The CPS Document states that my date of conviction was 1/2/1999 and that I was then sentenced on 1/3/1999. In truth I did NOT plead Guilty (with mitigating circumstances) following what I now know to be bad advice as explained in my document of 24th May, until the first day of trial which is also when I was sentenced, both being on 1st March 1999 as confirmed and reported by the Manchester Evening News article I supplied and which can be seen on my site of www.circusofthemind.net

(From the Summary of Submissions Section of Respondents Notice)

02) In Point 02 they claim there is no evidence that the coins were real. However in absence of any proof that they were counterfeit and in light of the fact the CPS previously has always claimed they were checked by the Royal Mint which it has now become clear is most likely not the case due to emails obtained from the Royal Mint both by myself and most recently by the CPS, it is submitted that most likely the coins were not counterfeit

and that there is no real evidence to prove otherwise.

03) CPS Point 3 claims (**without any supporting evidence of such**) that I made unequivocal guilty pleas at trial, when in fact, as confirmed by the Manchester Evening News article of 2nd March 1999, I plead guilty (**with mitigating circumstances**) on the first day of trial after receiving what I now know to be bad advice. Further had the CPS disclosed to me all relevant information relating to Mazher Mahmood (of which I am now aware from other sources the CPS did know about) then I would most likely never have changed my plea to guilty with mitigating circumstances at the last minute.

04) CPS Point 4 claims that the fact I was entrapped by Mazher Mahmood does not play a part in my appeal which is easily proven inaccurate by looking at points 26 through to 52 inclusive of the document I submitted as my renewed grounds of appeal on 24th May 2019.

05) CPS Point 5 claims the convictions are safe. In that regards I would just respectfully request that points 1 through to 107 inclusive that I raise in the document submitted by myself on 24th May 2019 are fully considered along with the supporting documents and evidence supplied and it becomes clearly obvious that the convictions in question are not only unsafe, but arguably these matters should never have been sent to court and/or the convictions issued in the first place.

06) CPS Point 6 claims that I have no valid reasons for the delays in submitting my renewed grounds of appeal despite points 1 to 20 inclusive of my 24th May 2019 renewed grounds document fully explaining and strongly justifying (with evidence documents) the reasons for such delay.

07) CPS Point 7 claims that the disclosure made by the respondent in 2014 relating to Tulisa Contostavlos does not play a part in my grounds. Simply look at points 11a, 11b, 11c, 11d & 11e along with points 15,16 & 17, point 20, Points 72 to 97 and also points 101, 102 103 & 107 of my 24th May 2019 renewed grounds document and it becomes clear that the fact of the Modus Operandi in Tulisa's case being almost identical to that used by Mahmood in mine is relied upon, as is the very real fact that it seems that

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the CPS have heavily failed in their duty of disclosure of relevant Mahmood Related materials, information and facts to me.

Available Documents Heading of CPS Revised Respondents Notice

08) At point 9 it should be noted that the CPS claim that a Paul Dukw was my defence counsel at sentence and that he recalls nothing of the case. The reason he recalls nothing is because he has never acted for me. The sentence was given on 1st March 1999 for which my barrister was AJ Morris who mentions he on first day of trial advised me to plead guilty (which I now know to be bad advice) and that date as confirmed by Manchester Evening News article supplied was 1st March 1999. In short nobody called Paul Dukw has ever represented me in any manner.

09) In that same grid of available documents and searches made it is to be noted that back in 2015 when appeal was originally made, the CPS next to "Royal Mint" answered with "awaiting a reply" whereas now they mention an email which confirms my submitted evidence to be true, an email which illustrates that most likely the coins were never checked or validated as real or counterfeit by the Royal Mint despite the Crown proceeding against me on the basis that, so they claimed, I knew the coins to be fake and that they were they claimed counterfeit, something which now is in question.

Proceedings Section of CPS Respondents Notice

10) CPS Points 12, 13 & 14, there are errors in the numbers of coins & details as explained in my 24th May 2019 renewed grounds of appeal document at Point 46 Parts 1 to 6 inclusive.

11) CPS Point 15 claims I plead guilty on 1st February 1999 which as explained by me above at Point 8 in this corrections document is incorrect as I did not plead guilty until first day of trial on 1st March 1999.

12) CPS Point 16 states that a confiscation and destruction order was made against me in relation the alleged counterfeit coins. My question as illustrated in my 24th May Renewed grounds is how can anything be confiscated from me when they left my possession on 9th April 1998 and

became the property of Mazher Mahmood ?

13) CPS Point 17 quotes the MEN article to show it states that there were 3 coins on one occasion and 997 on another. However whilst this was accurate reporting of what was said in court, the facts were incorrect as illustrated by the evidence submitted and on www.circusofthemind.net as 3 coins on 1st Occasion and 1000 on second meeting is 1003 coins total which is also what the News of the World accurately reported in their article which is also linked to on my website above.

Applicants Case On the Facts Section of Respondents Notice

14) At point 27 the CPS reference the Grounds of Appeal document dated 19th January 2015 which is now Heavily and Massively out of date and inaccurate in many manners. Therefore attention should once again be made predominantly to the updated and corrected Renewed grounds of appeal that were submitted by me on 24th May 2019.

15) At point 28 some quotes are given by the CPS of my mitigating circumstances these seem to be from the 19th January 2015 document rather than from the updated and corrected (**see point 37 of the 24th May document**) 2019 Grounds. In any event the fact Mahmood was afforded the legal excuse, that he argued that his story was in the public interest and should therefore not get charged for buying the coins, in the same manner I have always argued and still do that I should have been afforded the same legal excuse for collecting and delivering the coins as my intended expose story would most certainly have been more in the public interest than the misleading fabricated nonsense that Mahmood ultimately published full of lies about me. It is therefore argued that **the applicant should never have been charged or brought to court in the first place.**

16) At points 29, 30 & 31 of Revised Respondents Notice mention is made of my website www.circusofthemind.net it is important to note that numerous new evidence, supporting documents and facts (**including evidence of my time working in the media**) have been added to that site since the version that the CPS originally referred to in 2015, a copy of such was supplied in PDF format on a DVD-ROM with my updated

grounds and can still be seen at the stated link.

Grounds of Appeal Prepared by Counsel Section - Respondents Notice

17) CPS Point 32 although largely correct is slightly out of date as it quotes documents prepared by my Previous Solicitors and not the renewed grounds that I submitted on 24th May 2019. These renewed grounds were prepared after GDPR request and other investigations returned documents and evidence to shed new light on the accuracy of previous things being recollected only from memory.

Grounds of Appeal Section of Respondents Notice

18) In CPS Point 37 they claim that entrapment does not appear to be a ground of my appeal, well the simple fact is, that if all points from 1 to 107 of my 24th May 2019 renewed grounds document are considered then not only is entrapment a strong ground of appeal but also so is **non disclosure by the CPS**, the fact I argue I had a lawful excuse of journalistic License, fact it seems coins were never forensically examined, along with the fact I was intimidated, threatened and likely drugged by Mahmood and his associates along with his Modus Operandi being almost identical to that used in the now collapsed Tulisa Case.

Relevant Law Section of Respondents Notice

19) CPS Point 40 claims that it is not suggested in my grounds that seeking to expose the methods of a tabloid journalist could amount to lawful authority or excuse, when in fact it is in fact strongly argued that, had I been afforded the same journalistic “Pubic Interest” license that Mahmood relied on to buy alleged Counterfeit coins without charges being brought against him, that then this case would never have come to court in the first place as no charges should ever have been brought against me.

Case Law Section of Respondents Notice

20) CPS Point 41 regards Asiedu [2015] although what they quote is likely an accurate quote I would again refer to the advice I was given by Solicitor

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Mark Lake within which it was stated:

*The Applicants Conviction is Unsafe and he should be allowed to withdraw his (albeit tendered at the very last moment) guilty plea on the bases as laid out by R v Asidu [2015] EWCA Crim 714:

**The defendant tried and failed to get evidence excluded. Faced with the evidence, the defendant was forced to plead guilty despite truly believing himself to be (and being) innocent.

**The trial was an abuse of process, and never should of taken place. Per Lord Hughes “[i]f the trial process should never have taken place because it is an offense to justice, a conviction upon a plea of guilty is as unsafe as one following trial” - and as is now clear, important evidence regarding Mahmood's Lack of credibility as a “witness of truth” was not disclosed to the defendant by the Police or CPS, at either at time of trial or later at anytime up to this application being placed in June 2019.

Scope of Appeal Section of Respondents Notice

21) In CPS Point 43 they incorrectly claim that my application for permission to appeal has nothing to do with Mazher Mahmood or him entrapping me, whereas it becomes clear, when all points from 1 through to 107 of my Renewed Grounds of Appeal dated 24th May 2019 are fully considered that this could not be further from the true reality of matters.

Extension of Time Section of Respondents Notice

22) In CPS Point 47 they claim that there is no good reason why the application could not have been made a very long time ago. Once again were all points from 1 through to 107 of my Renewed Grounds of Appeal (**especially points 3 through to 13**) dated 24th May 2019 fully considered then it would become clear that I had and have very good reasons indeed for such delays and have included documentary evidence of such. Amongst this being copies of emails from my previous Solicitor proving that my case was sent to the CCRC before I was even advised that the single judge had rejected it and also emails indicating that my previous

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Solicitor appears to have misinformed me about being able to reapply to the COA.

The Merits Section of Respondents Notice

23) CPS Point 49 claims again that there is no evidence that this was anything other than an unambiguous and unequivocal plea of guilty, however I would argue that there is also zero evidence to prove that it was not such a plea. In any event as explained in my renewed grounds my last minute guilty plea entered after bad advice, I was advised with mitigating circumstances where it was argued/stated that I did not feel I had acted in any manner that would be deemed illegal given that I should have been afforded the same journalistic license as Mahmood was by way of Legal & Lawful Excuse.

24) CPS Points 51 to 54 inclusive are inaccurate in number of coins and also in what they claim, namely that stating I bought 1,000 (they say 997 which is wrong) coins for £400 from Mahmoods Associates Contact means I accept that they were counterfeit which never was and most certainly is not the case as explained elsewhere.

25) CPS Point 56 part one and part 2, I did not submit documents from the Royal Mint earlier because I did not have them and was badly advised back in 1998/1999 and beyond. However The CPS should not be able to hold this against me given that in their 2015/2016 Respondents notice they had not at that time even got a reply themselves from the Royal Mint. Also if as the CPS claim the coins may have been examined elsewhere, why does the CPS only state that now when previously any and all mentions have been by the CPS of the Royal Mint ??

Renewed Application Section of Respondents Notice

26) CPS Points 58 to 61 all seem to imply that not submitting renewed grounds of appeal sooner was or is some kind of tactical ploy on my part when the truth is as illustrated in Point 4 of my Renewed Grounds Document dated 24th May 2019 from which I quote

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“The applicant was informed of the Single Judges decision by his then Lawyer Siobhain Egan of Lewis Nedas Law by email on 17th May 2016. Within this same email he was informed that his case had that same day
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(before he had been contacted and told the single judges decision) been submitted on his behalf to the Criminal Cases Review Commission”

I further quote from Point 9 of my Renewed Grounds where it states “The applicant informed his previous Lawyer that this should be possible and was told that as she had been working pro-bono for several years she could no longer afford to spend any further time on the matter. Indeed in some emails she seems to give the impression that it is not possible to reapply to the full court despite other professionals advising otherwise.”

In short there has never been any tactical or manipulative actions on my part, it does however now seem that I have been badly advised on many occasions from many sources.

Indeed within CPS Point 58, the email referred to from me to my at the time legal team dated 23rd June 2018 is almost 2 years **AFTER** my case was sent to the CCRC by that team **BEFORE** they had notified me of the single judges decision.

All this proves is that it had taken me almost 2 years to discover through other sources that perhaps I had been badly advised at the time and that I was then raising such in the hope that something would be done about it.

Instead I was told that I was incorrect in my conclusions by my then Solicitor, something which I now also know to be incorrect and thus arguably further proves my assertions that any delays have been caused by me being badly advised over the years from many sources.

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By signing below I confirm this document to be a true and accurate record of facts and matters relating to my appeal.

Alex William Smith - 16th August 2019.

Enc: Attached is a 2 Page Cover Letter to Court of Appeal dated 19th August 2019.