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RE-APPLICATION TO THE CCRC

CAO REF = 201503661/B2

PREVIOUS CCRC REF = 01192/2016

20/05/2022

Dear CCRC,

I am submitting this re-application to the CCRC following the rejection of the 3 Judges at the Court of Appeal on 21st January 2022 to allow me an Extension of time to appeal my two News of the World “Fake Sheikh” Mazher Mahmood related Convictions out of time and also their rejection to allow me to vary my grounds of appeal.

I have enclosed the rejection Judgement and letter dated 21/01/22 and 24/01/22 respectively along with the notes made by my Pro-Bono Barristers (arranged via the Advocate charity) Mr James Manning and his assistant Mr Hamish McCallum of Nexus Chambers of what occurred and was said in court at the COA that day.

This all relates to my 2 Convictions received on 1st March 1999 at Manchester Crown Court following a last minute (on the first day of trial) change of my plea from Not Guilty to Guilty following bad advice as is explained more fully in the other enclosed documents.

Following the collapse of the Tulisa Contostavlos trial in 2014 and following the CPS issuing me with one of their Mazher Mahmood “Fake Sheikh” Tulisa Trial related Disclosure packs in January 2015 an application to the Court of Appeal was made and this was rejected by the Single Judge in May 2016.

Before even informing me of this rejection, my at the time Pro-Bono Solicitor Siobhain Egan of Lewis Nedas Law submitted to the CCRC on my Behalf an application on around 17th May 2016 of which the Ref was 01192/2016.

This was provisionally rejected by the CCRC on 25th May 2018 and then following a final letter clarifying some points submitted by my Solicitor to the CCRC on 4th June 2018, finally on 11th June 2018 the final rejection letter was issued by the CCRC.

As fully explained (**with a detailed Chronology**) in the attached Self prepared Grounds of Appeal (dated May 2019) and also the Perfected Grounds of Appeal prepared for me by Mr James Manning of Nexus Chambers which are dated 9th August 2021, following the CCRC rejection in June 2018 I was again given misleading advice and incorrectly advised I could do nothing else.

However during late 2018 I received Pro-Bono advice as explained in the aforementioned attached documents which made it clear to me that I had been wrongly advised and that I could indeed re-apply to the Court of Appeal despite the Single Judges rejection and indeed this is what I did in May 2019.

Starting in April 2021 and continuing until towards the end of that year, I was fortunate enough to become aware of and be presented with numerous witness statements and entirely new supporting evidence galore to strengthen my appeal.

This included that which illustrates serious issues of Non Disclosure in the CPS case against me (both at the time & consistently since) and also that which proves beyond any reasonable doubt that unlawful information gathering was used against me by News Group Newspaper (Publishers of

the News of the World) which had it been known at the time would likely have led to my counsel being able to get a stay in the proceedings.

Further these witness statements and the supporting evidence illustrate clearly how I was entrapped & manipulated in a manner that is consistent with what is now known to have been Mazher Mahmood's usual Modus Operandi and has many comparisons to what occurred to Tulisa Contostavlos in her case which collapsed in 2014 which ultimately led to Mahmood being jailed for Conspiracy to Pervert the Course of Justice on 21st October 2016.

I have also now obtained additional evidence (from the Royal Mint) casting doubt on whether the alleged Counterfeit Coins in my case were indeed ever proven to be fake.

Please also be aware that I am currently in the process of taking legal action against Rupert Murdoch's News Group Newspapers for Unlawful Information Gathering (Phone Hacking etc) carried out upon me in the course of engineering their story about me which appeared on 12th April 1998 in the News of the World and which ultimately led to my 2 Convictions received on 1st March 1999.

Had this Illegal Activity by them been known about by me and my counsel at the time it would likely have been sufficient to get a stay in proceedings.

As you will discover in the enclosed witness statements and accompanying evidence (**a bundle of 2094 Pages**) this is just one of many things that if it had been known about by me and my counsel at the time could have been used to get a stay in proceedings or they may possibly have stopped the matter ever going to court in the first place.

Enclosed are the bundle of Witness Statements with all supporting evidence, the vast majority of which has never been considered by the Full Court of Appeal or indeed the CCRC and which I now submit and ask you to consider fully with a view to referring my case back to the Court of Appeal.

From the Perfected Grounds of Appeal dated 6th August 2021 I quote:

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.

Finally I would just like to address & clarify many of the points made by the 3 Judges (Lord Justice Carr, Mr Justice Picken and Mr Justice Wall) at my renewal hearing at the Court of Appeal on 21st January 2022 where they rejected my applications to appeal out of time and to vary my grounds of appeal to include all of the new evidence and statements that I obtained during 2021.

THOUGHTS ON JUDGES COMMENTS OF 21/01/22

The judges said "There have been no adequate details as to what happened procedurally between 1999 and 2014."

Mr Smith was advised against appealing at the time of his sentencing as he was told that it could lead to an increase in his jail sentence. Due to this Mr Smith did not think there was anything he could do about his case but continued to tell his story (for example in his Autobiography published 2006), in a seminar about his life in 2007 and on his social media pages

throughout the years.

The judges said “There are significant gaps of apparent total inactivity after that as well, including for example between August 2018 and April 2019.”

Mr Smith was told by his representation (inaccurately) that all avenues had been exhausted and he was not in a position to pay for alternative legal advice. he did continue to try to get help in his case and do what he could himself (for example researching on the internet and asking free advice forums). This is how he came to discover the fact he could appeal to the three judges.

It has only been due to other recent legal cases that Mr Smith has been made aware of and had access to new evidence and could not have got hold of this at the time of his trial or in the years following.

The judges said “The thrust of the proposed first, second and fourth grounds is that the applicant was deprived of the opportunity to make a meaningful application for stay based on abuse of process arising out of alleged entrapment on the part of Mr Mahmood.

However, it was always the applicant's case, below and at least at an earlier stage on appeal, that it was he who had set out to entrap Mr Mahmood. He knew that Mr Mahmood was an undercover journalist and it was he who engineered the situation, it was said, to expose Mr Mahmood. It was the applicant who intended to expose Mr Mahmood.

The suggestion now on his part that it was he who was the victim of an entrapment and in some way pressured, induced and threatened to procure the counterfeit currency is at total odds with this case”

Mr Smith does still maintain he set out to expose Mr Mahmood and knew who he was but Mr Smith’s plan only was to send Mr Mahmood legal escort girls (ordered from the Yellow Pages) and then write his own story when Mr Mahmood wrote one about him.

Mr Mahmood however was not satisfied with the escort girls and did not write a story about Mr Smith at this point (surely if Mr Mahmood was

after telling the truth he would at this point).

In fact, Mr Mahmood (and associates) contacted Mr Smith repeatedly asking for Mr Smith to provide him with illegal goods such as drugs and fake coins.

Mr Smith kept making excuses on why he didn't provide any (truth was he had no intention to or idea of how to get hold of any) but Mr Mahmood was persistent.

Mr Smith was pressured to attend another meeting where he was given drink (most likely laced with drugs) and threatened by Mr Mahmood's staff.

When it became clear that Mr Smith did not know where to get counterfeit coins, Mr Mahmood's staff supplied the location of where to procure them and Mr Mahmood provided the money in advance to make the purchase possible.

It seems that this was all part of the plan to entrap Mr Smith to commit a crime or why did Mr Mahmood not write a story about the escorts (he had done similar stories in the past).

Though Mr Smith knew who Mr Mahmood was he was still a victim of entrapment using exactly the same techniques as Mr Mahmood had on others.

The judges said “.....whether or not Mr Mahmood was dishonest was nothing to the issue. The issues in the case were whether or not the applicant knew that he was handing over counterfeit coins. That was something which he was pre-eminently in a position to know himself and unaffected by any dishonesty on the part of Mr Mahmood.”

Mr Smith did not know if the coins were counterfeit (he did not test them) and had never met the man who gave them to him before or since.

He was given this information by Mr Mahmood's Staff on the day and after being plied with alcohol (and he believes drugs).

He only had the coins briefly (a matter of a few hours) and Mr Mahmood

had them in his possession for over a week. In fact, (due to Mr Mahmood's track record) there is no way of knowing if the coins that were given to the police were the same ones Mr Smith gave to Mr Mahmood.

If Mr Mahmood's history of dishonesty had been disclosed to Mr Smith at the time of his trial, the reliability of the chain of evidence as well as Mr Mahmood's testimony would have been questioned.

The judges said "The applicant's own case was that he purchased the coins for £400. If true, that indicates that the coins must have been counterfeit. It is entirely consistent with his guilty pleas, accepting knowledge of the fact that the coins were counterfeit."

If Mr Mahmood had set up Mr Smith and had arranged for a man to give Mr Smith the coins (as it now appears), then the cost of the coins is irrelevant and proves nothing.

In fact, as Mr Smith went to the place instructed by Mr Mahmood's staff and used the money Mr Mahmood gave him, he was actually just collecting the coins ordered by Mr Mahmood rather than purchasing/supplying them.

Mr Smith plead not guilty up until the first day of the trial when his barrister at the time advised him to change his plea to guilty.

This was not because Mr Smith accepted of the coins as being counterfeit but because he was told his planned defence was not going to work.

The judges said "The newspaper report of the mitigation put forward on behalf of the applicant confirms that he accepted that the coins were counterfeit and that he knew this. His position was that he simply did not expect the coins to enter circulation. This position was one maintained by him for the purpose of this appeal, at least originally."

Mr Smith did not know if the coins were counterfeit or not as stated before, by the time of his guilty plea Mr Smith assumed that the police had tested them in order to prove this.

On the day of collection he thought that the fact he knew that they would

never make it into circulation and would be handed to the police would mean he was not committing a crime.

This was not a pre thought out plan, he was thinking on his feet on the day and under huge pressure from Mr Mahmood and his staff and also under the influence of alcohol (and drugs) supplied by Mr Mahmood.

However, it would make sense to most people that if it was legal for Mr Mahmood to buy the coins (as he was writing a story) then it would be legal for Mr Smith to collect them for him (as Mr Smith was also writing a story) and so Mr Smith did not confirm the authenticity of the coins.

FINAL THOUGHTS

Many of the observations about the COA Judgement of 21/01/22 as above are also extremely pertinent to the COA Single Judges Refusal of 2016 & also the CCRC rejection of 2018.

It should also be noted that during 2021 evidence came to light that Unlawful Information Gathering techniques were used by Mr Mahmood & his team against Mr Smith.

Consequently it has now become clear in conjunction with the fact that Mr Mahmood was working with assistance from Mr Smiths former publicist that despite Mr Smith believing that he had originally engineered the first meeting, in truth the evidence now illustrates that Mr Mahmood and his team were always one step ahead of Mr Smith.

This New evidence strongly illustrates that Mr Smith was indeed the victim of entrapment from the very first moment.

The enclosed documents, Grounds of Appeal and supporting witness statements and evidence speak for themselves, although should you require any further information and/or clarification on anything please do not hesitate to contact me.

However I would especially like to draw your attention in the first instance to Pages 132-142, Pages 463-489 and also Pages 1355-1363 of the statements & evidence bundle which give my 3 detailed and up to date

statements in relation to this matter.

Also Pages 936-943 the witness statement of Stephen Grayson which gives evidence that strengthens the assertion that I was drugged by Mahmood and his team.

Pages 973-976 (Glenn Mulcaire) & Pages 1027-1032 (Greg Miskiw) which illustrate how unlawful information gathering techniques were used upon me.

Perhaps most useful of all for you will be Pages 1881-1893 the witness statement of Dr. Evan Harris which kind of acts almost as an overview and guide to what the other witness statements included in the bundle cover and prove in relation to my case.

Sincere thanks for your time and attention in this matter.

Yours truly

Alex Smith