

IN THE DERBY CROWN COURT

BETWEEN

REGINA

-v-

MARTIN GLASGOW

ADVICE ON APPEAL

KEVIN JONES

BANK HOUSE CHAMBERS

SHEFFIELD

HELEN WRAGG

HOWELLS

SHEFFIELD

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MARTIN GLASGOW

ADVICE ON APPEAL

1. Martin Glasgow was convicted after trial on 18.03.07 and sentenced on 03.08.07 to an immediate term of custody for 12 months for the offence of affray. I am asked to advise on the merits of an appeal against conviction and sentence.
2. Mr Glasgow sacked his instructing solicitors and trial counsel after his conviction in the belief that they had not properly represented him and had in fact conspired to secure his conviction. I understand that he is currently pursuing complaint procedures against both.
3. In so far as appealing against conviction I could not advise such a course on the information available. The trial Judge would have ensured all parties conducted themselves appropriately. Trial counsel Mr Munt is a very experienced barrister and indeed the Judge at sentencing commented on the fact that Mr Munt conducted the defence in an entirely proper and competent manner and no criticism could be made of him. In the absence of anything that could be said to make the conviction "unsafe" I cannot see how an appeal against conviction could be entertained.

4. I am not aware of any material discrepancy in any court decision or judgement or in any summing up albeit I have not seen any transcripts. I have read the crown papers and all the statements prepared by the defence and Mr Glasgows' own lever arch file however I cannot on the face of it find anything that could be said to be an appeal point.
5. In so far as sentence is concerned the Judge heard the case and is entitled to come to his own conclusions about the case once a conviction is recorded. The Judge in this case was satisfied that Mr Glasgow was the aggressor and that the attack was racially motivated. In light of those findings it was almost inevitable that a custodial sentence would follow.
6. To successfully appeal sentence we must argue that the sentence was "manifestly excessive" not simply that it was a little harsh. Bearing in mind this was an affray in a hospital, spilling into a high dependency unit, with a racial motivation, 12 months is not in my opinion "manifestly excessive" even for a man without previous convictions.
7. In my opinion the Judge took into consideration the psychiatric reports, the pre-sentence reports and the references but concluded that only a custodial sentence could be imposed. In view of the racial aggravation he would appear to have rejected the argument for a suspended sentence. In my opinion the sentence could have been considerably longer, I would therefore advise against appealing the sentence.
8. Mr Glasgow will have to serve half the term before release, he should be aware that if he pursues an appeal against the advice and the single Judge takes the view that the appeal is frivolous he can order that some or all the time served between sentence and appeal will not count towards the sentence. Recent guidance handed down by the appeal court suggests that the court will more often than not penalise unworthy applications. On the facts of this case I advise that the sentence should not be appealed.
9. I advise accordingly.



KEVIN JONES

BANK HOUSE CHAMBERS

2-09-07