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IN THE COURT OF APPEAL
CRIMINAL DIVISION



Case No: 2023/02207/B2, 2023/02208/B2
[2024] EWCA Crim 309

Royal Courts of Justice
The Strand
London
WC2A 2LL

Thursday 18th January 2024

B e f o r e:

VICE-PRESIDENT OF THE COURT OF APPEAL, CRIMINAL DIVISION
(Lord Justice Holroyde)

MR JUSTICE GARNHAM

MR JUSTICE ANDREW BAKER

R E X

- v -

BASIL PETERKIN
SALIAH MEHMET

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Mr H Blaxland KC appeared on behalf of both Appellants

Miss M Miller appeared on behalf of the Crown

J U D G M E N T
(Approved)

Thursday 18th January 2024

LORD JUSTICE HOLROYDE:

1. In 1977 Basil Peterkin and Saliah Mehmet were convicted of conspiracy to steal. Mr Mehmet was also convicted of offences of theft and handling stolen goods. They were sentenced to and served terms of imprisonment.

2. In the many years which have passed since then, both of the appellants have died. Their cases have, however, now been referred to this court by the Criminal Cases Review Commission ("CCRC") whose references take effect as appeals against conviction. With the approval of the court under section 44A of the Criminal Appeal Act 1968, the appellants' sons, Mr Basil Peterkin Junior and Mr Arda Saliah, pursue the appeals on behalf of the appellants.

3. The appellants were employed by British Rail at the Bricklayers' Arms Parcel Depot in South London. They stood trial with a number of co-accused who were similarly employed. All of the charges related to the alleged theft and handling of goods in transit through the depot.

4. In a nutshell, the prosecution alleged a widespread conspiracy between January and November 1975 to divert parcels sent by mail order catalogue companies and to steal the contents. The total value of the stolen goods was said to be around £30,000.

5. The alleged crimes were investigated by the British Transport Police, and in particular by a small team comprising Detective Sergeant Derek Ridgewell, Detective Constable Douglas Ellis and Detective Constable Alan Keeling.

6. Ridgewell had previously led a different police team, which had been disbanded in 1973 after concerns about their methods and evidence had arisen, and in particular following criticism by a judge of their conduct and of the evidence which they gave of supposed confessions by suspects during a trial at the Central Criminal Court.

7. Unsurprisingly, at this remove of time, some of the evidence and material available at trial has been lost or destroyed. The CCRC have nonetheless carried out a most thorough investigation, for which we are grateful.

8. It is clear that Mr Peterkin, when searched on his arrest, was alleged to be in possession of certain labels which could be used to re-label and divert parcels. It is also clear that his defence involved a direct challenge to the evidence given against him by the police officers we have mentioned, because he denied possession of those labels and said that they must have been put into his pocket either by the police or by a fellow employee.

9. The nature of Mr Mehmet's defence at trial is less clear, but we are satisfied by the CCRC's investigation that he, too, challenged the integrity of the evidence given against him by those officers of the British Transport Police.

10. Following the trial, Mr Peterkin made an application for leave to appeal against conviction. It was refused by this court in 1978. Mr Mehmet did not appeal.

11. In 1980, Ridgewell, Ellis and Keeling all pleaded guilty to conspiracy to steal from the Bricklayers' Arms Depot. Keeling also pleaded guilty to theft. They were sentenced to terms of imprisonment. Ridgewell died in prison before he had completed his sentence. Their criminal activities between January 1977 and April 1978 had resulted in the loss from the depot of goods to the value of about £364,000 – an enormous sum of money at that time.

During that same period they were giving evidence against these appellants.

12. Fresh evidence as to the dishonesty of those three British Transport Police officers has underpinned a series of CCRC references to this court: *R v Simmons* [2018] EWCA Crim 114; *R v Trew, Christie and Griffiths* [2019] EWCA Crim 2474; *R v Boucher* [2020] EWCA Crim 629; *R v Geen, Harriott and Davidson* [2021] EWCA Crim 1026; and *R v Johnson* [2021] EWCA Crim 1837. Those appeals were not opposed by the Crown, and the convictions of the appellants were quashed, as a result of what has been referred to as "the accumulating body of evidence" concerning the integrity of Ridgewell and of the teams which he had led.

13. In the first of the series of appeals, *R v Simmons*, Lord Burnett CJ, at [11] of the judgment of the court, summarised the various aspects of Detective Sergeant Ridgewell's conduct which had given rise to criticism during his role when heading the earlier different team. They included concerns as to the fabrication of evidence. At [14] of the judgment, Lord Burnett CJ went on to say this:

"Leaving aside the wider concerns identified in connection with the officer concerned, his convictions for conspiracy to steal goods in transit in connection with events so close in time to the alleged offending, and in circumstances where that alleged offending was itself stealing goods in transit, would in our judgement have been very telling."

14. Against that background, the CCRC has referred both the appellants' cases to this court because it considered that there was a real possibility that this court would receive fresh evidence relating to the convictions in 1980 of Ridgewell, Ellis and Keeling; and a real possibility this court would find the convictions of these appellants to be unsafe because the fresh evidence undermined the credibility of those officers, which was a central feature of the

case against the appellants, and undermined the integrity of the British Transport Police investigation and prosecution. In Mr Mehmet's case, the CCRC further concluded that there were exceptional circumstances which justified making a reference, even though Mr Mehmet had not previously brought an appeal.

15. In his written and oral submissions on behalf of the appellants, Mr Blaxland KC adopts the CCRC's reasons, which he encapsulates as a single ground of appeal: that the convictions are unsafe because fresh evidence is available which undermines the reliability of the officers who were the principal prosecution witnesses at trial. He points out that one of the concerns expressed about the police officers in the previous cases which we have mentioned was that they had specifically targeted black persons. He submits that these appeals should be considered on the basis that Ridgewell was both dishonest and prejudiced. He emphasises that the British Transport Police officers were convicted of offences involving the same conduct at the same depot as that which they alleged against these appellants.

16. On behalf of the respondent, Miss Miller has indicated that the appeals are not opposed. It remains, of course, for this court to determine whether the convictions are unsafe.

17. We are grateful to both counsel for their assistance. The stance taken by the respondent is realistic and proper. The fresh evidence showing the dishonesty of the police officers concerned, and the consequent undermining of the integrity of the prosecution of these appellants and their co-accused, meets the criteria set out in section 23 of the Criminal Appeal Act 1968. We formally receive it as fresh evidence. In the light of it, and of the evident lack of integrity of Ridgewell and other officers, these convictions are plainly unsafe and must be quashed.

18. We mention one short passage from the judgment of this court in January 1978 refusing

Mr Peterkin's application for leave to appeal against conviction. Having summarised the nature of Mr Peterkin's defence and the matters raised in his grounds of appeal, the court observed that all those were matters which were fully put before the jury in an extremely careful summing up.

19. Now that the fresh evidence is available, it can be seen that a most important matter which was not put before the jury, because it was not then known, was that the principal prosecution witnesses were themselves engaged in the very same criminal activity as that which they alleged against Mr Peterkin and his co-accused. As was said in *R v Simmons*, if the jury had been aware of that fact, it would have been very telling.

20. We have read statements from members of the appellants' families, in which they make clear the hardship which they have all suffered as a result of these convictions. It is very unfortunate that so many years have passed before the injustice which the appellants and their families have suffered can be rectified, and that the appellants have not lived to learn of their vindication.

21. In his measured submissions, Mr Blaxland made two particular points: first, that Ridgewell should have been investigated, and in all probability dismissed, after the earlier concerns and criticisms had led to the disbanding of the previous team which he led. Instead, he was simply moved by the British Transport Police to head a different team – a position which he and others grossly abused by themselves stealing goods in the very manner of which they accused others.

22. Secondly, Mr Blaxland suggests that after the 1980 convictions of the three officers, the British Transport Police should have reviewed the safety of convictions which had been based upon the evidence of those officers.

23. We see considerable force in those submissions. Like the constitutions of this court which have heard the earlier appeals, we express our regret that so many years have passed before action was taken following the efforts initially made by the appellant Mr Simmons in the first case in the series.

24. We cannot turn back the clock, but we can and do quash these convictions.

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