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Neutral Citation No. [2024] EWCA Crim 775

IN THE COURT OF APPEAL CRIMINAL DIVISION



CASE NO: 2024 00852 A5

Royal Courts of Justice
Strand
London
WC2A 2LL

Thursday 20 June 2024

Before:

LORD JUSTICE DINGEMANS

- and -

HIS HONOUR JUDGE LICKLEY KC

REX v TREVOR CATOR

Computer Aided Transcript of Epiq Europe Ltd, Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court)

Non-counsel application

JUDGMENT

Approved

LORD JUSTICE DINGEMANS:

Introduction

- 1. This is the hearing of a renewed application for leave to appeal against sentence. The applicant is a 68-year-old man. He had before these relevant convictions eight previous convictions for eighteen offences which span from 1986 to 2023. His relevant convictions included offences of voyeurism in 2013, exposure in 2013, and breach of a sexual harm prevention order in 2019. On 7 December 2023, having entered a late plea of guilty before his summary trial listed at Norwich Magistrates' Court, the applicant (who was then aged 67) was committed for sentence pursuant to s.14 Sentencing Act 2020. On 26 February 2024, in the Crown Court at Norwich, the applicant was sentenced to 18 months' imprisonment for the offence of attempting to observe someone doing a private act, contrary to s.67 Sexual Offences Act 2003 and s.1(1) Criminal Attempts Act 1981. Ancillary orders were made. The victims of the offending have the benefit of life-long anonymity pursuant to the provisions of the Sexual Offences (Amendment) Act 1992.
- 2. On 6 August 2023 the applicant went to a campsite shower block and attempted to spy on two sisters (aged 9 and 11) while they were having a shower. He used a mirror which he positioned underneath the door. The distressed 11-year-old saw that and ran back to her father and told him that a man had been looking at them. The father went to the shower block and confronted the applicant. There was an altercation and the applicant punched the girl's father. The applicant made then several attempts to escape but was eventually locked inside a cubicle. Police were called and attended. The applicant was found in possession of a mirror, a pair of white gloves, and a bag of used tissues. In his police interview the applicant denied the offence and claimed it had been an unfortunate accident. The victim personal statements showed that the victims of the offending had lost their trust and innocence.
- 3. The grounds of appeal, which are renewed, are that insufficient credit was given for the applicant's plea; the learned judge misapplied the sentencing guidelines by increasing the

sentencing starting point excessively given the limited aggravating features.

4. In our judgment the grounds of appeal are not arguable. The credit that the applicant was

given was the 10 per cent that he was entitled to, given the late plea of guilty. As far as

alleged deficiencies in the prosecution case were concerned, that did not justify not making

a prompt plea of guilty to the offence which the applicant must have known he had

committed.

5. So far as the increase from the starting point was concerned, there were serious aggravating

features in this case. These were young girls, the effect on them has been serious, and the

applicant had relevant previous convictions for voyeurism, which was exactly what he was

doing at the time.

6. So far as the overall sentence was concerned, it is right to say that this was at the top of the

range; but given the circumstances already set out, there is no arguable basis for contending

that it is manifestly excessive.

7. For all those reasons, the renewed application is refused.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the

proceedings or part thereof.

Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE

Tel No: 020 7404 1400 Email: Rcj@epigglobal.co.uk