

ENGLAND AND WALES / JUDGMENT

R v Anthony Jesus Sousa

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IN THE COURT OF APPEAL CRIMINAL DIVISION ON APPEAL FROM THE CROWN COURT AT
SNARESBROOK (HHJ COHEN) [01HT1542623] CASE NO 202502551/B4

[2026] EWCA Crim 585 Royal Courts of Justice Strand London WC2A 2LL Tuesday 21 April 2026
Before: LORD JUSTICE HOLGATE MR JUSTICE WALL RECORDER OF LEICESTER (HIS
HONOUR JUDGE TIMOTHY SPENCER KC) (Sitting as a Judge of the CACD) REX V
ANTHONY JESUS SOUSA

Computer Aided Transcript of Epiq Europe Ltd, Lower Ground, 46 Chancery Lane, London WC2A
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MR J AHMED appeared on behalf of the Appellant. MR J WRIGHT appeared on behalf of the
Crown.

J U D G M E N T LORD JUSTICE HOLGATE:

1. On 23 June 2025 in the Crown Court at Snaresbrook before His Honour Judge Cohen, the appellant was convicted unanimously of one count of perverting the course of public justice. On 8 August 2025 he was sentenced to a suspended sentence order of 20 months' imprisonment suspended for 2 years, with an unpaid work requirement of 80 hours, a rehabilitation activity requirement of up to 20 days and supervision for 20 months. His co-accused and brother, Jorge Sandoval, was also convicted of the same offence and received the same sentence.
2. The appellant appeals against conviction with leave of the single judge limited to one ground, namely that the judge intervened improperly during the cross-examination of the prosecution's sole witness, although, as we set out below, that ground has been expanded slightly. There was also an application by the appellant to renew his application for leave in respect of two other grounds of appeal refused by the single judge, namely the trial judge failed to give an adequate legal direction on the meaning of "tendency" as an ingredient of the offence and he erred in giving a Lucas direction.

3. This morning during his oral submissions, Mr Ahmed told the Court for the first time that he was not pursuing the application to renew the application for leave in respect of those two grounds. Plainly it would have been of assistance to the Court for that decision, which appears to have been reached before this morning, to have been communicated to the Court sooner, so that judicial sources were not wasted unnecessarily on those matters.
4. It was the prosecution case that the appellant and Sandoval jointly helped their father to travel to France during the night of 30 October 2023, after the end of the first day of the father's trial in the Crown Court. They did so by accompanying him to Victoria Coach Station, assisting him in purchasing a ticket to Paris and waiting with him until shortly before the bus departed.
5. At trial a number of facts were agreed. On 30 October 2023 at Snaresbrook Crown Court, Gualberto Santos (the appellant's father) stood trial for sexual offences in respect of a child. We note that the gist of the offences were attempting to incite a female child under 13 to engage in sexual activity, attempting to engage in sexual communications with a child and attempting to meet a girl under 16 following grooming. It was clarified during the trial that these allegations related to attempts because the child was a "virtual victim". On 30 October Jorge Sandoval was present in the courtroom when the case was adjourned and when the judge warned his father that he would need to return the following day or he would be arrested.
6. On the second day of the trial (31 October), the father failed to appear in court. The judge issued a warrant for his arrest but police checks at his home address showed that he was no longer there. The trial continued, in the father's absence, as he had been warned it would be, and he was convicted and sentenced to 4 years' imprisonment.
7. Police inquiries to find Mr Santos revealed a number of facts which were agreed. At 21.01.36 (in fact the time was corrected to 20.01.36, see the transcript at page 27E) on 30 October 2023, a booking was made in cash for a coach trip from Victoria Coach Station to Paris in the name of Gualberto Claudio Souza Santos (the father), with his phone number and email address. CCTV showed the purchase of the ticket by Mr Santos with the appellant accompanying his father and talking to the sales representative in the kiosk. Mr Santos took a coach with Flixbus from Victoria Coach Station to Paris leaving at 00.30 hours on 31 October 2023 and arriving in Paris at 11.55 am local time.
8. To prove its case the prosecution relied on several strands of evidence: first, CCTV footage of Victoria Coach Station; second, evidence from the officer in the case dealing with that footage, messages on mobile phones and police interviews; third, a lie by the appellant during his interview to the effect that his brother, Sandoval, was not at Victoria Coach Station; and fourth, the failure of the appellant to give any evidence at trial.

9. The appellant's defence at trial was that attending the bus station was not an act tending to pervert the course of public justice. He did not know that his father was required to attend court, he did not knowingly assist his father to leave the jurisdiction and he had not perverted the course of justice.
10. We turn to the ground of appeal for which leave has been granted. Did the judge intervene improperly during the cross-examination of the prosecution's witness?
11. Mr Ahmed submitted that the evidence of the prosecution's only live witness was the entirety of their case. He added that the case officer's credibility was in substance the entirety of the trial. That is inaccurate. The case officer presented the CCTV material, the messages which had been obtained from phones and the content of the appellant's interview. Ultimately it was a matter for the jury as to what they themselves made of the footage, the messages and the interview and the inferences to be drawn. Those were not matters of the witness's credibility as such. However, the case officer also gave evidence on other matters, in particular on what happened in court on the first day of the father's trial. He was cross-examined about his reliability in relation to those matters. There was also, as we have already indicated, the Agreed Facts referred to above and the appellant's decision not to give evidence.
12. Mr Ahmed relied in particular upon the well-known principles in *R v Hulusi and Purvis* (1974) 58 Cr App R 378, that this Court may quash a conviction because of the interventions by a judge during a trial, firstly, where he has invited the jury to disbelieve the evidence for the defence, in such strong terms that the mischief cannot be cured by the standard direction to a jury that the facts are for them and so they may disregard anything said by the judge on the facts with which they disagree; secondly, when he has made it impossible for defence counsel to do his duty in conducting the defence, or thirdly, when he has effectively prevented the defendant or a witness for the defence from telling his story in his own way. With regard to that third matter, this was not a case where the defence presented any evidence.
13. The appellant submits that the judge repeatedly interrupted and curtailed defence cross-examination of the police officer. Important points were prevented from being advanced, including matters going to the lack of communication to the appellant of the specific offence for which his father was being tried. It is said that the interruptions created unfair prejudice by conveying to the jury the impression that the judge was unconvinced by the defence case. Mr Ahmed sought to give a number of examples.

14. At paragraph 8.4.1 of the Perfected Advice he referred to the judge telling counsel for Mr Sandoval that he should ask questions and not make comments to the witness, an intervention said to have been at a pivotal moment which disrupted the structure of the cross-examination and conveyed that the approach being taken to the issues by counsel was improper. In fact what happened was that counsel rephrased his question in the correct manner and effectively obtained the answer that he had been looking for.
15. Paragraph 8.4.2 of the Advice complains that the judge curtailed a legitimate line of questioning on the length of time spent by the judge in Mr Santos's trial when warning him at the end of the first day to return to court the next day. In the absence of the jury the judge in the present case had expressed scepticism about the significance of the point, particularly where it was the co-defendant's case that he did not understand English. Subsequently, in front of the jury, he had pressed Mr Sandoval's counsel "to get there sooner rather than later". In our judgment, the judge's comment was entirely understandable given the slow pace of the cross-examination on this and other subjects. Just over two pages of transcript later it turned out that the same counsel had a simple point to make that could have been taken far sooner. He played the audio tape of the judge's warning in the father's trial. This lasted only 30 seconds, in contrast to the "several minutes" of which the witness had previously spoken in his evidence. The next page of the transcript shows the simple points that the defence wanted to advance being made after having taken a disproportionate amount of court time. There is therefore no merit in the complaint at 8.4.5 of the Advice that: "The defence needed forensic space to develop this credibility point fully. The effect of prior interventions [at pages 90, 95-96 and 97] was to rob the cross-examination of the momentum and narrative coherence required." (emphasis added) In reality there was little or no momentum and no harm to any coherence.
16. Paragraph 8.4.3 of the Advice reads: "Intervention at the moment of challenging the [case] officer's honesty: When counsel directly put to the officer that he had 'filled in the gaps because you thought you could not be contradicted,' [page 96] the judge intervened: 'Are you suggesting the officer has made up the content...?' [page 97]. Counsel was entitled to press that challenge. The judge's intervention —phrasing the suggestion interrogatively — risked conveying to the jury that it was so extreme as to require judicial clarification, thereby undermining its force."
17. We consider that the judge was correct to intervene. As the appellant accepts, this was an attack on the witness's honesty. The judge was entitled to indicate that the allegation should be put to the witness fairly and squarely. In any event, unperturbed by the judge's intervention, counsel went on to deploy the audio of the trial hearing.
18. Similarly we are unimpressed by the criticism made at 8.4.4 of the Advice that the judge pointed out that counsel was resorting to comment again, rather than asking factual questions. We do not consider that this can properly be described as pejorative.

19. Viewed overall the judge's interventions were designed to ensure that counsel cross-examined in accordance with principles summarised in Archbold at paragraph 8-167 et seq. We also note that the examples given in the Advice all relate to the cross-examination by Mr Sandoval's counsel. It is not being suggested that the judge intervened improperly when Mr Ahmed cross-examined.
20. We turn to deal with some additional criticisms made of the judge's summing-up on the evidence in relation to parts of the jury bundle. It is plain that this arose from evidence given by the case officer in response to the judge's attempt, during his evidence in-chief, to understand why some messages were dealt with in the bundle twice, once in short form and not always correctly translated, and a second time in longer form, and with a different but more accurate translation (see the transcript at pages 127-128). The case officer agreed with the judge's suggestion that the "first section" of the bundle be ignored as a "sensible idea". This occurred in the middle of the cross-examination by Mr Ahmed. He did not disagree at that point. Indeed, he went on to cross-examine on the basis that a later page in the bundle contained a better translation. That was the basis for the judge's suggestion that the jury could ignore, if they so chose, earlier pages in the bundle. They were not given a direction to do so, contrary to counsel's submission to us. The judge referred to the officer's evidence on the point (see page 16 of the summing-up). He pointed out that it would not be fair on the defendants, or safe, to rely upon the less accurate translations in the earlier part of the bundle. That is a clear indication that this was not a judge showing any signs of bias.
21. Subsequently the judge corrected a couple of mistakes that he had made in relation to two messages. He did not, contrary to counsel's submission, contradict what he had said previously about the bulk of the earlier messages in the bundle based on the case officer's evidence. This was not a case of a judge giving contradictory directions. He made his limited corrections in a manner which was perfectly clear and left the matter to the jury. At page 25 of the transcript the judge said that he hoped that everything had become clear. No member of the Bar said otherwise before the jury retired.
22. One of the problems with the Perfected Advice in its original form is that it failed to provide the Court with references to the relevant parts of the transcript as it ought to have done. The references were only provided at the Court's request the day before the hearing. Once those references are examined it becomes readily apparent that there is nothing in the criticisms. Similarly, the suggestion at paragraph 8.9 of the Advice that the judge made an implicit criticism of defence counsel during the summing-up has no merit.
23. Ultimately, we reach the clear conclusion that the appeal against conviction should be rejected. We are satisfied that the conviction is safe and that there was ample material from which the appellant's guilt could properly be inferred by the jury. There was no unfairness or impropriety in the way the trial was conducted.

24. For these reasons, the appeal against conviction is dismissed. 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@epiqglobal.co.uk 9
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