

... Analysis and reasons

The inconsistencies that you identify in your application relate to the evidence of witnesses who testified at your trial. Therefore the submissions that you make in this respect are not new and cannot give rise to a real possibility that your conviction would not be upheld if referred back to the Crown Court.

Notwithstanding any inconsistencies that there may have been in the evidence heard at trial, even on your own account you accept that you:

1. entered the premises and used insulting words towards Mr Stooke-Vaughan;
2. pushed Mr Stooke-Vaughan backwards out of the premises, dropping him to the floor by wrapping your arms around his legs;
3. sat on top of Mr Stooke-Vaughan and punched him with a clenched fist to the left hand side of the face;
4. kicked him with your foot whilst he was on the ground;
5. grabbed him around the legs and dropped him to the floor a second time; and
6. sat on top of him and held his hair before being pulled away.

Clearly there were discrepancies between your account and that of the other witnesses, in particular the fact that you denied banging Mr Stooke-Vaughan's head against the floor and the fact that you disputed the number of times you had kicked and punched him.

However, it was a matter for the Magistrates trying your case to consider all of the evidence and assess the reliability and credibility of the witnesses. The Magistrates found you guilty of the offence, and in the absence of any **new** evidence or argument, there are no grounds upon which to refer your case to the Crown Court for a re-hearing.

The Commission also notes that in your interview with the probation service for the purposes of the preparation of a Pre-Sentence Report following conviction, you told the probation officer that you accepted that your behaviour had been unacceptable and agreed with the witness statements and guilty verdict of the court.