

Private and Confidential

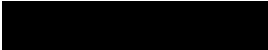
Mr Riccardo Gresta

By e-mail only:



Statement of Reasons

Name:	Mr Riccardo Gresta
CCRC case reference number:	 /2024
Offences:	• Fraud by false representation. • Make or supply article for use in fraud.
Date of conviction:	22 November 2022
Court:	Hastings Magistrates' Court
Sentence:	1 year imprisonment suspended for 24 months and a 6-week curfew.

 CCRC and  to look at your conviction and sentence.

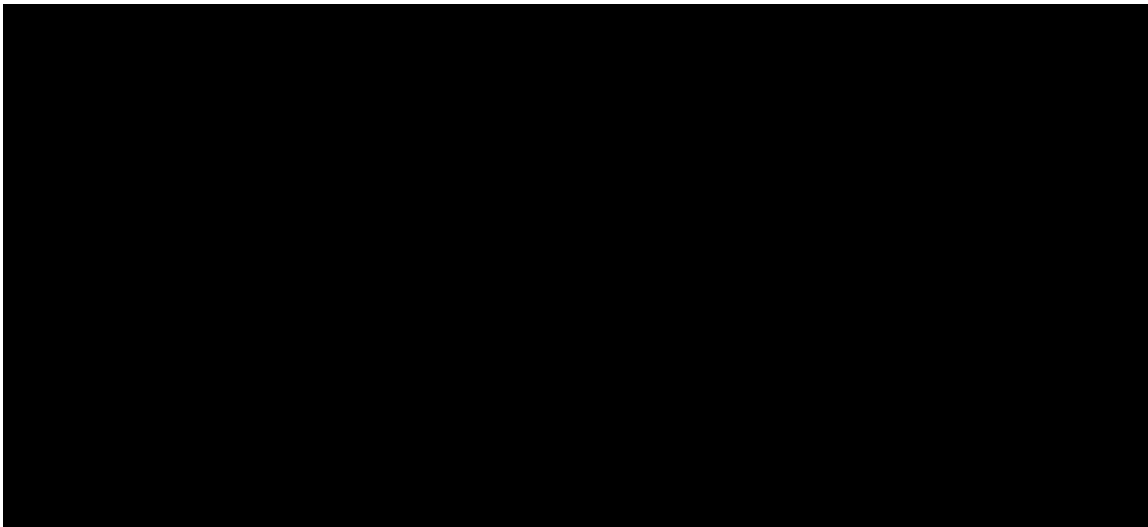
We have now looked at your case and have decided not to send your conviction or sentence for an appeal. The reasons why are explained below.

We know our decision will be disappointing for you. If you feel you need support, you can contact the Samaritans free on 116 123.

Summary

As you pleaded guilty in the Magistrates' Court, you cannot, by virtue of section 108 of the Magistrates' Court Act 1980, appeal against your conviction in the ordinary way, other than through a reference by the CCRC.

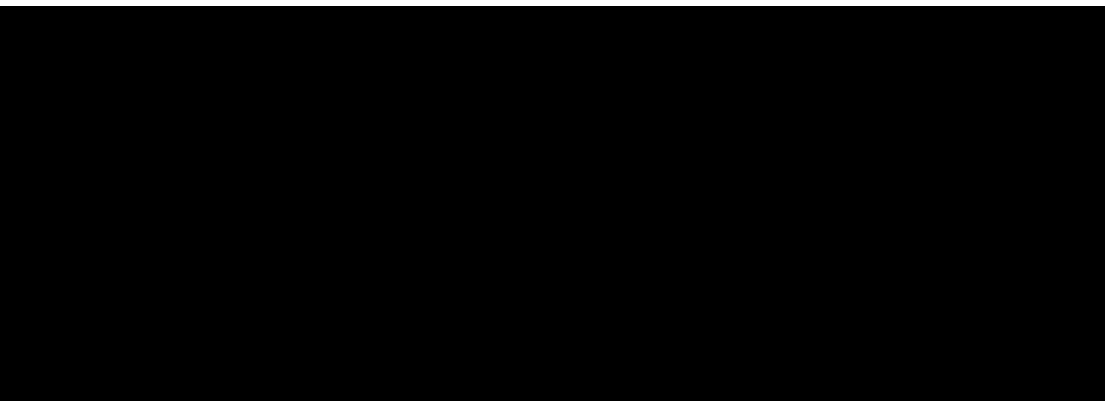
To enable the CCRC to review your conviction there must be exceptional circumstances. We have decided **not** to refer your conviction for an appeal because there is **no real possibility** that the appeal would succeed.



Our role, our powers and our decision are explained in more detail below.

Our role

This section explains the CCRC's powers in 'plain English'. We make our decisions based on the exact terms used in the relevant legislation.

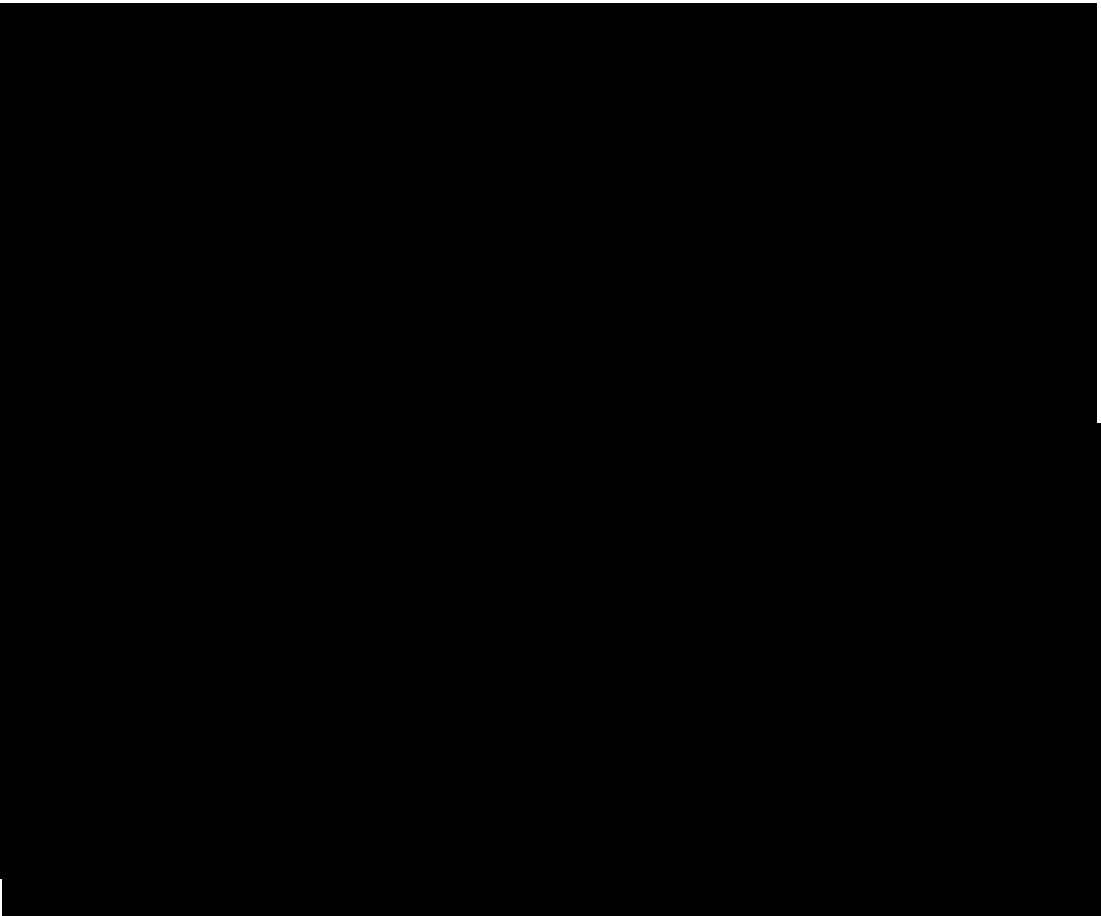




Your submissions

 raised a large number of issues about your conviction. We have considered all the matters raised individually and together. This is our response to the substance of those submissions. However, the law says that we are not required to give a detailed answer to each and every point that has been raised. We have to deal fairly with the essence of the arguments so that anyone reading this Statement of Reasons can understand why your conviction has not been referred for an appeal.¹

The circumstances around the guilty plea



¹ *R (El Heri) v Criminal Cases Review Commission* [2009] EWHC 3558 (Admin) at paragraph 13.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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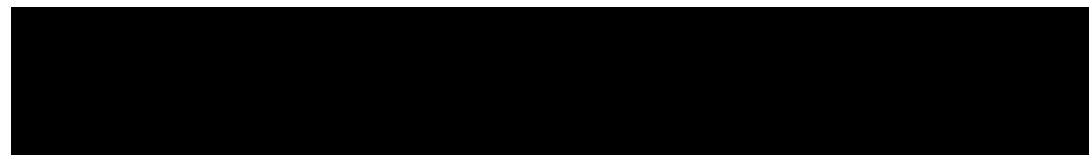
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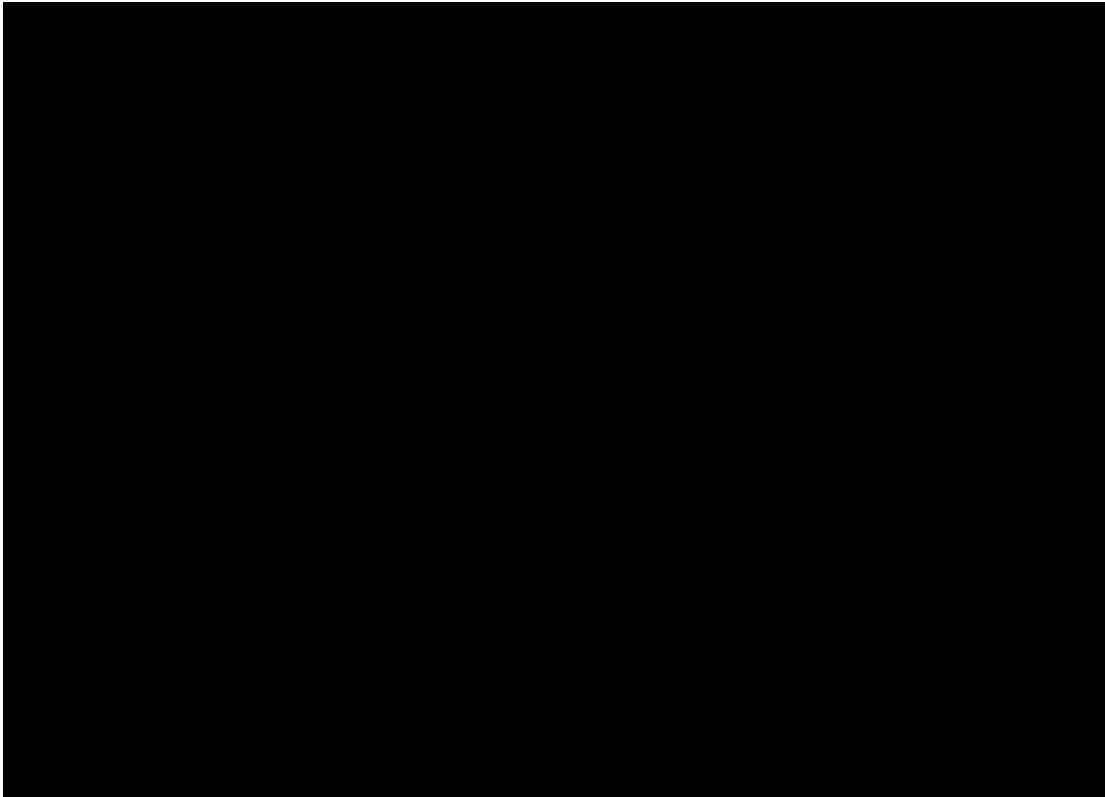
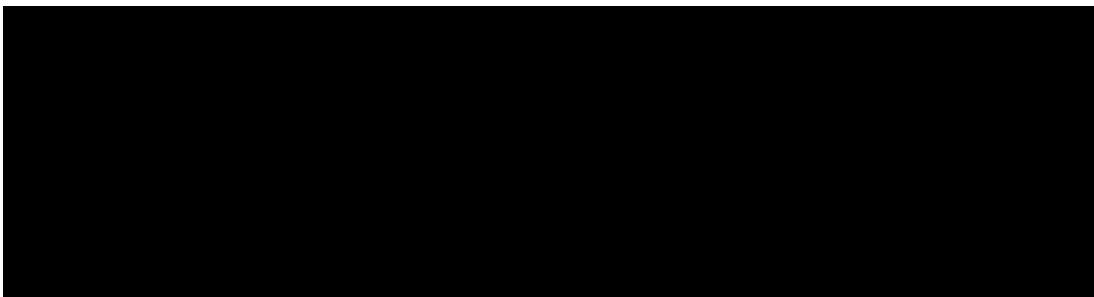
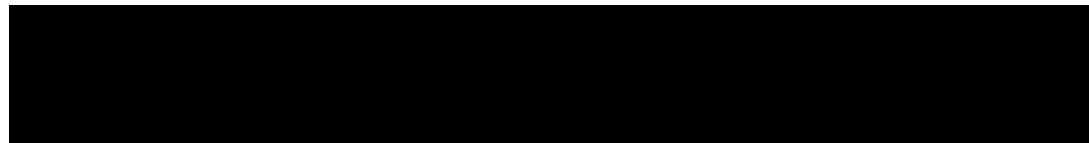
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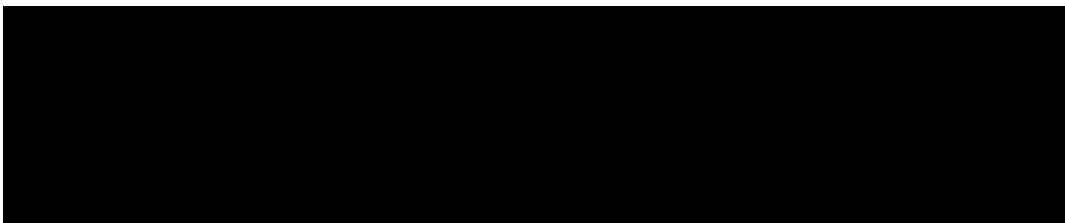
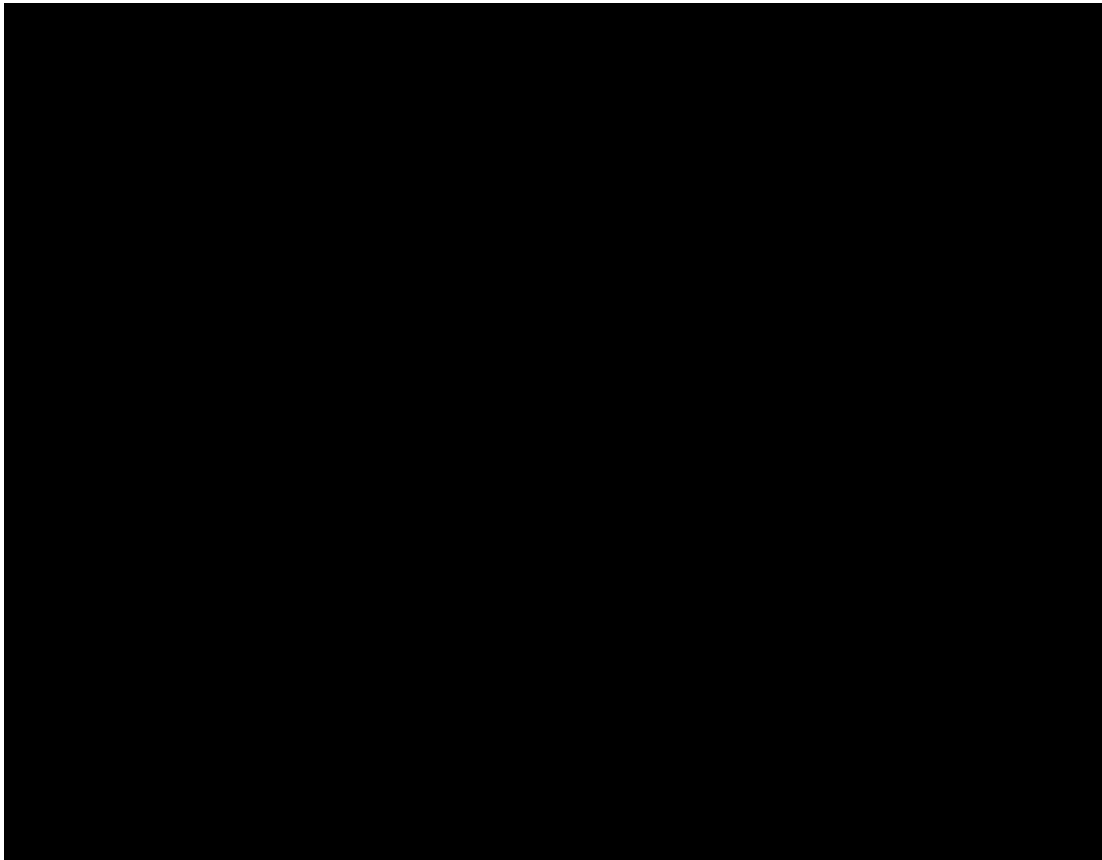


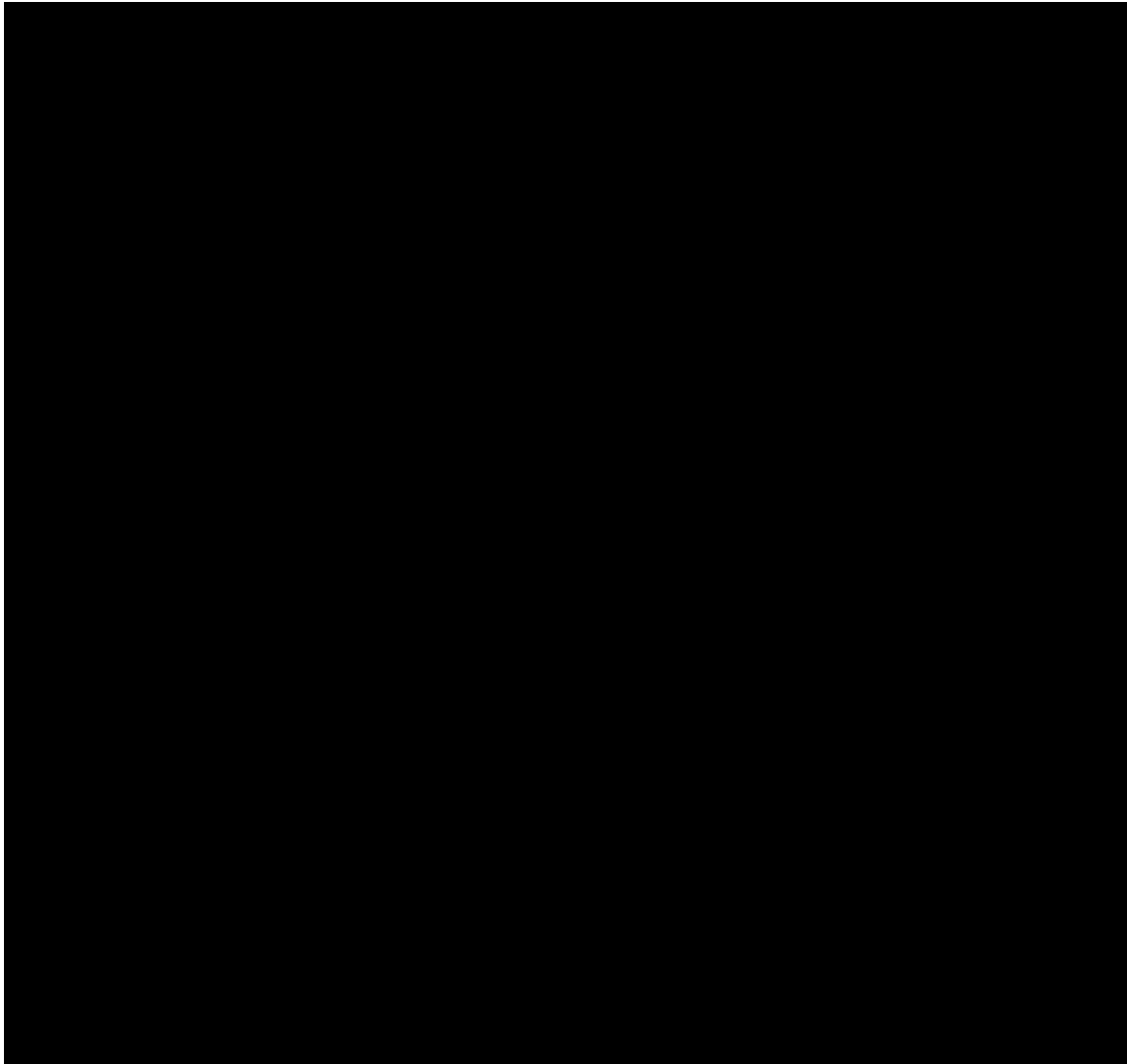
Local authorities are required by law to comply with PACE Codes of Practice when acting as a prosecuting authority. This ensures that the rights of individuals are protected throughout the prosecution process. Although there was a possible breach of PACE in your case, as discussed above, it was not relevant to your decision to plead guilty. This submission would not create a real possibility that the Crown Court would not uphold your conviction if the case was reheard.



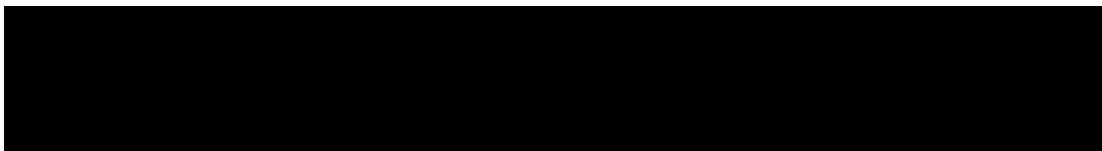


If we were to refer your conviction to the Crown Court, the prosecution would apply to introduce your guilty plea as evidence that you admitted the offence. The Court will only exclude such evidence where there are legal reasons to do so.





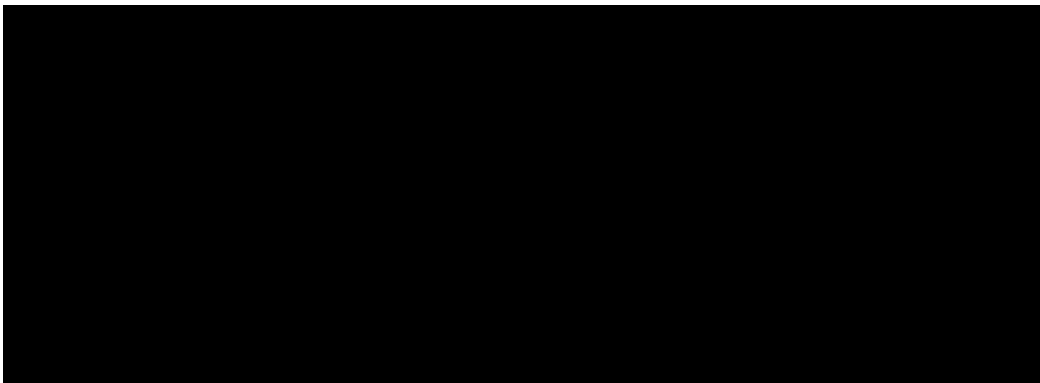
 a number of issues about your conviction. We have considered all the matters raised individually and together.



For all the reasons outlined above, we conclude that there is no real possibility that if your case were reheard the Crown Court would not uphold your conviction.

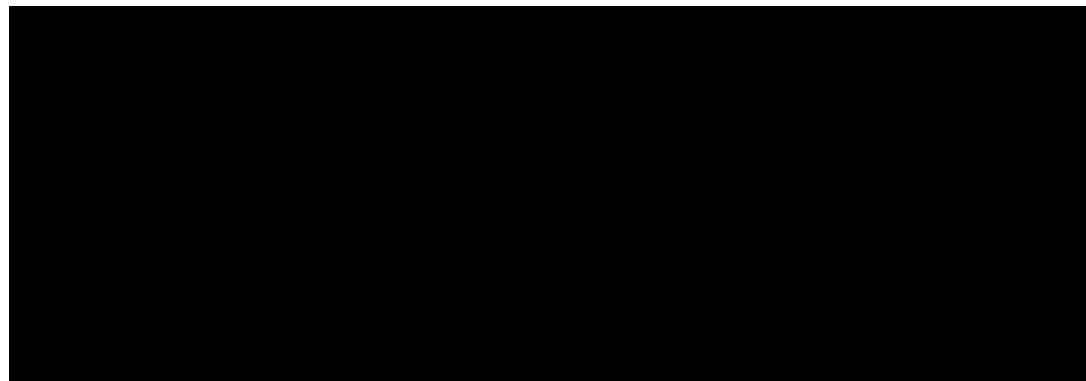
Sentence

You have asked us to look at your sentence, but you did not tell us why your sentence is wrong. We note however that you appear not to have tried to appeal against your sentence. It still remains open to you to try and appeal against your sentence yourself, now. We could only refer your sentence for an appeal in the event of exceptional circumstances.



If you wish to appeal only against the sentence imposed at the Crown Court you will need to tell the Court of Appeal:

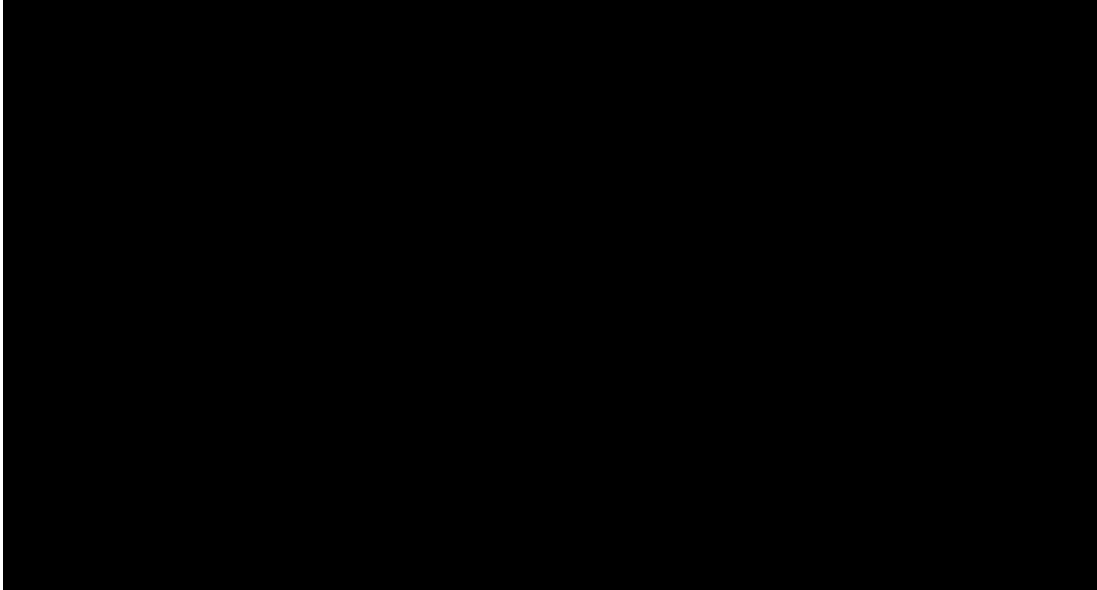
1. What part of the sentence you are appealing against, and why?
2. What information you want the Court of Appeal to take into account in particular?



If your application to the Court fails, you would be able to re-apply to us at that stage. Please note, however, we will only consider new matters relating to your sentence at that stage. 



Our decision



Our decision is final. Your case is now closed.

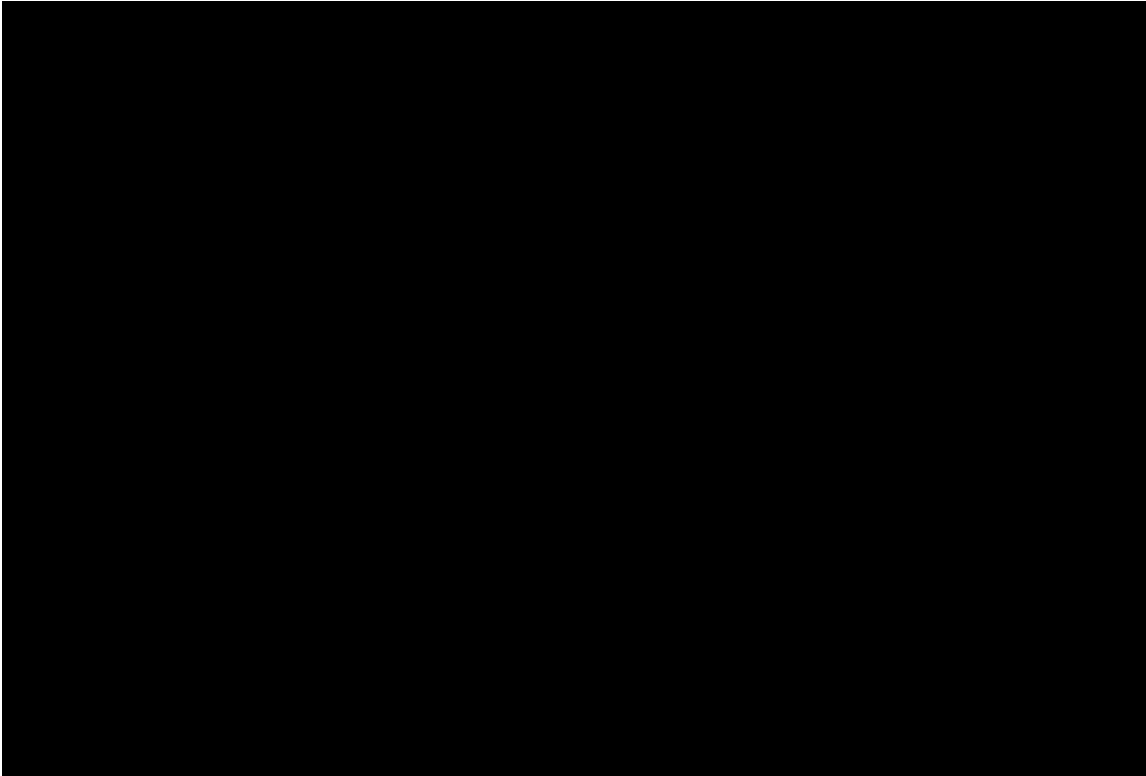
However, if new information about your case comes to light in the future, you may re-apply to the CCRC at that time.

A handwritten signature in black ink, appearing to read 'Joanne Fazakerley'.

Joanne Fazakerley
Commissioner
(on behalf of the CCRC)

Date: 21 July 2025

The material we have considered



Your material

If there are any documents you have sent to us that you would like us to return to you, you must contact us within **3 months** using the 'Request to Return Case Material' form at the end of this document.

We will destroy any paper files 3 months after case closure. Electronic files are retained for a minimum of 5 years in accordance with the published retention schedule, available on our website.

The law the CCRC has to follow when looking at your case

Criminal Appeal Act 1995

This Statement of Reasons sets out the CCRC's decision and reasons in accordance with section 14(6) of the Criminal Appeal Act 1995.

The CCRC's powers to refer

The CCRC may refer **your conviction** to the court if:

1. there is a **real possibility** that your conviction would be overturned if it were referred; and
2. this real possibility arises from evidence or argument which was **not put forward at your trial or appeal** (or there are exceptional circumstances²); and
3. you have already appealed or applied for leave to appeal against conviction (or there are exceptional circumstances³).

The CCRC may refer **your sentence** to the court if:

1. there is a **real possibility** that your sentence would be reduced if it were referred; and
2. this real possibility arises from information or argument on a point of law which **was not put forward at your trial or appeal**; and
3. you have already appealed or applied for leave to appeal against your sentence (or there are exceptional circumstances).

² "Exceptional circumstances" to allow us to refer a case without something 'new' are extremely rare.

³ "Exceptional circumstances" to allow us to refer a case where there has not been an earlier appeal are very rare. There has to be a good reason why there has been no appeal and why there cannot be an appeal now without the CCRC's help.

What is a ‘real possibility’?

The phrase ‘real possibility’ has been considered by the courts in a long line of cases. In a very important case called *Pearson*⁴, the Lord Chief Justice explained that a ‘real possibility’ was more than an ‘outside chance’ or a ‘bare possibility’ but may be less than a ‘likelihood’ or ‘probability’ or ‘a racing certainty’. It is at least ‘a reasonable prospect’.

⁴ *R v Criminal Cases Review Commission ex parte Maria Pearson* [1999] 3 All ER 498. See the remarks of Lord Bingham at paragraph 14 of the judgment. See also *R (Cleeland) v CCRC* [2022] EWCA Civ 5.



Request to Return Case Material

Important Note

If there are any documents or letters you have sent to us that you would like us to return to you, you must send us this form within **3 months**. Please complete all 3 sections below.

Name Mr Riccardo Gresta	CCRC Ref [REDACTED]/2024
Address	

Section 1

I would like the CCRC to return the following documents to me (please choose one box only):

☐	All documents (including letters) I have sent during my case review
☐	All documents (excluding letters) I have sent during my case review
☐	The following documents only (please state what they are):

Section 2

Please return the documents to:

	Me at the above address
	Someone else (please state their name and address below):

Section 3

Signed	
Name	Mr Riccardo Gresta
Dated	

*****END OF DOCUMENT*****