[2021 Gib LR 381]

RUDGE v. R.

COURT OF APPEAL (Kay, P., Rimer and Elias, JJ.A.): July 2nd, 2021

2021/GCA/05

Criminal Law—rape—consent—appeal against conviction for rape dismissed—judge gave comprehensive direction on consent and jury aware Crown had to prove lack of consent

Criminal Law—rape—sentence—no leave to appeal against 8 years' imprisonment for rape—7-year starting point for oral rape of 15 year old increased to 8 years taking into account attempted anal rape of same complainant and previous offending

The appellant was charged with rape and attempted rape.

The appellant was convicted in the Supreme Court of one count of rape (count 1) and one count of attempted rape (count 2). He was sentenced to 8 years' imprisonment on count 1, with count 2 treated as an aggravating feature of the offence in count 1.

The complainant, X, was 15 years old at the time of the alleged offences. At trial it was common ground that in a series of Facebook messages and calls, X had arranged to visit the appellant at his home, that X and his friend went to the appellant's home, that for a period of time X and the appellant were alone in the bedroom, and that after X and his friend left, Facebook messaging and telephoning continued between X and the appellant.

The accounts given by X and the appellant differed. X claimed that he had offered to go to the appellant's home to "chill" in exchange for money, which had no sexual connotations. X claimed that the appellant had forced X to perform oral sex on him and had then attempted to have anal sex with X but had been unable to force himself on X because he was incapacitated by alcohol. The appellant claimed that he had needed money to buy drugs and had invited X to his home, offering to buy him drugs. He had taken money from X but had not supplied the drugs. He denied that any sexual activity had taken place.

The appellant appealed against his conviction. He complained that the judge, having correctly concluded that consent should remain an issue for consideration by the jury, had failed to give adequate directions in relation to it. He criticized the judge for not extending her lies direction, which she gave in the context of the appellant's police interviews, to the jury's

consideration of his evidence. He also submitted that in relation to count 2, the evidence was insufficient to establish the specific intention of anal penetration or an act which went beyond the merely preparatory stage.

The appellant also applied for leave to appeal against his sentence. He submitted that the starting point should have been set at a slightly lower level.

Held, dismissing the appeal against conviction and refusing leave to appeal against sentence:

(1) The judge did not go astray in relation to the issue of consent. The judge had had to tread carefully on the issue. The appellant's case was that no sexual activity took place. Anything the judge said or could have said about the Facebook messages being consistent with consensual sexual activity would have undermined the appellant's defence. It was clear that, in her directions, the judge repeatedly referred to the need for the jury to be sure about lack of consent and the appellant's state of mind in that regard. Her directions on consent were comprehensive and unencumbered by any reference to the fact that, on the appellant's defence, consent was not an issue. The judge's treatment of the Facebook messages did not expressly link them to a possible defence of consent but she made it clear to the jury that it was for them to interpret the messages and that they were not bound to accept the interpretations advanced by X or the appellant. The court did not accept the submission that the judge should have expressly invited the jury to consider whether the Facebook messages were consistent with consensual sexual activity. In any event, the jury were left in no doubt that the Crown had to prove lack of consent to obtain convictions on counts 1 and 2 and they were provided with a sufficient summary of the evidence. The court did not consider that the omission to say more about the Facebook messages in the context of consent put in doubt the safety of the convictions on counts 1 and 2. There was also no unfairness to the appellant caused by the omission to repeat the lies direction (paras. 16–23).

(2) There was nothing in the appeal against conviction on count 2. In relation to the submission that the evidence was insufficient to sustain a conviction for attempted rape because it was also consistent with an intention to carry out a sexual assault of a lesser kind, once the jury had accepted X's evidence of oral penetration, they were entitled to infer that, the appellant remaining ungratified, the next stage, involving forceful attempts to part X's legs, was part of an escalation the end result of which was intended to be anal penetration. It was for the jury to decide whether to draw that inference, guided by the judge's direction that the Crown had to prove the intention of anal penetration. It was unnecessary for the Crown to prove that matters had progressed to within some specific physical proximity. The line was crossed when the act went beyond the merely preparatory. The same factors also impacted upon the appellant's second point, namely that the summing up was deficient in not making clear to the jury that the evidence was insufficient for a conviction of attempted rape

and in emphasizing X's interpretation of the appellant's intention. The judge gave correct directions on the requisite *actus reus* and *mens rea* for attempted rape. X's evidence as to what he thought was about to happen, whilst not determinative, was part of the picture from which the jury had to decide whether the Crown had proved its case (paras. 26–29).

(3) The appellant would be refused leave to appeal against his sentence. The judge had correctly sought assistance from the Sentencing Council for England and Wales Guidelines. She decided on a starting point of 7 years, which she increased to 8 years considering the appellant's previous convictions, including one for unlawful sexual intercourse with a girl under the age of 16, and the aggravating feature of the attempted anal rape in count 2. The judge also considered a psychiatric report which concluded that the appellant had a dissocial personality disorder characterized by a disregard for social obligations, a callous unconcern for the feelings of others and a gross disparity between behaviour and prevailing social norms. It could not be said, against that background, that the sentence of 8 years' imprisonment was manifestly excessive, or even arguably so (paras. 32–34).

Cases cited:
(1) *Att. Gen.'s Ref. (No. 1 of 1992)*, [1993] 2 All E.R. 190, referred to.
(2) *R.* v. *Bryan*, [2015] EWCA Crim 433, referred to.
(3) *R.* v. *Coutts*, [2006] UKHL 39; [2006] 1 W.L.R. 2154; [2006] 4 All E.R. 353; [2006] Crim. L.R. 1065; [2007] 1 Cr. App. R. 6, referred to.
(4) *Von Starck* v. *R.*, [2000] UKPC 5; [2000] 1 W.L.R. 1270; (2000), 56 WIR 424, considered.

C. Salter assisted by *S. Cardona* (instructed by Phillips Barristers & Solicitors) for the appellant;
J. Fernandez (instructed by the Office of Criminal Prosecutions & Litigation) for the respondent.

1 **JUDGMENT OF THE COURT:** On July 24th, 2019 in the Supreme Court before Ramagge Prescott, J. and a jury, Karim Rudge (the appellant) was convicted of one count of rape (count 1) and one count of attempted rape (count 2). The events were alleged to have taken place in the appellant's home on October 26th, 2018 when the male complainant (X) was 15 years old. The appellant was 29. The allegation of rape was one of oral penetration. The allegation of attempted rape was one of attempted anal penetration. The appellant was later sentenced to eight years' imprisonment in respect of the rape, with no additional sentence imposed for the attempted rape. He now appeals against conviction, leave having been granted by the Chief Justice.

2 At trial, in addition to the counts of rape and attempted rape, the indictment contained two further counts of sexual activity with a child (count 3) and

attempted sexual activity with a child (count 4). These were alternative counts in respect of the same events upon which the jury were not asked to return verdicts following the convictions on counts 1 and 2. They would have attracted verdicts if the jury had not been sure that X had not consented to the alleged acts.

The facts

3 In the written submissions filed on behalf of the appellant, there is a helpful and succinct description of the basic agreed and disputed facts. It states:

> "At trial it was common ground that on 26 October 2018, in a series of Facebook messages and Facebook phone calls, X had arranged to visit the Appellant at his home and that X would bring his friend Y (a boy then aged 16 years and 11 months). X and Y arrived at the flat at about 9pm on the same day. For part of the time X and the Appellant were alone in the bedroom. After X and Y had left, the Facebook messaging and telephoning continued between X and the Appellant. The substance of the latter communication was that X asserted that he was owed money by the Appellant and the Appellant repeatedly delayed payment until X gave up.
>
> Subject to the above, the accounts given by X and the Appellant diverged:
>
> - X said that he had offered to go to the Appellant's house to 'chill' in exchange for a payment of £20. This had no sexual connotations. When X and Y arrived, the Appellant forced X to perform oral sex on him. The Appellant then attempted to have anal sex with X but could not force X's legs apart and was incapacitated by drink. The Appellant threw X out and did not pay him, despite the promises in the messages.
> - The Appellant said that he needed money to buy cocaine for himself and so he had invited X to his house, offering to go and buy him drugs. At the house he had taken the £20 from X but had not supplied the drugs. Despite further promises to pay, he had not done so. No sexual activity had taken place."

The course of the trial

4 At trial, the appellant's case amounted to a complete denial of sexual activity. His case as put to X and his evidence were that the entire occasion related to a proposed drugs transaction which, in the event, did not take place. He did admit to having been alone with X in his bedroom—there was forensic evidence supporting that.

5 At the end of the prosecution case, counsel then appearing for the appellant (not Mr. Salter or Mr. Cardona) sought to persuade the judge to withdraw the alternative counts in the indictment from the jury. Although the language sometimes resembled that of a submission of no case to answer, the reality of the submission was that counts 3 and 4 were otiose because, if the jury were to accept X's evidence of the physical acts, they would be bound to convict on counts 1 and 2 because consent was simply not an issue. Counsel said:

> "There is no issue of consent that is before the jury to allow them to move to that alternative . . . Both sides are saying, whatever happened, it did or it didn't, either way there was no issue of consent."

6 The judge ruled that the alternative counts should remain before the jury for their consideration if, but only if, they were to return Not Guilty verdicts on counts 1 and 2. Mr. Fernandez, for the Crown, had submitted that there was a possibility that the jury, although accepting X's evidence, might not be satisfied about lack of consent or, more specifically, about the appellant's knowledge of that lack of consent, seemingly on the basis that X's evidence was that the appellant had been very intoxicated at the time. It is plain from the transcript that the judge's concern was that, although X's unequivocal evidence was of a lack of consent and the appellant's case was an emphatic denial of sexual activity, there was nevertheless an evidential basis for finding that lack of consent had not been established. This was to be found in the Facebook messages and calls which had passed between X and the appellant just before and in the two days after X's visit to the appellant's home.

7 The Facebook material provides the basis for the current appeal. They are reproduced in an appendix to this judgment. Although there is a possibility that it is not comprehensive and it is the result of a reconstruction because the raw data were not necessarily in chronological order, it is common ground that it is a reasonably accurate summary.

8 Following the judge's ruling, the appellant gave evidence, insisting that no sexual activity had taken place and that the meeting had simply been an ineffectual drugs transaction. In the course of the evidence and in addressing the jury, his counsel referred to the Facebook messages only in an attempt to obtain support for the drugs scenario.

The summing up

9 Although both parties were strongly disavowing consent as an issue, the judge was correct to conclude that, because of the Facebook messages, the issue had to be left to the jury. This is now common ground, based on *Von Starck* v. *R.* (4), where Lord Clyde said ([2000] 1 W.L.R. at 1275):

> "But if there is evidence on which a jury could reasonably come to a particular conclusion then there can be few circumstances, if any, in which the judge has no duty to put the possibility before the jury. For tactical reasons counsel for a defendant may not wish to enlarge upon, or even to mention, a possible conclusion which the jury would be entitled on the evidence to reach, in the fear that what he might see as a compromise conclusion would detract from the more stark choice between a conviction on a more serious charge and an acquittal. But if there is evidence to support such a compromise verdict it is the duty of the judge to explain it to the jury and leave the choice to them."

10 In the course of her summing up, the judge referred to some of the Facebook messages in order to remind the jury of the different interpretations placed on them by counsel but not specifically to flag up a potential issue of consent. Her general direction was in these terms:

> ". . . bear in mind that different messages may be subject to a variety of interpretations. You should consider what X says they meant and what [A] says they meant . . . whether you agree with either of them or whether you give it your own interpretation, For example, 'How much will you give me?' X says that refers to money. [A] says it refers to drugs."

11 At other parts of the summing up, the judge repeatedly directed the jury that they had to be sure about lack of consent and the appellant's realization of it. Nowhere is this more evident than in the route to verdict document which she gave to the jury. In relation to count 1, having instructed the jury that they must first be sure about the act of oral penetration, she posed the second question: "Did X consent to the act of penetration?" In a note, she added: "X consented only if, while having the freedom and capacity to make the choice, he agreed to oral penetration." The direction could not have been clearer: if the jury were not sure about lack of consent (and the requisite *mens rea* in relation to it which was covered in the third and fourth questions), they must acquit the appellant on count 1 and proceed to the alternative count 3. She then treated counts 2 and 4 in the same way.

12 This is in stark contrast to authorities such as *Von Starck* (4) and *R.* v. *Coutts* (3), where the alternative lesser offence did not appear on the face of the indictment and, in the absence of judicial direction (of which there was none), the jury remained in ignorance of it.

13 The judge also kept the issue of consent within the jury's purview when she was summarizing the evidence. For example, after summarizing X's evidence on count 1, she said:

> "Now if you are sure that X is telling the truth then you may find that this is evidence that [A] had oral sex with X and that X did not consent

> to that and that [A] must have known that X did not consent given what X said, That is a matter for you."

Later, having referred to some inconsistencies in X's evidence, she said:

> "If you are sure that X's account is true then you are entitled to rely on it. If you are not sure whether it is true, or you are sure that it is untrue, then you cannot rely on it."

At no stage did either counsel ask the judge to refer to the Facebook messages as being relevant to a potential issue of consent.

The grounds of appeal

14 There are five pleaded grounds of appeal. With one exception, they focus on the issue of consent in relation to counts 1 and 2. They overlap. Essentially, they amount to a complaint that the judge, having correctly concluded that consent should remain an issue for consideration by the jury, then failed to give adequate directions in relation to it. The fourth ground criticizes the judge for not extending her lies direction, which she gave in the context of the appellant's police interviews, to the jury's consideration of his evidence. The final ground of appeal is to the effect that, in relation to count 2, which concerned attempted anal rape, the evidence was insufficient to establish the specific intention of anal penetration or an act which went beyond the merely preparatory stage.

Discussion

(1) *Consent*

15 On any view, the judge had to tread carefully on the subject of consent. The appellant's emphatic case was that no sexual activity had taken place and that the encounter had been concerned solely with a failed drugs transaction. His case at trial on the Facebook messages—now relied on as support for consensual sexual activity—was that they were consistent with the alleged drugs transaction. Accordingly, anything the judge said or could have said about their being consistent with consensual sexual activity would have undermined the appellant's actual defence. Moreover, quite apart from the implications of that for his actual defence on counts 1 and 2, it would have been even more damaging to his defence on counts 3 and 4, where consent would not have been a defence in law.

16 It is clear that, in her directions, the judge repeatedly referred to the need for the jury to be sure about lack of consent and the appellant's state of mind in that regard. Her directions on consent were comprehensive and unencumbered by any reference to the fact that, on the appellant's proffered defence, consent was not an issue.

17 Whilst it is true that the judge's treatment of the Facebook messages did not expressly link them to a possible defence of consent, she made it

clear to the jury that it was for them to interpret the messages and they were not bound to accept the interpretations advanced by one or other of the protagonists. Moreover, even though she summarized them by reference to the rival submissions actually advanced by the Crown and by the defence, there were aspects of the defence interpretation to which she alluded which would have been relevant to the jury's consideration of the question of consent. For example:

> "They say that if he had been raped as he said he was then it doesn't make sense that he would be chasing with messages like 'u gonna give me the eso . . . pinky promised ha'. They say that this shows that X was not scared and was happy to keep conversing in an effort to get what he had been promised. Matters for you."

18 It seems to us that this is consistent with the judge having decided that, whilst she had to put the issue of consent to the jury, she should do so on a minimalist basis so as not to undermine the appellant's proffered defence, not only on counts 1 and 2 but also on counts 3 and 4. She no doubt had in mind the singular way in which the case had been run. Not only had counsel then representing the appellant made unequivocal submissions to the judge at the end of the prosecution case that consent, or lack of it, was not an issue, it is a reasonable assumption that that remained his case until the end. X was not cross-examined on the issue. Indeed, the jury had received as undisputed evidence the witness statement of Sophie Cardona, a social worker, who stated that, when spoken to by an investigating officer on November 8th, 2018, X "confirmed that he had never received payment in return for sexual favours" and that "if he had, he would have said so." X was not cross-examined about this undisputed evidence.

19 Turning to the Facebook messages and their meaning, it seems to us that they are equivocal. They did not, by themselves, contradict X's account, nor did they establish consent. It is not unusual for a victim of sexual assault to continue to communicate with the perpetrator after the event without referring to the offence. It is something the jury has to evaluate and in this case they were encouraged to do so by the judge in the passages to which we have referred.

20 In this court, Mr. Salter submits that the appellant's proffered defence was "hopeless"; that there was "no possibility of the jury accepting it"; and that this was "a very strong case of child prostitution." We consider these descriptions to be hyperbolic. They are advanced in the luxurious ambience of an appellate court, without regard to the realities of the actual trial. There were undoubtedly difficulties with the defence—not least the fact that the appellant maintained that X had handed over £20 in anticipation of receipt of drugs, whereas the manifest tenor of the Facebook messages was in search of money, not drugs. X maintained throughout that he had gone to the appellant's flat simply "to chill" and to be given money in return. It

seems to us that the Facebook messages are consistent with that account. It was for the jury to assess the truthfulness and accuracy of it in the light of the totality of the material before them.

21 Mr. Salter's submission comes down to this. It was not enough for the judge to tell the jury that they could interpret the Facebook messages not only in the ways submitted by respective counsel but could also give them their own interpretation. She should have gone further and expressly invited the jury to consider whether they were consistent with consensual sexual activity. In the circumstances of this case, it does not seem to us that that was obligatory. Not only would it have tended to undermine the appellant's proffered defence to counts 1 and 2. It would have greatly damaged his defence to the alternative counts 3 and 4, where lack of consent was not an ingredient of the offences. This may well be the reason why the judge chose to give repeated directions on the need for the Crown to prove lack of consent on counts 1 and 2 but without setting them specifically in the context of the Facebook messages, in relation to which she simply explained that the jury could interpret them as submitted by the Crown or by the defence or on the basis of their own assessment.

22 In the event, the jury were left in no doubt that the Crown had to prove lack of consent to obtain convictions on counts 1 and 2 and they were provided with a sufficient summary of the evidence. We do not consider that the omission to say more about the Facebook messages in the context of consent puts in doubt the safety of the convictions on counts 1 and 2. She said enough to ensure that the unspoken defence still received the attention of the jury, whilst at the same time focusing on the appellant's proffered defence.

23 Much of the same reasoning is relevant to the complaint that the judge ought to have given a lies direction not only in relation to the appellant's admittedly mendacious police interviews (which she did) but also in relation to his evidence about the alleged drugs transaction. Given the dynamics of this particular trial, there was no unfairness to the appellant caused by the omission to repeat the lies direction. To do so might have encouraged the jury to view the proffered defence as untrue and, as we explained earlier, would have eroded the appellant's position on the alternative counts. Mr. Salter accepted that a trial judge has to walk a fine line in situations such as the one that arose in this case. We do not consider that she went astray.

(2) ***The conviction on count 2, attempted rape***

24 X's account of the attempted rape was expressed in the following passage from his first ABE interview which became part of his evidence in chief:

> "And he was trying to spread my legs and kissing me at the same time and I was forcing my legs shut . . . Instant reaction and instant thought was that he was going to penetrate me, and I wasn't ready for that at least. Firstly cause I'm under age and secondly with someone so much older than me that I knew was an adult, I couldn't and it's not my nature at least and I forced them, no I closed them and I think the only reason he wasn't able to actually do it was because he was under the influence . . . he fell off the bed like five times and that's the only reason I think that he wasn't able to succeed in what he was trying to do."

There was minimal cross-examination directed to this account, no doubt because the appellant's case was that there had been no sexual activity at all.

25 The judge dealt with count 2 in various parts of her summing up, beginning with this direction:

> ". . . in order to prove guilt on count 2, the Prosecution must make you sure of various things. The first is that the Defendant intended to penetrate the anus of X with his penis. So what does this mean? You must be sure that [A] did acts which went beyond mere preparation to commit the offence. There is a distinction between attempting to commit a crime and doing something which is no more than preparation in order to commit it and if you think that what [A] did was or may have been no more than preparation in order to rape X you must find him Not Guilty. But if you are sure that [A] was actually trying to rape X, then provided that you are satisfied that the other elements of rape are met the attempt would be made out."

A little later, she added:

> ". . . if you are sure that X's evidence as to what happened in the bedroom is true, namely that the Defendant took off his clothes, took off his own clothes and having raped him via mouth was then pushing X's legs apart it may be that you conclude that the Defendant intended to penetrate X's anus with his penis and that he did acts which went beyond mere preparation but that is a matter for you."

She returned to this issue when summarizing the evidence, at which point she set out X's account verbatim. The route to verdict document which she provided to the jury was consistent with the parts of the summing up to which we have referred.

26 The relevant ground of appeal states:

> "The acts complained of in count 2 did not amount to the offence of attempted rape. Alternatively, the Judge effectively withdrew from the jury the question whether the Appellant's actions in seeking to

> part X's legs were more than merely preparatory to an act of rape (as opposed to some other form of sexual activity, not involving anal penetration) . . . In particular, the Judge in directing the jury on the evidence from which they conclude that the Appellant intended to penetrate X's anus placed excessive and disproportionate emphasis on what X feared might happen as opposed to what did happen and what inferences the jury was entitled to draw from the primary facts that they had found proved."

This raises two points: (1) the evidence was insufficient to sustain a conviction for attempted rape because it was also consistent with an intention to carry out a sexual assault of a lesser kind, not involving anal penetration; and (2) the summing up was deficient in not making this clear to the jury and in emphasizing X's interpretation of what the appellant intended.

27 As to the first point, it seems to us that, once the jury had accepted X's evidence of oral penetration, they were entitled to infer that, the appellant remaining ungratified, the next stage, involving forceful attempts to part X's legs, was part of an escalation, the end result of which was intended to be anal penetration. It was for the jury to decide whether or not to draw that inference, guided by the judge's direction that it was necessary for the Crown to prove the intention of anal penetration. It was plainly unnecessary for the Crown to prove that matters had progressed to within some specific physical proximity. The line is crossed when the act goes beyond the merely preparatory; *Att. Gen.'s Ref. (No. 1 of 1992)* (1); *R.* v. *Bryan* (2).

28 The same factors also impact upon Mr. Salter's second point. It is clear that the judge gave correct directions on the requisite *actus reus* and *mens rea* for attempted rape. X's evidence of what he thought was about to happen, whilst not determinative, was part of the picture from which the jury had to decide whether the Crown had proved its case. That picture included all the evidence, including the prior act of oral rape and the rejection of the appellant's drugs defence.

29 In our judgment, there is nothing in the appeal against conviction on count 2.

Conclusion on the appeal against conviction

30 It follows from what we have said, that we dismiss the appeal against conviction.

Application for leave to appeal against sentence

31 The judge sentenced the appellant to eight years' imprisonment on count 1 but did not impose a separate sentence in respect of count 2,

preferring to treat that conviction as an aggravating feature of the offence in count 1. The Chief Justice refused leave to appeal against sentence and the application is now renewed before us.

32 The judge's approach to sentencing is set out very fully and clearly in her sentencing remarks. She correctly sought assistance from the Guidelines promulgated by the Sentencing Council for England and Wales. She placed the appellant's offending behaviour on the borderline between categories 2 and 3 for harm and in category B for culpability. She decided upon a starting point of seven years. Mr. Salter submits that the starting point should have been set at a "slightly" lower level, which is not an encouraging basis for an appeal against sentence, where our function is to consider whether the sentence is manifestly excessive.

33 The factors to which the judge referred when explaining the uplift from the starting point of seven years to the sentence of eight years were principally the appellant's previous convictions, in particular one in 2014 for unlawful sexual intercourse with a girl under the age of 16, and the aggravating feature in the present case of the attempted anal rape. The judge acknowledged that in the 2014 case the complainant had consented to the act but she added: "it nevertheless shows a predilection for underage sex." In addition to those aggravating features, the judge also referred to a psychiatric report which concluded that the appellant has a dissocial personality disorder characterized by a disregard for social obligations, a callous unconcern for the feelings of others and a gross disparity between behaviour and prevailing social norms. All this convinced the judge that, notwithstanding a report of a positive attitude whilst in prison on remand, the appellant is "a risk to the community."

34 In our judgment, it cannot be said that, against that background, the sentence of eight years' imprisonment was manifestly excessive, or even arguably so. Accordingly, we refuse the application for leave to appeal against sentence.

Order accordingly.

Appendix

"A: Come mine and ill sort you out (emoticon wink)
X: In what wayyyyy. Hehehehe
A: Money and drugs
X: And what do I have to do haha
A: I'll talk then ok. Up to you
X: So ur gonna give me"

[continues logically]

"A: Surprise
X: is it gonna be poco xx ("poco" means "little")
A: 10 for shaw
X: Okiss ["Okiss" likely means "Okies" or "Ok"] and we chill ["chill" to "relax/hang out"] y eso x ["y eso" means "and that"]
A: Yer
X: If you give me more we meet more I don't mind anyways im getting changed
A: Will see (wink emoticon)"

Friday, October 26th, 2018

"X: How much will u give me xx And [Name] is coming per ["per" means "pero," in English "but"] I don't want drugs only money xx
A: No thought u were coming alone
X: Whyy
A: U no why up to you let us now
X: [Name] can still come its fineeee"

"A: Where I meet u
X: Meet me and [Name] now I tell u the place
A: Listen I'll meet you outside Garcia takeaway ok
X: Wait I need to get ready and meet [Name] so I can meet you xx
A: Ok don't take long
X: How much roughly are you going to give me xx"

"A: Will see (wink emoticon) Listen I'll meet u at mine
[X calls A: call of 2 mins 7 seconds]
X: If u actually give me money you're the BESTTT
A: I will. Just meet me and will sort it out"

"X: Ok guap [typo for "guapo" which means "handsome"] two secs. Leaving. Msg you now go to ur house asap. Weseeu in your house noh
A: Do u have 4g ["4g" means internet facilities on a phone outside a wi-fi area]. What's your mobile number ?
X: I'll message don't worry
A: I'm going home now hurry up"

"X: Already by Burger King. So nearly there. Just waiting xx. Where are u now. I'm going that way to ur house.
A: I'm here now. Don't make me wait like a cunt."

Saturday, October 27th, 2018

"X: Oi!"

"A: What
X: U gonna give me eso ["eso" means "that"]. Pinky promised haha
A: Talk later I'm busy
X: Ok pero ["but"] don't forget q u promised u were gonna give me 20 now don't lie. I trusted."

Sunday, October 28th, 2018

"X: (thumbs up emoticon)"

"A: I'm busy stop txt
X: Well can u let me know when to meet u
A: I'll msg u ok later
X: Roughly when xx
A: Ill let u no ok
X: Not too long noh. Like at 1 or 2?
A: Yer
X: Ok please"

Sunday, October 28th, 2:12 p.m.

"X: Meet me and [Name]
A: U can what time
X: Where tho, Oi. Pick up the call"

[Missed call not picked up by A is shown (a contact missed a call from you)]

[Call appears: 1 min 45 seconds]

"X: Hey. [Name] please don't take the piss x
A: Listen stop pissing me off ok I'll txt when im ready ok
X: How am I pissing you off (sad/disappointed face emoticon). You said at 1.
A: I'm busy at the moment so I'll call you when I'm finished."

[Next screenshot continues message]

"A: I'm busy at the moment so I'll call u when I'm finished it will be today
X: Okay pero ["but"] just tell me a time roughly please
A: Can't if u carry on I'm gonna block u I'll txt when I'm free
X: I'm not doing anything!! I just wanna know when ur gonna meet (illegible) you promised
X: Kilo [means "Chiquillo" which means "mate"] don't forget. And [Number]. That's my number. Don't forget the eso ["eso" means "that" or "it"]"

[These are almost the same message and appear to be the final one in time]

Sunday, October 28th, 2018, 2:34 p.m.

"A: [Name] won't be now will be later
X: What time so I msg cos im gonna be home later. And I have to be home early which is why im asking. Leave it keep those 20.
A: (thumbs up emoticon)
X: Just don't msg me again and block."
