



JUDICIARY OF
ENGLAND AND WALES

In the Central Criminal Court

21 October 2016

R

-v-

Mazher Mahmood

Alan Smith

Sentencing remarks of HHJ Gordon

You have been convicted by the Jury of Conspiring to Pervert the Course of Justice.

You, Alan Smith agreed to, and did, alter your original witness statement to remove the passage that you both realized could be used to support Tulisa Contostavlos's case in an entrapment hearing.

Mazher Mahmood, it was your idea, you were the intended beneficiary and you made use of a loyal employee in order to achieve your purpose. The motive was to preserve and enhance your reputation: You wanted another scalp. Miss Contostavlos's conviction would achieve that, and to achieve it, you were prepared to deceive the Court. I have no doubt that it was your conduct in arranging the alteration of Smith's statement, together with the, albeit unintended, consequences that flowed from it that ultimately lead to that case being stayed.

To bolster your reputation you had instigated the prosecution by providing the evidence in the first place and then, when it suited you, you arranged for Smith to corrupt it.

Any Perverting of Justice is serious, particularly of criminal justice, because it undermines the whole process, as happened here. Mazher Mahmood, because of your primary role in those proceedings, you were, in my view, in a position of considerable responsibility towards that Court, and that makes yours a bad example of the offence. I have also to take into account that you involved your co-defendant in what you wanted, and brought him, as a result, before a criminal court facing sentence.

I have taken into account your previous good character and your mother's health. I accept that in your career, you have done some good work in the past and the other matters urged on your behalf but, as you sensibly recognize, there is no basis or justification for suspending the inevitable prison sentence

Alan Smith, you in my view, are in a different position. True, you played a crucial role in carrying out the conspiracy, but it was not your idea and you were not the beneficiary. You find yourself here principally because of misplaced loyalty.

You have a number of previous convictions, but they were a long time ago and, other than, perhaps, explaining your lack of resistance when asked to act dishonestly, they have no other relevance.

You are now 67 and retired. I have taken into consideration what is said about your health I cannot ignore what you did, particularly as you could have refused to cooperate in playing your role, but, bearing in mind your age, health and subsidiary role, I am able properly to suspend the inevitable prison sentence.