THE CROWN COURT AT ISLEWORTH

Case No. T20180921 T20207307 T20207425

The Queen
-v-
Sharoz GHASSEMIAN

SENTENCE 27th May 2021

Introduction

1. Sharoz GHASSEMIAN you are aged 47.
2. I have to sentence you after your conviction by the jury on three counts of doing acts tending and intended to pervert the course of public justice, both in the High Court and the Crown Court. Each count involves different criminality with a different objective, but each is serious.
3. You did not attend the trial. You had the clearest warnings direct from me on the first day when you did not attend and a link was arranged to ensure that you were clear. You were legally represented and your lawyers were in regular contact through the trial and it was clear that they advanced every proper argument on your behalf. The reasons the trial continued in your absence are set out in the judgement I gave at the beginning and in the short reviews of the position that I gave as the trial progressed.
4. It is not necessary to obtain a pre-sentence report and your advocate has not asked that I should.

Background

5. For many years your mother Mrs Sartripy owned a long lease of Flat 56, Chatsworth Court., London W8. As a result of two civil actions, the Tigris Claim and the Chatsworth Claim, in both of which it is clear you played a substantial part, she was required to pay substantial sums and that resulted in two charging orders over the flat. In those actions, and subsequently, it seems you often sought to represent your mother as well as seeking to pursue your own claims. There were multiple attempts to overturn the charging orders and the subsequent orders for possession but on 3rd March 2016 those efforts were finally resolved against you by the order of Henry Carr J following which your only avenue was to succeed in the Court of Appeal. In addition, you were

made subject to an extended civil restraining order (ECRO) which prohibited you from issuing claims or making applications in the High Court or any County Court in relation to 56, Chatsworth Court without first obtaining the permission of Henry Carr J or Asplin J. That order was to be extended on 20th October 2017.

6. Flat 56 was sold in March 2017 to Mr de Beaumont who moved into it as his home.
7. You were to make many applications and re-applications for leave to appeal and your final application to re-open your application for leave to appeal was not refused until 25th July 2018.
8. I am satisfied that you continue to hold the belief that you ought to be entitled to occupy Flat 56 and to the proceeds of sale. Your belief is of the order of an obsession comparable to the fixed ideation of a stalker. However I am equally satisfied that you understood that your claims had been rejected by the courts, that you understood the terms of the ECRO, and that you did not believe that the act of seeking leave to appeal was equivalent to winning an appeal.

The Counts

9. Counts 1 and 2 charged you with acting jointly with your mother. She has since died
10. **Count 1** covered the period 1st September 2017 to 1st July 2018. The conduct there led to you providing enforcement agents with documents which appeared to be a genuine writ of possession and a genuine writ of restitution with which they took possession of Flat 56 in September 2017 and then again on 30th June 2018 handing over possession to you until such time as legal process or the intervention of the police allowed Mr de Beaumont to return.
11. This was achieved by what I find to be the combination of making deceptive applications to Queen's Bench Division Masters Eastman and Thornett, so that whatever it was they approved was not a proper route to the issue of a writ of possession or a writ of restitution on Flat 56, and also the manufacture of false sealed orders and writs. Because of the extent of your deceptive activities, we will never know what combination you used of deception of judges and staff, or straight manufacture of documents purporting to be issued by the court. That there was wholesale and sophisticated falsification of what appear to be court documents is all too clear. It is also the case that you abused the "walk-in" process of the High Court Masters, a facility that is very important to those who use it properly.

12. It is also evident from the wording you clearly placed on some draft orders namely "*UPON THE APPLICATION by Hamila Sartripy on behalf of*" yourself that you had in mind the terms of the ECRO and were, by a fiction and in a wholly ineffective way, seeking to divert around it.
13. The effect was that on two occasions Mr De Beaumont has been put out of his home. His victim personal statement describes the distress that has caused to him and to his partner, to the extent that he has currently moved to rented accommodation elsewhere and feels that the flat is unsaleable given the history he would be obliged to disclose to potential purchasers. Even if this ends now I suspect it will be some time before the flat can be sold without a major discount. He has also incurred substantial legal bills of the order of £20,000. In addition when you gained access to his home you abused his privacy and there is good reason to think you gathered contact information for people he knew for your own ends. The management of Chelsea Court have likewise been put to very substantial expense and trouble. Quite apart from the very serious endeavour to pervert the course of pubic justice I draw a comparison to the worst forms of stalking offence, and the effects on Mr de Beaumont are very similar to those that victims of domestic burglary report in their victim personal statements.
14. **Count 2** covers the same period but focusses on actions between December 2017 and April 2018. As a result of the sale of Flat 56 some £340,000 odd had been paid into court for distribution to Mrs Sartripy's creditors with any residue to go to her. There was a hearing before Henry Carr J on 20th October 2017 which authorised payment out and I have no doubt that you understood that your mother was only entitled to any residue. You decided to seek to obtain all that money by trickery to be paid into an account in the name of your mother.
15. By some means, and I am satisfied it was either by deceiving Master Eastman or by manufacture, you were in possession of what purported to be an order from Master Eastman of 15th September 2017 that the £340,000 odd be paid out to your mother. You were also in possession of a similar order dated 15th September 2017 but apparently sealed 22nd September 2017 for £278,000 odd which, I am satisfied, must have been created at some later date. There is evidence, particularly from your visits to the Clydesdale Bank that your ambitions were not limited to £340,000.
16. In December 2017 you presented the £340,000 odd order and a part completed CFO200 Payment Schedule for authorisation by the High Court that £340,000 could be paid out by the Court Funds Office (which happens to be in Scotland) to a Santander account in

the name of your mother. The CFO200 bore a fake signature. In fact it was Master Eastman's writing clearly harvested from some other document and read "Permission to Issue" then Master Eastman's initials and the date "15 9 17". The only non- CFO200 document that has come to light bearing that same set of words is a wholly fictitious action called Sholezard v D'Souza, purporting to have been begun in the Kingston County Court. I judge you to have been behind that fiction and to have done so as a means of harvesting documentation and deceiving judges to assist you in relation to Flat 56 and Counts 1 and 2..

17. That December 2017 effort to achieve the payment out failed and you were to return to court on subsequent occasions with other fake CFO200s, and make no less than 16 phone calls to the Funds Office seeking payment. Later on the amount sought was £279,000 odd because the amount in court had been depleted due to a legitimate payment out in December 2017. Two additional bank accounts were set up in your mother's name, by you and your mother, at Barclays and Clydesdale as alternate places for the money to be paid into. From comments to the bank you suggested that the money was your mother's and yours. You were persisting in these attempts through to March 2018, that is over three months at least.
18. It may be said that if you had been successful the Court would in due course have sought to trace the funds and recover them but it is clear on the evidence that you were anxious to get the money out of your mother's account as soon as you could and I have no doubt you had plans to make sure that it was not recoverable.
19. Quite apart from the very serious endeavour to pervert the course of justice I draw a comparison to determined attempts to obtain £340,000 by fraud.
20. Count 3 involves these criminal proceedings. They having commenced you filed a defence statement and sought to support that by uploading documents. They included a purported order of Master Thornett made on 5th June 2018 and purportedly sealed by the court that day giving you permission to issue a writ of restitution. It was very clear from the evidence that Master Thornett never made or authorised that order and I am wholly satisfied that the purported red seal was not placed there by the court. It was manufactured by you or on your behalf. You then deployed it as an act tending and intended to pervert the course of justice in these criminal proceedings. The seriousness lies in the attempt to avoid the sentences you now face for Counts 1 and 2.

Restraining Order

21. Before coming the sentences I am wholly satisfied that I should make a criminal restraining order under s.360 of the Sentencing Code. That is for the purpose of protecting Mr De Beaumont, and others, from further conduct that amounts to harassment. I judge that order to be necessary based on the evidence I heard at the trial. Mr De Beaumont has, in his victim personal statement, produced evidence of emails from you which are of a deeply concerning nature and by which you appear to claim to have been listening in to conversations between him and his partner. It is unnecessary for me to make any findings about those matters beyond noting that you accept sending the very disturbing email uploaded alongside the VPS, or to give you further opportunities to cause Mr De Beaumont distress in a contest over such matters The reason it is unnecessary is because your conduct proved during the trial is more than enough for me to conclude that a restraining order in the terms I shall make is necessary. The depth of your obsession, considered alongside the sentences that will pass today, is such that I conclude that this restraining order should continue until further order – that is to say indefinitely
22. The number of protected persons must be more than just Mr de Beaumont in the light of the victim personal statements before me and because you have a track record of trying to get around civil restraining orders and the evidence at the trial showed how you sought to bring in those close to Mr de Beaumont as a means of getting at him. That includes Lloyd North.
23. You are prohibited until further order starting today from:
    a. Entering the building, grounds, car park areas or other outdoor areas of Chatsworth Court, Pembroke Road. London W8.
    b. Contacting directly or indirectly (except through solicitors authorised to practice in England and Wales instructed by you and them using only the email contact details below unless they seek further order from this court) the following persons:
        i. Matthew du Boscq de Beaumont;
        ii. Athina Essig;
        iii. Aurelien Essig;
        iv. Pierre Essig;
        v. Sabine Essig;
        vi. Myrielle du Boscq de Beaumont;

vii. Manon du Boscq de Beaumont;

viii. Lloyd North;

c. In the event, of any application to vary this restraining order, notice is to be served upon parties named in the order by email to both of the following addresses and not by any other means (unless the court so directs):

i. xxxxxxxx@xxxxxx; for Mr De Beaumont and those associated with him

ii. xxxxxxxx@xxxxxx for Mr North.

24. Applications to vary that order will be reserved to myself so long as I continue to sit at this court centre and in my absence to HHJ Barrie if available. Mr GHASSEMIAN can expect that any application that does not comply in full measure with CrimPR 31 ,as it now is, will be refused without need for a hearing.

25. This is a criminal restraining order so be very clear that if you break this restraining order you are liable to imprisonment for up to five years.

Sentence principles

26. The maximum sentence is life imprisonment. There is no Sentencing Council guideline specific to these offences. I therefore approach matters by reference to the General Guideline informed by some authorities, including *Abdulwahab [2018] EWCA Crim 1399* and comparators to other offences.

27. **Culpability:** I assess this as high on all three counts. Whilst I am satisfied that Mr GHASSEMIAN holds an obsessive belief that he is entitled to occupy the flat and to money from the flat sale I am equally satisfied that, having failed to achieve that by litigation he set about seeking to achieve it by tricks, by deceiving judges of the High Court and producing false documents and that he did so, consciously and determinedly, over an extended period.

28. **Harm:** The harm varies between the counts. I have set out the dreadful personal consequences for Mr de Beaumont for Count 1; the attempt to obtain £350k out of court funds on Count 2, and the attempt to avoid the sentences I am about to pass on Counts 1 and 2 by his attempt to mislead this court on Count 3. I do draw a line between the stress and strain caused by the civil litigation before these offences and the consequences of these crimes.

29. **Purposes:** The purposes of sentencing I particularly have in mind are the need to punish those who seek to pervert the course of justice for their own ends and the great importance of deterring those who seek to abuse courts by deceiving judges or

producing false documents purporting to have the authority of the court. Such actions risk gravely undermining the authority of the courts and the finality of litigation. Just as counterfeit currency undermines the economy so falsification of court orders undermines the rule of law. The public must have faith in court orders and upholding the authority of court order. Only by so doing can we protect the public such as Mr De Beaumont – a person wholly innocent in all this.

30. **Other indicators:** I draw comparisons with serious stalking offences (albeit not with fear of violence however traumatic); domestic burglary (without stretching that comparison too far), and fraud. Had Count 2 been charged as a fraud offence it would have been Category A2 with a starting point in the range 3-6 years. I have reviewed sentence examples in Blackstones – particularly at B14.34 and in Banks on Sentence.
31. I have concluded that my starting points should be:
    a. Count 1 – 3 years
    b. Count 2 – 3 years
    c. Count 3 – 1 year

Aggravating and Mitigating features

32. **Aggravating:** I am satisfied that, to the extent that others may have been involved, Mr GHASSEMIAN played the leading role.
33. I have regard to findings in the civil courts of dishonesty and fabrication going back to 2002, and the fact that there was discussion in the judgement of Henry Carr J of March 2016 of the possibility of reporting him to the police.
34. I also regard it as a significant aggravating features to Count 1, that Mr GHASSEMIAN was subject to an Extended Civil Restraining Order at the time, and that after his actions in September 2017 Henry Carr J on 20th October 2017 set aside orders from September 2017 "assuming that they are genuine orders" and yet went on to act as he did in June 2018.
35. In addition Mr GHASSEMIAN has persistently sought to put blame on Masters Eastman and Thornett and upon court staff by the essentials of his case namely that they had failed to exercise care when he visited them and failed to maintain proper records.
36. I have taken into account his planning and the sophistication of the offence in culpability and the objective of financial gain in harm.
37. It is correct that Mr GHASSEMIAN was on bail when he submitted the false document in Count 3 but in the circumstances I put that to one side.

38. **Mitigating**: Mr GHASSEMIAN has no previous convictions or cautions (bar his bail offence). This factor is largely negated by the civil findings to which I have referred.
39. I have regard to the fact that Mr GHASSEMIAN's and his mother's unwise involvement in litigation has led him to the loss of his home and that Mr GHASSEMIAN's mother , being cared for by the local authority, died whilst he was in custody. Mr Lawler is right that you now cut a sad and lonely figure. In the event his activities have profited him not at all – although he has cost others a great deal.
40. The delays in proceedings and the fact that he was in due course remanded in custody were however wholly of Mr GHASSEMIAN's making, he having absconded pretending to be in Iran and unable to return when he was in fact within the jurisdiction.
41. I hear the expression of regret for sending the email to which I have referred but there is no regret or remorse about his criminal actions.
42. In my judgement the aggravating features require an uplift from my starting point which I achieve by increasing the penalty on Count 1 to 3 ½ years..

Credit for plea

43. Mr GHASSEMIAN pleaded not guilty and contested matters throughout and so you lost the opportunity to reduce your sentence by admitting what you had done. The fact that he did not choose to come to this court and give evidence on oath in support of the contentions that his advocate was putting on his behalf does not assist him. That said I emphasise that the fact that the matter was contested and that senior judge, including a Lord Justice of Appeal, were required to give evidence adds not one day to your sentence.

Totality and Suspension

44. You could have no complaint if the sentence for each of these counts was consecutive. On analysis they represent different offending for disparate purposes. However I must stand back and ensure that the overall sentence is just and proportionate. In my judgement that is best achieved by making the sentence on Count 3 concurrent. I am satisfied that the overall sentence is just and proportionate to your overall criminality.
45. No question of suspension arises given the length of the sentences I will impose but in any event these matters are such that only immediate custody could be appropriate.

Manning

46. I also have regard to the fact that you have served a significant period during a time of Covid restrictions which are likely to be with us in some form at least for a while yet. I therefore apply what has become termed a "Manning discount" by reducing the sentence on Count 2 by 6 months

The Sentences

47. The sentences will therefore be:
48. On Count 1 – 3 years 6 months.
49. On Count 2 - 2 years 6 months consecutive to count 1
50. On Count 3 – 1 year concurrent
51. The total sentence is 6 years.
52. If there is any residue of the money in court that was due to Mrs Sartripy and which you have inherited then I note that you personally are subject to substantial costs orders in civil proceedings. I conclude that you do not have other resources to pay costs or compensation in the criminal proceedings so the only financial order I can make is the standard surcharge with a collection order.
53. You will be provided with a copy of the criminal Restraining Order but I make it clear that it applies whether or not a copy reaches you. I have told you its terms.

HHJ EDMUNDS QC 27th May 2021