

Catherine Churchard LLB
Solicitor & Legal Services Director

27 May 2005

Messrs Frisby & Co
Solicitors
26 Eastgate Street
Stafford ST16 2LZ

For the attention of Andrew W Broome
BY FAX GRO

Our Ref: CRM/239850/DH/dmt
Your Ref: TC/LJB

Dear Sirs

REGINA -v- CARL ADRIAN PAGE
DUDLEY CROWN COURT

I regret to say that this correspondence is taking up time which is unnecessary and disproportionate. We do not require repeated recitations of our disclosure obligations, with which we have fully complied as set out in earlier correspondence.

We have repeatedly advised that each of the three lawyers concerned are satisfied that the Customs material which they have inspected does not fall for disclosure, either primary or secondary. It follows, as you must know, that we do not consider that it undermines the prosecution's case or assists that of your client.

Despite reminders, you have clearly taken a deliberate decision not to make a third party application against Customs: our position was fully set out over seven months ago, and at a time when the trial was fixed to start in January 2005. You can hardly expect Customs & Excise to produce all such documentation as we have seen simply because you ask for it, when they are aware that we do not consider that it passes the disclosure test. If, as you maintain, this material was important, why did you not make application against Customs? If the matter is to be raised we would suggest that it is now done at trial given that Mr Cottier is part of the Defence case and Customs & Excise would no doubt wish to be represented.

Yours faithfully

Debbie Helszajn
Senior Lawyer
Criminal Law Team

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