

Bundler 1

Sent: 01 May 2014 15:58
To: judy.balderson; [GRO] carole.butler; [GRO]
Cc: Simon Clarke; Martin Smith
Subject: Re: Rugeley 264242

Dear Judy / Carole

Regarding your enquiry in the case of Mr Page (Rugeley 264242), this matter has been considered by Simon Clarke and his response is set out below:

"Dear Judy

I am Senior Counsel at CK and I have been asked to deal with your enquiry.

The short answer to your question "Is this plausible?" is Yes,

The longer answer is that this is not an uncommon scenario, although such offers more frequently emanate from the defence rather than the prosecution: "What if I pleaded to £xxx instead of £xxxxx?" For the defence, such advances are often an attractive (and only) way of compromising an otherwise evidentially strong case in a way which reduces both sentence and confiscation/compensation.

Prosecutors occasionally make such an offer because they are either evidentially weaker on the greater sum or, (more likely and more often) want to spare the cost of a trial and have detected a willingness in the defence to compromise. Sentence is never an issue for the prosecution.

Given the scenario you set out in your email, I rather suspect that the advance was made by the defence: the reference to the shorter sentence (which was then correct) is not something the prosecutor would be interested in and a powerful indication that the defence asked the question. Sentence is always a matter between the court and defence, the prosecution having no role to play on the topic.

Similarly, as neither the prosecution nor the court have any say in where a convicted defendant spends his prison time, this being entirely a matter for the Home Office/HM prison Service, I have no doubt that there was no suggestion that he was a candidate for Open Prison.

The system is as follows: All prisoners are initially received into a closed prison and are then categorised by the Home Office as to their level of escape risk on a scale from A to D and sent to an appropriate prison. A is the highest risk and D the lowest: the most serious and violent offenders are always allocated as Category A prisoners and housed accordingly; a Category D prison is an Open Prison. The process of assessment takes between 3 weeks and 6 months.

Prisoners may seek to reduce their categorisation by exhibiting good behaviour/rehabilitative progress/education attainment etc., and many do. Some occasionally go the other way, usually by losing Category D status and being returned to a Closed Prison.

No prisoner ever goes straight to category D, not even Jeffrey Archer!!; Category D is regarded as a reward for consistent high level good behaviour and reserved only for the most model of prisoners.

The early release and tagging of prisoners is also a matter solely for the Home Office/HM Prison Service.

For these reasons Mr Page would not have been advised by RMG/POL or any lawyer/prosecutor acting for RMG/POL as to his likely prison status, prison-type, release date or release status (e.g. Tag). It is possible however that the defence lawyer suggested such a thing to Mr Page in the hope that it would persuade him to plead guilty to the lower sum. That of course would be an issue between him and his lawyer and could not form the basis of any legitimate complaint against POL and the Mediation Scheme.

I have provided more detail than perhaps you would have anticipated on the basis that too much knowledge is never a bad thing!!

And it rather sounds like Mr Page may be trying it on a bit.
Hope this helps.

Simon Clarke"

Kind Regards

Chris

Chris Powell



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