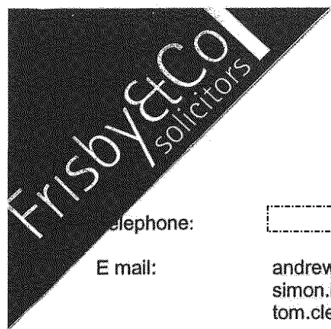




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AB/TC/LJB

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CRM/239850

Date:

26th May 2005

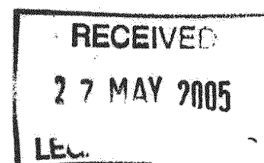
For the attention of: Debbie Helszajn

By Fax & Post:

GRO

Royal Mail
Legal Services
Impact House

GRO



Dear Madam

RE: R v CARL PAGE
STAFFORD CROWN COURT

Thank you for your letter of the 24th of May 2005

We are staggered to read your interpretation of what went on in court on the 13th of May 2005., and are tempted to ask whether we were at the same hearing.

We will be endeavouring to obtain a transcript of what went on, when our Counsel, Mr Cooper, suggested to the trial Judge that Mr Cottier should attend with his papers. We maintain our position as expressed in our previous correspondence, and will, of course, provide you with a full transcript once we have full authorisation. Any issues arising from us doing this, no doubt you will agree, can be dealt with thereafter when we categorically establish the precise events.

As to your final paragraph about cooperation in which you "Laud" your cooperation to us, we should point out that this is no more than any prosecutor is duty bound to do. This applies, be you Royal Mail, or any other Prosecuting Authority. We have always maintained the importance of material held by Customs and Excise, especially as they were investigating this matter before your involvement. Whether or not you assist us in obtaining the papers which Mr Cottier [for reasons best known to him] does not want to show us, must be a matter for yourselves. However, we will, so far as the Court will allow us, be making reference to the Customs investigation with or without those materials.

.....2

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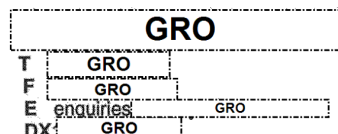
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This firm is regulated by the Law Society
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No doubt this will be something the Judge will consider as he must in terms of whether the production of these papers should be compelled as the trial progresses.

We have been led to believe that as from the 13th May 2005, that Cottier would be called as a Crown witness. After the 13th, we categorically assert that we believed he would attend with his papers. It is only recently that Cottier has declined to do so, and that by your letter, you dispute that there was any understanding that he would do so. Hopefully the transcript will resolve this issue.

In the spirit of clarifying your position, perhaps you could confirm that the Royal Mail, as a Prosecution Authority, feels itself bound by the directives laid down in the Criminal Procedure and Investigations Act 1996, which has no doubt been circularised around your office, and the Attorney General's Guidelines upon the disclosure of information in Criminal Proceedings. Of course, if you do not feel bound by these authorities, it goes some way to explain your rather dismissive attitude to our requests for disclosure of documents held by Customs.

We do respectfully assert that though you are a Private Prosecuting Authority, you are nonetheless bringing a prosecution in the name of the Crown. We particularly refer you to paragraphs 29 - 33 of the AG's Guidelines which deal with material held by other bodies and agencies. In particular, the guidance on Para 30 and 31:-

Paragraph 30

"there may be cases where the investigator where the investigator, disclosure officer or prosecutor suspects that a non government agency or other third party.... has material or information which might be disclosable if it were in possession of the prosecution. in such cases consideration should be given as to whether it is appropriate to seek access to the material or information and if so, steps should be taken by the prosecution to obtains such material or information....."

Paragraph 31

"if the investigator disclosure officer or prosecutor seeks access to the material or information but the third party declines or refuses to allow access to it, the matter should not be left. if despite any reasons offered by the third party it is still believed that it is reasonable to seek production of the material or information ... then the PROSECUTOR or INVESTIGATOR should apply for a witness summons causing a representative of the third party to produce the material to the Court."

We know that you have seen this material and have stated that it is not relevant to our client's defence as it relates to **GRO**. You have not told us that it does not undermine the prosecution's case, or that it does not assist the defence. Indeed, from what you have already reported to us regarding the information relating to **GRO** given that our cases are to some extent intertwined, disclosure seems an eminently sensible path to take.

We will be seeking to bring this matter before the Court either on the first day of trial, or on a day preceding, subject to the convenience of the trial Judge, and can only impress, once again, the need for your cooperation in this matter, which, despite your words, we have to say seem lacking in action.

GRO

Andrew Broome
FRISBY & CO SOLICITORS