



DEPARTMENT OF THE
DIRECTOR OF PUBLIC PROSECUTIONS

Courthouse, Omagh, Co Tyrone BT78 1DU

Telephone: **GRO**

Fax No: **GRO**

20th April 04

Your reference

Our reference 258267

Date 2/6/4.

GRO

Dear Sir/Madam

SUBJECT: ~~P~~ Omagh.
CROWN COURT SITTING AT

GENERAL DIRECTION OF PROOFS

(A) PRE-ARRAIGNMENT

No later than you must bring to the Southern Circuit Office hand to the Law Clerk in charge of the Court, or the Senior Clerk, the following:-

- i. FOUR copies of the up to date criminal record of the accuse if applicable. These must be legible. Please confirm if the Injured Party has any previous convictions.
- ii. Confirmation regarding the dates on which witnesses will not be available together with the names of those concerned for period of 12 weeks after committal date.
- iii. A copy of any notice under the Treatment of Offenders Order in respect of which the court will be asked to make an Order.
- iv. A Certificate of Order in respect of any suspended sentence with which the Court will be asked to deal.
- v. Four sets of the photograph album.
- vi. Four copies of the map.
- vii. Two copies of the Criminal Record of all Crown witnesses (except non-contentious witnesses or professional or expert witnesses giving evidence in that capacity).
- viii. An updated medical report on the Injured Party.
- ix. A copy of the TIC Schedule to be served on the accused.
- x. A Victim Impact Report.
- xi. You should confirm service of Form 5 and or Combination 5 & 6.

It is the duty of the investigating officer to notify and copy Department any material which is disclosed to the Defence at a pre or during trial.

(B) ARRAIGNMENT:-

The accused will be arraigned on a date to be fixed. You w. notified of the date and you must attend at 9.30am for consultatio the Prosecutor.

You must bring the following exhibits to the arraignment:-

If the accused pleads guilty you must notify the witnesses forthwith

(C) TRIAL:-

A date for hearing will be fixed at or after arraignment.

It is your responsibility to collect and serve the witness summon which will be prepared in due course. It is not possible to c anything other than a provisional date for the trial and a case may listed and not proceed on the original date. You must be able contact your witnesses at short notice.

You must obtain and bring to the Court for the trial:-

- i. The original Custody Record/PACE 10.
- ii. A further 10 copies of the photograph-album.
- iii. A further 10 copies of the map.
- iv. The original interview notes, a photocopy and typewritte copy of same/the original tape of the interview should b. brought to court by the officer who has custody of it.

All exhibits must be in court.

If video evidence forms part of the papers, it is the responsibility of the investigating officer to ensure video equipment is installed in the Court for the duration of the Trial.

You must notify all doctors who examined the accused while in custody to be on standby.

You must be able to identify and be in a position to call all Custody Officers to attend court at short notice.

Yours faithfully

GRO

Ext 29
Southern Circuit
for Director of Public Prosecutions



Department of the Director of Public Prosecutions

93 Chichester Street Belfast BT1 3JR

GRO

PO BOX 410

PSNI Ref: C48/3/04

DPP Ref: 258267

Subject: ALLEGED THEFT BY SUB-POST MISTRESS AT THE CLANABOGAN POST OFFICE IN
OMAGH
R -v- MAUREEN McKELVEY

Senior Law Clerk
Southern Circuit

DIRECTION - PART II

SENT HEREWITH:

The following copy documents -

Direction - Part I

Directions for committal proceedings

Police Report

The following original documents -

Disclosure letter and enclosures to be given to the Disclosure Officer at the time the committal papers are checked for service on the defence after committal.

Draft Indictment

GENERAL:

Briefing Section will prepare the trial brief in this case and forward it to the Circuit Office in due course.

GRO

R SHIELDS - TEL **GRO**
Southern Circuit
for Director of Public Prosecutions

22 March

2004





Department of the Director of Public Prosecutions

93 Chichester Street Belfast BT1 3JR

GRO

PO BOX 410

PSNI Ref: C48/3/04

DPP Ref: 258267

Subject: ALLEGED THEFT BY SUB-POST MISTRESS AT THE CLANABOGAN POST OFFICE IN
OMAGH
R -v- MAUREEN MCKELVEY

Chief Constable

DIRECTION - PART I

CHARGE:

Prosecute Maureen McKelvey on indictment for the following non-scheduled offence:-

That you, on a date unknown between the 1st day of September 2001 and the 21st day of August 2002, in the County Court Division of Fermanagh and Tyrone, stole cash in the sum of £4,623.48 or thereabouts belonging to Post Office Limited, contrary to section 1 of the Theft Act (Northern Ireland) 1969.

GENERAL:

Prosecution on indictment is warranted.

The amount of "errors" in a relatively short time frame would indicate that this is more than simple incompetence.

Primary prosecution disclosure will be made to the defence following committal.

Committal papers, Directions for committal proceedings, the police investigation file and a copy Direction Part I have been handed to the police officer in charge of the case and he should deal with them in compliance with PSNI Force instructions.

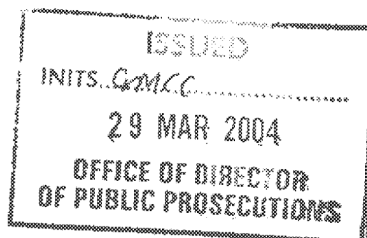
The Senior Law Clerk, Southern Circuit, will be sent, inter alia, copy Part I of this Direction, Direction Part II, copy Directions for committal proceedings and letters and enclosures to be given to the Disclosure Officer at the time the committal papers are checked and copy police report.

The District Commander, Omagh, Police Service of Northern Ireland, has now been sent a copy Direction Part I and copy Directions for committal proceedings.

GRO

K SHIELDS - TEL GRO
Southern Circuit
for Director of Public Prosecutions

22nd March 2004



Internal Ref:

Circuit Ref:

PSNI Ref: C48/3/04

DPP Ref: 258267

To Officer-in-charge: Suzanne Winter, Belfast, Post Office Ltd

Subject: R -v- MAUREEN MCKELVEY

DIRECTIONS FOR COMMITTAL PROCEEDINGS

PROVISIONAL DATE FOR PRELIMINARY INQUIRY 20/4/04
MAGISTRATES COURT

AT OMAGH

THESE COMMITTAL PAPERS MUST BE COMPLETED AND RETURNED TO THE SENIOR LAW CLERK SOUTHERN CIRCUIT OFFICE, THE COURTHOUSE, JOHN STREET, OMAGH BY PRIOR APPOINTMENT ONLY AND IN ANY EVENT NO LATER THAN 6/4/04
IT IS IMPORTANT THAT YOU ADHERE TO THIS DATE. IF YOU CANNOT PRESENT THESE PAPERS ON OR BEFORE THE DATE IN QUESTION, PLEASE CONTACT THE SENIOR LAW CLERK REGARDING THE MATTER.

In these papers there may be any of the following:-

1. ORIGINAL TYPED STATEMENTS WHICH HAVE NOT REQUIRED ANY EDITING - EXHIBIT NUMBERS MAY HAVE BEEN INSERTED.

If the above statement has not been signed and dated by the maker, it must be accompanied by the original handwritten statement so signed and dated - ensure that the typed version has been certified a true copy of the original.

You must ensure that these original handwritten statements are placed at the rear of the committal papers served on the Court.

2. STATEMENTS WHICH HAVE BEEN EDITED AND RE-TYPED - EXHIBIT NUMBERS MAY HAVE BEEN INSERTED

You must now have these new statements signed and dated by the appropriate witnesses, and countersigned. Ensure that each witness reads through their statement before signing. If a witness objects to the content of their statement and/or will not sign it, the Directing Officer must be informed immediately.

3. COPY STATEMENTS AND COPY SUMMARIES OF TAPE RECORDED INTERVIEWS WHICH HAVE BEEN EDITED BY USE OF A COMBINATION OF BRACKETS AND LIGHT STRIKING OUT - EXHIBIT NUMBERS MAY HAVE BEEN INSERTED

Ensure that each such statement is accompanied by the original unedited handwritten statement or where appropriate the original unedited typed statement which has been signed and dated by the maker and countersigned. Police **MUST NOT** edit or make any alterations to such original statements. No such action is required in respect of summaries.

You must ensure that these accompanying statements are placed at the rear of the committal papers served on the Court.

1. Disclosure

At the time when you return the signed committal papers to the Senior Law Clerk for checking you will be handed an envelope containing **primary prosecution disclosure**. On the day of committal, following the committal for trial, you should hand the envelope to the legal representative for the accused, or, if that is not possible to the accused personally.

You have been provided with a copy of the disclosure letter and marked non-sensitive schedule. These set out the material to be disclosed to the accused.

Any material in respect of previous convictions of witnesses or disciplinary records of police officers, not listed for disclosure in the disclosure letter, it not considered to be relevant to the investigation and need not be added to the schedules.

2. You must confirm to the Senior Law Clerk, when presenting the papers, the availability of witnesses to attend the Crown Court to which it is intended to return the defendant. To be in any position to do this you must contact every witness beforehand to determine his movement and availability. It is recognised that there will be occasions when a witness will become unavailable at a later stage because, eg of illness or accident. In such event you are required to inform the Senior Law Clerk immediately in order to prevent the listing of the trial which then has to be aborted because of that witnesses indisposition. This causes total disruption of trial lists and delays the proper administration of justice.

When returning your papers you will be asked to certify that you have so notified all the prosecution witnesses.

3. A specific Direction of proofs will issue in due course.

The following special instructions must be complied with in this case: -

All documents referred to in the non-sensitive schedule and retained by police must be checked to ensure that sensitive details relating to witnesses such as addresses, telephone numbers or car registration numbers, other than where any of these appear in the charge(s) directed against the accused, are not disclosed to the defence. Any document containing such material should be re-copied so that the sensitive details cannot be read. This is the document which may then be inspected by the defence.

*Not
Known*

USE THE FOLLOWING CHECKLIST TO ASSEMBLE YOUR PAPERS AND ENSURE THAT THEY ARE ALL IN ORDER FOR PRESENTATION TO AND CHECKING BY THE SENIOR LAW CLERK

Have any special instructions been complied with?

Has the NOTICE OF INTENTION been completed and signed?

Has the STATEMENT OF COMPLAINT been signed?

Has the LIST OF WITNESSES been signed?

Is there a statement for each witness listed?

Has each witness statement been dated, signed by the witness and countersigned by another person?

In respect of every handwritten witness statement is there a top typed copy?

Where a copy statement has been edited by use of brackets and striking out - is the appropriate accompanying original statement enclosed?

Has the LIST OF EXHIBITS been signed?

Have you the ORIGINALS OF ALL DOCUMENTARY EXHIBITS READY FOR PRODUCTION TO THE Senior Law Clerk?

Is there a typed and certified copy of each handwritten exhibit?

Has every exhibit been properly labelled showing the correct exhibit number?

Has each top typed copy exhibit been property marked on the top right hand corner with the correct exhibit number?

Have you obtained a copy recognisance for each accused on bail?

WHILE THE ANSWER TO ANY OF THE ABOVE QUESTIONS IS NO THE PAPERS ARE NOT COMPLETE BUT THEY MUST NEVERTHELESS BE RETURNED TO THE SENIOR LAW CLERK BY THE DATE STATED OVERLEAF.

If for any unavoidable reason some other officers has to present the papers (either complete or incomplete) to the Senior Law Clerk, that officer must be fully briefed on the facts of the case, and, where necessary, the reasons why the papers are incomplete.

In accordance with force instructions, arrangements must be made to have the required number of copies processed. Such copies must be legible.

When ready a copy of the papers must be served on the accused (or each of them) PERSONALLY (not on a solicitor) and the original set must be delivered to the Clerk of Petty Sessions of the court at which the committal proceedings are to be held, five clear working days before the date set for the committal. A further copy of these papers should be made available for the Senior Law Clerk in the Circuit Office. These will be retained by him to "brief" counsel at the hearing of committal proceedings. If the committal is to be in BELFAST, hand a copy of the Statement of complaint(s) to the staff of the police office, Townhall Street.

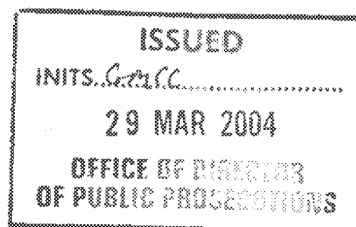
YOU MUST TAKE ALL NECESSARY STEPS TO ENSURE THAT THE ACCUSED IS/ARE REMANDED TO, OR PRODUCED AT, THE CORRECT COURT ON THE CORRECT DAY FOR THE COMMITTAL.

YOU (OR A FULLY BRIEFED SUBSTITUTE) MUST ATTEND THE COURT ON THE DAY OF THE COMMITTAL AT 10.00 AM AND SEEK OUT AND MAKE YOURSELF KNOWN TO THE DPP PROSECUTOR.

GRO

K SHIELDS - TEL **GRO**
Southern Circuit
for Director of Public Prosecutions

22 March 2004



Copies to:

The District Commander, Omagh, PSNI
Circuit Office



Department of the Director of Public Prosecutions

93 Chichester Street Belfast BT1 3JR
GRO PO BOX 410

The Solicitor representing
Maureen McKelvey

258267

Date of Service

Dear Sir

R -v- MAUREEN MCKELVEY

OMAGH CROWN COURT

DISCLOSURE OF PROSECUTION MATERIAL UNDER SECTION 3 OF THE CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

I am required by section 3 of the Criminal Procedure and Investigations Act 1996 to disclose to you any prosecution material which has not previously been disclosed, and, which in my opinion, might undermine the case for the prosecution against you.

I attach to this letter a copy of a schedule of non-sensitive material prepared by police in compliance with their duties under Part II of the Criminal Procedure and Investigations Act 1996 and the provisions of the Code of Practice. The schedule has been prepared by the disclosure officer, who in this case is Suzanne Winter, Belfast, Post Office Ltd.

Unless the letter 'E' (evidence) appears alongside any item, the items listed on the schedule are not presently intended to be used as part of the prosecution case.

Where the letters 'DC' (disclose copy) appear, copies of the items listed are attached.

This material is disclosed to you in accordance with the provisions of the Criminal Procedure and Investigations Act 1996. You must not use or disclose it, or any information recorded in it, for any purpose other than in connection with these criminal proceedings. If you do so without the permission of the court, you may commit an offence.

If you supply a written defence statement to the court and to this office within 21 days of receipt of this letter, material which has not been disclosed at this stage will be further reviewed in the light of that statement.

A defence statement should be sent to this office using the references and title set out above, to the following address -

Royal Courts of Justice (PO Box 410), 93 Chichester Street, Belfast, BT1 3JR.

A defence statement is required by section 5 of the Criminal Procedure and Investigations Act 1996 in Crown Court cases. In Magistrates' Court cases, section 6 of the Act makes a defence statement optional. Please bear in mind that we will rely on the information you provide in this statement to identify any remaining material which has not already been disclosed but which might

reasonably assist the defence case as you have described it. The statement will also be relied on by the court if you later make an application under section 8 of the Act.

If you do not make a defence statement where one is required, or provide one late, or the statement does not otherwise comply with the provisions of the Act the court may permit comment and/or draw an adverse inference.

Yours faithfully

GRO

K SHIELDS - TEL **GRO**
Southern Circuit
for Director of Public Prosecutions