

Courthouse  
Omagh  
Co Tyrone  
BT38 1DU

Director of Public Prosecutions  
(Fermanagh & Tyrone Pilot Project)

Tel: GRO  
Fax: GRO

De/Con C Coyle  
The Police Service of Northern Ireland  
Omagh  
Co Tyrone

DPP Ref: 258267  
May 2004

Dear Sir

R -v- MAUREEN MCKELVEY  
OMAGH CROWN COURT - 18 MAY 2004  
DISCLOSURE OF PROSECUTION MATERIAL UNDER SECTION 5 OF THE CRIMINAL PROCEDURE AND  
INVESTIGATIONS ACT 1996

I have received defence statement under section 5 of the Criminal Procedure and  
Investigations Act 1996 in relation to the above-named defendants.

I attach copy of the defence statement to this letter.

I am now considering whether there is any further unused material which ought to  
be disclosed to the defendant under section 7 of the Criminal Procedure and  
Investigations Act 1996.

Please review the unused material listed on the schedule(s), and in your  
possession, and let me know whether there is anything, not already disclosed,  
which you believe might assist the defence having regard to the defence  
statements provided.

In any event please forward two copies of all unused material itemized on  
the schedule not already included on the DPP file.

I should be grateful to have your observations by 26 May 2004.

Yours faithfully

GRO

KEVIN SHELLS  
Southern Circuit  
for Director of Public Prosecutions

enc

cc CJU Manager  
PSNI  
Omagh

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**GRO**  
**GRO**

John J McNally & Co  
Solicitors  
2 Moneymore Road  
Magherafelt  
Co. Derry  
BT45 6AD

SA/EM/M61

258267

May 2004

Dear Sir

R v MAUREEN McKELVEY  
OMAGH CROWN COURT

I acknowledge receipt of your defence statement dated 10 May 2004 received on  
10 May 2004 .

This matter is receiving attention.

Yours faithfully

**GRO**

Southern Circuit  
for Director of Public Prosecutions

TO GRO

P.02 05

**JOHN J. McNALLY & Co**

*Solicitors*

2 Moneymore Road, Magherafelt, Co. Derry BT45 6AD  
Telephone: GRO • Facsimile: GRO  
Email: GRO

Also at: Draperstown, Friday 12 p.m. - 3 p.m.  
DX 3308 NR Magherafelt

Our Ref: SA/EM/M61

Your Ref:

Date: 10 May 2004

Dept of the Director of Public Prosecution,  
The Courthouse,  
OMAGH  
Co Tyrone

258267

Dear Sirs,

RE: Queen -v- Maureen McKelvey  
Ref Unknown

We enclose herewith Defence Statement in above by way of service.

Yours faithfully

**GRO**

John J McNally & Co.

ok.d  
by  
Brian

J. McGeown L.L.B.

M. Kelly, L.L.B. • G. Thuesdale L.L.B. • C. O'Neill L.L.B. • C. Cullen R.C.L.  
W. McFarlane L.L.B. • S. Atherton L.L.B. • J. McGuire L.L.B.

IN THE CROWN COURT IN NORTHERN IRELAND

THE QUEEN

-v-

MAUREEN McKELVEY

DEFENCE STATEMENT PURSUANT TO THE CRIMINAL  
PROCEDURE AND INVESTIGATIONS ACT 1996

1. Entirely without prejudice to her rights to contest the admissibility of the evidence upon which the Prosecution intends to rely upon herein or to any part thereof, and to her rights in respect of such issues as the evidence may properly give rise to, the accused states that she is not guilty of the charge alleged against her and takes issue with the said charges and with the evidence relied upon in respect of same.
2. Within and subject to the terms of paragraph 1 above the accused refers to the admissible portions of exhibits 4, 5& 6 of the committal papers, and, in taking issue as aforesaid, will further rely upon evidence of such facts or admissible opinion, whether or not presently within the knowledge of the accused, as may be stated on the trial.
3. Without prejudice to the generality of the foregoing, the accused takes issue with the allegation in the charges that she --
  - Intended to permanently deprive the Post Office of the money as alleged or any money or at all.
  - That she acted dishonestly.
  - That she appropriated the property/money as alleged.
  - That she in any way took property of the Post Office.

TO: GRO

TO: GRO

TO: GRO

TO: GRO

4. The accused states that any discrepancies which arose in this case were a result of the following individually or a combination of same, namely –
  - a. Human error on her part in respect of totalling and entering monetary amounts on to the computer system.
  - b. The pressure of running a shop and Post Office whilst being understaffed.
  - c. Operating a credit account for Camphill organisation through the Post Office.
  - d. The failure of the Post Office to supply with a sufficient cash float for the Post Office despite numerous requests by the accused to do so. This thereby compelled the accused to use her own money to pay out to Post Office customers when there was a short fall in the cash float due to insufficient amounts in this regard being provided by the Post Office.
  
5. The evidence of all Crown witnesses which tend to suggest that the accused did commit the offence alleged against her is to be challenged. In particular and without loss of generality the reliability of witnesses who suggest that the Defendant was involved in the offence alleged against her will be challenged. Accordingly, all material disclosing information which may have been communicated by witnesses, recorded by them or which may reflect on their credibility and upon the strength or weakness of their purported evidence should be disclosed. This disclosure should include –
  - a. manuscript statements
  - b. notebook entries
  - c. any other notes and memoranda relating to the charges

TO: GRO FROM: J. McNally

GRO

Page 3

- d. all information indicating a version of events inconsistent with the Defendant's alleged guilt should be disclosed
- e. any previous convictions in respect of witnesses.

Dated this 10th day of May 2004

To  
DPP  
The Courthouse,  
OMAGH  
Co Tyrone

The Chief Clerk,  
Crown & County Court Office,  
The Courthouse,  
OMAGH  
Co Tyrone

**John J McNally & Co**