

Department of the Director of Public Prosecutions  
**Special fees payable to Counsel**  
(Interim / final payment) (delete as appropriate)

**COPY**

Counsel C. McKay SL VAT reg no. **GRO**  
 R v McKelvey  Not VAT registered  
 Court Dungh Bill no. \_\_\_\_\_ DPP ref. no. 258267  
 Offence Theft

Professional work	Attendance dates court / consultation	Length of hearing or consultation	Fees £
1st consultation			<b>IRRELEVANT</b>
2nd consultation			
3rd consultation			
Day one (Brief)	<u>15/9/04</u>		
1st refresher	<u>14/9/04</u>		
2nd refresher	<u>15/9/04</u> <b>IRRELEVANT</b>		
3rd refresher	<u>16/9/04</u>		
4th refresher			
5th refresher			
6th refresher			
7th refresher			
8th refresher			
9th refresher			
10th refresher			
Proofs			
Indictment			
Opinion			
<del>Judgment</del>	<u>Minus Scale Fee Paid</u>	<u>13/9/04</u>	
<del>Sustained</del>		<u>14/9/04</u>	
<del>Other</del>		<u>15/9/04</u>	
<del>Travel</del>		<u>16/9/04</u>	

Sub Total  
 VAT (if applicable)  
**TOTAL PAYABLE**

Prepared by **GRO** Rank Temp C. Date 21/12/04  
 Recommended for payment by **GRO** Assistant Director Date 03/01/05  
 Signature \_\_\_\_\_  
**For use in the Northern Ireland Office**  
 Authorised by \_\_\_\_\_ Rank \_\_\_\_\_ Date \_\_\_\_\_  
**GRO** Signature \_\_\_\_\_

DPP Ref:

MR MORRISON

APPLICATION FOR SPECIAL FEE FOR: C McKAY BL

R-v-: McKELVEY

CIRCUIT: OMAGH CROWN COURT

WORK: TRIAL

DATE OF FEE NOTE: 6 NOVEMBER 2004      DATE TO AD (FEES): 04/10/05

MAIN OFFENCE: THEFT

NUMBER OF DAYS: 4

Please find herewith an application for a special fee in the above matter.

Junior Counsel has supplied a detailed report in this case which I copy to you.

**IRRELEVANT**

This fee has been agreed with Counsel.

DPP REF:

Accordingly, I recommend payment of the following fees:-

**IRRELEVANT**

**J Rea**

J REA

Assistant Director

*Sfor* December 2004

Charles McKay B.L.

Barrister at Law  
Bar Library  
Belfast

Bar Phone No:  
Home Phone No:  
Mobile Phone No:  
Fax No:  
Email:

**GRO**

Mr R McCarey  
Assistant Director  
D.P.P.  
Windsor House  
Belfast

6<sup>th</sup> November, 2004

Dear Sir,

**Re: R -v- Maureen McKelvey (D.P.P. Reference 258267)**

I refer to the above prosecution at Omagh Crown Court where the Defendant appeared on charges of theft. The Defendant was charged with the theft of £4,623 in the course of her employment as a Sub Postmistress of Clanabogan Post Office in Omagh. The offences occurred over a one year period when the Defendant made a series of overclaims for non-existent pension and allowance foils. The discrepancies were subsequently discovered during a routine "rota check" of the pension and allowance foils dispatched from the Post Office. When interviewed by the security personnel from the Post Office the Defendant denied all responsibility and suggested the losses were due to errors on the computer system and the accounting method adopted by the Post Office. This trial took a week in the Crown Court while the jury considered 250 pages of highly technical evidence and a further 50 exhibits. Much of the evidence was taken up with the nature and payment of Benefits from the Post Office; the accounting system in operation throughout the twelve month period; the checking system adopted at the Paid Order Unit at Lisahally, Londonderry; the float system and the cash accounting system in operation at the Post Office. In the course of challenging the prosecution case the Defendant took issue with:

- (1) Her intention to deprive the Post Office.
- (2) Her appropriation of the money, her alleged dishonesty and cited the following factors:
  - (a) human error;
  - (b) the pressure of running a shop attached to the Post Office;

- (c) the operation of a credit account system for a refugee organisation and the failure of the Post Office to supply a sufficient cash float during the relevant period.

In summary therefore this was a very difficult prosecution which involved two days preparation and a week of evidence in the Crown Court. I understand from the Defendant's Senior Counsel that he will receive a brief fee of £5,000 from the Legal Services Commission. In the circumstances I would ask for an appropriate Special Fee for the trial.

Yours faithfully,

**Charles McKay**

CHARLES McKay

**IRRELEVANT**