

02/06

E.1

C

| Names of Accused | Date of Disposal | Sentence (if any) |
|------------------|------------------|-------------------|
|                  |                  |                   |
|                  |                  |                   |
|                  |                  |                   |

PO09000047

NNE8900820309

Under the Criminal Procedure (Scotland) Act, 1995

IN THE SHERIFF COURT OF GRAMPIAN HIGHLAND AND ISLANDS AT LOCHMADDY

The COMPLAINT of the PROCURATOR FISCAL against

WILLIAM JOHN QUARM,

**GRO**

Date of Birth: **GRO**

The charge(s) against you is/are that

(001) between 01 October 2007 and 23/07/2008 at Paible Post Office, Bayhead Shop, Paible, Lochmaddy, HS6 5DS you WILLIAM JOHN QUARM did while Subpostmaster of Paible Post Office, Bayhead Shop, Paible, Lochmaddy, HS6 5DS embezzle ~~£40,277.76~~ of money

*£27,000*

**GRO**

**GRO**  
Procurator Fiscal Depute  
**K Maclead**

Apprehension and Search

20 . - The Court grants Warrant to apprehend the said Accused and grants warrant to search the person, dwellinghouse, and repositories of said Accused and any place where they may be found and to take possession of the property mentioned or referred to in the Complaint and all articles and documents likely to afford evidence of guilt or of guilty participation

Sheriff

Diet

20 .-The Court Assigns  
20 , at .m., within the SHERIFF Court-House,  
as a Diet in this case

Clerk of Court

SCS Reference: SCS/2009-068607 / LMD/2009-000029  
PF Reference: PO09000047-001  
Police/Agency Reference: NNE8900820309  
Hearing Date 2nd June 2009

Sheriff Court: LOCHMADDY  
Date: 2nd June 2009  
Sheriff: A BERRY

Accused: WILLIAM JOHN QUARM – Absent  
Represented by: G. Seaton

said plea being made by said solicitor on behalf of accused.

The court on the motion of the defence Adjourned the diet without plea  
Until 30th June 2009 at 10:00am on Charge 1

~~The court ordained the accused to appear at said diet(s).~~

**GRO**

Sharon SELKIRK  
Clerk of Court

SCS Reference: SCS/2009-068607 / LMD/2009-000029  
PF Reference: PO09000047-001  
Police/Agency Reference: NNE8900820309  
Hearing Date 30th June 2009

Sheriff Court: LOCHMADDY  
Date: 30th June 2009  
Sheriff: Raymond MCMENAMIN

Accused: WILLIAM JOHN QUARM – Absent  
Represented by: G. Seaton

The accused in answer to the complaint pled not guilty to charge 1  
said plea being made by said solicitor on behalf of accused.

The court Adjourned the case for Trial  
Until 22nd September 2009 at 10:00am. Assigned 25th August 2009 at 10:00am as an intermediate diet on  
Charge 1

The court ordained the accused to appear at said diet(s).

Further, the court informed the accused that if he fails to appear at any diet in the proceedings of the case the  
court may hear and dispose of the case in his absence in terms of section 146 (3ZB) of the Criminal Procedure  
(Scotland) Act 1995 as amended.

I certify that I informed the accused of the consequences of failure to appear at any future diet in the proceedings  
of the case by –  
Informing the solicitor acting on behalf of the accused of the date time and place of the above Intermediate and  
Trial diets in open court in the course of this diet.

**GRO**

Richard Wells  
Clerk of Court

SCS Reference: SCS/2009-068607 / LMD/2009-000029  
PF Reference: PO09000047-001  
Police/Agency Reference: NNE8900820309  
Hearing Date 25th August 2009

Sheriff Court: LOCHMADDY  
Date: 25th August 2009  
Sheriff: A BERRY

Accused: WILLIAM JOHN QUARM – Present  
Represented by: G. Seaton

The accused indicated an intention to adhere to the plea(s) of not guilty previously tendered in relation to charge 1.

~~The court on the motion of the defence~~ The court on defence motion discharged the trial diet set down for 22 September 2009 the defence requiring further time for preparation for the trial and to obtain legal aid.  
Adjoined the case for Trial *of new*  
Until 20th October 2009 at 10:00am. Assigned 22nd September 2009 at 10:00am as an intermediate diet on Charge 1  
*12:00*  
*and discharge*

The court ordained the accused to appear at said diet(s).

Further, the court informed the accused that if he fails to appear at any diet in the proceedings of the case the court may hear and dispose of the case in his absence in terms of section 146 (3ZB) of the Criminal Procedure (Scotland) Act 1995 as amended.

I certify that I informed the accused of the consequences of failure to appear at any future diet in the proceedings of the case by –  
Informing the accused of the date time and place of the above Intermediate and Trial diets in open court in the course of this diet.

**GRO**  
**GRO** M CAMPBELL  
Clerk of Court

SCS Reference: SCS/2009-068607 / LMD/2009-000029  
PF Reference: PO09000047-001  
Police/Agency Reference: NNE8900820309  
Hearing Date 22nd September 2009

Sheriff Court: LOCHMADDY  
Date: 22nd September 2009  
Sheriff: J NEWALL

Accused: WILLIAM JOHN QUARM – Present  
Represented by: G. Seaton

The accused indicated an intention to adhere to the plea(s) of not guilty previously tendered in relation to charge 1.

The court on defence motion discharged the trial diet set down for 20th October 2009 in view of the minute lodged by the accused in terms of the Act of Adjournal (Devolution Issue rules) 1999 and appointed a notional diet of debate on said Minute on Tuesday 17th November 2009 at 11.00am.  
Adjourned the case for Trial  
Until 15th December 2009 at 10:00am. Assigned 17th November 2009 at 10:00am as an intermediate diet on Charge 1

The court ordained the accused to appear at said diet(s).

Further, the court informed the accused that if he fails to appear at any diet in the proceedings of the case the court may hear and dispose of the case in his absence in terms of section 146 (3ZB) of the Criminal Procedure (Scotland) Act 1995 as amended.

I certify that I informed the accused of the consequences of failure to appear at any future diet in the proceedings of the case by –  
Informing the accused of the date time and place of the above Intermediate and Trial diets in open court in the course of this diet.

**GRO**

M CAMPBELL  
Clerk of Court

**UNTO THE HONOURABLE SHERIFF OF GRAMPIAN, HIGHLAND AND  
ISLANDS AT LOCHMADDY**

**MINUTE**

**by**

**WILLIAM QUARM**



**HUMBLY SHEWETH**

1. That the Minuter has been cited at the instance of the Procurator Fiscal to an intermediate diet in the Sheriff Court at Lochmaddy on 22<sup>nd</sup> September 2009.

2. That the Minuter seeks to raise a devolution issue within the meaning of Schedule 6 to the Scotland Act 1998 ("the Act") on the following grounds:

Article 6(1) of the European Convention on Human Rights ("the Convention") provides, *inter alia*, that "... everyone is entitled to a fair and public hearing within a reasonable time..."

On 20th May 1999 in terms of section 44 of the Act the Lord Advocate became a member of the Scottish Executive.

By virtue of section 57(2) of the Act, the Lord Advocate, and the Procurator Fiscal at Lochmaddy, has no power to act in a way which is incompatible with Convention rights.

3. That on 7<sup>th</sup> August 2008 the Minuter was interviewed by officers of Post Office Limited Investigation Team at Paible Post Office. He was interviewed on three occasions between the hours of 10.50am and 1.14pm. Throughout these interviews he was denied the right to legal representation.

4. It is anticipated that the Crown will found on answers to questions posed during the course of the Minuter's interviews in seeking to discharge the burden of proof against him. It is submitted that to do so is contrary to the Minuter's Article 6 rights, in particular Article 6(3)(c). Reference is made to the case of *Salduz v. Turkey* (36391/02) unreported November 27, 2008 (ECHR), in particular at paragraphs 50 – 63.

5. That the act of the Crown in seeking to lead the evidence from the transcripts of the interviews in the course of the Minuter's trial is an act incompatible with the Minuter's right to a fair trial.

6. *Separatim*. The interviews are inadmissible having been conducted unfairly and at a time when the Minuter was not fit to be interviewed.

7. *Separatim*. For the Lord Advocate to seek to support the prosecution by reliance on evidence of the Minuter's interviews would be for her to act in a way which would be

incompatible with the Minuter's rights under Article 6(1) of the Convention and accordingly *ultra vires*.

8. That a copy of this minute has been intimated to Her Majesty's Advocate and to the Advocate-General for Scotland conform to said executions of service attached to this minute.

**MAY IT THEREFORE PLEASE YOUR LORDSHIP**

To order that there be a diet and to assign a date for that diet

**IN RESPECT WHEREOF**

**GRO**

SHERIFFDOM OF GRAMPIAN HIGHLAND AND ISLANDS AT LOCHMADDY

I, WILLIAM GORDON SEATON, Solicitor, 22 Argyll Square, Oban Hereby Certify that I intimated the Devolution Minute on behalf of William Quarm on 21<sup>st</sup> September 2009 to the undernoted:

1. The Procurator Fiscal, Procurator Fiscal's Office, Lochmaddy Sheriff Court, Lochmaddy, North Uist, Western Isles.
2. The Lord Advocate, Crown Office, DX 540310, Edinburgh 37.
3. The Office of the Solicitor to the Advocate General for Scotland, DX 557008, Edinburgh 20.

**GRO**

SCS Reference: SCS/2009-068607 / LMD/2009-000029  
PF Reference: PO09000047-001  
Police/Agency Reference: NNE8900820309  
Hearing Date 17th November 2009

Sheriff Court: LOCHMADDY  
Date: 17th November 2009  
Sheriff: A BERRY

Accused: WILLIAM JOHN QUARM – Present  
Represented by: G. Seaton

The accused indicated an intention to adhere to the plea(s) of not guilty previously tendered in relation to charge 1.

The court on the motion of the defence Adjourned the case for Trial of *dead*.  
Until 9th February 2010 at 10:00am. Assigned 15th December 2009 at 10:00am as an intermediate diet on Charge 1

*Disposal of the trial diet set down for 15 December 2009  
the defence requiring further time to prepare  
and continued consideration of the Minute lodged previously to 15th  
December 2009 at 10:00 am*

The court ordained the accused to appear at said diet(s).

Further, the court informed the accused that if he fails to appear at any diet in the proceedings of the case the court may hear and dispose of the case in his absence in terms of section 146 (3ZB) of the Criminal Procedure (Scotland) Act 1995 as amended.

I certify that I informed the accused of the consequences of failure to appear at any future diet in the proceedings of the case by –  
Informing the accused of the date time and place of the above Intermediate and Trial diets in open court in the course of this diet.

**GRO**  
M CAMPBELL  
Clerk of Court

SCS Reference: SCS/2009-068607 / LMD/2009-000029  
PF Reference: PO09000047-001  
Police/Agency Reference: NNE8900820309  
Hearing Date 15th December 2009

Sheriff Court: LOCHMADDY  
Date: 15th December 2009  
Sheriff: A BERRY

Accused: WILLIAM JOHN QUARM – Present  
Represented by: G. Seaton

The accused indicated an intention to adhere to the plea(s) of not guilty previously tendered in relation to charge 1.

The court ex proprio motu Discharged the trial diet set down for 9th February 2010 continued the case to a diet of Debate on 9th February 2010 at 10:00am on Charge 1

*on the Minute lodged in behalf of the accused on 22 September 2009*

The court ordained the accused to appear at said diet(s).

**GRO**

M. CAMPBELL  
Clerk of Court

SCS Reference: SCS/2009-068607 / LMD/2009-000029  
PF Reference: PO09000047-001  
Police/Agency Reference: NNE8900820309  
Hearing Date 9th February 2010

Sheriff Court: LOCHMADDY  
Date: 9th February 2010  
Sheriff: A BERRY

Accused: WILLIAM JOHN QUARM – Present  
Represented by: G. Seaton

The accused being asked to confirm the plea previously tendered pled not guilty to charge 1 The court dismissed the Minute lodged on behalf of the accused on 22nd September 2009 in terms of the Act of Adjournal (Devolution Issue Rules) 1999 and refused leave to appeal the said dismissal.

The court Adjourned the case for Trial *R now*  
Until 4th May 2010 at 10:00am. Assigned 6th April 2010 at 10:00am as an intermediate diet on Charge 1

The court ordained the accused to appear at said diet(s).

Further, the court informed the accused that if he fails to appear at any diet in the proceedings of the case the court may hear and dispose of the case in his absence in terms of section 146 (3ZB) of the Criminal Procedure (Scotland) Act 1995 as amended.

I certify that I informed the accused of the consequences of failure to appear at any future diet in the proceedings of the case by –

Informing the accused of the date time and place of the above Intermediate and Trial diets in open court in the course of this diet.

**GRO**

*M Campbell*  
M CAMPBELL  
Clerk of Court

SCS Reference: SCS/2009-068607 / LMD/2009-000029  
PF Reference: PO09000047-001  
Police/Agency Reference: NNE8900820309  
Hearing Date 6th April 2010

Sheriff Court: LOCHMADDY  
Date: 6th April 2010  
Sheriff: P MANN

Accused: WILLIAM JOHN QUARM – Present  
Represented by: G. Seaton

The accused indicated an intention to adhere to the plea(s) of not guilty previously tendered in relation to charge 1 and the case was continued to the trial diet previously assigned.  
The court ordained the accused then to appear

**GRO**

M CAMPBELL  
Clerk of Court

SCS Reference: SCS/2009-068607 / LMD/2009-000029  
PF Reference: PO09000047-001  
Police/Agency Reference: NNE8900820309  
Hearing Date 4th May 2010

Sheriff Court: LOCHMADDY  
Date: 4th May 2010  
Sheriff: A BERRY

Accused: WILLIAM JOHN QUARM – Present  
Represented by: G. Seaton

The accused being asked to confirm the plea previously tendered pled guilty to charge 1 pled guilty to the complaint as amended by the prosecutor which plea was accepted., said plea being accepted by the Prosecutor.

No Evidence.

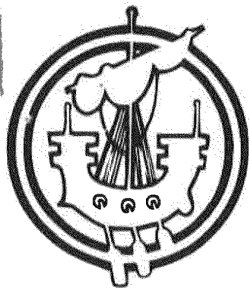
The court Adjourned the diet in terms of Section 201 of the Criminal Procedure (Scotland) Act 1995 for the purpose of obtaining the following reports: Community Service, Restriction of Liberty Assessment, Social Enquiry

Until 1st June 2010 at 10:00am on Charge 1

The court ordained the accused to appear at said diet(s).

**GRO**

M CAMPBELL  
Clerk of Court



**CRIMINAL JUSTICE SERVICES**

This report has been prepared in accordance with the requirements laid out under Section 27(1) of the Social Work (Scotland) Act 1968 and the National Standards for Social Work Services in the Criminal Justice System. Any Community based disposals will be subject to these standards.

**Type of Report:** Social Enquiry Report, Community Service Assessment and Restriction of Liberty Assessment

**Court:** Lochmaddy Sheriff Court      **Date of Hearing:** 01.06.2010

**Solemn/Summary:** Summary

**Name:** William John Quarm      **Date of Birth:** **GRO**      **Age:** 68

**Address:**

**GRO**

**Offence(s) & Date(s):** Embezzlement £27,000 between 1 October 2007 and 23 July 2008

**Report Writer:** Reg Fletcher      **Social Work Reference/DS:** **GRO**

**Office Address:** Criminal Justice Services, Social & Community Services Department, Sandwick Road, Stornoway, Isle of Lewis, HS1 2BW

**Continuation Date:**

**Disposal(s):**

### INFORMATION ON WHICH REPORT IS BASED

This report is written following one interview with Mr Quarm at the Council Office in Balivanich, Benbecula. I have completed a Scottish Government Risk Assessment on him and have considered his suitability for Community Service work.

### DETAILS OF ANY CURRENT COURT ORDERS

GRO

### MATTERS AFFECTING DISPOSAL TODAY

GRO

### ANALYSIS OF OFFENDING

#### Current Offence

The information I have in relation to these matters has been provided to me solely by Mr Quarm and is not verified independently.

For some fourteen years until this offence came to light, Mr Quarm was the proprietor of the shop and Post Office at Bayhead, North Uist. Mr Quarm told me that although he ran both businesses, he was well aware that he was meant to keep the shop affairs separate from the business of the Post Office. According to Mr Quarm, two events were relevant to his actions in removing money from the Post Office account.

The first was that the shop business was not going well. In spite of watching his margins regularly, Mr Quarm saw his profits continue to go down and considers that stealing by staff may have been responsible for that situation, although he has no evidence to support that view. [GRO]

GRO

When Mr Quarm realised how badly the shop business was doing, he attempted to sell two plots of land he owned, with the intention of using the proceeds as a cash injection for the business. Those plots of land failed to sell and Mr Quarm then approached the Royal Bank of Scotland for a loan. There were a succession of delays in obtaining money from the bank and Mr Quarm tells me that it was then that he then started to move cash from the Post Office account into the shop account. He said "I was not thinking it out clearly at the time as the result of the business pressures I was under and [GRO]".

Mr Quarm is adamant that at no point did he use any of the Post Office funds for personal expenditure and that every penny was used to support the ailing shop business.

Mr Quarm informed me that the Post Office accounts had not been audited by the Post Office for six years before he commenced misusing the money and he had no reason to believe that the auditors would arrive at that time. He was absolutely confident that when he obtained the loan he had applied for from the Royal Bank of Scotland, using his plots of land as security, he would then be able to pay back the money taken from the Post Office account. That plan fell apart when the Post Office auditors arrived unannounced and the Royal Bank of Scotland only agreed to give him the £20,000 loan one week later. By then, Mr Quarm was in considerable difficulty because the Post Office had apparently assessed the missing funds at £40,000, which Mr Quarm was not able to pay, even with the bank loan. He disputes that figure and believes that the total sum of money he moved from the Post Office account was in the region of £24,000.

After the auditors discovered that money was missing, Mr Quarm GRO agreed to sell their house and other property to pay the Post Office and other creditors. Their house was put on the market in July 2008, along with the two plots of land which were already for sale, but Mr Quarm fell victim to the recession and neither the house nor the plots of land have sold as yet.

On the advice of his accountant, Mr Quarm has set up a trust deed and he told me that all his assets, including the house, the plots of land, the croft and the shop stock were transferred to the control of trustees.

With regard to his behaviour in misappropriating Post Office funds, Mr Quarm said to me:

"It was crazy to have got myself into this situation at my age with no previous record. With hindsight, I could have got rid of the business or disposed of other assets at an earlier stage. An annual audit by the Post Office would have prevented this happening, but I am sorry for my actions".

### **Previous Offending**

This is Mr Quarm's first ever Court appearance.

### **RELEVANT BACKGROUND INFORMATION**

Mr Quarm was born in Renfrewshire, raised on the mainland and attended secondary school until he was fifteen years of age. He worked as a livestock auctioneers clerk for several years, before coming to live in South Uist in 1960, to take up the post of Assistant Factor on a South Uist Estate. He remained in that position for four years before moving to Glasgow to work as an Estate Agent for two years. In 1967, Mr Quarm moved to North Uist when he was offered employment as the Factor of the North Uist Estate. He worked in that capacity for three years and met GRO. Mr Quarm then took over as Factor of the South Uist Estate for six years until 1976. He GRO then became joint owners, with friends, of a local hotel, but that was not a success. Mr GRO then purchased a pub on North Uist, which they ran for nine years. Following that venture, Mr Quarm worked as a fisherman for five years before managing a hotel again for several years. In 1994, Mr Quarm purchased the shop

and Post Office that were the locus for this offence and ran them until these offences came to light.

Since leaving the shop and Post Office eighteen months ago, Mr Quarm has been fully retired and in receipt of retirement pension. Mr Quarm (GRO) who have five adult children, continue to live in the family home but are fully aware that they will have to move when the property is sold to pay back the Post Office and other creditors. He says that he expects to receive nothing after his assets are sold and the proceeds distributed among the Post Office, his mortgage company and trustees fees paid.

At present, Mr Quarm has no idea what the future holds for him (GRO) but says that his youngest son his hoping to build a house for the family eventually. For now, he (GRO) will remain in their current home until it is sold.

Financial Situation

Mr Quarm receives retirement pension of £125.67 per week. (GRO) (GRO) He says that they are just managing to meet their regular bills and to pay the interest on their mortgage.

(GRO)

(GRO)

(GRO)

**RISK ASSESSMENT**

Using the Scottish Government Risk Assessment RA 1-3, Mr Quarm is assessed as presenting a low risk of serious harm and low risk of reoffending. This current matter is (GRO) and appears to have taken place over a period of time as a direct consequence of his deteriorating business circumstances. I can see no evidence to believe that drugs, alcohol or gambling were factors in this offence and I think it very unlikely that Mr Quarm will ever appear before a Court again.

**ASSESSMENT & REVIEW OF SENTENCING OPTIONS**

**Custody**

Having pled guilty to embezzlement involving a large amount of Post Office funds, Mr Quarm is aware that custody may be considered as a possible penalty.

He is a sixty-eight year old man [GRO] I would be concerned that if he is sent to prison, Mr Quarm would have difficulty in adapting to a prison environment and that his health would deteriorate [GRO]  
[GRO]

### **Probation Order**

Mr Quarm appears to be a confident, able man who has no recurrent, discernable problems that would benefit from a period of extended supervision. This offence was highly specific to the situation he found himself in at the time and there seems little or no likelihood that similar circumstances will occur in his life in future. Nevertheless, should the Court wish Mr Quarm to be subject to Probation supervision for monitoring purposes only, then he is considered suitable.

### **Community Service Order**

I have considerable doubts about Mr Quarm's ability to complete Community Service work in view of what he tells me [GRO] Should the Court be actively considering imposing a period of unpaid work for Mr Quarm, I would suggest that a report be obtained from his GP, giving an opinion of Mr Quarm's physical and mental fitness for Community Service tasks.

### **Financial Penalty**

At present, Mr Quarm has few assets and a very limited income from his state pension. He will be able to repay the Post Office and meet his other debts when his house and plots of land are sold, but it is difficult to predict when that will happen. In the interim period, Mr Quarm could only make fine payment to the Courts of a very limited amount each week.

### **Restriction of Liberty Order**

Mr Quarm is not a persistent offender and has no problems with alcohol or drugs. This was an offence related to circumstances in his life at the time it occurred and it is difficult to see what subjecting him to a tag and curfew would achieve. Nevertheless, Mr Quarm is leading a stable and settled life and would agree to be subject to a Restriction of Liberty Order and have the necessary equipment installed in his house, if the Court considered it appropriate.

**GRO**

**Rég Fletcher**  
**Social Worker**  
**Criminal Justice Services**  
**25 May 2010**  
P29827/ms

**GRO**

**Michael Stewart**  
**Criminal Justice Service Manager**  
**Criminal Justice Services**

SCS Reference: SCS/2009-068607 / LMD/2009-000029  
PF Reference: PO09000047-001  
Police/Agency Reference: NNE8900820309  
Hearing Date 1st June 2010

Sheriff Court: LOCHMADDY  
Date: 1st June 2010  
Sheriff: A BERRY

Accused: WILLIAM JOHN QUARM – Present  
Represented by: G. Seaton

The court Adjourned the diet in terms of Section 201 of the Criminal Procedure (Scotland) Act 1995 to enable the defence agent to obtain a medical report in respect of the accused. and for the purpose of obtaining the following reports: Medical

Until 29th June 2010 at 10:00am on Charge 1

The court ordained the accused to appear at said diet(s).



**GRO**

M CAMPBELL  
Clerk of Court

# ANDERSON BANKS

Solicitors • Notaries • Estate Agents

F.A.G.

Ms. Margaret Campbell  
Sheriff Clerk  
Portree Sheriff Court  
Somerset Square  
Portree  
Isle of Skye  
IV51 9EH

Our ref:

GS/SB

Your ref:



21 June 2010

Dear Margaret

**P F (Lochmaddy) v. William Quarm  
Court – 29 June 2010**

I enclose herewith copy medical report for Mr. William Quarm. You will recall that this was requested by the Sheriff for his consideration prior to sentence.

I will bring the principal report with me for next week.

Yours sincerely

**GRO**

**Principal**  
W Gordon Seaton LLB (Hons) NP

**Solicitor**  
Heather Wilson

22 Argyll Square  
Oban  
Argyll  
PA34 4AT

Tel: **GRO**  
Fax:  
DX: OB1

E-mail  
info: **GRO**

Website  
[www.andersonbanks.co.uk](http://www.andersonbanks.co.uk)

Property Manager  
Fiona Campbell

**Also at**  
Anderson Banks  
Uachdar  
Isle of Benbecula  
Western Isles HS7 5LY

Te: **GRO**  
Fa:

# NORTH UIST MEDICAL PRACTICE

Dr Peter Keller  
Dr Gerry Wheeler  
Dr Barbara Pilkington

Lochmaddy  
Isle of North Uist  
HS6 5AE

Tel: **GRO**  
Fax: **GRO**  
Email: h.maclea@**GRO**

Referrals No: W90115

16 June 2010

To whom it may concern

William Quarm, D.o.b. **GRO**

**GRO**

I have been asked to provide a report to help clarify the medical issues that William Quarm has with respect to his ability to carry out community service connected to his current legal problems.

I can confirm that I am very familiar with Mr Quarm's case and have been his registered GP for several years. I have recently examined Mr Quarm and have reviewed his notes.

**GRO**

**GRO**

**GRO**

**GRO**

**GRO**

**GRO**

Despite his problems Mr Quarm is able to carry out normal tasks of daily living and has been able to make himself useful in the repairing of creels and the carrying out of household duties.

In summary, Mr Quarm

**GRO**

**GRO**

**GRO**

**GRO**

As such I think it would be difficult to justify any kind of community service which would involve considerable physical exertion - he is however able to carry out a number of tasks of a more sedentary nature. As such, as long as his limitations were taken into account, I would think it possible to construct a sentence for which he would be suitable.

I certify this on soul and conscience.

**GRO**

Dr Gerry Wheeler

SCS Reference: SCS/2009-068607 / LMD/2009-000029  
PF Reference: PO09000047-001  
Police/Agency Reference: NNE8900820309  
Hearing Date 29th June 2010

Sheriff Court: LOCHMADDY  
Date: 29th June 2010  
Sheriff: A BERRY

Accused: WILLIAM JOHN QUARM – Present  
Represented by: G. Seaton, ANDERSON BANKS

The Court made a Community Service Order which is attached hereto in respect of the accused

The sentence imposed was discounted in terms of section 196 of the Criminal Procedure (Scotland) Act 1995  
and would otherwise have been 200 Hours on charge 1

**GRO**  
Sharon SELKIRK  
Clerk of Court

SCS Ref: SCS/2009-068607  
Local Ref: LMD/2009-000029

COMMUNITY SERVICE ORDER  
under section 238 of the Criminal Procedure (Scotland) Act 1995

Court: LOCHMADDY SHERIFF COURT  
Date of Order : 29th June 2010  
Sheriff: A BERRY

OFFENDER: WILLIAM JOHN QUARM

Address: [GRO]

Date of Birth: [GRO]

Offence(s):

1 EMBEZZLEMENT

(1) THE COURT, being satisfied that the offender has committed the offence(s) with which he is charged (or in view of the conviction of the offender), and being of the opinion that, having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to make a Community Service Order containing the undernoted requirements;

AND having explained to the offender the effect of the Community Service Order (including the requirements set out below), and that if he fails to comply with the Community Service Order, he may be brought before the court by his supervising officer for a breach of the Community Service Order and may be fined or sentenced or dealt with for the original offence, and that, if he commits another offence during the period of the Community Service Order, he may be dealt with for that offence;

IN RESPECT that the offender who resides in the district of LOCHMADDY in the area of Comhairle nan Eilean Siar has been convicted of the said offence(s), REQUIRES the said Council to appoint or assign an officer to discharge the functions assigned by sections 239 to 245 of the Criminal Procedure (Scotland) Act 1995 in respect of the offender and to notify the offender forthwith of the particulars of the officer;

ORDERS that the offender shall, during the period of twelve months from this date or until the performance of the hours of unpaid work specified at (2) below, whichever is shorter-

(a) report to the local authority officer appointed or assigned to him and notify the said officer without delay of any change of address or of any change in the times, if any, at which he usually works; and

(b) perform for **150 hours** hours such unpaid work at such times as the local authority officer may instruct.

(2) If for any reason the offender fails to perform the unpaid work specified in paragraph (1)(a) above during the period of twelve months from the date of the order

a) the order shall remain in force beyond the twelve month period;

(b) the offender's obligation under paragraph (1) above will continue; and

(c) the local authority officer appointed under the order shall take whatever action is appropriate to bring the circumstances to the attention of the Court.

[GRO]

Sharon SELKIRK  
Clerk of Court

Copy to: Offender, Chief Social Worker