

## Royal Mail Group

11<sup>th</sup> February 2011

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Dear Sirs

REGINA v KATHERINE JANE McQUE  
CARLISLE CROWN COURT  
TRIAL – 28<sup>th</sup> FEBRUARY 2011

I write regarding this matter.

As you are aware when the matter was last before the Court the Court ordered the Final Defence Expert Report be served by the 14<sup>th</sup> January 2011 and a joint Expert Meeting be held by the 28<sup>th</sup> January 2011. This was with a view to a schedule of agreement and disagreement being prepared by the 11<sup>th</sup> February 2011 ie today.

You will recall that on the 17<sup>th</sup> September 2010 the prosecution served various information in disk form upon you.

On the 14<sup>th</sup> January 2011 four months after the disk was served, the prosecution was informed by you that your Expert could not access one of the disks.

As mentioned in my letter of the 3<sup>rd</sup> February 2011 to the Court, the Defence without approaching the prosecution agreed a new timetable with Expert. This required the Defence Expert to serve a final report by the 1<sup>st</sup> February 2011. On the morning of the 3<sup>rd</sup> February 2011 the report had still not been received and a letter was sent to the Court.

Not having received the Defence Report the prosecution Expert Gareth Jenkins provided an analysis to the Defence Expert eventually the Defence Expert responded in the afternoon of the 3<sup>rd</sup> February.

Between the 3<sup>rd</sup> February 2011 and the 10<sup>th</sup> February 2011 the Experts endeavoured to draw up an agreement initially on the understanding that the Defence Expert would not be producing a final report. On the 7<sup>th</sup> February 2011 the Defence Expert submitted a final report.

Although the prosecution and Defence Experts have endeavoured to produce a joint report this cannot be agreed.



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What is now envisaged is that the prosecution will serve its own report. Naturally I have asked our Expert to prepare points of agreement and disagreement in addition to any report served by him.

I am surprised that you are seeking to serve the unagreed documents upon the Court. The only purpose it would seem would be to meet the Court's deadline notwithstanding the delay that has been caused by you to date. You are of course free to serve your own Expert's Report as you wish. I would ask however that you invite your Expert to remove page 18 paragraph 4 "Points of Difference" from his report before it is served. If you do not I will have to write to the Court indicating that it is not agreed.

I would suggest that both Experts work towards the completion of an independent and agreed schedule of agreement and disagreement as is required (rather than a full report). This can then be submitted to the Court. Naturally the Court would need to be contacted in the event of delay..

I agree that ultimately the prosecution is working towards the trial on the 28<sup>th</sup> February 2011.

Yours faithfully

**GRO**

J A McFarlane  
Principal Lawyer  
Criminal Law Division

[Redacted signature]

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