notes")
His Honour Judge Morrison listed for the case to be heard on the 22/02/2016 in front of HHJ-PAWLAK, this was due to issues that were raised once again regarding nondisclosure and he felt he was not the best Judge to answer these issues.
The reason the solicitors gave to come off the record so close to the Appeal hearing was a breakdown in communication and they also could not get a barrister to deal with this case, this is in part misleading, the actual reason for them wanting to come off the record was due to the lack of work done by solicitors acting for the Appellant, in point of fact the case was not ready for the Appeal hearing, They could also not get a Barrister, and did not want to meet with their client.
His Honour Judge Morrison had never heard off solicitors that could not get a barrister and ordered that a Public Defender took over the case to act for the Appellant.
A three-day Appeal hearing was listed for 22/02/2016, 23/02/2016 and 24/02/2016.
Mr Morris acting Public Defender attended Court on this day to act for the Appellant; the Appellant had not met Mr Morris before this date. Mr Morris had only had the case since the 19/02/2016 and was not ready for the three-day Appeal hearing. He wanted time to be able to go over all the large case bundles and be able to sit down and talk to the Appellant, so asked for an adjournment.
HHJ-PAWLAK was very unsympathetic and said he had the weekend to get ready for this case and that the Appeal would go ahead.
Considering this was the Public Defender that His Honour JudgeMorrison had allocated to the case only three days beforehand it seemed that the Appellant was the one being penalised for the incompetence of his acting solicitors Michael Carroll & Co.
The Appellant's health had deteriorated considerably due to all of what was happening within this case and other issues, the mental health team had obtained a section 135 warrant under themental health act and it was only because of the disdain towards the Appellant from the ASBO proceedings, the Appellants Mother felt that she had to hand this information to his acting barrister, so for them to give a copy of the letter handed to them to the Judge, knowing this would cause a huge rift between the Appellant and his mother. But she had no option as the Judge was going to force the Appeal hearing to go ahead when the Appellant mother knew the Appellantwould not cope.
This information was also posted to the judge, in knowing that the barrister had only just got the case handed to him and hehimself was not ready to take the case on, as he had not even met with theAppellant at this point in time.
Upon Mr Morris handing the documents to the Judge the Judge then unwilling adjourned the Appeal hearing until the 26/09/2016 for a three-day hearing.
The Judge listed the case for a mention hearing also on the 04/04/2016.
After this Court hearing, HHJ-PAWLAK wrote a letter to the acting solicitors Michael Carroll and co that had to be replied to by the 04/04/2016.
See Attached letter from Judge:-
See attached response from Solicitors dated 03/04/2016:-
In the letter that the Judge wrote to The Appellant's solicitors on the 22/02/2016, he asked Miss Ward who was dealing with this case for the Appellant at Michael Carroll & Co, if she knew that the response had to be completed by the 04/04/2016 for when the case was next listed in Court.
Miss Ward did not start working on the response to the Judge's letter until the 03/04/2016 and an email was sent to the Appellant with what Miss Ward wanted to reply in response to the Judge's letter alsostating any amendments that needed to be complied with, as soon as practically possible.
Because the Appellant knew that Miss Ward had sat on the letter from the Judge, in turn, she and the company that she represented, had done nothing about what the judge had requested, this wassince the date of February 2016 and then Miss Ward had rushed a response to be ready on the 03/04/2016, when she had been asked repeatedly to address theletter in a timely manner from the Judge and ourselves. In doing this she had not given the Appellant any time to go over the response she had written.
The Appellant amended Miss Wards Letter to include multiple points that had been missed out and sent it back to Miss Ward viaemail within a few hours of getting it. The Appellant was upset that he had to rushed into things, this was due to the learning problems he has and the delay in getting the letter from the solicitors meant the Appellant had hardly any time.
Please see attached:-
Upon attending Court on the 04/04/2016 it was seen that Mr Morris had also drafted a response to the Judge letter this response was almost identical to Miss Ward's Letter except that it included one crucial section regarding the hearsay rule that had not been included in Miss Ward's letter.
The Appellant agreed on the point about the hearsay rule as he had been explaining this to Miss ward since the start of the ongoings of the case, which he felt did need to be included. But the Applicant was adamant it was going to be his letter that was going to be handed to the Judge with the oral addition of the hearsay. (This was the oral addition)
"The Magistrates Court hearsay rules 1999 do not apply to the Crown Court.
The defence does not accept that the Respondent has relied on the correct legislation to apply under the hearsay rules. In any event, the Appellant requests that the Respondent calls the witnesses who made CAD entries for cross-examination.
It is neither professionally appropriate nor suitable for the Appellant to call police officers and question their Credibility, as proposed by the Respondent through their application under the Magistrates Court Hearsay Rules.
The Appellant submits that questioning the credibility of one's own witnesses would not be permitted by the Court.
The Respondent has put forward no good reason for why these witnesses cannot be called. As to say it is not in the interests of justice to do so."
HHJ-PAWLAK granted the hearsay application could be submitted, although opposed orally by Mr Morris. HHJ-PAWLAK informed that Mr Morris opposition to hearsay was contained in Mr Morris legal document, forwhich the Appellant did not allow Mr Morris to hand up.
HHJ-PAWLAK was informed that client wished to hand up his own document to HHJ-PAWLAK against Mr Morris advice. Document read by all sides.
Please see The Appellant document:-
Considering point five of the Judge's letter to the Appellants Acting solicitors, it raises the question of how was this allowed, the Judge allowed Mr Morris to make an oral submission in regards to hearsay in the Court, yet then said they were not allowed and then granted the hearsay application as allowed.
Michael Carroll and Co had also not done or prepared a skeleton argument for the Appellant's bundle, the Judge stated that the letter that had then been handed in could be used as the Appellant's skeleton argument.
Miss Ward was sitting in the back of the Court taking notes of what was being asked by the Judge and what was being said.
A meeting was meant to be arranged with the Appellant and the Public defender Mr Morris, this was not done.
On the 12/07/2016: Informed by solicitor viaemail:-
"Please note that Mr Andrew Locke has returned from a career sabbatical and he has agreed to deal with the Appeal against the imposition of an ASBO. I am in the process of confirming a conferencedate with Mr Locke, hopefully within the next two weeks. I have notified Mr Morris from the Public Defender Service that Mr Locke is your preferredchoice and I have requested the written submissions that he had prepared for the mention hearing in April 2016 that you did not consent to or permit us to serve upon the prosecution,