

party's case should not be withheld or destroyed under any circumstances. Finally, where a document was not disclosed, it cannot later be relied on in court except with the court's permission.

It has all ready been proven and concluded that Steven Elsmore has deleted emails sent to Val Tanner, asking for information as this was stated in the lower court at trial. The applicant knows that for a fact discloser is being held and that disclosure would give credibility to the Appellant innocent.

#### **Preservation of Documents: -**

Because of the potential sanctions outlined above, it is important to preserve intact all relevant documents from the time litigation is contemplated. If a party has a routine procedure for destruction of documents, such as the deletion of computer backup files or e-mail, this should be stopped until the documents have been examined by lawyers and confirmed not to be potentially disclosable.

Documents of possible relevance to the pending action must not be destroyed. All persons within an organisation who have responsibility for documents should be made aware of these obligations.

#### **Fraud Act 2006: -**

Fraud by failing to disclose information a person is in breach of this section if he: -

- (a) Dishonestly fails to disclose to another person the information which he is under a legal duty to disclose, and:
  -
- (b) Intends, by failing to disclose the information: -
  - (i) To make a gain for himself or another, or: -
  - (ii) To cause loss to another or to expose another to a risk of loss

#### **The right to Fair Trial: -**

Appellant is asking for a Former Judge to examine the role of police officers, who present the applicant cases of an Antisocial Behaviour Order (ASBO) against him self.

The Appellant is asking for this case to be terminated or dismissed under the grounds of Article 6 of the European Convention of Human Rights, with regards to the Right to a Fair Trial Act 1998.

Which in legal terms, should be the best means of separating the guilty from the innocent and protecting against injustice. Without this right, the rule of law and public faith in the justice system collapse. The Right to a Fair Trial is one of the cornerstones of a just society.

#### **Article 6 the Right to a Speedy and Fair Hearing: -**

The applicant declares the right to a speedy a fair trial what is fundamental to the rule of law and to democracy itself.

The right applies to both criminal and civil cases, although certain specific minimum rights that are set out in Article 6 applies only in criminal cases.

The right to a fair trial is absolute and cannot be limited. It requires a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. The procedural requirements of a fair hearing might differ according to the circumstances of the accused.

The right to a fair hearing, which applies to any criminal charge as well as to the determination of civil rights and obligations, contains a number of requirements and I believe the causes below full within them requirements.

The concept of a fair trial involves fairness to the prosecution and to the public as well as to the defendant: DPP v Makin [2006] EWHC 1067.

#### **Data protection Act 1998: -**