

Mum-Uncle-to-Your-Honour-HHJ-Pawlak

To Your Honour HHJ Pawlak

I am writing this letter to explain to you how I feel and to also to give my side of the recent events of my case.

My Appeal has been put back twice already and this is obviously very distressing for me, the on goings of the Asbo case has been pursued since 2014.

I would also like to apologise in advance for the length of this letter, but I feel this is the only way to put across my true account of what has since transpired between myself and my solicitors, so for any person of interest to be able to take an insight of the matters of concern in advance of the up and coming dated hearing, that is booked for court on the 21/09/2016.

The last mention hearing was dated 16/09/2016 for this case, in regards to disclosure. Also a conference was booked with my barrister, Mr Andy Locke.

I firstly is going to explain my version of the events that did take place on the day in question and prior leading up to this.

It was explained to me by my acting solicitors, that it had been arranged for me to be in court by 09:30 hours, but shortly later this was rearranged to 09:00 hours so I could have a meeting with my barrister, which I did agree to.

I arrived at Court with my mother as agreed for 09:00 Am my barrister did not arrive until around 09:40 Am. On my barristers arrival we all went into an unlocked side room for the arranged meeting, as we all took a seat so to be able to discuss anything, Mr Andy Locke apologised as he was not feeling very well, he continued to explain that he had received some emails from Ms Ward and that he need time to read them all, on trying to open the emails he realized he was having issues with connecting to the internet and after trying for some time he realised that he could not and then subsequently went out of the room to call Ms Ward on his mobile telephone. In this moment he still had no time to talk to me as he had been on his phone to Ms Ward.

At around 10:00 hours the court clerk called every person of interest relating to the case into court. Andy Locke came back into the conference room to warn us of the clerk's demands and turned back away, moving with a fast passé towards the courtroom. I clearly remember trying to stop him to expand to him what my concerns were (As we had not had a moment to talk) and I was concerned about the disclosure that was going to be asked for. I asked Andy Locke if he could ask the Judge to adjourn the case for 5 or 10 minutes so I could understand what was going on in my case with himself, which he then replied the answer of "no.

On our travels towards the courtroom he explained that he believed the hearing was only for disclosure about the schedule", I said "I knew this not to be correct and that is what I wanted to talk to him about" and again asked "if he would ask the judge to

postpone for 10 minutes” he yet again said “no”, at which point I asked “why he did not want to speak to me, with the following question, should I act for myself then”?

We all then went into the court room and on entering the court I muttered to Mr Andy Locke (who was ahead of me) the quote of; so am I acting for myself then? He never replied to me and then proceeded to talk to the Judge, in the judge taking understanding it was agreed for myself and barrister to talk outside of the court room.

At this point I had no idea what was going on but proceeded to follow him, it was at this point he turned around and said quite curtly “I do not want you to speak”, as me and my mother got closer to him he also informed me that it was not good to shout out in open court which I had to agree with. My mother who had witnessed all of this tried to explain to my barrister what I wanted to say about the disclosure not just being the schedule and asked Mr Locke to explain what the schedule is. I also wanted to ask him questions about my human rights in regards towards the two article sixes referring to the rights to a fair and speedy trial that had been handed to the court on two different earlier hearings to which Mr Andy Locke had not seen before as he was not present at the past couple of court hearings. He explained that the schedule was what the judge had asked for on the 04/04/2016 my mother replied this was not all the judge had asked for. Without replying Mr Locke walked towards the courtroom, we followed and it was at this point I said to him I feel that I should represent myself because I felt I was not being heard.

On entering the court, Andy Locke addressed the Judge and said I did not want him to act for me. The Judge informed Andy Locke to remain in the court room, the judge asked what the case was listed for and the CPS addressed the Court and answered, they said to the judge that I had been sending letters to the court and CPS myself, this is not the case and I did not understand there comment. I was then addressed by the judge and to his questions I replied yes, I did want Andy Locke to be my barrister; I just wanted time to speak to him so for both of us to each be clear about the reasons that I had asked for the case to be relisted due to non disclosure.

The Judge then addressed my barrister who also replied to his questions and said that he would still act as my barrister for me. The judge noted down that all issues between me and barrister were happy dealt with and continued to say that he felt he was not the best person to be hearing this case and passed it over to your good self

On leaving the court room my mother me and my barrister proceeded to go into a side room to talk, my mother and I explained that a letter had been handed to you on the 04/04/2016; he said he knew nothing of this letter so we handed it to him to read. Once he read this he said he knew nothing about this and had only seen one document that kept saying “I Simon Cordell” to which I am not sure of what letter he refers to, my mother continued to explain that the letter handed to himself by Simon is why he wanted to talk to you just before going into court, as this is an important part of the disclosure proving he's innocent in the case. He explained he only knew about the schedule to which my mother and I were concerned about as we understand this not to be all.

Mr Andy Locke also asked me if I was dismissing my solicitors which I replied no,

My mother then made a call to my solicitor and enquired as to what your good self had ordered for disclosure. Ms Ward stated she could not remember my mother being dumbfounded by this said you was sitting in the back of the court room, taking notes, and only last week said to me again we should have everything that the judge had asked for in his original disclosure plus what was asked for in Simon's letter and also the judge had made other additions... at no point did Ms Ward ever make me feel that she did not know what was due to be disclosed, had she have done this I would have asked her to re-list this to the court and asked for this to be clarified.

My mother then handed me the phone to my solicitor I asked her if she knew about the letters That earlier, Mr Andy Locke had told myself I was supposed to have sent to the court and the CPS on my own that I knew I had not sent on my own accord.

When continuing to talk with my solicitor on the phone I believed that I was in the know how of the understanding that we was both still thinking and talking about the same thing and that being of the concept of the letter requested by you and in return handed back to yourself the judge your honour, on the date of 04/04/2016, which I had already agreed for you to be in receipt of, on this occasion my mother was once again present at this time and my solicitor was also in court so she clearly knew about this letter also of the fact that I had not drafted it alone.

It was at this point I said she was incorrect if she had said that I had pre drafted the letter from start on my own as I had only amended it, she then said she did not draft the Letter and that I had written it, at this I did call her a liar as I knew she drafted it and I then said to her I can prove what I state as I have the email you sent to me. (Since court I have checked the dates from when this letter was drafted by my solicitor and this was on the 03/04/2016 please read the relevant attached email and correspondence (marked 03/04/2016 Ms Ward).

At the same time while I was on the phone in conversation with my solicitor, Mr Andy Locke was listening and after I ended the phone call he then got up and said I will need to think about still representing you as you as I heard you calling your solicitors a liar, he continued to say that if he was still going to continue to represent me we would need to have a meeting at his chambers as the judge had ordered, at this point the meeting concluded with nothing really spoke of about my Appeal yet again.

When we were leaving the court my mother told me that I was speaking about the wrong letter and email. And the letter that she believed Andy Locke was talking about was the one my solicitor had drafted on the 08/09/2016 to Miss Silly Gilchrist (Please see Attached email and letter marked 08/09/2016 Ms Ward) she did not like the amendments I made to the letter that was on solicitor's letter headed paper so amended it on to non letter headed paper and edited what I had wrote. She emailed this back to me asking me to confirm in writing and sign the letter if I confirmed I still wanted it to be sent. (Please see attached email and letter marked 08/09/2016 Ms Ward 01) I believe this letter was sent I also believe that you will see it was never signed to be sent, and my mother believes this is the letter Andy Locke is talking about that he saw. I cannot confirm this 100% as I never saw the letter in court nor did my mother.

On Friday afternoon after returning from court my mother received an email with an attachment from my solicitors this was the disclosure from Miss Silly Gilchrist that we had been given at court it was the schedule which you had asked for. And also included "I am waiting for Andrew Locke's court note from today's hearing and I will revert to you in writing re the solicitor / barrister / client relationship and whether either Andrew Locke or I can continue to represent you in this matter". Please see the email it (marked 16/09/2016 Ms Ward). Now I would like to explain a little about this case and how it has been handled.

On the 19/09/2016 my mother was contacted by my solicitors by phone to say an email had been sent by her and that could my mother read it, my solicitor then called me and told me an email had been sent could I read it which I replied I do not have any internet so I can not access my emails, she then said to me to contact my mother and that she will explain to me. Which I then did hear what had been written in the email, the email stated that my acting solicitor is no longer prepared to represent me and neither was Mr Andy Locke and if my solicitor firm was to continue to have by best interest at heart and continue representing me that I would have to agree to conditions such as;

I was asked to reply to an email sent to myself by my solicitor firm via: michael@michaelcarrollandco.com which I did do and as of this date 20/09/2016 I still have not had a response from Michael Carroll in relation towards this, neither has my mum had a reply to a vast majority of the email's that she has also sent, my mother did get an email from Ms Ward with an attached that was sent to the court, with an application to be taken off the record in respect of the Appeal listed in 26th September 2016, this would still mean once again my appeal date would be vacated until this issue is resolved to no fault of my own.

On the 19/02/2016 my solicitor also tried to be taken off record in this case, which was denied by the court I have since been told that the only reason my solicitor is still acting for me is due to the regard and respect for my mother in received correspondence and the only issue I take with this is I believe she should be there to have my best interest at heart

Major problem here Andrew needs to see email from above.

On the 02/09/2016 when no disclosure was received I made a call to my solicitor who told me she was on leave on holiday until the 05/09/2016.

I then made a call to the solicitor's office to see if any disclosure had been received which I was told no. I then called Miss Silly Gilchrist to ask her if the disclosure had been sent which she replied yes it had in the beginning of August 2016.

I then called the court to ask if it could be listed for court the following week regarding the disclosure. I spoke to a lady called Julie I believe who deals with Appeals cases; she said she would get it listed for 07/09/2016.

A text was sent to my solicitor on the 04/09/2016 saying what had been done.

On the 06/09/2016 Ms Ward called my mother, she explained no disclosure had come to the office, Ms Ward called a few times to update us on what was ongoing and how she was going to deal with the issues.

On the 07/09/2016 for some reason it was not listed in court, and it has now taken until the 16/09/2016 for it to be listed.

Ms Ward did arrange a meeting in chambers on the 13/09/2016 which I could not attend, which is the only date since this court case has stated that I have not been able to attend to.

What I know to be correct practice and would like to maintain, is for my solicitor to act in a timely manner in co-Hurst with the respondent and have all the cases files ready for my Appeal and in addition to deal with the issues about disclosure, I am concerned about this being concluded in a fair and timely manner and so that requests have been completed so not to be waiting until the last moment and not ready as you honour has ordered on time. I would still like to be able to sit down with my barrister and for him to hear and take on board what I am explaining and for them procedures not to make me feel rushed into seeking the correct legal guidance, when adequate time has been given by you for this to be accomplished.

The past six months has been granted so that in the final stages leading to the appeal for myself not to still be requesting disclosure that I believe I am surely intitled to as it plays such a fatal role in my defence. I do not feel that it is fair on my solicitor to be paced in a perdition by the respondent for not complying with what has been requested of them self's, so for them to seek re disclosure of what we have requested.

As my solicitor firm have now had to draft another letter the day before the court hearings and has to then expect me to rush and go over everything in time so to be able to make any amendments that I feel are needed to stand a fair trail, for myself to then be placed in a confusing perdition as my solicitor refused to re request the same disclosure as prior requested as understood to be under your order.

I have asked time and time again for documents to be added to my bundle namely the clerk, court notes of the trial, along with many other documents, I have asked many times since the trial for it to be taken back to court to get the conditions I am placed on defined as this was never done at the trial even when Andy Locke and my mother was asking the judge to do this, this has agreed to be done but never has been, I have sent emails and it can take months for a reply, this also leads me to further once again having to keep emailing to even get a response.

Throughout the duration of the Asbo proceedings I have gained so many emails which do prove the truth of my statements that I do quote that are contained within the context of this short report about what I am saying but feel I should not need to use these.

In Feb 2016 when the solicitors tried to be removed themselves from this case, I have been with my representing solicitor firm, when ever there legal guidance may have been required and have always been happy with there services and person(s) this has imprinted a high level of respect for them, I do feel disheartened right now as I

believe if the solicitors deal with things on time it would have not come to them once again asking to be removed from this case.

Your Honour I do not want to feel that I am taking any more of your time so I would like to