

A IN THE CROWN COURT  
AT LUTON  
7262

Case No. T2007

7 George Street  
Luton  
Bedfordshire

B 2<sup>nd</sup> November 2007

Before:

C HIS HONOUR JUDGE BEVAN, QC

D R E G I N A

V

E GARY WEDDELL

F MISS SUSANNAH JOHNSON appeared on behalf of the prosecution  
MISS SHU LUH appeared on behalf of the defence

G Transcript of the Official Court Tape-recording by  
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H LISTED FOR MENTION

2<sup>nd</sup> November 2007

**A** MISS JOHNSON: May it please your Honour, I prosecute this matter; my learned friend Miss Luh appears on behalf of this defendant.

JUDGE BEVAN: Yes, Miss Johnson.

**B** MISS JOHNSON: Your Honour, it is listed for mention, we understand, to finally fix a trial date.

**C** JUDGE BEVAN: Well, my understanding is that although I am given to believe that it may be released to me, despite my protestations because this is a High Court Judge case, it has been decided that it is a High Court Judge case and therefore a date has to be found for a High Court Judge. There in lies the problem, as I understand it. Is that the same information as you have?

**D** MISS JOHNSON: Your Honour, more or less, yes.

JUDGE BEVAN: What is the less bit?

**E** MISS JOHNSON: Well, we had not understood that it had to be a High Court Judge case, but if that is the decision then so be it.

**F** JUDGE BEVAN: That is the decision. These things are not set in stone, but Mr Justice Calvert-Smith has ruled that it is a High Court Judge case. That is why the date that was fixed is no longer suitable. The first date I am told that we can have a High Court Judge is 4<sup>th</sup> June.

MISS JOHNSON: Your Honour, yes.

JUDGE BEVAN: Were you aware of that?

**G** MISS JOHNSON: Yes, I was aware of that date. That does not cause problems for the prosecution. One thing I should add, your Honour may or may not be aware that the defendant was arrested in the early hours of this morning----

**H** JUDGE BEVAN: No, I am not aware of that.

A MISS JOHNSON: ---for two alleged breaches of bail. I am afraid I do not have a great deal of information, but that may be a matter that needs to be taken into consideration in looking at a trial date.

JUDGE BEVAN: Do you know anything about the breaches of bail?

B MISS JOHNSON: I understand from my instructions that one allegation relates to entering Bedfordshire outside of the current bail conditions. It was not a pre-arranged meeting with his solicitors, nor was it a contact visit to the children.

JUDGE BEVAN: When was this?

C MISS JOHNSON: I am afraid I cannot assist.

JUDGE BEVAN: You said he was arrested in the early hours.

MISS JOHNSON: In the early hours of this morning.

D JUDGE BEVAN: Does that mean it happened in the early hours of this morning or you do not know?

E MISS JOHNSON: Your Honour, no, I do not think it happened in the early hours of this morning. I think within the last few days, but I cannot be any more precise than that.

JUDGE BEVAN: No. Well, I quite understand that this is information to be treated with caution, but it appears to be entering Bedfordshire outside conditions and?

F MISS JOHNSON: Apparently it was a meeting with the defendant's mother at a public house in a village close to the border with Hertfordshire.

JUDGE BEVAN: Yes.

G MISS JOHNSON: The second alleged breach relates to a prosecution witness, [REDACTED], [REDACTED]. I understand that he was contacted by the defendant after a picture was removed from the family home at 15 Lancott Avenue(?) at the request of one of the children. Your Honour will know that [REDACTED] is involved

H

A with the care of the children and I understand that one of the children made a request for a picture. ■■■ removed it, apparently the defendant must have noticed this and then contacted ■■■. Again, I am afraid I cannot assist with any further details.

B JUDGE BEVAN: Yes.

MISS JOHNSON: As far as the proposed new trial date is concerned, there are no difficulties on the prosecution side.

JUDGE BEVAN: Miss Luh?

C MISS LUH: Yes, your Honour, I have been trying this morning as well to find out more details about the breach of bail.

JUDGE BEVAN: Well, I am not prepared to deal with the breach of bail now.

D MISS LUH: In relation to the new trial date, I have spoken to the leading counsel and----

JUDGE BEVAN: What was the old date?

E MISS JOHNSON: 15<sup>th</sup> May, your Honour.

JUDGE BEVAN: 15<sup>th</sup> May?

MISS JOHNSON: Which is a Thursday.

JUDGE BEVAN: Yes.

F MISS LUH: I have spoken to leading counsel, Mr Sturman, and Miss Elliott, junior counsel. Both of them are now in a bit of difficulty until 20<sup>th</sup> June, in particular Mr Surnman had arbitration that has been going on for three years listed now for G the first two weeks of June. He will be familiar with the case; we have had several conferences already with the client and know the brief quite well and the client is quite reluctant for Mr Sturman to have to return the brief. We would be grateful if H

A the date could be set for his convenience simply because he has had conduct of the case for some time now.

JUDGE BEVAN: Have you spoken to the list officer about that?

MISS LUH: No, we have not had an opportunity to do so.

B JUDGE BEVAN: Well, as far as I am concerned, I take it you do not mind, Miss Johnson?

MISS JOHNSON: Your Honour, no. It is a week or two in the scheme of things.

C JUDGE BEVAN: The question is the High Court Judge arrangements and this very far ahead. Madam Clerk... (The learned judge conferred with the court clerk)

The difficult, Miss Luh, is that I do not know but I have been told that the High Court Judge can try it on 4<sup>th</sup> June, which is the first day of term. I do not know when term ends and if you are asking, 20<sup>th</sup> June is in fact the Friday, so you are talking about 23<sup>rd</sup> June, are you not?

MISS LUH: Yes.

E JUDGE BEVAN: Yes, you are. I do not know when term ends, do you?

MISS LUH: Not off the top of my head.

JUDGE BEVAN: No.

F MISS LUH: I am happy to assist by going to the list office and coming back into court----

G JUDGE BEVAN: I do not think that will help you because the list officer, unfortunately, is not here. What I am going to ask you both to do, I am going to leave the fixture as it is for the moment because there is no point in fixing things and breaking it and leaving it in abeyance, but I am open to breaking the fixture because this case must be tried by a High Court Judge and equally I know that Mr H Sturman has been instructed for some time and as the defendant is or rather has

A been on bail, time is not of the essence. I would ask both counsel to liaise with the list office as to whether the 23<sup>rd</sup> June -- it is a four week case, I think -- is convenient for a High Court Judge for a four week case. If the 23<sup>rd</sup> June is a possibility then that date can be fixed administratively and the fixture broken by me. If not, you will have to come back. I think that is the best I can do Miss Luh. It is up to the High Court Judges. It is up to those who decide on bids for High Court Judges and if they can accommodate you then they will. If not, I am afraid it may have to be 4<sup>th</sup> June. If it is 4<sup>th</sup> June there is plenty of time for another silk to get his head round it. So I will try and help you, but if it cannot be done administratively then you had better come back one day next week and I may have to fix it for 4<sup>th</sup> June.

D MISS LUH: Your Honour, (Inaudible).

JUDGE BEVAN: All right. Could you both liaise with the list office, please?

E MISS JOHNSON: Your Honour, I was going to ask if your Honour would consider fixing it.

JUDGE BEVAN: May I suggest e-mail, so that everybody knows what is going on.

MISS JOHNSON: Certainly. I am sorry to interrupt.

JUDGE BEVAN: No.

F MISS JOHNSON: I was going to ask if your Honour would consider fixing it for 4<sup>th</sup> June, so that if there is a difficulty with the 23<sup>rd</sup> we have that fall-back position, rather than using that date----

G JUDGE BEVAN: I see that. Grab 4<sup>th</sup> June slot while it is available, on the basis that the bird is in the hand. Yes, I rather agree with that. Miss Luh, although it does not affect out attempts to change the date, I think it is sensible to have that date rather than come back in a week's time and find we have lost that as well.

Very well, I am afraid a change of plan. I will fix it now for 4<sup>th</sup> June, subject to change by agreement if possible to 23<sup>rd</sup> June.

**A**

Thank you. Anything else?

MISS JOHNSON: Your Honour, no, thank you.

**B**

JUDGE BEVAN: Whether you come back in front of me with the breach of bail next week or not I do not know, we will wait and see, but doubtless you will be fully instructed by then, Miss Johnson.

MISS JOHNSON: I hope so.

**C**

JUDGE BEVAN: If these are technical breaches then I am sure the Crown will take a sensible view. I would be very reluctant to have him in custody for six months because he has spoken to his mother in a pub 100 yards inside Bedfordshire. I am sure the Crown will consider that.

**D**

Thank you.

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