

From: JOSEPHINE WARD [josephinewardsolicitor@gmail.com]
Sent: 02 February 2014 23:58
To: Lorraine Cordell
Subject: RE: Simon Cordell - application to transfer legal representation

Hi Lorraine

It is 10.47pm. I do not have Simon's file at home with me. I will ask Jemi to respond to the allegations made by Simon re his conference on 13th December 2013. At the same time I will ask him and his clerks to respond to why the Christmas bail variation was not made on 19th December 2013.

As you are both aware I was on annual leave until 6th January 2014. Simon's case is listed for trial in June 2014. There is enough time to secure the information but there is a process. With regards to the section 8 application Jemi has been on notice that this has been required since before Christmas. A detailed defence case statement was submitted and as a result of this document and the Crown's failure to disclose the requested items that the Third Party Disclosure arise as did the section 8 application. If the Insurance company believe Mr Patel has committed a fraud then it is their decision whether he is prosecuted.

Nikki Diamond has to confirm her unwillingness to disclose the file before I can apply for Third Party Disclosure. I cannot take a statement from her as part of her statement will require her to disclose and exhibit as part of that statement the original insurance claims and she cannot do this as client confidentiality arises.

Re Simon's most recent request to vary bail he did not provide the information when requested. I have dealt with this point already as I have re the Third Party Disclosure and the section 8 application.

I am not prepared to have my professional judgement or integrity called into question. Simon threatened to blacken my name on Facebook Lorraine. I am reliant on instructions from my client re bail variations. I am reliant on Counsel drafting applications re section 8. I drafted Simon's original bail application and defence case statement well within the time limits. All other requests to vary bail I have made. Due to the number of bail variations Simon is aware of the process and trying to get the variations agreed administratively. He is also aware of the attitude of the Court to his case

The issues regarding Simon's case when I am on leave I have no control over.

Simon himself caused problems in this case by (a) his behaviour on arrest (b) his comments to police when the police were at his house re the number of items bought as a job lot. There was no evidence of this apart from what came from Simon himself. (c) The gazebo in his garden was easily dealt with as he had the original receipt (d) Simon ignoring legal advice in his interviews (e) Simon's inaccurate interpretation on the law on burglary and what squatters can and cannot do whilst squatting in a building.

There is a risk that Simon will be convicted in this case and this is not through the fault of Michael Carroll & Co or my representation but through his own conduct on his arrest and at the police station. To try to blame other people for the position he finds himself in is very wrong.

Simple questions to consider:

1. Did the police know about or have any evidence re the job lot - answer No until Simon himself revealed this
2. Could Simon explain his DNA in a moveable object - answer. Yes and he would have achieved the same result as Naomi
3. Could police prove the Venice chair came from warehouse - no. Information on this again came from Simon

4. Is Mohammed likely to be a witness as to sale of the items? No because he will have to be advised to obtain independent legal advice as he could incriminate himself

This was better left to cross examination at trial as too late then to produce invoices but Simon obviously does not agree. This will be an example of Simon making a further tactical mistake as he did during the comments to police at his address and again in interview.

The Judge and prosecution will be influenced in making decisions in this case based on Simon's conduct before arrest, in interview and his previous convictions.

The point that Simon is missing is that a prima facie case exists and this case will go to trial. Simon should re-read his interview and his attitude in his interview where he effectively suggests it serves the owner of the premises right for having his premises burgled.

If Simon had not made such foolish comments when he was arrested and instead followed sound legal advice at the police station then we could have made representations to review the case but based on his admissions at his address, coupled with his interview this was impossible.

At the start of this case Simon was very much mistaken with regards to the law. Tactics and timing are important in cases. Simon does not want to allow Solicitors to make tactical decisions so the best of luck to him.

Once I get an email back from Jemi re the conference and section 8 application I will be listing this case to have the legal representation order revoked.

During the telephone conversation today Simon again was abusive, he questioned my professional integrity, my ability to defend my clients and he threatened to slander my name. I heard him loud and clear Lorraine.

All I can say is he has a very short memory. I know exactly how many times I have represented Simon and how many of those cases have resulted in a charge or a conviction.

I am duty solicitor at court tomorrow and I will email Jemi in the morning. I will request an urgent response from him and I will then let you know when the case will be listed.

Kind regards

Josephine

Hi Josey

Simon has asked me to write this email so I am just writing what has been asked and the facts he is saying. As you are aware Simon is not great with Emails or letters and replying to them due to his writing and spelling.

Simon has said he is not treating you in anyway, yes he did say he was going to put his papers on Facebook to ask people what they feel about his case. He would then be able to obtain feedback from the general public.

He feels there have been many errors in his case, some of these errors he wants me to list below.

His case was listed for the warn list for the 16/12/2013, this could not happen due to issues with the crown not giving the information over. You at this time wanted it to go to trial and the morning the trial started wanted to list information that was needed for Simon case.

When Simon went to see his Barrister on the 13/12/2013 the barrister knew nothing about the case and asked Simon to explain what his case was about. While Simon was explaining his barrister told Simon not to rush, Simon showed the barrister the invoices for the case and the barrister said these invoices were hearsay, can he prove the items were even in the building at the time Simon was there.

The Barrister asked where the disclosure, as what we showed him was rubbish. We had most of the case files with us that you had emailed to us.

The Barrister asked has a section 8 and Third Party Disclosure been put in, we told him no he said as soon as we get back get your solicitors to put a section 8 and Third Party Disclosure in it should of been done already don't delay get it done today. Solicitors aren't doing the job properly get onto them.

The Barrister asked when is this in court we said next week, to which he said I don't even know why you've been sent to me for this meeting as I'm on another case until Tuesday, Wednesday so won't be able to represent you.

The barrister also told me to get a copy of my interview tapes and go over them and mark any part that is wrong on the crown's paper work.

Simon had about a 20 min with his barrister before the barrister had to go back into court.

When an application for a Section 8 and Third Party Disclosure was put into the court on the 19/12/2013 there was a time given that Simon's solicitor had till the 16/01/2014 to submit the section 8 and the Third Party Disclosure to the court.

And that then the crown had until the 16/02/2014 to give the information that had been requested.

If the crown failed to give the information the case would need to be relisted in court so this could be addressed.

As of today's date 02/02/2014 we still do not know if the section 8 and the Third Party Disclosure has been given to the court.

The last email from you on this subject was dated the 27/01/2014 where you told us that Jemi has drafted the section 8 applications that require minor amendments before it can be served.

As for the Third Party Disclosure as of 29/01/2014 a letter to Nikki Diamond from the insurance company had just been sent over by yourself, I believe that this is the process that needs to happen before a Third Party Disclosure application can be put in as you need it in writing that the insurance company is not willing to hand over the file without the Third Party Disclosure.

On the 13/12/2013 a call was made to Cunningham Lindsey where we talked to someone about the case for the insurance part of the claim, we were told that Nikki Diamond was not due back into the office until the 16/12/13.

On the 16/12/2013 my mum called Cunningham Lindsey to talk to Nikki Diamond where we were told that Nikki Diamond was working from home that day and given Nikki Diamond's mobile number to call her.

My mum then made a call to Nikki Diamond and we chatted about the case telling her what had happened in Simon's case and what we believed had gone on. Nikki Diamond was concerned about what we had told her over the phone, and at this point told us she needs to put this to her manager and could she take our phone number so that her or her manager could call us back. I gave Nikki Diamond our contact information.

On the 17/12/2013 my mum took a call from Trevor Allaway Commercial Special Investigator for Cunningham Lindsey my mum and Trevor Allaway talked for some time over the phone about the case at which point in asked that could he have a meeting with Simon to take a statement from him, he also said he did not want to step on Simon's solicitor's feet and to please advise our solicitor as to what was going on and that he would like to have the meeting with Simon.

After the call I emailed you what had gone on and forwarded you a copy of the email Trevor Allaway had sent.

You replied asking if the insurance company were aware that Simon is awaiting trial for burglary.

I replied yes they were as I had disclosed this to them on the calls that were made.

Nothing was done with this information so on the 08/01/2014 my mum made a call to Trevor Allaway to set up a meeting with him at my mum's address this was set for the 13/01/2014 at 11am, when my mum spoke to Trevor Allaway he told her that he will be bringing the complete file for the claim with him to the meeting.

On the 13/01/2014 the meeting with Trevor Allaway went ahead. Where information was given by both parties. There was shock also on both sides about parts of information that was spoke about. Trevor Allaway even showed us pictures of which Nikki Diamond had taken on the 28/03/2014, and was shocked to see the picture the police had taken for my case as they were the same pictures Mr Patel & D Patel had done nothing to the building and now I was paying the price due to this. Trevor Allaway also made a call to Nikki Diamond to get dates for claims etc and to make sure he had all the facts correct. Nikki Diamond gave the dates of

17/02/2013 for the 1st claim

25/03/2013 for a 2nd claim

07/06/2013 for the 3rd claim

We were shocked there was in fact a next claim we new nothing for the 25/03/2013, and also the date for the last claim of the 07/06/2013 when in fact Simon case was for the 04/05/2013

We asked Trevor Allaway why the claim for 17/02/2013 and the 25/03/2013 was not paid out he said we did not believe the claim was real.

He also said that when someone takes out insurance they have to put down the condition of the property, and they also believed a lot of the damage to the building was from an earlier date.

Trevor Allaway also said that to get out solicitors to go and get a statement from Nikki Diamond as she would be a creditable witness for Simon.

All this was explained to you with an email that was sent to you on the 13/01/2014 by my mum and a phone call where I talked to you when you was on your way to the prison to see someone. I at this asked you also about his birthday and you said if Nikki Diamond could do a statement that said everything i had said then there should be no problem for my birthday.

My mum did get a next email from you that day asking for Nikki Diamond information as when the 1st email had been sent to you my mum had forgot to put it, my mum replied with the information for Nikki Diamond being mobile number and office address she could not at this point find Nikki Diamonds email address so this was not included.

Emails was sent on the 15/01/2014 and the 18/01/2014 asking if a date had been setup for you to take the statement from Nikki Diamond and if the section 8 and the Third Party Disclosure has been given to the court and for an update. You replied to this on the 18/01/2014.

On the 21/01/2014 my mum emailed you about the application for my curfew for my birthday, you replied to this asking for his plains for his birthday so you could put the application into the court. On the 22/01/2014 when I went to mums she showed me the email i was upset with this due to the fact I did not see why I needed to give the locations as to where I was going. You said you had to have this to put the application in. My mum emailed you the details as to where I was going.

As we had not heard anything I believed the application had been put in and that it should have been heard on the 24/01/2014 my mum late on the 24/01/2014 emailed you and texted you to get an update as to the application. There was no reply to this from you until the 27/01/2014 where you told us the application could not be put in due the notice you need to give the court.

You also in that email explained the process needed for the Third Party Disclosure application. In which was the 1st time I new a letter would be needed to be sent to the insurance company and they would need to refuse to hand over the files before you could go for the Third Party Disclosure application through the court.

And also give me an update as to the section 8 application that you could confirm that Jemi has drafted the section 8 application that requires minor amendments before it can be served.

But you new this was needed when the application was put into the court on the 19/12/2014 when the application was heard for the section 8 and Third Party Disclosure. So why was this only being address on 27/01/2014, when this then had already passed the date of the 16/01/2014 to hand the application into the court?

I feel this delay will again make my case take longer as there is still going to be a time given by the court to the crown to reply to the applications.

On the 29/01/2013 a reply was made by email from my mum. Explaining parts in the letter that you attached to the email you sent on the 27/01/2014 for Nikki Diamond about the discloser of the file was not correct and needed amended.

She also wrote that I still wanted a statement taken from Nikki Diamond due to this helping my case.

You replied to this email on the 29/01/2014 saying that, the statement from Nikki Diamond will follow after the Insurance Company discloses the claims made by Mr Patel, whether voluntarily or by Third Party disclosure.

I do feel this statement is 100% needed sooner not later as once this is shown to the crown I sure they will rethink there case on me. As I feel at this time this is an unfair trail due to how Mr Patel has used my case to be able to manipulate his insurance claim due to what has already been discussed with Trevor Allaway. And this is a clear beach in my human rights to have a fair trial.

Also on the 19/01/2013 when the application went into the court a bail application was meant to have been done at the same time for my bail conditions over the holidays that where upcoming. For some reason the bail application was not heard so you relisted this for 23/12/2013 to be heard by the court, you sent a text to my mum after you found out the outcome of this bail application in which you said I was on an electric tag to my mum address, and that the curfew was not lifted that Serco would come to my mums address to install the tag there. I got very upset with hearing this as I for one reason I was never on an electric tag for this case from the start of it.

I did try and call you and I got no reply so I called the court explained to the court the issues I had and was advised to call my solicitor and ask them to relist the case for the 24/12/2013 this would need to be done within the next 20 mins.

I then called the office and explained this to someone in the office and was told I would get a call back. I did not get a call back but at around 21.47 that evening you texted my mum saying that Simon needed to be at Woolwich crown court at 09.45 on the 24/12/2013.

On the 24/12/2013 I went to court and my mum come with me, when we got there we were told the case was not listed before 11am. So we waited at the court at around 10.50 as a barrister had not turned up for me my mum texted for to ask the name of the barrister that would be coming that we were outside court 7 waiting,

there was no reply to this text so at around 11.10 I made a call to the office and spoke to someone there that told me a barrister would not be attending, I was really upset with this but what could I say.

I then saw the usher of the court and told her what was going on, she said why had the solicitors told me to come here and yet now there would not be a barrister and not tell me this before hand, she told me she would talk to the crown who was in the court room and explain to him what was going on and then let me know what could be done.

About 5 mins later she came out of the court room and told me that the crown was going to call it on and see what could be done.

It was called into court and when the judge heard I did not have a barrister she asked the clerk of the court to call the office and see what was going on, which the clerk on the court did, when she got off the phone she told the judge no one was coming to the court for me.

I stood up and tried to explain to the judge what had gone on. My mum at this asked the judge if she could explain it and the judge said yes to come forward she could hear what my mum was saying.

My mum explained to the judge about the 19/12/2013 and the 23/12/2013 the judge was at a loss of what could be done as the rule that had been made on the 23/01/2014 she could not change as this would be dealing with a judicial review and she could not hear that.

The crown then asked if he could speak to the judge and said that due to new evidence she could hear it on their grounds.

The judge at that replied yes she would like to hear this but I did not have a barrister she then went on to ask the barristers in the court room would they be willing to represent me and told them that I had legal aid and that it would be marked on the file. One stood up and said yes she would stand in. the judge then said to us to go outside with the barrister and speak to her and when ready it would go back into court.

We went out explained to the barrister what was going on. She told us that even from what she had heard in court that I should really think about changing solicitors.

It went back into court and the judge heard the case and my bail was varied

On the 01/01/2014 my mum again texted you due to an issue where I got arrested she had tried to call the office but there was no answer of a voice mail message to give a number to call.

No one got back to my mum so when she got to court she had to ask a solicitor that was on duty that day to help me. He said he was not meant to as I had legal aid for the case already but he would go and speak to me, he did in fact represent me in court that day.

On the 03/01/2014 I asked my mum sent you an email to ask if my case was too much for you as I knew you had a lot of work on. You told me you were still on annual leave and I return to work on Monday.

On the 31/01/2014 I was due to have a meeting in the office which you had to cancel as you were dealing with other cases. This was re booked for 04/01/2014 at 2pm.

I have called you many times and it has just gone to voice mail and you have not called me back. I have also called the office about things I feel are wrong and told someone would call me back which has not happened.

I can prove this with statements from the phones that were used.

There are emails that have been sent to you and no reply to them emails and what I have asked have been given.

There was a break down before in this case as you are aware and I dropped the complaint.

Josey I have used you as a solicitor for many years and don't just look at you as a solicitor you are a friend of the family's.

All I want is for my case to be dealt with in a correct manner, which will lead me to have a speedy and fair trial, and I don't want to feel like I am being punished for a crime that I have not been convicted of.

And I feel with the statement from Nikki Diamond that would show somewhat to Mr Patel ways in how he has dealt with his insurance case in this matter that clearly is not correct all ready.

Could you please email back at the points that have been included in this email, and if you feel I am wrong on any points or the way in which I am feeling.

Simon

From: JOSEPHINE WARD [mailto:josephinewardsolicitor@gmail.com]
Sent: 02 February 2014 14:31
To: too smooth; Lorraine Cordell
Subject: Simon Cordell - application to transfer legal representation

Simon

Further to your telephone conversation with me today during which you have accused me of not representing you correctly and not defending your case properly you leave me with little choice but to list the case at Woolwich Crown Court in order that your legal representation order can be revoked.

I am cancelling your 2pm confernece with me for Tuesday 4th February 2014.

I am not prepared to be subjected to threats about you blackening my name over Facebook. I work very hard for all my clients and my track record as a Criminal Defence Solicitors attests to that.

I have represented you since you were a juvenile to the best of my abilities and I have never not defended a client properly or tried my best for my client.

You stated that during the telephone conversation that the Judge asked you to change your solicitors at the last bail hearing on Christmas Eve. As you are aware I was on annual leave from 23rd December 2013. I made the bail variation as requested and you were not happy as the court did not suspend your curfew. That is the simple fact of the matter here. You also stated that during a conference with Jemi, the barrister that I appointed for you that he also advised you that I was a

poor solicitor and not acting in your best interests. You only raised this today and I will most certainly be taking this accusation up with Jemi and his clerks. I asked you to confirm this in writing and you have refused to do this. I again ask you to confirm this in writing as Jemi will have to respond to this allegation. I will be asking Jemi and his clerks to comment on the allegations that you have made. You will of course appreciate that if Jemi does not agree with your accusations that he will probably refuse to represent you. You are accusing him of slandering my reputation by saying that Jemi says I am not representing you properly and that he advised you to change your solicitors.

With regards to your complaint in relation to the bail variation you were asked in a number of emails to provide full details of your plans, venues etc and you did not do this instead you shouted down the phone and refused to give specific instructions. When you eventually did give the requested information it was too late to apply to have the bail position varied. I suspect you know what the court's attitude to the requested variation would be in any event.

With regards to the request for the original receipt I have to provide this to the court in an addendum to your defence case statement and the police will then make their enquiries.

I am sorry that this position has arisen but you have left me little choice in the matter. I wish you good luck with your case and I will confirm the date that your case is listed for the revocation of legal aid. I will aim for Tuesday or Wednesday of this coming week.

Can you please confirm by return email the advice that Jemi gave you at your conference at Isleworth Crown Court and also please confirm why it took you so long to raise it with me. You telephoned me on a Sunday, reserved for emergency phone calls. You should have raised it back when you had the conference with Jemi. You have raised it now and I will deal with the accusations now.

I await hearing from you by return email with regards to Jemi.

Regards

Josephine Ward

MICHAEL CARROLL & CO SOLICITORS