

I am told that Counsel and Mr Booty attended at HMP Dorchester on 27 August 2009 and that a conference lasting some 1 ½ hours took place with Mr Colton, Mr Booty and Counsel. This was followed by a Bail Application before His Honour Judge Wiggs at Bournemouth Crown Court in the afternoon. That application was unsuccessful. It is refuted that this firm failed to prepare and deliver an adequate defence on behalf of Mr Colton. As is evidence, in my view, by the fact that at Trial Mr Colton was acquitted of the most serious charge against him, i.e. rape.

2. That Mr Booty failed to keep Mr Colton informed of developments in this case and failed to reply to telephone calls and letters – this is denied. It is clear from the file that there were no developments as such within the Prosecution case after it had been set down for Trial. Accordingly there were no developments to report. There were no notices of further evidence etc., which would clearly have had to be sent to Mr Colton for further instructions.

Following the conference which has already been eluded to Mr Colton did supply, as requested, certain further comments of points to be raised with Prosecution witnesses. Mr Booty took the view that those letters did not need an independent reply. The content of the letters were related to Counsel.

3. That I failed to deal substantially with Mr Colton's complaint sent by letter dated 29 November 2009. I have already eluded to this in my letter to you of 22 February 2010 and I repeat that until I received a letter from your service I was of the view, having heard nothing further from Paul Booty, that Mr Colton had been satisfied with whatever explanations he had been given when Counsel and Paul Booty attended at the Bournemouth Crown Court on 10 December 2009 for the Sentencing Hearing. With the 20-20 vision of hindsight I accept that I ought to have made enquiries with Mr Booty and thereafter written directly to Mr Colton.

I understand from Paul Booty and a subsequent letter written to Mr Colton that this firm's retainer was determined during a conference prior to the anticipated Sentencing Hearing on 10 December 2009. Both Mr Booty and Counsel subsequently attended before His Honour Judge Wiggs, explained the situation to the Judge, who refused to transfer Mr Colton's Legal Aid to another firm and accordingly Mr Colton indicated to the Judge that he would represent himself. That Hearing was then adjourned to 15 January 2010. I must accept that the matter was overlooked by me for which I apologise unreservedly to Mr Colton.

I believe that the above answers adequately Mr Colton's concerns, however should he or you have any further enquires please do not hesitate to speak directly to me.

I understand that all of the Prosecution papers together with such papers as was supplied to this firm by Mr Colton have now been sent directly to the new Solicitors instructed by him.