

BETWEEN:-

Regina

-and-

JAMES COLTON

BRIEF TO COUNSEL

Counsel has herewith

- a. Committal Bundle.
- b. PCMH Form.
- c. Notice of Legal Aid.
- d. Outline of allegations and various Special Measures Applications, together with Bail Application.

1. Counsel is instructed to appear before Bournemouth Crown Court to defend the case at Trial commencing on 9 November 2009. Further to attend Conference at HMP Dorchester at 9:45am on 27 August 2009 and thereafter attend Bournemouth Crown Court for a Bail Application at 2pm.
2. Counsel will see on reading the papers that this is an historic indecent assault and one rape allegation in respect of two stepchildren, namely, Tracey Gore and her younger sister Fleur Thomson who were both extremely young when these allegations are alleged to have taken place.
3. Counsel will further see that the allegations are fairly detailed, in particular by Tracey and there is indeed some element of corroboration between the two girls.
4. The mother of the two girls has also made various statements, which again to some extent corroborate the history of the matter, but it is noted by your instructing Solicitor that there are a considerable number of discrepancies

between what the two girls are saying and further what the mother is saying – these are clearly matters for Trial.

5. The Defendant is aged 65 and normally resides at 27 White Head Gardens, Victoria Road, Diss, Norfolk, which is a Housing Association owned Sheltered Accommodation Property. He suffers with depression and has been on medication, we understand, for approximately 10 years since his divorce where he had a breakdown.
6. He has one son in Norwich, one son in Australia, no driving licence (notwithstanding the fact Counsel will read in the papers that he drove substantially when he was younger, although thankfully such matters are now well out of time!), and his passport has expired.
7. We are being assisted by a Maggie Werner who is a longstanding friend on Mr Colton and to assist Counsel she is in the process of gathering together for us old video tapes of holidays with all the children enjoying themselves, together with photographs of the house in question, including internal photographs and also the affidavits that were filed in the Family Proceedings as it is alleged there are inconsistencies insofar as that is concerned.
8. It is not believed that anything has been done thus far in relation to Social Services records, of which given the mother's assertion there must be and it would appear that nothing has been done in relation to a Defence Statement, or indeed the Special Measures Applications which we have informally suggested we would not oppose.
9. Your instructing Solicitor will be present on 27 August 2009 at 9:45am at HMP Dorchester to attend the Conference, take notes in order that a proof can be put together if required and also to assist in the Crown Court with the Bail Application.

10. Should Counsel require any further information he should contact those that instruct in the first instance.

McCarthy Stewart Booty Solicitors