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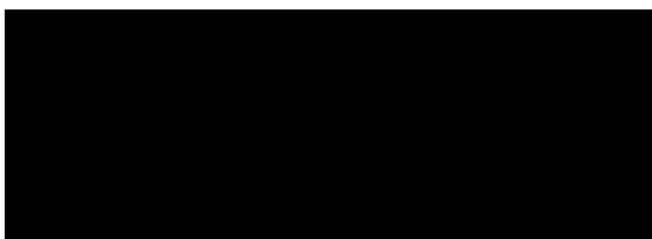
.V.

PAUL RODNEY MARC HOBSON

Heard on:
WEDNESDAY 16TH DECEMBER 1998

Before:
**THE HONOURABLE
LORD JUSTICE McCOLLUM**

At
BELFAST CROWN COURT
SITTING AT THE ROYAL COURTS OF JUSTICE



R.V. PAUL HOBSON (122/98)

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MR [REDACTED]: May it please your Lordship my Lord, the first matter I would wish to mention to your Lordship is the case of Hobson which has been listed this morning. Hobson was adjourned previously as your Lordship will be aware so that certain medical reports could be prepared on behalf of the defence. Subject to the date available, counsel would be in a position to proceed, I don't know what the position is vis a vis the defence.

MR [REDACTED]: May it please your Lordship my Lord, I appear on behalf of this accused with my learned friend Mr [REDACTED]. The position as outlined to your Lordship on the last occasion was that we had obtained a report from Doctor [REDACTED], the pathologist. On foot of that, third party proceedings were brought to have hospital records of the deceased. Those were agreed to and the position is that they are very, very bulky but they were sent to Doctor [REDACTED]. He has now given us, as it were, a final report but he has directed that we should obtain in the first instance the views of the neuro-pathologist. The papers in that have been forwarded to the pathologist and we are waiting a report back. Dependant on the content of that report there maybe a requirement to have a neuro-surgeon. We are conscious of the time factor. As I say, subject...

MR JUSTICE McCOLLUM: How far can these things go, really?

MR [REDACTED]: I accept that my Lord, but the other factor I would mention, I mentioned to your Lordship on the last occasion there were two witnesses whose statements were not furnished to the Defence.

1 MR JUSTICE McCOLLUM: Whose statements?

2 MR [REDACTED]: Two statements of two witnesses.

3 MR JUSTICE McCOLLUM: Yes. What do you say...

4 MR [REDACTED]: They were furnished. I indicated the matter to your
5 Lordship on the last occasion and Mr Kerr who appeared for
6 the Crown indicated that he didn't anticipate that there
7 would be any trouble in us getting those two statements. As
8 yet we still haven't received them.

9 MR JUSTICE McCOLLUM: Have you spoken to Mr [REDACTED] about this?

10 MR [REDACTED]: No I haven't my Lord, Mr Kerr I think I might have to
11 speak to. Mr [REDACTED] is only standing in.

12 MR JUSTICE McCOLLUM: Yes. Do you know anything about this
13 Mr McCrudden?

14 MR [REDACTED]: I don't know my Lord, I am instructed in the
15 matter with Mr Kerr but this particular development is news
16 to me I have to say. But I can't see any difficulty about
17 these statements being made available. In other words
18 my Lord, I don't see that that should be a factor that should
19 delay the proceeding when my Lord is ready.

20 MR JUSTICE McCOLLUM: No, but it is a mystery why there should be
21 any difficulty up until today.

22 MR [REDACTED]: Indeed my Lord, yes.

23 MR JUSTICE McCOLLUM: It must remain a mystery must it?

24 MR [REDACTED]: As far as I am concerned it must.

25 MR JUSTICE McCOLLUM: Yes, well Mr [REDACTED], would you pursue this
26 matter if you want to see these statements and if there seems
27 to be some difficulty the case could be re-listed. I suppose
28 as you say, one doesn't anticipate that there will be but
29 these things arising on the day the hearing starts don't help

1 to move things along.

2 MR [REDACTED]: As I understand it my Lord, there were a number of other
3 matters which were put back, not in this case but other
4 cases, which where put back for mention which I think was the
5 8th January. Perhaps if this matter could be listed for
6 mention then at least if we could expedite the medical
7 evidence which we are trying to do then it would mean...

8 MR JUSTICE McCOLLUM: Are you ready apart from the medical
9 evidence?

10 MR [REDACTED]: Apart from the medical and the two statements we are in
11 a position of readiness.

12 MR JUSTICE McCOLLUM: Yes. Have you served any of your medicals
13 on the Crown as yet?

14 MR [REDACTED]: Not as yet, we are waiting until we get all of them Then
15 they will be furnished. The difficulty is that they will be
16 inter-related.

17 MR JUSTICE McCOLLUM: Would it not be better to serve them, it
18 would keep the Crown up-to-date? I don't want the situation
19 to arise Mr [REDACTED], when you get a final medical report and then
20 the Crown says if we had seen the one you had for the last
21 three months we would have followed that up. I think it
22 would be much preferable if the Crown were kept up-to-date.
23 This seems to be a purely medical matter and if you hold all
24 your cards, the cards which you have until you have your full
25 hand, it may be that it will only be delaying the trial
26 further. However, I won't make any direction about that, I
27 will leave it up to your own view. Perhaps on the 8th we
28 could consider that matter.

29 MR [REDACTED] Indeed my Lord. [Case adjourned]