

**FILE NOTE**

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**FILE NO:**

**DATED:** 4 August 2004

**SUBJECT:** Motorman

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PJT meeting with the Commissioner and MT – 4 August 2004.

The Motorman case was discussed with the Commissioner on 4 August. PJT explained that he was in the process of drafting various thoughts and a brief to counsel in this matter and that it was anticipated that Bernard Thorogood would be brought to the offices some time in the early part of September to review matters and to consider the position we are at.

RT stated that interest in this case is currently increasing. RT stated that he is due to see the PCC upon his return from annual leave and in addition there is also parliamentary interest. PJT explained that the up to date position is that he is going through the papers and that in particular the Metropolitan Police's investigation in respect of Operation Glade is currently before the court.

PJT stated that his opinion differs from that of previous members of the legal department who have considered this, in that PJT feels it desirable that parties who are subject to prosecution by the CPS in respect of Operation Glade are also parties to these proceedings for the sake of completeness, and to ensure that the others in the dock are not given the opportunity to blame someone who is absent from the proceedings. RT stated that he would run with advice of his present legal team.

PJT stated that it is hoped that following the conference with Bernard Thorogood matters can proceed apace with informations being laid

before Christmas. It is possible that this could be brought forward but that in any event we were awaiting the commencement of the Glade proceedings.

Now that the Glade proceedings have been commenced it is possible for us to bring our proceedings forward.

RT considered that it would be appropriate to write to the CPS to inform them of what our intentions are and that we would be pursuing matters in the absence of any objections from them. It was considered that it was appropriate not to compromise the CPS prosecution although it should be noted that there has already been a conviction in that case in respect of Paul Marshall (and in any event Paul Marshall would not form part of the proceedings that we would bring).

RT stated that he wanted Motorman to become a primary objective for PJT and PJT confirmed that he would devote attention to this matter. RT stated that in addition, what he wanted to be in a position to do as well as bringing the proceedings, would be to also write to the various journalists and editors involved to highlight to them the new annex to the Press Complaints Commission Code of Practice together with drawing their attention to the fact that they are incredibly lucky not to have been prosecuted in respect of this matter, but that in any event this is something that can be dealt with at a slightly later stage.

PJT/JT