



**COURT OF APPEAL CRIMINAL DIVISION
REPRESENTATION ORDER**

Ref No: 200300595B3

Access to Justice Act 1999 – Criminal Defence Service Regulations 2001

APPELLANT Forenames	Surname
MICHAEL JOHN	STONE

WHERE DETAINED	PRISON NUMBER
HMP FULL SUTTON	RN2980

ADDRESS (If not detained)

CROWN COURT	TRIAL JUDGE	DATE
NOTTINGHAM CROWN COURT	POOLE	04/10/2001

The Honourable Mr Justice TREACY, in accordance with the above provisions, hereby grants a representation order to the appellant for the following purpose:

The preparation and presentation of an appeal against Conviction , the Single Judge having granted leave to appeal.


The order consists of representation by one Counsel only as named below:

Counsel

P CARTER QC

DX 478 CHANCERY LANE

Dated 01/03/2004

Signed Miss S.Khanom 
For Registrar of Criminal Appeals

Criminal Appeal Office
Royal courts of Justice
Strand, London, WC2A 2LL
Telephone: 020 7947 7829
Fax: 020 7947 6909 DX 44450 Strand

COURT OF APPEAL, CRIMINAL DIVISION

Criminal Appeal Act, 1968

Form of Judge's Order under Section 31

SJ

(Please write in BLACK)

APPLICANT

REF NUMBER

DOB

MICHAEL JOHN STONE

200300595 B3

07/06/1960

WHERE DETAINED

INDEX NO.

EDR

HMP FULL SUTTON

RN 2980

ORDER by the Hon. Mr. Justice TREACY

APPLICATIONS considered

(a) EXTENSIONS of time

(b) Leave to appeal against CONVICTION ✓

(c) Leave to appeal against SENTENCE

(d) LEGAL ASSISTANCE ✓

(e) BAIL

(f) LEAVE TO BE PRESENT

(g) ORDER FOR WITNESS to attend

* If the appellant is not in custody, any grant of legal assistance is subject to consideration by the Registrar of Form M - Statement of Means

DECISION**

Leave to appeal against conviction – GRANTED on ONE ground only.
Legal Aid for ONE Counsel only.

I direct that days of time spent in custody as an appellant shall NOT COUNT TOWARDS SENTENCE***

** If legal assistance is granted please indicate the number of Counsel and whether Solicitors are included.

*** Please delete if no order is made in relation to loss of time

REASONS FOR DECISION

I have considered the papers in your case and your grounds of appeal.

Publicity

1. Highly experienced trial counsel who had dealt with publicity issues in detail at the Court of Appeal hearing did not make any application to the trial judge. He did this on a considered basis being aware of his right to make submissions to the trial judge. His decision is not to be characterised as incompetent in the circumstances including the substantial lapse of time, the change of venue, the mixed nature of the later publicity, and the minimal quantity of post-appeal publicity.
2. In the circumstances it was not necessary for the Crown or the trial judge to raise the issue of prior publicity. Indeed raising the issue with the jury might have created problems (c.f. *R v Andrews (Tracey)* [1999] Crim L R 156).
3. The judge's warning to try the case on the evidence and on nothing else (p.1F and p.3D), coupled with telling the jury that the Crown's case depended entirely on Daley's evidence (p. 9D) was sufficient.

4. I do not consider that an arguable case has been made out that the trial was unfair on this ground.

Cell Confessions

1. I consider that there is an arguable point as to whether, in the light of the matters considered in *Benedetto v The Queen* (2003) 1 WLR 1545, the judge should have given a more extensive warning about the cell confession evidence when the whole Crown case depended upon it. I therefore grant leave on this ground.
2. I refuse leave sought under this heading on the basis that the jury should have had some further directions relating to whether it was Stone who was speaking and whether what he said, if anything, would have been sufficiently audible. The evidence was fully investigated at trial, (including a site visit by the jury), and the summing up full and accurately set out the factual position for the jury's consideration.

SIGNED

Aman Tracy

DATE

1st March 2007.

NK