

Witness Name: Brian Carter  
Statement No: Second  
Exhibits: BC5 – BC26  
Dated: 20 / 10 / 2015

**THE INDEPENDENT JERSEY CARE INQUIRY**

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Exhibit BC21

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# Privilege waived - 24 August 2015

From: ["John Edmonds"](#)

To: ["William Bailhache"](#) [REDACTED]

Date: 14/07/2009 12:07:59

Subject: FW [REDACTED]

Attachments: [REDACTED]memo.pdf

William

Please see the attached. It is not clear to me from this material that you did actually review the papers but it gives the timescale for you to examine your notes to see if there was some discussion.

I cannot help feeling that the Legal Advisers over a period of many years having effectively been applying a test of mandatory corroboration rather than properly evaluating whether an uncorroborated victim would nonetheless be regarded as a witness of truth.

I fear that Ian Christmas' involvement both as Legal Adviser and Magistrate set the tone for much of this practice.

John

-----Original Message-----

From: William Redgrave [REDACTED]

Sent: 14 July 2009 11:15

To: John Edmonds

Cc: Stephen Baker

Subject: [REDACTED]

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\*\*\*\*\*

John

Please see attached. I think the handwritten note is by Robert Bonney.

William Redgrave  
Senior Associate

# Privilege waived - 24 August 2015

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-----Original Message-----

From: John Edmonds [REDACTED]  
Sent: 14 July 2009 10:45  
To: William Redgrave  
Subject: [REDACTED]

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William [REDACTED]

You mentioned that there is a copy of an advice or similar from Laurence O'Donnell regarding this case and an earlier advice not to proceed. Would it be possible to see a copy, please?

John

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DC Carter Bonan the A.G. has reviewed the papers (As discussed). This cannot presently be prosecuted without further corroboration.

Legal Advisers' Office

Police Headquarters

Rouge Bouillon, St. Helier, JERSEY, JE2 3ZA.

Telephone: (01534) 612590  
Facsimile: (01534) 612589

Memorandum

In the event that any other victims may materialise in future - this can be (will be) re-considered. Speak to CTU please - about 'Outstanding offences' file.

To: DI R Bonney

From: Laurence O'Donnell

Cc: Tim Allen

Date: 24 September 2004

Your Ref:

Our Ref: LOD/KH/910/0630

I believe you have already advised that



Thank you for the papers in this matter, which I have considered. I note the thorough manner in which this case has been investigated. Prosecutions for offences of this nature are regularly undertaken in the UK, albeit that it is acknowledged that they present their own peculiar difficulties due to the time lapse, absence of records and very often witnesses. The Criminal Cases Review Commission (CCRC) has recently set out in Archbold News the criteria which it applies. I attach a copy of the complete article for your information.

You have already noted that there is little in the way of contemporaneous corroboration of the account given by [redacted]. However, this case is a little more complicated in that [redacted] has subsequently approached [redacted] in order to blackmail him. [redacted] was subsequently convicted of blackmail. I am not aware of the basis upon which he was sentenced and that may be material which would assist the Crown should a decision be made to prosecute [redacted].

I note that there are no other victims identified as a consequence of the Police investigation and thus, at present, the Prosecution would proceed with only one victim. The practice locally is for such prosecutions not to be proceeded with and I am of the view that, should the matter be charged, the Magistrate would discharge [redacted] at an Old Style Committal.

The case raises some interesting issues and I have, therefore, copied this memorandum to Tim Allen. It may be that you would wish to take advice from a Senior Crown Advocate with regard to this matter.

[Redacted signature area]

Laurence O'Donnell  
Legal Adviser to the Police

Enc

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