

# Privilege waived - 2 September 2015

**From:** [William Redgrave](#)  
**To:** [John Edmonds](#)  
**Cc:** [Stephen Baker](#)  
**Subject:** Jordan and Kidd  
**Date:** 22 January 2010 14:53:58  
**Attachments:** [BakerPlatt.jpg](#)

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John -

Jordan and Kidd - an update. We believe that on the basis of the conference Steve had with the previous AG we have the go-ahead to charge without further reference to the LOD. However I know you are interested to know how this case is proceeding and this email is to keep you in the picture. Your observations would as always be welcome. There are some quite interesting aspects to this case upon which the AG may wish to express a view.

I met Alison F and her colleagues this morning and we thrashed the list of complainants down to 11. The bulk are against MJ rather than TJ. We removed those whose complaints lacked credibility, or who were unwilling to attend or considered unreliable for other reasons.

We kept in a few who have been doubted by us in respect of more serious allegations they made in other cases (such as Lundy or Aubin), or who refused to give evidence in the recent trials - but only after careful consideration of what impact there was had on their credibility / likelihood of attending in respect of this matter. I can go through this in more detail with you if you wish.

We are likely therefore to have an indictment of twenty-something charges. Some complainants allege one incident; others say it happened many times, so we will probably have 2 or 3 for them.

Steve and I have been considering timescale, and procedure.

We think we should be able to have charges and an affidavit for a Bailiff's warrant ready by the end of this month. The affidavit will, in the interest of full and frank disclosure, need to set out the legal arguments about the charges/prescription point. Cyril Whelan is of the view that have an argument for charging grave and criminal assault (as the definition is arguably vague enough to include aggravated and cruel assaults even where the physical harm is negligible) for each incident. The alternative is common assault, but as a *crime* not a *delit* because of the nature of the offences, therefore not prescribed.

We are envisaging starting in the Royal Court. We can hardly be heard to say this is so serious it is a *crime*, justifying a trial after 30 years, if it is suitable for the mags.

We anticipate that there may have to be separate trials of MJ and TJ, as they did not really act together and there is little cross-over of witnesses. Nevertheless we expect to be drafting a single indictment. We will review this once we have a draft, to see if it is sustainable. Certainly they should be brought over and charged simultaneously. Then bailed back to Scotland, we think. The police are likely to be seeking to arrest by appointment since it has all been done by cooperation wthrough solicitors thus far.

There may be an argument that we will be stuck with whatever charges we bring them over on (as in extradition). We will consider this. If so perhaps we should have both grave and criminal and

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common assault as alternatives on the charge sheet. The defence could hardly miss the prescription point, so we would not be tipping them off unnecessarily, and indeed the Bailiff is likely to want to be satisfied as to the propriety of the charges at the start of it all anyway.

I will copy you in on a later email to Alison F confirming which of the complainants we are currently proposing to use.

Kind regards,

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