

Our Ref: RLB.EB.060606/003 Your Ref: CRO/76256-2007/TW/IA 13th September, 2007

Legal Complaints Service,
Victoria Court,
8 Dormer Place,
Leamington Spa,
Warwickshire,
CV32 5AE.
For the attention of Ms T. Walzman

Dear Ms Walzman,

**Re: T2006 0459 R –v- Martin Glasgow –
Complaint by Martin Glasgow**

I refer to your letter of 15th August, 2007, and as you are aware there have been difficulties in my responding earlier given that my file was with the National Taxing Team but you are aware that I have now had the file returned to me on short-term loan to deal with this matter.

Firstly, before dealing with the specific complaints raised, let me give you a general overview:

Martin Glasgow was originally interviewed by the Police, together with his brothers Adrian and Graham, following an incident on 5th June, 2006, in the Coronary Care Unit at Chesterfield Royal Hospital. We represented Martin Glasgow and his two brothers were represented by another firm in Chesterfield. All three then consulted me during the following weeks and months when they were required to return to the Police Station on a number of occasions in answer to Police bail.

The allegation was that the three brothers had been sitting in the waiting room outside the Coronary Care Unit where their mother was seriously ill. Indeed she died some short time afterwards.

It is said that an Asian family came through the waiting area and as they saw the English people sitting around they switched from speaking in English to each other to speaking in what was presumably their native language. A comment in respect of that was made by one of the brothers, not Martin, which led to the youngest member of the Asian party rounding on the Glasgow brothers and challenging them as to what had been said. There was little doubt that he was extremely aggressive and it also seems that he had struck the first blow by punching Martin Glasgow in the face breaking his glasses.

Thereafter a fight broke out between the two of them with other members of each party playing a lesser role and the participants then crashed through the doors into the Coronary Care Unit itself where you will realise seriously ill and dying patients were being cared for.

Following the fight the Asian male, Johal, vanished from the scene and at a later stage made a telephone complaint to the Police whilst the Glasgow brothers remained in the area of the hospital to get their wounds attended to and to await the arrival of the Police.

All were then surprised to be arrested and in due course Martin and Adrian Glasgow were charged with Affray as was the Asian male Johal. Graham Glasgow was not charged and it became apparent that his version of events was not helpful to his two brothers.

At Committal stage proceedings were discontinued against Adrian and so only Martin Glasgow and Johal were committed to Crown Court for Trial.

Robert L. Bashforth LL.B (Hons)
Regulated by the Law Society

The charge did not specify a racial element but it was plainly the intention of the Prosecution from the beginning to suggest that the case had racial overtones.

Following Committal conduct of the case on my behalf passed to Mr. Terry Fox whose name you will see referred to on the papers. He is a retired senior Police Officer who prepares cases on my behalf and he also uses other retired Police Officers, in particular Mr. Harold Robinson, whose name you will see from time to time.

With regard to Mr. Glasgow himself, it was plain from the beginning that he was a rather 'oddball' character. He made it plain from the start that he was some local bigwig in the British National Party whilst making it plain that he entertains no racist views. Indeed to be fair to him he never voiced any anti-Asian or other racial opinions.

Nevertheless it is clear from my now reviewing the Crown Court file how bizarre his behaviour was becoming in the run up to the Crown Court Trial. Indeed, I have enclosed a number of e-mails which he exchanged with Terry Fox. These are a sample only, partly to give an idea at the barrage of stuff he was firing at Terry Fox and partly to show that he was well aware of some of the matters of which he now seeks to complain.

The volume of e-mails increased dramatically in the week or so prior to the Trial and Terry Fox told me at the time that he was declining to answer further since each e-mail led to another from the client, they were irrelevant in any event and he felt that the Legal Aid authorities could justifiably refuse to pay us for answering nonsensical e-mails.

You will also see from the file that there was one Conference with Counsel in Chambers which the client attended and indeed attended early. There was subsequently a Conference between Terry Fox and Counsel at the Crown Court to discuss issues and recently received documents from the Prosecution without the client's attendance.

Thereafter the Trial was conducted and two things became apparent. Firstly the Prosecution witnesses were all very strong in their evidence that the aggression was coming from the "white bald male and that the Asian male appeared to be defending himself. Secondly I understand that the client was absolutely dreadful in giving evidence on his own behalf and if the case had not been lost already it certainly was by the time he stepped down.

I can also tell you that Counsel had kept me informed by telephone throughout the case and had advised me at a very early stage that if the client was convicted he was almost certain to make a complaint. In Counsel's view Terry Fox had gone above and beyond the call of duty in preparing the case and there was nothing further that could possibly have been done.

In due course Martin Glasgow was convicted of Affray and Mr. Johal was acquitted. Counsel felt that was a fair result from the way the evidence had gone to the Jury. Mr. Johal it should be noted turned out in fact to be a newly qualified Solicitor himself and Glasgow immediately raised the issue as to whether there had been any connivance. You will see my response to that suggestion.

Glasgow then immediately came into my office on the day of conviction and was extremely stressed. It was at that point that I began to wonder whether there were any mental health problems as his

conduct was so bizarre. I refer you to the file notes and the fact that Counsel wanted a psychiatric report but felt that that would have to be broached with care with the client whom he felt might take offence at the suggestion that he was not entirely 'the full shilling'. It was agreed to suggest to the Probation Service that they should recommend it in the PSR and the client may well be more amenable to that suggestion. In due course the client did agree surprisingly willingly and although I do not feel it would be proper for me to disclose at this stage the contents of the psychiatric report I can tell you that the psychiatrist felt that although there was no fully-fledged mental illness that his conduct was such as to give alarm and that he may be in the process of developing active mental illness.

You may also note that that the client rather unhelpfully made it plain to the Probation Service that he was an active member of the BNP. That was not the wisest of things to put in a report to go before the Judge in a case of this nature.

Incidentally, I note that in the client's letter to you he says that after conviction the charge was increased to affray with racial intent. I am sure that what the client means is that the Judge made it clear that he would sentence him on the basis that this case had racial overtones.

Subsequently the client came in to see me and hand-delivered a notice of complaint and I subsequently saw him together with his brother-in-law when for once he seemed rather more lucid and he agreed in fact that his legal team had done all for him that could be done and that he had simply been a little stressed. Unfortunately, from there on it was all downhill and although they are not strictly relevant to the points raised by Mr. Glasgow I enclose a number of copy letters and file notes which clearly illustrate that.

Mr. Glasgow eventually found another firm of Solicitors willing to take on the case and I understand that he is now serving a 12 month sentence.

Turning now to the specific complains:-

1. Mr. Glasgow complains that he was not advised of the time and venue of the Conference with Counsel **following** his appearance at Derby Crown Court. No such Conference was ever arranged. The only Conference that ever took place was in January and you will see a file note on 15th January arranging the Conference for the following date and that the client was informed by telephone. In fact it seems he turned up at 11am instead of 3pm but that was resolved and the Conference went ahead. That was simply an error on his part and I understand that he was fully informed by telephone of the time and place and offered a lift if he required it – an offer which he declined.
2. Glasgow complains of lack of character witnesses. I understand both from Terry Fox and from Counsel that the question of character witnesses was looked into very carefully. In the first place, you will realise that a charge of Affray is not one where character witnesses would normally be called. This is not a case where the client's honesty or otherwise is in question. The simple question is whether he was fighting or not in the circumstances alleged. Character witnesses would have little impact. Nevertheless Counsel Mr. Munt assures me that that issue was touched upon in the Conference in January and the difficulty was that the only witnesses the client could call were his

friends from the BNP. Not, you may agree, ideal witnesses in a case of this nature. When the case came to Trial indeed Mr. Johal called character witnesses. That raised the issue again with the client and again the question was looked at. Again there were not witnesses who would have been worth calling. In my view to call such witnesses on behalf of Mr. Glasgow would have made it even worse than calling no witnesses at all, when those witnesses are compared by the Jury with professional witnesses who were called on behalf of Mr. Johal. If character witnesses were to be called for Mr. Glasgow it would perhaps have been more relevant to the question of sentence but of course he was represented by other Solicitors by that time.

Turning to the further complaints under the heading '**Failure to follow instructions**':-

1. Mr. Glasgow complains that no CCTV footage was obtained. I refer to you the letter of 27th October, 2006, and to their response dated 14th November, 2006. I can also tell you that the question of CCTV coverage was raised by me orally to the CPS lawyer at an early stage in the Magistrates' Court proceedings and my recollection is that the Investigating Officer had looked into the question of such footage being available and the result would be sent on to us in due course.
2. There is no specific letter to Mr. Glasgow telling him that there is no CCTV footage. This is merely one of a number of matters that we had discussed with the client and dealt with in the course of preparing the case. I have no doubt that that was fully discussed with him both by Mr. Fox and at the Conference with Counsel.
3. Mr. Glasgow complains that there was no floor plan of the Coronary Care Unit. I enclose herewith not only a floor plan which was obtained by Mr. Harold Robinson but also with photographs of the relevant parts of the interior obtained at the same time. So far as I am aware these items were used in the course of the Trial. Please also see the file note indicating that Harold Robinson actually took the client to the Coronary Care Unit so that he could point out where the various parts of the incident had taken place in relation both to the photographs and the floor plan.
4. Mr. Glasgow complains that a representative from this firm was not at Chesterfield Magistrates' Court on 18th May for Committal Proceedings. In fact Committal Proceedings at Chesterfield Magistrates' Court took place on 2nd October, 2006. I dealt with that matter personally. The hearing on 18th May was for sentence after the original hearing date 17th April had been adjourned to obtain the psychiatric report. You will see enclosed a copy of Harold Robinson's report indicating that the client was polite but firm in his view that he did not wish this firm to continue representing him.

I think that deals with all the specific complaints inasmuch as they are specific at all.

Indeed it seems to me that Mr. Glasgow's complaints are somewhat rambling and incoherent and may perhaps be boiled down to the single point that he was convicted at Trial by a Jury. He does not like that outcome.

All that said, I must say I have an element of sympathy with Mr. Glasgow in that he does seem to be suffering from perhaps the early stages of some developing mental illness and may not be entirely in control of his faculties.

I trust that this can lay the matter to rest. In any event if you require any further information please do not hesitate to contact me by letter or telephone.

Yours sincerely,

Robert Bashforth
ROBERT L. BASHFORTH & CO.