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279 Deansgate, Manchester M3 4EW, England.
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Your Ref: David Webb
15 Sloane Court West
Chelsea
Our Ref: London
SW3 4JD

Date 10/10/91

Dear David,

I was pleased to read the Time Out article (which dealt with London matters, so I did not expect to see my case mentioned)...and also to watch "Presumed Guilty" on television last night (INSIDE REPORT, Michael Mansfield, QC, arguing for a replacement of the British legal system with one similar to the French or the American ones). Excellent stuff.

I have finally had the chance to speak properly with my barrister, Mr Little, and air my concern about the way he is conducting my case.

He has little doubt himself that his plan of defence is not the best one in the circumstances. However, because several people in the various reform and pressure groups I have spoken to (including yourself) are doubtful, and because their comments have caused me consternation, he has asked me to put the details of his planned procedure to any interested parties. If he is wrong in his procedure, then he says I must instruct new counsel on the grounds that I have been wrongly advised.

The most contentious element of his defence seems to be the one that fresh evidence can be brought into the appeal court. He believes that he can bring new evidence; but other people are telling me differently. Another element is that we should have been advised of our right to a jury trial (Jolyon Jenkins raised this point in his Statesman article). Mr Little believes that the part of the OPA (Section Three) act which seems to allow for trial by jury is not a statute but an undertaking only (on the part of parliament). He feels that the trial option was not open to us.

The reason that we are in the predicament of having to bring fresh evidence at the appeal stage is because we thought at the time (and Mr Little agreed) that it would be a waste of effort and money to bring a costly defence before magistrate Fairclough. Mr Fairclough, by his actions, appeared to us

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to be less than partial.

At the hearing Mr Little gave a speech to the effect that in his opinion the novel was not obscene. Mr Fairclough countered with a speech to say that he disagreed; and upheld the (his own) charge. No defence witnesses were called.

Mr Little is now planning to overturn the charge at the appeal stage on the grounds that **"the decision of the stipendiary magistrate was unsafe and unsound. Considering the facts, the decision was wrong in principle"**. And he intends to bring forward the witnesses we would, under normal circumstances, have brought forward at the initial hearing.

I have today learned that my appeal has been put onto the list of announcements at the court, that is to say that a date has not yet been made for it but that an announcement of one is immanent.

I therefore need help urgently, from somewhere, to ensure that I have a sound defence.

I wonder if you could do me the favour of making my position known to any other party who you may think believe that I have been wrongly advised? Please act as fast as you are able.

My solicitors have said they will talk to anyone who thinks they have a better defence plan.

With best wishes,

Yours sincerely,

Michael Butterworth

Phoned 4.05 p.m. 14/10/91
- out.
Michael phoned 6pm 15/10/91