

RECEIVED 16 JUL 1991

Cheque for £10.00
(277617)

Leeds

15 July, 1991

Dear David,

despatched 9/8/91

Please find enclosed cheque for £10, representing payment of subs due and cost of 4 badges plus donation. I'm sorry it can't be more but I've had considerable expenses lately.

To bring you up to date, my case under section 3 of the Obscene Publications Act, 1959 came to crown court in November last year. Counsel's opinion before trial was 50/50. The trial lasted 3 days at the end of which I was found guilty on 6 specimen charges of having an obscene article for gain, namely, 6 video cassettes. I was given a 3 month prison sentence on each charge to run concurrently and suspended for 2 years and ordered to pay £500 towards prosecution costs at the rate of £5 per week over the 2 years. The 6 video cassettes were ordered forfeit.

Counsel's opinion after the verdict was that we had a fair summing up from the Recorder but that the jury were definitely prejudiced against the idea of possessing videos depicting animals etc. so found guilty through their own narrow mindedness. No grounds for appeal.

On the 21st June, 1991 we again returned to the magistrate's court to argue the case against forfeiture of the remaining video cassettes, 34 in number. Counsel advised that a challenge on the definition of obscenity would involve lengthy and costly deliberations. However, in the case of 16 of the video cassettes there were evidential difficulties for the prosecution in proving possession for supply so a deal was struck whereby the defence would not challenge forfeiture of the 18 in return for the exclusion of 16 from the case.

The police officer in the case, one PC 529 Eagleton refused to consider this, until my barrister, Mr. Bubb, used the ploy of costs. The Act states that the appellant bear the cost of prosecuting in forfeiture and Eagleton was led to believe that

he personally would be liable for extensive costs in the case of the 16 tapes where evidence of possession for supply was non-existent. Needless to say he caved in and the 16 were ordered returned to me. However, as of this date I have still not received those articles.

Some interesting factors emerged from the Crown Court case. The recorder in his summing up stated that to lend an obscene article, video cassette, to another is not an offence. Neither is it an offence to show an obscene article to another consenting adult. The possession of obscene video cassettes is not an offence. Neither, is the possession of 2 video recorders wired together for copying purposes an offence under the Act.

However, in view of the verdict it should be remembered that if you possess blue movies and have two video recorders or a double deck recorder you are able to supply. The prosecution only then has to prove intent to supply and you get done. Supplying a list of video cassettes to a third party can be construed as offering to supply.

Forewarned is forarmed as they say so great caution needs to be applied in future. At least now I am free to pursue the aims of NCROPA without being accused of lobbying on my own behalf. Letters will be going out to all media sources that offend my sensibilities by taking it upon themselves to prejudge that which may offend my sensibilities. Likewise, praise will go to those brave enough to display 'honesty'.

The NCROPA in action report made harrowing reading, things are definately getting worse. Your own troubles too are worrying. How did you get on with your challenge to confiscation? No do^ubt the whole thing demonstrated how the rights of the individual are further being eroded.

Let me know of any particular campaigns you could use my assistance in.

Keep up the good work. Nil illigitimus carborundum.

Yours sincerely,

A solid black rectangular redaction box covering the signature area.