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## Historic 'bias' case gets early hearing

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THE COURT of Appeal is to hold a special session in the legal long vacation to hear claims that alleged personal contact between three top judges deprived a man jailed for six years of a fair trial.

It is understood the court registrar and his officials are pressing for an early hearing, following a report in last week's *Observer*. They will ensure that the appeal — the first in English legal history in which an alleged miscarriage of justice has been blamed on apparent bias in the judiciary — is heard by judges from the Welsh or Western circuits.

This is to avoid further suggestions of unfairness, because the judges at the centre of the allegations made by businessman Paul Blanchard practised as barristers in London and the North-East.

In a separate development, North Yorkshire police last week passed a dossier detailing the collapse of a business co-owned by one of the judges, Mr Justice Mortimer of the Hong Kong supreme court, to the Fraud Squad. They will decide whether claims that the business traded insolvently merit investigation.

Blanchard, 49, was jailed by Judge Angus MacDonald at Newcastle Crown Court in 1992 for importing Ecstasy. Documents filed with the Court of Appeal claim telephone computer records show that at vital turning points in the trial Judge MacDonald spoke to Mr Justice Mortimer, against whom Blanchard had waged a 15-year vendetta. The two judges were friends when they practised at the Bar.

In 1978, as John Barry Mortimer QC, Mr Justice Mortimer defended Blanchard on charges of trading insolvently when his property business crashed. Blanchard's defence was that he was owed sums by former Tory councillor Wilson Pulleyn. In an alleged conflict of interest, Mr Mortimer failed to tell him he was Pulleyn's nephew and godson.

It is understood that, in a further unprecedented move, the special Appeal Court session will consider not only the recent drugs conviction but the claim that the then Mr Mortimer's actions amounted to a material irregularity in the 1978 case. The hearing — to start at the latest by the first week in September — may grant leave for both appeals to be heard together. The docu-

ments further allege that when Mr Justice Blofeld, sitting as the first stage 'filter' in the Court of Appeal, refused Blanchard leave to appeal last year, he also examined the 1978 file and spoke by telephone to Mr Justice Mortimer and Judge MacDonald. Messrs Justice Blofeld and Mortimer qualified together and for more than 25 years had chambers in the same building.

North Yorkshire police have been asked to examine a dossier from Blanchard about the collapse of Judith Mortimer Ltd, a soft furnishing business owned by Mr Justice Mortimer and his wife. It went into liquidation in 1984, leaving debts of £435,000. In 1982 a Dun & Bradstreet credit reference warned suppliers to obtain money for goods on a pro forma basis.

Five months before the collapse, the Mortimers bought Fondrobe Ltd, and swapped names between it and Judith Mortimer Ltd — so creating the possibility of trading under the old name. *The Observer* has details of one creditor who invested £10,000 and became an employee, only to have his salary cheque bounce and find himself made redundant.