

**FILE NOTE**

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**FILE NO:**

**DATED:** 10 May 2004

**SUBJECT:** Motorman

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PJT telephone conversation with Alec Owen of the Investigations Department.

Alex called to find out how the court hearing on Friday went.

PJT explained that it had been a useful exercise in that we had had the opportunity to meet the Investigators from the Metropolitan Police, in particular, D I Gilmore and DC Ian Wright.

Alec stated that they had had the opportunity of interviewing Whittamore on Thursday. They stated that when they arrived the initial indication had been that he would be answering some questions but not others but that after disclosure had taken place Mr Whittamore undertook a "no comment" interview. They believe that this was due to the advice he received from his solicitor and also the extent of the disclosure. PJT stated that no defence solicitor in his or her right mind should advise a client to undertake a mixed interview and that in the circumstances it was not an issue of undue surprise that Mr Whittamore had not commented at all in the interview.

PJT stated that with the trial in this matter not likely to take place until November (i.e. the corruption trial) it would be necessary to get Motorman off the ground sooner rather than later and to this end it would be appropriate for the investigators to come and speak to PJT and Mark Thorogood in the early part of next week.

Furthermore PJT stated that he was coming round to the perspective that Whittamore ought to be included in the indictment for the sake of completeness. Alec stated that this differed to Karen's perspective in that she had taken the view that because Whittamore was being prosecuted for other more serious offences by the Metropolitan Police and for which he could lose his liberty then that minimised the necessity to prosecute under the data protection offences. PJT stated that he took the view that with Whittamore being such a linchpin of the whole investigation it would be far too easy for the other defendants when the matter reached Crown Court to simply blame Whittamore who was not there to defend himself. That could result in them being acquitted. In any event PJT stated that he took the view that whilst Whittamore was the subject of the Metropolitan Police investigation that related to other offences and that even though we were not necessarily going down those lines we would still be looking at him in relation to the fact that he has been involved with the DVLA matters.

In addition PJT stated that there are all these people who have given fabulous evidence in their statements in respect of how they had absolutely no connections with the media or public life but had been the subject of searches by Whittamore and his associates.

Alec questioned whether or not it would be possible to go after the defendant Lyle for misconduct in a public office in relation to the DVLA matter. PJT stated that he wasn't sure whether or not that would be within our remit but that it may be better to stick to those issues that we know best.

PJT stated however that the issue of conspiracy was not something to be ruled out at this stage. In particular it may be necessary to seek Counsel's advice on this point. PJT stated that he was minded to consider London Counsel in this regard bearing in mind the fact that the case was being heard down there. PJT did state that he noted that Bernard Thorogood had advised in part on this but this was something that needed to be considered, in particular bearing in mind how well guarded  was.

It was agreed that Alec would come and see us some time next week so that we can discuss the matter further. PJT stated that bearing in mind the trial was not going to be until October in the case of Operation Blade we should seek to bring our matter forward a little if we could. With a bit of luck we could be in a position to lay information within 6 – 8 weeks which would keep it very fresh bearing in mind the fact that interviews have only just been concluded.

PJT/JT