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| Case Details.  Name of defendant: Thomas William Dobbie  Court: Chester Crown Court  Case reference number: Regina v Tom Dobbie T2016 0370 : T2016 0889  Charge(s):  1. 4 Accounts of alleged Malicious communications: for reporting police who covered up crimes. 2. 2 Accounts of alleged breaking of an injunction that is designed to stop Tom Dobbie reporting crimes. |
| This is an application by [ THOMAS WILLIAM DOBBIE – defendant]  For the court to state a case for the opinion of the High Court on an appeal on a question of law or jurisdiction. |
| Use this form ONLY for an application to the court to state a case for the opinion of the High Court on a question of law or jurisdiction, under Criminal Procedures Rule 35.2. There are different forms for appealing from a magistrates’ court to the Crown Court under Criminal Procedures Rules Part 34. Or from the Crown Court to the Court of Appeal under Criminal Procedure Rules Part 39.  1. Complete the boxes above and give the details required in the boxes below. If you use an electronic version of this form, the boxes will expand. If you use a paper version and need more space, you may attach extra sheets.  2. Sign and date the completed form.  3. Send a copy of the completed form to:  (a) the court, and  ……….(b) each other party to the case.  You must send this form so as to reach the recipients not more than 21 days after the decision about which you want to appeal to the High Court. If that decision was by a magistrates’ court, the court has no power to extend that limit.  A party who wants to make representations about this application must serve those representations under Criminal Procedure Rule 35.2(3) not more than 14 days after service of this application. |
| 1) Decision under appeal. Give brief details of the decision about which you want to appeal to the High Court (including the date of that decision).  1. The defendant clearly made a not guilty plea. His barrister pressurised him into making an equivocal plea. The court was informed by the barrister that this was actually an unequivocal plea. The Crown Court refused the removal of the unequivocal version of the guilty plea.  The defendant applies for that plea to be returned to equivocal or not guilty.  2. Additionally, the defendant applies for the indictments to be quashed on a number of abuse of process considerations.  2.1. There was never any consideration of the defendant’s evidence from case management through the whole trial. This includes the non-disclosure of defence evidence that was part of the prosecution evidence.  2.2. The entire prosecution was abuse of process designed to cover up crimes that were assisted, propagated and acted on by police. These crimes and their cover up are fully evidenced, and as stated above, the evidence was fully ignored and not disclosed. |
| 2) Question(s) for the High Court. What question(s) of law or jurisdiction do you want the court to state for the opinion of the High Court?  2.1. The change of plea was refused on the basis of the judge only accepting one of a number of signed documents defining the equivocality or not of the plea. The one chosen by the judge was ambiguous in that it never specified equivocal or not. Documents before and after the one chosen by the judge state clearly the equivocality.  Under contract law, the one ill-defined document would clearly be rejected.  The person signing all of these documents, the defendant, is a professional businessman who has worked inside contracts and contract law all across the globe. The defendant had clearly stated his equivocal plea before and after the one and only ambivalent document.  The Quashing of the indictments based on them being abuse of process.  2.2. The case is flawed on multiple accounts –  2.2.1. It was admitted in the Crown Court by both the solicitor and barrister for the defence, that not even one item from the large amount of evidence supplied by the defendant had been looked at or shared with CPS or judge, and yet these two (barrister and solicitor for the defence) repeatedly insisted the defendant must plead guilty. Under law, the trial could never be fair if ALL of the evidence submitted by the defendant was deliberately avoided at all stages through the trial.  2.2.2. The CPS knew there was a large amount of evidence and witnesses for the defence, but unlawfully moved through all procedures without the slightest concern how such an absurd situation can exist.  2.2.3. The defence solicitors were given written signed instructions by the defendant requesting information and evidence be supplied to barrister, CPS and judge. The barrister and defence solicitors admitted under oath that they had ignored all written signed instructions from the defendant. Nothing was done. Not even the transcripts of the arrest interviews were obtained.  2.2.4. The defendant knew that people wanted his evidence hidden, so, he copied all written and signed instructions not only to CPS and judge, but to iiCSA, Home Secretary, Attorney General and an independent witness.  2.2.5. The defendant was arrested after his electricity and water were turned off during the night by the police. The police did not specify an arrest, and the defendant refused to open the door. The police broke the door down and then announced they were arresting the defendant. They refused to let the defendant take any evidence with him. The CPS lied to the magistrates court to get the defendant remanded. While on remand in HMP Altcourse, the police broke into the defendants flat and stole (without warrants or receipts or anything) the defendants tablet computer, laptop computer and evidence. I say all of these were abuse of power and abuse of process to stop the evidence being heard.  2.2.6. The police know the defendant suffers mental health problems. In previous failed attempts to gag the defendant by incarceration on remand, the mental health of the defendant deteriorated greatly. The defendant is reported by clinical NHS psychiatrists as ICD10:F43 (anxiety and distress at battle fatigue levels). The report this is not organic, but caused because of the trauma of Tom Dobbie’s children being abused and Tom not allowed to rescue his children.  The defendant agreed with the prison psychiatrist to be sectioned on two accounts – 1). The defendant was suffering greatly at elevated anxiety and distress levels. 2). The prison psychiatrist thought that the crimes Tom Dobbie was reporting (crimes against the children and Tom Dobbie) were so extreme, that these crimes must be the result of delusion.  The hospital psychiatrists helped recovery from 1) by having the patient removed from the prison environment and put in a secure psychiatric hospital environment. This allowed a reversion to the correct medication regime and environment. The prison could not supply the level of care required in environment or medication regime; the antipsychotics are short term efficacy, and the prison could not supply these medications at the correct times. The noisy banging, jolting, cursing, smoking drugs, nasty environment is totally unsuitable for a primary care mental health patient with these problems, and was acting as constant assaults and torturing Tom Dobbie.  The police and judges knew of these problems, but ignored the duty of care, ignored the requirement not to torture people – simply in order to dispose of and gag the defendant. This was unlawful.  2.2.7. The cases against the defendant are orchestrated as abuse of process and abuse of power to cover up child rape, child sexual abuses, child battering, theft, torture, harassment, theft, - all evidenced crimes that started off by the single mistake of Cheshire police that then spiralled out of control because I refused to stand down and abandon my children to abusers.ge |
| 3) Grounds of appeal.  Explain briefly why you think that the decision against which you want to appeal was wrong, and how that decision depended on the question(s) specified in box 2 above.  I may have answered some of this above. My mind doesn’t work as well as it used to – I really have taken an extreme psychological battering This torture stuff is very bad for people and supposed to be unlawful, but it is being practiced here openly in this case. I recommend a tour of HMP’s at night as a real eye opener for the top of the justice system. I’ve travelled the world and been escorted around places like Columbia with guys carrying machine guns, but this stuff here in plain sight in UK is horrendous. Anyway, sorry about the meandering, but I try to get humanity as much benefit as possible from whatever activities I am involved with.  3.1. The removal of the guilty plea.  3.1.1. There never was an unequivocal guilty plea. I repeatedly issued instructions to the defence barrister that I would only submit to her continued pressure for a guilty plea on the basis that the indictments were neither defective nor used in abuse of process to cover up child abuses. In the same documents, I then go on to state the indictments are defective.  The barrister for the defence presented to the court (there was a lot of communications and discussions went on in the court to which I was not allowed to attend or be privy to the details of) that I was pleading guilty. So, when finally, I was actually attending court, I was asked what my plea was. I tried to talk to the judge and explain my position and understanding, but was not allowed to talk. Apparently you are not allowed to explain yourself and make sure we each understand what we are meaning. I was not happy to say either yes or no, as I was not sure what anybody else made of it all. It was indicated to me that I could quietly have a quick chat to the barrister. So, I asked her if this guilty plea was the one we had discussed, to which she very quickly replied yes. So, I was then asked to sign a document in court that I had been reassured was understood in the light of all of my previously signed instructions – but it wasn’t.  Given what has happened to me before (things like ‘being arrested for having made a possibly sinister laugh’ (you can easily get the evidence and the police interview on this one)), then I was not comfortable that things were properly understood, so I wrote instructions after getting back to the isolation of incarceration that night from the court appearance. I sent them to the solicitor to copy to the barrister, CPS and judge. I was not confident that these confirmations would get to their intended recipients, so I hand wrote identical copies and posted them with covering letters through the prison post to the court and cps, to the Home Office, to the iiCSA and to my cousin.  Now, I was informed that the court was now going to get on with sentencing me, so, I then wrote more instructions confirming again the basis of my equivocal plea and sent them to the solicitors to distribute. I also wrote the identical letter with covering letters and again sent them to court, Home Office, et al as before. This time I asked friends to copy these letters and carry them to Chester Crown Court and issue them to the court and CPS.  This time, there was an explosion of emotion in the cells below the court. The barrister and solicitor were furious with me and were insisting I must plead unequivocally guilty. I repeatedly declined and then considered them as no longer representing me. Now, this court appearance was stopped, and I was put before judge Dutton, the recorder of Chester for him to decide if, or not, the court would remove the guilty plea that never was.  Judge Dutton: –  1. was a significantly interested party and should never have been adjudicating here. He was made recorder of Chester after being recommended by Vanessa Whiting of CWAC (Cheshire West and Chester Council). He was appointed by the executives of CWAC. Vanessa Whiting and these executives of CWAC had already made an aborted injunction through the Queen’s Bench to gag Tom Dobbie from reporting the crimes against Tom Dobbie and his children by CWAC Social Services. It was greatly in the interest of CWAC for judge Dutton to keep Tom Dobbie as guilty, and thus gain gagging similar to what CWAC wanted.  2. refused the entire bundle from Tom Dobbie as litigant in person,  3. Judged that the guilty plea should not be removed because the defence barrister said: -  3.1. she had never mislead or negligently advised Tom Dobbie,  3.2. she never coerced Tom Dobbie to plead guilty  4. and all this on the admissions of the defence barrister and solicitor that they had: –  4.1. never looked at any defence evidence,  4.2. never obeyed the defendant’s instructions,  4.3. told Tom Dobbie to plead guilty right from the start without seeing any evidence.  So, Judge Dutton decided I was guilty, without defence evidence, without a jury, with non-disclosure of evidence for the defence that was already part of the prosecution evidence, without the defence barrister obeying her clients written and signed instructions, with police not only wilfully covering up evidence, but burgling Tom Dobbie’s flat to steal evidence against the police.  In reality, there was no defence allowed at all. The defence solicitors and the barrister were, in reality, acting as the prosecution.  I think any reasonable person would consider what has happened to the children and Tom Dobbie as a nightmare of criminality. The fact (highly evidenced) that people are standing on my head and breaking my mind because I am objecting to the abusive and criminal treatment of my children and me that is a nightmare. These unlawful and Kafka type trials that I have been subjected to are very damaging to my mind.  This current one is unlawful on many points.  Justice has not been done, and indeed, injustice is evidenced.  I ask the court of appeal to not just consider this case, but to examine the copious evidence available and instigate a judicial review and finding of facts.  3.1.2. I tried very hard to inform the court to what was going on, but I was always prevented by all involved in the process. A fair and lawful trial has not been allowed by, amongst a number of things, but in particular a gross inequality of arms.  3.1.3. There is another anomaly about this document, the one and only ambiguous ‘guilty plea’, the basis of plea has no admissions to any unlawfulness in it. This also supports that there never was an unequivocal guilty plea. What am I guilty of if what is in the basis of plea is not statements of unlawfulness?  3.2. The quashing of the indictments based on abuse of process and abuse of power.  3.2.1. As stated previously, I was gagged and isolated to prevent me communicating with the court. My extensive instructions to the solicitors were not carried out. Those instructions copied to the court, CPS and judge should have caused alarm bells, but there were no alarm bells, only the terrors of night after night with no sleep and fraught about the wellbeing of my children resulted.  3.2.2. ALL of the defence evidence was prevented.  3.2.3. The authorities ensured I could not collect and sort the evidence myself.  3.2.4. The very basis of the CPS case on all of this, rests on if, or not, my children were abused. The CPS case says the police investigated everything and found nothing.  The evidence shows a lot of vile abuses involving rape, child sexual abuses, child battering, child terrorising. The children reported it. Witnesses reported it. Professionals reported it. CPS heard evidence and witnesses in the previous Crown Court cases where they tried to cover up then, and failed then.  This nightmare started in 2010 when the police could not (or would not) identify that a woman known to the authorities in reports for her abuse and violence to her children, was lying to them after she yet again battered her toddler son (our son). After getting it all wrong, the police have simply spiralled out of control criminally victimising the victims in order to cover up their mistakes.  I thought that after the 2015 Crown Court acquittal ( I reported crimes, Cheshire police arrested me and charged me with stalking and harassment) that Cheshire police must now investigate properly, but they laughed in my face.  My children and I are victimised victims over 8 years since the first police mistakes.  PLEASE HELP MY CHILDREN.  At the absolute minimum, I should have a fair trial with evidence and witnesses, and this has not been allowed. |
| 4). Other applications. I am also applying for:  An extension of time for asking the court to state a case for the High Court.  You can ONLY apply for an extension of the 21 day time limit if this is an application to the Crown Court.  Pending my appeal, the suspension of a disqualification.  For example, a disqualification from driving. You can ONLY aply for the suspension of a disqualification which the court imposed in this case.  YES pending my appeal, bail.  You can only apply for bail pending appeal if the court sentenced you to imprisonment or detention.  Give reasons for any of the applications you are making.  4.1.  4.2.  4.3. It is necessary to have access to evidence and legal reference materials to prepare my case.  4.3.1. I have been in prison on remand, and the psychiatrists know that this forces me further into trauma, at a level that fits the definition of UN and CPS in being described as torture. I ask these courts not to torture me. If I have to be remanded and isolated from the world, then section me, do not torture me again. |
| Signed …..  Date:…….31st August 2017…………………………. |
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If you use an electronic version of this form, you may instead authenticate it electronically (by sending it from an email address recognisable to the recipient). See Criminal Procedure Rule 5.3.