

# PROSECUTION OF OFFENDERS ACT 1985 s.6

## INDICTMENT

### COUNT 1

#### STATEMENT OF OFFENCE

MISFEASANCE IN PUBLIC OFFICE contrary to the Common Law

#### PARTICULARS OF OFFENCE

FRANCIS P MASSERICK and PETER ATHERTON, being the governor of her Majesty's Prison, Long Lartin, Worcestershire and the Director of HM Prison Service's Directorate of High Security respectively, both charged with a duty of ensuring the correct categorisation of the inmates at the said establishment, between the 1<sup>st</sup> day of August 2002 and 16<sup>th</sup> August 2002 wilfully and deliberately ignored and /or failed expeditiously to act upon information bearing directly upon the categorisation of an inmate by the name of John Palmer, namely confirmation of the Court of Appeal judgement in confiscation proceedings concerning John Palmer given on the 31<sup>st</sup> July 2002 quashing the confiscation order made in his case, such confirmation having been supplied by counsel who appeared at the hearing, including Queen's Counsel, a solicitor of the Supreme Court of England and Wales who appeared at the said hearing and a draft order by the Court of Appeal relating to the same, with the result that the said John Palmer remained subject to a more severe regime and interference with his liberty than should have been the case, and his rights as a prisoner were breached for the said period of time.

### COUNT 2

#### STATEMENT OF OFFENCE

MISFEASANCE IN PUBLIC OFFICE contrary to the Common Law

#### PARTICULARS OF OFFENCE

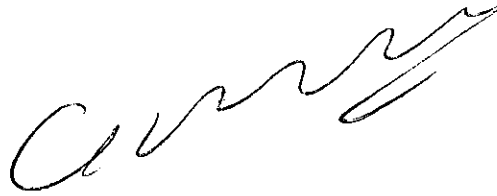
FRANCIS P MASSERICK and PETER ATHERTON, being the governor of her Majesty's Prison, Long Lartin, Worcestershire and the Director of HM Prison Service's Directorate of High Security respectively, both charged with a duty of ensuring the correct categorisation of the inmates at the said establishment, between the 1<sup>st</sup> day of August 2002 and 16<sup>th</sup> August 2002 negligently ignored and /or failed expeditiously to act upon information bearing directly upon the categorisation of an inmate by the name of John Palmer, namely confirmation of the Court of Appeal judgement in confiscation proceedings concerning John Palmer given on the 31<sup>st</sup> July 2002 quashing the confiscation order made in his case, such confirmation having been supplied by counsel who appeared at the hearing, including Queen's Counsel, a solicitor of the Supreme Court of England and Wales who appeared at the said

hearing and a draft order by the Court of Appeal relating to the same, with the result that the said John Palmer remained subject to a more severe regime and interference with his liberty than should have been the case, and his rights as a prisoner were breached for the said period of time.

AVV. GIOVANNI DI STEFANO  
STUDIO LEGALE INTERNAZIONALE  
THE KINGS WARDROBE  
6 WARDROBE PLACE  
CARTER LANE  
LONDON EC4V 5AF  
UNITED KINGDOM

For and on behalf of JOHN PALMER

Dated this 16<sup>th</sup> day of August 2002

A handwritten signature in black ink, appearing to read 'G. Di Stefano', is written over the signature line. The signature is fluid and cursive, with a long horizontal stroke at the end.