

COURT IN THE ACT

RICHARD BARR ENTERTAINS US WITH A FEW FISHY TALES FROM HIS DAYS AT COURT



THE FIRST TIME I appeared in court for real (apart from a few impassioned appeals on behalf of motorists who were caught going 37 in a 30 mph zone - it was before they had invented fixed penalties) was the case of Gladys and the Kipper.

I had not been long qualified as a solicitor and I was still at the stage where the prospect of having to appear in court on behalf of a client filled me with complete dread. Courts are intimidating places - intentionally so: they intimidate not only the accused, but also the inept and nervous lawyers who represent them.

Nowadays the normal layout for a magistrates' court is for the magistrates (who are called 'their worships') to sit on a raised platform in high backed chairs with the Royal coat of arms behind them. As part of their training, magistrates also adopt a Magisterial look which is a combination of disapproval, boredom and superiority.

Norfolk used to have many magistrates' courts, but sadly most have now been closed following 'rationalisation' of the courts system. Now we only see courts in the larger towns which means that many people have to travel long distances to get their taste of justice.

One of the quaintest courts was the Grimston Magistrates' Court which was a tiny building in a (then) tiny village. It was established, no doubt, to keep the plebs (thank you Andrew Mitchell) under control - especially as it was in the centre of a number of large estates, as witness the names of the local justices of the peace at the end of the 19th century: Sir William ffolkes Bart (Hillington Hall), The Earl of Romney (Gayton Hall), Raoul Elsdon Everard (Congham

Hall). The court appeared to exist to punish poachers, and there is one recorded instance (in the book 'I walked by night' by Lilius Rider-Haggard) of a poacher being given 21 days' hard labour by the Grimston magistrates for poaching.

I only once attended Grimston court. There were pigs next door and perhaps that confused me because I came in through the wrong entrance and managed suddenly to appear next to the magistrates who put on their look of maximum disapproval at the confused solicitor who had appeared in their midst, particularly as at that moment the pigs decided to utter loud grunting noises.

But back to Gladys. She had arrived straight from the police station distraught and smelling slightly of fish. She took a long time to tell her tale. After an hour and a half of halting conversation it became clear that this was no hardened shoplifter, even though she had been caught red handed slipping a kipper into her handbag. She was a very confused old lady.

A few weeks later Gladys (trembling like a leaf), her doctor, a shop assistant from another store and I (who felt I would never need another laxative in my life) presented ourselves in the draughty corridors of a local magistrates court.

I was opposed by the chief county prosecuting solicitor. I don't know why they needed to bring out the big guns. The prosecution would have achieved the same result if they had sent the office cleaner.

The county prosecutor opened so portentously that for a moment I thought we had become mixed up in a murder case by mistake. With great ceremony he produced the kipper and placed it on the table in front of him. To my relief he did not bless it or call for some small loaves and try to feed us all.

The police had thoughtfully kept this exhibit deep frozen and we were able to make do without clothes pegs on our noses.

About half way through the county prosecutor's speech, Gladys broke down in tears and was given a glass of water by the court usher. This is the panacea for all dramas in court: when in doubt dispense a glass of water. I have seen it poured into the mouths of people who have fainted, calm hardened criminals who threaten to snap their handcuffs, and cure everything from a persistent cough to a migraine.

The treatment worked. Three sips later

and Gladys had regained her composure. The county prosecutor continued with his monologue.

Briskly he moved on to his evidence. In quick succession he called the store detective who said Gladys looked shifty as she misappropriated the kipper, the police officer who made the arrest and the checkout lady who said she thought it was all a bit fishy.

Then it was our turn. The pace slowed down dramatically. Gladys had had time to delve deeper into her past. We roamed round her world, seldom getting anywhere near the subject of supermarkets or kippers. High up on their benches the magistrates fidgeted and looked cross. The more I tried to control Gladys the less coherent she became.

The county prosecutor made light work of her. In no time he had her so tied up in knots that whichever way she answered sounded wrong.

But I still held a couple of cards. Gladys had been so absent minded that she had left her purse in another shop before she went to the supermarket. Surely the shop assistant's evidence would absolve her.

But the shop assistant suffered from stage fright and stood in the middle of the court like a rabbit caught in a headlight. She was speechless and could remember nothing. Eventually I prised the information out of her by a series of leading questions (while the county prosecutor was rumbling and muttering in protest).

But that was an excellent performance compared to Gladys's doctor who had written a robust letter in support of her integrity. But when he gave his evidence it turned out that he had a speech impediment. We agonised for minutes at a time as he tried to get his tongue round his words. In cross examination he found that he could say 'yes' quite easily, and thus he agreed with every point put to him by the county prosecuting solicitor.

My closing speech was almost as long and incoherent as Gladys's evidence. When I sat down after 45 minutes the magistrates did not feel the need to retire. They just nodded at each other and pronounced Gladys guilty. Before I had a chance to start another long speech in mitigation they gave her an absolute discharge.

As we tramped out of the court I took a last look at the kipper. It was a fine specimen. I could understand why Gladys was attracted to it.

