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Therefore, all spellings are phonetic.

IN THE CROWN COURT
AT WOOD GREEN

Case No. A20120031

Lordship Lane
London.
N22 5LF

Wednesday 23rd May 2012

BEFORE:
(UNKNOWN)

REGINA

- v -

GEDALJAHU EBER

PROSECUTION COUNSEL UNKNOWN

THE DEFENDANT REPRESENTED HIMSELF

Transcribed from the Official Tape Recording by
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PROCEEDINGS

Wednesday 23rd May 2012

THE JUDGE: You are Mr Ebert, are you?

THE APPELLANT: Yes.

THE JUDGE: Take a seat for the moment please. Are you in the case of Ebert?

PROSECUTION COUNSEL: I am, your Honour. I appear for the prosecution in that case and the appellant, Mr Ebert, is representing himself.

THE JUDGE: Yes, he is.

PROSECUTION COUNSEL: The matter is fixed for a full appeal hearing on 6th and 7th June.

THE JUDGE: Yes.

PROSECUTION COUNSEL: The matter has been listed for a review today. The primary purpose is to make sure that the appeal is going to go ahead and is not going to be abandoned given the history not only of these proceedings but of Mr Ebert's conduct in the last eighteen years there's certainly no doubt he will pursue the appeal. As far as witnesses and the prosecution's position is concerned, the officer in the case informs me that all prosecution witnesses are ready to testify and will be attending.

THE JUDGE: Can you just confirm who is being called, please?

PROSECUTION COUNSEL: Forgive me for a moment, I will turn round and ask the officer.

THE JUDGE: Yes.

PROSECUTION COUNSEL: There's going to be Robert Baruch, who is the complainant. (NOT THE OWNER)

THE JUDGE: How do you spell that, please?

PROSECUTION COUNSEL: I certainly can. B-A-R-A-U-C-H, Robert Barauch.

THE JUDGE: Yes.

PROSECUTION COUNSEL: And the officer in the case, whose name is PC Yilmaz, Y-I-L-M-A-Z.

THE JUDGE: Thank you. Was there an interview with the appellant?

PROSECUTION COUNSEL: If I may look very unprepared, I am simply because I wasn't down to do this case, I have literally just picked it up. Forgive me. There was an interview, it was conducted by the officer in the case, Ann Polly(?). Your Honour probably wants to know how long the interview went on for.

THE JUDGE: I want to know if the ROTI(?) has been prepared and agreed.

PROSECUTION COUNSEL: It's an appeal, your Honour, so yes.

THE JUDGE: Touching faith, it may not be agreed.

PROSECUTION COUNSEL: I don't know.

THE JUDGE: Is the ROTI here?

PROSECUTION COUNSEL: Yes, I think it is.

THE JUDGE: Thank you, I will have a copy.

PROSECUTION COUNSEL: Yes, of course.

THE JUDGE: Thank you very much. Anything else from the Crown's point of view?

PROSECUTION COUNSEL: No.

THE JUDGE: Thank you. Mr Ebert, if you would be good enough to stand just for a moment. The prosecution say that they are calling two witnesses, Mr Barauch and the officer in the case. Do you understand that to be the position?

THE APPELLANT: I hear, but I don't understand. I don't know who is the officer in the case, what's the name?

THE JUDGE: PC Yilmaz.

THE APPELLANT: I never heard about this one.

THE JUDGE: Is there a statement from that officer, please?

PROSECUTION COUNSEL: She was also previously known as PC Akgul.

THE JUDGE: PC?

PROSECUTION COUNSEL: Akgul, A-K-G-U-L.

THE JUDGE: So there we are, there's been a change in name.

THE APPELLANT: Okay, so the other officer who was in the interview he should also be there because he was very active.

THE JUDGE: Have you seen the interview transcript?

THE APPELLANT: I have seen the (inaudible)

THE JUDGE: Have you seen the tape?

THE APPELLANT: The tape was played and this is also my application it should be played in the evidence, the tape. Secondly, Mrs Barauch.

THE JUDGE: Slowly, please.

THE APPELLANT: Sorry.

THE JUDGE: So at the appeal the interview to be played. How long was it, please?

THE APPELLANT: Half an hour.

THE JUDGE: Thank you. You've got a copy of the tape, have you?

THE APPELLANT: I can't keep it, I've got a copy but it's unreadable because it's a (inaudible)

THE JUDGE: It's what?

THE APPELLANT: (inaudible) It's always noises you can't, it is a special way how to deal with it which was done by the prosecution at court.

THE JUDGE: Yes, you need to put one channel on and not the other so can remove the timer. So we will have the prosecution to bring a copy of the tape, please.

PROSECUTION COUNSEL: Yes, by all means.

THE JUDGE: Thank you so much.

THE APPELLANT: I am missing the second officer who was in the interview, very active.

THE JUDGE: The prosecution aren't going to call the second officer.

THE APPELLANT: I ask for them.

THE JUDGE: I don't think you can.

THE APPELLANT: Mrs Barauch was (inaudible) at the magistrates at the first time that I was arrested, the magistracy stated clearly that she should be as a witness.

THE JUDGE: Right, let's see what about that, shall we?

PROSECUTION COUNSEL: DC Gariss(?) is the other officer and that person has been warned and will be in attendance.

THE JUDGE: There we are, both officers are coming. As to Mrs Barauch, has she made a witness statement?

THE PROSECUTION COUNSEL: She hasn't made a statement and she doesn't want to go through the whole thing again.

THE JUDGE: I'm sorry. Did she give evidence at the lower court?

PROSECUTION COUNSEL: No.

THE JUDGE: Right.

THE APPELLANT: Can I please make a correction?

THE JUDGE: Yes.

THE APPELLANT: She did make a statement in the previous trial for which the prosecution put as evidence now.

PROSECUTION COUNSEL: That was two years ago.

THE APPELLANT: They are not relying on any statement of any evidence in this case, they (inaudible) abandoned it.

THE JUDGE: Right.

THE APPELLANT: They are only relying on (inaudible) that I am convicted.

THE JDUGE: Yes.

THE APPELLANT: This is the issue. So there is Mrs – she did make a statement at the time.

THE JUDGE: But that's in relation to the earlier case, isn't it?

THE APPELLANT: Yes, but this early case has been brought here at (inaudible)

THE JUDGE: Yes.

THE APPELLANT: This is my (inaudible)

THE JUDGE: You are going to play the interview tape. You're going to give evidence if you choose to do so. Do you have any witnesses?

THE APPELLANT: I have asked another three witnesses.

THE JUDGE: Have you got any witnesses you would like to call?

THE APPELLANT: I only need, and it is in the transcript from last time, two months ago by His Honour Judge Lyons, I only taking the agreed witnesses who has their evidence has been put to (inaudible). It's been put to (inaudible). Number one, a twenty page transcript from the previous conviction.

THE JUDGE: I want to know how many witnesses you're going to call.

THE APPELLANT: I'm asking for Mrs Barauch.

THE JUDGE: You've been told that she's not going to be provided as a witness by the prosecution.

THE APPELLANT: I'm asking for the Attorney General, Lord Goldsmith.

THE JUDGE: You'll have to make your peace with him in order to get him to come here on your behalf because I don't think the Crown will be calling him.

THE APPELLANT: Yes.

PROSECUTION COUNSEL: He hasn't been the Attorney General for two years.

THE JUDGE: He's also engaged in a case at the High Court at the moment of some celebrity.

THE APPELLANT: His Honour, I don't know if you saw the file which I have made the appeal on, and did mention, which I believe His Honour then received about two months ago, did His Honour saw the submissions that I put yesterday in court?

THE JUDGE: I haven't seen anything from yesterday.

THE APPELLANT: It was.

THE JUDGE: Were they from yesterday? I thought they were from last time.

THE APPELLANT: I thought, his Honour will get, can I give a copy of it?

THE JUDGE: I will have some submissions on here.

PROSECUTION COUNSEL: I have too, I'm grateful to the opponent for giving them to me. I should say that in fact Lord Goldsmith hasn't been the Attorney General for five years. I missed out Baroness Scotland. Your Honour, I've seen them, I haven't had time to digest them, whether they are relevant or not is likely to be a matter for the tribunal.

THE JUDGE: These are submission in advance, isn't it?

PROSECUTION COUNSEL: It's always handy, yes.

THE JUDGE: It's useful to have those submissions in advance of the hearing. Are there any other witnesses you would like to call?

THE APPELLANT: Only, I have not received any evidence for this case from the prosecution.

THE JUDGE: I thought last time Judge Lyons ordered that the papers be served upon you there and then.

THE APPELLANT: He was on the way to order them, but it simply jumped
(inaudible) (inaudible) order will give him outside.

THE JUDGE: Right.

THE APPELLANT: I got a transcript.

THE JUDGE: Did you not get them?

THE APPELLANT: No. I did get, I got a bunch of papers, not evidence what so
ever. I got a transcript for this hearing which was and I did not receive nothing.

THE JUDGE: Right. So this afternoon it could be given to you if you wait.

THE APPELLANT: It's a pleasure.

THE JUDGE: Right.

THE APPELLANT: Then I can decide which witness I want, I need, if I got evidence
then I can say this (inaudible) (inaudible) is evidence. Secondly, there is a mention
dated 21st March, it is in the submission if His Honour will see the second (inaudible)
page number one, I ask according to the court direction, served on 27th March 2000
on the (inaudible). (inaudible) of the date (inaudible) what so ever. Number three,
number two of exhibit is the letter from the court that a mention hearing was
adjourned for today and I should serve it which I did and they got these forms. I was
sent the mention is (inaudible) today also. Then the issue for (inaudible) is only to
say, can I write His Honour also the evidence attached to here? Yes. There is an
issue, that relying on the previous conviction and it not inform the court that this was
an appeal.

THE JUDGE: You say that your case revolves around who owned the land, doesn't
it?

THE APPELLANT: Exactly.

THE JUDGE: And you have been good enough to serve that that you say supports that you own the land.

THE APPELLANT: It's fact that it's not me, it's the Crown Prosecution Service.

THE JUDGE: Yes, but you have served the evidence that helps your case and that will be dealt with on 6th June.

THE APPELLANT: It's not evidence from the Crown Prosecution.

THE JUDGE: If there isn't any evidence from them then you can be quite optimistic about your appeal.

THE APPELLANT: I'm not optimistic because usually (inaudible) I can say the court should establish, the court of law should establish, a (inaudible) court of law is your (inaudible)

THE JUDGE: That will be dealt with on 6th July, 6th June.

THE APPELLANT: His Honour, I can only say one thing I haven't got a shred of evidence , and I make this submission and I'm willing to argue in court and if necessary I can do it under oath, if the court has ordered it, directed, I shall serve the mention of 21st March, it was adjourned for today, yes, and it's in the court file and they have to comply under the CPR rules, who is (inaudible) this, there are false documents here, they relied on false documents and the most important they conceal from the court every event, not on one, there was never a (inaudible) and they (inaudible) each evidence to support it.

THE JUDGE: Mr Ebert, if they don't produce the evidence to support their case on 6th June there will be an end to the matter.

THE APPELLANT: Yes, but then I feel ----

THE JUDGE: I'm not going to try the appeal today, you see.

THE APPELLANT: I don't want it, I want a decision.

THE JUDGE: I'm not going to try the appeal today, that's for 6th June.

THE APPELLANT: (inaudible) I'm not talking about a merit, what so ever, we are talking (inaudible) a procedural matter. I (inaudible) (inaudible) His Honour Judge Lyons wanted to make an order, they should comply with an order, it's a disclosure, the court file, they have not done it.

THE JUDGE: Mr Ebert, if they don't do what is ordered by 6th June and if indeed they haven't done it then they will suffer the consequences on 6th June.

THE APPELLANT: What about the mention from 21st which was adjourned from today, does His Honour want to look at this?

THE JUDGE: No, I don't need to because everything is on track for the trial on 6th June.

THE APPELLANT: Including this mention.

THE JUDGE: Yes.

THE APPELLANT: I leave His Honour to decide, I'm giving a statement, but (inaudible) I can't decide who are witnesses. I don't need any witnesses, I only need, I have been told and I have got a transcript with His honour Judge Lyons, (inaudible) this court will not accept any hearsay document, they have got, they didn't produce any document and those who ones which they did produce is only hearsay, they have not produced a on request, an instruction of the court, they have not produced nothing. (inaudible) can you look at the charges.

THE JUDGE: Mr Ebert, I'm not going to go into ----

THE APPELLANT: Okay, I leave it, His Honour ----

THE JUDGE: Just pause ----

THE APPELLANT: I made my statement ---

THE JUDGE: Mr Ebert, pause for a moment.

THE APPELLANT: Yes, sir.

THE JUDGE: I don't interrupt you, I don't want you to interrupt me.

THE APPELLANT: Sorry.

THE JUDGE: Today was just to see if everything is on track for the trial on 6th June, it seems that it is, if the prosecution haven't done that which they have been ordered to do they will suffer the consequences on 6th June if that transpires to be the case. The issue is pretty straightforward. Did you own the land or not? The court looks forward to seeing you on 6th June.

THE APPELLANT: Thank you very much.

THE JUDGE: Thank you very much for your attendance.

THE APPELLANT: Thank you very much.

THE JUDGE: Thank you both.
