

1. Alan Taylor appeals against his conviction from the magistrates' court on the basis that the pre-trial hearing at that court was unfair, and denied him the protection of the court from a governmental abuse of power.
2. The District Judge had initially relied upon a notice of refusal for permission for judicial review in another (ongoing) matter that the defence brought to the attention of the court as highly relevant to Taylor's case (*The Queen on the Application of Edwin Stratton v Waltham Forest Magistrates Court*). This (incorrectly, in the defence's view) stated that the magistrates' court had jurisdiction to hear an abuse of process claim that arose from unconscionable conduct on the part of the executive. A two-day hearing was thus arranged to conduct this hearing.
3. It is vital to bear in mind that *Stratton* sought a prohibition order from the Divisional Court to desist the magistrates from standing him for trial; this could not have been a matter for the magistrates themselves.
4. At Taylor's abuse of process hearing the District Judge principally relied upon a document that was **only served upon the defence during the hearing** by the court itself - this was the *Stratton* judgment from the oral permissions hearing where permission for judicial review was refused.
5. Taylor had long-since established that he no longer considered himself 'on all fours' with the *Stratton* case, and he has previously detailed precisely how Divisional Court was addressing *different* issues to his abuse of process claim. Additionally he had served a separate document for the court's consideration specifically on the key issue of 'justiciability', which the Divisional Court had not been asked to consider before refusing *Stratton* permission for judicial review (in addition to updated skeleton arguments).
6. *Stratton* was only a permissions hearing, there was no hearing of the substantive case and this oral permissions hearing did not address the central tenets of the defendants' claims, to wit, the inequality of treatment suffered between users of equally harmful drugs. It is respectfully submitted that as that case (also) involved a litigant in person, that perhaps this goes some way towards explaining why *Stratton* was seemingly dismissed on issues which Taylor argues are distinct from the substance of his claim (as indeed it is understood does *Stratton*).
7. Taylor was only afforded short adjournments to read the complex judgment and to produce a written list of distinctions. He identified some issues 'on the spot' which were, in his submission adequate justification for demanding that his claim be examined fully in the expected two-day hearing.
8. However, the hearing was promptly foreshortened. After the adjournment of proceedings early on day 1 (for the court to consider the matter in recess until day 2 when a judgment was anticipated), Taylor, having had reasonable opportunity to study the *Stratton* judgement, identified further key distinctions and observations. He arranged for key evidential documents to be delivered by hand to the defence.

9. The defence sought to serve this as additional evidence, together with Taylor's written explanation as to how the judgment clearly reveals that his claim had not been addressed. This was handed to the clerk to the court and a request made that it be given to the District Judge before the opening of proceedings on day 2; but **the court refused to receive this bundle of additional evidence.**
10. Thus, it is submitted that the court incorrectly concluded that they did not need to state the case for the Divisional Court, nor did they in relying upon *Stratton*, make any finding of abuse of power and the court's processes themselves (notwithstanding Taylor's view that the magistrates' court does not have jurisdiction to hear the matter in any event).
11. The defendant was immediately progressed to trial and found guilty (having given no evidence other than in connection with the alleged abuse of process).
12. Further, the prosecution and court costs for defending this matter should not be borne by the (un-represented and un-funded) defendant as ordered by the magistrates' court, and are against the principles of natural justice and in effect the threat of these costs were used to dissuade him from pursuing his only defence (which is of high public interest value).