

IN HER MAJESTY'S COURT OF APPEAL IN NORTHERN IRELAND

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THE QUEEN

-v-

SEAN FRANCIS  
FRANCIS TAGGART  
MARY BERNADETTE FERGUSON

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Before: Morgan LCJ, Gillen LJ and Weatherup LJ

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**MORGAN LCJ (giving the judgment of the court)**

[1] These are three applications for leave to appeal out of time the applicants' convictions for conspiracy to defraud. Taggart and Ferguson pleaded guilty on 22 November 1999 and Francis was convicted on 12 May 2000. On 23 June 2000 at Londonderry Crown Court Francis was sentenced to five years imprisonment, Taggart to three years imprisonment and Ferguson to 18 months imprisonment suspended for three years.

[2] The charges related to an alleged money-laundering operation concerning cheques drawn on the account of St Brendan's Irish Cream Liquor Co Ltd held at the Ulster Bank. The applicants have obtained and provided to the court a statement prepared by Detective Sgt Z on 27 December 2001. That statement suggests that a named informant provided information as to the broad circumstances of the offence and also suggests that he may have been given participating informant status in respect of the criminal activity associated with the money-laundering.

[3] We express no view as to whether the account given by Detective Sgt Z is correct but we are satisfied that the information contained in the statement ought to have been disclosed to the defendants. If disclosed, it would have raised issues around entrapment which could have given rise to a real possibility that the prosecution would have been stayed or relevant evidence excluded. Against that background the PPS agreed that the appeals should be allowed.

[4] In the absence of such disclosure we are satisfied that the applicants were deprived of a fair trial and that their convictions were unsafe.

[5] Accordingly we extend time, grant leave to appeal and quash the convictions. There is no application for a retrial.