



# MDU

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**BY COURIER**

**STRICTLY PRIVATE AND CONFIDENTIAL:  
ADDRESSEE ONLY**

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***Please quote our reference in your reply***

Our ref: ISPB/jh/9902700/Closed/Legal

Date: 18<sup>th</sup> April 2013

Dear Richard

Following on from our conversation yesterday, I have pleasure in enclosing the documentation I have been able to extract from the file which seems relevant to the request.

On review of the file, we have very little officially transcribed material. As I mentioned in my subsequent email, it is not something which is routinely obtained, and obviously we only had a limited amount here.

In addition you have all of the various telephone materials, and this includes the expert report we secured. I did see a note of admissions which I believe was prepared by Alan. To remind you, admissions are a form of evidence, whereby both parties agree that a particular position applies, and that can be stated as that agreed position to the Jury. I cannot remember now if that document was indeed read to the Jury as part of agreed admissions. I suspect that was the case, but know you will understand that it is so long ago now I cannot be sure.

In terms of transcription of other parts of the case, I simply do not know if the tapes of the Hearing will have been retained. You may be able to contact the shorthand writers at the Old Bailey to see quite what might have been preserved. Obviously they would need not just details of the case, but information about the precise date and section of evidence/submissions you require. I can obviously help with that as I have access to my own notes indicating who gave evidence and when, and if I can assist please do not hesitate to come through to me.

With my kind regards,

Yours sincerely

  
**Ian S.P. Barker**  
**Solicitor**

Enc

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# Forensic Engineering Associates

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## EXPERT REPORT

relating to the

## Use of a Mobile 'Phone

on Tuesday 9th March 1999.

R -v- Dr Richard Kaul

Central Criminal Court

Report prepared for:-  
Hempsons - Solicitors  
acting for the Defendant

SUMMARY OF OPINION

in the case of

R -v- Dr Richard Kaul

1. I have examined certain call detail records drawn from archived data relating to the use of mobile 'phones on the One 2 One Network on Tuesday March 9<sup>th</sup> 1999. I can confidently state that the One 2 One mobile 'phone number 0958-648599 was not used either to make calls or to receive calls between 15:01 and 17:06 on that day.

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David Bristowe BSc,CEng,MIEE,MAE  
3 May 2000

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Expert Report

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Use of a Mobile 'Phone

in the case of

R -v- Dr Richard Kaul

1. INTRODUCTION

- 1.1. On March 9<sup>th</sup> 1999 Dr Richard Kaul was responsible for the administration of a general anaesthetic to a patient undergoing dental surgery. During the course of the procedure the patient suffered a cardiac arrest and died.
- 1.2. It has subsequently been alleged that at the time he was responsible for his patient Dr Kaul was distracted from his duty of care in that he made and/or received calls on his mobile 'phone.
- 1.3. In April 2000, Hempsons - Solicitors acting for Dr Kaul, instructed Forensic Engineering Associates to examine the call detail records relating to the use of Dr Kaul's 'phone on that day to determine whether calls had been made or received during the relevant period. This report has been prepared by David Bristowe BSc CEng MIEE MAE.
- 1.4. I am a Chartered Engineer, a Member of the Institution of Electrical Engineers and a practising Member of the Academy of Experts. I have experience of the analysis of mobile 'phone call records and in particular of the methods used by the Network Operator One 2 One to archive and retrieve such data.

2. ONE 2 ONE CALL DETAIL RECORDS

- 2.1. The procedures for recording the details of telephone calls made on mobile 'phones are well established by all of the mobile 'phone Network Operators. This case relates to the use of a mobile 'phone used on the One 2 One Network, and for One 2 One each call record includes details of the number making the call, the number called, the date and time of the call, the duration of the call, and the cell site used when the call was initiated. A Call Detail Record (CDR) will be generated at the point where the call enters the Network and a further CDR generated at the point where the call leaves the Network. Additional CDRs may be generated as a result of the progress of a call within the Network. The call detail records are accumulated within computer "files" at designated points in the Network, known as Mobile services Switching Centres (MSCs), and drawn

down at regular intervals to be "rated", that is to say the costs calculated. For contract customers the costed calls are accumulated within the Network billing computers and are used to generate the monthly mobile 'phone bills.

### Call Data Storage

2.2. The system is shown schematically in Figure 1. Call Detail Records are collected into data files in each of the Mobile services Switching Centres. When each file is full (approximately 70,000 calls) or every twelve minutes the content of the file is passed to the "Collector" and thence to the "Rater". The Rater comprises three sub-systems, a "Converter" which modifies the file data format, the "Rating Engine" which calculates the cost of the call and a "Database", where the Call Detail Records are stored prior to being passed to the

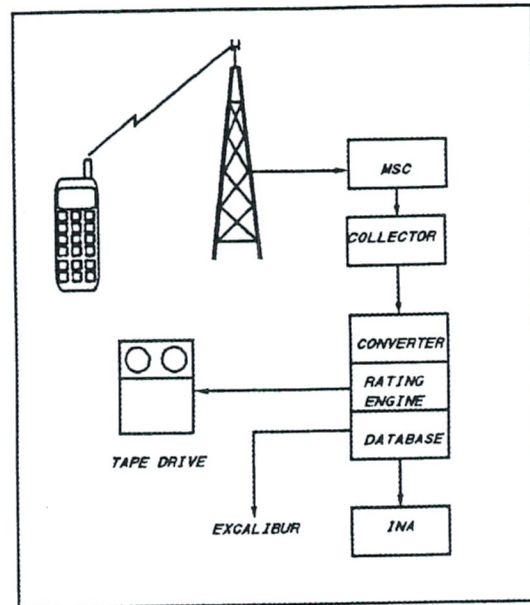


Figure 1

billing system. Call Detail Records are stored for forty-two days in the Rater database, and in addition, copies of the "rated" files are passed each day to a magnetic tape archive (back-up) store. For contract customers (not for pre-pay 'phones) call detail records are also stored for approximately five months within a Customer Service database known as "Pandora".

2.3. The tape archive store is managed for One 2 One by CAP Gemini Ltd, in their South Bank (London) facility. Each back-up tape presently contains some 8 days calls, and the back-up tapes are intended to be kept for three years before being re-cycled.

### Call Data Retrieval

2.4. If a request is made for Call Detail records relating to a call or calls made using a One 2 One contract 'phone (not a pre-pay 'phone) within five months of the date of the call, this information is directly recoverable from the Pandora database in a form suitable for use as evidence in Court. This is true for both "mobile originating" calls and "mobile terminating" calls, that is to say for both calls made from the One 2 One 'phone and calls received by the One 2 One 'phone.

2.5. After the five month period has passed, information relating to the use of a contract 'phone is still available but only from the archived magnetic tape

data. Data is transferred daily from the Rating Engine to the archived data tape and if an enquiry is received relating to calls made on a particular day it will be necessary to examine the archived tape data recorded on the day in question and the following day. To allow for some delay in data arriving from the MSC switches it is prudent also to examine the data recorded on the second day following the particular date of the call. Thus, for one day's calls, data relating to three day's use of the One 2 One system will need to be examined.

- 2.6. When the appropriate data tape or tapes have been identified they are recovered from a tape store by CAP Gemini staff and loaded on a tape transport mechanism, known locally as a "juke-box". The relevant data is loaded from tape back into an appropriate computer system and a search initiated for all data "strings" containing the particular 'phone number. Each data record containing the required data string comprises some 85 data fields. The data selected by this process is stored, and can subsequently be processed to indicate the calls made to and from the 'phone over a particular period, and the cell sites used initially to service each call.

### 3. CALL DATA RETRIEVED

- 3.1. In this case I contacted Mr Andy Whalley of One 2 One who arranged for the tape containing the Call Data Record relating to 9<sup>th</sup> March 1999 to be loaded onto the tape reader at CAP Gemini.
- 3.2. Mr Whalley retrieved the data and carried out a search for all data relating to telephone number 0958-648559. The relevant data was written to a file in the form of a spreadsheet shown in Appendix 1 to this report.
- 3.3. Appendix 1 shows all calls made or received by the One 2 One mobile 'phone number 0958-648559 on March 9<sup>th</sup> 1999. Calls made by the 'phone on that day are shown in clear type, and calls received are shown shaded.
- 3.4. In the period from Noon to 18:00 on 9<sup>th</sup> March 1999 I note:-
- (i) From Noon to 14:00 mobile 'phone number 0958-648559 received four calls.
  - (ii) At 14:16 mobile 'phone 0958-648559 made a call lasting 54 seconds. The call was made to the message retrieval service.
  - (iii) At 14:27 mobile 'phone 0958-648559 received a call which lasted for 223 seconds.
  - (iv) At 14:31 mobile 'phone 0958-648559 called the message retrieval service. This call lasted 25 seconds.

(v) At 14:44 mobile 'phone 0958-648559 received a call which lasted for 353 seconds. This was followed at 14:58 by a call lasting 63 seconds.

(vi) The next time the 'phone was used was at 17:06 when a call was received which lasted for 42 seconds, this was quickly followed by a call at 17:07 which lasted for 32 seconds.

(vii) At 17:08 mobile 'phone 0958-648559 was used to access the message retrieval service.

(viii) Between 17:17 and 17:32 mobile 'phone 0958-648559 received four calls, and between 17:45 and 17:58 three calls were made on this 'phone.

3.5. It is clear from the call detail records that mobile 'phone 0958-648559 was not used either to make or to receive calls between 15:01 and 17:06.



A Digits	B Digits	Date	Time	Duration	Cell	Event Type
09586485590	09580107648559	09/03/99	09:24:56	83	0092	1
09586485590	09580107648559	09/03/99	09:26:42	5	0092	1
09586485590	09580107648559	09/03/99	09:27:15	31	0092	1
09586485590	09580107648559	09/03/99	09:30:58	20	0092	1
09586485590	09580107648559	09/03/99	09:32:30	51	0092	1
01232301614	09586485590	09/03/99	09:36:07	165	0567	2
09586485590	09580107648559	09/03/99	09:39:07	20	0494	1
09586485590	09580107648559	09/03/99	10:30:17	22	0018	1
0467688668	09586485590	09/03/99	10:30:54	601	0018	2
09586485590	09580107648559	09/03/99	10:41:26	56	0012	1
09586485590	01713798355	09/03/99	10:42:56	499	0010	1
09586485590	01713798355	09/03/99	10:42:56	499	0010	1
09586485590	09580107648559	09/03/99	11:03:03	39	7608	1
01693738427	09586485590	09/03/99	11:19:02	157	7CEC	2
	09586485590	09/03/99	12:00:12	54	7608	2
	09586485590	09/03/99	12:46:01	33	7608	2
0956390457	09586485590	09/03/99	13:26:45	53	7608	2
07801598451	09586485590	09/03/99	14:00:58	500	7CEC	2
09586485590	09580107648559	09/03/99	14:16:44	54	7608	1
01247463096	09586485590	09/03/99	14:27:12	223	7608	2
09586485590	09580107648559	09/03/99	14:31:01	25	7608	1
01814211288	09586485590	09/03/99	14:44:38	353	7608	2
	09586485590	09/03/99	14:58:58	63	7608	2
01712675163	09586485590	09/03/99	17:06:53	42	7608	2
01712675163	09586485590	09/03/99	17:07:54	32	7608	2
09586485590	09580107648559	09/03/99	17:08:33	112	7608	1
01232740505	09586485590	09/03/99	17:17:11	9	7608	2
01265320246	09586485590	09/03/99	17:24:30	149	7608	2
00956000000	09586485590	09/03/99	17:30:29	10	7608	2
01849433635	09586485590	09/03/99	17:32:29	19	7608	2
09586485590	09580107648559	09/03/99	17:45:52	58	7608	1
09586485590	09580107648559	09/03/99	17:57:31	27	7608	1
09586485590	09580107648559	09/03/99	17:58:17	97	7608	1
01715321639	09586485590	09/03/99	18:45:56	28	7608	2
09586485590	09580107648559	09/03/99	18:59:29	22	7608	1
09586485590	09580107648559	09/03/99	19:00:56	6	7608	1
09586485590	09580107648559	09/03/99	19:04:44	71	7608	1
01849433635	09586485590	09/03/99	19:28:51	485	7CEC	2
09586485590	01849433635	09/03/99	19:38:57	694	0500	1
09586485590	01849433635	09/03/99	19:38:57	694	0500	1
07801598451	09586485590	09/03/99	20:59:54	5	0295	2
09586485590	09580107648559	09/03/99	23:38:40	30	0092	1

Breakdown of information for (0171) 609 9199

**Direct-dialled calls - continued**

**Other calls**

Please note that our charges for calls to Premium Rate Services and mobile numbers include payments which BT must make to the service provider or mobile network operator.

**Other calls £0.05 and under (summarised)**

For calls	Number of calls	Duration (hrs:mins:secs)	Cost before discount (£)
2 Jul-21 Sep	16	0:03:03	0.692

**Other calls over £0.05 (itemised)**

Date	Time	Destination		Duration (hrs:mins:secs)	Cost before discount (£)
23 Jun	15:32	Mobile Phone	0961 913385	0:00:55	0.194
24 Jun	14:07	Mobile Phone	0467 495705	0:01:18	0.226
24 Jun	17:07	Mobile Phone	0468 201654	0:00:29	0.083
25 Jun	19:24	Mobile Phone	077 7563 5229	0:00:34	0.071
25 Jun	19:25	Mobile Phone	079 5743 4372	0:06:32	0.995
26 Jun	09:33	Mobile Phone	0958 763511	0:01:21	0.092
28 Jun	11:33	Mobile Phone	0973 864370	0:08:33	1.805
28 Jun	11:45	Mobile Phone	0421 736935	0:00:37	0.107
29 Jun	16:09	Mobile Phone	0421 736935	0:01:12	0.21
30 Jun	11:37	Mobile Phone	079 5735 9119	0:01:44	0.37
30 Jun	11:39	Mobile Phone	079 5735 9119	0:02:11	0.469
30 Jun	15:47	Mobile Phone	079 5735 9119	0:00:43	0.152
30 Jun	16:56	Mobile Phone	0421 736935	0:01:14	0.215
1 Jul	14:17	Mobile Phone	0958 270666	0:02:00	0.427
1 Jul	15:10	Mobile Phone	0961 379515	0:02:55	0.624
2 Jul	11:27	Mobile Phone	0956 580064	0:00:38	0.136
3 Jul	18:07	Mobile Phone	079 7735 2239	0:11:11	0.753
6 Jul	18:32	Mobile Phone	0973 959832	0:00:29	0.07
7 Jul	14:03	Mobile Phone	0956 905294	0:00:35	0.122
13 Jul	18:54	Mobile Phone	078 0116 0657	0:00:35	0.094
15 Jul	15:16	Mobile Phone	079 7750 4153	0:08:13	1.734
15 Jul	17:24	Mobile Phone	0973 743959	0:00:36	0.124
17 Jul	23:53	INTERNET	0870 0901234	0:42:48	0.727
18 Jul	00:41	INTERNET	0870 0901234	0:20:51	0.354
18 Jul	01:04	INTERNET	0870 0901234	0:21:39	0.368
18 Jul	06:39	INTERNET	0870 0901234	0:34:36	0.588
22 Jul	17:15	Mobile Phone	0956 291113	0:03:45	0.805
23 Jul	11:22	Mobile Phone	0370 430622	0:15:25	2.702
26 Jul	09:14	Mobile Phone	078 0138 6583	0:00:41	0.113
26 Jul	18:59	Mobile Phone	078 0138 6583	0:02:02	0.33
29 Jul	16:50	Mobile Phone	0441 066380	0:07:37	1.333
30 Jul	10:24	Mobile Phone	078 0138 6583	0:02:58	0.498
30 Jul	10:48	Mobile Phone	0961 379515	0:00:52	0.185
30 Jul	15:31	Mobile Phone	0441 066380	0:01:56	0.337
2 Aug	19:31	Mobile Phone	0403 571091	0:07:38	1.243
3 Aug	12:09	Mobile Phone	0441 066380	0:04:57	0.867
3 Aug	17:48	Mobile Phone	0956 660985	0:00:32	0.112
3 Aug	17:49	Mobile Phone	0468 823788	0:00:32	0.093
4 Aug	19:00	Mobile Phone	0441 066380	0:00:50	0.105
8 Aug	20:00	Mobile Phone	0441 066380	0:00:53	0.055
13 Aug	12:29	Mobile Phone	0441 066380	0:00:30	0.086
13 Aug	13:03	Mobile Phone	0410 255279	0:01:39	0.277
16 Aug	20:51			0:00:33	0.297
			192		

0003166

Breakdown of information for (0171) 700 6710

Other calls - continued

Date	Time	Destination		Duration (hrs:mins:secs)	Cost before discount (£)
11 Jun	10:21	Mobile Phone	0956 392555	0:00:21	0.075
12 Jun	17:32	Mobile Phone	0973 278274	0:02:21	0.157
17 Jun	18:12	Mobile Phone	0410 471454	0:00:08	0.042
17 Jun	19:57	Mobile Phone	0958 648559	0:01:43	0.26
18 Jun	15:03	Personal No.	070 1070 1727	0:00:42	0.187
18 Jun	18:41	Mobile Phone	0976 411802	0:07:36	1.15
18 Jun	18:49	Mobile Phone	0976 411802	0:00:04	0.042
18 Jun	18:49	Mobile Phone	0976 411802	0:00:04	0.042
18 Jun	18:49	Mobile Phone	0976 411802	0:00:21	0.051
19 Jun	13:15	Mobile Phone	0961 379515	0:16:00	1.095
21 Jun	17:36	Mobile Phone	0973 278274	0:00:13	0.045
21 Jun	21:40	Mobile Phone	0961 379515	0:08:57	1.363
22 Jun	08:39	Mobile Phone	0961 165916	0:00:39	0.139
22 Jun	13:34	Mobile Phone	0958 648559	0:00:36	0.127
24 Jun	14:24		192	0:01:11	0.297
24 Jun	15:44	Mobile Phone	078 0138 6583	0:00:43	0.118
26 Jun	15:33	Mobile Phone	0961 558158	0:00:51	0.057
26 Jun	17:18	Mobile Phone	079 3133 1491	0:11:46	0.805
27 Jun	09:56	Mobile Phone	0961 165916	0:00:44	0.05
28 Jun	16:16	Mobile Phone	0956 291113	0:03:21	0.719
29 Jun	18:26	Mobile Phone	0958 648559	0:01:09	0.174
30 Jun	15:58	Mobile Phone	079 5735 9119	0:00:10	0.042
30 Jun	16:05	Mobile Phone	079 5735 9119	0:00:53	0.187
30 Jun	16:37	Mobile Phone	079 5735 9119	0:02:54	0.622
30 Jun	16:40	Mobile Phone	079 5735 9119	0:01:10	0.249
1 Jul	19:00	Mobile Phone	0860 294770	0:00:20	0.052
2 Jul	15:39	Mobile Phone	0860 294770	0:00:23	0.062
3 Jul	09:34	Mobile Phone	0961 165916	0:00:40	0.044
3 Jul	16:12	Mobile Phone	078 0116 0657	0:00:31	0.042
3 Jul	16:44	Mobile Phone	079 3133 1491	0:00:26	0.042
3 Jul	17:29	Mobile Phone	079 3133 1491	0:02:03	0.139
5 Jul	14:10	Mobile Phone	079 5713 0596	0:00:10	0.042
5 Jul	14:21	Mobile Phone	078 0116 0657	0:00:11	0.042
5 Jul	14:22	Mobile Phone	078 0116 0657	0:00:52	0.145
5 Jul	19:10	Mobile Phone	0973 278274	0:00:55	0.138
5 Jul	20:24	Mobile Phone	0850 437340	0:00:17	0.045
6 Jul	15:57	Mobile Phone	078 0123 3661	0:06:48	1.147
6 Jul	16:51		192	0:00:41	0.297
6 Jul	19:06	Mobile Phone	079 5735 9119	0:00:40	0.10
6 Jul	20:19	Mobile Phone	0860 294770	0:01:06	0.177
6 Jul	21:35	Mobile Phone	0850 437340	0:05:41	0.925
7 Jul	17:20	Mobile Phone	0958 648559	0:00:56	0.20
8 Jul	21:21	Mobile Phone	0961 379515	0:00:24	0.059
9 Jul	23:08	Mobile Phone	0956 477423	0:01:12	0.181
10 Jul	10:01	Mobile Phone	0973 278274	0:02:00	0.134
10 Jul	13:58	Mobile Phone	0973 278274	0:02:16	0.151
10 Jul	14:32	Mobile Phone	078 0116 0657	0:00:29	0.042
11 Jul	09:59	Mobile Phone	0961 165916	0:00:50	0.056
13 Jul	13:43		192	0:00:34	0.297
14 Jul	10:39	Mobile Phone	0961 199640	0:00:40	0.142
14 Jul	16:51	Mobile Phone	079 3133 1491	0:00:24	0.084
15 Jul	13:13	Mobile Phone	079 3133 1491	0:00:10	0.042
17 Jul	11:22	Mobile Phone	0411 118797	0:00:38	0.042
19 Jul	20:00	Mobile Phone	0973 278274	0:01:15	0.186
20 Jul	11:27	Mobile Phone	079 6778 9172	0:02:41	0.56

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continues next page

IN THE CENTRAL CRIMINAL COURT

REGINA

- v -

RICHARD ARJUN KAUL

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ADMISSIONS

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1. In March 1999 the Defendant Richard KAUL had a mobile telephone with the number 0958 648559. The records of the telephone company relating to the usage of that mobile telephone during March 1999 have been examined by an engineer. The records show that Richard Kaul's mobile telephone was used to make and receive a number of calls on Tuesday 9<sup>th</sup> March 1999. The records show that a number of calls were made or received throughout the day. Between 14.00 hrs and 17.10 hrs the telephone was used to make 3 calls to the message retrieval service. The records show that this mobile telephone, 0958 648559, was not used at all, either to make calls or to receive calls, between 15:01 and 17:06 hrs on Tuesday 9<sup>th</sup> March 1999.
2. The clinical notes kept by doctors at the Homerton Hospital which related to Mrs Isatu Bangura admission have been examined. The notes contain an entry for 9<sup>th</sup> March 1999 which includes the mobile telephone number 0958 648559.
3. Another mobile telephone with the number 07930 481603 used to be billed to Richard Kaul. The records of the telephone company relating to the usage of this second mobile telephone have also been examined by an engineer. The records show that this second mobile telephone was not used at all on Tuesday 9<sup>th</sup> March 1999.

