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PLEASE SUPPORT US**LETTER FROM: WILLIAM BOYD (FATHER)**
TO: RH COLIN BOYD QC (LORD ADVOCATE)
(Original Dated: 09 Sep 2003)**COPY**1 Dairy House Cottage
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9 September 2003

Right Honorable Colin Boyd QC
Lord Advocate
Crown Office
25 Chambers Street
EDINBURGH EH1 1LA

My Dear Lord Advocate

I am the father of Aela Rose Boyd. I am writing concerning the events of the last 10 months, when she was taken without legal sanction from my care, during a contact visit with her mother.

I will avoid the myriad details as my sole purpose is to draw to your attention the gravity of my daughter's plight. Firstly, it might be understood that Aela (now 3 years old) did not know her mother as she had assigned responsibility for her upbringing to myself. Aela first met her mother aged two and a half years. Aela did not look forward to these contact visits.

Aela had the kind of attachment to me equivalent to that of a mother figure. I have enclosed a copy of the Child Psychologist's Report which I beg you to read and consider carefully. I am writing to you while my daughter resides 350 miles away from her true home, friends and the only parent she had grown to know and love.

In particular, I itemise below a few of the actions and comments of Sheriff Smith over the last ten months, which continue to perpetuate my daughter's plight.

1. Before contact visits began I asked Sheriff Smith for Interim Residency which he advised was "not an issue" since she already resided with me and the mother was only seeking contact.
2. (15 November 2002) – My daughter was not returned following a contact visit with the mother. At this point Sheriff Smith had heard no evidence concerning the character and circumstances of myself or the mother. The Sheriff made much of two Affidavits from the mother and her Stepfather yet called my Affidavits (8 in all) "words on bits of paper".

Page 2**Right Honorable Colin Boyd QC
9 September 2003**

3. Sheriff Smith refused to grant her return home, based on a fraudulent letter written by Highland Council Social Services, who employ the mother's stepfather. This letter has now been discredited, but Aela has not returned home.
4. It took three months (14 February 2003) for Sheriff Smith to grant me an access visit for my daughter. In the process Sheriff Smith told me that he would only grant contact if I agreed to give the mother Interim Residency. Without my conceding to this, the Sheriff granted Interim Residency to the mother.
5. The mother refused me all telephone contact with Aela.
6. At the first contact visit my daughter appeared so traumatised and upset I decided to seek medical help and did not return her to her mother. My GP's immediate recommendation to the Court was that Aela be assessed by a Child Psychologist. This was ignored by the Sheriff.
7. Instead of returning my daughter home the Sheriff has made much of a charge of Plagium, subsequently dropped by the Procurator Fiscal. Although he should have known a charge of Plagium could not be brought against a concerned father with parental rights. This charge has subsequently been dropped. In my opinion, however, the Sheriff should have known that Plagium had nothing to do with a civil dispute about residence and contact. I am told that this was judicially affirmed in the case of Orr v K, 30 December 2002 in Dundee. It appears that the Sheriff, even as late as July, judging by his remarks to my Counsel was not aware of this decision. In any case there was no attempt by me, at any stage, to try and run away or conceal the presence of Aela with myself.
8. It took 6 weeks for the Sheriff to grant resumed contact amounting to a 2 hour supervised visit every two weeks. This is a 700 mile round trip for me on public transport.
9. With the mother's consent and further Court date delays a Child Psychologist was finally involved, 8 months after Aela was taken. The Sheriff disallowed this report on the grounds that it would distress the mother to have to answer more questions, ignoring the contents of the report and my daughter's suffering. He also said the "report would not assist him in his judgement", yet he strongly urged the mother's agents to commission another report. Leave for appeal on my behalf was granted.

Page 3

**Right Honorable Colin Boyd QC
9 September 2003**

10. Sheriff Principal Cox heard our appeal and immediately ruled the expert witnesses' report "valid, interesting and valuable". He further stated it was a "crucial piece of material evidence". He granted leave to Sheriff Smith from all other cases recommending this case be heard one day after another until its earliest conclusion. He recommended further delay be avoided and that one expert witness would suffice. He also said that the reasons given by Sheriff Smith for not admitting the report, should never have been "pitched against the well-being of a child".
11. Our return to Court was to request recommendations of the expert witnesses' report that "Aela should be returned to her home and to her father's care at the earliest opportunity" be adhered to. This was ignored by Sheriff Smith who threatened to "re-call all contact" if we persisted with this motion. I also sought an extension to supervised contact, which was bluntly refused. As to the urgency expressed by the Sheriff Principal (and others) concerning the damage inflicted upon my daughter by this prolonged separation, I was told by Sheriff Smith "you will take your place in the queue like everybody else".
12. My Lawyer is frustrated, my Council is frustrated and words can not express what I and all who know and love Aela feel on this matter. Everyone is appalled at the Sheriff's disregard for the evidence, lives affected and especially my child's suffering. Particular concern must fall upon the extended delays perpetuated by the Court.

Having never been in Court or trouble with the Police in my life, this is my first experience of the justice system. What I have seen of the legal system at Stranraer Court and its effectiveness at protecting an innocent and vulnerable life, makes me ashamed as a British citizen.

If an absent father had taken a child from its mother instead, there seems little possibility that the Court would not have restored the child to its natural parent. My daughter's basic human rights of "security of person" have been disregarded. Why should Aela have less rights than a child raised by a female parent?

I now appeal to your wisdom and good judgement to intervene and end my daughter's suffering, that the legal system is perpetuating. My daughter still cries to come home, making every visit to her heart-breaking and distressing. The institutions intended to protect her, confirm to her with every passing day, that she has been betrayed, not protected. Aela is unhappy with the people who have removed her from everyone she knows and loves.

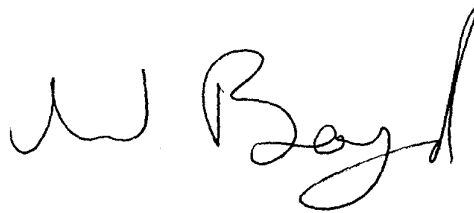
Page 4

Right Honorable Colin Boyd QC
9 September 2003

I trust you will give these facts your full and immediate attention.

Yours sincerely

William Boyd

A handwritten signature in black ink, appearing to read 'W Boyd', written in a cursive style.