

HERRICK BROWN & Company Ltd.

A criminal case about the computers used in the altering of the IMEI numbers of mobile phones.

The defendant was a market trader. He was charged with three counts of : Having items for use in re-programming mobile telephones contrary to section 2(1) and (6) of the Mobile Telephones (Re-Programming) Act 2002.

The evidence in the case was found from the examination of two laptop computers and various mobile telephones that had been seized from the defendant's market stall.

It could be shown that the computers had the necessary software for re-programming some if not all of the mobile phones, that the software had been used, and that some of the phones had been re-programmed. But; not that the software had been used to re-program the seized phones.

The equipment that had been seized did not include the cables that would have been required to connect the computers to the phones to enable the re-programming to take place.

The defendant claimed that he only used the computers to play the game – Solitaire.

At my prompting, the police re-examined the computers and found that the copies of the Windows operating system were registered to the defendant's brother.

On the morning of the trial, the prosecution were persuaded by counsel for the defence not to offer any evidence. Counsel used my Report to show counsel for the prosecution that: Whilst mobile phones had been re-programmed, the defendant was not charged with and could not be proved to have committed these offences. And, that whilst the defendant had in his possession, computers that could be part of the equipment needed to commit the three offences of “Having items ...”, he did not have the necessary cables, and so did not actually have operational equipment.

George Herrick
Herrick Brown & Company Ltd
PO Box 21, ECCLES
Manchester. M30 7BN
+44 (0)7836 386518
gherrick <at> herrick-brown.co.uk