



JUDICIARY OF
ENGLAND AND WALES

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-V-

JAMES MCCORMICK

CENTRAL CRIMINAL COURT

2 MAY 2013

SENTENCING REMARKS OF HIS HONOUR JUDGE HONE QC

This is a most serious case. You are the driving force and sole director of ATSC Ltd and you, with a small number of agents employed by you, sold over 7000 ADE devices to the Iraqi Government and other international agencies for prices varying between \$30,000 and a low point of \$2,500 per unit. One composite invoice shows total sales in excess of \$38m to Iraq over nearly three years. You sold in lesser quantities to other countries and in your evidence you acknowledged sales exceeding \$50m. The cost of the ADE devices, modelled on failed American manufactured Golf Ball Detectors, was below \$50 a unit. The device was useless, the profit outrageous and your culpability as a fraudster has to be placed in the highest category. The principal aggravating feature is that although it cannot be proved that the use of the device caused a specific death or loss of limb – and I accept that at Iraqi checkpoints other detection devices were used – yet what you perpetrated was a callous confidence trick. The jury found that you knew the devices did not work, yet the soldiers in Iraq and elsewhere believed in them, in part due to your powers of salesmanship and in part the extravagant and fraudulent claims made in your promotional material. After a six week trial, I am wholly satisfied that your fraudulent conduct in selling so many useless devices for simply enormous profit promoted a false sense of security and in all probability materially contributed to causing death and injury to innocent individuals. It is this exceptional feature which distinguishes your case from the usual case of fraud. Although I have paid attention to the Sentencing Guideline, your case is far outside any of parameters set out and neither the starting points nor the

sentencing ranges are adequate for your case. Although you have been convicted of three counts because you produced three devices, it seems to me the three devices were very similar and there was one course of conduct. In terms of culpability and harm, I have been unable to imagine a more serious case of its kind. There are five relevant matters. First, well over 7000 devices were sold in Iraq and elsewhere; second, they were sold and used for a period of nearly three years and indeed in some arenas they remain in use as a continuing potential danger to life; third, soldiers, police forces, border customs officers, hotel security staff and many other users trusted their lives to the overpriced devices sold by you, which were no more than crude plastic components with a disconnected antenna and a capability of detecting explosives no better than random chance; fourth, your profits were obscene, funding grand houses, a greedy and extravagant lifestyle and even a yacht; fifth, you have neither insight, shame or any sense of remorse. Even now you insist they work, in a vain effort to minimise your culpability. There is no significant personal mitigation. You fought the case in the teeth of overwhelming evidence. In a last desperate gamble, you rolled the dice with the jury and you lost.

As I have said, it is difficult to think of a more serious case. It is possible that other cases may equal what you did and some may conceivably involve more money, but I am confident that no other case can be significantly worse in terms of culpability and harm. In addition, a maximum sentence in your case can be justified to deter others from committing similar offences. The five points I have mentioned, in particular your cavalier disregard of the potentially fatal consequences of your fraudulent activity, have convinced me that the appropriate sentence in your case is the rare step of passing the maximum that section 7 of the Fraud Act 2006 allows. The sentence of the court is that you must serve the maximum term of 10 years imprisonment on each count concurrently.

You will serve half that term in custody and you will then be released on licence. If you commit any further offence or breach the terms of your licence you will surely be returned to custody. Confiscation proceedings will follow. That concludes the sentence in your case.