

Fraud charge lawyer 'left with nothing'

By JOHN ROBERTSON
Law Correspondent

A SOLICITOR accused of embezzling £47,000 from elderly clients told a jury yesterday of his fear of his senior partner, who allegedly had had the money. Colin Tucker admitted a part in the affair, but insisted he was not a criminal and had been used as a tool.

Giving evidence on the fifth day of his trial at the High Court in Edinburgh, Tucker said Ian Walker had had a hold over him, as he had known the accused was a homosexual. He added that his involvement with Mr Walker had cost him about £60,000.

Tucker, 35, of The Mansion House, London, denies embezzling £28,012 from a 90-year-old woman and £19,364 from a 79-year-old widow between April 1986 and May last year while a partner in the law firm of Burnett Walker, WS, which had its offices in Stafford Street, Edinburgh. He has lodged a special defence of incrimination, naming Mr Walker, 63, who, the court has heard, hanged himself as the firm's books were being investigated.

Tucker told the jury that since being

suspended as a solicitor in July last year, he had obtained a £9,000-a-year post as a footman to the Lord Mayor of London.

He had paid £20,000 to become a partner in the law firm under an agreement that Mr Walker receive 85 per cent of the profits and Tucker the remaining 15 per cent. Although Mr Walker had appeared to be a man of substance, he had said he wanted to borrow money from the elderly clients for whom Tucker had power of attorney.

"I said I was not happy about it at all but he just would not listen or discuss it with me," said Tucker.

Tucker told the jury that the money taken from the clients had all gone to Mr Walker, who had promised to pay it back with interest.

He had been relieved when the Law Society of Scotland had begun its investigation into Burnett Walker's

books, and had helped as much as he could, but a lot of it had to be done secretly, as he had been afraid of Mr Walker.

The accused added that as a result of his involvement with Mr Walker, he had lost the £20,000 he had put into the firm and still owed the bank which had loaned him the money. Also, a £40,000 profit from the sale of his flat in Edinburgh had been retained by the accountant appointed to take over control of Burnett Walker. He was left with nothing apart from his job.

Asked about his feelings towards the elderly clients, Tucker said: "I am just terribly sorry that it all happened."

He did not consider that he had been a criminal, and told the jury he had been frightened of Mr Walker. "I just felt I was being used as a tool by Mr Walker. He had some sort of hold over me."

Asked if he wanted to explain to the jury what that hold had been, Tucker said Mr Walker had had information that he was a homosexual.

The trial continues next week.