

26/09/2016

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Your Honour

As you were made aware at the mention hearing on the 22/09/2016 there is inaccurate data being held in my sons Simon Cordell PNC record, there are also errors in police officers statements regarding my character within the Respondent case.

I was very concerned that a court has once again been able to see this inaccurate information and when made aware of the errors did nothing to rectify them.

I called a helpline on the 23/09/2016 and explained about the inconsistencies on my PNC and the errors in the police officers statements I was informed the ICO could address this matter while the case was still being heard and was told to put a form of concern into the ICO. I have now done this and believe you needed to be made aware.

I believe my son's reputation has been diminished in this court and previously in the magistrate's court and am under the assumption this is a breach of my sons human rights, am I correct in my assumption?

My son when this case started was refused legal aid; this was overturned by a judge sitting at the lower court due to these facts. The importance of what is at stake, the complexity of the case, the capacity to represent himself effectively. On the 21/09/2016 when you removed my son's solicitor from record the protection above was removed, you are aware my son can not read and write effectively to deal with this trial.

At this stage I would also like to draw your attention to your letter that was dated 22/02/2016 and section 4

"4/ The Court will not and does not accede to any application for the Appellants Solicitors to come off the record or to cease acting for the Appellant. Such an application was dismissed by His Honour Judge Morrison on the 19th February 2016. If any attempt is made to repeat this application the Court will require it to be made in person by the Senior Partner of Michael Carroll & Co"

On dismissing the solicitors who was acting for my son and not allowing them to be replaced I believe his rights to a fair trial were removed at this stage.

## Guide on Article 6 of the European Convention on Human Rights

### Effectiveness of the legal aid granted:

66. The State is not accountable for the actions of an officially appointed lawyer. It follows from the independence of the legal profession from the State (*Staroszczyk v. Poland*, § 133), that the conduct of the defence is essentially a matter between the defendant and his counsel, whether counsel is appointed under a legal aid scheme or is privately financed. The conduct of the defence as such cannot, other than in special circumstances, incur the State's liability under the Convention (*Tuzinski v. Poland* (dec.)).

67. However, assigning a lawyer to represent a party does not in itself guarantee effective assistance (*Sialkowska v. Poland*, §§ 110 and 116). The lawyer appointed for legal aid purposes may be prevented for a protracted period from acting or may shirk his duties. If they are notified of the situation, the competent national authorities must replace him; should they fail to do so, the litigant would be deprived of effective assistance in practice despite the provision of free legal aid (*Bertuzzi v. France*, § 30).

68. It is above all the responsibility of the State to ensure the requisite balance between the effective enjoyment of access to justice on the one hand and the independence of the legal profession on the other. The Court has clearly stressed that any refusal by a legal aid lawyer to act must meet certain quality requirements. Those requirements will not be met where the shortcomings in the legal aid system deprive individuals of the "practical and effective" access to a court to which they are entitled (*Staroszczyk v. Poland*, § 135; *Sialkowska v. Poland*,

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§ 114 - violation).

I am no lawyer myself and I am trying to go through the human rights act which is a very long document and extremely difficult to understand.

You were also aware my son and I have been working from older bundles and ordered the solicitors who were acting for my son before they were removed from record on the 21/09/2016 by your honour to pass the correct bundles to us. Upon seeing these bundles it has come to light that there are statements we have never seen before this date and never have seen them before the trial of the lower court. I am not sure if these statements have been added after the last trial when the appeal was applied for or if my son's last solicitor has had these statements and they were not given to us. I do know they are dated before the last trial took place. How was my son ever meant to have a fair trial without having and seeing all the documents within the case against him?

Upon also looking at my son's own bundle the barristers was using for this Appeal there were many documents missing from this bundle that I have had to take time to update this bundle to the correct version with all statements included as there were no statements in there and other documents, it was not even indexed, How was the barrister even meant to have dealt with this Appeal with so many documents missing.

The police have targeted my son and family for many years mostly being Simon Cordell, and I believe they have pursued a malicious prosecution against him also trying to include his brother's name in this case, this can be proven.

The Magistrates court hearsay rules 1999 do not apply to the crown court.

The defence do not accept that the Respondent has relied on the correct legislation to apply under the hearsay rules. In any event the Appellant requests that the Respondent call the witnesses who made CAD entries for cross examination.

It is neither professionally appropriate nor suitable for the Appellant to call police officers and question their credibility, as proposed by the Respondent through their application under the Magistrates Court Hearsay Rules.

The Appellant submits that questioning the credibility of ones own witnesses would not be permitted by the court. The Respondent has put forward no good reason for why these witnesses cannot be called. As to say it is not in the interests of justice to do so.

Burden of proof and standard of proof are set high in this appeal case and you must find to be satisfied beyond reasonable doubt that the respondent case can be proven to the criminal standard in every aspect of the prosecution.

I do not feel the Respondent application bundles could ever prove beyond reasonable doubt that the Appellant my son was concerned in the organisation of illegal raves / provided sound equipment for illegal raves.

The Appellant my son and I is still not even sure what he is meant to be defending in this case and this has been asked many times for this to be explained. Even the Respondent skeleton argument bundle has had the word illegal removed from it case, but the definition of the word rave does make this illegal and this can clearly been seen from the Respondent original application bundle.

The inaccurate data that is within the Respondent original application namely my son's PNC and statements of police which is relied on in the Respondent original application bundle, the large concern that the Respondent has refused to unedited the CAD's and intelligence reports they rely on in there original application bundle, why there was a need to update original intelligence reports, why no CAD reports was included for the 6<sup>th</sup> June 2014 in the original application, why there are so many missing CAD's, why the police refuse to admit in the lower court that CAD's they had in there original application bundle clearly relates to an illegal rave in Crown Road and CAD's from that have been placed in the Respondent original application bundle. (Please see freedom of information request to Enfield council in the Appellants bundle page 274 to 284 which clearly shows this) why they refuse to disclose information held on the police public order unit Scotland Yard systems and why Steven Elsmore did not ask DS Val Tanner from the police public order unit in Scotland Yard to write a statement after he spoke to her



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why Steven Elsmore deleted emails that was sent to DS Val Tanner and received from DS Val Tanner and he only felt the need to do an updated statement dated 26/06/2015 in regards to this what did he ask DS Val Tanner and what was he told?

Why a statement was never asked from, from DS Chapman of the public order unit Scotland Yard who when he spoke to Miss Lorraine Cordell on the phone checked there system and told Miss Lorraine Cordell that Mr Simon Cordell name was only listed on there systems once and that was the day he was arrested on the 19<sup>th</sup> July 2014, so how Steve Elsmore can put in his updated statement that the public Order Unit hold no information about Mr Simon Cordell and Enfield is beyond me.

Why there are no pocket books of any police officers in the Respondent original application bundle.

Why the Respondent original application that we collected on the 23/09/2016 from the solicitors officer that was served by the Respondent in January 2016 to the court and the solicitors office, that we kept asking for from the solicitors and never got, has updated statements we have never seen dating back before the trial in the lower court.

In a letter you wrote on the 22/02/2016 you asked the Respondent in section 5 (Please see below) this has never been done and we have never received this information by the Respondent.

"5/ The Respondent is to serve by the 4<sup>th</sup> April 2016 a hearsay notice identifying by reference to pages of Bundle R what hearsay it wishes to rely on and why it should be admitted in evidence"

The abuse of process is a great concern in regarding the Appellant's right to a fair trial.

The evidences brought against the Appellant are not credible enough to prove the Respondent's application beyond reasonable doubt

Prosecution's failure to prove the Respondent's application will entitle him an acquittal from Respondent's application.

At this stage I ask Your Honour to discharge acquit this Appeal case for an anti-social behaviour order (ASBO) in favour of the Appellant Mr Simon Cordell, and if this can not be done the case be adjourned until matters in this letter are addressed and the Appellant Mr Simon Cordell can have a fair trial, but the conditions he is on for this ASBO removed.

Yours Sincerely

Miss Lorraine Cordell