

INSTRUCTIONS:

Simon you confirmed that your benefits had been suspended and you did not have the funds to attend the police station every day. You stated that Edmonton Police Station is a 2 mile walk from where you currently live. You have asked me to make an application to remove this bail condition.

Secondly, you have asked that your curfew be suspended for an up and coming festival in Enfield.

Thirdly, you have asked me to consider the merits of making an application to dismiss the charges against you based on the fact that you entered a building that was being squatted in and therefore you were not a trespasser.

Fourthly you stated that the photographs sent to you were of poor quality and were in black and white.

Fifth, you complained that the barrister did not present your case properly.

Six, you requested your case papers from the Winchester case.

I will deal with each of the points that you have raised and the agreed action.

Point (1) I can make this application to remove the reporting the condition. I can source a map from the internet to show the distance and I can also show bus prices on an Oyster card £2.80 per day in fares as I assume only one bus is required. If I am wrong in this assumption can you please confirm by email the number of buses and the routes that the buses take at your earliest convenience. Can you also please ask your mother to email over the letters that you have sent to the Benefits Agency appealing and requesting the re-instatement of your benefits as this will assist my application.

Point (2) Again I can make an application to suspend your curfew on the dates of the festival but again I need the documentation from the Council regarding this to support your application.

Point (3) I will have to consider this point in more detail but if I can illustrate an analogy to you which I believe that the Judge will also use. Your case is that you were not a trespasser when you entered the building due to notices on both buildings which confirmed they were legal squats. You may well be right.

The law on burglary consists of entry to a building or part of a building, as a trespasser with intent to either steal item, cause GBH or doing unlawful damage or actually does any of the aforementioned.

I will deal with the trespass point firstly. The notices in relation to the legal squat may well highlight that you were not a trespasser when you entered. (I confess that I need to research this point) I think that we can also agree that the squatters were not the owners of the building and had not made any claim for adverse possession. I have included some information on adverse possession for your ease of reference at the end of this email. Even if we can establish that you had a right to be in the building it does not follow that you had a right to any of the contents. These would still remain the property of the owner, unless you can provide me with the relevant section / legislation / case law. There are a number of instances when a person can enter premises initially by invitation but once they do an act contrary to the right of entry they then become a trespasser. i.e. a customer in a shop reaching over the counter and taking a sales assistant's purse / phone. This is burglary because the person has stolen property (a) that was not for sale (b) that was in a part of the building where the public did not have access.

The other stumbling block to an application to dismiss is your police interview. You accept presence and you accept purchasing items of garden furniture from a male called Mohammed. You state that you have a receipt. This is a trial point and one to be left to the jury as to whether you believed that Mohammed was lawfully