

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.

A customer in a shop reaching over the counter and takes a sale's assistants, purse and or 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 entitled to sell the goods to you.

Whilst considering this please bear in mind that although the notices allowed entry once Mohammed assumed the rights of the owner by disposing of the property and selling it he then arguably became a trespasser.

I am not concerned about the damage caused to the building as you state that this was caused on a previous occasion so I should be able to establish this from the CPS in my disclosure requests in your defence case statement.

#### **Point (4)**

I can easily remedy this issue by bringing the photographs with me when I attend your mother's address near the end of next week.

I will confirm the day closer to the time and I am grateful for your consideration and understanding that I cannot at this stage give you a fixed appointment.

As you are no doubt aware my diary varies from day to day and emergencies do arise.

#### **Point (5)**