DEFENCE STATEMENT

(Criminal Procedure and Investigations Act 1996, section 5 & 6; Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 2011; Criminal Procedure Rules, rule 15.4)

This Is My First Statement

OFFICIAL – SENSITIVE [when complete] MG11

WITNESS STATEMENT

Criminal Procedure Rules, r27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1930, s.5B

URN

Statement of: Mr. Simon Paul Cordell

Age if under 18: Over *(if over 18 insert 'over 18')*

Occupation: News Reporter!

This statement **(Consisting 6 Of 6 Page{s)** all signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Dated: 15/01/2026

(Signed) 

(On behalf of Mr. Simon Paul CORDELL) **(Dated) 15/01/2026**

- **DEFENCE STATEMENT — SECTION 38 OAPA 1861**

  * **Defendant:** Mr. Simon Paul Cordell
  * **Address:** 109 Burncroft Avenue, Enfield EN3 7JQ
  * **Date of Incident:** 26 August 2025
  * **Location:** Bail Address

- I, **Mr. Simon Paul Cordell**, WILL SAY AS FOLLOWS:

01. **Background and Context**
   a) **I Am A Secure Tenant At 109 Burncroft Avenue**: where I have lived since 2006. On "**26 August 2025**," I was arrested at my home address following an alleged breach of GPS bail conditions. This alleged breach was later shown to be the result of "**A System Failure Between Serco And The Police**," not any action on my part.
   b) Despite this, eight officers attended my address, no memorable police Caution was given, for the Assault Case, I was not Booking into the police station for assault, no police interview was conducted, and no evidence of any breach was presented not even the police body cams the officers said they would need to review to make sure the assault happened themselves. When the officers realised the breach allegation could not be sustained, "**A Secondary Allegation Was Created By Themselves**

Even Aloe It Did Not Happen," by the police officers fabricating: that I had "**Assaulted**" one of the attending police officers by touching his shoulder as I turned away from them.

c) I deny this allegation in full, as it did not happen!

02. **Refined Defence Statement Section**

a) For the avoidance of doubt, I deny the allegation in its entirety. The alleged physical contact described did not occur in the manner alleged, and I did not assault or attempt to resist by evading or hurting any officer of the law, with deliberate intent. The account presented by the prosecuting teams does not reflect what happened, nor does it align with the evidence they disclosed as available.

b) While general sentencing frameworks recognise that very low-level, non-injury contact can fall within the category where courts may consider outcomes such as an absolute discharge, that principle does not apply here as in this case, the allegation itself is false. Therefore, any form of sentence that may include a guilty outcome and even one of the lowest available outcomes would represent as a complete miscarriage of justice due to my innocence!

c) My position is not that the conduct was minor; my position is that the conduct did not occur and that the arrest was procedurally flawed from the outset, the original basis for arrest collapsed at the scene, and the secondary allegation was created only after that collapse. "**The Evidence Does Not Support The Alleged Criminal Charge Under Section 38 Of The Offences Against The Person Act 1861,**" which requires proof of an assault, a lawful arrest, and an intention to resist that arrest **as we prove** none of which are borne out to be correct by the cases facts.

d) Even if the allegation were taken at its highest, which as the defence we do not accept the described conduct: "**Falls Within The Lowest Harm And Lowest Culpability Category Recognised In General Sentencing Frameworks For Non-Injury Assault-Type Offences."** An accidental if at all momentary touch on the shoulder, with no injury, no pain, no struggle, no aggression, and no attempt to resist, is classified as the type of minimal contact ordinarily treated at the very bottom of the sentencing range, where outcomes such as an absolute discharge, conditional discharge, or fine are typically considered.

e) **There Is No Injury, No Medical Evidence, No Use-Of-Force Form, No Body-Worn Video Showing Aggression, And The Officer's Own Account Contains A Narrative Of Uncertainty.**" These factors place the allegation firmly within the category of cases where courts generally impose non-custodial outcomes. This is general sentencing information and does not predict or determine any outcome, but it demonstrates that the allegation, as described, is not one that typically attracts custodial sentencing.

f) However, because the allegation is false, even the lightest of these outcomes would be unjust for me as any sentencing, including the most minimal, would constitute to a miscarriage of justice.

03. **The Charge Under Section 38 OAPA 1861**

a) The charge states that I "Assaulted PC Dechamp With Intent To Resist Or Prevent Lawful Apprehension."

b) **This offence requires three elements**:

1+ An Assault
2+ A Lawful Arrest
3+ An Intention To Resist That Arrest!

c) My position is that the prosecuting teams evidence does not support these elements.

04. **Procedural Standards Engaged**

a) The following frameworks are relevant to the events of **26/08/2025** and the months that have followed:

b) **Police Standards**

1+ Police And Criminal Evidence Act (PACE)
2+ Code G (Lawful Arrest)
3+ Code C (Cautioning And Detention)
4+ Code A (Use Of Force)

5+ College Of Policing Standards Of Professional Behaviour

05. **Legal Aid & Representation**
   a) Legal Aid Agency Regulations
   b) Solicitors Regulation Authority (SRA) Code of Conduct
   c) Criminal Procedure Rules (Crim PR)
   d) Criminal Procedure and Investigations Act (CPIA)

06. **Court & CPS Duties**
   1+ Cps Disclosure Manual
   2+ CPIA Unused Material Obligations
   3+ Article 6 ECHR (Right To A Fair Trial)
      a) These standards exist to ensure fairness, accuracy, and proper procedure but are said to have been failed in these court proceedings.

07. **Procedural Failures Identified**
   1+ **Police**
      a) Arrest Initiated On A GPS Breach Later Shown To Be A System Error
      b) No Memorable Police Assault Caution Given
      c) Was not booked into the police station for assault
      d) No Interview Conducted
      e) No Evidence Presented
      f) Secondary Allegation Created Only After The First Collapsed
      g) Eight Officers Deployed For A Non-Violent Administrative Matter

   2+ **Serco**
      a) Failure In Monitoring Data
      b) Failure To Communicate Accurate Information
      c) Failure To Prevent False Breach Alerts

   3+ **Tuckers Solicitors**
      a) Repeated Requests For Documents Already Provided
      b) Circulation Of Documents Labelled As Representation Orders That Were Not RO1 Certificates and are frauded!
      c) Misrepresentation Of Legal Aid Status
      d) Withdrawal Without Ensuring Continuity
      e) Failure To Respond To My Requests!

   4+ **Legal Aid Agency**
      a) Confirmation That No Legal Aid Had Been Granted For Any Case In 2025
      b) Inability To Locate RO1 and RO2 Certificates

   5+ **Court Administration**
      a) Multiple Ignored Transfer Requests
      b) Failure To Ensure Representation Before Trial
      c) Failure To Respond To Urgent Correspondence and address those official issues contained inside of them!

   6+ **CPS**
      1+ Incomplete IDPC
      2+ Missing Unused Material
      3+ Missing Case Ratio Folder

4+ Failure To Provide Disclosure Despite Repeated Requests
5+ Failure To Respond To My Requests!
   a) These failures have materially affected my ability to prepare and present a fair defending defence.

7+ **Impact on Me**
   a) The cumulative effect of these failures includes:
      1+ Loss Of Representation
      2+ Inability To Prepare A Defence
      3+ Emotional Distress
      4+ Procedural Disadvantage
      5+ Uncertainty Caused By Contradictory Information
      6+ Reputational Harm
      7+ Financial Strain
      8+ Damage To Trust In The Fairness Of The Process
   b) These are not isolated errors; they form a pattern of systemic breakdown.

08. **General Sentencing Framework for Section 38 Offence Against Person Act 1861 "OAPA" Statement (Direct To My Case)**
   a) **The Offence Am I Charged With is a:** Section 38 – Offences Against the Person Act 1861 **"Assault With Intent To Resist Or Prevent Lawful Apprehension."**
   b) This is "**Not"** the modern Charge of "**Assault on an Emergency Worker**" offence.
   c) **To Prove Section 38, The Prosecution Must Show**:
      1+ An Assault Occurred
      2+ The Arrest Was Lawful
      3+ I Intended To Resist Or Prevent That Arrest

   d) **In My Case**:
      1+ The Arrest Was Based On A "**False GPS Breach!"**
      2+ No Memorable Police Caution Was Given for the alleged assault Case!
      3+ I was not Booked into the police Custody Suite for The Alleged assault allegation!
      4+ No Interview Was Conducted
      5+ No Evidence Of A Breach Was Presented
      6+ The "**Assault**" Allegation Was Created "**Only After"** The Original Basis Collapsed
   e) If the arrest was not lawful, the Section 38 charge cannot stand.

09. **What General Sentencing Framework Applies To Section 38, "OAPA"?**
   a) There is no modern guideline specifically for Section 38.
   b) **Courts Therefore Rely On**:
      1+ Common Assault / Assault on Emergency Worker Guidelines!
      2+ General Harm And Culpability Principles!
      3+ Case Law Interpreting Section 38.

   c) Across these frameworks, for "**Non-Injury, Minimal-Contact Allegations**," the general sentencing range includes:
      1+ Absolute discharge
      2+ Fine
      3+ Community order

   d) **Custody Is Generally Reserved For**:
      1+ Injury
      2+ Aggression

3+ Deliberate violence
4+ Repeated violence
5+ Clear intent to resist arrest
6+ High culpability behaviour

e) None of these matches the allegation made against me.

010. **Does Section 38 Automatically Lead To Prison?**

a) **No.**
b) There is "**No Rule**, **No Law**," and "**No Sentencing Requirement"** that says a person must go to prison for:
1+ A Single Moment Of Contact!
2+ No Injury!
3+ No Pain!
4+ No Struggle!
5+ No Aggression!
6+ No Attempt To Escape!
7+ No Medical Notes!
8+ No Use-Of-Force Form!
9+ No BWV Showing Resistance!
10+ Contradictory Officer Accounts!
c) These are the exact circumstances of my case.

011. **How Courts Treat "Very Minor Contact" Like The Allegation Wrongly Made Against Me**

a) When the alleged contact is:
1+ A brief touch!
2+ No injury!
3+ No pain!
4+ No force!
5+ No hostility!
6+ No resistance!
7+ No attempt to escape!

b) To adhere towards the sentencing Guidelines that recommends that this category of offence falls into "**The Lowest Level Harm"** / due to it being of "**The Lowest Category Of Culpability."**
c) The General Sentencing Outcomes For This Category Include:
1+ Absolute discharge
2+ Conditional discharge
3+ Fine
4+ Low-level community order
d) Detention in His Honors Custody is "**Not"** the usual outcome for this type of allegation.

012. **Why The Allegation Against Me Sits At The Very Bottom Of The Seriousness Scale**

a) **The Wrongly Alleged Allegation Is That I**: touched an officer on the shoulder while turning away.
b) **In My Case**:
1+ There is no injury!
2+ No medical evidence!
3+ No pain reported
4+ No use-of-force form!
5+ No BWV showing aggression!
6+ The officer's own account contains "**Attending Police Officers Uncertainty In Their Own Statements!"**
7+ The allegation arose **"Only After The GPS Breach Basis Collapsed!"**

8+ There was "**No Attempt To Resist Arrest!"**
9+ There was "**No Hostility Or Deliberate Intent to Cause Violence!"**

c) These are the hallmarks of the "**Lowest Possible Harm And Culpability Category.**"

013. **Direct Answer (Applied To My Circumstances)**

a) Is prison required if someone is found guilty of "**Touching An Officer On The Shoulder**" in circumstances like mine?
   1+ **No**: There Is No Automatic Prison Sentence.
   2+ **No**: Sentencing Rule Requires Custody For Minimal, Non-Injury Contact.
   3+ **No**: Section 38 Does Not Mandate Prison For A Brief, Non-Violent Touch.
   4+ **No**: General Sentencing Frameworks Allows For Non-Custodial Outcomes Such As A Discharge, Fine, Or Community Order.
   5+ **No**: The Allegation Against Me Sits At The Lowest End Of The Seriousness Scale.

b) **This Is General Sentencing Information**: not a prediction or advice about any specific case.

014. **Judicial Notice Request**

a) Given the procedural issues documented, I respectfully request that the court:
   1+ Take Judicial Notice Of The Failures Described
   2+ Address The Defects To Ensure Fairness
   3+ Consider Whether Proceedings Can Be Fairly Continued In Their Current State And If Not Dispose Of The Cases Proceedings.

b) This request is based on the documented procedural history.

- **P.S.**
  a) Tuckers Solicitor Firms Staff till date of this defence statement has refused to reply to any correspondence.

Kind Regards
Mr. Simon Paul Cordell.

(Signed) 

(On behalf of Mr. Simon Paul CORDELL) (Dated Signed) 15/01/2026

Signature witnessed by: