Application to Exclude Evidence under Section 78

Police and Criminal Evidence Act 1984
IN THE HIGHBURY CORNER MAGISTRATES' COURT

Defendant: Simon Cordell
Dated: [08/01/2026]
Subject: Disclosure Request – URN: **01YE1300125** (26/08/2025)

Original Charge: Breach Of Bail!
Outcome of Breach Of Bail: No Further Action.
Substituted Charge: Wrongly Alleged Assault on police Officer – 26/08/2025 (Assault on an Emergency Worker / Under the Assaults on Emergency Workers (Offences) Act 2018.)
Date of Wrongly Alleged Incident: 26/08/2025.

- **Application to Exclude:**
- **** My Application to Exclude Evidence under Section 78 Pace Police and Criminal Evidence Act 1984****

- I respectfully invite the Court to consider whether the admission of the prosecution's evidence would have such an adverse effect on the fairness of the proceedings that it ought not to be admitted, having regard to the following procedural concerns:

1. **Absence of Proper Custody Procedure: --**
   a) Based on the material disclosed so far:
      1+ No Police custody record has been provided for **26–27 August 2025.**
      2+ There is no record of an arrest for assault at the time of booking-in.
      3+ There is no record of the grounds for detention for the substituted charge.
      4+ There is no record of any explanation for the decision not to interview me.

   b) **Police Custody records** are normally required **under PACE Code C.**
   c) The absence of these records makes it difficult to understand the basis on which the substituted charge was made.

2. **Lack of Access to Legal Advice: --**
   a) I requested a solicitor at the time of detention.
   No solicitor was provided, and no reason for delay or refusal has been disclosed.
   b) **Under PACE Code C**, access to legal advice is a fundamental safeguard.
   The absence of any record explaining why this safeguard was not provided raises concerns about the fairness of the process.

3. **No Interview Conducted: --**
   a) No interview was conducted regarding the allegation of assault.
      No explanation has been provided for this decision.
   b) Where a suspect is not interviewed, the reasons are normally recorded.
      The absence of any record makes it difficult to understand how the substituted charge was reached.

4. **Missing Body-Worn Video (BWV) and Other Evidence: --**
   a) The MG5 summary refers to BWV footage.
      This footage has not been disclosed.
   b) Additionally:
      1+ No injury notes for the officer have been disclosed.
      2+ No use-of-force forms have been disclosed.
      3+ No contemporaneous notebook entries have been disclosed.
      4+ No CCTV or custody-suite footage has been disclosed.

   c) These materials may assist the defence or undermine the allegation.
      Their absence raises concerns about whether the evidential picture is complete.

5. **Role of Sgt Smith and Case Handling Concerns: --**
   a) The officer who authorised my detention on **26/08/2025** was also involved in earlier case-handling decisions, including administrative issues relating to the charge on **02/08/2025.**
   b) Where an officer is involved in both operational and administrative decisions, it is important that records are clear and complete.
      The absence of such records makes it difficult to understand the decision-making process.

6. **Use of an Appropriate Adult Who Was Also a Witness: --**
   a) My father acted as an appropriate adult.
      He was also a witness to the events.
   b) Normally, an appropriate adult should be independent of the incident.
      The absence of any record explaining why this arrangement was considered appropriate raises concerns about procedural safeguards.

7. **Incomplete Disclosure: --**
   a) A number of items normally expected in a case of this nature have not been disclosed, including:
      1+ BWV
      2+ Custody Records
      3+ Injury Notes
      4+ Use-Of-Force Forms
      5+ Internal Communications
      6+ Risk Assessments

7+ GPS Tag Breach Documentation

b) Without these materials, it is difficult to test the reliability of the allegation.

8. Conclusion: --

a) These issues relate to the **fairness** and **transparency** of the process.
I respectfully invite the Court to consider whether, in light of these concerns, the admission of the prosecution's evidence would have such an adverse effect on the fairness of the proceedings that it ought not to be admitted **Under Section 78 PACE.**
1+ Create A Matching **Section 8 CPIA Application** For Disclosure.

b) Just tell me which direction you want to go.

Signed: Simon Cordell
Date: [08/01/2026]