Draft Mode 126. Recording 11-02-25 Elliot Stern Solicitors PT3

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(0:03 - 0:18)
Hello, I spoke to a couple of people on two occasions already. I've been waiting for some correspondence to be sent over to you for a case outcome that I went through. Who am I speaking with? Mr Simon Paul Cordell.

(0:23 - 3:00)
Yes, I understand that, but you did say to me under GDPR, which is the Data Protection Act, that you can't conceal information to me over the phone, but under GDPR there is no such thing that says you've got... I pass security reviews, so I'm sure you must be able to provide me with an outcome, case outcome and specifics about my case over the phone, right? Yeah, but can you tell me formally? Because it's a matter of emergency. I don't have access to all the information. You'll have to come to me at all to get a letter by email or by phone.

I think it's got to be a phone call. Yeah, we did ask on email. Is there no way that this could happen today? Because it's a matter of urgency, because my mum's like three years old at the moment.

I need to get to hospital. I've got a lot of things going on that have to be able to forward in my life, like quite serious. I don't want to go into too much in detail, but take my word there as hard as can be, especially with my mother's health.

I'm... Thank you. Thank you. Hello.

Hello. Hello, how may I speak to you? How are you doing, madam? I'm good, thank you. How are you, sir? Are you okay? Yeah, I'm all right, thank you.

I'm trying to resolve an issue that's happened, and I was hoping you might be able to help me with that. My last name's Paul Delce, D-O-R-D-E-L-C-E. And your date of birth? 26th of the 1st, 1981.

(3:09 - 3:24)
Back in August last year, is that right? Yes, that's correct. You attended the police station on the 3rd, and I was arrested on the 2nd. Yeah, I think one of my colleagues... Yeah, Sheriff, Sheriff, Sheriff attended.

Sheriff, I don't know, once or twice. Shabik. Shabik.

(3:25 - 3:51)
Yeah, it might be Shabik, something. Shabik... Shabik Suleman. Yeah, Suleman, yeah.

He was a very kind... I was very happy with his services. My issue is that you attended, and you attended on the 3rd. I now understand that the police have their case URN number, and under that URN number, you attended for Section 4A, it says, in the police custody logs that I was looking for Section 4A.

(3:52 - 4:13)
Sheriff arrived at about 6 o'clock and had the interview with me and my appropriate adult. He left by about 7 o'clock on the 3rd. At 4 o'clock in the morning, in the custody logs, you can see that only Section 4 existed for your attendance, and that the case was sent to CPS for review, and they disposed of the case, no further action was taken.

(4:13 - 5:19)
At that point, I should have been released from the police station, but unfortunately, I wasn't, and dues weren't called back out when I kept the question. And someone's now swapped it for another charge called threat to cause criminal damage, and I was further arrested. When I got brought to the court, I've been through a long process over the last few months, but I believe another solicitor has actually dealt with me at the police station, and it's only just become apparent that it was for sale, and I just need confrontation with what you actually attended the police station for, and the outcome of the case.

Okay, so... After you've left the police station, on the 3rd... So, what I've got here, Simon, is that you were arrested for Section 4A, that's what we were told, whether it's questionable or not. Yeah, that's correct. And then you were told that you were charged and remanded to a place called a magistrate court.

(5:19 - 6:36)
Was it under the Section 4A duty, is that what you believe? That I don't know. What's actually happened is, I was no further action for the Section 4A, and in the MG4 charge sheet, not the police custody log, which the CPS have disclosed to me, the Section 4A that you sort of attended for has disappeared, and the only thing that's in there now is threats to cause criminal damage. In the police custody log, on the day that you sort of attended, only Section 4A, after you sort of left, about five, six hours after, threats to cause criminal damage all of a sudden popped up after the CPS reviewed it and dropped the case.

Now, they're trying to make me... They're trying... I've contacted Legal Aid because the URN number should technically be tied to your billing for attending for the Section 4A, and Legal Aid... So, the URN, this one, there's a unique phone number, and the customs number and the URN are two different numbers for both. So, I'm just having a little bit of a disclosure up here. It says, Victim called police stating that I had laid foot up to a client threatening to blow up their car.

(6:37 - 9:02)
This was written on the pad. I'm going to blow up your car. I'll blow it up on the person's feet.

No one knows. The victim stated that he had threatened to violate his own rights. So, the client had come to the door, but refused to answer the door, about what would happen if he got caught.

The client was given ample opportunity to open the door to refuse, but one of the officers at the rescue, at the door, still refused to answer the door. The door was put in the victim's face to effect an arrest. It was a custom to be addressed to the person that had come.

He was arrested and placed in their car. He stated that he had had a surgery from the SACRED 2 to get checked out. Okay, and Section 4A is basically, in the prepared statement, it says, Sheriff prepared it for me.

It says that I never attended the police station. I never committed Section 4A. That was the only thing in the custody log.

No one could have defended me for threats to cause criminal damage, which is what the case now is. And technically, I haven't been arrested for that threat to cause criminal damage, because you would have had to re-attend the police station. Is that not correct? If the charge was dropped? No, it's not blocked me in.

So, what they could do is that... So, okay, let's say they charge you for an offence which you haven't committed. What stage is that at now? Are you going to a trial? They're trying to get me to a trial, but no one can use... My solicitor, a new solicitor firm, can't use the URN number or the case reference number to apply for legal aid, because of the technique that it belongs to use that for a no further action case. No, we haven't... No, that's incorrect.

We haven't applied for legal aid. So, because obviously you don't get any protection. So, there is nothing preventing them from applying for legal aid.

So, what I'm saying is, how would you charge... Who would you charge your billing to? Legal Aid for attending the police station? That's correct, yes. And Legal Aid are saying that no one's submitted any bills for attending the police station in regards to this situation, and that now any solicitor can apply. No, that's not true.

(9:03 - 9:48)
But that has nothing to do with the court attendance. That's different. Yeah, but what's the actual issue? In the custody logs, it's very clear that users have come to the police station, and it's for Section 4A.

The issue was, I was never nicked for Section 4A. I've got one of the police body-worn foot-appears, and what they've actually nicked me for was harassment in 1997 on the body cam. I told Sheriff... I'm looking at the custody front sheet right now, and it says Public Order Section 4A.

You're looking at the what sheet, may I ask? The custody front sheet that we were provided? Yeah, the custody front sheet. I agree with that. I've got a copy of the custody logs, and it clearly says Section 4A is where I've been arrested.

(9:48 - 10:29)
But the MG4 sheet that's now on the Common Platform actually doesn't have Section 4A in it, so I was never charged for Section 4A. That's completely separate. That's two separate conversations, I have it.

Just because you're arrested for something, doesn't mean that's what you're going to be charged with. So it looks like they review the case, and they charge you for different offences before you're arrested. No, I was no further action for the Section 4A, and the

Section 4A... I was taken out of the cell, and they told me, we're no further action on you for the Section 4A.

In fact, now you're being charged for this. And I said, that's illegal. You have to further arrest me for the new offence, and I should be re-interviewed.

(10:29 - 11:15)
Well, they won't. They won't. They can't do that.

They can't. So what's the issue now? Is it that you think there's a technicality in that, and that shouldn't be before the court? I believe, yeah. In some regards, yes, that's exactly my point.

I've checked on law, on the precedent of law, and what's... I think you need to, I think you need to take advice from law. If you go, that's not correct. You have to be arrested or portioned.

I understand the degree, and any advice that you can give me, I'd appreciate so much, and I will listen to you, and take it on board. I understand that. So the way that it works, if you're before the court for a matter that you haven't been interviewed for... Or arrested, or police portioned.

(11:15 - 11:36)
I'm not being police arrested or portioned. If you've come before the court for a matter that you've not been interviewed for, what happens is, when you give evidence at court, no adverse influence can be brought if you were never interviewed about sex. So there's no disadvantage to you about facing the allegations.

(11:36 - 12:44)
Yes, which means that I... Which is basically, when I did give a formal portion inside of the interview room, that anything that I withhold or hold back may be used at a later date against means that no adverse influence can be taken against me in those circumstances. So I can totally appreciate... Had the custody record actually said section 4a, and then a certain user attended, and maybe I talked... They questioned me about two offences, because harassment 1997 had equals two offences. Yeah, then... Well, the criminal health services, I'm not sure... Well, I just... Just this last part of the conversation is exactly the last that felt like that.

Understanding exactly... Because obviously, I know that users have attended for the section 4a, and had the threats to cause criminal damage been put into place before the CPS reviewed it in the custody log, then maybe, in a common sense, they might have been able to do that. But I wasn't really... There was a clear no further action afterwards, and then... It was a clear no further action for the charge at the same time. I had... Yeah, someone come up to me... Someone came up to you and asked you if you thought that same thing.

(12:44 - 17:18)
No, he goes to me, he goes to me, you're being no further action for the section 4a, which is the only reason that I was interviewed for, and the only reason that I was in the police

station. Then he goes to me, but I'm charging you, and I go, but you're supposed to further arrest me for any offence. So I should have... Please, please call... Yes, they do by law.

Under the O'Hare president of law, any arrest has to... You're entitled to... And the pace goes, you have to be cautioned and formally arrested, yes? So the second that the detention log ended from the no further action pace, I had to be formally re-arrested. That's worse than a gate arrest, which is complete breach of my human rights. I can understand if it was inside of the time detention log... I'm going to arrest you, I'm to arrest you, I'm going to arrest you, to arrest you, I'm going to arrest you, I'm going to arrest you, I'm going to arrest you, I'm going to arrest you, I'm going to arrest you, I'm going to arrest you, I'm going to arrest you, I'm going to arrest you, I'm going to arrest you, I'm going to arrest you, I'm going to arrest you, I'm going to

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