

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 6th defence statement

OFFICIAL – SENSITIVE [when complete]

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WITNESS STATEMENT

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

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Statement of: MR. Simon Paul Cordell

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

Occupation: Newspaper developer.

This statement (consisting 3 of 3 page(s) each 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.

(Signed)



(On behalf of Mr. Simon Paul CORDELL)

(Dated) 03/12/2025

- **Defence Statement:**

- * **ABSENCE OF INTENT AND RECKLESSNESS AS WELL AS PROCEDURAL BREACH**

- a) Despite never being lawfully arrested or interviewed under caution for the offence of **"Threats To Cause Criminal Damage (Criminal Damage Act 1971, S.2)."** I am still being prosecuted for it. This alone constitutes a **procedural irregularity**. But more critically, the **"Prosecution Must Prove Intent,"** and that element is entirely unsupported by the evidence.

- **Legal Standard: Intent Must Be Proven**

- a) Under the **"Criminal Damage Act 1971,"** a conviction for threats to cause criminal damage requires the prosecution to establish:
 - 1+ That the alleged threat was made.
 - 2+ That the accused intended the recipient to believe the - threat would be carried out.
 - 3+ That the accused intended or was reckless as to whether damage would occur.
 - b) This is not a matter of assumption or hearsay. **"Intent Must Be Proven Through Facts, Not Inference."**

- **No Evidence of Intent Found Upon Detention**

- a) When I was detained, **"No Physical, Digital, Or Circumstantial Evidence"** was found that could support intent to carry out any criminal damage. Specifically:
 - 1+ **No Explosives:** of any kind—wired or wireless—were found
 - 2+ **No Detonation Mechanism:** accelerant, or triggering device was recovered
 - 3+ I was still in **"Blue Chequered Pyjamas,"** as described by Rebecca O'Hare, **"No Coat, No Shoes, No Change Of Clothes,"** which would suggest intent to leave the property
 - 4+ **No Petrol Container:** nor any indication I was heading to a petrol station
 - 5+ **No Lighter:** or ignition source was found in my possession
 - 6+ **My Mobile Phone Was Seized And Examined:** yet:
 - 1+1 No text messages suggesting coordination or planning
 - 2+1 No call logs indicating communication with any third party

- **Contextual Reality vs Allegation**

a) The allegation, “**I’ll Blow Up Your Car, No One Will Know It Was Me**”—originates solely from “**Rebecca O’Hare’s Statement**,” not from any police officer or corroborating witness. Crucially, she describes me as “**Wearing Blue Checkered Pajamas With My Back Turned**,” meaning I was “**Retreating Into My Own Flat**,” not advancing toward her or making any physical threat.

b) **The Alleged Threat Was:**

- 1+ Not witnessed by anyone else
- 2+ Not captured on BWV or CCTV
- 3+ Not supported by any physical or digital evidence

- **Breakdown of Legal Requirements and Evidentiary Failure**

a) To secure a conviction under “**Threats To Cause Criminal Damage**,” the prosecution must prove:

Legal Element	Required Proof	Evidentiary Reality
1. A threat was made	Verbal or written threat	Solely alleged by O’Hare, no witness, no recording
2. Intended recipient to believe it would be carried out	Fear or reaction from victim	Exhibits show no follow-up, no immediate action, no corroboration
3. Intended or was reckless as to whether damage would occur	Preparatory actions or materials	None found —no tools, no plan, no movement toward execution

- **Precedent: O’Hara v Chief Constable of the RUC (1997)**

a) **This case established that:** “*Suspicion by itself will not justify an arrest. There must be a factual basis for it... and the arresting officer must be able to articulate what offence they believed was being committed.*”

- **In my case:**

- a) I was arrested for “**Harassment**,” not criminal damage.
- b) No officer articulated “**Criminal Damage**” as the arresting offence.
- c) The charge was “**Retrospectively Substituted**,” violating the principle of lawful arrest.

- **Conclusion: No Intent, No Grounds**

- a) The prosecution cannot prove intent because:
 - 1+ There was “**No Physical Evidence**.”
 - 2+ There was “**No Behavioral Evidence**.”
 - 3+ There was “**No Digital Evidence**.”
 - 4+ There was “**No Lawful Arrest For The Charge Being Tried**.”
- b) This trial proceeds on a “**Retrospective Substitution Of Charges**,” unsupported by facts and in breach of legal standards. The absence of intent is not just a gap, it is a “**Fatal Flaw**” in the prosecution’s case.

- **Recklessness: Legally Invalid**

- a) To claim recklessness, the prosecution must show that “**Damage Occurred Or Was Likely To Occur**.” In this case:
 - 1+ No damage occurred.
 - 2+ No attempt was made.
 - 3+ No materials or actions were present that could have caused damage!
- b) Therefore, the “**Recklessness Element Collapses**,” and the charge becomes “**Factually And Legally Unsustainable**.”

(Signed)



(On behalf of Mr. Simon Paul CORDELL)

(Dated) 03/12/2025

Signature Witnessed by Signature:

Page 3 of 3

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