



Application to Exclude Evidence under Section 78

Police and Criminal Evidence Act 1984

IN THE Highbury Corner Magistrates' Court

Defendant: Simon Cordell



CASE 1 – URN: 01YE1267925

Original Charge: Harassment (Protection from Harassment Act 1997, Section 4A)

Dropped by CPS: No Further Action (NFA)

Substituted Charge: Threats to cause criminal damage (Criminal Damage Act 1971)

Date of Incident: 02/08/2025

Custody Date: 02–04/08/2025

✗ Application to Exclude:

1. Unsigned MG11 Statement (Alleged Victim)

- Not signed
- No declaration of truth
- Not admissible under **Criminal Justice Act 2003, Section 9**
- Witness not available for cross-examination
- Used to support a substituted charge after the original was NFA'd

2. Police Officer Statements (PC Quick, PC White, Sgt Smith)

- Rely on a charge that was not lawfully processed
 - Custody log falsely claims an appropriate adult was present
 - CCTV will show I was never removed from my cell
 - My father was denied access despite being present
 - No new caution, arrest, or legal aid form for substituted charge
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CASE 2 – URN: 01YE1300125

Charge: Assault on police

Date of Incident: 26/08/2025

Custody Date: 26/08/2025

✗ Application to Exclude:

1. MG11 and Officer Statements

- Statements reference alleged assault contradicted by body-worn footage
- More than six officers present — footage must be disclosed
- No evidence of assault; excessive force used against me
- Witness evidence refused at scene

2. Interview Footage

- Only final 2 minutes shown
- 95% of interview missing
- Break requested by solicitor used to cut the video
- Full footage must be disclosed or excluded



Legal Basis

- **PACE 1984, Section 78** – Exclude evidence obtained unfairly or that would undermine trial fairness
- **Criminal Justice Act 2003, Sections 9 & 116** – Written statements must be signed and truthful
- **PACE Code C** – Breaches of solicitor access, adult presence, and custody procedure



Request

I respectfully request that the court:

- Exclude the unsigned MG11 statement in **Case 1**
- Exclude the police statements in **Case 1** based on procedural fabrication
- Exclude the incomplete interview footage and unsupported officer statements in **Case 2**
- List this application for hearing prior to trial

Signed: Simon Cordell

Date: [Insert today's date]

Let me know if you'd like this formatted for submission or paired with your Defence Statement. I can also help you prepare a matching **Abuse of Process** application to challenge the entire prosecution in Case 1.