Application to Exclude Evidence under Section 78
Police and Criminal Evidence Act 1984

In The Highbury Corner Magistrates' Court

Defendant: Simon Cordell

Dated: 19/10/2026

1. INTRODUCTION:

This application seeks the exclusion of prosecution evidence on the basis that it was obtained, recorded, disclosed, or constructed in a manner that renders its admission "unfair, unsafe, and contrary to the interests of justice." The defence relies on "Section 78 PACE, The Criminal Procedure Rules, The CPIA 1996, And Article 6 ECHR." Across both Case 1 (02/08/2025) and Case 2 (26/08/2025), the evidence demonstrates "Systemic Procedural Failures, Unlawful Charge Substitution, Custody Record Discrepancies, Disclosure Breaches, URN Misuse," and the "Inclusion of Discontinued Case Material" due to "Case 2 (26/08/2025), Being Already Discontinued!"
These defects undermine the reliability of the prosecution case and require exclusion of the evidence listed below.

2. GROUNDS FOR EXCLUSION (NUMBERED LIST)

Each numbered point is a "Stand Alone Exclusion Ground":

3. CHARGE, URN, AND CUSTODY RECORD IRREGULARITIES:

A. Apparent Substitution of The Original Section 4A Offence:

1) The original arrest was for Section 4A Public Order Act.
2) This offence was later Disposed of as Discontinued and afterwards disappeared from the police custody record and was not added to the Police MG4 Charge Sheet after CPS Review.
3) The defendant was brought into the police Custody Suite and No Further Actioned for it.

B. Creation Of a New "Threats to Damage/Destroy Property" Offence After Custody Ended:

1) No re-arrest, no caution, no MG4, no MG5, no CPS authorisations.

C. Unlawful Reuse of URN 01YE1267925 After CPS Issued NFA For S4A:

1) A discontinued URN cannot be used to create a substituted charge.

D. Custody System Entries Requiring Explanation:

1) Entries such as "Custody Delete Offence," "Custody Create Disposal," "Custody Amend Arrest Request" appear without lawful basis.

E. OIC (Officer in The Case) Swapped After CPS Ordered Discontinuance:

1) OIC changed from "PC Obsiye" to "PC Quick," but PC Obsiye was not in the station for the alleged strip search, and PC Quick was never met by the defendant, never conducted any arrest, and never conducted any interview.
2) The alleged inconsistence raises questions regarding continuity and chain of responsibility.

F. Custody Log Falsely Records Presence of An Appropriate Adult:

1) No Appropriate Adult re attended after the interview. A Section 9 statement confirms this.
2) Custody CCTV (if disclosed) will contradict the custody record.

G. Custody Log Contradicts BWV And Officer Statements:

1) Timings, dates, identity, and events do not match officers' accounts.

4. **MG11 WITNESS STATEMENTS "COMPLAINANT AND OFFICERS:**
   - **A. Unsigned MG11 From the Complainant:**
     1) No signature, no declaration of truth, inadmissible under CJA 2003 s.9.
   - **B. Backdated MG11s:**
     1) Metadata and timeline analysis show dates inconsistent with events.
   - **C. Multiple Contradictory MG11s From the Complainant:**
     1) Three versions with incompatible timelines and narratives.
   - **D. MG11 Inserted into Case Ratio Months Later:**
     1) Not present in early disclosure; added retrospectively.
   - **E. Officer MG11s Contradict BWV, Custody Logs, And Each Other:**
     1) Inconsistent badge numbers, call signs, and timelines.
   - **F. Officer MG11s Rely on An Offence That No Longer Existed:**
     1) Statements refer to Section 4A after it was removed.

5. **BODY WORN VIDEO AND INTERVIEW FOOTAGE:**
   - **A. Missing BWV From At Least Seven Officers Present:**
     1) Only one partial recording disclosed.
   - **B. BWV Disclosed Is Incomplete and Misleading:**
     1) Shows only one officer leaving the flat; does not show the arrest.
   - **C. 95% Of Interview Footage Missing:**
     1) Only final 2 minutes disclosed; solicitor-requested break used to cut recording.
   - **D. BWV Contradicts Officer Statements:**
     1) Timing, actions, and presence of officers do not match.
   - **E. RO1 Harassment Video Misused in S4A Interview and Substituted Charge:**
     1) The RO1 video was created for a harassment arrest, not S4A, and was shown during interview despite appearing unrelated to the S4A.
     2) Harassment was NFA'd, making the RO1 video irrelevant and inadmissible.
     3) CPS used this video to support a substituted charge created after custody.

6. **D. DISCLOSURE FAILURES "CPIA 1996:**
   - **A. Missing MG5 Case Summary:**
     1) Required for lawful charge creation.
   - **B. Missing MG4 risk assessment for substituted charge:**
     1) Tagging imposed without lawful basis.
   - **C. Missing unused material schedules:**
     1) No MG6C, MG6D, or MG6E provided.
   - **D. Missing custody CCTV:**
     1) Required to verify custody record accuracy.
   - **E. Missing tag breach logs from Serco:**

1) Necessary to prove alleged breaches.

F. Missing witness attendance records:

1) Defence witnesses not arranged despite requests.

G. Missing CPS Case Ratio versions:

1) Early versions withheld; later versions reconstructed.

H. CPS Served New Disclosure One Day Before Trial "23/02/26:

1) Unlawful late service; violates CRIMPR 8.3, CPIA, and Article 6.
2) Contained new evidence, new statements, and new bail conditions.

7. Evidence from Discontinued Case 2 "Assault on Police:

A. Case 2 (01YE1300125) was discontinued on 30/01/26:

1) Yet CPS continues to include its evidence in Case 1.

B. Officer statements from Case 2 included in Case 1 bundle:

1) Prejudicial and unlawful.

C. PNC Entries from Case 2 Included:

1) Misleading and irrelevant.

D. BWV References from Case 2 Included:

1) Not admissible.

E. Tag Breach Allegations from Case 2 Included:

1) Proven to be Serco errors.

F. CPS Mixed Case 1 And Case 2 Evidence:

1) Police statements, bail conditions, and timelines from Case 2 were inserted into Case 1 disclosure.
2) This contaminates the evidence and misleads the court.

G. CPS Added Bail Conditions After Case 2 Was Discontinued:

1) Bail conditions cannot be revived, transferred, or served again after discontinuance.

8. Bail and Tagging Irregularities:

A. GPS Tag Imposed on The Wrong Offence:

1) Section 4A contains no violence, tagging disproportionate and unlawful.

B. Tagging imposed on an NFA'd URN:

1) No lawful basis for monitoring.

C. Serco Mismanagement Leads to False Breaches:

1) Lost charger, false alerts, system errors.

D. Wrongful Arrests for Alleged Tag Breaches:

1) Arrests based on Serco faults, not defendant conduct.

E. Court Issued Bail Conditions Without Paperwork:

1) No written confirmation provided.

F. **CPS Used Tag Related Police Statements from Case 2 To Prejudice Case 1**:
   1) Tag was ONLY attached to Case 1; Case 2 never had a tag.
   2) CPS used Case 2 police statements to make the defendant appear non-compliant.

9. Solicitor and CPS Procedural Failures:

A. **CPS Served Documents Directly on Defendants During Section 38 Representation:**
   1) Service Requiring Clarification.

B. **Cps Falsely Claimed No Defence Statement Was Received:**
   1) Contradicted by defence bundle, emails, and timestamps.

C. **Solicitors Refused to Disclose BWV:**
   1) Despite acknowledging its existence.

D. **Solicitors Inserted Words into Statements Not Said by Defendants:**
   1) Procedural misconduct.

E. **Solicitors Refused to Allow Defendants to Read or Amend Own Statement:**
   1) Breach of legal rights.

F. **CPS Relied on A Fake Representation Order Created by Tuckers:**
   1) Disclosure served through an invalid representative is void.

G. **Cps Served Disclosure Through Section 38 Only "Mc Lartys:**
   1) Section 38 is not legal representation and cannot accept disclosure.

10. Evidence Reliability and Fair Trial Concerns:

A. **Evidence Constructed Retrospectively:**
   1) Case Ratio created months late; documents inserted later.

B. **Chain Of Custody Broken:**
   1) Files created after events, metadata inconsistent.

C. **Timeline Impossibilities:**
   1) Delivery times, witness accounts, and police arrival windows do not match.

D. **Complainant's Account Contradicted by Physical Evidence:**
   1) Just Eat timestamps, phone logs, witness presence.

E. **Procedural Unfairness Throughout:**
   1) Defendants denied solicitors, denied appropriate adult, denied disclosure.

11. CPS DISCLOSURE AND CASE MANAGEMENT CONCERNS ALLEGED STAFF MISCONDUCT, FALSE STATEMENTS, UNLAWFUL SERVICE & CONTAMINATED EVIDENCE:

A. **CPS Staff Repeatedly Made False Statements About Defence Disclosure:**
   1) CPS claimed "no defence statement was received" despite email proof, timestamps, and full defence bundle service.

B. **CPS Reviewing Lawyer (Johann Rainbird) Certified a Review That Was Impossible:**
   1) No lawful disclosure had been served.
   2) MG4/MG5 for the substituted charge did not exist.
   3) BWV and interview footage were missing.

4) Case 2 was discontinued.
5) Evidence was mixed between cases.
6) The URN was reused unlawfully.

C. CPS Advocate (Maria Culling, Blackfriars Chambers) Relied on Unlawfully Served and Contaminated Evidence:

1) Served through an invalid solicitor (Tuckers).
2) Served through Section 38 only (Mc Lartys).
3) Contained Case 2 material after discontinuance.
4) Contained substituted-charge paperwork created after custody.
5) Contained unsigned, backdated MG11s.

D. CPS Senior Operations Manager (Kerry Collett) Oversaw Unlawful Service:

1) Disclosure served through a fake Representation Order.
2) Disclosure served through Section 38 only.
3) Disclosure served directly on the defendant.
4) Disclosure served after discontinuance.
5) Disclosure served one day before trial.

E. CPS Mixed Case 1 and Case 2 Evidence Under Staff Supervision:

1) Police statements, bail conditions, PNC entries, and BWV references from Case 2 were inserted into Case 1 disclosure.

F. CPS Staff Used Discontinued Case Material to Support a Live Charge:

1) Case 2 was discontinued on 30/01/26, yet its evidence was used to support Case 1.

G. CPS Staff Added Bail Conditions After Discontinuance:

1) Bail conditions cannot be revived, transferred, or served again after discontinuance.

H. CPS Staff Used the RO1 Harassment Video to Support the Substituted Charge:

1) RO1 video was for harassment, not S4A.
2) Harassment was NFA'd.
3) CPS used this video to support a charge created after custody.

I. CPS Staff Are Under Active SRA Investigation:

1) Evidence managed by staff under regulatory investigation is unreliable.

J. The Defence Submits That Those Categories of Evidence Affected by The Identified Procedural Irregularities Should Be Excluded Under Section 78.:

1) Due to false statements, unlawful service, mixed-case contamination, and regulatory investigation, all CPS-managed evidence is unsafe.



(Signed) Mr. Simon Paul CORDELL)
(Dated) 19/10/2026

I. https://everyonelogginto.me/01.%2002-08-2025-Another-Case/03.%20BUILT%20FOR%20COURT/0.1.%20Case1%20and%20Case2%20Chronological%20Pagination%20CASE%201%20Index.pdf
II. https://everyonelogginto.me/01.%2002-08-2025-Another-Case/03.%20BUILT%20FOR%20COURT/0.4%20Timeline%20Of%20Events%20-Summery%20of%20Emails%20and%20Correspondence.pdf