

BETWEEN:

REGINA

Prosecution

- v -

SIMON CORDELL

Defendant

**DEFENCE STATEMENT PURSUANT
TO SECTION 5 OF THE CRIMINAL
PROCEDURE AND INVESTIGATION ACT
1996**

1. This statement is made without prejudice to the Defendant's right to require the Prosecution, to prove by evidence, all the essential elements of the case against him.

The above named Defendant faces an Indictment containing 1 count, namely: - Burglary contrary to section 9(1)(b) of the Theft Act 1968.

2. GENERAL NATURE OF THE DEFENCE

3. The Defendant denies entering the building as a trespasser. The Defendant will state that Moses Howe requested to hire his sound system for a party on 4th May 2013 at a warehouse in Bianca Road, London,
4. The Defendant will state that he attended the warehouse and was met by local police officers and the occupiers. The Defendant will state he confirmed to local police officers that he was there for a private party. He was admitted through the gates by the occupiers / squatters.

5. The Defendant will state that when he entered the middle building he noticed a considerable amount of graffiti. He also noticed a hole in a wall to his immediate left (after driving in) and a large hole to the right hand side. The Defendant will state that he did not cause the damage to the holes in the walls. This was damage that was already caused and the Defendant believes that this damage was caused back on February 16th 2013 when an illegal rave took place. The Defendant will state that he was not present for this illegal rave back in February 2013 and he will state that he was in a different part of London attending another party on Star Lane, London, SE28.
6. The Defendant will state that he was spoken to by a number of police officers on the 16th February 2013 and they can be potential alibi witnesses for him provided the Prosecution provide the information and Intelligence reports in relation to the party at the Star Lane, London, SE28.
7. The Defendant will state that he did walk into areas of the building that squatters were occupying to ascertain that everyone was okay. The Defendant will state that he did not enter any part of the building that was not occupied by squatters. The Defendant will state that there were notices up on all parts of the building confirming that the commercial premises were being used as a home. The Defendant has no recollection whatsoever of entering a building containing a large quantity of stock.
8. The Defendant will state that he does not know when the squatters started occupying all parts of the building.
9. The Defendant is very clear that he did not remove any items of property from the building on any date between 16th February 2013 or up until the time of his arrest.
10. The Defendant will state that on 4th February 2013 he was stopped in East London by Police in his Transit van index CX52 JRZ. He will

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state that the police looked inside the back of his van and he did not have any stolen property inside his vehicle.

11. The Defendant will state that the gazebo seized from his home address 109 Burncroft Avenue, Enfield, Middlesex, EN3 was not stolen from the premises allegedly burgled on 4th May 2013.
12. The Defendant takes issue with the statement of Mr Rakesh Patel. The Defendant will state that Mr Patel could not have identified the gazebo as the property in which he makes the following comment: "These gazebos were a new bunch of stock that had been ordered by Focus from the Far East and never actually hit the shop floor. This design would never have been on sale by Focus and certainly would not have been in the shops 3-4 years ago." The Defendant will produce an internet search engine at his trial to cast doubt on the truthfulness of this statement by Mr Patel. The Defendant will state that Mr Patel is very much mistaken in relation to his claim.
13. The Defendant will state that he is not responsible for the loss of property to the value of £8220 from the company What Variety Value Choice. The Defendant seeks clarification as to the value of items stolen from the said premises on 16th February 2013 and an inventory of the stolen stock and the value of the items stolen from the said premises during the May offence.
14. The Defendant will state that he bought the gazebos and Venice chairs from a male called Mohamed who was squatting in the premises. The Defendant will state that he does not know from where Mohamed acquired the gazebos and Venice chairs. The Defendant will state that he acquired a receipt from Mohammed.
15. The Defendant will state that Mohammed delivered the said items to his home address and the Defendant proceeded to sell on the items.

16. The Defendant will state that he has seen similar goods on sale on the internet and on Gumtree.
17. The Defendant denies entering as a trespasser the said premises. The Defendant accepts that his DNA may have been found on a can but that this may have been moved at any time during the night of the party on the 4th February 2013. The Defendant denies stealing from the premises and he denies causing any damage to the premises.
18. The Defendant seeks disclosure of the following:-
 - (i) Full CRIS report for all previous burglaries at Unit 3, Horrisons Industrial Estate, Haymerle Road, London, SE15
 - (ii) All SOCO job sheets in relation to all previous burglaries at Unit 3, Horrisons Industrial Estate, Haymerle Road, London, SE15.
 - (iii) Full details, interview tapes and case papers in relation to any other persons arrested in connection with any previous burglaries at Unit 3, Horrisons Industrial Estate, Haymerle Road, London, SE15
 - (iv) Full details of the burglary committed on 16th February 2013 at the same premises, together with details of the company claiming loss, any statement taken from the Director of the company and a copy of the claim made to the insurance company. If this is not something that the Prosecution can disclose then can the loser please provide full details so that the defence can make an application for Third Party Disclosure of the said claim.
 - (v) Full details of the burglary committed on May 2013 at the same premises, together with details of the company claiming loss, any statement

taken from the Director of the company and a copy of the claim made to the insurance company. If this is not something that the Prosecution can disclose then can the loser please provide full details so that the defence can make an application for Third Party Disclosure of the said claim.

- (vi) Confirmation as to the progress made in relation to the arrest of Nemone Jane Pursey including any decision as to charge etc. If Ms Pursey has been arrested and bit charged then the reason for this and also full disclosure of the forensic report in relation to Ms Pursey
- (vii) Previous convictions, cautions etc of Nemone Jane Pursey under her name or any alias name.
- (viii) CCTV from the surrounding area
- (ix) Statements from members of the public confirming their witnessing any partygoers stealing items of furniture
- (x) Confirmation of the number of occasions the Metropolitan Police patrolled the immediate area i.e. the frequency of the drive bys abd whether any officers were actually stationed outside the premises
- (xi) Confirmation of the number of actual visits made by the Police to the premises on the night of the party in May 2013
- (xii) Full CRIS CR3013290/13 i.e. pages 1 – 37 (Pages 37 – 56 have already been served)

19. The Defendant, reserves the right to amend this statement if on receipt of secondary disclosure, further matters require clarification.

Signed: Dated:

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Solicitors for the Defendant

Ref: JW/CORDELL/S/250613/777

**IN THE WOOLWICH CROWN
COURT**

Case no: T20130649

B E T W E E N:

R E G I N A

Prosecution

- v -

SIMON PAUL CORDELL

Defendant

**DEFENCE STATEMENT PURSUANT
TO SECTION 5 OF THE CRIMINAL
PROCEDURE AND INVESTIGATION
ACT 1996**

REPRESENTATION ORDER

Counsel is: Mr Jayotis Lemos
INSTRUCTED ADVOCATE

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