

s9 Statement

STATEMENT OF WITNESS

(CJ ACT 1967, s9: MC ACT 1980, s102: MC COURT RULES, r70)

Statement of :

Age (if under 18): Over 18

Occupation: Duty Solicitor

This statement (consisting of _____ pages 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 anything, which I know to be false, or do not believe to be true.

Signature: _____ **Dated this** _____

EXPERIENCE & QUALIFICATIONS

1. My Duty Solicitor pin number is _____. My Law Society Roll Number is _____. I was admitted onto the roll as a qualified solicitor on 3rd April 2006. I qualified as an accredited police station representative in 2003 and as a Duty Solicitor in 2007. I am required to keep up to date with law by an ongoing process of training know as Continuous Professional Development (CPD). I maintain a record of my CPD points.
2. Since July 2007 I have worked as an independent solicitor. In effect I work as a locum or agent. I routinely represent various firms at police stations and Magistrate's Court around the UK.
3. In June 2009 I relocated my business from Leicester to London. I have accepted instructions from _____ Solicitors on an frequent basis. We have an ongoing and I hope mutually beneficial professional relationship.

ATTENDANCE ON _____

4. In order to prepare this s9 statement I was provided by MB Defence with a photocopy of both my contemporaneous notes. I recognise the writing as my own. I was not provided with my proforma front sheet or with the Custody Record.
5. I represented _____ on 16th May 2010. I was instructed at 14:45 and attended _____

Signature: _____ **Dated this** _____

Police Station at 15:30. I spoke to _____ in private consultation at at the Police Station at 16:25. This was after I had obtained a copy of the Custody Record and been given disclosure by the Investigating Officer.

6. In disclosure with _____ at 16:10 I was informed of the basic outline of the offence. The offence was a relatively straight forward matter of theft from an employer. Goods had been taken from a loading bay at Marks & Spencer and placed inside a suitcase. The suitcase was then placed in a car.
7. However, the police officer explained that there had been a search of the client's home. Around twenty suitcases had been found. These contained goods that had also been taken from the employer. The police had not seized the goods as one would expect. As I recall he was flabbergasted as to why they had not seized the goods.
8. I was informed that if the client agreed to the police returning to his home and recovering the property it would be returned to Marks & Spencer and he would not be prosecuted for any offences relating to the property found at his home.
9. In private consultation some moments later the client agreed to this course of action in principal. _____ informed me that he wholly admitted he had stolen goods from his employers.
10. All clients interviewed under caution have various matters explained to them by their solicitor. This client was advised on the evidence (based on the disclosure provided by the police), the elements of the offences and the weight of this evidence. I also explained the court, CPS, shadow charging and police procedures. The caution was explained and I explained that I was providing free and independent legal advice.
11. Ordinarily a client would sign my proforma attendance form. The second page of my form is on the back of the first but it has not been provided to me. I recall that the client signed my standard form to confirm that he had received advice and had understood it.
12. My advice was that the client should, in the circumstances, give a no comment interview. The client had no defence, I explained the caution and the effect of a negative inference at court. There was clearly a risk of self-incrimination. On balance it would be better to make no comment at this stage but to preserve his position.
13. At 17:00, prior to interview, we were told that the police would now carry out a second search. The police officer was concerned that a second search was unlawful as was I. As I recall the police took the view that the second search might be unlawful but that was a matter that would be resolved at court. I was concerned that the client already had a reasonable expectation in relation to the goods recovered from his home and this may amount to an abuse of process.
14. At 17:18 an interview commenced. The client replied no comment throughout.

Signature: _____

Dated this _____