

Activity 7 – Resource 7b

CASE SUMMARY

URN

30	D	363564	09
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R v Sheppard and Barnes

Page 1 of 1

Offence **Theft and / or Arson**

Time/ Date **Tuesday 6 January 2009 at approx 6.15pm**

Circumstances

The police were called after a report that a red Honda Civic had been stolen with the keys left in the ignition. Two males were seen to enter the vehicle and drive off.

There are two witnesses, one independent witness Sue Jones who had an unobstructed view from her retail premises in King's Road. Then the I/P Mr David Sherwood. Neither witness can make a positive identification and both say that they would not be able to recognise the males if an ID parade was given. A third witness Miss Cheryl Spiers has made a positive identification of the males, but is reluctant to make a statement; she has stated that if she does make a statement she will not attend court and give evidence.

The car is reported later that evening to be burnt out on the other side of town. A witness, Mrs Joan Rice, is able to give a further description of the offenders but again said that she would be unable to identify the males as it was dark and raining, and the offenders were wearing baseball caps.

In the rear of the burnt out vehicle was Mr Sherwood's daughter's specially adapted wheelchair. This has proved a huge concern for the family as without this aid their daughter is housebound. The case has attracted media attention as the car was uninsured due to the keys being left in the ignition and the insurers will not pay out for the car nor the wheelchair (wheelchair estimated replacement cost £2000).

Barnes states in his first interview that he had not been with Sheppard at all that night but said that he knew that the car had been stolen and he had his suspicions who had done it. He gave the name Tommy Harris as the offender. Subsequent enquiries lead us to believe that Tommy Harris was in Spain at the time of offence and had been for the three weeks prior to this, therefore eliminating him.

Sheppard states in interview that he had been with Barnes and in the area, but they had only been to the rental shop and rented a game. When asked which game he had rented he gives a completely different account to Barnes'. On re-interview Sheppard states that he had actually seen Barnes and that they had been to the chip shop and rented a game.

I submit this file for review.

PC 2676 Dixon

Order on conviction <input type="checkbox"/>	Compensation <input type="checkbox"/>	Forfeiture/Destruction Order <input type="checkbox"/>	Asset Recovery Case <input type="checkbox"/>
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(Exclusion/ASBO/Restraining Order)

Date of Completion (x) box if required

RESTRICTED (when complete)

WITNESS STATEMENT

(C J Act 1967, s.9; MC Act 1980, s, s.5A(3) (a) and 5B; MC Rules 1981, r.70)

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Statement of: **David John SHERWOOD**

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

Occupation: **Fireman**

This statement (consisting of 1 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.

Signature: *David Sherwood*

Date: 06/01/2009

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person and reside at the address overleaf.

My name is David John Sherwood, date of birth 14/01/1970. I reside at the address overleaf.

On 6th January 2009, at approximately 6.15pm, the evening was dark and it was raining. I drove my red Honda Civic, registration number T123 FTW, in the direction of Sunnyville. I turned into the High Street, and then onto King's Road. I parked my vehicle alongside the kerb outside Barclays Bank. I left the keys in the ignition, and the engine running. I got out of the car and dashed to the cash machine to obtain money. As I was finishing the transaction, I turned round to get back into my vehicle. At this point, I noticed two males getting into the vehicle. Both of the males were wearing baseball caps. The male entering the driver's side was wearing a green baseball cap, a blue sweatshirt, a grey pair of jogging bottoms and white trainers. The male on the other side of the vehicle was wearing a blue baseball cap and a red sweatshirt. I couldn't see any more of the second male as the vehicle was obscuring my view.

The car had been parked under street lighting so the visibility was good. As I ran towards the car, they sped off at high speed. This is the last time I saw my vehicle. My vehicle is valued at £2500.

In the boot of the car I had my daughter's specially adapted wheelchair. No-one had the right to use my vehicle without seeking my permission. I don't think I would be able to recognise the males if I were to see them again. I will abide by any decision that is made to prosecute this case. If required to do so, I am willing to attend court and give evidence as a witness.

Signature:

Signature witnessed by:

RESTRICTED (when complete)

WITNESS STATEMENT

(C J Act 1967, s.9; MC Act 1980, s, s.5A(3) (a) and 5B; MC Rules 1981, r.70)

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Statement of: **Sue Louise JONES**

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

Occupation: **Store Owner**

This statement (consisting of 1 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.

Signature: *Sue Jones*

Date: 07/01/2009

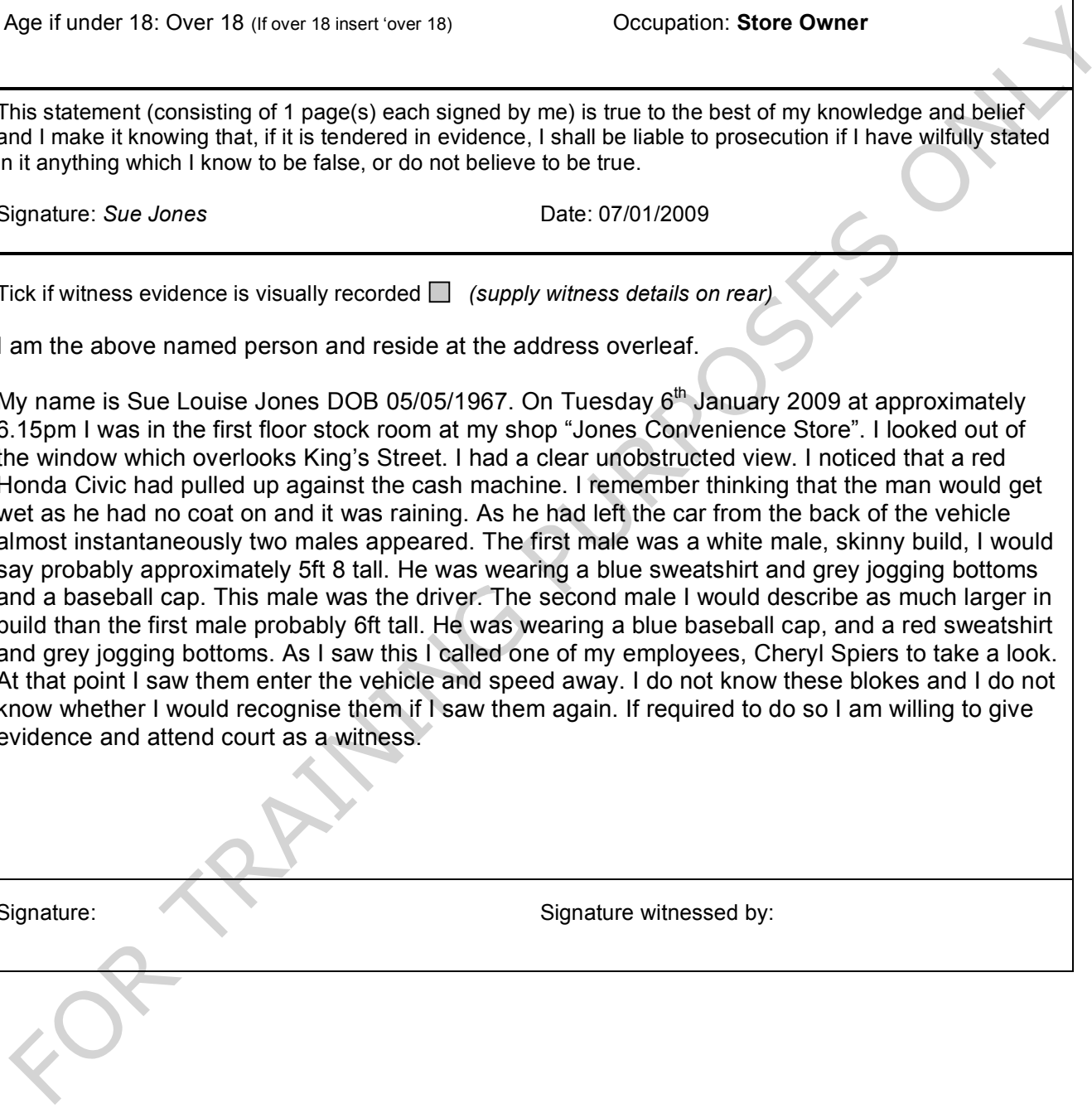
Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person and reside at the address overleaf.

My name is Sue Louise Jones DOB 05/05/1967. On Tuesday 6th January 2009 at approximately 6.15pm I was in the first floor stock room at my shop "Jones Convenience Store". I looked out of the window which overlooks King's Street. I had a clear unobstructed view. I noticed that a red Honda Civic had pulled up against the cash machine. I remember thinking that the man would get wet as he had no coat on and it was raining. As he had left the car from the back of the vehicle almost instantaneously two males appeared. The first male was a white male, skinny build, I would say probably approximately 5ft 8 tall. He was wearing a blue sweatshirt and grey jogging bottoms and a baseball cap. This male was the driver. The second male I would describe as much larger in build than the first male probably 6ft tall. He was wearing a blue baseball cap, and a red sweatshirt and grey jogging bottoms. As I saw this I called one of my employees, Cheryl Spiers to take a look. At that point I saw them enter the vehicle and speed away. I do not know these blokes and I do not know whether I would recognise them if I saw them again. If required to do so I am willing to give evidence and attend court as a witness.

Signature:

Signature witnessed by:



RESTRICTED (when complete)

WITNESS STATEMENT

(C J Act 1967, s.9; MC Act 1980, s, s.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: **Joan Margaret RICE**

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

Occupation: **Retired**

This statement (consisting of 1 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.

Signature: *J Rice*

Date: 07/01/09

Tick if witness evidence is visually recorded (supply witness details on rear)

My name is Joan Margaret Rice DOB 12/09/1940. I reside at the address overleaf. On the 6th January I was disturbed at approx 7pm by a loud screeching noise. Behind my property I have a direct view of some waste ground; I think it belongs to the council. As I looked through my bedroom window I saw that there was a car on fire. I went downstairs and rang for the fire brigade and the police. As the only way to enter that waste ground walking or in a vehicle is past the side of my house. I knew that the people who had done this were going to run past my fence.

As I opened my door I saw two boys. I would describe them as follows: The first was a white man, skinny build, I would say probably maybe 5ft 8" tall. He was wearing a blue top some grey jogging bottoms and a baseball cap. The second man I would describe as much bigger in build than the first man and probably about 6ft tall and he was wearing blue baseball cap, and a red top and grey jogging bottoms. The visibility was poor although as they ran past my house they triggered the sensor on my light and I was able to gain a right clear view of them; however, this was from the back. I don't think that I would be able to identify these men if I were to see them again. If required to do so I am willing to attend court as a witness and give evidence.

Signature:

Signature witnessed by:

RESTRICTED (when complete)

Personal Interviewed: Charlie Edward Barnes

Page No: 1 of 2

RECORD OF INTERVIEWURN **30 D 36356 09**

SDN/ROTI/Contemporaneous Notes/Index of Interview with VIW/Visually recorded interview (delete as applicable)

Person Interviewed: **Charlie Edward BARNES**Police Exhibit No: **12/TYY/129127**Place of Interview: **Park Road Police Station**

Number of Pages: 2

Date of Interview: **13/01/2009**

Signature of interviewing office producing exhibit

Time Commenced: **13:06**Time concluded: **13.08**Duration of Interview: **2mins 16secs**Audio tape reference nos. (♦): **12/tyy/129127**

Visual image reference nos. (♦):

Interviewing Officer(s): **PC 2676 Dixon**Other persons present: **Solicitor Mr Aldecar**

Tape counter times (♦)	Person speaking	Text
13:06	PC 2676 Dixon	Introduction and Caution in accordance with PACE. PC Dixon reminds Barnes that he was arrested in connection with theft of a motor vehicle from King's Road. Barnes gives his account of his movements on the night of 6 January 2009.
	Barnes	Right, let me break this down for you. I was meeting up with Shep (Craig Sheppard) he was at his girlfriend Emma's house but said that he would be leaving there at about five cause her Mum and Dad were due home from work. He said that he would meet me at the chippy. I waited there for time man and he never showed so then I gets a text saying that Emma's Mum and Dad were out for a meal after work so he wouldn't be coming up town.
	PC 2676 Dixon	So what did you do then?
	Barnes	Went home, saw Eddie on the way, went to his house.
	PC 2676 Dixon	Did you at any time during that evening see an unattended red Honda Civic registration T123 FTW?
	Barnes	No idea, but if you're on about the car that's been nicked it ain't me it's Tommy Harris.

RESTRICTED (when complete)

Personal Interviewed: Charlie Edward Barnes

Page No: 2 of 2

Tape counter times(◆)	Person speaking	Text
	PC 2676	Well, you have brought up an interesting couple of points there Charlie. Firstly, you say that you believe that this crime may have been committed by Tommy Harris what makes you say that?
	Barnes	He hates me dunne. Ever since we had a scrap about his girl he has got it in for me ... and Tommy Harris he nicks cars so I reckon that's your man.
	PC 2676	Do you have any other proof that Tommy Harris may have stolen the car?
	Barnes	He's got previous so it's got've been him
	PC 2676	So let's get back to where you say that you were on the evening of 6th January 2009, you said that you met a friend called Eddie and you hung around at his house? Was anyone else there?
	Barnes	No just me and Eddie.
	PC 2676	What were you wearing, Charlie?
	Barnes	Ah, what you saying 'what were you wearing?' can't remember.
	PC 2676	Did you at any time that evening take red Honda Civic registration T123 FTW?
	Barnes	No. I told you it weren't me.
	PC 2676	Ok, this interview will now be concluded, but we now need to make further enquiries and will be interviewing you again.
13:08		Interview concluded.

RESTRICTED (when complete)

Personal Interviewed: Craig Sheppard

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RECORD OF INTERVIEW

URN **30 D 36356 09**

SDN/ROTI/Contemporaneous Notes/Index of Interview with VIW/Visually recorded interview (delete as applicable)

Person Interviewed: **Craig SHEPPARD**

Place of Interview: **Park Road Police Station**

Date of Interview: **13/01/2009**

Time Commenced: **14:06**

Duration of Interview: **2mins 16secs**

Audio tape reference nos. (♦): **12/tyy/129135**

Interviewing Officer(s): **PC 2676 Dixon**

Other persons present: **Solicitor Mr Hanshaw**

Police Exhibit No: **06/DD.Q23129/01**

Number of Pages: **4**

Signature of interviewing office producing exhibit

Time concluded: **14.09**

Visual image reference nos. (♦):

Tape counter times(♦)	Person speaking	Text
13:06	PC 2676 Dixon	Introduction and Caution in accordance with PACE. PC Dixon reminds Sheppard that he was arrested in connection with theft of a motor vehicle from King's Road. Sheppard gives his account of his movements on the night of 6 January 2009.
	Sheppard	I was at my girlfriend Emma Lowe's house. Then I went up town to meet Barney (Craig Barnes).
	DC2676	So did you meet him?
	Sheppard	Yeah.
	DC 2676	At what time?
	Sheppard	Can't remember.

RESTRICTED (when complete)

Personal Interviewed: Craig Sheppard

Page No: 2 of 4

Tape counter times(◆)	Person speaking	Text
	DC 2676	So what did you do then?
	Sheppard	Went to the chippy. Then went to rent a game.
	DC 2676	Which chippy did you go to?
	Sheppard	Just a chippy we passed.
	DC2676	Do you go there often? Are you known there?
	Sheppard	No.
	DC2676	Where was the game from?
	Sheppard	A place in town.
	DC2676	Have you rented a game from there before?
	Sheppard	Maybe, can't remember.
	DC2676	What was the game you rented?
	Sheppard	Call of Duty
	DC 2676	What did you do then?
	Sheppard	We went up to Barney's and played the game.

RESTRICTED (when complete)

Personal Interviewed: Craig Sheppard

Page No: 3 of 4

Tape counter times(◆)	Person speaking	Text
	DC2676	And how did you get there?
	Sheppard	Walked
	DC2676	What time did you arrive and how long did you stay at Barney's house?
	Sheppard	I don't know exactly, didn't, well, check my watch
	DC2676	Did you play the game?
	Sheppard	Yeah
	DC2676	What else did you do?
	Sheppard	Dunno, nothing
	PC2676	What did you do after Barney's house?
	Sheppard	I went straight home.
	PC2676	Was anyone else with you?
	Sheppard	No
	PC2676	How did you get home?
	Sheppard	Walked

RESTRICTED (when complete)Personal Interviewed: **Craig Sheppard**Page No: **4 of 4**

Tape counter times(◆)	Person speaking	Text
	PC2676	Did you at any time during that evening see an unattended red Honda Civic registration T123 FTW?
	Sheppard	Don't remember
	PC2676	What were you wearing?
	Sheppard	I don't remember.
	PC2676	Did you at any time sit in any car?
	Sheppard	No. I said I walked.
	PC 2676	Did you at any time that evening take red Honda Civic registration T123 FTW?
	Sheppard	No.
	PC 2676	This interview will now be concluded. However, we now need to make further enquiries and may need to interview you later.
14:09		Interview concluded.

RESTRICTED (when complete)

Personal Interviewed: Charles Edward Barnes

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RECORD OF INTERVIEW

URN

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SDN/ROTI/Contemporaneous Notes/Index of Interview with VIW/Visually recorded interview (delete as applicable)

Person Interviewed: **Charlie Edward BARNES**

Police Exhibit No: **12/GFD/135**

Place of Interview: **Park Road Police Station**

Number of Pages: **2**

Date of Interview: **23/01/2009**

Signature of interviewing office producing exhibit

Time Commenced: **12:06**

Time concluded: **12.08**

Duration of Interview: **2mins 16secs**

Audio tape reference nos. (♦): **12/tyy/12gfd135**

Visual image reference nos. (♦):

Interviewing Officer(s): **PC 2676 Dixon**

Other persons present: **Solicitor Mr Aldecar**

Tape counter times(♦)	Person speaking	Text
-	PC 2676 Dixon	Introduction and Caution in accordance with PACE. PC Dixon reminds Barnes that he has returned in connection with theft of a motor vehicle from King's Road. Ok Charlie you may remember the last time we spoke that you mentioned that Tommy Harris was responsible for the theft of the Honda Civic. I can confirm that Tommy Harris is at present in Spain and has been for the last three weeks. So he has now been eliminated from our enquiries. Going back to the night of 6 th January 2009, I have been given further information to suggest that you visited "Eric's Game Store". Can you confirm that you visited the store?
	Barnes	Err ... I might of done.
	DC 2676	With Craig Sheppard?
	Barnes	Erm yeah I think I did. We got err Grand Theft Auto, it's mint innit, have you played it?

Tape counter times(◆)	Person speaking	Text
	PC 2676	No...Getting back, have you been to that game store before?
	Barnes	Yeah, I think so.
	PC 2676	Would the staff in the store recognise you?
	Barnes	Doubt it. The staff don't even recognise each other let alone the customers, you get me.
	DC 2676	So you were with Sheppard all night?
	Barnes	Err ... no not all night, I were only with him a bit of the night.
	DC2676	So can you just go over it with me what were your movements for that night?
	Barnes	I don't want to talk about it man, boring
	DC2676	Did you at any time see a red Honda Civic registration T123 FTW?
	Barnes	You have asked me that one already so I'm not answering it
	DC2676	I need to know your movements on this particular night Charlie, how long exactly did you spend with Craig Sheppard on the night of 6th January 2009?
	Barnes	I ain't frightened of you man, so no comment
	DC2676	Did you at any time drive a red Honda Civic registration T123 FTW?
	Barnes	No comment
	DC 2676	This interview will now be concluded
12.08		Interview concluded.

Not Disclosable

REPORT TO CROWN PROSECUTOR FOR CHARGING DECISION DECISION LOG & ACTION PLAN

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REPORT TO CROWN PROSECUTOR
(FOR POLICE COMPLETION)

URN

30	D	363564	09
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Suspect (1)Surname: **Barnes**Forename(s): **Charlie Andrew**D.O.B: **19/07/1990** Male Female Ethnicity code (self determined 16 point + 1): **W1**PPO PYO YO

Bad Character Evidence: Y / N Dangerous Offender Y / N

Custody Ref: **363564**

Return bail date:

Proposed charges: **Theft and / or Arson****Suspect (2)**Surname: **Sheppard**Forename(s): **Craig**D.O.B: **07/03/1991** Male Female Ethnicity code (self determined 16 point + 1): **W1**PPO PYO YO

Bad Character Evidence: Y / N Dangerous Offender Y / N

Custody Ref: **363564**

Return bail date:

Proposed charges: **Theft and/or arson****Material provided to CPS** (indicate if attached)

	Date of item		Date of item
MG2 Special Measures Assessment (VIW)		MG13 Order(s) on Conviction	
Statement of: D.J.Sherwood		Pocket note book / Incident report book: PC Dixon	
Statement of: S.L.Jones		Police incident log:	
Statement of: J.M.Rice		Video/photographs:	
Interview record: Barnes and Sheppard		Previous convictions / disposals:	
Forensic / expert evidence:		MG17 POCA Property or Financial gain	

Contact detailsOfficer completing: **Dixon** Rank / Job title: **PC 2676** Signature:Station: **Park Road** Tel: **5277 634900** Mob: **04455678910** e-mail: **dixonpc@schoolproj.cps**OIC name (if different from above): **n/a**

Date:

Not Disclosable

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**REPORT TO CROWN PROSECUTOR
(FOR POLICE COMPLETION)**

URN

30

D

363564

09

Outline of circumstances and decision / advice sought *(unless verbal report given)*

(Consider: time limit on proceedings (if applicable); strengths and weaknesses of case; possible lines of defence; witness statement; public safety / bail issues; disclosure; any financial or asset recovery issues; orders on conviction; public interest).

Shortly after 6.15pm on 06/01/09 a Honda Civic VRM T123 FTW was parked on King's Road whilst the owner went to the cash machine. The keys were in the ignition and the engine was running. Two males got into the car and drove off. The car was found abandoned and on fire at about 7.00pm the same day on waste ground at Hopeton. In the rear of the burnt out vehicle was Mr Sherwood's daughter's specially adapted wheelchair. This has proved a huge concern for the family as without this aid their daughter is housebound. The case has attracted media publicity as the car was uninsured due to the keys being left in the ignition. The insurance company have refused to pay out for the car and the wheelchair, (wheelchair estimated replacement cost £2000).

David Sherwood – saw two youths get into his car and drive off, but cannot identify them.

Sue Jones – saw two youths get into the car and drive off. She told Cheryl Spiers to take a look. She cannot identify anyone.

Cheryl Spiers – saw two youths get into the car and drive off. She identified them as the two suspects, but is reluctant to make a statement or give evidence.

Joan Rice – saw the car on fire and called the police. She saw two youths near the car but cannot identify them.

Ben Shalfleet – recovered the Honda Civic

PC 3129 Kemp – attended the initial report and saw the Honda Civic on fire.

PC 2676 Dixon – arrested both suspects and interviewed them.

PC 1342 Matthews – arrested Barnes

Barnes states in his first interview that he had not been with Sheppard at all that night but said that he knew that the car had been stolen and he had his suspicions who had done it. He gave the name Tommy Harris as the offender. Subsequent enquiries lead us to believe that Tommy Harris was in Spain at the time of arrest and had been for the three weeks prior to the offence, therefore eliminating him. On re-interview Barnes states that he had actually seen Sheppard and that they had been to the chip shop and rented a game.

Sheppard states in interview that he had been with Barnes and in the area, but they had only been to the game shop and rented a game. When asked about which game he hired he gives a completely different account to Barnes.

There is no fingerprint or forensic evidence available.

Neither suspect has any previous convictions.

I submit this file for pre charge advice.

PC 2676 Dixon.

(Continue on separate sheet if necessary)

Supervisor's comments *(if applicable)*

Evidential test passed – a witness has identified both suspects as being responsible for taking the vehicle.

The case is ready for CPS review.

D.Crockett (ERO)

Supervisor's name *(print)*:

Signature:.

CHARGING DECISION/ADVICE & CASE ACTION PLAN
(FOR CPS COMPLETION)

URN

30

S

363564

09

Full Code Test

Threshold Test

Investigative Advice

Charging decision and advice, specifying or attaching charges (refer to documents / evidence seen, decision on offences)

Case Analysis / Evidential Issues

Evidential Criteria

Public Interest

Mode of Trial

ECHR

NWNJ (consider pre-trial interview with witness)

Instructions to Court Prosecutor

Other Case Issues (DPP consent etc.)

Charge(s)

(Continue on separate sheet if necessary)

**CHARGING DECISION/ADVICE & CASE ACTION PLAN
(FOR CPS COMPLETION)**

URN

30	S	363564	09
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Prosecutor to indicate general nature of decision and advice *(Tick one box only)*

Code	Advice / Decision	Suspect ()	Suspect ()	Code	Advice / Decision	Suspect ()	Suspect ()
A	Charge + request Evidential File			G	TIC		
B	Charge + request Expedited File			H	Request further evidence to complete Evidential Report		
B2	CC non-compliance – charge + request Expedited File			I	Request further evidence to complete Expedited Report		
C	Simple caution			J	Early advice further action necessary		
D	Conditional caution			K	No prosecution – Evidential		
D2	CC non-compliance – No prosecution			L	No prosecution – Public Interest		
E	Reprimand			M	Other		
F	Final warning			N	Refer for POCA investigation		
If 'K', enter Evidential code:				If 'C, D, E, F or L', enter Public Interest code:			

Further action agreed:

Action date by:

- | | |
|----|----|
| 1. | 1. |
| 2. | 2. |
| 3. | 3. |
| 4. | 4. |

POCA case (MG17) Y / N Charging review / action date:

Return bail date: PYO Provisional trial date:

Further consultation needed pre-charge: Y / N *(If further consultation necessary, use continuation sheet MG3A)*

Prosecutor name (print): Contact details: Date:

Investigation stage at which advice sought:

Pre arrest Post Arrest Post Interview Post bail for further enqs Bail for charging decision

How advice delivered:

Face to Face Video Conferencing Telephone CPS Direct Written