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IN THE CHESTERFIELD COUNTY COURT

BETWEEN:

CHESTERFIELD COUNTY COURT

MARTIN GLASGOW

Claimant

- v -

AMANDIP SINGH JOHAL

Defendant

CHESTERFIELD COUNTY COURT
- 7 JUL 2010
A/c No: 21722

CLAIM No: 0CD00865

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CLAIMANT

1. Witness Statement

1.1 Defendants Witness Statement

I am the above named person and currently live at the address overleaf.

At 09:00hours today Monday the 5th of June 2006 I went up to Chesterfield North Derbyshire Royal Hospital to visit my Grandmother who is currently a patient on the coronary care unit, having been admitted last night.

My grand mother is in a private room of the main ward, which is circular in shape and I spent most of the day with her in the room with other relatives who dropped in and out throughout the day these, included my mum and dad.

Having spent a good portion of the day there I decided to go home at approximately 15:00 hrs I said goodbye to my grandmother, mum and dad and walked through the double doors off the ward and into a small corridor which leads through to an access controlled door onto the hospital main corridor.

As I got into the corridor I saw three males. I would describe them as:

Male (1) Male/White/ approximately mid 30's/
approximately 5'6" – 5'7"/slim build/clean
shaven hair/wearing glasses/dressed in
a white shirt and I believe jeans

Male (2) Male/White/approximately early 30's/
approximately 6' tall/medium build/light
brown medium length hair pushed forward/
wearing a checked Shirt, I do not recall
any other clothing

Male (3) Male/White/approximately mid 30's/
approximately 5'6" – 5'7"/Slim Build/
I do not recall anything else about him

1.2 Pakistania

I started to walk past the three males when heard male (1) say "Ignorant Paki" I decided to ignore him and carried on walking. As I did I also heard male (2) pipe up "Yeah Ignorant Paki Bastard". At this I turned to my left and said "Excuse Me?" male (1) responded by saying "You Paki's are Ignorant!" I said I'm English, "I'm not a Pakistania". Male (1) responded by getting up off his seat and stood right in my face from no more than a foot away and said to me "You are a Paki".

1.2.1 No police officer taking a witness statement would allow the use of the word Pakistania he/she would ask for clarification and use that? From the word Pakistania alone it can be deduced that this witness statement has not been produced by at the time PC 2574 Matthew Greatorex, but has been produced by the Defendant or the Defendants relatives.

1.2.2 Is this then, as in (2) letter of reply to the Claimants complaint against the police dated 18th February 2008, Page 3, section 6 received from the Professional Standards Department at Ripley where it is stated: The statement is commensurate of the officer's professional approach to statement taking and also the background of the co-defendants own profession.

1.2.3 This then must be the standard of professionalism the Professional Standards Department at Ripley expects of the then PC 2574 Matthew Greatorex?

1.3 Personal Space

At this point I felt that they racially attacking me because of my ethnic appearance and colour of skin and felt very intimidated as male (1) had now stood up and was in my personal space.

1.3.1 Male (1) the Claimant is sat but then decides to stand, that would then be that the Defendant was already in the personal space of the Claimant whether he be sat or stood.

1.3.2 The Defendant a solicitor is using his ethnicity as justification for the bogus assault upon him, where the Defendant a solicitor doesn't take photographs and on that ground alone can only be proof that the Defendant was not assaulted, else a solicitor would have photographs taken immediately if there were any injuries to photograph.

1.4 Forcefully Punched

I then said to Male (1) "Look you sit down, I'm going" because he had given me the impression that he wanted to fight through his words and actions. I then turned to my right and started to walk towards the access controlled doors. As I did and before I could start walking Male (1) punched me with his right fist catching me in my left cheekbone knocking me sideways in the process. I then tried to step backwards towards the door as Male (1) had pulled his right are back again in a motion as if he was ready to hit me again. As I reached for the door he then punched me again forcefully with his right fist catching me in the forehead area.

1.4.1 The Defendant states: I then turned to my right and started to walk towards the access controlled doors.

1.4.2 The Defendant then states: As I did and before I could start walking.

1.4.3 This is contradictory and back peddling in order to fit what is next alleged. How can the Defendant turn to his right, and start walking but then something happens, that is not stated before he turns, and starts walking but happens and is in his statement after he has started walking?

1.4.4 The order of events is the wrong way round.

1.4.5 The Defendant then states: I then tried to step backwards towards the door as Male (1) had pulled his right are back again in a motion as if he was ready to hit me again. As I reached for the door he then punched me again forcefully with his right fist catching me in the forehead area.

1.4.6 If the Claimant had punched the Defendant forcefully to the forehead area the Claimant would have had marks to his hands which would have been noted in, (3) Claimants hospital treatment records, (4) Record of Taped Interview CD and in, (5) Observational statement of PC 2828 Steven James Gilburn.

1.4.7 The legal representative Baz Sanghera of Bashforth & Co solicitors in the early hours of 06th June 2006 who looked very much like Harjinder Johal page 10 - 1.5, Figure 1, who has prosecuted for the CPS in the Magistrates' Court and which appeared in the Derbyshire Times page 11 - 1.6, Figure 2, clearly says what injuries the Claimant has in the Record of Taped Interview, he doesn't make any mention of marks to my hands of the Claimant because he didn't have any, the injuries legal representative identifies are the injuries the Claimant had sustained in the assault perpetrated upon him by the Defendant Amandip Singh Johal .

1.4.8 The Defendant then states: As I reached for the door he then punched me again forcefully with his right fist catching me in the forehead area.

1.4.9 The Defendant again claims that the Claimant punched him forcefully with his right fist catching him in the forehead area, which incidentally also leaves no marks whatsoever to the hands of the Claimant as per the Claimants hospital treatment records, Record of Taped Interview CD and in the observational statement of PC 2828 Steven James Gilburn.

1.5 Figure 1, Ravi, Harjinder & Kuljit Johal

CLASS OF MAY 83, LITTLEOVER SECONDARY SCHOOL, PASTURES HILL, DERBY.

Ravi Johal aka Amandip Johal

Kuljit Johal aka Suki Johal

Harjinder Johal aka Baz Sanghera

1.6 Figure 2, Harjinder Johal prosecuting in the Magistrates' Court

Son in threat tirade at mum

A BOOZY teenager hurled insults and threatened his mother during a chance meeting with her and her mixed-race daughter, Chesterfield magistrates were told.

Jason Tomlinson was walking along Sheffield Road, Stonegravels, on November 18 when he saw his mother with the girl in a pushchair.

"She says she had not been in contact with him for four years since he smashed her house up. He asked her what she was looking at and spat out towards the pushchair.

"He said to her: 'F*** off before I smack you'. 'F*** off with your P**i baby' and 'next time I see you and I'm drunk I'll kill you'," said Harjinder Johal, prosecuting.

Tomlinson (19) currently living with a friend in Talbot Crescent, Hasland, admitted using obscene language in the street and breaching a conditional discharge imposed in July for theft and damage.

He further admitted being in breach of a Young Offenders Institute licence by committing the offence following early release from custody in September.

Tomlinson, who had previous convictions for assault and public disorder, was given a one-month curfew order. He will be electronically tagged to check he stays indoors from 7pm-7am.

He was also ordered to spend three hours in a court cell following the hearing and was fined £50, with £87 costs.

He told the court: "I want to change my ways and if you give me one more chance I will appreciate it."

Kevin Tomlinson, defending, said: "It was an unpleasant incident, although he doesn't accept using some of the language that has been alleged.

"His relationship with his mother has been extremely troubled and sadly he wasn't able to live with her for much of his childhood.

"She has a child from a relationship with an Iraqi national."

Mr Tomlinson added that the offence had been fuelled by alcohol, which was the root cause of much of his offending.

Probation officer Bill Coupland told the court that Tomlinson had been abusive towards probation staff in the past and had called a receptionist a "bitch".

Packing in funding

Generous shoppers have helped raise £580 for a lifesaving charity

Chesterfield's Sainsbury's store allowed St John Ambulance volunteers to fundraise by packing shoppers' bags.

"We at St John Ambulance are very grateful for the donations and support," said Christine Dennis, divisional Superintendent of Chesterfield St John Ambulance.

Festive team set to revive historic canal

Canal enthusiasts are rolling up their sleeves over the festive season to help revive a derelict stretch of waterway.

The Waterways Recovery group is helping to clean-up the Renishaw part of the Chesterfield Canal over the next few days – ending on New Year's Eve.

A spokesman for the group said: "For nearly 100 years the canal at Renishaw has been a prime example of decline, dereliction and decay. There is, however, light at the end of the tunnel."

A 30-strong team will be clearing vegetation from the overgrown canal, The move is the first stage of a scheme to re-open this stretch of canal.

☎ If you would like to help call (01246) 551035.

1.7 Continued to Pull at the Doors

As I was now cornered I tried to defend myself as Male (1) had now been joined by Male (2) and both were punching me violently about the head area. I put my arms up to try and defend the blows. I continued to pull at the doors in an attempt to get out and started to shout for help. At this point I could hear one of them say "Don't let him get out of the door" Male (1) was continuously punching me and as he did I saw Male (2) linging up to punch me again. I was now trying to make my way back through the doors into the ward as both Male (1) and (2) continued to punch me. I tried to shout for help again but they attempted to smother me. As I was now in a lot of pain and really scarred I started to swing my arms about in a frenzied manner to get them off, I may have caught these males in the process.

1.7.1 The Defendant states, Male (1) had now been joined by Male (2) and both were punching me violently about the head area.

1.7.2 Male (1), the Claimant on Monday the 5th June 2006 was a licensed practicing Martial Artist, page 13 - 1.8, Figure 3, which can be verified, who allegedly forcefully and violently punches the Defendant about the face and head area but has no marks to his hands after the alleged incident whatsoever!

1.7.3 The Defendant believed that the one behind might have an injury to his knuckle as he had missed one of the punches and struck the wall according to Record of Taped Interview 1 (page 6 of 10, as shown on page 28, 2.21 of this report), this may account for the reddening and swelling to the left hand of Male (2) Adrian Glasgow. There is no explanation of the absence of marks to the hands of Male (1) the Claimant.

1.7.4 The Defendant is using the excuse of a punch missing him and hitting the wall, in any event 50 to 60 punches about the head and face area as stated in the Defendants Record of Taped Interview, would leave much more markings to the hands than one punch to the wall, if that was so, then why is there no photographic evidence to prove that allegation as surely there would be knuckle marks in the wall.

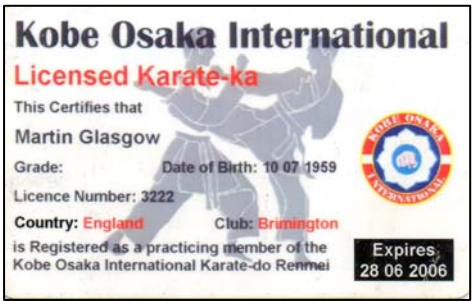
1.7.5 The Defendant states, I continued to pull at the doors in an attempt to get out.

1.7.6 There is no handles to the doors back into the ward of the Coronary Care Unit as can be seen in the photograph on page 48 - 3.6, Figure 4.

1.7.7 The Defendant states, Male (1) was continuously punching me and as he did I saw Male (2) linging up to punch me again. I was now trying to make my way back through the doors into the ward as both Male (1) and (2) continued to punch me.

1.7.8 It is physically impossible for the Claimant not to have any marks whatsoever to his hands from as the Defendant states, Male (1) was continuously punching me.

1.8 Figure 3, Martial Artist Membership License



1.9 Male (1) and I fell through

Eventually I managed to get the door to the ward open and both male (1) and I fell through the door and onto the ward. I stumbled through first and he followed still trying to punch me.

1.9.1 In the Defendants Record of Taped Interview 1, pages 6 of 10, page 2 continued on page 3 , as shown on page 19 - 2.5 of this report, the Defendant states: Eventually I managed to get through the door and as I did the door shut and the guy who was trying to pull me back in, he must have fell forward into the door and the door did shut and looked around to see if there was any Security or call Security but then they all came running out and started, carried on fighting and that's when they carried on punching again.

1.9.2 This is two different explanations by the same person to the same event, to be a good liar you have to have a good memory.

1.10 Punching Him Back

As I stepped back Male (1) continued to lunge forward throwing punches at me. As I was really scarred now I decided to defend myself by punching him back in an attempt to get him off me. Male (2) had also joined in at this point and was also punching me. They were also trying to punch me in my genital area. This continued and we ended up beside a sink where they continued to punch me and I continued to defend myself and was shouting for my dad.

Eventually he came and managed to pull them off me but they continued to try and punch me and carry on fighting. Eventually it did stop when others intervened.

As Male (1) and (2) were still trying to fight me my dad and other relatives managed to escort me out of the ward. I thought the best thing to do was to return home

1.10.1 More punches that leave no marks whatsoever to the hands of the Claimant as per the Claimants hospital treatment records, Record of Taped Interview and in the observational statement of PC 2828 Steven James Gilburn.

1.11 Injuries

As a result of the attack I have received the following injuries:

(1) 3" Cut to my right cheek,
(2) swelling to my nose area,
(3) small cuts to my forehead area
(4) small cut to inside of top lip
(5) bumps, pain and discomfort to my head area,
(6) Pain to my nick area
(7) Pain to my mid, lower back
(8) Bruising to my right inside forearm
(9) Pain to jaw area
(10) Pain to upper chest area

1.12 5 Minute Incident

The whole incident lasted approximately 5 minutes and they were no more than a foot away when Male (1) and (2) assaulted me. Visibility was good and there were and there were no obstructions in my view. They were not previously known to me but I would recognise them again. I remember the incident as I was verbally racially attacked and physically attacked.

1.13 VPS for the Offender

I have been given the victim personal statement (VPS) leaflet and the VPS has been explained to me.

1.14 Personal Statement

What follows is what I wish to say in connection with this matter. I understand that what I say may be used in various ways and that it may be disclosed to the defence.

1.14.1 The attack has left me totally shocked as not only was I racially attacked but also verbally attacked for no apparent reason.

1.15 Summary

Pakistania is commensurate of the officer's professional approach to statement taking in which there is back peddling in order to fit what the Defendant next alleged making the order of events the wrong way round.

The Defendant had been cornered by two assailants where one is a licensed practicing Martial Artist who allegedly has forcefully and violently punches the Defendant and continued to punch him about the face and head area which leave no marks whatsoever to the hands of the Claimant as per the Claimants hospital treatment records, Record of Taped Interview and in the observational statement of PC 2828 Steven James Gilburn.

At the same time as the Defendant is putting his arms up to try and defend the blows at the same time as he continued to pull at the doors in an attempt to get out, there is nothing to pull on, there is no door handle, one doesn't exist in a photograph taken by hospital security

The Defendant alleges amongst the listed set of ten injuries he has a 3inch cut to his right cheek which he doesn't receive medical treatment for?

Instead of waiting for the police to arrive for them to assess the situation or attending Accident And Emergency to having his alleged injuries tendered to, which you would expect a solicitor to do, he runs off home with his Father and other family members that were present.

Defendant

- No hospital treatment
- Ran off and went home
- No photographs immediately or thereabouts taken

Claimant

- No marks to hands whatsoever
- Broken spectacles
- Torn & blood spots on shirt
- Visible physical injuries
- Received Hospital treatment
- Arrested & detained at the police station

1.16 Conclusion

On the balance of probability and the weight of evidence produced through logical analysis of the Witness Statement made by the Defendant and cross-referencing it with his Records of Taped Interviews and the prosecution witness' Witness Statements along with the statement of Adrian Glasgow and information received via the CCRC and police observational statements it can be no other than the Defendant perpetrated the offence of assault on the Claimant and then the Defendant himself or in conjunction his relative/s (Harjinder Johal) were themselves allowed to produce a fraudulent Witness Statement containing Malicious Falsehoods, which was then attributed to the then PC 2574 Matthew Greatorex assigned to Bolsover Constabulary

2. Record of Taped Interview

2.1 Defendants Record of Taped Interview 1

PC McGROGAN - "If you'd like to start by telling me what led to you being at the Hospital on that day and what happened?"

JOHAL - "[...] I was walking through the corridor in the Coronary Care Unit. As I passed some people on the left of me who were seated one of 'em said you ignorant Paki, I can't remember the exact words, 1 think it was ignorant Paki and I ignored that and carried on and the other one said you ignorant Paki bastard. I turned round and said excuse me and then one of them jumped off of a seat, he was a skin head one and came up quite close to my face and said you're a Paki, I says no I'm English, he says no you're a Paki and the other one, the others joined in and said no you're a Paki. He was getting sort of quite aggressive, he was red and he was in my face, he was breathing quite heavily and he was being quite aggressive so I just said to him you sit down I'm going 'cos obviously I could see they was going to escalate the situation 'cos they was I being quite aggressive.

2.2 At one Stage

As I sort of turned around about thirty degrees I got punched in the face by the skin head and I sort of fell backwards and went towards the door to try and escape but he lined up for another punch and hit me again and then the others joined in and then basically they just kept punching and kicking me and so on. I think at that stage they threw me into the corner, they were still punching and still hitting me. At one stage I was on the floor, at another stage I was trying to get through the door you know to try and escape.

2.2.1 This initial part of the Record of taped interview is not credible, the defendant claims he is punched and kicked, thrown into a corner whilst continually being punched and hit.

2.2.2 He then claims at one stage to be on the floor and then trying to get through the door to escape.

2.3 Flailing Arms

One of them was the skin head one I think shouted to the other one don't let him escape [...] and they had hold of my arms so I couldn't get through the door. One of them, not the skinhead, the other one was actually, 'cos obviously there was three of them attacking me, there was very little I could do, 1 was flailing my arms at this stage as well.

2.3.1 The defendant claims ‘they had hold of my arms’, whilst at the same time as being attack by all thee.

2.3.2 At the same time as being restrained through holding his arms he was somehow able to flail them at this stage as well.

2.4 Covering Head

One of them was actually lining his punches up so he was actually stepping backwards while the other one was punching me, I was trying to cover my head and he was punching me like taking his time and punching me so he was really leading into the punches and one of them was smothering me as well, that's the third one and because I was shouting for help as well [...] so people could come.

2.4.1 At the same time as having his arms held he manages to simultaneously flail them and cover his head all whilst pulling on a handle that doesn't exist.

2.4.2 If the Defendant had been kidnapped away in somewhere the public didn't go it would have been feasible to prevent someone from shouting by putting a hand over their mouth, but in a public place (a hospital) where people are going in and out.

2.4.3 The only people that would believe such a ludicrous pathetic load of dribble are police officers and the CPS that wanted to believe it, for the purpose of perpetrating a malicious prosecution against the Claimant.

2.5 Looked Around

Eventually I managed to get through the door and as I did the door shut and the guy who was trying to pull me back in, he must have fell forward into the door and the door did shut and looked around to see if there was any Security or call Security but then they all came running out and started, carried on fighting and that's when they carried on punching again

2.5.1 On being punched and hit, thrown into a corner and to the floor whilst continually being punched and kicked the defendant manages to get to his feet only to have his arms held whilst flailing then and covering his head at the same time.

2.5.2 The defendant then somehow whilst being held by his arms who must have by this time would have been obviously dazed and disorientated manages to eventually get through the door to look for security or call for security.

2.5.3 The defendant states that there are three attacking him, if there were three attacking him then there would have also been three holding him back preventing him from escaping through the door.

3.5.4 The Defendant states: the door shut and the guy who was trying to pull me back in, he must have fell forward into the door.

3.5.5 The problem here is that the defendant claims he was being pulled back in, for that reason and due to that for every action there is an opposite and equal reaction, the Claimant would have fell backwards and not forwards into the door.

2.5.6 Someone who has allegedly been punched and kicked then looks around for security on the coronary care unit, security is not based in the coronary care unit, unless he was expecting them to be there for some reason.

2.5.7 The door opens inwards and into the ward and are dampened via a pneumatic piston mechanism and don't shut at speed, therefore the defendants excuse for the Claimants injuries being caused bay the door or a handle to the door is pure hogwash.

2.5.8 This would part explain why Jed Holland the head of security refused to supply a copy of the CCTV footage as can be heard to say that a hurdle that I need to get over or words to that effect in (6) the digital recording CD.

2.6 Kitchen Sink

I did try and get them off me by [...] flailing my arms and trying to get him off me but he was really aggressive and then the skin head pulled me against [...] the kitchen sink or in the corner and they carried on and then eventually it was my Dad who actually pulled them off me because my family were still there because [...] my Grandma was ill.

2.6.1 The defendant states: trying to get him off me but he was really aggressive. This was when Adrian Glasgow had the defendant pinned against the wall restraining him.

2.6.2 Then the defendant states: and then the skin head pulled me against [...] the kitchen sink or in the corner. This confirms that the Claimant intervened by pushing his shoulder into the defendant's chest in order to restrain the defendant and whish is the opposite to the Greaves brothers statements.

2.6.3 It is confirmed in (7) the Witness Statement of Kashmir Johal, where she states, I immediately stood and saw Amandip being pinned up against the wall by three males.

2.6.4 It was male (1) who had Amandip up against the wall by his chest.

2.7 Family Watching

Me Dad didn't actually know at the time that it was me that was being attacked 'cos what he said was he saw three men beating somebody up so all my family was watching but they didn't realise it was me.

2.7.1 This is contrary to the statement of Kashmir Johal where she states, my husband and I immediately stood and saw Amandip being pinned up against the wall by three males.

2.8 Wanting to Fight

JOHAL said that the men still wanted to fight even after the Nurses arrived

2.8.1 The defendant, as Kashmir Johals states, I immediately stood and saw Amandip being pinned up against the wall by three males.

2.8.2 The defendant was pinned up against the wall; it was the defendant who was fighting, tying to carry on punching or flailing his arms as he puts it.

2.8.3 The only person who had any significant injuries was the Claimant which is evident in the custody photograph page 53 – 3 11, Figure 5. This is not consistent with someone who has been fighting, it is however consistent with someone who has been attacked and assaulted.

2.9 Vicious Attack

One of the Nurses had told the men to leave but they wouldn't and so he left with his Dad. Because the men were aggressive three of his Uncles also accompanied him and his Dad out of the Hospital. He had been scared and shook as he left the building because the attack had been vicious.

2.9.1 Because the men were aggressive three of his Uncles also accompanied him and his Dad out of the hospital after kicked and punched about the head and face area thrown to the floor and kicked that the defendant didn't seek or require medical treatment. Wouldn't a father ensure that his son receive medical treatment for his injuries, I believe it is safe to say that he would only if they exists.

2.9.2 The Claimant in 2006 was a practicing licensed Martial Artist, who after allegedly punching the defendant about the head and face area has no marks to his hands whatsoever.

2.9.3 In (8) the letter dated 16th January 2009 from The Criminal Cases Review Commission supplied the fact that it was known at the trial that the Claimant had no marks to his hands.

2.10 Witnessed by Officers

He said that photographs had been taken of his injuries and would show he had bruising all over his face as well as bumps on his head, which Officers had also witnessed.

2.10.1 In the letter dated 16th January 2009 from The Criminal Cases Review Commission supplied the fact that it was known at the trial that the defendant a solicitor did not have the photographs he said that had been taken of his injuries and would show he had bruising all over his face as well as bumps on his head, which Officers had also witnessed.

2.10.2 The only photograph the defendant had at trial was one he stated he had taken two to tree weeks after with his mobile phone.

2.11 Counter Allegations

He said one of the wives of the men had said to her husband you're always aggressive, you cause problems wherever you go. This made him feel that the men had been in trouble with the Police before although he appreciated the Officer had to investigate the counter allegation. He had been shocked at the incident but also because it had occurred on the Coronary Care Unit at the Hospital where people were seriously ill.

2.11.1 It was the defendant who made counter allegation by telephone and that's when the Claimant and his brother were arrested at the police station, on suspicion of an assault which did not take place. The police took sides and did not make an arrest of the defendant.

2.11.2 The police did no investigation, instead set out and pursued a course of conduct in which to have the Claimant found guilty and the defendant acquitted of the crime the defendant had perpetrated.

2.12 Descriptions

PC McGROGAN referred to the description of the men provided by JOHAL in a statement following the incident. He understood now that male one was Martin GLASGOW, male two was Adrian GLASGOW and Graham GLASGOW was male three. JOHAL did not know these men. He believed that the skinhead (Martin GLASGOW) had made the initial comment and the second male had made the following comment. All three men had then joined in the conversation although he could not recall what exactly was said.

2.12.1 It is factually correct that in (9) the statement produced by Rob Lowe of Banner Jones & Middleton solicitors by Adrian Glasgow that he made the comment. The statement by Rob Lowe was produced prior to the defendants Record of Taped Interview.

2.13 Third Male

PC McGROGAN stated that JOHAL had not made mention in his account about the third male being involved. JOHAL claimed the third male had been the one that had smothered him near the door. He believed this male had also hit him as he'd had blows rained on him from people on all sides.

2.13.1 PC McGrogan point knew that the Defendant was producing malicious falsehoods, yet carried on with the interview allowing the Defendant to produce further malicious falsehoods.

2.14 No Reference

PC McGROGAN pointed out that JOHAL had not made reference to the third male assaulting him at all in his initial statement. JOHAL claimed he had rushed making his statement because his Grandma had passed away.

2.14.1 This is not the story you told before Mr Johal.

2.14.2 This is a pathetic excuse, he didn't rush the statement, and he is producing further malicious falsehoods. If indeed, his grandmother had died she wasn't going anywhere.

2.15 Claimants Account

PC McGROGAN disclosed the account of Martin GLASGOW. JOHAL had not heard the comment "how come when there's more than one of them, they talk in their own language." He said that when he walked past the males he had been alone and on his way to leave the Hospital.

2.15.1 This is correct; the Defendant was alone, the Defendant was listening and heard what was said in relation to two of his relatives that were walking through and who had exited leaving the Defendant at the exit door.

2.15.2 The Defendant was closely following with his head hung as if he was listening, as he was walking at a slightly steadier pace to those, I had earlier witnessed the Defendant seated with, opposite the entrance of two wards, that are situated just around the corner along from the Coronary Care Unit entrance.

2.16 Shouting at Adrian

PC McGROGAN - "He said that you then walked towards Adrian, bent over to his face about two inches from his face and started shouting at Adrian?"

JOHAL - "No that's just complete rubbish as well."

2.16.1 From the angle I was sat facing it would look like two inches or so.

2.17 Comments

PC McGROGAN - "He says he believes it was about the comment that Adrian had made [...] 'how come when there's more than one of them, they all talk in their own language."

2.17.1 The Defendant was listening and acted only after opening the exit door, pausing for a moment.

2.17.2 The Defendant then let the door close, turned and bypassed Graham and headed for Adrian and said what's ignorant, as this is what Adrian had said after saying "how come when there's more than one of them, they all talk in their own language, " it's ignorance.

2.18 Hyperventilating

PC McGROGAN said Martin GLASGOW claimed JOHAL had been breathing heavily and hyperventilating into his face. JOHAL refuted this and claimed it had been the male with the skin head that had done this to him. He also refuted that he had said to Adrian 'come outside and we'll sort it out.' He further disputed that he had called the male an ugly bastard.

2.18.1 If it was the Claimant that had perpetrated the crime, then with the Defendant being a solicitor he would have known, innocent people don't run off especially not if the police have been notified and are on their way and with all the alleged injuries as proof.

2.18.2 The Defendant didn't say to Adrian 'COME OUTSIDE AND WE'LL SORT IT OUT, the Defendant said that to the Claimant.

2.18.3 It is in (10) the Claimants Witness Statement that the Defendant said to the Claimant ‘COME OUTSIDE AND WE'LL SORT IT OUT’, and not to Adrian. Why has McGrogan done this?

2.18.4 PC McGROGAN - "Martin says that you then turned to him and pushed him two to three times in the chest?"

JOHAL - "No not at all."
PC McGROGAN - "And shouted that you wanted an apology?"

JOHAL - "No not at all. As I say that's completely made up.

2.19 Out side

PC McGROGAN continued to say that Martin GLASGOW claimed Adrian had said to JOHAL that he was sorry, but JOHAL asked Martin to apologise but he refused and so JOHAL told him to sit down or go outside. JOHAL said this was completely untrue. PC McGROGAN continued to read the account.

2.19.1 In (10) the Claimants Witness Statement it is that the Defendant replied to the Claimant ‘COME OUTSIDE AND WE’LL SORT IT OUT’ and not sit down or go outside, as is stated by McGEOGAN.

2.19.2 McGEOGAN has purposely given the wrong details from statements in order for Johal to deny the allegations, McGEOGAN and Johal are working as a team and with there being a 19 day period before Johal went to the police station voluntarily for the purpose of making the Record of Taped Interview, this indicates McGEOGAN and Johal have most probably rehearsed or have done the same previously.

2.20 Punch to the Eye

PC McGROGAN - "He said he'd sit down when he was ready and he says that you then punched him to the left eye using your right fist?"

JOHAL - "That's a complete lie as well."

PC McGROGAN - "And that it broke his glasses?"

JOHAL - "Complete lie.

2.21 Punched Between 50 and 60 Times

PC McGROGAN said Martin claimed he could not recall how he grabbed hold of him but that he had done so and then they stumbled into a wall before JOHAL pushed his finger into his eye a number of times which had caused him a lot of pain.

The pair began to wrestle: JOHAL maintained that it had been Martin that had hit him first. He agreed the pair had wrestled. He said that both Martin and Adrian had punched him in the corridor near the doorway. He believed that the one behind might have an injury to his knuckle as he had missed one of the punches and struck the wall. He claimed he had been punched between 50 and 60 times and said that the attack had been vicious.

2.21.1 If as in this section Johal maintains that the Claimant hit him first, this is an admission that the Claimant actually assaulted the Claimant and is using the excuse that the Claimant hit him first or else the Defendant would maintain that it was he that had been punched and no one else.

2.21.2 This then brings into question his denial of the assault on the Claimant, in that the Defendant says he doesn't know how the Claimant got the injuries and blames it on the door handle that doesn't exist.

2.21.3 The allegation that he believed that the one behind might have an injury to his knuckle as he had missed one of the punches and struck the wall is stated to cover up the fact that Adrian had punched the Defendant leaving marks to his hands which is stated in (9) the statement produced by Rob Lowe of Banner Jones & Middleton solicitors and in (11) the Observational Statement by PC 3037 James Swan.

2.21.4 How would the Defendant know that one of the alleged punches had missed on being punched between 50 to 60 times he would be dazed and unaware that it was only one.

2.21.5 Considering there were allegedly two people punching the Defendant there would have been many more than one that would have missed.

2.22 Adrian GLASGOW'S Account

PC McGROGAN referred to Adrian GLASGOW'S account. He clarified that Adrian had apologised but when Martin was asked to apologise he refused and said he had done nothing wrong. JOHAL claimed that all the males had been aggressive towards him. He said that it was a lie that he had punched the male and smashed his glasses.

PC McGROGAN "Did you punch Martin GLASGOW to the face?"

JOHAL - "[...] He stood up aggressively he went straight into my face and obviously I knew he was really het up for a fight and he was really aggressive and he punched me straight away as I was turning to leave and I told him I'd leaving as well and that's when he punched me and then I got punched again and again, I got punched I don't know how many times, loads and loads of times by all of them so that's how it happened, that's just a load of rubbish."

2.22.1 When asked "Did you punch Martin GLASGOW to the face?" Johal exclaims, got punched I don't know how many times, loads and loads of times by all of them so that's how it happened and doesn't answer the question, that he has earlier admitted to in paragraph 2.20.

2.22.2 At this point it becomes clear through the Defendant claiming that it had been Martin that had hit him first, this is confirmation enough that due to the Defendant admitting in paragraph 2.20 that he had assaulted the Claimant that McGrogan was also aware of that fact.

2.23 Photographs

PC McGROGAN - "He says he then, he started grappling in the corridor and as you was trying to separate them, he was trying to separate you and Martin?"

JOHAL - "As I said that's complete rubbish. It was basically this is completely true, that skin head one [...] Martin [...] he was the complete aggressor, he was punching me and as he punched me I think the second time the others joined in, you can see from my photographs [...] that it was just completely them punching me and [...] that went on for some time. I'm actually shouting for help and actually trying to get out of there [...]. To say that he was trying to stop it is just absolutely ridiculously and that I was the aggressor."

2.23.1 The Defendant is claiming that it was the skinhead one Martin, he was the total aggressor. If that was so then why is it that the Claimant Martin is the only person who receives medical treatment for and has photographs of the injuries caused by the Defendant assaulting him

2.23.2 The Defendant is allegedly showing McGrogan the photographs that the Defendant could not produce at trial, (you can see from my photographs) and that the Criminal Cases Review Commission in (8) their letter of reply dated 16th January 2009 states: You finally refer to the absence of marks to your hands, the photographic evidence relating to Mr Johals injuries, and his failure to claim any damages from you. Regarding the first two matters, these are not new and were known at trial.

2.33.3 The Defendant didn't have any photographs.

2.24 Graham GLASGOW'S Account

PC McGROGAN submitted the account of Graham GLASGOW. JOHAL maintained he had heard the comment 'ignorant Paki' made. He believed that the brothers had corroborated their accounts. He maintained the brothers had been really aggressive towards him and had not tried to apologise. He believed that they had wanted a fight, it had been him that had tried to walk away. He disputed that he had said do you want to take this outside. He claimed he had told them he was going. He said it had been Martin that had been the one who had been breathing heavy and in his face and this was when he realised that he had become aggressive. He then told Martin that he was going, this was when Martin hit him. PC McGROGAN said that Graham claimed he had told both his brother Martin and JOHAL to pack it in because of where they were but the situation escalated.

JOHAL maintained Martin had been the aggressor. PC McGROGAN continued to read Graham's account.

2.24.1 Why would the Defendant tell someone he doesn't know that he is going, he would just go and if there are three you just wouldn't stop and challenge them in a confined area, I would get out as quickly as possible?

2.24.2 The Defendant saw an opportunity to cause trouble and took it.

2.25 Arms Folded & Pushed in Chest

PC McGROGAN - "He says that Martin stood there with his arms, he did stand up eventually and he stood his ground and he stood there with his arms folded and said look if you don't stop, I'll start as you continually pushed him in his chest?"

JOHAL - "No."

PC McGROGAN - "He says that you then hit him in the face causing his glasses to break?"

JOHAL - "That's a complete lie as well."

2.25.1 The Claimant has his arms folded whilst being pushed in the chest and then punched to the eye by the Defendant. Johal the Defendant has already admitted this in paragraph 2.20 and 2.24.

2.26 Intervene

PC McGROGAN - "He says you then struggled and wrestled with each other, [...] he couldn't see [...] who was hitting each other as they were so close together and kind of wrestling?"

JOHAL - "As I say he's completely [...] lying, obviously they're three brothers and they've just made a complete rubbish story up."

JOHAL said that the males had all run through the doors and probably fallen into it as they did so. The Nurses had not tried to intervene, it had been his Father who had managed to stop the incident.

2.26.1 Johal earlier in paragraph 2.5 the Defendant had stated eventually I managed to get through the door and as I did the door shut and as I fell through the door, he must have fell forward into the door and the door did shut.

2.26.2 This is two completely different accounts of the same situation by the Defendant.

2.26.3 In (7) the Witness Statement made by Kashmir Johal she also states that the nurses had not tried to intervene.

2.26.4 Then in (12) the Witness Sstatement allegedly given by Emma Wardale she states that she intervened and held one male to one side and Nicola Tomlin then held the male back to intervene.

2.26.5 In (13) the Witness Statement by Nicola Tomlin she states I did not see what was happening inside the ward, just what happened afterwards. Therefore Nicola Tomlin could not have held the male to one side, which indicates that Emma Wardale was lying in her statement.

2.27 Witnesses Would Clarify

PC McGROGAN pointed out that the Nurses had probably been totally shocked, as they were there to care for people. JOHAL said that all those who had witnessed the incident would clarify that it had been the three males that had attacked him. He claimed that the male who'd smothered him was not trying to stop the fight because he had his hands over his mouth to stop him from shouting for help. He also had bruises to his arms.

2.27.1 JOHAL said that a!! those who had witnessed the incident would clarify that it had been the three males that had attacked him.

2.27.2 Are all those who had witnessed the incident that would clarify that it had been the three males that had attacked employed by Johal and his family for that purpose or would that be the police and CPS?

2.27.3 It is incorrect that all those who had witnessed the incident would clarify that it had been the three males that had attacked him, in particular a young lady that saw what happened in the Coronary Care Unit who began to give a statement to, I do believe Pc Swan in the corridor to the fact that it was Johal who was doing the fighting. I have requested the statement verbally and by letter from Tina Norton of the Chesterfield CPS, then I received a letter from a Brenda Whittaker of the Derby CPS and when I telephoned to query the letter I was told that I could have the statement etc that wasn't used or in the unused file when I get a solicitor.

2.28 Karen WHEELDON'S Account

PC McGROGAN disclosed the account of Karen WHEELDON, the sister of the brothers. Karen had been on the ward with her Mother at the time of the incident. He said Karen claimed she had heard a commotion and looked through the door for her brothers and as she opened the door Martin and JOHAL fell through it. JOHAL had not seen anyone open the door. He believed he had managed to escape through the door as the male tried to pull him back, but if the lady opened it then that had helped him.

2.29 Biting top of Head

PC McGROGAN - "She's saying that as you both then fell through the door, that she saw you trying to bite the top of Martin's head?"

JOHAL - "[...] No what happened was as I fell through the door [...] I sort of half turned to see if there was any help [...] to try and get security and then he comes through the door and carries on swinging and then he grabs me [...] he did punch me again and again and then he grabbed me and shoved me in a corner and that's when I was up against the sink."

PC McGROGAN - "Did you try and bite Martin GLASGOW'S head?"

JOHAL - "Well I did at the sink because [...] when I was at the sink and they were punching me and there was other people still punching me still then, the other brothers I particularly remember Adrian the tall one punching me, he actually [...] grabbed hold of my privates [...] and to get him off because he was too strong [...] the only thing I could do was [...] I did try and get him off by biting him 'cos I was in so much pain [...]."

2.29.1 The Defendant contradicts himself stating, he comes through the door and carries on swinging and then he grabs me [...] he did punch me again and again and then he grabbed me and shoved me in a corner and that's when I was up against the sink."

2.29.2 This is completely different to the males had all run through the doors and to, he must have fell forward into the door.

2.29.3 Johal states, as I fell through the door, this is contradictory to, and there is no mention of, the guy who was trying to pull me back stated in his Witness Statement at paragraph 2.5.

2.29.4 The Defendant states: I particularly remember Adrian the tall one punching me which would indicate that if the Defendant can particularly remember that then that is what he had done.

2.29.5 The Defendant admits, "Well I did at the sink", to biting the top of the head of the Claimant whilst at the sink, and also to trying to get Adrian off who was restraining the Defendant by biting him. This then would put the Claimant beneath the Defendant and close enough for the Defendant to try and bite the Claimants head. That would be when the Claimant had his shoulder pressed into the Defendants chest holding his arms by his side restraining the Defendant. This is also confirmed by the Defendants mother where she states in (7) her Witness Statement: It was male (1) who had Amandip up against the wall by his chest.

JOHAL said that he had been extremely scared at the time and surprised he had not needed admitting to Hospital himself after the assault.

2.29.6 On allegedly having been punched between 50 to 60 times about the face and head area thrown to the floor and kicked. The reason the Defendant didn't need admitting to hospital is that it never happened. The Defendant is a pathological liar, he lives in his own little fantasy world where everyone else is a liar but him.

2.30 Red Haired Man

PC McGROGAN explained that Karen claimed she had then noticed her Mother had got out of bed and had been shouting at them to stop. Karen had returned to her Mother because of how seriously ill she was. Graham had also claimed he had been trying to part JOHAL and his brother Martin but when he noticed his Mum had got out of bed he left to help her. JOHAL could not say anything about this because he was being hit at that time. He understood from his Father that he had tried to pull the red haired male off him and as soon as the Police were mentioned the red haired man ran off.

2.31 Not Spoken to his Father

PC McGROGAN referred to the statements of JOHAL's parents. He disclosed (14) the Father's account. JOHAL said that he had not spoken to his Father fully about the incident because of what had happened to his Grandma. He believed that at the time his Father had told him that all three males had been on him.

2.31.1 If Johal said that he had not spoken to his Father fully about the incident then why is the Defendants Fathers account of what he saw so much like the Defendants and both different to that of his Mother.

2.32 Duty and Responsibility of Care

PC McGROGAN submitted the account of JOHAL's Mother. JOHAL said that he had told the Nurse that he had been the one who had been attacked. He added that his Grandma had been seriously ill on the ward and the last thing he would have wanted was to cause trouble on the ward, which was treating seriously ill people.

2.32.1 Why would the Defendant need to tell any nurse that he had been attacked, with all those alleged injuries, any nurse would see that he would require medical treatment and would have insisted, no not insisted, they would have ensured that he receive medical treatment, as it is their duty of care, and a responsibility of care to ensure the Defendant had treatment especially whilst in a hospital. He had no injuries.

2.33 4" Cut

PC McGROGAN explained that he was in receipt of a number of statements from the Nurses and two people who had also been visiting their relative. He said that none of these persons had witnessed what had occurred in the "corridor. He disclosed (15) the account of Susan LEES, a Senior Staff Nurse. JOHAL pointed out that the Nurse had not mentioned that a woman had opened the door. He said that the Nurse had not seen the initial incident and would therefore not have realised that Martin had been the main aggressor. He presumed there would have been blood on the floor as he had sustained a 4" cut which had bled profusely and had been all over his suit.

2.33.1 The Defendant states that he presumed there would have been blood on the floor as he had sustained a 4" cut which had bled profusely and had been all over his suit.

2.33.2 The suit was not taken for evidence as an exhibit or for pharisaic examination. The 4" cut heals and the Defendant is told that he has a permanent 4" scar which by some miraculous feat then transforms into a bruise at trial.

Interview suspended to allow for exchange of tapes at 18.12 hours.

3. Record of Taped Interview

3.1 Defendants Record of Taped Interview 2

JOHAL confirmed that he had not been questioned during the break in interview. PC McGROGAN explained that at the end of the previous interview they had been discussing the account of Susan LEES. JOHAL said that the sister had said to the brother with the skinhead, that he was a troublemaker who caused bother wherever he went. PC McGROGAN clarified that the comment made by the sister, had been why you always have to do this. He continued to disclose the account of Susan LEES. JOHAL had not seen the Mother get out of bed to try and stop the fight. He added that the situation had been absolutely disgraceful but caused by her son. He said from the statements it appeared that three people claimed they had opened the door and this indicated just how difficult it was to explain what had happened in the heat of the moment. He agreed that two males had fallen through the door. He further agreed that people had possibly stepped in to pull the male off him. He knew his parents had told him that they had pulled the man off him. He said he could appreciate that it might have appeared his Father had been involved in the incident, but said this had not been the case and that he had just been frying to stop it.

3.1.1 Why do you always have to do this? This statement is proved to be as is the Defendants and all the witness' Witness Statements all were known to be fraudulent at the trial.

3.1.2 Caused by her son. Johal is bound to state that it was not him it's that his lawyer thinks different and that's why she was not at Court or at trial in defend.

3.1.3 The Defendant said from the statements it appeared that three people claimed they had opened the door. How would Johal know that three people had claimed to have opened the door?

3.1.4 Would this be because he has had access to the statements prior to making his Record of Taped Interview, or would that be because he has had some input into the making of the statements?

3.1.5 McGrogan disclosed the account of the Defendants parents and Susan Lees but doesn't disclose an account from Emma Wardale, would that be due to the Witness Statement of Emma Wardale not being available because it had not been produced at that point?

3.1.6 He agreed that two males had fallen through the door, again this is different and is not consistent with his earlier claim in paragraph 2.5, I managed to get through the door and as I did the door shut and the guy who was trying to pull me back in, he must have fell forward into the door.

3.1.7 The father of the Defendant Malkiat Johal and his wife Kashmir Johal had taken part in the incident on the Coronary Care Unit and had used force, in actual fact I saw both punching at Adrian assaulted him whilst he was restraining their son, the Defendant.

3.2 Nicola TOMLIN'S Account

PC McGROGAN - submitted the account (13) of Nicola TOMLIN. JOHAL said he had been disgusted by what had happened as well.

The account (16) of John GREAVES, an independent witness was then disclosed.

PC McGROGAN - then submitted (17) the account of Thomas GREAVES, John's brother. JOHAL could not recall any members of staff grabbing hold of him. He confirmed he had tried to fend the males off him and get away.

3.2.1 The reason that Nicola TOMLIN'S account is sparse and there isn't a fuller account of her statement is that it doesn't help Johal, and proves the other statements to be fraudulent.

3.2.2 This clearly states with a description of the male that had been fighting with Johal in the Coronary Care Unit to be Adrian.

3.2.3 The Greaves brothers independency is in question, as they live in the suburban areas of Bolsover Town, as do the Johals,

3.2.4 The Claimant can only respond to what has been given within the statements as he was either with his shoulder pressed firmly against the Defendants Chest to help restrain the Defendant or away behind the staff else off the ward and in the corridor where it all started, until after the Johals had left the hospital.

3.3 Claimants Injuries

It was disclosed that as a result of this incident, Martin GLASGOW had sustained severe swelling to his left eye and broken glasses and had required treatment in the Accident and Emergency Department.

PC McGROGAN - "How can you account for him having those injuries, can you give any account for them?"

JOHAL - "Well I don't know how he's got injured like I said he did fall through the door and that may have done it but like I said to your other Officer, yeah I was trying to get him off me and I was flailing my arms round a lot of the time because there was three of them on me and yeah I did punch him to try and get him off me as well but to say that did I punch him, no I can't say that I did do that, I wouldn't know, I don't know how that was caused."

3.3.1 Other Officer, there is no other officer asking any questions or putting anything forward. The Records of Taped Interviews must have been made with only McGrogan and Johal present. That cannot be unlawful?

3.3.2 Johal states in Record of Taped Interview 1, that his arms were held, how does one flail ones arms at the same time as they are being held?

3.3.3 The Defendant states, yeah I did punch him to try and get him off me as well, so after the Defendant punches the Claimant, the Claimant grabs hold of the Defendant and the Defendant punches the Claimant again to get him off.

3.3.4 Then the Defendant states, but to say that did I punch him, no I can't say that I did do that, I wouldn't know, I don't know how that was caused."

3.3.5 The Defendant further admits to punching the Claimant twice and then says that he can’t say that he did do that, what he has already admitted to and says that he wouldn’t know and that he doesn’t know how the injuries were caused.

3.4 Fell into Door

PC McGROGAN - "So you're saying you don't know, you're saying you could have or you don't or you didn't punch him?"

JOHAL - "[...] I know he fell into the door and I know he hit the door as I escaped, that could have caused injury I don't know what sort of handle it was so I'm saying it was probably that […].

3.4.1 There is no handle on the door to the Coronary Care Unit, it was probably not that but the Defendants fist that caused the injuries as there is no door handle in the photograph that was handed to me at trial on page 48 - 3.6, Figure 4.

3.5 Head First

PC McGROGAN - "His glasses have broken, he's got clear definite swelling to above his left eye where his glasses have been broken and it's been hit into his head and it's swollen up."

JOHAL - "Like I said the door could have done it, I don't know what stage, I don't know when it happened or how it was caused but like I said he did fall through the door head first and I reckon it might have been the door."

3.5.1 The Defendant in Record of Taped Interview 1 page 2 continues to page 3, as shown on page 19 - 2.5 states: the guy who was trying to pull me back in.

3.5.2 The problem here is that the defendant claims he was being pulled back in, for that reason and due to that for every action there is an equal and opposite reaction the Claimant would have fell backwards and not forwards into the door.

3.6 Figure 4, CCU ward, No door handle

3.7 No time for corroboration

PC McGROGAN - "He along with his two brothers have said that you caused that injury by punching him to that eye while he was in the corridor causing his glasses to break."

JOHAL - "Is that when it all started or?"

PC McGROGAN - "Yes."

JOHAL - "No that's a complete lie, as I said he threw the punch, he started the fight, he caused it and they're obviously just lying [...] they've obviously got together and told lies in their statement which I'm telling you is 100% untrue."

3.7.1 The statements of the Claimant and his brother Adrian were taken immediately after arriving at the police station, there was no time for them to have got together and told lies in their statements.

3.8 Interested in Fighting

PC McGROGAN - "Going back to how the fight initially started then is you walked through. What do you believe has caused, is there anything that you can."

JOHAL - What's caused it, obviously they're racist and they're very hyped up. I don't know if they've had some incident with I don't know some other coloured person the day before, I have no idea what's caused it [..,] particularly the skin head one, he was particularly hyped up for a fight and he wanted a fight and he knows that I'm not interested in fighting and as I've turned he's obviously hit me because I was obviously quite upset at the time with me Grandma and everything else and obviously to have a fight there would be worse than having a fight anyway, I wouldn't have a fight anyway but to have one in the Hospital in the Coronary Care, it's an absolute, it's [...] the worse place to have a fight

3.8.1 The Defendant is stating he was particularly hyped up for a fight and he wanted a fight and he knows that I'm not interested in fighting. How would the Claimant know that the Defendant is not interested in fighting if they have not met before?

3.9 Defendants Solicitor

The Solicitor pointed out that the Senior Staff Nurse had claimed in her account she had overheard the complainant shouting Paki bastard after the incident had ended. She said that this corroborated her clients account in that there had been a potential to be racist in the beginning, if these were the remarks hailed afterwards. PC McGROGAN said there was no corroborative evidence to say that the comments had been made in the corridor initially. JOHAL clarified that when he had said sit down to the male whilst in the corridor, he had also said I'm going which indicated his intention to leave not fight. As he turned the male hit him. He said his Mum had told him that she had overheard the male say to the sister later that nobody tells me to sit down and this also indicated the males aggression

3.9.1 The Senior Staff Nurse claim that she heard the complainant shouting Paki bastard after the incident had ended is proved fraudulent as are the other claims within statement which shows the Defendant either had access to, or took part in their production.

3.10 Aggressive Manner

PC McGROGAN - "I put it to you that as you went to leave the door, comments were made which you heard and that you were upset by them and the general situation and that you reacted to what they said and challenged them in an aggressive manner?"

JOHAL - "Well that's not true no, [...] I heard them call me names yes but I ignored the first one and then when he said it a second time I didn't challenge them at all, [...] I just turned round and said excuse me and that's when he jumped up and went right into my face trying to cause a fight and he did it straight away and to say that I had been aggressive no it was complete, you see the frame of mind that I was in I'm like thinking, I was quite tired, I'd had nothing to eat all day, I mean Gran was obviously ill so I was quite sort of in a weak frame of mind I would say so I was [...] defeatist and trying to walk out and he's taken advantage of that and actually hit me."

3.10.1 The Defendant states, I heard them call me names yes but I ignored the first one and then when he said it a second time I didn't challenge them at all.

3.10.2 The Defendant did not challenge, he aggressively squared up to Adrian and then punched the Claimant in the eye smashing his glasses off his face, resulting in inflicted deep scratches over the left eye on the forehead of the Claimant as can be clearly seen in the photographs on page 53 - 3.11, Figure 5 and page 54, 3.12, Figure 6. The Defendant also tried to gouge the Claimants left eye out an can be substantiated through the treatment received as recorder in the (3) hospital treatment record, the Defendant also admits to biting the Claimants head whilst by the sink

3.10.3 The Defendant states, the frame of mind that I was in I'm like thinking, I was quite tired, I'd had nothing to eat all day, I mean Gran was obviously ill so I was quite sort of in a weak frame of mind I would say so I was [...] defeatist and trying to walk out and he's taken advantage of that and actually hit me."

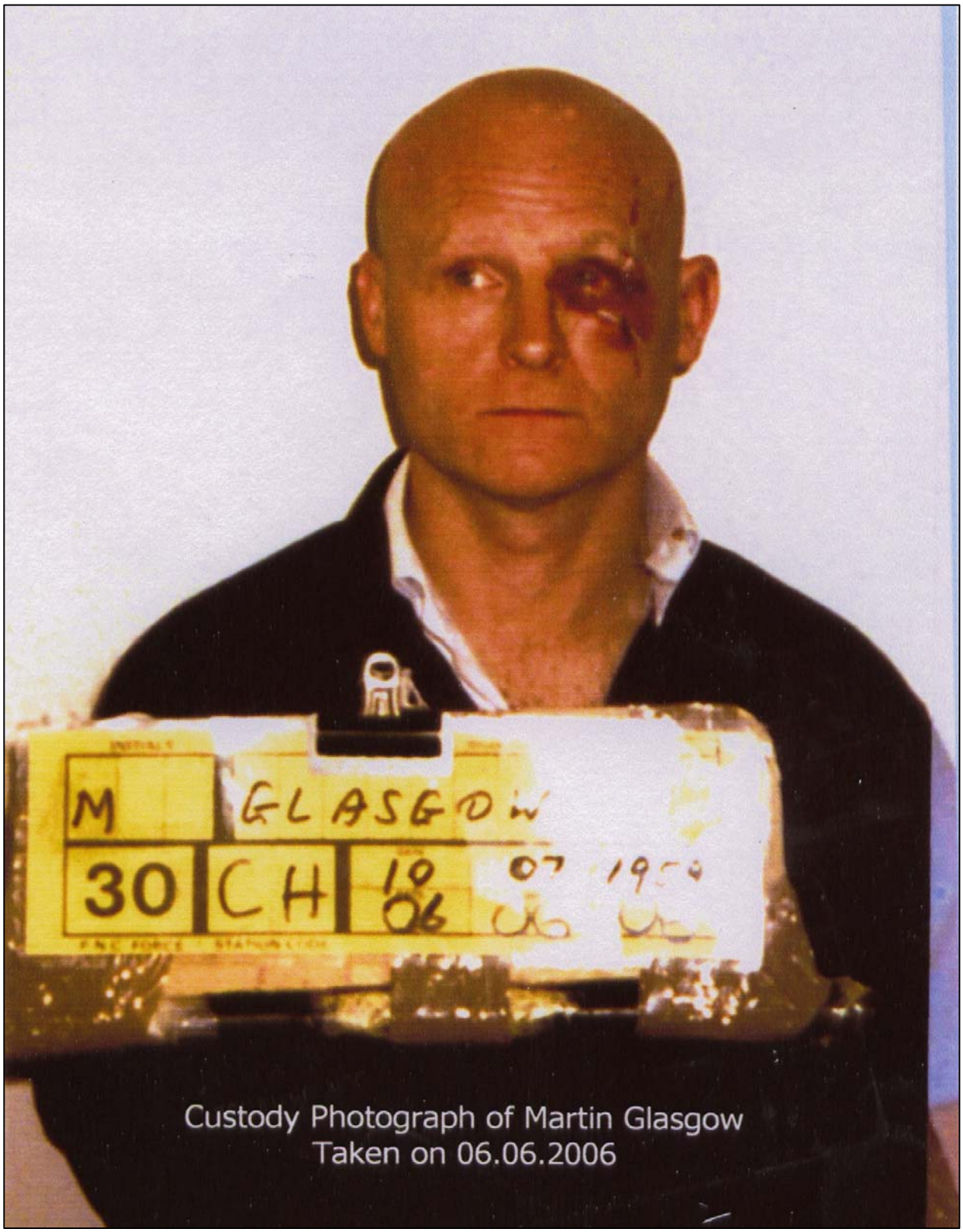
3.10.4 How could the Claimant have known that the Defendant was quite sort of in a weak frame of mind and defeatist and trying to walk out and taken advantage of that?

3.10.5 The photograph 3.6, of the bruise behind the Claimants left ear shows that it can only have been caused by a punch that forced the glasses up the Claimants forehead producing the scratches, forcing the arm of the glasses forward with force from behind the ear, having the same effect as being struck behind the ear.

3.10.6 Allegedly falling or stumbling forward into a door would not produce a bruise behind the ear.

3.10.7 Falling into the door would have forced the glasses back or down and would not have produce the scratches to the forehead as on falling forward it is a natural instinct to put the hands up in order to protect the face. There was no marks to the hands of the Claimant.

3.11 Figure 5, Custody Photograph showing Claimant injuries



3.12 Figure 6, Photographs of injuries taken by John Crowder

3.13 The Solicitor

The Solicitor added that the two independent witnesses had also claimed that the white male had been very aggressive towards her client. PC McGROGAN said it appeared from the witness accounts that Graham GLASGOW had been a bystander and made no attempt to hit JOHAL. JOHAL felt that Graham had tried to smother him. PC McGROGAN pointed out that no reference had been made to this in JOHAL's initial six-page statement. He put it to JOHAL that he was now embellishing his account. JOHAL reiterated he had told the Police Constable initially that Graham had been involved. He again said that he had rushed the account because of the situation with his Gran at the time. He clarified that Graham had tried to stop him from shouting for help when they had been in the corridor.

3.13.1 The solicitor is referring to the white male had been very aggressive towards her client, not the white males?

3.13.2 PC McGROGAN pointed out that no reference had been made to this in JOHAL's initial six-page statement.

3.13.3 Basically, this is not the story you told before Mr Johal. The Defendant is lying.

3.13.4 If the Defendant had told the Police Constable, now a DC 2574 Matthew Greatorex initially then that would have been in the statement made by Johal along with the bogus listed sets of 10 injuries.

3.14 Continued to Fight

PC McGROGAN - It's quite clear that both GLASGOW brothers have also got injuries as well as yourself and that all three of you equally in the corridor continued to fight and cause a disturbance?"

JOHAL - "As I understand it what you've told me is that one of the brothers, the skin head one has got one injury to the eye which could have happened from the door or me, I don't know, and the other one has got scratches to his neck. If you look at my photographs I've got severe bruising all over my face, I've got a four inch scar now which I've been told is permanent across my face and I had [...] back ache and I other injuries as well and bruises to my leg and so on as well so mine are far, far worse than what they would have sustained by a mile 'cos they were the ones that were actually attacking me and obviously because I'm flailing my arms trying to defend myself then if they've got the odd bruise here and there, but as I said I was the one who was beaten up, I was actually physically attacked and beaten' up, I have got the photographs to prove that.

3.14.1 The Defendant states, If you look at my photographs, I've got severe bruising all over my face, I've got a four inch scar now which I've been told is permanent across my face and I had [...] back ache and I other injuries as well and bruises to my leg.

3.14.2 There is no mention of bruises to the leg of the Defendant in his witness statement.

3.14.3 The letter received from the CCRC dated 10th March 2009 page 2, 1. As regards the injuries, and in particular any scarring that may have been seen on CCTV of Mr Johal 19 days after the trial, there was evidence at trial that Mr Johal suffered some bruising. The summing up makes clear that he showed some photographs of his bruising In Court but the Judge did not appear to thing that they helped very much as they had been taken one or two weeks afterwards.

3.14.4 The above paragraph in its entirety is a mangled mismatch of evidential facts supplied the CCRC, and returned by them in a tangled mess in order to confuse, but the main plank is that it confirms that the Defendant has colluded in producing a fraudulent witness statement and Fraudulent Record of Taped Interviews.

3.14.5 In (8) the letter dated 16th January 2009 from The Criminal Cases Review Commission supplied the fact that it was known before the trial that the Claimant had no marks to his hands.

3.14.6 In (8) the letter dated 16th January 2009 from The Criminal Cases Review Commission supplied the fact that it was known before the trial that the defendant a solicitor did not have the photographs he said that had been taken of his injuries and would show he had bruising all over his face as well as bumps on his head, which Officers had also witnessed

3.15 Her Client had Started Something

The Solicitor pointed out that even if her client had started something then the way in which the male had reacted had been to use excessive force, which was not justified as self defence.

3.15.1 The Defendants solicitor at this believes that her client the Defendant started the incident by punching the Claimant to the face breaking his glasses and causing the injuries, but in fairness she has defended him to a degree in saying, in which the male (not males) had reacted had been to use excessive force, which was not justified as self defence.

3.15.2 The Defendant had no injuries else he would have requested medical treatment and with the Defendant being a solicitor himself he would have take photographs immediately after if any injuries existed.

3.16 Could have been stopped

PC McGROGAN - "I put it to you afterwards that while this has continued and gone through into the ward that the force that you used was aggressive when it could have been stopped and that other people intervened, you continued to?"

JOHAL - "I hoped people had intervened better, [...] I was hoping that people would be able to pull them off but because they were so aggressive people couldn't easily do that."

PC McGROGAN - Are you saying that you didn't continue to carry on the fight once you'd?"

JOHAL - "[...] When you say continue the fight, I'm trying to defend myself, I'm not fighting as in a fight, I'm trying to stop them from hitting me, that's what I'm trying to do but you've got to, if you've been hit like 50 times in the head, I mean I'm quite light headed by that time as well, I had massive bumps to my head [...] and bruises and stuff [...] I'm trying to get them off me, I'm tying to stop it and obviously that's going to look like fighting, I'm not saying I didn't try to stop them, I did try to stop them but that's only 'cos I'm in so much pain and I'm getting hit from all of them [...] they're the ones that are causing the fight."

3.16.1 The Defendant claims, if you've been hit like 50 times in the head I had massive bumps to my head [...] and bruises and stuff.

3.16.2 No medical treatment, no photographs and no permanent 4inch scar can only signify that the Defendant has colluded with at the time Pc McGrogan in producing fraudulent Records of Taped Interviews and has colluded with the then Pc Greatorex in producing a fraudulent Witness Statement.

3.16.3 Then in (18) their letter of reply to my request to the CCRC dated 08th April 2009 for their assist in taking my case back to the RCJ for their consideration in granting an appeal they supplied the following statements:

3.17 CCRC Further submissions

I would comment on your further submissions as follows:

2. The whole issue of who had what injuries and what conclusion could be drawn from them was again a matter for the jury that was dealt with at trial. The witness statements and your co-defendants statements to the police were all known about at trial and it is too late to raise issues on them now.

3.17.1 The CCRC has confirmed that it was known at trial that the police and the Defendants had collude in producing fraudulent witness statements and that the police had fraudulently produced all the prosecution witnesses witness statements in order to assist the Defendant in escaping justice..

3.17.2 This the brings into question the witnesses at trial in that the nurses from the hospital and the Greaves brothers had given false witness evidence at trial on oath.

3. Whatever may have happened when PC Greatorex took the co-defendants statement, what matters was the evidence given at trial by the co-defendant.

3.17.3 Whatever may have happened is that PC Greatorex and the Defendant colluded in allowing the Defendant and at least Harjinder Johal to produce a Fraudulent Witness Statement containing malicious falsehoods in order to assist the Defendant in escaping justice.

3.17.4 The evidence given at trial by the co-defendant, the Defendant was given on oath and surmounts to perjury.

3.18 Liar

When asked if there was anything further JOHAL wished to add or clarify he said that the brothers were lying and it was he who had been assaulted.

Who is the liar?

3.19 False Allegation

There is no mention of Graham GLASGOW, Male (3) having any involvement in the Defendants witness statement at all only to Male (1) AND (2), but the Defendant has included him in his Record of Taped Interviews. This is pointed out by McGrogan but the Defendant insists that he made mention of Graham trying to smother him!

3.20 Defendants Records of Interviews Summary

I got punched in the face by the skin head, he lined up for another punch and hit me again and then the others joined in and then basically they threw me into the corner and just kept punching and kicking me and so on. At one stage I was on the floor, they had hold of my arms so I couldn't get through the door. There was very little I could do, 1 was flailing my arms at this stage as well

Eventually I managed to get the door to the ward open and both male (1) and I fell through the door.

Then in contrast the Defendant states: Eventually I managed to get through the door and as I did the door shut and the guy who was trying to pull me back in, he must have fell forward into the door and the door did shut.

The door opens inwards and into the ward, it is a natural instinct when falling forward to put the hands up and in front of the face for protection. The major problem is that for the Claimant to be trying to pull the Defendant back whilst the Defendant is pulling on a fictional handle would mean that the Claimant would be no more than two feet away, even then the doors are dampened via a piston mechanism and don't shut at speed. The door has a damping mechanism and opens to the right, if it had been a handle on the door that had caused the injuries they would have been the right and not to the left eye.

For every action there is an opposite and equal reaction, the Claimant would have fell backwards and not forwards into the door.

The only people that would believe such a ludicrous pathetic load of dribble are police officers and the CPS that wanted to believe it, for the purpose of perpetrating a malicious prosecution against the Claimant.

In the letter dated 16th January 2009 from The Criminal Cases Review Commission supplied the fact that it was known at the trial that the Claimant had no marks to his hands.

The letter dated 16th January 2009 from The Criminal Cases Review Commission supplied the fact that it was also known at the trial that the defendant a solicitor did not have the photographs he said that had been taken of his injuries and would show he had bruising all over his face as well as bumps on his head, which Officers had also witnessed.

The Defendant claimed he had been punched between 50 and 60 times and said that the attack had been vicious to the degree where amongst other injuries he describes a three inch cut. Wouldn't a father ensure that his son receive medical treatment for his injuries, I believe it is safe to say that he would only if they exists

In Records of Taped Interviews there is only McGrogan referred to, asking the questions and stating excerpts from statements, the Defendant referrers to your other officer in Record of Taped Interview 2, which would mean that he had shown them previously to McGrogan as it is McGrogan asking the questions and putting excerpt forward to the Defendant in Record of Taped Interview 1. The Defendant cannot be referring to having shown the photographs to the then PC 2574 Matthew Greatorex as the only photograph the Defendant had at trial was one of a faded bruise said to have been taken two to three weeks after the 05th June 2006

I the Record of Taped Interview the Defendant states, yeah I did punch him to try and get him off me as well, so after the Defendant punches the Claimant, the Claimant grabs hold of the Defendant the Defendant tries to gouge the Claimants eye and then the Defendant punches the Claimant again to get him off because the Claimant was holding on to the Defendants fingers to stop him gouging at his eye.

CCRC Further submissions

I would comment on your further submissions as follows:

The whole issue of who had what injuries and what conclusion could be drawn from them was again a matter for the jury that was dealt with at trial. The witness statements and your co-defendants statements to the police were all known about at trial and it is too late to raise issues on them now

The CCRC has confirmed that it was known at trial that the police and the Defendants had collude in producing fraudulent witness statements and that the police had fraudulently produced all the prosecution witnesses witness statements in order to assist the Defendant in escaping justice..

Defendant

- No injuries
- No hospital treatment
- Ran off and went home
- No photographs immediately or thereabouts taken
- No 4 inch permanent scar
- No blood soaked suit taken as an exhibit
- No Assault
- Not Arrested

Claimant

- No marks to hands whatsoever
- Broken spectacles
- Torn & blood on shirt
- Visible physical injuries
- Hospital treatment
- Assaulted
- Arrested & detained at the police station

3.21 Conclusion

The Records of Taped Interviews of the Defendant are all staged, a prop for the Defendant to make excuses which are corroborated by McGrogan, purposely stating false facts from witness statements for Johal to response to with, that's a lie or words to that effect. McGrogan is leading Johal and for that reason must have practiced.

Throughout Records of Taped Interviews 1 and 2 there is only one police officer (McGrogan) taking part and posing questions to the Defendant. This cannot be legal and above board.

Loss

Through the production of Fraudulent Witness Statements and Fraudulent Records of Taped Interviews, the Claimant has suffered the loss of his liberty, a degradation of his health, revenue from the business he had developed and maintaining, he has a loss of revenue from further business that were in the process of launching, which today would at a conservative estimate would now be worth in excess of £14 Million:

4. Witness' Statements

All witness statements contain facts that can be proven to contain malicious falsehoods and are written intentionally to confound and confuse, as in the statement allegedly given by John Greaves on the 5th June 2006 in which he did not know what the word goading meant of which at trial the Judge Recorder, Anthony Barker QC had to explain three times.

4.1 Excerpts from the Witness Statement of John Greaves

In (16) the statement allegedly given by John Greaves he states; On Monday the 5th of June I went up to the CORONARY CARE UNIT, CHESTERFIED NORTH DERBYSHIRE ROYAL HOSPITAL at 14:50 hours to visit my mother who was is on the ward as a patient.

4.1.1 Stood Toe to Toe

Then on page 1, paragraph 2, of the witness statement given by John Greaves it is stated I had been sat by my mother's side for approximately twenty minutes when I became aware of a disturbance near the double doors that lead out of the ward. I looked across to the double doors and saw two males stood toe to toe approximately 5 away.

Male (1) M/white/ approximately 30 years/approximately skinny build, 5'6" tall/bald head/gasses/wearing a white top on, I do not recall any other clothing.

4.1.2 Punching Each Other

I turned straight back round and saw the two males punching each other. This carried on for approximately 2-3 minutes before staff and an Asian male broke it up and separated the pair.

4.1.3 Stood to One Side

Then on page 2, paragraph 2, of the witness statement given by John Greaves it is stated: I then saw the Asian male stood to one side on the ward.

4.1.4 Third Male

And saw a third male approach him. I would describe him as male/white/approximately 30 years old/approximately 6" tall/stocky build/ light brown shortish hair/ I do not recall what he was wearing.

4.1.5 Punch Him Twice

I then saw him on the Asian male against the wall and punch him twice to the face area. I do not recall what hand he used.

4.1.6 Closing the Curtain

At this point I tried closing the curtain so my mother wouldn't see what was happening. (Page 3).

4.1.7 Curtain Now Shut

I did not see what happened next as the curtain was now shut but I could hear the nurse say that she wanted them off the ward.

4.2 Excerpts from the Witness Statement of Thomas Greaves

Then in (17) the statement allegedly given by Thomas Greaves also on the 5th June 2006 he states; I heard a loud bang come from the entrance door. I looked towards the door which is about 20' away from where we were. I saw 2 males who I would describe as follows spill through the door.

Male (1) I would describe as an asian male, approximately 5' 10" of a medium build. He had dark short hair and I think he was wearing a dark top and trousers (**Page 2**) He was approximately 30 years old.

Male (2) I would describe as a white male, approximately 5' 10" of a medium build. He had a bald head and I cannot recall what he was wearing. He was approximately 30 years old.

4.2.1 Grappling with Each Other

As the above two males spilt through the door they were both grapping with each other.

4.2.2 Immediately Drew the Curtain

I immediately drew the curtain all the way round the bed, as I feared for my mother's safety.

4.2.3 Slight Opening

I left a slight opening in the curtain so I could still see what was happening. I could see male (2) clearly trying to lunge at male (1).

4.2.4 Held Back

Approximately 3 members of staff were trying to hold male (2) back. Male (1) was also being held back by staff, but did not seem to be as aggressive in his manner. He was not shouting.

4.2.5 Cleared View of Male (2)

From the angle I was at I had a much clearer view of Male (2).

4.2.6 Both Males Bleeding

I could see both males were bleeding from the face, but I did not see any blows exchanged.

4.2.7 Immediately Fully Shut the Curtains

After approximately 5 minutes of both males being held back from each other, the situation needed to calm down, as I think male (2) was escorted out of the doors and I then immediately fully shut the curtains.

4.2.8 Whole Incident

The whole incident lasted approximately 5 minutes, and I was approximately 20" away from the males.

4.2.9 Kept Checking on Mother

I did not watch this incident constantly for 5 minutes as I kept checking on my mother.

4.2.10 Male (1) Shielded by Curtain

As mentioned previously my attention was more focussed on male (2), as male (1) was more shielded by the curtains.

4.3 Greaves' Statements Review

In the statement of John Greaves he states; On Monday the 5th of June 2006 I went up to the CORONARY CARE UNIT, CHESTERFIED NORTH DERBYSHIRE ROYAL HOSPITAL. This statement implies that the statement allegedly given by John Greaves was not taken on the 5th June 2006 but sometime after due to the statement "On Monday the 5th of June 2006 I went up to".

- John Greaves sees 2 males punching each other for 2-3 minutes through the same slight opening in the curtain as his brother Thomas Greaves who at the same time sees no blows being exchanged?

- John Greaves then sees a third male who then picks another fight with the Asian male, pins him against the wall and then punches him twice to the face area, with no mention of this from his brother Thomas who is allegedly looking through the same slight opening in the curtain.

- John Greaves tried closing the curtain at this point the Asian male was against the wall and had allegedly been punch twice to the face area. I do not recall what hand he used. Visibility was good and there were no obstructions in my view.

- In contrast Thomas Greaves immediately the 2 males spill through the door drew the curtain all the way round the bed.

- The description given by John Greaves doesn't fit due to the fact that the Claimants glasses had been punched off his face when he was assaulted in the visitors waiting area by Amandip Johal.

- The CCRC provided the information to the fact that it was known at the trial that Amandip Johal did not have the photographs he claimed to have shown police officers and that the 4 inch permanent scar to be a faded bruise. This is in contradiction to the statement given by Thomas Greaves in which he states; I could see both males bleeding from the face.

- If male (1) was more shielded by the curtain then male (2) then how can Thomas Greaves give a more detailed description of male (1) than (2)?

- John Greaves witnesses a further incident that no one else witnesses.

- There is no mention of Thomas Greaves throughout the statement given by John Greaves.

- Thomas Greaves states; I did not watch this incident constantly for 5 minutes as I kept checking on my mother. This would imply that Thomas Greaves has been witness to more than one incident at the hospital that may involve Amandip Johal.

- John Greaves states; The whole incident lasted approximately 5 minutes and they were no more than 8' away when the assaults occurred.

- Then in contrast his brother Thomas Greaves states; The whole incident lasted approximately 5 minutes and I was approximately 20' away from the males.

4.4 Excerpts from the Witness Statement of Kashmir Johal

In (7) the statement given by Kashmir Johal on the 5th June 2006 she states; At approximately 0015 hrs on Monday 5th June 2006 I was up at Chesterfield hospital, Hady Lane, Chesterfield. I was in the Coronary Unit visiting my mother in law. I was with my husband, Malkiat Johal. At approximately 0800 hrs on the above date Amandip Johal (My Son), also joined us up in the Coronary Unit.

4.4.1 Heard Amandips Voice Shouting

At approximately 1515 hrs on the above date Amandip left the Coronary unit through the main doors.

Approximately 2 minutes after Amandip left I suddenly heard Amandips voice shouting “let me go.”

4.4.2 Immediately Stood Up

My husband and I immediately stood and saw Amandip being pinned up against the wall by three males. I would (Page 2) describe these three males as follows:

Male (1): a white male, approximately 5’8” in his early 40’s. He had a bald head. He was of a medium build but I cannot recall what he was wearing. Male (2) a white male, approximately 6’ and approximately 50 years old. He had short brown hair. He was again of a medium build. I cannot recall what he was wearing but I can remember one male had glasses on.

4.4.3 Up Against the Wall by his Chest

It was male (1) who had Amandip up against the wall by his chest. The other 2 males were punching him to his face, repeatedly. Both my husband and I ran up to these 3 males.

4.4.4 I Ran in Front of Male (1)

I ran in front of male (1) and grabbed his right arm and tried to push him away. My husband tried to push the other two males away.

4.4.5 Ran Back Through Husband

Male (1) then ran back through me and my husband and punched Amandip (Page 3) in the face again at least twice.

4.4.6 Leave with Amandip

My husband then managed to leave with Amandip and take him through the main doors.

4.4.7 Hospital staff didn't Intervene

I was aware of hospital staff around me panicking but I cannot recall any of them trying to intervene.

4.5 Excerpts from the Witness Statement of Malkiat Singh Johal

In (14) the statement allegedly given by Malkiat Singh Johal on the 21st June 2006 he states; During the day many relatives had come and gone to visit my Mother with me at this time amongst others were my wife Kashmir Kaur JOHAL and my son Amandip Singh JOHAL.

4.5.1 I Could Hear Raised Voices

Amandip left to go home. After a few seconds I could hear raised voices coming from outside in the main ward area. I could hear someone shouting "STOP IT – STOP IT." I think it was a females voice possibly one of the nurses from the ward.

4.5.2 I Looked Round the Door

I looked round the door and could see that two males were punching another person, who I could not see at the time in the corner towards the entry/exit doors. I would describe the men as follows.

Male 1) White approximately 5'8" tall, thin build with a bald head.

Male 2) White approximately 5'10" tall, of medium build with short light brown hair.

4.5.3 I Made My Way Over

The ward was busy and staff, patients and visitors and several nurses were trying to separate the men. They were a shouting "STOP IT – STOP IT" by this time. I made my way over to offer my help and tried to pull male (2) away.

4.5.4 It Was then I Saw the Man Being Hit

It was then that I saw the man who they were hitting was my son Amandip Singh JOHAL.

4.5.5 Being Punched by Both Male (1) and (2)

Amandip was being punched several times in his head and upper body by both male (1) & (2).

4.5.6 My Wife Came Over

As I pulled male (2) away my wife came over and with others tried to pull male (1) away.

4.5.7 Amandip Managed to Stand Up

(**Page 3**) Amandip managed to stand up but male (1) had hold of his clothing and was refusing to let go.

Where is page 2?

4.6 Johals' Statements Review

Kashmir Johal confirms that it was male (1) who had Amandip up against the wall by his chest. She then states: The other two males both punching him to his face, repeatedly. With the lack of photographic evidence of which this Amandip Johal claimed to have that police officers have witness to throughout his Record of Taped Interview and without any hospital treatment this would indicate that on this point she had in fact lied.

- Kashmir Johal then makes the statement: Male (1) ran back trough me and my husband and punched Amandip (**Page 3**) in the face again at least twice. There is no account of male (1) moving from the position stated previously "male (1) who had Amandip up against the wall by his chest". The statement where it was male (1) who had Amandip up against the wall by his chest is further confirmed by the Claimants statements and through letters written to various organisations.

- Then there's the Record of Taped Interview where there is no account of any injuries, marks, swelling or bruising to the hands of male (1) which is also confirmed by police observational statements.

- Kashmir Johal also states; I was aware of hospital staff around me panicking but I cannot recall any of them trying to intervene.

- In the statement given by Thomas Greaves at 5.3.4 above he states; Approximately 3 members of staff were trying to hold male (2) back. Male (1) was also being held back by staff, but did not seem to be as aggressive in his manner. He was not shouting.

- Then in the statement as given by Kashmir Johal she states; Approximately 2 minutes after Amandip left I suddenly heard Amandips voice shouting "let me go." Which is contrary to what is stated by Thomas Greaves?

- Malkiat Johals statement differs some what to that of his wife Kashmir Johal in that Malkiat Johals states; Amandip left to go home. After a few seconds I could hear raised voices coming from outside in the main ward area. I could hear someone shouting "STOP IT – STOP IT." I think it was a females voice possibly one of the nurses from the ward.

- Then in the statement given by Kashmir Johal she states; At approximately 1515 hrs on the above date Amandip left the Coronary unit through the main doors: Approximately 2 minutes after Amandip left I suddenly heard Amandips voice shouting “let me go.”

- Then there’s the statement given by Thomas Greaves where he states; Male (1) was also being held back by staff, but did not seem to be as aggressive in his manner. He was not shouting.

- Kashmir Johal in her statement states; My husband and I immediately stood and saw Amandip being pinned up against the wall by three males.

- Then in Malkiat Johals statement he states; I made my way over to offer my help and tried to pull male (2) away. He then states: It was then that I saw the man who they were hitting was my son Amandip Singh JOHAL.

- Malkiat Johal goes on to state; Amandip was being punched several times in his head and upper body by both male (1) & (2).

- Makiat Johal then goes on to state; Amandip managed to stand up but Mae (1) had hold of his clothing and was refusing to et go. This is also in contradiction to what his wife Kashmir Johals statement where she states; It was male (1) who had Amandip up against the wall by his chest.

- The statement allegedly given by Malkiat Johal is in total contradiction to his wife Kashmir Johals Statement. Which are both also in contradiction to statements given by brothers John and Thomas Greaves?

- There is little wander as to why Kashmir Johal was not required by the CPS to give evidence at the trial, her account of what had factually occurred would have compromised the Kangaroo Court trial.

4.7 Excerpts from the Witness Statement of Susan Anne LEES

In (15) the statement allegedly given by Susan Anne Lees she states; On Monday 5 June 2006 I was at work, at approx 15:00 hrs, I was doing some observation work on a patient in bed number 6. I was aware that there were 2 other families, both visiting 2 separate patients within the ward. A white family and an Asian family.

4.7.1 I heard a lot of shouting and banging

At this time I heard a lot of shouting and banging coming from the entrance doorway, I didn't know what it was, it sounded like something was wrong. I left bed number 6 with the intention of waking through some double doors to take me to where the noise was coming from.

4.7.2 2 men came crashing through

I didn't get to open the doors because 2 men came crashing through them from the other side.

4.7.3 Grappling an Punching Each Other

They were stood up grapping, and trying to punch each other.

One male was Asian, approx ate 20's early 30's (**Page 2**) of slim build. He had back combed hair. He was clean shaven, wearing a dark suit. He was very smart.

The 2nd male was white, approx 30-40, approx 5' 7-8" tall of medium build. He had a bald head, and looked like a scar on the right side of his head I saw he had a light coloured shirt on which was torn.

4.7.4 There was Blood on the Walls and Floor.

They continued to fight with each other for about 4-5 minutes, they were punching each other, they had blood on them, there was blood on the walls and floor.

4.7.5 Was the White Mans Mother

A white female from room one started shouting at them to stop fighting, she was clearly something to do with the white man, and the patient from room one was the white mans mother, she came out to stop her son from fighting.

4.7.6 Stopped by the Families

Hospital security was called twice along with the police. When they arrived the fight had already been stopped by the families that were present

4.7.7 After the Fight

After the fight had stopped the white male kept shouting 'PAKI BASTARDS.'

4.7.8 Bite the White Mans Head

At one point the Asian male tried to bite the white mans head.

4.8 Excerpts from the Witness Statement of Emma Wardale

In (12) the statement allegedly given by Emma Wardale on the 5th June 2006 she states; On Monday the 5th June 2006 I was at work in the coronary care unit. At approximately 4 pm on the same day I heard the sound of a disturbance taking pace out in the waiting room.

4.8.1 I Opened the Door

I opened the door to the waiting room to see what was going on.

4.8.2 Another Two Males

As I opened the door two men came piling into the room. These two men were closely followed by another two males.

4.8.3 Four Males

The four males were all fighting amongst themselves.

4.8.4 Two were White and Two were Asian

Two of the males were of white ethnicity the other two males were of Asian ethnicity. It appeared that the two white males were fighting with the two Asian males.

4.8.5 All Four were Swinging Punches

All four were swinging punches and there was a lot of shouting going on. I was unable to make out anything that was being (PAGE 2) shouted by any of the males.

4.8.6 I Managed to Intervene in the Fight

I managed to intervene in the fight to pull one of the white males to one side. I held the male to one side until I was joined by Nicola who is another member of staff. As I held the male back the fight between the other three males continued.

4.8.7 Nicola than Held the Male Back

Nicola than held the male back and I went back to where the males were fighting to try and separate them.

4.8.8 Separate the Three Males

By the time I went over to separate the three males other people had also intervened and tried to separate the three males.

4.8.9 Injuries Treated

I do not remember much of the two Asian males other than the fact that one of them was smarty dressed wearing a shirt and tie. The two white males gave their names as Adrian and Martin and both were taken to A + E to have their injuries treated. (Page 3)

4.8.10 10 minutes

The whole incident lasted for approximately 10 minutes.

4.8.11 Happening so fast

Due to the incident happening so fast and being a shock I do not think I would recognise the two Asian males if I saw them again.

4.9 Excerpts from the Witness Statement of Nicola Tomlin

In (13) the statement allegedly given by Nicola Tomin on the 21st June 2006 she states; At approximately 1500 hours on Monday 5th June 2006 I was walking past the visitors entrance to the Coronary Care Unit when I could hear a commotion coming from inside the Unit.

4.9.1 Shouting at Each Other

I could hear that people were shouting at each other but could not make out what was being said. I clearly knew that something was not quite.

4.9.2 Staff Nurse Trying to Restrain a Male

I was met by a staff nurse who was trying to restrain a male who was trying to get back into the main unit.

4.9.3 Shouting and Being Abusive

He was shouting and being abusive but I cannot recall what he actually said.

4.9.4 Took Hold of the Man

I took hold of the man and with the help of 2 others held him there.

4.9.5 Description

I would describe him as white approx 6' tall in his 30's of large build with short light brown hair.

4.9.6 left him with others

I remained with the man for a few minutes but then left him with others who were detaining him and went through into the main area of the ward.

4.9.7 Spots of Blood on the Floor

On the ward I could see that over towards the visitor's entrance there were spots of blood on the floor.

4.9.8 Arguing with a Female

I could see another male who I would describe as short thin build with a bald head arguing with a female who I now believe to be his sister.

4.9.9 I then asked this male to leave

She was trying to calm him down saying MUMS TRYING TO GET OUT OF BED TO SEE WHATS GOING ON." The male was replying "HE HAD NO RIGHT TO TELL ME TO SIT DOWN (Page 3) I then asked this male to leave the ward and sit in the visitor's area. I then called Security and bleeped other staff to deal with the incident.

4.9.10 The 2 Males were Brothers

At this point things seemed to have calmed down. I now believe that the 2 males were brothers.

4.9.11 Incident Lasted 10 – 15 Minutes

From me initially hearing the commotion to leaving. I would say the incident lasted 10 – 15 minutes.

4.9.12 Inside the Ward

I did not see what was happening inside the ward, just what happened afterwards.

4.10 Nurses Statements Review

- In the statement given by Susan Anne Lees she states; I was aware that there were 2 other families, both visiting 2 separate patients within the ward. A white family and an Asian family.

- Susan Anne Lees goes on to state; At this time I heard a lot of shouting and banging coming from the entrance doorway, I didn't know what it was, it sounded like something was wrong. I left bed number 6 with the intention of waking through some double doors to take me to where the noise was coming from.

- Susan Anne Lees then goes on to state; I didn't get to open the doors because 2 men came crashing through them from the other side. They were stood up grapping, and trying to punch each other.

- Then in total contradiction Emma Wardale states in her statement; At approximately 4 pm on the same day I heard the sound of a disturbance taking pace out in the waiting room. I opened the door to the waiting room to see what was going on. As I opened the door two men came piling into the room. These two men were closely followed by another two males.

- In the statement given by Susan Anne Lees she then states; They were stood up grapping, and trying to punch each other.

- Then in total contradiction Emma Wardale states; The four males were all fighting amongst themselves. Two of the males were of white ethnicity the other two males were of asian ethnicity. It appeared that the two white males were fighting with the two asian males. All four were swinging punches and there was a lot of shouting going on.

- In order to confuse the situation it is stated in the statement given by Susan Anne Lees; The 2nd male was white, approx 30-40, approx 5' 7-8" tall of medium build. He had a bald head, and looked like a scar on the right side of his head I saw he had a light coloured shirt on which was torn.

- In order to confuse the situation further it is stated in the statement given by Susan Anne Lees; They continued to fight with each other for about 4-5 minutes, they were punching each other, they had blood on them, there was blood on the walls and floor.

- In the statements given by Nicola Tomlin she states: On the ward I could see that over towards the visitor's entrance there were spots of blood on the floor.

- Susan Anne Lees then states; After the fight had stopped the white male kept shouting 'PAKI BASTARDS.' This is very strange as there is no other reference to such language apart from in the statement given by Amandip Johal himself.

- The one true fact to a degree that is stated in Susan Anne Lees' statement is; At one point the Asian male tried to bite the white mans head. The Asian male didn't try to bite the white mans head he did bite the white mans head as per the police observational statements.

- Now going over to and carrying on from the last statement referred to from the statement of Emma Wardale where she states; I managed to intervene in the fight to pull one of the white males to one side. I held the male to one side until I was joined by Nicola who is another member of staff. As I held the male back the fight between the other three males continued.

- This is in contradiction to the statement given by Kashmir Johal who states; I was aware of hospital staff around me panicking but I cannot recall any of them trying to intervene.

- Emma Wardale then goes on to state: Nicola than held the male back and I went back to where the males were fighting to try and separate them.

- This is in contradiction to the statement given by Kashmir Johal who states; I was aware of hospital staff around me panicking but I cannot recall any of them trying to intervene.

- There is no mention in the statement given by Nicola Tomlin that she had held the male back or that she had any contact with Emma Wardale whatsoever.

- Nicola Tomlin actually states in her statement; I did not see what was happening inside the ward, just what happened afterwards.

- Emma Wardale then goes on to state; The whole incident lasted approximately 10 minutes. As I intervened in the fight I was very close to the males.

- Due to the incident happening so fast and being a shock I do not think I would recognise the two Asian males if I saw them again.

- The whole incident including what had already taken pace in the corridor would have lasted for approximately 10 minutes. The incident on the ward would have lasted approximately 5 minutes. Emma Wardale is a complete liar or someone else has written her statement?

- Now turning my attention to the statement given by Nicola Tomlin on the 21st June 2006 she states; I was met by a staff nurse who was trying to restrain a male who was trying to get back into the main unit.

- He was shouting and being abusive but I cannot recall what he actually said. I took hold of the man and with the help of 2 others held him there. I would describe him as white approx 6' tall in his 30's of large build with short light brown hair.

- I remained with the man for a few minutes but then left him with others who were detaining him and went through into the main area of the ward.

- On the ward I could see that over towards the visitor's entrance there were spots of blood on the floor.

- I did not see what was happening inside the ward, just what happened afterwards.

- The male Nicola Tomin describes is Adrian Glasgow who comes to, as in his own statement of 18th January 2007; Following the punch I backed out and came to some time later in some storage inside the Coronary Care Unit. There were 3 or four nurses assisting me.

4.11 Conclusion

The only virtually true statement of facts is the statement given by Nicola Tomlin and to some degree that of Kashmir Johal. The further statements were produced in such a way as to confuse and confound. In particularly it can be ascertained through comparing statements given by Nicola Tomlin and the statement allegedly given by Emma Wardale that the statement of Emma Wardale bears false witness.

All throughout the further statements allegedly given by John Greaves, his brother, Thomas Greaves, Makiat Johal and Susan Anne Lees there is far too much inconsistency with too many mistakes and even in the statement allegedly given by Nicola Tomlin, the statement; I clearly knew that something was not quite has no ending and is not corrected. Due to this fact it clearly indicates that whoever has written the statement/s either ran out of stream or believed they had done enough at that point and reverted to telling the truth to add some credibility to their fraud.

For that reason it is believed on the balance of probability that the Greaves brothers who claimed to have witnessed the incident along with Malkiat Johal gave false evidence at the trial (Perjury), and that the females who gave evidence at the trial were on the balance of probably the nurses for some reason gave false evidence on oath at Court or they were not the nurses from the Chesterfield Royal Hospital but individuals employed by the police & CPS to give false evidence under oath at the Derby Crown Court, either way they committed perjury on oath

This can also be affirmed due to Susan Anne Lees the first prosecution witness failing to attend Court on the first day. She was brought to Court on the second day by the police to give her evidence. It was stated in Court that she had actually resigned from her position at the hospital.

As can be ascertained through cross-referencing statements with the actual facts for example, the photographic evidence of the Claimants injuries with his Hospital treatment record proves irrefutably that he was assaulted.

The non-existence of the 4inch permanent scar and the fabricated photographic evidence stated throughout Amandip Singh Johal's Record of Taped Interview shows him to be nothing but a liar.

The circumstances contained in (19) Adrian Glasgow's statement of 18th January 2007 where it is stated that the Claimant had in fact fell awkwardly on his back after being assaulted by Amandip Singh Johal, whilst Amandip Singh Johal and Adrian Glasgow was in a tussle in the Coronary Care Unit (CCU).

Then in the Witness Statement made by Adrian Glasgow dated 18th January 2007; he states: Following the punch I backed out and came to some time later in some storage inside the Coronary Care Unit.

Through the events, circumstances, facts and evidence it can be proven that the only person causing an affray was Amandip Singh Johal had been allowed to produce his own Witness Statement containing Malicious Falsehoods and accredited to the then Pc 2574 Greatorex and Pc McGrogan.

The door has a damping mechanism and opens to the right, if it had been a handle on the door that had caused the injuries they would have been the right and not to the left eye.

4.12 Documentation Submitted

1. Witness Statement of Defendants*
2. Complaint against police reply letter dated 18th February 2008
3. Claimants Hospital Treatment Records
4. Claimants Record of Taped Interview CD*
5. Jed Holland CD
6. Observational statement of PC 2828 Steven James Gilburn.
7. Witness Statement of Kashmur Johal
8. CCRC letter dated 16th January 2009*
9. Statement produced by Rob Lowe
10. Claimants Witness Statement
11. Observational Statement by PC 3037 James Swan.
12. Witness Statement of Emma Wardale
13. Witness Statement by Nicola Tomlin
14. Witness Statement of Malkiat Johal
15. Witness Statement of Susan Lees
16. Witness Statement of John Greaves
17. Witness Statement of Thomas Greaves
18. CCRC letter dated 08th April 2009
19. Witness Statement of Adrian Glasgow dated 18th January 2007
20. Defendants Record of Taped Interview 1*
21. Defendants Record of Taped Interview 2*

* = Documentation previously submitted

Statement of Truth

I can confirm that my belief is that the contents of this Claim are true and of fact. I confirm that I am the Claimant and the statement of truth is true.

Signature: M Gfarzera Date: Wednesday 07th July 2010

To: The District Judge
The Defendant

CLAIM No: 0CD00865

MARTIN GLASGOW

Claimant

- v -

AMANDIP SINGH JOHAL

Defendant

CLAIMANT

Mr M Glasgow

Tel: 01246 233045

u1)

2004/05(1)

Form MG11
(R9/04)

RESTRICTED (when complete)

WITNESS STATEMENT

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

URN 30

Statement of: Amandip SINGH JOHAL

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Solicitor

This statement (consisting of ..... 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: A. Johal Date: 05/06/2006

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

I am the above named person and currently live at the address overleaf. At 09:00hours today Monday the 5th of June 2006 I went up to CHESTERFIELD NORTH DERBYSHIRE ROYAL HOSPITAL to visit my grandmother who is currently a patient on the CORONARY CARE UNIT, having been admitted last night.

My grandmother is in a private room of the main ward which is circular in shape and I spent most of the day with her in the room along with other relatives who dropped in and out throughout the day these included my mum and dad.

Having spent a good portion of the day there I decided to go home at approximately 15:00hours I said goodbye to my grandmother, mum and dad and walked through the double doors off the ward and into a small corridor which leads through to an access controlled door onto the hospitals main corridor.

As I got into the corridor I saw three males sat down to the left. I would describe them as

Signature: A. Johal Signature witnessed by: .....

u1)

2004/05(1) **RESTRICTED (when complete)** Form MG11 (CONT) (R9/04)

Continuation of Statement of: Amandip Singh JOHAL Page No. 2 of 6

Male (1) - Male/white/approximately mid 30's/ approximately 5'6"-5'7"/slim build/clean shaven hair/wearing glasses/dressed in a white shirt and I believe jeans.
Male (2) - Male/white/approximately early 30's/ approximately 6' tall/medium build/light brown medium length hair pushed forward/ wearing a checked shirt, I do not recall any other clothing.
Male (3) - Male/white/approximately mid 30's/ approximately 5'6"-5'7"/slim build/ I do not recall anything else about him.
I started to walk past the three males when I heard Male (1) say "IGNORANT PAKI" I decided to ignore him and carried on walking. As I did I also heard Male (2) pipe up "YEAH IGNORANT PAKI BASTARD" At this I turned to my left and said "EXCUSE ME?" Male (1) responded by saying "YOU PAKIS ARE IGNORANT!" I said "I'M ENGLISH, I'M NOT A PAKISTANIA" Male (1) responded by getting up off his seat and stood right in my face from no more than a foot away and said to me "YOU ARE A PAKI TO ME" he was then joined by Male (2) who stood up and said "NO, NO YOU ARE A PAKI"
At this point I felt that they racially attacked me because of my ethnic appearance and colour of

Signature: A. Johal Signature witnessed by:

Continuation of Statement of: Amandip Singh Johal Page No. 3 of 6

stern and felt very intimidated as male (1) had now stood up and was in my personal space.

I then said to male (1) "LOOK YOU SIT DOWN, I'M GOING" because he had given me the impression that he wanted to fight through his words and actions I then turned to my right and started to walk towards the access controlled doors. As I did and before I could start walking male (1) punched me with his right fist catching me in my left cheekbone knocking me sideways in the process. I then tried to step backwards towards the door as male (1) had pulled his right arm back again in a motion as if he was ready to hit me again. As I reached for the door he then punched me again forcefully with his right fist catching me in the forehead area. At this time I was desperately trying to open the door but it would not open as you need to press a button for it to open.

As I was now cornered I tried to defend myself as male (1) had now been joined by male (2) and both were punching me violently about the head area. I put my arms up to try and defend the blows. I continued to pull at the doors in an attempt to get out and started to shout for help. At this point I could hear one of them

Signature: A. Johal Signature witnessed by:

Continuation of Statement of: Amandip Singh Johal Page No. 4 of 6

say "DON'T LET HIM GET OUT OF THE DOOR" Male (1) was continously punching me and as he did I saw Male (2) lunging up to punch me again. I was now trying to make my way back through the doors into the ward as both male (1) and (2) continued to punch me. I tried to shout for help again but they attempted to smother me. As I was now in alot of pain and really scared I started to swing my arms about in a frenzied manner to get them off. I may have caught these males in the process.

Eventually I managed to get the door to the ward open and both Male (1) and I fell through the door and onto the ward. I stumbled through first and he followed still trying to punch me.

As I stepped back Male (1) continued to lunge forward throwing punches at me. As I was really scared now I decided to defend myself by punching him back in an attempt to get him off me. Male (2) had also joined in at this point and was also punching me. They were also trying to pinch me in my genital area. This continued and we ended up beside a sink where they continued to punch me and I continued to defend myself. and was shouting for my dad.

Eventually he came and managed to pull them off me but they continued to try and punch

Signature: A. Singh Signature witnessed by:

Continuation of Statement of: Amandip Singh JOHAL Page No. 5 of 6

me. and carry on fighting. Eventually it did stop when others intervened.

As Male (1) and (2) were still trying to fight me my dad and other relatives managed to escort me out of the ward. I thought the best thing to do was to return home.

As a result of the attack I have received the following injuries

(1) 3" cut to my right cheek area,
(2) swelling to my nose area,
(3) small cuts to my forehead area
(4) small cut to inside of top lip
(5) bumps, pain and discomfort to my head area
(6) Pain to my neck area
(7) Pain to my mid, lower back
(8) bruising to my right inside forearm
(9) Pain to jaw area
(10) Pain to upper chest area.

The whole incident lasted approximately 5 minutes and they were no more than a foot away when male (1) and (2) assaulted me. Visibility was good and there were no obstructions in my view. They were not previously known to me but I would recognise them again. I remember the incident as I was verbally racially attacked and physically attacked.

Signature: A Johal Signature witnessed by:

u1)

2004/05(1) **RESTRICTED (when complete)** Form MG11 (CONT) (R9/04)

Continuation of Statement of: Amandip Sing Johal Page No. 8 of 6

I have been given the victim personal statement (VPS) leaflet and the VPS scheme has been explained to me. What follows is what I wish to say in connection with this matter. I understand that what I say may be used in various ways and that it may be disclosed to the defence.

The attack has left me totally shocked as not only was I racially attacked but also verbally attacked for no apparent reason. A. Johal

Signature: A Johal Signature witnessed by:

u2)

Mr M Glasgow
3 Tansley Court
Highfield Lane
Newbold
Chesterfield
Derbyshire
S41 7AW

PRIVATE

Derbyshire Constabulary

Telephone: 0845 123 3333
Fax: 01773 - 572817
Tel Ext: 2500
Direct Line: 01773 - 572500
Ask For: Mr A J Thornley OBE
Our Ref. CO/232/07/HQK/AJT/ab
Your Ref.

18 February 2008

Dear Mr Glasgow

Complaint Against Police

I refer to Inspector Goddard's letter to you dated 30 November 2007 concerning your complaint against police.

I note your initial letter of complaint dated 13 August 2007 was made via the Independent Police Complaints Commission. This related to an incident that occurred on 5 June 2006 and was to the effect that officers had failed to properly investigate the matter and had allowed the Crown Prosecution Service (CPS) to proceed to trial at the Crown Court despite knowing you were innocent.

In view of the delay in making your complaint known you were requested by the Investigating Officer to provide an explanation for such a delay. In your response of 18 September 2007 you state the delay in making your complaint known was due to facts beyond your control having been convicted of a crime and that having dismissed your legal team your new legal team 'must have forgotten about it or had no intention of doing so on your behalf'.

I do not accept this to be a good reason for you not making your complaint known to us at a much earlier point. However, in view of the circumstances and nature of your complaints a limited and proportionate investigation has been conducted into your complaints as listed below.

I would point out to you that the thrust of your complaints appear to be that of dissatisfaction with the legal system and its process rather than complaints of misconduct of individual officers. I note you were found guilty of affray and not of assault. The latter is relevant to your complaint inasmuch that evidence put before the court was to support that of a charge of 'Affray' rather than assault.

Your complaints:

1. *That officers failed to properly investigate the incident of 5 June 2006 and allowed the CPS to proceed to Crown Court Trial despite knowing you were innocent.*

The limited investigation has taken into account your concerns expressed to the CPS and the response that the Head of Trials Unit has provided you with dated 2 August 2007. I note you were provided with a satisfactory explanation in respect of your concerns over the CCTV evidence and that the majority of issues you raised at that time were of a nature that you were advised to raise them with your own solicitors as part of your defence case.

I note you consider you have been a victim of abuse of the judicial process, and misrepresented by your defence team which has led to a miscarriage of justice. The officers involved in the investigation of your case were: Constable 2866 McGrogan, Constable 2883 Toole, Constable 2828 Gilburn and Constable 3037 Swan. The prosecution file has been carefully reviewed in the light of your concerns. However, there are no grounds on which to warrant any further investigation either in respect of criminal enquiries into other parties involved or against individual officers for misconduct. There is no evidence to support your allegation that the officers failed to properly investigate the matter or allowed the CPS to proceed to trial knowing you were innocent.

This element of your complaint is, therefore, unsubstantiated.

The case has been rightly adjudicated upon by the Courts and the decision of guilt made on the basis of the evidence heard. The standard of proof being beyond reasonable doubt. It is not unusual for witnesses to give conflicting accounts of the circumstances of a particular incident or indeed give inconsistent evidence at Court. This is the nature of such cases which in many instances reveal irreconcilable differences of opinion as to the facts of what took place. No direction or concern has been brought to my attention by HM Judge in respect of the investigation or the conduct of individual officers or the evidence given and therefore for the reasons I have outlined I do not intend to take any further action in respect of this element of your complaint.

2. *That the uncle of the co-defendant was not seen who you consider was a vital witness.*

There is no evidence that this person was a 'vital witness' or that he could have offered evidence that would have assisted the case. He would not have been independent and the investigation appears to have gathered sufficient evidence from witnesses at the scene sufficient for the CPS to decide there was a case to answer and proceed to trial. I note your own defence team did not call him to give evidence.

This element of your complaint is not substantiated.

3. *That officers failed to secure evidence at the scene ie blood and glass samples for forensic examination.*

The nature of investigation in this particular case would not have warranted the taking of such samples and therefore the officers involved have not failed in their duty. Officers are given discretion in these type of circumstances as to what should or should not be seized based on

the availability of other evidence and seriousness of the incident. Your complaint in this respect is therefore unsubstantiated.

4. *That the Custody Record entry at 1935 hours on 5 June 2006 indicates no apparent injuries on your arrival at the Police Station. However, your custody photograph clearly shows that you had visible injuries.*

A copy of the relevant Custody Record ref: 30/CH/2619/06 has been obtained and examined together with your custody photograph. It is clear from your photograph that you were visibly injured. The Custody Record entry created at 1923 hours on 5 June 2006 by Sergeant Bungay indicates 'No' in respect of injuries/ailments. In view of this anomaly Sergeant Bungay has been asked for an explanation. He has stated that with hindsight he should have ticked the 'Yes' box and accepts that in not doing so it is misleading.

Further enquiries reveal he was aware of your hospital treatment prior to arrival at the Police Station and it is clear he has acknowledged your obvious injuries in the subsequent risk assessment documented within the Custody Record and completed at 1926 hours. In view of these circumstances it is more probable than not that the officer has made either a genuine mistake or considered the matter correctly recorded (3 minutes later within the risk assessment).

I therefore consider this matter unsubstantiated in terms of any misconduct by Sergeant Bungay. However, I do acknowledge your concerns over this apparent misleading entry and intend to advise the officer in this respect to prevent this re-occurring.

5. *That the co-defendant fabricated evidence.*

This is not an allegation of misconduct of an individual officer. There is no substantive evidence to warrant further action based on the reasons I have outlined above in respect of the broader elements of your complaint at (1.).

6. *That the co-defendant's initial statement was too neat with no corrected initialled mistakes and appeared re-written.*

The original, handwritten statement taken on 5 June 2006 at 2000 hours by Constable 2574 Greatorex has been obtained and examined. This was written by the officer and consists of six pages each correctly signed. The statement is commensurate of the officer's professional approach to statement taking and also the background of the co-defendant's own profession. There are no evidential grounds to substantiate any improper practice by the officer involved and your complaint in this respect is unsubstantiated.

7. *That the witness, Susan LEES, had spoken in her statement of your mother in the past tense. Her statement was taken on 5 June 2006, prior to your mother's death.*

This statement has been examined and was taken on 5 June 2006. It does not reveal any evidence of the witness referring to your mother in the past tense and therefore this element of your complaint is unsubstantiated. I assume reference to the past tense was in respect of oral evidence given in Court and would be accepted in these circumstances.

Conclusion

I have taken account of your numerous further complaints concerning the investigation and subsequent Crown Court Trial. However, as I have explained earlier these relate to the legal process rather than allegations of misconduct by individual officers. Within this process account is taken of conflicting evidential matters, many of which you have concerns over. These are rightly matters for the Courts to adjudicate upon; the decisions of such for which you have had a right of appeal.

I do not intend to take any further action over this matter. If you are not satisfied with the information provided here and outcome of the investigation into your complaints you may appeal to the IPCC within the next 28 days. A leaflet is enclosed in this respect for your information.

Yours sincerely

For **Richard OLDKNOW**
Superintendent
Head of Professional Standards Department

Enc.

u3)

Chesterfield Royal Hospital NHS
NHS Foundation Trust

Calow
Chesterfield
S44 5BL

Tel: 01246 277271
Minicom: 01246 512611
www.chesterfieldroyal.nhs.uk

Patient Records Data Office
Ext 3262
Fax 01246 552652

Date 15 December 2006

Our Ref : MRD / LT / 01 / 35070

Ref : RLB.EB.060606/003

Robert L. Bashforth & Co Solicitors
1st Floor, 2-4 Corporation Street
Chesterfield
Derbyshire
S41 7TP

Dear Robert L. Bashforth & Co Solicitors

Re : Martin Glasgow 3 Tansley Court Highfield Lane Chesterfield

Please find enclosed the following item(s) in respect of the above patient.

Photocopies of medical records

I would be pleased if you could complete and return the attached slip, to confirm receipt.

Yours sincerely,
Ann Elliott
Patient Records Data Coordinator

Comments:

To : Patient Records Data Office, Chesterfield Royal Hospital NHS Trust, Calow, CHESTERFIELD. S44 5BL.

Re : Martin Glasgow
Record Number : A-E 025284/06 **Date of Birth :** 10/07/1959

I acknowledge receipt of the following items.

Photocopies of medical records

For Perusal By :

Department / Hospital :

Signed Date

PLEASE DO NOT REMOVE FROM THE ACCIDENT AND EMERGENCY DEPARTMENT

Chesterfield Royal Hospital NHS
NHS Foundation Trust

A&E No. 025284/06 u3)
Hosp. No. G134420
Sex Male
Prev. Att. Yes :

Consultants: Mr. R. BAILEY, Mr. N. AZIZ, Dr. K. LENDRUM

General Practitioner: DR. RA. MEE
WHITTINGTON MOOR SURGERY
SCARSDALE ROAD
WHITTINGTON MOOR
CHESTERFIELD S41 8NA
(01246 452549)

Surname: GLASGOW
Forenames: MARTIN
Address: 3 TANSLEY COURT
HIGHFIELD LANE
CHESTERFIELD
DERBYSHIRE S41 7AW

Telephone No.: 01246 233045
Date of Birth: 10.07.59
Age: 46
Occupation: IT TECHNICIAN
Employment Category :
Employer/School :

Arrived By: Walked in
Referred by: Self
Place of Incident: Public Place
Time Elapsed: Less than 3 hours

Special Cases :
Allergies: None

Date of Arrival : 05.06.06
Time of Arrival : 15:42

Presenting Complaint: INJURY TO LEFT SIDE OF FACE

NP ☐ TRAUMA No. ☐

TREATMENT AREA
S+T

Pain Assessment

Pain relief

Time

TIME CALLED INTO DEPT

4 Hour Waits Reason
- Awaiting Doctor ☐
- Blood Results ☐
- Xray Delay ☐
- Waiting Specialist Review ☐
- Recover Following Treatment ☐
- Awaiting ENP ☐
- Patient Monitoring ☐

TIME SEEN BY PRACTITIONER
15:55

NAME OF PRACTITIONER
Sheila Haslehurst
ENP

Trolley Waits Reason
- No Medical Bed ☐
- No Surgical Bed ☐
- No EAU Bed ☐

TIME DECISION TO ADMIT

REFERRED TO

DISPOSAL
D

DEPARTURE TIME
16.25

Action For X-Ray/Path Reports

NOTES ORDERED

YES ☐ NO ☐

u3)

ACCIDENT AND EMERGENCY EYE CARD

These forms are designed for isolated eye complaints. Please detail other problems on the A&E card

NAME: Martin Glasgow A&E NO: 025284 DATE OF ATTENDANCE: 5/6/06

HISTORY
Eye Affected R ☐ L ☒ Both ☐ Time seen: 1555 Time elapsed:

MECHANISM OF INJURY/HISTORY DETAILS:
involved in fracas in CCU with carothe pts relatives who took offence at something ~~me~~ thought Martin had said. Who was scratched + punched in face/eye broken glasses.

PROTECTIVE EYEWEAR WORN Y ☐ N ☐ PRIOR VISION NORMAL ☐
WEARS GLASSES ☒ WEARS CONTACT LENSES ☐ LENSES REMOVED Y ☐ N ☐

Visual Acuity
R 6/ L 6/
Corrected Vision
R ~~6/18~~ 6/9 L ~~6/18~~ 6/9+2.

PEARL Y ☒ N ☐
Pupil Size
R 4 mm
L 4 mm
Consensual light reflex findings

Findings:
Small contusion to (L) eye, lateral corner. not bleeding now. ? abrasion ? glass FB.

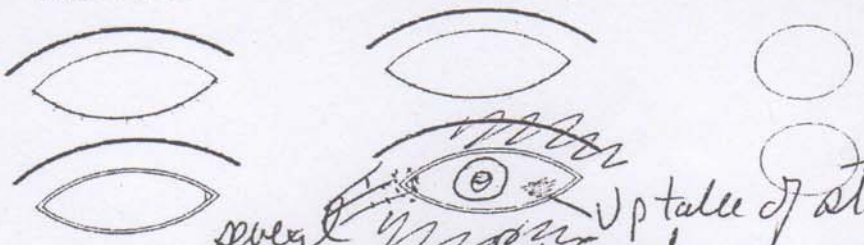
Clinical Findings
Stained – no FB seen. uptake over contusion. no FB sensation. no sign of penetrating injury

Examination Continued **Indicate specific details on the diagram**
Tick boxes if examined with no abnormalities found **A** = Abnormality detected – document details

Conjunctiva	✓	Anterior Chamber	✓	Sub tarsal	✓	Sclera	✓	Facial bones	✓		
Cornea	✓	Iris	✓	Lacrimal Apparatus	✓	Lens/Vitreous	✓	Red Reflex	✓		

Slit Lamp used to aid examination Y ☒ N ☐

RIGHT EYE LEFT EYE



Diagnosis/Differential

Details of Management
chloramphenicol oint

Drugs
SD = Stat dose TTO = To take out

Name/dose/frequency	SD/TTO	Route	Eye	Clinicians Signature	Given By	Time Given
Benoxinate 1 – 2 drops	SD	Topical				
Fluroscein 1 – 2 drops	SD	Topical	(L)			
Chloramphenicol Ointment QDS/for 5 days	TTO	Topical	(L)			
Diclofenac eye drops – QDS/1 day	TTO	Topical				

Disposal/follow-up		Follow-up	
Home with advice	✓	A&E Return Clinic	
Advised to return if concerned		Eye Clinic	
Admitted		Other	

Date/Time: 5/6/06 16.25
Clinicians Signature:
ENP

KP/NL 04/04

SURNAME: Glasgow FIRST NAME: Martin A&E NUMBER: 0252846 u3)

SCRIPTION AND MECHANISM OF INJURIES:

Involved in fracas in CCU. with another pt's relative who punched + scratched Martin in face. broke glasses. Lac. (L) eyebrow + cheekbone Obruising to eye scratches to head + asound eye.

History from: Patient/Child ☐ Other/Who: ☐ Adult Present:

Time of injury: 15:15

Time interval since injury: Days Hours

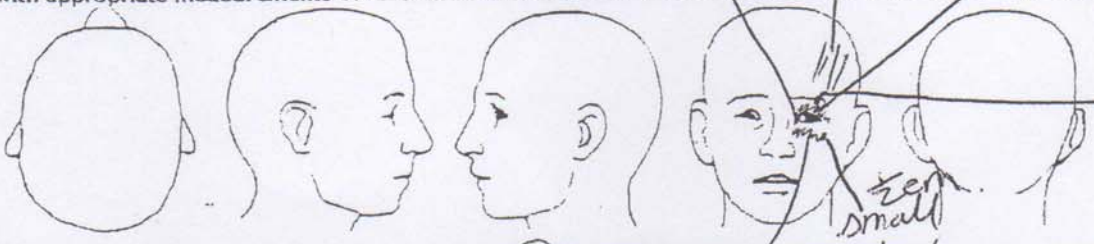
SPECIFIC NEUROLOGY ASSESSMENT FINDINGS

INCIDENT	CIRCLE		Y=Yes N=No U=Unsure					
ver	Y	N	Loss of consciousness	Y	N	U	How Long?	
Passenger	Y	N	Post Traumatic Amnesia	Y	N	U	How long?	
Passenger	Y	N	Seizure since injury	Y	N	U	Describe:	
atbe	Y	N	Headache	Y	N	U	Describe:	
tor st	Y	N	Nausea	Y	N	U		
ion	Y	N	Vomiting	Y	N	U	No. of times:	
dal cyclist	Y	N	Drowsy/unusually tired	Y	N	U	Comment:	
lmet	Y	N	Visual disturbance	Y	N	U	Comment:	
destrian	Y	N	Evidence of alcohol consumption	Y	N	U	Quantity:	Alcohol level: Time:
ll	Y	N	Evidence of drug abuse	Y	N	U	Name:	
ork accident	Y	N	Other neurological symptoms	Y	N	U	If yes, describe below:	
hool accident	Y	N						
me accident	Y	N						
sault or NAI	Y	N						
ort/Play	Y	N						
her	Y	N						

several small scratches to corner of eye.

HEAD INJURY EXAMINATION

strate injuries with appropriate measurements of lacerations and bruises in cms: NO LACERATIONS ☐ NO BRUISES ☐



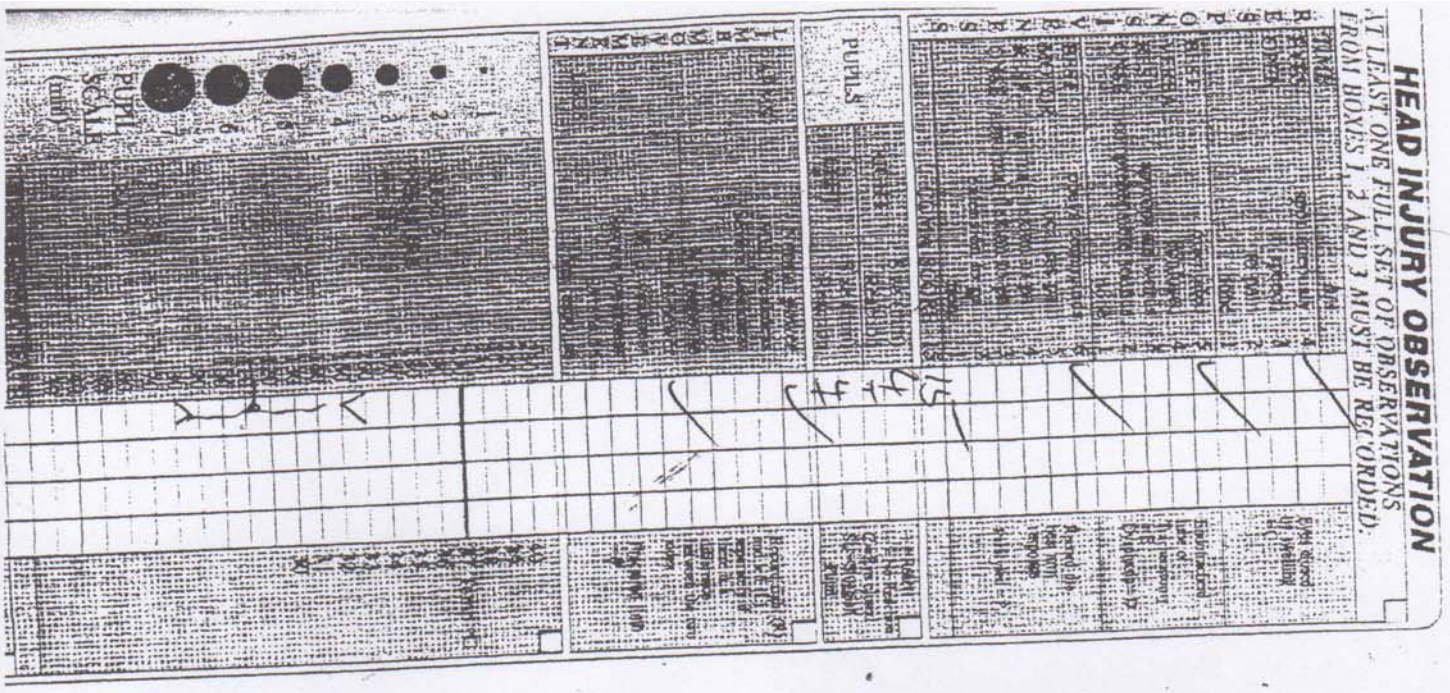
SPICION OF COMPOUND SKULL ACTURE OR PENETRATING INJURY	Y	N
IDENCE OF BASAL SKULL FRACTURE	Y	N
F LEAK FROM NOSE/EAR	Y	N
IDENCE OF NECK INJURY	Y	N

Comments: Contusion - no bony pain.

EUROLOGICAL EXAMINATION

RIENTATED IN: TIME	Y	N	PLACE	Y	N
IDENCE OF DYSPHASIA	Y	N	PERSON:	Y	N
NAPPROPRIATE/ABNORMAL BEHAVIOUR	Y	N	HEARING LOSS/FACIAL WEAKNESS	Y	N
SS OF VISION/ABNORMAL EYE MOVEMENT	Y	N	EVIDENCE OF ABNORMAL GAIT	Y	N
			EVIDENCE OF ABNORMAL FINE LIMB MOVEMENT	Y	N

u3)



AIL OF OTHER INJURIES: None ☐ — See eye proforma.

REFERRAL GUIDANCE REGARDING SIGNIFICANT RISK CRITERIA (NICE 2003) Y = YES N = NO				
ing warfarin/clotting disorder		Significant MOI		Any issues of concern
/post traumatic amnesia		Assessment difficulties e.g. epilepsy, drugs, alcohol		Details:
C/ altered Glasgow Coma ore		Possible child NAI		
sodes of fitting		Evidence of focal neuro deficit		
vious cranial intervention		Suspected skull fracture		None ☐
quent vomiting		Aged 65 or over		
able/altered behaviour		Significant trauma to head		

DIAGNOSIS: *Tick as appropriate*	
	Minor HI, fully orientated, no evidence of skull fracture (on clinical or radiological grounds)
	Minor HI, fully orientated, with skull fracture
	Disorientated/drowsy
	Difficult to assess
	Moderate/severe head injury
	Other diagnosis/injury
MANAGEMENT: *Tick as appropriate*	
Home with head injury instructions	☐
Name of responsible person at home:	Brother
Request opinion of:	
Admit to A&E Observation bed	☐
Admit to other ward	
Reason for admission	
Head injury instructions given and explained	Yes ☐ No ☐

pression:
Lac. to eyebrow (L) & cheekbone.
Bruising to eye.
several abrasions face/head.

an:
clean, glue lac's.
- See eye proforma

RIN.

gnature: ... Designation: ENP Date: 5/6/06 Time: 1625

A & E DIAGNOSTIC CODES

Diagnosis

Code	Classification	1st	2nd
01	Laceration	✓	
02	Contusion/Abrasion	✓	
19	Soft tissue inflammation		
14	Head injury		
06	Dislocation/fracture/joint injury/amputation		
07	Sprain/Ligament		
11	Muscle/Tendon		
12	Nerve Injury		
13	Vascular Injury		
08	Burns and Scalds		
99	Electric Shock		
09	Foreign Body		
99	Bites Stings		
21	Poisoning (include overdose)		
99	Near Drowning		
10	Visceral Injury		
99	Infectious Disease		
99	Local Infection		
99	Septicaemia		
15	Cardiac Condition		
14	Cerebro Vascular		
13	Other Vascular		
99	Haematological		
14	CNS Conditions (Excl Stroke)		
16	Respiratory Conditions		
17	Gastrointestinal Conditions		
18	Urological (include Cystitis)		
18	Obstetric		
18	Gynaecological		
22	Diabetes and Other endocrinological		
99	Dermatological Conditions		
99	Allergy (incl anaphylaxis)		
99	Facio maxillary		
99	ENT		
99	Psychiatric		
99	Ophthalmological conditions		
99	Social problem incl. Alcoholism		
99	Not classifiable		
24	NAD		

Anatomical S

Code	Classification	1st	2nd
1	Brain		
1	Head	✓	
2	Face	✓	
3	Eye	✓	
4	Ear		
5	Nose		
6	Mouth, jaw & Teeth		
9	Throat		
10	Neck		
11	Cervical-spine		
13	Thoracic spine		
18	Lumbar spine		
19	Pelvis		
12	Chest		
14	Breast		
15	Abdomen		
16	Back/Buttocks		
16	Ano-rectal		
17	Genitalia		
20	Shoulder		
21	Axilla		
22	Upper Arm		
23	Elbow		
24	Forearm		
25	Wrist		
26	Hand		
27	Digit		
29	Hip		
29	Groin		
30	Thigh		
31	Knee		
32	Lower Leg		
33	Ankle		
34	Foot		
35	Toe		
36	Multiple Site		

Side

1	Left	✓	
2	Right		

DIAGNOSIS & DETAILS OF INVESTIGATIONS FOR GP LETTER

Assault, Lac. (L) eyebrow & cheek.
Abrasions to head/face.
Contusion to eye(

PATIENT GROUP

- [ ] 1 Accident
- [ ] 2 Self-Harm
- [ ] 3 Assault
- [ ] Al
- [ ] 16 Adult Protection
- [ ] 15 Child Protection
- [ ] 6 Surgical
- [ ] 7 Medical
- [ ] 8 Orthopaedic
- [ ] 9 Psychiatric
- [ ] 10 Obs/Gynae
- [ ] 19 Paediatric
- [ ] 11 BID
- [ ] 12 RTA
- [ ] 13 Sports Injury
- [ ] 14 Firearm Injury
- [ ] 17 Cycle Injury
- [ ] 5 Bites/Stings
- [ ] 99 Other

u3)

INVESTIGATIONS

- [ ] 1 X-Ray
- [ ] 2 ECG
- [ ] 3 Monitoring (Cardiac)
- [ ] 4 Haematology
- [ ] 5 Biochemistry
- [ ] 6 Blood Bank
- [ ] 7 Urine (Routine)
- [ ] 8 Bacteriology
- [ ] 9 Histology
- [ ] 11 Photographs
- [ ] 13 Ultrasound
- [ ] 14 CT Scan
- [ ] 25 Pregnancy Test
- [ ] 27 IVU
- [ ] 26 Slit Lamp
- [ ] 98 None
- [ ] 99 Other, Specify: _____

ALLERGIES

- [ ] 1 Adhesive
- [ ] 2 Elastoplast
- [ ] 3 Iodine
- [ ] 4 Penicillin
- [ ] 5 Tetanus Toxoid
- [ ] 98 None
- [ ] 99 Other, Specify: _____

SPECIAL CASES

- [ ] 1 Asthma
- [ ] 2 Haematological
- [ ] 3 Diabetic
- [ ] 4 Fits
- [ ] 5 Hepatitis Risk
- [ ] 6 Pacemaker
- [ ] 7 ? Fragility Fracture
- [ ] 8 Drug User
- [ ] 9 Hospital Hopper
- [ ] 11 HIV/AIDS
- [ ] 12 MRSA

TREATMENT

- [ ] 1 Bandage/Dressing/Sling
- [ ] 2 Prescription
- [ ] 3 Splint
- [ ] 4 Suturing
- [ ] 15 Wound Closure (Other)
- [ ] 5 Minor Surgery
- [ ] 6 Manipulation/Reduction
- [ ] 7 IV Cannulation
- [ ] 8 Intubation
- [ ] 9 Defibrillation/Pacing
- [ ] 10 Lavage/Charcoal
- [ ] 11 Physio
- [ ] 12 Tetanus
- [ ] 18 Advice/Health Promotion
- [ ] 14 Removal F.B.
- [ ] 16 P.O.P.
- [ ] 18 Incision/Drainage
- [ ] 19 Central Line
- [ ] 20 Chest Drain
- [ ] 21 Urinary Catheter
- [ ] 22 Resuscitation
- [ ] 23 Monitoring
- [ ] 24 General Anaesthesia
- [ ] 25 NG Tube
- [ ] 26 Nebuliser
- [ ] 27 Parenteral Drugs
- [ ] 99 Thrombolysis
- [ ] 98 None
- [ ] 99 Other

ANAESTHETICS

- [ ] 1 G.A.
- [ ] 2 L.A.
- [ ] 3 Sedation
- [ ] 4 Nerve Block
- [ ] 5 Entonox/I.A.
- [ ] 98 None
- [ ] 99 Other, Specify: _____

INITIATOR OF REFERRAL

- [ ] 1 Self
- [ ] 2 GP -with letter
- [ ] 3 GP -without letter
- [ ] 4 Work
- [ ] 5 School
- [ ] 6 Other Hospital
- [ ] 7 Deputising Service
- [ ] 8 Dentist
- [ ] 9 Social Services
- [ ] 10 Police
- [ ] 11 Not Known
- [ ] 12 Optician
- [ ] 13 NHS Direct
- [ ] 99 Other

DISPOSAL

- [ ] 1 Discharged no follow up
- [ ] 2 Discharged GP follow up
- [ ] 3 Out Patient
- [ ] 4 Fracture Clinic
- [ ] 5 IP. CNDRH
- [ ] 6 IP. Elsewhere
- [ ] 7 A&E Clinic
- [ ] 8 DID - Mort
- [ ] 9 BID Mort
- [ ] 10 Did Not Wait
- [ ] 11 Refused Treatment
- [ ] 12 Other Referral
- [ ] 17 Community Bed
- [ ] 18 Police Custody
- [ ] 99 Other, Specify: _____

RECEPTION ONLY

PLEASE DO NOT REMOVE FROM THE ACCIDENT AND EMERGENCY DEPARTMENT

Chesterfield Royal Hospital NHS
NHS Foundation Trust

A&E No. 025284/06 u3)
Hosp. No. G134420
Sex Male
Prev. Att. Yes :

Consultants: Mr. R. BAILEY, Mr. N. AZIZ, Dr. K. LENDRUM

General Practitioner: DR. RA. MEE
WHITTINGTON MOOR SURGERY
SCARSDALE ROAD
WHITTINGTON MOOR
CHESTERFIELD S41 8NA
[redacted]

Surname: GLASGOW
Forenames: MARTIN
Address: [redacted]
Telephone No. [redacted]
Date of Birth: 10.07.59
Age: 46
Occupation: IT TECHNICIAN
Employment Category :
Employer/School :

Arrived By: Walked in
Referred by: Self
Place of Incident: Public Place
Time Elapsed: Less than 3 hours

Special Cases :
Allergies: None

Date of Arrival : 05.06.06
Time of Arrival : 15:42

Presenting Complaint: INJURY TO LEFT SIDE OF FACE

NP ☐ TRAUMA No. ☐

TREATMENT AREA
S+T

TIME CALLED INTO DEPT

Pain Assessment
Treated
Pain relief
Sign | No | Time

TIME SEEN BY PRACTITIONER
15:55

NAME OF PRACTITIONER
Sheila Haslehurst
ENP

4 Hour Waits Reason
- Awaiting Doctor ☐
- Blood Results ☐
- Xray Delay ☐
- Waiting Specialist Review ☐
- Recover Following Treatment ☐
- Awaiting ENP ☐
- Patient Monitoring ☐

Trolley Waits Reason
- No Medical Bed ☐
- No Surgical Bed ☐
- No EAU Bed ☐

TIME DECISION TO ADMIT

REFERRED TO

DISPOSAL
(D)

DEPARTURE TIME
16.25

NOTES ORDERED
YES ☐ NO ☐

Action For X-Ray/Path Reports

PS54

NAME

u3)

PMH	ALLERGIES	MEDICATION
(Eczema) None	NDR	None

TETANUS TOXOID STATUS

TETANUS IMMUNE ☑ NEEDS BOOSTER ☐ IMMUNOGLOBULIN ☐

CLINICAL NOTES (Medical & Nursing)

DAY AND TIME DISCHARGED	A & E CLINICAL NOTES	INITIALS
	23.30pm involved in altercation with c/d's ex partner in Q. Punched + scratched - broke spectacles cut to L cheek & eyebrow.	

A: 114
DP: 14884
CJ 5115

RECEPTION ONLY

1 Discharged no follow up
2 Discharged GP follow up
3 Out Patient
4 Fracture Clinic
5 IP. CNDRH
6 IP. Elsewhere
7 A&E Clinic
8 DID - Mort
9 BID Mort
10 Did Not Wait
11 Refused Treatment
12 Other Referral
17 Community Bed
18 Police Custody
99 Other, Specify:

Assault, Rec. Cuts, Abrasions to head/face. Contusion to eye.

PRESCRIPTION	DOSE	ROUTE	TIME	SIGNATURE	GIVEN BY	TIME GIVEN

u3)

ACCIDENT AND EMERGENCY EYE CARD

These forms are designed for isolated eye complaints. Please detail other problems on the A&E card

NAME: Martin Glasgow | A&E NO: 025284 | DATE OF ATTENDANCE: 5/6/06

HISTORY
Eye Affected R ☐ L ☒ Both ☐ Time seen: 1555 Time elapsed:

MECHANISM OF INJURY/HISTORY DETAILS:
involved in fracas in CCU with another pts relatives, who took offence at something ~~me~~ thought Martin had said. Who was scratched + punched in face/eye broken glasses.

PROTECTIVE EYEWEAR WORN Y ☐ N ☐ PRIOR VISION NORMAL ☐
WEARS GLASSES ☒ WEARS CONTACT LENSES ☐ LENSES REMOVED Y ☐ N ☐

Visual Acuity
R 6/ L 6/
Corrected Vision
R ~~3/18~~ L 3/9+2.

PEARL Y ☒ N ☐
Pupil Size
R 4 mm
L 4 mm
Consensual light reflex findings

Findings:
Small contusion to (L) eye, lateral corner. not bleeding now. ? abrasion ? glass FB.

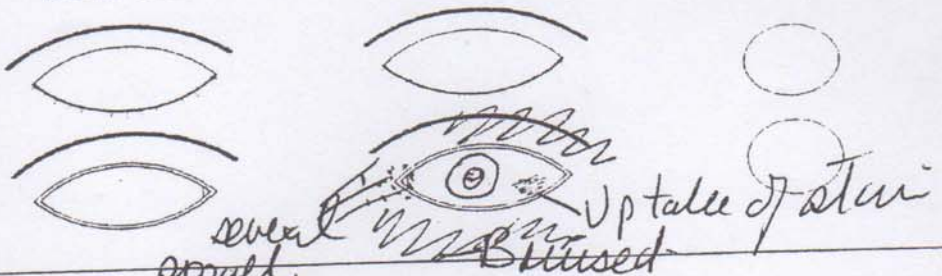
Clinical Findings
Stained – no FB seen. uptake over contusion. no FB sensation. no sign of penetrating injury

Examination Continued **Indicate specific details on the diagram**
Tick boxes if examined with no abnormalities found **A** = Abnormality detected – document details

Conjunctiva ☒	Anterior Chamber ☒	Sub tarsal ☒	Sclera ☒	Facial bones ☒	
Cornea ☒	Iris ☒	Lacrimal Apparatus ☒	Lens/Vitreous ☒	Red Reflex ☒	

Slit Lamp used to aid examination Y ☒ N ☐

RIGHT EYE **LEFT EYE**



Diagnosis/Differential

Details of Management
chloramphenicol oint

Drugs
SD = Stat dose **TTO** = To take out

Name/dose/frequency	SD/TTO	Route	Eye	Clinicians Signature	Given By	Time Given
Benoxinate 1 – 2 drops	SD	Topical	(L)			
Fluroscein 1 – 2 drops	SD	Topical	(L)			
Chloramphenicol Ointment QDS/for 5 days	TTO	Topical				
Diclofenac eye drops – QDS/1 day	TTO	Topical				

Date/Time: 5/6/06. 16.25

Disposal/follow-up		Follow-up	
Home with advice	✓	A&E Return Clinic	
Advised to return if concerned		Eye Clinic	
Admitted		Other	

Clinicians Signature: ENP

KP/NL 04/04

SURNAME: Glasgow FIRST NAME: Martin A&E NUMBER: 0252840 (u3)

SCRIPTION AND MECHANISM OF INJURIES:

Involved in fracas in CCU. with another pt's relative who punched + scratched Martin in face. broke glasses. Lac. (L) eyebrow + cheekbone @bruising to eye scratches to head + around eye.

History from: Patient/Child ☐ Other/Who: ☐ Adult Present:

Time of injury: 15:15

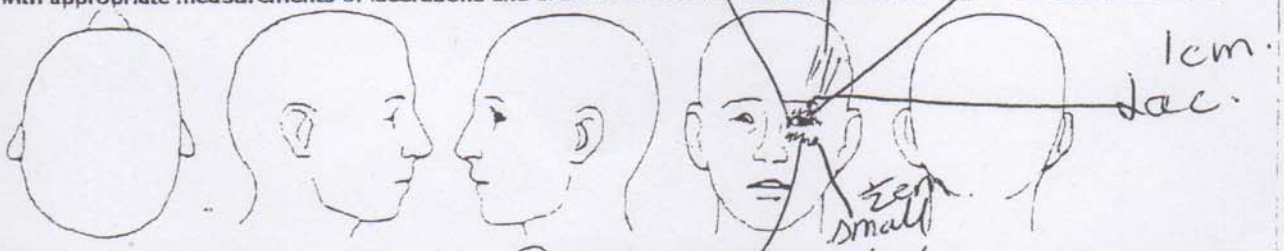
Time interval since injury: Days Hours

SPECIFIC NEUROLOGY ASSESSMENT FINDINGS

INCIDENT	CIRCLE		Y=Yes N=No U=Unsure					
ver	Y	N	Loss of consciousness	Y	N	U	How Long?	
Passenger	Y	N	Post Traumatic Amnesia	Y	N	U	How long?	
Passenger	Y	N	Seizure since injury	Y	N	U	Describe:	
at	Y	N	Headache	Y	N	U	Describe:	
tor cyclist	Y	N	Nausea	Y	N	U		
ion	Y	N	Vomiting	Y	N	U	No. of times:	
dal cyclist	Y	N	Drowsy/unusually tired	Y	N	U	Comment	
met	Y	N	Visual disturbance	Y	N	U	Comment	
destnan	Y	N	Evidence of alcohol consumption	Y	N	U	Quantity:	Alcohol level: Time:
l	Y	N	Evidence of drug abuse	Y	N	U	Name:	
rk accident	Y	N	Other neurological symptoms	Y	N	U	If yes, describe below:	
hool accident	Y	N						
me accident	Y	N						
sault or NAI	Y	N						
ort/Play	Y	N						
ner	Y	N						

HEAD INJURY EXAMINATION

strate injuries with appropriate measurements of lacerations and bruises in cms: NO LACERATIONS ☐ NO BRUISES ☐



SPICION OF COMPOUND SKULL ACTURE OR PENETRATING INJURY	Y	N
IDENCE OF BASAL SKULL FRACTURE	Y	N
F LEAK FROM NOSE/EAR	Y	N
IDENCE OF NECK INJURY	Y	N

Comments: Contusion - no bony pain.

EUROLOGICAL EXAMINATION

RIENTATED IN: TIME	Y	N	PLACE	✓	N
IDENCE OF DYSPHASIA		✓	PERSON:	✓	N
NAPPROPRIATE/ABNORMAL BEHAVIOUR		✓	HEARING LOSS/FACIAL WEAKNESS		✓
SS OF VISION/ABNORMAL EYE MOVEMENT		✓	EVIDENCE OF ABNORMAL GAIT		✓
			EVIDENCE OF ABNORMAL FINE LIMB MOVEMENT		✓

Form MG11
(R9/04)

RESTRICTED (when complete)

u6)

WITNESS STATEMENT

0000012

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

URN | 30 | | | |

Statement of: Steven James GILBURN

Age if under 18: Over 18 ..... (if over 18 insert 'over 18') Occupation: Police Constable 2828

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: ..... Date: 03/07/2006

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

Further to my previous statement dated 5th June 2006, when I spoke to the male I now know to be Martin GLASGOW, 10/07/1959, on 5th June 2006, I saw that he had the following visible injuries;

Cuts and bruising around his left eye, a 1 inch cut to the left eyebrow, a 2-inch cut to his left cheekbone, grazing to the left side of the forehead, and cuts to the rear of his head.

Signature: ..... Signature witnessed by: .....

u7)

RESTRICTED (when complete)

Witness Statement

(CJ Act 1967, S.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r70)

URN | 30 | CH | 2619 | 06 |

Statement of KASHMIR JOHAL

Age if under 18 (if over 18 insert 'over 18') Over 18 **Occupation** Shop Owner

This statement (consisting of 3 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 in it anything which I know to be false or do not believe to be true.

Signature: K Johal Date: 5/6/06

Cross if witness evidence is visually recorded ☐ *(supply witness details on rear)*

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

At approximately 0015 hrs on Monday the 5th of June 2006 I was up at Chesterfield hospital, Hady Lane, Chesterfield. I was in the Coronary Unit visiting my mother in Law. I was with my husband, Malkait Johal. At approximately 0800 hrs on the above date Amandip Johal (My Son), also joined us up in the Coronary Unit.

At approximately 1515 hrs on the above date Amandip left the Coronary unit through the main doors. Approximately 2 minutes after Amandip left I suddenly heard Amandips voice shouting "let me go."

My husband and I immediately stood and saw Amandip being pinned up against the wall by 3 males. I would **(Page 2)** describe these 3 males as follows:

Male (1): a white male, approximately 5'8" in his early 40's. He had a bald head. ~~He~~ KJ ~~was~~ KJ He was of a medium build but I cannot recall what he was wearing. Male (2) a white male, approximately 6' and approximately 50 years old. He had short brown hair. He was again of a medium build. I cannot recall what he was wearing but I can remember KJ one ~~he~~ male had glasses on.

Signature K Johal **Signature witnessed by**

0308-07 AJT

RESTRICTED (when complete)

Continuation of Statement of KASHMIR JOHAL

I cannot recall any description of Male (3) other than he was a white male. It was male (1) who had Amandip up against the wall by his chest. The other 2 males were both punching him to his face, repeatedly. Both my husband and I ran up to these 3 males. I ran in front of male (1) and grabbed his right arm and tried to push him away. My husband tried to push the other 2 males away. I then heard one of the nurses shout "Why are you doing this?" Amandip said "I'm not doing anything." Male (1) ran back through me and my husband and punched Amandip **(Page 3)** in the face again at least twice. My husband then managed to leave with ~~grab~~ [KJ] Amandip and take him through the main doors. I then heard a female shout "Why do you always have to do this?" Male (1) replied "Nobody tells me to sit down, I'm not a dog." Security then arrived and approached these 3 males, and I then left through the main doors.

The whole incident lasted approximately 2-3 minutes and I was 20' away when the incident began and at closest I was pushing the males away. The visibility in the hospital was good, as it was well lit and it was daylight. I was aware of hospital staff around me panicking but I cannot recall any of them trying to intervene. I would be willing to attend court if need by.

[KJ] ~~PC 2975 O Callaghan~~ [KJ] The incident has left me feeling scared and shaken and fearing for Amandips safety. K Johal

Signature K Johal **Signature witnessed by**

0308-07 ajt

CCRC
Criminal • Cases • Review • Commission

Private and Confidential
Mr Martin Glasgow
3 Tansley Court
Highfield Lane
Chesterfield
Derbyshire
S41 7AW

Your ref:
Our ref: 787/2009

16 January 2009

Dear Mr Glasgow

Final decision on your application – Statement of Reasons

The Commission has reached a final decision not to refer your case. The file on this case has now been closed.

On 2 November 2008 you applied to the Commission for a review of your conviction and sentence. We wrote to you on 19 December 2008 letting you know the Commission's provisional view on your application and giving you until 16 January 2008 to make any further submissions to us. You rightly note in your letter of 14 January that this must have been an error and that surely 2009 was intended. The Commission apologises for this error and confirms that the correct deadline for further submissions was 16 January 2009.

The Commission's reasons for its provisional view were as follows:

The Trial

On 16th March 2007 in the Crown Court at Derby (Mr Recorder Barker Q.C.) you were convicted of affray. Your co-defendant, Mr Johal, was acquitted.
On 3rd August 2007 following an adjournment to obtain a Pre-sentence Report and a Psychiatric Report, you were sentenced to 12 months' imprisonment.

The Appeal

You applied for an extension of time for leave to appeal on the following grounds:

Conviction

1. The co-accused, Johal, was the guilty party and should have been convicted. His acquittal should be quashed under the double jeopardy rules as there is compelling new evidence.

2. The police witness statements are inconsistent and contradictory.
3. The applicant was failed by his legal team. Witnesses were prevented by his counsel/legal team from giving evidence which would have been useful to his defence. His defence team actively withheld evidence. He was not able to view a floor plan until the trial stage. His counsel did not object to his sister being called a liar. His legal team erred in not calling character witnesses on his behalf. Complaints were made to the Legal Complaints Service and Bar Council.
4. The statement of John Greaves was in essence written for him by the police as in the statement he used the word 'goading' yet when he gave evidence he did not know what this word meant and had to be told its meaning by the Judge.
5. The co-accused was unlawfully assisted in the preparation of his defence by a relative who is a CPS prosecutor.
6. The Judge misdirected proceedings and erred in discharging the co-accused. The summing up was unfair as too much emphasis was placed on the supposed racial element in this case.
7. The nurse witnesses were wrong in describing the applicant as the aggressor.
8. Hospital records of the incident were not produced at court.
9. The police investigation regarding the co- accused was flawed e.g. he was arrested 19 days after the incident meaning that his supposed injuries could not be verified. Further, his suit which had supposedly been covered in blood was not retained by the police as an exhibit.
10. The applicant wishes to call fresh evidence pursuant to s.23 Criminal Appeal 1968. The evidence is from Adrian Glasgow and Graham Glasgow , the applicant's brothers, who will both say that he was not the aggressor. Kashmir Johal , mother of the co-accused, whose account of the incident is different to that given by other witnesses.

Sentence

1. The Judge was wrong to call the applicant a liar and a racist.
2. The sentence was manifestly excessive and wrong in principle.

In view of the criticisms made of trial counsel and solicitors, you were asked to waive privilege and did so. Your trial solicitors and counsel responded to your criticisms by letter addressed to the Court of Appeal.

On 15 January 2008 the Single Court of Appeal Judge, Mr Justice Teare, refused your applications observing:

> "The Grounds of Appeal, despite their length, do not disclose an arguable ground of appeal either against conviction or sentence. There are a great many allegations but no coherent explanation as to why any have a realistic prospect of success.
>
> For that reason leave to extend time is also refused."

You renewed your applications to the Full Court of Appeal. On 29 October 2008 the Full Court refused the applications concluding that there was no merit in them. A copy of their judgment is enclosed for your information.

The application to the Commission

You ask the Commission to review your conviction and sentence. The Commission has obtained the Indictment, transcripts of the Summing-up and Sentencing Remarks, the Notice and Grounds of Appeal, the Single Judge Form, the Court of Appeal Summary and the Judgment of the Full Court.

The position in relation to disclosure of material is set out in Annex B.

The Commission's Powers

The Commission may refer a conviction if the following conditions are met:

1. there is a real possibility that the conviction would be quashed if it were referred, and

2. this real possibility arises from evidence or argument which was not put forward at trial, or any appeal or application for leave to appeal, or

3. there are exceptional circumstances which justify the making of a reference even though there is no new evidence or argument.

The Commission may refer a sentence if the following conditions are met:

1. there is a real possibility that the sentence would be reduced if it were referred, and

2. this real possibility arises from information or argument on a point of law which was not put forward at trial, or any appeal or application for leave to appeal.

The Commission's powers to make a reference under the Criminal Appeal Act 1995 are summarised more fully in the Annex to this letter.

Analysis and reasons

An application to the Commission is not an opportunity to re-run either the trial or the appeal. The Commission is concerned with the question whether or not there is new evidence or argument that could give rise to a real possibility of the Court of Appeal quashing the conviction or reducing the sentence.

Your submissions are set out below followed by the Commission's responses.

1. There is new evidence of which the courts have not considered so far.

   The documents enclosed with your application form disclose no new evidence that could persuade the Court of Appeal that your conviction is unsafe. Materials already considered by the Court of Appeal necessarily are not new. The article downloaded from "The Star" titled " Racist brawler loses fight against conviction" is a news report. It contains no new evidence. The list of the Judiciary in England and Wales is not evidence having no bearing whatsoever upon the safety of your conviction.

2. There are exceptional circumstances much more than is listed in my leave to appeal application.

   No such exceptional circumstances are identified by you. Those that have already been considered by the Court of Appeal necessarily cannot give rise to a real possibility that the Court would not uphold your conviction if referred to them. The Commission is unable itself to identify any exceptional circumstances that would justify referring your case in the absence of new evidence or argument giving rise to a real possibility that the Court would quash your conviction.

3. You claim you retain a copy of the prosecution/defence papers.

This fact of itself does not demonstrate anything pertaining to the safety of your conviction.

4. You claim to have recorded conversations such as a CPS administrator saying that evidence has been destroyed.

   You do not specify what evidence this is, or what relevance it may have had to your trial. Neither is it clear as to who destroyed such evidence. This submission does not provide any basis for referring your case to the Court of Appeal.

5. You claim you were denied the right of defence at the leave to appeal hearing.

   An application to the Commission is not an appeal from the decision of the Court of Appeal. Your application to the Court of Appeal was a renewal of your applications for an extension of time and for leave to appeal which were refused by the Single Judge. You requested permission to address the Full Court. There is no right to address the Court on such an application. The papers were all before the Court of Appeal in which you stated your grounds of appeal and your reasons for requesting an extension of time. These were clear and unambiguous. It is difficult to see what further light could have been shed on these through oral submissions. The presiding Lord Justice of Appeal, Lady Justice Hallett DBE refused your request. That is an end of the matter; any decision she made has no bearing upon the safety of your conviction. The Commission may only refer a case where there is new evidence or argument which raises a real possibility that the Court of Appeal will quash a conviction because it is unsafe. Necessarily, matters which occur on appeal or application for leave to appeal cannot retrospectively affect the safety of a conviction. Accordingly, the Commission cannot refer your case on this basis.

6. You have made no separate submissions relating to your sentence. The Court of Appeal has refused leave to appeal sentence being satisfied that there are no arguable grounds of appeal. The Commission is unable to identify any new information or argument on a point of law that could give rise to a real possibility of the Court of Appeal reducing your sentence.

Provisional Decision

On the information available, the Commission has reached a provisional view that there is no real possibility that your conviction would be quashed or your sentence reduced if they were referred to the Court of

Appeal. You have the opportunity to make further submissions in response to this provisional view. Any further information or submissions must reach the Commission by 16 January 2008.

On 14 January 2009 you attended the Commission's offices in person and handed in your further submissions.

The Commission's comments on these are set out below;

Further Analysis and Reasons

1. You query how your legal representatives could have known that your character witnesses were members of the BNP.

   Your complaint against your legal representatives and their standard of representation was a ground of appeal and as such further exploration of this issue will not be pursued. As is clear from Mr Munt's response to the Bar Standards Board, the issue of character witnesses was discussed with you in conference on 16/01/07. Your membership of the BNP is not disputed and counsel makes it clear that it was agreed that this should not be disclosed to the jury. The decision as to which witnesses to call was taken in the conference of 16/01/07[1]. If you were dissatisfied with the advice of your legal representatives, it was always open to you to dismiss them. You did not do so. There is not the remotest possibility of the Court of Appeal concluding that the fairness of your trial and safety of your conviction was impaired by incompetent representation in respect of the calling of character witnesses.

2. You further speculate that there was a conspiracy against you and that Mr Munt is related to Ms Tessa Munt and that between them they set you up. You seek further to embellish this allegation with reference to the letter for Mr Bashforrth to Dr Mendelson wherein it is mentioned that Mr Johal was a newly qualified solicitor

   Mr Johal's occupation was fully disclosed at trial. The Commission can see nothing suspicious in the fact that Mr Johal practices out of Chesterfield. The listing you enclose is that of Derby County Court for 28 June 2007, not that of Derby Crown Court. This lists civil cases. There is no evidence to indicate that the Johal in the third case is your co-defendant. Further, the name Johal refers to the complainant in that case and not the solicitor. As this is a list of civil actions, the Commission is unable to see how this furthers your speculation that Mr Munt and Mr Johal plied their trade in Derby Crown Court. The remainder of your

[1] The Commission notes that the character witness letters from Garry Whitaker, KW Collingwood, John Grass, Lee Griffiths and Helen Cheetham all post-date the conference on 16/01/07 and the date of your conviction, 16 March 2007. The letter from DM Stevenson is undated.

submission about venue is unsubstantiated speculation and the Commission is satisfied that there is not the remotest possibility of the Court of Appeal being prepared to receive or further explore such allegations. In these circumstances the Commission does not intend to pursue this matter any further as it is unable to see how this could have impacted upon the fairness of your trial or the safety of your conviction.

3. You complain that the Judge, Recorder Barker QC, in had invited the prosecution to recharge your brother, Adrian Glasgow, and that this was psychological blackmail and a misdirection.

   The Commission is unable to see how the Judge appropriately performing his judicial function could be considered to have engaged in blackmail. Neither is this a misdirection as it was advice to the prosecution and not a direction to the jury. It could have no impact upon the fairness of your trial or the safety of your conviction.

4. You complain that the summing-up does not wholly reflect what was said in court and that the Court of Appeal Summary is a "dilution, an extraction of non-key facts".

   The quality of the Court of Appeal Summary – which is, simply that, a summary – has no bearing upon the safety of your conviction. As for the Summing-up it was a summary of the evidence. Your critique was before the Court of Appeal who refused you leave to appeal. This, accordingly, is neither new evidence nor argument. In the absence of identifiable bias or misdirection, there is no possibility that the Court of Appeal would consider that the summing-up could, of itself, render your conviction unsafe. The Commission is unable to detect any bias or lack of balance in the summing-up nor is there any apparent misdirection on the law. In these circumstances there is no basis upon which your conviction could be referred to the Court of Appeal.

5. You finally refer to the absence of marks on your hands, the photographic evidence relating to Mr Johal's injuries, and his failure to claim any damages from you.

   Regarding the first two matters, these are not new and were known at trial. The third matter has no bearing upon the safety of your conviction and cannot present a basis for referring your case to the Court of Appeal.

The Commission has carefully considered your further submissions and is unable to identify within them any new evidence or argument that could give rise to a real possibility of the Court of Appeal quashing your conviction if referred to them. Further, there are no exceptional circumstances that could

justify a referral of your conviction in the absence of new evidence or argument. No further submissions have been made regarding your sentence. Insert reasons here and perhaps conclude with a paragraph such as the following.

In sum, therefore, the submissions do not present any new evidence or argument on the basis of which a real possibility could arise that the Court of Appeal would quash your conviction and/or reduce your sentence if referred to them. No further submissions have been made on the issue of sentence. The Commission is satisfied that there are no reasonable lines of investigation that it could pursue that would have any prospect of presenting evidence or argument that could provide a basis for referring to the Court of Appeal either your conviction or sentence.

Consequently, the Commission confirms its provisional view that there is no real possibility that the Court of Appeal would quash your conviction or reduce your sentence if referred to them.

Decision

The Commission has decided not to make a reference and this statement sets out the Commission's reasons in accordance with section 14(6) of the Criminal Appeal Act 1995. This decision has been made by a Commissioner and is signed by the Commissioner on behalf of the Commission.

Your file has now been closed. However, you may re-apply to the Commission at any time in the future should new information about your case come to light. For the next three months we will keep at our offices any material you sent to us. The files will then be moved into storage for a minimum of four years and nine months before being eventually destroyed. If you need any of your material to be returned please get in touch immediately.

Yours sincerely

M J Allen
Commissioner

BANNER JONES
MIDDLETON
SOLICITORS

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Mr A Glasgow
4 Walton Drive Court
CHESTERFIELD
Derbyshire
S40 2NY

Our Ref: RL/js/81352
Your Ref:
Date: 13 June 2006
Direct Dial: 01246283001
E-mail: rl@bjm-solicitors.co.uk

Dear Adrian

Re: Police v Yourself

Thank you for consulting us. I am pleased to have been of assistance to you. We are pleased to welcome you as one of our clients.

As a firm in general practice we deal not only with those matters for which you have consulted us, but also with a wide range of other matters.

If we can be of assistance to you on any matters which have a legal aspect whether requiring immediate action or just general advice please do not hesitate to contact us. We hope that you will find us approachable and efficient and we look forward to being able to provide you with a full legal service.

I would like to take this opportunity of explaining to you various matters concerning your case and our professional relationship with you.

RESPONSIBILITY FOR THE WORK

I will have the personal responsibility for your case. I will carry out much of the work personally but may also delegate certain elements to other members of my firm or immediate staff. The Criminal Law Department consists of Jonathan Taaffe – Partner Head of the Criminal Law Department, Peter Jones – Partner, Caroline Clarke – Partner, Emma North – Assistant Solicitor, Ruth Clarke – Crown Court Assistant, Rob Lowe – Clerk, Richard Drew - Assistant and Lynda Gilbert – Secretary. In my absence please speak to any of the aforementioned who will deal with your query or take a message from you.

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The Partner of this Firm who will have ultimate responsibility in respect of this matter is Mr. Jonathan Taaffe who is Head of our Criminal Courts Department based at our Marsden Street, Chesterfield office.

E-MAIL

Although e-mail may not be as secure as other means of communication you are agreeable to being contacted by e-mail. I have made a note of your e-mail address and I am also happy for you to contact me by e-mail if necessary on rl@bjm-solicitors.co.uk.

THE MAIN DETAILS ABOUT YOUR CASE

I refer to your detention at Chesterfield Police Station on the 6th June 2006. You were arrested on suspicion of assault.

Police were called to an incident at the Coronary Care Unit at the Chesterfield Royal Hospital. Your mum was in the unit receiving treatment.

It is alleged that your brother, Martin, got into an altercation with a Mr Johal. This started off as a verbal altercation but escalated into a fight.

It is alleged that you became involved in the fight. It is alleged that you pinned Mr Johal up against a wall by his throat and punched him several times to his face and head. There is also a suggestion that racist language was used.

The Police have statements from John Greaves and Thomas Greaves, who were at the Hospital visiting one of their relatives. There is also a statement fro Susan Lees, Senior Staff Nurse at the Hospital. They all describe Martin as the aggressor.

John Greaves describes male 2, which is believed to be you, pinning Mr Johal up against the wall and punching him twice.

You told me that you said something to your brother about everybody talking in a foreign language when they walked past you. This was not meant to offend anybody. You believe that Mr Johal must have overheard what you were saying to your brother, and took offence to it.

He came up to you and challenged you about it. You apologised to him. At this point, your brother Martin stood up. Mr Johal told your brother to sit down. He also asked Martin for an apology. Martin

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refused to apologise to Mr Johal because he had not done anything wrong. He also refused to sit down when Mr Johal told him to.

This appeared to agitate Mr Johal. Your other brother, Graham, told them both to calm down.

Mr Johal then punched Martin in the face causing his glasses to break. Mr Johal and Martin then started grappling with each other. You tried to get in between them in order to separate them. You fell through some doors in to the main ward.

Mr Johal then punched you once in your face. This hit you on the left aside of your jaw.

The next thing you remember is being pulled away by some nurses. You do not recall hitting Mr Johal. You accept that you may have done after he had punched you. You certainly did not hit him prior to him hitting you.

You say you did not pin him up by his throat and punch him.

You say you only got involved in the incident in order to separate Mr Johal and Martin. The last thing you wanted was to get involved in a fight.

You say you definitely did not use any racially abusive language.

You did not see Martin land any punches on Mr Johal.

The reason you can not remember anything is because you suffer with epilepsy. You believe it is possible that you may have had a minor epileptic fit after Miss Johal had punched you. You would expect this to cause you some memory loss.

ADVICE GIVEN

I advised you to put forward your version of events to the Police in interview. Although you can not remember everything, you do have many issues to raise with Mr Johal's evidence, and you describe him as being the aggressor. If you are eventually charged with this offence, you will be able to rely on your account at Court and avoid adverse inferences being drawn against you.

You agreed with this advice and you did put forward your account in interview.

STEPS TO BE TAKEN

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The Police will now seek advice from the Crown Prosecution Service as to whether or not any charges are to be brought against you.

You must return to Chesterfield Police Station on the 30th June 2006 at 6.00pm. Either myself or one of my colleagues will contact you on this date. If you fail to attend without a reasonable excuse, you may be committing an offence under the Bail Act.

If your bail date is cancelled or altered, I would be grateful if you would let me know.

LEGAL AID

We are members of the Legal Advice and Assistance Scheme. Whenever we have information that a client should be entitled to Legal Advice and Assistance, we will make an Application.

ADVICE WHILST AT POLICE STATION

Any advice given whilst you are at the Police Station is fully covered by **free** Legal Advice and Assistance. You should **always** in those circumstances call us for help. We are on 24 hour call for Police Station advice and assistance.

LEGAL ADVICE AND ASSISTANCE

I have assessed that you are eligible for Legal Advice and Assistance as you satisfy what is known as the Sufficient Benefits Test. The amount of work we can do is limited to a total cost inclusive of VAT of £352.50. This could be repayable by you if any of the financial information you have given us is incorrect. In exceptional cases this limit may be extended with the consent of the Legal Services Commission. We will need evidence of your financial position and in particular evidence of any benefit received or a recent wage slip. We will advise you if it looks as if the scope of the work we can carry out is going to be exceeded. Legal Advice and Assistance will not pay for us to represent you at a Court or before a Tribunal but will cover all preparation and advice on your case to the above limit.

REPRESENTATION ORDER

If a Court date is fixed we can apply on your behalf to the Court for a Representation Order. If this is granted this will pay our fees to represent you at Court. Representation will be granted if the Court is satisfied that the statutory criteria (merits of the case) are met. At the end of your case it is open to a Crown Court to decide if you should be responsible for any or all of the defence costs of your case

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should you be found guilty. If the matter proceeds in the Magistrates Court the Magistrates have no power to make such an order. The Crown Court may not impose any penalty in relation to your defence costs if the matter is dealt with by way of committal for either sentence or appeal against sentence from the Magistrates Court. We will advise you further in relation to this as the case progresses.

Whether a Representation Order is granted or not depends on a number of factors assessed by the Clerk to the Justices. If the application is not granted we will advise you further.

COSTS

We can give you some idea of the likely defence costs in this case under a Representation Order should you so require. If you require this information please let us know. You should note that if the case proceeds at the Magistrates Court you cannot be ordered to pay any of your defence costs under the Representation Order covering the Magistrates Court. If however your case proceeds to the Crown Court it is open to the Judge at the end of your case to make an order that you should pay some or all of your defence costs. Whether such an order is made depends on numerous factors including the outcome of the case and the way the case has progressed and been conducted. Further specific and detailed advice in relation to this can be provided if you feel it would assist. Should you wish for that information please contact one of the Fee Earners in the Criminal Department.

REPRESENTATION ORDER FEES

In respect of work done by use on your behalf which is covered by a Representation Order, the fees are set by the Government or by the Court and will be paid in accordance with those set rates.

PAYMENT OF PROSECUTION COST

If you are found guilty the Prosecution always ask for an Order that you pay their costs. The amount depends on the length of the hearing. The payment is in addition to any other penalty the Court imposes.

ACCEPTANCE OF TERMS AND CONDITIONS OF ENGAGEMENT

You will also find enclosed with this letter the firm's terms and conditions of engagement. Instructions from you will be treated as acceptance of our terms and conditions of engagement. Where we are instructed by more than one person each one of those instructing us is jointly and severally liable for

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u9)

these terms and conditions of engagement and in particular for all our fees and any other expenditure we incur on your behalf.

Yours sincerely

Robert Lowe
Banner Jones Middleton

u10)

2004/05(1)

CR 36825-06

Form MG11 (R9/04)

RESTRICTED (when complete)

WITNESS STATEMENT

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

URN 30

Statement of: Martin GLASGOW

Age if under 18: Over 18 (if over 18 insert over 18) Occupation: Unemployed

This statement (consisting of 5 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: M Glasgow Date: 5/6/06

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

I am the above named person and my address is as shown overleaf.

On Monday 5th June 2006, at approximately 1445hrs, I entered the Coronary Care Unit, Chesterfield Royal Hospital, with my sister Karen, in order to see my mother who is ill and is being treated in the unit.

When we went into the unit I saw that my 2 brothers Adrian and Graham were already present and were sat with my mother. We therefore joined them.

About 5-10 minutes later, a nurse asked us to go outside the care unit, as they needed to perform an ECG scan on my mother.

Karen stayed with my mother, and I went and sat in the corridor outside the unit with Adrian and Graham.

Whilst we were sat in the corridor, a number of visitors, who were of Asian or Indian race,

Signature: M Glasgow Signature witnessed by:

Continuation of Statement of: Martin GLASGOW Page No. 2 of 5

were coming and going from the Coronary Care Unit. As I made As one of them was leaving the corridor as if to leave the hospital, Adrian said something like, "HOW COME WHEN THERE IS MORE THAN ONE OF THEM, THEY TALK IN THEIR OWN LANGUAGE?"

The male that was leaving the corridor, then stopped at the door, turned round and walked back in our direction.

This male was of Asian race, in his early 20's, of slim build, about 6'0" tall, with short dark coloured wavy hair, with flecks of ginger in the hair. He was wearing a black pinstripe suit, with a white striped shirt.

The male walked towards Adrian, bent over so that his face was about 2 inches from Adrian's face, and he started shouting at Adrian. I cannot remember what it was about, other than it was about the comment that Adrian made to me.

I then stood up and said to the male that "we were in a coronary care unit and we didn't want any trouble.

He ~~was breath~~ seemed to be hyperventilating, as he was breathing in and out ~~a~~ forcefully into my face. He replied, "COME OUTSIDE AND WE'LL SORT IT OUT", and he then continuously called me an "UGLY BASTARD"

The male then pushed me 2-3 times in the chest,

Signature: M Glasgow Signature witnessed by:

He then turned back to Adrian, and stated that he wanted an apology.

Adrian said, "I'M SORRY", and the male then told me to apologise.

I said, "I'M NOT APOLOGISING", and the male told me to sit down. He also kept saying, 'COME OUTSIDE.'

I said that I would sit down when I was ready, and the male then punched me in my left eye using his right fist, breaking my glasses.

mg x I then grabbed the male, although I can't remember where I grabbed him, and we stumbled into the wall. The male's back was against the wall, and he pushed his finger a number of times into my left eye, causing me a lot of pain, mg x as I wrestled with him to get him off.

I head butted my head to try and stop the male pushing his finger into my eye, and I then felt him biting the back of my head.

The next thing I remember is Adrian attempting to pull the male off of me.

Adrian and the male then bundled each other through the doors into the Coronary Care Unit. mg x I then picked my glasses followed them into the Unit and saw that Adrian was trying to hold the male against the wall using his hands, and the

Signature: M Glasgow Signature witnessed by:

u10)

2004/05(1) RESTRICTED (when complete) Form MG11 (CONT) (R9/04)

Continuation of Statement of: Martin GLASGOW Page No. 4 of 5

male was screaming and shouting.
I went to help Adrian, and attempted to hold
MG/1 the male's arms by his sides, pressing my
weight against his chest.
At this point a number of staff were trying to
calm the male down also, as he was in a
rage.
I then let go and backed away, and staff
members stood in between us. The male seemed
to calm down and I went into the
corridor to retrieve my glasses from the floor.
The male then left the unit with some others.
Following this incident I have sustained a 1 inch
cut to my left eyebrow, which has been glued shut,
and a 2 inch cut on my left cheekbone, which has
also been glued and plastered.
I've got a badly bruised eyeball, and scratches
and bruising around my left eye.
I've sustained grazes to the left side of my forehead,
and cuts and bite marks to the rear of my head, as
well as swelling.
I received medical attention at the hospital straight
after the incident.
The incident lasted for about 5-10 minutes.
MG/2 The closest I was to the male was only a couple
of inches from his face. Visibility the was very good

Signature: M Glasgow Signature witnessed by:

u10)

2004/05(1) **RESTRICTED (when complete)** Form MG11 (CONT) (R9/04)

Continuation of Statement of: Martin GLASGOW Page No. 5 of 5

as the hospital is very well lit.
There were no obstructions to my view.
I do not know the male and have never seen him before.
I would recognise him if I saw him again.
I have been explained the Victim Personal Statement and would not like to make a statement at this time.

M Glasgow

Signature: ..... Signature witnessed by: .....

RESTRICTED (when complete)

WITNESS STATEMENT

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

URN 30

Statement of: JAMES SWAN

Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: POLICE CONSTABLE 3037

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: Date: 3/7/06

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

FURTHER TO MY STATEMENT ON 5TH JUNE 2006. I SAW THAT ADRIAN GLASGOW HAD THE FOLLOWING VISIBLE INJURIES: REDENNING AND SWOLLEN TO LEFT SIDE OF FACE,A FEW SMALL SCRATCHES AND A SWOLLEN LEFT HAND

Signature: Signature witnessed by:

u12)

RESTRICTED (when complete)

Witness Statement

(CJ Act 1967, S.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r70)

0000003

URN | 30 | CH | 2619 | 06 |

Statement of Emma WARDALE

Age if under 18 Over 18 **Occupation** NURSE
(if over 18 insert 'over 18')

This statement (consisting of three 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 in it anything which I know to be false or do not believe to be true.

Signature: E Wardale Date: 5th JUNE 2006

Cross if witness evidence is visually recorded ☐ *(supply witness details on rear)*

I am the above named person and live at the address disclosed overleaf. I am currently employed by National Heath Service and currently work as a senior staff nurse at CHESTERFIELD AND NORTH DERBYSHIRE ROYAL HOSPITAL.

On Monday 5th June 2006 I was at work in the coronary care unit. At approximately 4 pm the same day I heard the sound of a disturbance taking place out in the waiting room. I opened the door to the waiting room to see what was going on. As I opened the door two men came piling into the room. These two men were closely followed by another two males.

The four males were all fighting amongst themselves. Two of the males were of white ethnicity whilst the other two males were of asian ethnicity. It appeared that the two white males were fighting with the two asian males. All four were swinging punches and there was a lot of shouting going on. I was unable to make out anything that was being **(Page 2)** shouted by any of the males.

I managed to intervene in the fight and managed to pull one of the white males to one side. I held the male to one side until I was joined by Nicola who is another member of staff. As I held the male back the fight between the other three males continued. Nicola then held the male back and I went back to where the males were fighting to try and separate them.

Signature E Wardale **Signature witnessed by**
0308-09 ajt

Typed by 'C' Division Text Processing Services from hand-written original

Continuation of Statement of Emma WARDALE

0000064

By the time I went over to separate the three males other people had also intervened and tried to separate the three males. A patient who I was looking after had got out of bed to see what was going on. I left the males and went to care to my patient. After returning her to her bed the situation had calmed down.

I told the two white males to get out. Both of them went to sit in the patients waiting area. The two asian men had then disappeared and I do not know where they went to.

I do not remember much of the two asian males other than the fact that one of them was smartly dressed wearing a shirt and tie. EW I EW ~~would~~ The two white males gave their names as Adrian and Martin and both were taken to A + E to have their injuries treated. **(Page 3)**

The whole incident lasted for approximately 10 minutes. As I intervened in the fight I was very close to all the males. Visibility was good as the hospital is well lit with over head light. Due to the incident happening so fast and being a shock I do not think I would recognise the two asian males if I saw them again. I would probably recognise one of the white males if I saw them again.

Signature E Wardale **Signature witnessed by**

0308-09 ajt

Form MG11(T)

u13)

RESTRICTED (when complete)

Witness Statement

0000005

(CJ Act 1967, S.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r70)

URN | 30 | CH | 2619 | 06 |

Statement of NICOLA TOMLIN

Age if under 18 (if over 18 insert 'over 18') Over 18 **Occupation** NURSING SISTER

This statement (consisting of 3 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 in it anything which I know to be false or do not believe to be true.

Signature: N Tomlin Date: 21st JUNE 2006

Cross if witness evidence is visually recorded ☐ *(supply witness details on rear)*

I am the above named person and I live at the address shown overleaf.

I am a nurse at Chesterfield and North Derbyshire Royal Hospital and am currently the sister on Ashover Ward. I have held this position for 5 years.

At approximately 1500 hours on Monday 5th June 2006 I was walking past the visitors entrance to ~~the~~ the Coronary Care Unit when I could hear a comotion coming from inside the Unit. I could not see what was happening as the doors are solid with no windows. I could hear that people were shouting at each other but could not make out what was being said. I clearly knew that something was not quite. Due to my concern I went through the staff entrance further down the corridor and made my way through into the main ward area as I reached a **(Page 2)** 2nd set of double doors that lead through onto the actual unit its self. I was met by a staff nurse ~~k~~ who was trying to restrain a male who was trying to get back into the main unit. He was shouting and being abusive but I cannot recall what he actually said. I took hold of the man and with the help of 2 others held him there. I would describe him as white approx 6' tall in his 30's of large build with short light brown hair.

I remained with the man for a few minutes but then left him the others who were detaining him and went through into the main area of the ward. 1 relative of another patient then held the doors closed to prevent the man returning on ~~the~~ to the ward.

Signature N Tomlin **Signature witnessed by**

0309-10 ajt

Typed by 'C' Division Text Processing Services from hand-written original

Continuation of Statement of Nicola TOMLIN 0000006

On the ward I could see that over towards the visitors entrance there were spots of blood on the floor. I could see another male who I would describe as short thin build with abald head arguing with a female who I now believe to be his sister.

She was trying to calm him down saying MUMS TRYING TO GET OUT OF BED TO SEE WHATS GOING ON." The male was replying "HE HAD NO RIGHT TO TELL ME TO SIT DOWN **(Page 3)** I then asked this male to leave the ward and sit in the visitors area. After some time he agreed and left the main ward area. I then called Security and bleeped other staff to deal with the incident.

At this point things seemed to have calmed down. I now believe that the 2 males were brothers.

From me initially hearing the comotion to leaving, I would say the incident lasted 10 – 15 minutes. I did not see what was happening inside the ward, just what happened afterwards. To my knowledge I do not know any of the people involved and have never seen them before. I was shocked and appalled at the males actions. The coronary care unit is an accute ward for extremely sick people. It has a lot of very expensive and essential equipment in it that was very close to the disturbance. At the time the ward was busy with patients staff and relatives and I feared for theirs and my own safety. I am prepaired to attend court if required to do so. N Tomlin

Signature N Tomlin **Signature witnessed by**
0309-10 ajt

u14)

RESTRICTED (when complete)

Witness Statement

(CJ Act 1967, S.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r70)

URN | 30 | CH | 2619 | 06 |

Statement of MALKIAT SINGH JOHAL

Age if under 18 (if over 18 insert 'over 18') Over 18 **Occupation** SHOPKEEPER

This statement (consisting of 3 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 in it anything which I know to be false or do not believe to be true.

Signature: M S Johal Date: 21st JUNE 2006

Cross if witness evidence is visually recorded ☐ *(supply witness details on rear)*

I am the above named person and I live at the address stated overleaf.

At approximately 1500 hrs on Monday 5th June 2006 I was visiting my sick mother on the Coronary Care Ward at the Chesterfield and North Derbyshire Royal Hospital. My Mother was in a side room off the main ward. Access is gained to the ward by passing through two sets of double doors. The first is locked and access is gained by buzzing through to the nurses station who can then remotely unlock the doors to let you enter. To my knowledge this is the only way on and off the ward.

During the day many relatives had come and gone to visit my Mother with me at this time amonst ~~of~~ MSJ others were my wife Kashmir Kaur JOHAL and my son Amandip Singh JOHAL.

Amandip left to go home. After a few seconds I could her raised voices coming from outside in the main ward area. I could hear someone shouting "STOP IT – STOP IT." I think it was a females voice possibly one of the nurses from the ward. I was immediately concerned as this was highly unusual as the ward is normally very quite as the people on it area MSJ extremely ill. I looked round the door and could see that two males were punching another person, who I could not see at the time in the corner towards the entry/exit doors. I would describe the men as follows

Signature M S Johal **Signature witnessed by**

0308-06 ajt

Continuation of Statement of MALKIAT SINGH JOHAL

Male 1) White approximately 5'8" tall, thin build with a bald head.

Male 2) White approximately 5'10" tall, of medium build with short light brown hair.

The ward was busy and staff, patients and visitors and several nurses were trying to separate the men. They were all shouting "STOP IT – STOP IT" by this time. I made my way over to offer my help and tried to pull male (2) away.

It was then that I saw the man who they were hitting was my son Amandip Singh JOHAL.

Amandip was being punched several times in his head and upper body by both males (1) & (2). As I pulled male (2) away my wife came over and with others tried to pull male (1) away. **(Page 3)** Amandip managed to stand up but male (1) had hold of his clothing and was refusing to let go. Eventually all the three people were seperated. The nurses continued to try and calm things down but Male (1) was still being very aggressive ~~towas~~ MSJ towards Amandip. I cannot remember what else was said but the situation was very heated and I decided that it would be best if I took Amandip away to left the situation cool down. I did not see either of the males again.

In my opinion the male (1) was the main aggressor and male (2) also hit Amandip. I did not see Amandip hit anyone. My view of the situation was clear and unobstructed. I was initially approximately 20 feet away. I can clearly remember the incident as I was very shocked at what was happening on a hospital ward and upset that my son was being assaulted. I do not know either of the other 2 males and to my knowledge have never seen them before.

I am prepared to attend Court if required to do so. M S Johal

Signature M S Johal
0308-06 ajt

Signature witnessed by

Form MG11(T)

u15)

RESTRICTED (when complete)

0000001

Witness Statement

(CJ Act 1967, S.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r70)

URN | 30 | CH | 2619 | 06 |

Statement of Susan Anne LEES

Age if under 18 (if over 18 insert 'over 18') Over 18 **Occupation** SENIOR STAFF NURSE

This statement (consisting of 3 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 in it anything which I know to be false or do not believe to be true.

Signature: S A Lees Date: 5 June 2006

Cross if witness evidence is visually recorded ☐ *(supply witness details on rear)*

I am the above named person of the address overleaf. I am a Senior Staff Nurse at the Coronary care unit at Chesterfield Royal hospital.

On Monday 5 June 2006 I was at work, at approx 15:00 hrs, I was doing some observation work on a patient in bed number 6. I was aware that there were 2 other females, both visiting 2 separate patients within the ward. A white family and an Asian family.

At this time I heard a lot of shouting and banging coming from the entrance hallway, I didn't know what it was, it sounded like something was wrong. I left bed number 6 with the intention of walking through some double doors to take me to where the noise was coming from. I didn't get to open the doors because 2 men came crashing through them from the other side. They were stood up, grappling, and trying to punch each other. One male was Asian, approx late 20's early 30's **(Page 2)** of slim build. He had black combed back hair. He was clean shaven, wearing a dark suit. He was very smartly dressed.

The 2nd male was white, approx 30-40, approx 5' 7-8" tall of medium build. He had a bald head, and looked like a scar on the right side of his head. I saw he had a light coloured shirt on which was torn.

They continued to fight with each other for about 4-5 minutes, they were punching each other, they had blood on them, there was blood on the walls and the floor.

Signature S A Lees **Signature witnessed by**

0308-08 ajt

Continuation of Statement of Susan Anne LEES

0000002

A white female from Room one started shouting at them to stop fighting, she was clearly something to do with the white man, and the patient from room one was the white mans mother, she came out to try and stop her son from fighting.

Hospital security was called ~~twice~~ SL twice, along with Police. When they arrived the fight had already been stopped by the females that were present.

After the fight had stopped the white male kept shouting 'PAKI BASTARDS.'

I didn't see who started it, but both involved continually kept fighting in a public place, and it left me feeling very scared and upset. **(Page 3)**

At one point the Asian male tried to bite the white mans head.

I'm pretty sure I would recognise both parties again, and I am willing to attend court in relation to this matter. S A Lees

Signature S A Lees **Signature witnessed by**

0308-08 ajt

RESTRICTED (when complete)

Witness Statement

(CJ Act 1967, S.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r70)

0000007

URN | 30 | CH | 2619 | 06 |

Statement of John GREAVES

Age if under 18 Over 18 **Occupation** U/E
(if over 18 insert 'over 18')

This statement (consisting of 3 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 in it anything which I know to be false or do not believe to be true.

Signature: J Greaves Date: 05/06/2006

Cross if witness evidence is visually recorded ☐ *(supply witness details on rear)*

I am the above named person and currently live at the address overleaf. On Monday the 5th of June 2006 I went up to the CORONARY CARE UNIT, CHESTERFIELD NORTH DERBYSHIRE ROYAL HOSPITAL at 14:50 hours to visit my mother who is on the ward as a patient. The ward is circular in shape with a nurses station in the middle. There are private rooms of this ward and to access the ward you have to "buzz in" to be let into a corridor that then leads into the ward.

I had been sat by my mother's side for approximately twenty minutes when I became aware of a disturbance near to the double doors that lead out of the ward. I looked across to the double doors and saw two males stood toe to toe approximately 5 away.

I would describe these males as follows:

Male (1) M/white/approximately 30 years/approximately skinny build, 5'6" tall/bald head/glasses/wearing a white top on, I do not recall any other clothing.

Male (2) M/Asian approximately mid 20's/ approximately **(Page 2)** 5'8" tall/black medium length hair with gold highlight – tints in it/ wearing a black suit and shirt.

Signature J Greaves **Signature witnessed by**
0309-11 ajt

Typed by 'C' Division Text Processing Services from hand-written original

Continuation of Statement of John GREAVES 0000008

I could clearly see that male (1) was being very aggressive towards male (2). He had his face right in the Asian males face and appeared to be goading him but I could not hear what was being said. I then turned back towards my mother and almost immediately heard a loud bang come from where they had been stood. I turned straight back round and saw the two males punching each other. It was hard to say who the aggressor was as they were both going for it. This carried on for approximately 2-3 minutes before staff and an Asian male broke it up and separated the pair of them.

I then saw the Asian male stood to one side on the ward and saw a third male approach him. I would describe him as male/white/approximately 30 years old/approximately, 6' tall/stocky build/ light brown shortish hair/ I do not recall what he was wearing. He had his back to me as he approached the Asian male. I then saw him on the Asian male against the wall and punch him twice in the face area. I do not recall what hand he used. At this point I tried closing the curtain so my mother wouldn't see what was happening. **(Page 3)**

I did not see what happened next as the curtain was now shut but I could hear the nurse say that she wanted them off the ward. When I next opened the curtain they had gone and security were present.

The whole incident lasted approximately 5 minutes and they were no more than 8' away when the assaults occurred. Visibility was good and there were no obstructions in my view. The two English males were not known to me before the incident but I recognised the Asian male from a shop in CARR VALE however, I do not know him or his name. I would recognise male (1) and (2) again but not male (3) as I never saw his face. I remember the incident as 2 fights had occurred. In my opinion from what I saw I believe the aggressors were the two English/White males. I would attend court over the matter. J Greaves

Signature J Greaves **Signature witnessed by**
0309-11 ajt

RESTRICTED (when complete)

Witness Statement

(CJ Act 1967, S.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r70)

0000009

URN | 30 | CH | 2619 | 06 |

Statement of Thomas GREAVES

Age if under 18 (if over 18 insert 'over 18') Over 18 **Occupation** Unemployed

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This statement (consisting of 3 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 in it anything which I know to be false or do not believe to be true.

Signature: T Greaves Date: 5.6.06

Cross if witness evidence is visually recorded ☐ *(supply witness details on rear)*

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

On Monday the 5th of June 2006 at approximately 1515 hrs I was at Chesterfield Hospital, Hady Lane, Chesterfield. I was with my brother John GREAVES and I was in the Coronary Care unit of the hospital visiting my mother, Violet Greaves.

Whilst we were both around the bed of my mother I heard a loud bang come from the enterance door. I looked towards the door which is about 20' away from where we were. I saw 2 males who I would describe as follows spill through the door.

Male (1) I would describe as an asian male, approximately 5'10" of a medium build. He had dark short hair and I think he was wearing a dark top and trousers. **(Page 2)** He was approximately 30 years old.

Male (2) I would describe as a white male, approximately 5'10" of a medium build. He had a bald head and I cannot recall what he was wearing. He was approximately 30 years of age.

As the above 2 males spilt though the door they were both grappling with each other. I immediately drew the curtains all the way around the bed, as I feared for my mothers safety. I left a slight opening in the curtains so I could still see what was happening. As I looked I

Continuation of Statement of Thomas GREAVES 0000010

could see approximately 5 people trying to intervene between the 2 males. I could see male (2) clearly trying to lunge at male (1), and he was shouting at him. Approximately 3 members of staff were trying to hold male (2) back. Male (1) was also being held back by staff, but did not seem to be as aggressive in his manner. He was not shouting. From the angle I was at I had a much clearer view of Male (2).

I saw an Asian male and female (both approximately 50 years old), also try **(Page 3)** to intervene between the 2 males and they were trying to calm male (1), who I think they knew. I could see that both males were bleeding from the face, but I did not see any blows exchanged. After approximately 5 minutes of both males being held back from each other, the situation needed to calm down, as I think male (2) was escorted out of the doors and I then immediately fully shut the curtains. I cannot then say what happened after that.

The whole incident lasted approximately 5 minutes, and I was approximately 20' away from the males. I did not watch this incident constantly for 5 minutes as I kept checking on my mother. As mentioned previously my attention was more focused on male (2), as male (1) was more shielded by the curtains.

I would recognise both males again, and if need by I would attend Court. T Greaves

Signature T Greaves **Signature witnessed by**

0309-12 ajt

CCRC
Criminal • Cases • Review • Commission

Private and Confidential
Mr Martin Glasgow
3 Tansley Court
Highfield Lane
Chesterfield
Derbyshire
S41 7AW

From Commissioner
John Weeden CB

Our ref: 00069/2009

8 April 2009

Dear Mr Glasgow

Final decision on your application

Thank you for your letter of 31 March 2009 with its various enclosures. The Commission has reached a final decision not to refer your case. The file on your case has now been closed.

We wrote to you on 10 March 2009 letting you know the Commission's provisional view of your application for review of conviction and sentence, and giving you until 7 April 2009 to make any further submissions to us. In our earlier letter we said:

"Firstly I have reconsidered the various issues dealt with by Mr Allen in his letter of 16 January 2009 and confirm that I am in agreement with his conclusions.

Secondly, in my view only the following issues can be said to amount to matters that you have not raised before with us, and I give you my views on them as follows:

1. As regards the injuries, and in particular any scarring that may have been seen on a CCTV of Mr Johal 19 days after the trial, there was evidence at trial that Mr Johal suffered some bruising. The summing-up makes clear that he showed some photographs of his bruising in court but the judge did not appear to think that they helped very much as they had been taken one or two weeks afterwards. However it was clearly not a main plank in the prosecution case against you that Mr Johal was badly injured, and it did not need to be as there is no requirement for a charge of Affray that injury must be caused to anyone. There only has to be

evidence of unlawful violence. In my view your arguments concerning injury to Mr Johal cannot amount to a reason for referral of the case back to the appeal court.

2. Your arguments that Mr Munt and Mr Johal knew eachother and that this made your conviction unsafe are totally unsupported by any specific evidence and are therefore speculation.
3. The venue of your trial cannot, in your circumstances, affect the safety of your conviction.
4. Your submissions about the 1983 school photograph and the possible use of different names by the Johal family have no bearing on the safety of your conviction, and are also speculation. What mattered was whether the jury were sure that you used unlawful violence and that this made people of reasonable firmness afraid. There was evidence available on which they could have reached that conclusion.

Thirdly, although not new points as such it may help you if I explain the following;

1. Barristers working in Chambers do sometimes accept instructions to prosecute for CPS although this is becoming less common.
2. The jury would not have seen any proofs of evidence at any stage. They only heard the witnesses give evidence and were not entitled to see their earlier statements.

You are aware of the statutory basis on which we operate from the information contained in our enclosed letter. On the information currently available, and in relation only to those matters referred to in the second issue above, the Commission is not minded to refer your case for an appeal."

Further submissions

I would comment on your further submissions as follows:

1. The taped interview with John Cooper which includes his own views about your case cannot assist you. It was the jury's view of the facts, based on the evidence that they had seen and heard, which was all important.
2. The whole issue of who had what injuries and what conclusions could be drawn from them was again a matter for the jury that was dealt with at trial. The witness statements and your co-defendant's statements to the police were all known about at trial and it is too late to raise issues on them now.
3. Whatever may have happened when PC Greatorex took the co-defendants statement, what mattered was the evidence given at trial by

the co-defendant. There is no mention of photographs of Johal in his statement of 5 June, the day of the incident, despite what you say, but there is mention of them in his police interview of 24 June. This is presumably because the photos had been taken by then. He had told the court that the photos were taken about 2 weeks after the incident, and this was not challenged. This ties in with his later statement making mention of them. There is a complete answer therefore to your allegations about the photos.

I regret that we have now considered the further submissions that you made and have decided that there are no grounds to refer your conviction or sentence for a fresh appeal.

Your file has now been closed. For the next three months we will keep at our offices any material you sent to us. The files will then be moved into storage for a minimum of four years and nine months before being eventually destroyed. If you need any of your material to be returned please get in touch immediately.

Yours sincerely,

John Weeden

u19)

WITNESS STATEMENT
(CJ Act 1967,S.9; MC Act 1980, ss5A(3)(a) and 5B; MC Rules 1981,r70)

STATEMENT OF ADRIAN GLASGOW

AGE Over 18

ADDRESS 4 Walton Drive Court, Boythorpe, Chesterfield.

OCCUPATION Galvanisation Operative

This statement consisting of 7 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 in it anything which I know to be false or do not believe to be true

Signed A. Glasgow Date: 18.1.07

At about 2.15pm on Monday 5th June, 2006. I went to the Chesterfield Royal Hospital at Calow to visit my mother who had been taken ill the previous day with a heart attack. At about 2.30pm I met up with my brother Graham and we went on to the ward in the Coronary Care Unit where my mother was receiving treatment. Graham and I were sat with mother just talking. About 5 minutes later we were joined by our brother Martin who was accompanied by our sister Karen. We just sat there talking for a few minutes when a nurse entered the cubicle and requested that all male relations would have to leave the cubicle because she had to give mother an ECG. I then went with Graham and Martin through into a small waiting area just outside

the Coronary Care Unit. It's basically a corridor about 20 feet long by approximately 6' wide. On the left side of the corridor there was a small table. This was placed in a central position in the corridor, there were a couple of chairs to the left hand side of the table and at least one chair on the right side of the table, there could have been more. Martin sat on the chair on the left of the table nearest the entrance to the Coronary Care Unit, I sat next to him on the chair next to the table. Graham was reading a magazine. Various people walked past whilst we were sat there. We had been sat there approximately 10 minutes or so when 2 Asian gentlemen entered the waiting area from the Coronary Care Unit, the door of which was ajar. One was aged approximately 50 years the other possibly late 50's early 60's. As they entered the waiting area they were speaking in English. On entering the waiting area they stopped and both looked towards us. I was looking towards these two men. They then started conversing in Pakistani and then continued walking towards the exit door, they opened the door and exited the waiting area. When these two men had left the room I commented to my brothers words to the effect 'Did you notice how they were speaking English until they saw us sitting here and then they

Started speaking Pakistani straight way. My brother did not comment on this. I then said "It's just ignorance". Whilst I was making this remark another Asian gentleman who I now know to be a Mr. Johal walked out of the Coronary Care Unit into the waiting area. He was 5'11" – 6'0", short black hair greased, aged mid 30's, wearing a suit. He walked past where we were sat and walked to the security door leading into the main corridor. He closed the door which means access cannot be gained other than by buzzing and requesting entry. I also forgot to mention that on leaving the Coronary Care Unit he had closed the door behind him. This man then turned around and walked back towards where we were sat. He stood in front of Graham slightly to his left approximately one foot away from him. He then said in a loud and aggressive manner addressing the three of us "What's ignorant"? I looked up at him and replied "Speaking English then changing to Paki lingo in front of us". He then walked in front of me, stood over me, looking down at me. He leant over his face a foot or so away from mine and he said in a very aggressive manner "I'm not a fucking Paki, I'm English". I then put the palms of my hands up towards him and I said to him "If I've said something to offence you then I apologise". He then turned his head

towards Martin. He pointed towards him with his right hand and said "Now I want you to apologise". Again his was spoken in an aggressive manner. Martin who was sat next to me replied "I'm not apologising I've done or said nothing to apologise for". The Asian then said once again to Martin "Apologise", again in an aggressive manner. At this point Martin stood up and turned slightly with his back to the entrance door to the Coronary Care Unit and faced the Asian. He made no comment. The Asian then said in a demanding manner "Sit down". Martin replied "I'm not sitting down". He didn't shout it he just said it. The Asian guy then said in a very aggressive manner "Sit fucking down". Martin said words to the effect 'I'll sit down when I'm ready. The Asian man then said to Martin "Come on you bastard I'll have you now". Once again this was spoken aggressively. Martin just stood there with his arms folded in a casual manner and said "I'm not fighting you". At this the Asian guy was getting right pumped up, he was sucking in air and clenching his fists. He then started to verbally abuse Martin. He made comments such as "Come on you ugly bastard", he also called him a fat pig. He went on for a couple of minutes shouting similar abuse at Martin. Graham then said to the Asian guy "This isn't the place to carry on like this, you're in a

hospital. This Mr. Johal then said to Martin "come on then, I'll have you outside". Martin just stood there arms folded and said words to the effect 'I'm not fighting you". It could have been at this stage possibly could have been earlier that I said to Mr. Johal "I'm the one who made the comment and I have apologised so let it go". He just ignored my comment and just carried on verbally abusing Martin. I then saw Mr. Johal throw a fast punch with his right hand at Martin's face. I saw Martin's spectacles fly up in the air. Johal then lunged at Martin. Martin attempted to push Johal away but with little success. They had their arms around each other and were just pushing each other. At this point I got to my feet to separate them. I attempted to force myself between the two of them. Suddenly the door leading into the Coronary Care Unit opened whilst the two of them were close to the door and with me trying to separate, then suddenly all three of us fell forwards falling inside the Coronary Care Unit. Johal and my brother then separated. Martin fell awkwardly and landed on his back. Johal was stood with his back to a wall some 6 feet away from Martin. I walked forwards and

placed myself between the two of them facing Mr. Johal. He then hit me full blooded. with his right fist on the left side of my jaw.

A. Glasgow 18.1.07

Following his punch I blacked out and came to some time later in some storage inside the Coronary Care Unit. There were 3 or 4 nurses assisting me. My head was throbbing, I do suffer epileptic seizures, and I was aware that I had suffered such a seizure after taking the punch from Johal. After I had calmed down enough the burses let me back into the Coronary Care Unit where I saw Martin stood with some nurses who were examining his face. He had 2 gashes to his left eye, his eye was swollen and bloodshot. He also had scratches upside one side of his face and scratches on top of his head. He also had a bite mark on the crown of his head. I asked where Johal was and a nurse informed me that he had left. My brother Graham was no longer at the scene. I later discovered he had gone to sit with my mother. Following this I went with Martin to Accident & Emergency where Martin received treatment for his injuries. On the way to A & E we saw two Police Officers and the nurses informed them of what had occurred. I reckon it was about 3.30pm – 4pm when Martin and I eventually left A & E. There were two other Police Officers waiting outside for us. They took brief details from us concerning the incident and asked if we wished to press charges. We both agreed to. We accompanied them to Beetwell Street Police Station, Chesterfield.

A. Glasgow 18.1.07

I made a witness statement to the Police. A short time later the same Officer informed that that Mr. Johal had made allegations of assault against me and my brothers. I was then arrested, interviewed and charged with causing an Affray, then released on unconditional bail. I believe that it was on the 4th November 2006 I appeared at Chesterfield Magistrates' Court where I was informed by my solicitor Mr Bashforth that the charge had been dropped.

I would like to say that I am a man of good character with no previous convictions. I am most certainly not a racist.

The remarks I made on the day in question at the Chesterfield Royal Hospital I still stand by.

A. Glasgow 18.1.07

RESTRICTED (when complete)

RECORD OF INTERVIEW

0000509

URN | 30 | CH | 3000 | 06 |

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

Person interviewed: Amandip Singh JOHAL

Place of interview: Chesterfield Police Station

Police Exhibit No: JIM/5a

Number of Pages: 10

signature of ~~interviewing officer~~ producing exhibit

Date of interview: 24 June 2006

Time commenced: 17.28 hours Time concluded: 18.12 hours

Duration of interview: 44 minutes

Audio tape reference nos. (◆): 30CH/3000/06/1 Visual image reference nos. (◆):

Interviewing Officer(s): PC 2866 McGROGAN

Other persons present: Gazala KAUSER (Legal Representative)

Tape counter times (◆)	Person speaking	Text
		Introduction and Caution in accordance with PACE. The suspect was advised of their right to free and independent legal advice.
1.27		JOHAL was reminded he had been arrested on suspicion of Assaulting Adrian and Martin GLASGOW on 5th June 2006 following an incident on the Coronary Care Unit at Chesterfield Royal Hospital.
1.52	PC McGROGAN	"If you'd like to start by telling me what led to you being at the Hospital on that day and what happened?"
	JOHAL	"[...] I was walking through the corridor in the Coronary Care Unit. As I passed some people on the left of me who were seated one of 'em said you ignorant Paki, I can't remember the exact words, I think it was ignorant Paki and I ignored that and carried on and the other one said you ignorant Paki bastard. I

Signature(s)
(Contemporaneous notes only)
0607-02 ajt

◆ Not relevant for contemporaneous notes

Tape counter times (◆)	Person speaking	Text
		0000510

turned round and said excuse me and then one of them jumped off of a seat, he was a skin head one and came up quite close to my face and said you're a Paki, I says no I'm English, he says no you're a Paki and the other one, the others joined in and said no you're a Paki. He was getting sort of quite aggressive, he was red and he was in my face, he was breathing quite heavily and he was being quite aggressive so I just said to him you sit down I'm going 'cos obviously I could see they was going to escalate the situation 'cos they was being quite aggressive. As I sort of turned around about thirty degrees I got punched in the face by the skin head and I sort of fell backwards and went towards the door to try and escape but he lined up for another punch and hit me again and then the others joined in and then basically they just kept punching and kicking me and so on. I think at that stage they threw me into the corner, they were still punching and still hitting me. At one stage I was on the floor, at another stage I was trying to get through the door you know to try and escape. One of them was the skin head one I think shouted to the other one don't let him escape [...] and they had hold of my arms so I couldn't get through the door. One of them, not the skinhead, the other one was actually, 'cos obviously there was three of them attacking me, there was very little I could do, I was flailing my arms at this stage as well. One of them was actually lining his punches up so he was actually stepping backwards while the other one was punching me, I was trying to cover my head and he was punching me like taking his time and punching me so he was really leading into the punches and one of them was smothering me as well, that's the third one and because I was shouting for help as well [...] so people could come. Eventually I managed to get through the door and as I did the door shut and the guy who was trying to pull me back in, he

Tape counter times (◆)	Person speaking	Text 0000511

must have fell forward into the door and the door did shut and looked around to see if there was any Security or call Security but then they all came running out and started, carried on fighting and that's when they carried on punching again. I did try and get them off me by [...] flailing my arms and trying to get him off me but he was really aggressive and then the skin head pulled me against [...] the kitchen sink or in the corner and they carried on and then eventually it was my Dad who actually pulled them off me because my family were still there because [...] my Grandma was ill. Me Dad didn't actually know at the time that it was me that was being attacked 'cos what he said was he saw three men beating somebody up so all my family was watching but they didn't realise it was me [...]."

5.03 JOHAL said that the men still wanted to fight even after the Nurses arrived. One of the Nurses had told the men to leave but they wouldn't and so he left with his Dad. Because the men were aggressive three of his Uncles also accompanied him and his Dad out of the Hospital. He had been scared and shook as he left the building because the attack had been vicious. He said that photographs had been taken of his injuries and would show he had bruising all over his face as well as bumps on his head, which Officers had also witnessed. He said one of the wives of the men had said to her husband you're always aggressive, you cause problems wherever you go. This made him feel that the men had been in trouble with the Police before although he appreciated the Officer had to investigate the counter allegation. He had been shocked at the incident but also because it had occurred on the Coronary Care Unit at the Hospital where people were seriously ill.

Tape counter times (◆)	Person speaking	Text 0000512
7.30		PC McGROGAN referred to the description of the men provided by JOHAL in a statement following the incident. He understood now that male one was Martin GLASGOW, male two was Adrian GLASGOW and Graham GLASGOW was male three. JOHAL did not know these men. He believed that the skinhead (Martin GLASGOW) had made the initial comment and the second male had made the following comment. All three men had then joined in the conversation although he could not recall what exactly was said. PC McGROGAN stated that JOHAL had not made mention in his account about the third male being involved. JOHAL claimed the third male had been the one that had smothered him near the door. He believed this male had also hit him as he'd had blows rained on him from people on all sides. PC McGROGAN pointed out that JOHAL had not made reference to the third male assaulting him at all in his initial statement. JOHAL claimed he had rushed making his statement because his Grandma had passed away.
10.44		PC McGROGAN disclosed the account of Martin GLASGOW. JOHAL had not heard the comment "how come when there's more than one of them, they talk in their own language." He said that when he walked past the males he had been alone and on his way to leave the Hospital.
12.56	PC McGROGAN	"He said that you then walked towards Adrian, bent over to his face about two inches from his face and started shouting at Adrian?"
	JOHAL	"No that's just complete rubbish as well."
	PC McGROGAN	"He says he believes it was about the comment that Adrian had made [...] 'how come when there's more than one of them, they all talk in their own language."

Tape counter times (◆)	Person speaking	Text 0000513
	JOHAL	"I've never heard him say that, that's absolutely not true at all."
13.28		PC McGROGAN said Martin GLASGOW claimed JOHAL had been breathing heavily and hyperventilating into his face. JOHAL refuted this and claimed it had been the male with the skinhead that had done this to him. He also refuted that he had said to Adrian 'come outside and we'll sort it out.' He further disputed that he had called the male an ugly bastard.
13.58	PC McGROGAN	"Martin says that you then turned to him and pushed him two to three times in the chest?"
	JOHAL	"No not at all."
	PC McGROGAN	"And shouted that you wanted an apology?"
	JOHAL	"No not at all. As I say that's completely made up."
14.14		PC McGROGAN continued to say that Martin GLASGOW claimed Adrian had said to JOHAL that he was sorry, but JOHAL asked Martin to apologise but he refused and so JOHAL told him to sit down or go outside. JOHAL said this was completely untrue. PC McGROGAN continued to read the account.
15.21	PC McGROGAN	"He said he'd sit down when he was ready and he says that you then punched him to the left eye using your right fist?"
	JOHAL	"That's a complete lie as well."
	PC McGROGAN	"And that it broke his glasses?"
	JOHAL	"Complete lie."
15.36		PC McGROGAN said Martin claimed he could not recall how he grabbed hold of him but that he had done so and then they stumbled into a wall before JOHAL pushed his finger into his eye a number of times which had caused him a lot of pain.

Tape counter times (◆)	Person speaking	Text 0000514
		The pair began to wrestle. JOHAL maintained that it had been Martin that had hit him first. He agreed the pair had wrestled. He said that both Martin and Adrian had punched him in the corridor near the doorway. He believed that the one behind might have an injury to his knuckle as he had missed one of the punches and struck the wall. He claimed he had been punched between 50 and 60 times and said that the attack had been vicious.
17.19		PC McGROGAN referred to Adrian GLASGOW's account. He clarified that Adrian had apologised but when Martin was asked to apologise he refused and said he had done nothing wrong. JOHAL claimed that all the males had been aggressive towards him. He said that it was a lie that he had punched the male and smashed his glasses.
20.39	PC McGROGAN	"Did you punch Martin GLASGOW to the face?"
	JOHAL	"[...] He stood up aggressively he went straight into my face and obviously I knew he was really het up for a fight and he was really aggressive and he punched me straight away as I was turning to leave and I told him I'd leaving as well and that's when he punched me and then I got punched again and again, I got punched I don't know how many times, loads and loads of times by all of them so that's how it happened, that's just a load of rubbish."
	PC McGROGAN	"He says he then, he started grappling in the corridor and as you was trying to separate them, he was trying to separate you and Martin?"
	JOHAL	"As I said that's complete rubbish. It was basically this is completely true, that skin head one [...] Martin [...] he was the complete aggressor, he was punching me and as he punched me I think the second time the others joined in, you can see

Tape counter times (◆)	Person speaking	Text
		0000515
		from my photographs [...] that it was just completely them punching me and [...] that went on for some time. I'm actually shouting for help and actually trying to get out of there [...]. To say that he was trying to stop it is just absolutely ridiculously and that I was the aggressor."
21.59		PC McGROGAN submitted the account of Graham GLASGOW. JOHAL maintained he had heard the comment 'ignorant Paki' made. He believed that the brothers had corroborated their accounts. He maintained the brothers had been really aggressive towards him and had not tried to apologise. He believed that they had wanted a fight, it had been him that had tried to walk away. He disputed that he had said do you want to take this outside. He claimed he had told them he was going. He said it had been Martin that had been the one who had been breathing heavy and in his face and this was when he realised that he had become aggressive. He then told Martin that he was going, this was when Martin hit him. PC McGROGAN said that Graham claimed he had told both his brother Martin and JOHAL to pack it in because of where they were but the situation escalated. JOHAL maintained Martin had been the aggressor. PC McGROGAN continued to read Graham's account.
27.08	PC McGROGAN	"He says that Martin stood there with his arms, he did stand up eventually and he stood his ground and he stood there with his arms folded and said look if you don't stop, I'll start as you continually pushed him in his chest?"
	JOHAL	"No."
	PC McGROGAN	"He says that you then hit him in the face causing his glasses to break?"
	JOHAL	"That's a complete lie as well."

Tape counter times (◆)	Person speaking	Text
		0000516
	PC McGROGAN	"He says you then struggled and wrestled with each other, [...] he couldn't see [...] who was hitting each other as they were so close together and kind of wrestling?"
	JOHAL	"As I say he's completely [...] lying, obviously they're three brothers and they've just made a complete rubbish story up."
28.06		JOHAL said that the males had all run through the doors and probably fallen into it as they did so. The Nurses had not tried to intervene, it had been his Father who had managed to stop the incident. PC McGROGAN pointed out that the Nurses had probably been totally shocked, as they were there to care for people. JOHAL said that all those who had witnessed the incident would clarify that it had been the three males that had attacked him. He claimed that the male who'd smothered him was not trying to stop the fight because he had his hands over his mouth to stop him from shouting for help. He also had bruises to his arms.
31.04		PC McGROGAN disclosed the account of Karen WHEELDON, the sister of the brothers. Karen had been on the ward with her Mother at the time of the incident. He said Karen claimed she had heard a commotion and looked through the door for her brothers and as she opened the door Martin and JOHAL fell through it. JOHAL had not seen anyone open the door. He believed he had managed to escape through the door as the male tried to pull him back, but if the lady opened it then that had helped him.
32.38	PC McGROGAN	"She's saying that as you both then fell through the door, that she saw you trying to bite the top of Martin's head?"
	JOHAL	"[...] No what happened was as I fell through the door [...] I sort of half turned to see if there was any help [...] to try and

Tape counter times (◆)	Person speaking	Text 0000517
		get security and then he comes through the door and carries on swinging and then he grabs me [...] he did punch me again and again and then he grabbed me and shoved me in a corner and that's when I was up against the sink."
	PC McGROGAN	"Did you try and bite Martin GLASGOW's head?"
	JOHAL	"Well I did at the sink because [...] when I was at the sink and they were punching me and there was other people still punching me still then, the other brothers I particularly remember Adrian the tall one punching me, he actually [...] grabbed hold of my privates [...] and to get him off because he was too strong [...] the only thing I could do was [...] I did try and get him off by biting him 'cos I was in so much pain [...]."
33.44		JOHAL said that he had been extremely scared at the time and surprised he had not needed admitting to Hospital himself after the assault. PC McGROGAN explained that Karen claimed she had then noticed her Mother had got out of bed and had been shouting at them to stop. Karen had returned to her Mother because of how seriously ill she was. Graham had also claimed he had been trying to part JOHAL and his brother Martin but when he noticed his Mum had got out of bed he left to help her. JOHAL could not say anything about this because he was being hit at that time. He understood from his Father that he had tried to pull the red haired male off him and as soon as the Police were mentioned the red haired man ran off.
36.00		PC McGROGAN referred to the statements of JOHAL's parents. He disclosed the Father's account. JOHAL said that he had not spoken to his Father fully about the incident because of what had happened to his Grandma. He believed that at the time his Father had told him that all three males had been on him. PC McGROGAN submitted the account of

Tape counter times (◆)	Person speaking	Text	0000518

JOHAL's Mother. JOHAL said that he had told the Nurse that he had been the one who had been attacked. He added that his Grandma had been seriously ill on the ward and the last thing he would have wanted was to cause trouble on the ward, which was treating seriously ill people.

40.59 PC McGROGAN explained that he was in receipt of a number of statements from the Nurses and two people who had also been visiting their relative. He said that none of these persons had witnessed what had occurred in the corridor. He disclosed the account of Susan LEES, a Senior Staff Nurse. JOHAL pointed out that the Nurse had not mentioned that a woman had opened the door. He said that the Nurse had not seen the initial incident and would therefore not have realised that Martin had been the main aggressor. He presumed there would have been blood on the floor as he had sustained a 4" cut which had bled profusely and had been all over his suit.

Interview suspended to allow for exchange of tapes at 18.12 hours.

RESTRICTED (when complete)

RECORD OF INTERVIEW

0000519

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

Person interviewed: Amandip Singh JOHAL

Place of interview: Chesterfield Police Station

Police Exhibit No: JIM/6a

Number of Pages: 7

signature of interviewing officer producing exhibit

Date of interview: 24 June 2006

Time commenced: 18.16 hours Time concluded: 18.47 hours

Duration of interview: 31 minutes

Audio tape reference nos. (◆): 30/CH/3000/06/2 Visual image reference nos. (◆):

Interviewing Officer(s): PC 2866 McGROGAN

Other persons present: Gazala KAUSER – Legal Representative

Tape counter times (◆)	Person speaking	Text
		Introduction and Caution in accordance with PACE. The suspect was advised of their right to free and independent legal advice.
0.20		**Second Interview.** JOHAL confirmed that he had not been questioned during the break in interview. PC McGROGAN explained that at the end of the previous interview they had been discussing the account of Susan LEES. JOHAL said that the sister had said to the brother with the skinhead, that he was a troublemaker who caused bother wherever he went. PC McGROGAN clarified that the comment made by the sister, had been why do you always have to do this. He continued to disclose the account of Susan LEES. JOHAL had not seen the Mother get out of bed to try and stop the fight. He added that the situation had been absolutely disgraceful but caused by her son. He said from the

Signature(s)
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

1007-01 ajt

Tape counter times (◆)	Person speaking	Text 0000520
		statements it appeared that three people claimed they had opened the door and this indicated just how difficult it was to explain what had happened in the heat of the moment. He agreed that two males had fallen through the door. He further agreed that people had possibly stepped in to pull the male off him. He knew his parents had told him that they had pulled the man off him. He said he could appreciate that it might have appeared his Father had been involved in the incident, but said this had not been the case and that he had just been trying to stop it.
9.09		PC McGROGAN submitted the account of Nicola TOMLIN. JOHAL said he had been disgusted by what had happened as well.
11.37		The account of John GREAVES, an independent witness was then disclosed.
14.24		PC McGROGAN then submitted the account of Thomas GREAVES, John's brother. JOHAL could not recall any members of staff grabbing hold of him. He confirmed he had tried to fend the males off him and get away.
19.13		It was disclosed that as a result of this incident, Martin GLASGOW had sustained severe swelling to his left eye and broken glasses and had required treatment in the Accident and Emergency Department.
19.24	PC McGROGAN	"How can you account for him having those injuries, can you give any account for them?"
	JOHAL	"Well I don't know how he's got injured like I said he did fall through the door and that may have done it but like I said to

Tape counter times (◆)	Person speaking	Text 0000521
		your other Officer, yeah I was trying to get him off me and I was flailing my arms round a lot of the time because there was three of them on me and yeah I did punch him to try and get him off me as well but to say that did I punch him, no I can't say that I did do that, I wouldn't know, I don't know how that was caused."
	PC McGROGAN	"So you're saying you don't know, you're saying you could have or you don't or you didn't punch him?"
	JOHAL	"[...] I know he fell into the door and I know he hit the door as I escaped, that could have caused injury. I don't know what sort of handle it was so I'm saying it was probably that [...]."
	PC McGROGAN	"His glasses have broken, he's got clear definite swelling to above his left eye where his glasses have been broken and it's been hit into his head and it's swollen up."
	JOHAL	"Like I said the door could have done it, I don't know what stage, I don't know when it happened or how it was caused but like I said he did fall through the door head first and I reckon it might have been the door."
	PC McGROGAN	"He along with his two brothers have said that you caused that injury by punching him to that eye while he was in the corridor causing his glasses to break."
	JOHAL	"Is that when it all started or?"
	PC McGROGAN	"Yes."
	JOHAL	"No that's a complete lie, as I said he threw the punch, he started the fight, he caused it and they're obviously just lying [...] they've obviously got together and told lies in their statement which I'm telling you is 100% untrue."
	PC McGROGAN	"Going back to how the fight initially started then is you walked through. What do you believe has caused, is there anything that you can."
	JOHAL	"What's caused it, obviously they're racist and they're very hyped up. I don't know if they've had some incident with I

Tape counter times (◆)	Person speaking	Text 0000522
		don't know some other coloured person the day before, I have no idea what's caused it [...] particularly the skin head one, he was particularly hyped up for a fight and he wanted a fight and he knows that I'm not interested in fighting and as I've turned he's obviously hit me because I was obviously quite upset at the time with me Grandma and everything else and obviously to have a fight there would be worse than having a fight anyway, I wouldn't have a fight anyway but to have one in the Hospital in the Coronary Care, it's an absolute, it's [...] the worse place to have a fight."
21.41		The Solicitor pointed out that the Senior Staff Nurse had claimed in her account she had overheard the complainant shouting Paki bastard after the incident had ended. She said that this corroborated her clients account in that there had been a potential to be racist in the beginning, if these were the remarks hailed afterwards. PC McGROGAN said there was no corroborative evidence to say that the comments had been made in the corridor initially. JOHAL clarified that when he had said sit down to the male whilst in the corridor, he had also said I'm going which indicated his intention to leave not fight. As he turned the male hit him. He said his Mum had told him that she had overheard the male say to the sister later that nobody tells me to sit down and this also indicated the males aggression.
25.00	PC McGROGAN	"I put it to you that as you went to leave the door, comments were made which you heard and that you were upset by them and the general situation and that you reacted to what they said and challenged them in an aggressive manner?"
	JOHAL	"Well that's not true no, [...] I heard them call me names yes but I ignored the first one and then when he said it a second

Tape counter times (◆)	Person speaking	Text 0000523
		time I didn't challenge them at all, [...] I just turned round and said excuse me and that's when he jumped up and went right into my face trying to cause a fight and he did it straight away and to say that I had been aggressive no it was complete, you see the frame of mind that I was in I'm like thinking, I was quite tired, I'd had nothing to eat all day, I mean Gran was obviously ill so I was quite sort of in a weak frame of mind I would say so I was [...] defeatist and trying to walk out and he's taken advantage of that and actually hit me."
25.48		The Solicitor added that the two independent witnesses had also claimed that the white male had been very aggressive towards her client. PC McGROGAN said it appeared from the witness accounts that Graham GLASGOW had been a bystander and made no attempt to hit JOHAL. JOHAL felt that Graham had tried to smother him. PC McGROGAN pointed out that no reference had been made to this in JOHAL's initial six-page statement. He put it to JOHAL that he was now embellishing his account. JOHAL reiterated he had told the Police Constable initially that Graham had been involved. He again said that he had rushed the account because of the situation with his Gran at the time. He clarified that Graham had tried to stop him from shouting for help when they had been in the corridor.
28.40	PC McGROGAN	"It's quite clear that both GLASGOW brothers have also got injuries as well as yourself and that all three of you equally in the corridor continued to fight and cause a disturbance?"
	JOHAL	"As I understand it what you've told me is that one of the brothers, the skin head one has got one injury to the eye which could have happened from the door or me, I don't know, and the other one has got scratches to his neck. If you look at my

Tape counter times (◆)	Person speaking	Text 0000524
		photographs I've got severe bruising all over my face, I've got a four inch scar now which I've been told is permanent across my face and I had [...] back ache and I other injuries as well and bruises to my leg and so on as well so mine are far, far worse than what they would have sustained by a mile 'cos they were the ones that were actually attacking me and obviously because I'm flailing my arms trying to defend myself then if they've got the odd bruise here and there, but as I said I was the one who was beaten up, I was actually physically attacked and beaten up, I have got the photographs to prove that."
29.43		The Solicitor pointed out that even if her client had started something then the way in which the male had reacted had been to use excessive force, which was not justified as self defence.
30.01	PC McGROGAN	"I put it to you afterwards that while this has continued and gone through into the ward that the force that you used was aggressive when it could have been stopped and that other people intervened, you continued to?"
	JOHAL	"I hoped people had intervened better, [...] I was hoping that people would be able to pull them off but because they were so aggressive people couldn't easily do that."
	PC McGROGAN	"Are you saying that you didn't continue to carry on the fight once you'd?"
	JOHAL	"[...] When you say continue the fight, I'm trying to defend myself, I'm not fighting as in a fight, I'm trying to stop them from hitting me, that's what I'm trying to do but you've got to, if you've been hit like 50 times in the head, I mean I'm quite light headed by that time as well, I had massive bumps to my head [...] and bruises and stuff [...] I'm trying to get them off me, I'm

Tape counter times (◆)	Person speaking	Text
		0000525
		trying to stop it and obviously that's going to look like fighting, I'm not saying I didn't try to stop them, I did try to stop them but that's only 'cos I'm in so much pain and I'm getting hit from all of them [...] they're the ones that are causing the fight."
30.58		When asked if there was anything further JOHAL wished to add or clarify he said that the brothers were lying and it was he who had been assaulted.
		Interview terminated 18.47 hours.