



Marsden Chambers. 2/4 Marsden Street.
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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 from 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 side 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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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

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