



The Inns of  
Court College  
of Advocacy

# **R v Edward Gordon Fisher**

## **Defence Brief**

IN THE LEEDS CROWN COURT

LCC/17/9G56

REGINA

V

EDWARD GORDON FISHER

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BRIEF TO DEFENCE COUNSEL

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Counsel:

Fee: Legal Aid

Bains & Grimshaw Solicitors  
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LEEDS  
L1 8GH

DFA/SR/N0157953/SF

## R v FISHER

EDWARD FISHER appeared at Leeds Crown Court on [7<sup>th</sup> January 2017](#) facing an indictment containing one count of burglary and one count of possession of a controlled drug of class B, namely 'street' Ketamine. FISHER pleaded not guilty to count 1 and guilty to count 2 at the PTPH. The matter has been set down for trial listed at Leeds Crown Court on [Monday 20<sup>th</sup> March 2017](#).

### **The facts of the case are as follows:**

Edward Fisher is 19 and lives in Fawsley, in the metropolitan borough of Leeds. He lives with his mother, younger sister, Sophie and older brother, William. Edward Fisher is a first year agricultural student at Leeds University.

Fawsley is home to approximately 11,000 residents and is a thriving West Yorkshire town. The post office is situated centrally and is busy and a focal point of town life. It is owned and run by Mrs. Hannah Fisher, the defendant's mother, and has been for approximately 15 years. Many of the post office customers are locals and elderly. One of them is Doris Haines. Doris was born and bred in Fawsley and collects her pension weekly at the local post office. She is also the Chairwoman of the local Headway charity committee and every year they arrange a sale at The Falcon Hotel just outside of town. The sale raises substantial sums of money for the charity. Last year, the sale took place on [17<sup>th</sup> November](#) between 4pm and 10pm.

The sale was advertised widely throughout the town in local shops and businesses and it attracts many unique and bespoke independent stall holders which draw in big crowds from the local and outlying towns. The sale was also advertised in Fawsley post office on posters created by a local printing business.

Doris Haines collected her pension on [Wednesday 16<sup>th</sup> November](#) and spoke to Hannah Fisher about the takings from the sale to be held on [17<sup>th</sup>](#). She told her she would be depositing them in to the charity's account held at the post office on the morning of [Friday 18<sup>th</sup> November](#). She does this every year after the charity treasurer, Lizzie Bridlethorpe has counted the takings.

Doris Haines remembers seeing Edward Fisher in the post office on [16<sup>th</sup> November](#). She recognised him as she has known him since he was 4 years old. He was a childhood friend of her grandson, Hugh who died in a road traffic accident in 2012.

On the 16<sup>th</sup> November, the post office was especially busy as two or three local boys from the College came in after a football training session. They were particularly vocal and making a scene about needing protein.

Doris Haines took the takings from the sale to her home at about 11:30 pm on 17<sup>th</sup> November, left them on her dining room table in a small black box and went to bed. She was woken by noises coming from the downstairs of her house at approximately 2am on 18<sup>th</sup> November. She went into her dining room and saw the figure of a young man. She saw, as he was exiting the room via the French doors, that it was Edward Fisher. He took flight and made his escape via her back garden which backs onto the garden of Lizzie Bridlethorpe and leads onto the main road, Mains Lane through the town.

Doris Haines spent about 20 minutes looking for her spectacles and finding her mobile 'phone before calling for the police who arrived at about 3am and took an initial statement from Mrs Haines.

At about 4am, police officers attended at Fawsley post-office, at the residential quarters. It consists of a three-bedroomed flat above the post-office. Items of clothing matching the description of those given by Doris Haines were found at the flat along with a quantity of street Ketamine in a plastic bag<sup>1</sup>. Edward Fisher was in bed at the time. He was arrested and taken to the local police station where he was interviewed under caution.

He initially denied in interview that he had been out at all and denied being responsible for taking the black box containing the money from Doris Haines' house.

No box or money was found in Edward Fisher's room or at the post-office. It was however recovered at about 6am on the morning of 18<sup>th</sup> November from the outdoor garden house of Lizzie Bridlethorpe. When she let her dog out in the garden, she noticed that the door to the garden house was open and her dog then went into investigate. The box was concealed under some matting. The box had not been opened and all of the takings were recovered. The contents amounted to £11,785 made up of assorted bank notes.

None of the available CCTV footage assisted to identify Fisher.

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<sup>1</sup> Statements not included. Drugs tested and proved to be 2.9 grams of Ketamine

Doris Haines was not asked to take part in a Video Identification Parade Electronic recording (VIPER) identification process.

Edward Fisher has one conviction for possession of cannabis resin from 2015. Counsel should be aware that the Crown may make an application to have this admitted by way of bad character.

COUNSEL HAS HEREWITH:

1. Indictment
2. Statement of Doris Haines
3. Statement of Elizabeth Bridlethorpe
4. Statement of Hannah Fisher
5. Statement of Sophie Fisher
6. Statement of DC Jenkins
7. Interview with Edward Fisher GJ/1 & GJ/2
8. Note of sale takings ESB/1
9. Plan of gardens in and around Main Street, Fawsley ESB/2 – (this is agreed)
10. Proof of Evidence of Edward Fisher dated [28<sup>th</sup> November 2016](#)
11. Defence Statement of Edward Fisher dated [14<sup>th</sup> December 2016](#)

REGINA

V

EDWARD GORDON FISHER

## INDICTMENT

### Count 1

#### STATEMENT OF OFFENCE

Burglary contrary to section 9(1)(b) of the Theft Act 1968.

#### PARTICULARS OF OFFENCE

**EDWARD GORDON FISHER**, between the 17<sup>th</sup> and 20<sup>th</sup> day of November 2016, entered a dwelling namely, Home Cottage, Main Street, Fawsley, Leeds, as a trespasser, stole therein a cash tin containing £11,785 in bank notes.

### Count 2

#### STATEMENT OF OFFENCE

Possession of a controlled drug contrary to section 5(2) of the Misuse of Drugs Act 1971.

#### PARTICULARS OF OFFENCE

**EDWARD GORDON FISHER** on the 18<sup>th</sup> November 2016 unlawfully had in his possession a controlled drug of Class B, namely Ketamine, contrary to section 5(1) of the Misuse of Drugs Act 1971.

Signed: Officer of the Court

Dated:

# LEEDS CONSTABULARY

## WITNESS STATEMENT

Witness statement of HAINES Doris

Over 18

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This statement (consisting of 4 pages and 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.

Dated the 18<sup>th</sup> November 2016

Signature (sgd)

*Doris Haines*

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CJ ACT 1967, s.9 MC Act 1980, ss.5A (3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

I am the above named person living alone at Home Cottage, Main Street, Fawsley, Leeds L56 9FG as shown on MG11B. My front door is on Main Street. My back garden leads onto Mains Lane via a gate, which is never locked, into Rose Cottage's garden. There is no other way of exiting my back garden other than jumping over the wall.

On 17<sup>th</sup> November 2016, I spent most of the afternoon and the evening at The Falcon Hotel in Fawsley. I am Chairwoman of the local Headway charity committee and every year, my committee collects second hand toys and clothes from the local towns and villages and then we hold a sale at the hotel to raise money. We have been doing this for about five years and every year, we raise more and more money. We are proud of this because things have become increasingly difficult financially in the last five years.

Signature (sgd) *Doris Haines*

Witnessed by (sgd.)

The sale is advertised extensively in all the local shops and amenities and it appears in the local magazine. It was advertised in my local post-office in the shop window. All of the local shop owners know me well and are supportive of the event. The posters are printed for us for free by a local printing business and we don't have to pay for any publicity. Word of mouth is enough once the posters are up and about. Lots of people come to buy second hand designer dresses for Christmas parties and school balls and the second hand toys are always popular for presents.

At the end of the sale at about 11pm on 17<sup>th</sup> November, Lizzie Bridlethorpe counted the takings and made a note of the total sum. She gave the black cash box to me with the key to lock it and, as agreed, I took it home to my house so I could deposit it at the post office in the committee's account on the morning of 18<sup>th</sup> November. I discussed this with Hannah Fisher who has been the post mistress for as long as I can remember. She lives above the post-office with her 3 children. William is now working in London, Sophie is still at college locally and Edward is the same age as my grandson Hugh would have been so he must be in his first or second year at university.

My grandson was killed in a road traffic accident in 2012. He was 15. He suffered head injuries which is one of the reasons that I have become so active with my committee for Headway.

Signature (sgd) *Doris Haines*

Witnessed by (sgd.)

I remember Edward Fisher from the times he used to come to my house to play with Hugh. I have not seen him very regularly over the last 5 years but I think he was in the post-office on



Wednesday 16<sup>th</sup> November 2016 when I collected my pension. I remember that day as it was particularly busy in the post-office. Two or three boys came in wearing football kit and they seemed to have been to a training session. They made quite a lot of noise about needing protein.

This was the day I told Hannah Fisher about my plans to deposit the takings in the post-office account on Friday morning.

I got home from the sale at about 11:30 pm on 17<sup>th</sup> November and left the black cash box on my dining room table to remind me to take it to the post-office when I got up. I locked it and put the key in my handbag. My handbag is always by the side of my bed when I go to bed. I have got into the habit of doing that since my husband died in 2013. I keep my spectacles and mobile phone in there and can charge my 'phone next to my bed.

I was tired after the sale but it must have been after midnight when I dropped off. I was awoken by the sound of noises coming from downstairs. This would have been about 2am. I put on my dressing gown and went downstairs. I thought perhaps I might have left the French doors unlocked in my tired state after the sale.

Signature (sgd) *Doris Haines*

Witnessed by (sgd.)

I can't remember pulling the curtains. I would normally do that but then I do usually go to bed much earlier than 11:30pm.

When I got into my dining room, I noticed immediately that there was someone in the room. It was a male figure approximately 6 feet tall, wearing a blue hooded top, black trousers and grey trainers. There was an emblem on his jacket which looked like it said NorthFace. He turned away quickly when I came into the room and I shouted and asked him not to take anything or to hurt me. He didn't speak. As he left, he had to turn to push the handle down hard on my French doors as they are stiff. As he left, the street lights from the road illuminated his face and my garden lights came on. The lights are on the back of my house over the top of the dining room French doors. I caught sight of the side of his face. It looked like Edward Fisher. He has angular features and looks very much like his father who no longer lives with his family.

I was very shocked and upset and it took me some time to gather my thoughts before I remembered that my 'phone and my spectacles were in my handbag by my bed. I then called the police and told them what had happened. I waited in the dining room for them to arrive and noticed then that the black cash box was missing from the table.

Signature (sgd) *Doris Haines*

Witnessed by (sgd.)

I need my spectacles for driving and long distances. My near vision is still quite good.

I am willing to give evidence at court.

Signature (sgd) *Doris Haines*

Witnessed by (sgd.)

# LEEDS CONSTABULARY

## WITNESS STATEMENT

Witness statement of BRIDLETHORPE Elizabeth Sarah

Over 18

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This statement (consisting of 3 pages and 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.

Dated the 18<sup>th</sup> November 2016

Signature (sgd)

***Lizzie Bridlethorpe***

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CJ ACT 1967, s.9 MC Act 1980, ss.5A (3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

I am the above named person and I live at Rose Cottage on Mains Lane in Fawsley as detailed on the MG11B.

I live with my husband, Heath and our golden Labrador, Bella.

Our back garden backs on to that of Doris Haines who lives at Home Cottage on Main Street.

We both have walled gardens but there is a small gate between our two back gardens.

Signature (sgd) ***Lizzie Bridlethorpe***

Witnessed by (sgd.)

We are great friends and often pop in and out to see one another. This has been even more the case since Doris' husband died a few years ago.

Doris set up a Headway Charity Committee in 2012 after her grandson Hugh was killed in a road traffic accident. I am treasurer of that committee.

On 17<sup>th</sup> November, we held our annual clothes and toy sale at The Falcon Hotel. We have had huge success with this sale as it attracts lots of young girls from the local schools and colleges as they buy designer dresses for the school parties and balls.

I always count the takings at the end of the sale and then Doris takes them home and puts them in the post office account on the following morning. We have done it like this ever since we started. It may not be the safest method but we never thought anything would happen.

After the sale ended on 17<sup>th</sup> November, I counted all the money and it came to £11,785. I made a note of the sum and kept it. I produce that note ESB/1. I gave the black cash box with the key to Doris and we left to go home. We were very tired.

At approximately 6am on the morning of 18<sup>th</sup> November, I heard Bella at the back door and decided she needed to go out into the garden. We have a garden office at the end of the back garden and unusually, Bella made a beeline for it.

Signature (sgd) **Lizzie Bridgethorpe**

Witnessed by (sgd.)

I noticed that the door was ajar. Bella went inside and I noticed that there was something under one of the mats. I looked under the mat and it was a black cash box. I didn't touch it but shouted my husband to call the police. Unfortunately Bella did lick the box all over and I had to wipe it with a tea towel.

I ran over to Doris' house and found her in a distressed state. She told me that Edward Fisher had broken into her home and taken the box.

There are street lights on Main Street that shine directly into Doris' garden and she has lights in her garden that are activated by the presence of people or foxes. We do not have similar lights as it tends to annoy my husband and disturb his sleep.

I produce a plan of the streets and lanes around this part of town and the location of our gardens and the post office. I have also indicated the location of the street lamps My plan shows the whole of my house, Rose Cottage and the back of Home Cottage which is Doris' house. The diagram shows the downstairs layout of Home Cottage and the position of the French doors leading to the dining room and the living room.

Signature (sgd) **Lizzie Bridlethorpe**

Witnessed by (sgd)

# LEEDS CONSTABULARY

## WITNESS STATEMENT

Witness statement of FISHER Hannah

Over 18

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This statement (consisting of 3 pages and 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.

Dated the 19<sup>th</sup> November 2016

Signature (sgd)

*Hannah Fisher*

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CJ ACT 1967, s.9 MC Act 1980, ss.5A (3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

I am the above named and live in the residential quarters of the post-office on Mains Lane in Fawsley. I live at the post-office with my daughter. Sophie who is 17 and my son, Edward who is 19. My older son, Will is working in London. Sophie is at the local 6th form college and Edward is a first year at Leeds University. He comes home most weekends. My husband left the family home in 2012 and no longer lives with us.

I have been post mistress at Fawsley post-office for about 15 years. I know most of the people who live locally extremely well and especially the older customers who collect their pensions.

Signed: *Hannah Fisher*

Witnessed by (sgd)

On 16<sup>th</sup> November 2016, I recall that Doris Haines came in and collected her pension. She mentioned she would be depositing cash from her charity sale on Friday 18<sup>th</sup>. This is not

unusual for Doris. She is in charge of this event and she brings in the takings every year after the sale. We set up an account at the post-office for her committee and she and the treasurer are the signatories.

I don't recall who else was in the post-office on 16<sup>th</sup> November. It was quite a busy day.

The posters for the charity sale were up in the post-office as they are every year. I always have them up and this year, Sophie and I went to the sale as Sophie wanted to buy something vintage for her college party.

We left the sale at about 10pm as Sophie found a dress quite quickly and had decided what she wanted to do to customise it. We both went straight to bed afterwards as Sophie had college the next day and I am always up at 6am.

I didn't check to see if Edward was in bed when I got back from the sale. I assumed he was as the door to his room was closed and all the lights were off. The alarm to the upstairs quarters is not working so I didn't expect this to be on anyway. The CCTV outside the post office is working.

Signed: *Hannah Fisher*

Witnessed by (sgd)

I was woken at about 4am by knocking at the door of my home and found two police officers standing there when I opened up. They asked to speak to Edward. I was very shocked and let



them in. The next thing I knew, Edward was being escorted down the stairs to the police station and I was told he had been arrested for burglary. I was shaking and very upset.

I agreed to the police officers searching the flat for whatever they were looking for. They took away some of Edwards clothes<sup>2</sup> and a few possessions.

Edward has taken the departure of his father very hard and he got into a spot of trouble in 2015. He has seemed increasingly insular since he started at Leeds but I assume he is just finding it hard to settle and keeps wanting to come home at the weekends. It is not far away and so he can do that quite easily. Edward has frequent and unexplained changes to his personality. His mood will alter quite suddenly and he can have a nasty outburst or start to laugh. Sometimes he seems agitated but then he also lacks of motivation and only wants to be alone in his room.

I did not see Doris Haines in the post-office on Friday morning as I had expected.

I am willing to give evidence.

Signed: *Hannah Fisher*

Witnessed by (sgd)

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<sup>2</sup> Statements not included – no issues with continuity and forensics

# LEEDS CONSTABULARY

## WITNESS STATEMENT

Witness statement of FISHER Sophie

Age: 17 years

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This statement (consisting of 3 pages and 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.

Dated the 19<sup>th</sup> November 2016

Signature (sgd)

*Sophie Fisher*

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CJ ACT 1967, s.9 MC Act 1980, ss.5A (3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

I am the above named and live in the residential quarters of the post-office on Mains Lane in Fawsley. I live at the post-office with my mum, Hannah Fisher. My brother, Will works in London. My brother Edward is a first year at Leeds University. He comes home most weekends. My dad left the family home in 2012 and no longer lives with us.

My mum is the post mistress at Fawsley post-office for about 15 years. She knows almost everyone in the town. Most of the customers are elderly.

Signed: *Sophie Fisher*

Witnessed by (sgd)

On 16<sup>th</sup> November 2016, I was at College all day and wasn't in the post-office.

In the front window of the post-office, there are posters for a charity sale. My mum has them up every year and they are dotted around the town in most of the others hops and businesses. This year, my mum and I went to the sale because I wanted to get a dress for my College ball.

We left the sale at about 10pm because I found an old gold dress that I could customise and make into something I've seen I want. When we got home, there weren't any lights on so I assumed Edward was out as he usually is most nights. Mum and I went to bed but she didn't lock up.

I don't see much of Edward as he's either at university in Leeds where he has a room in halls or he's at home on his Xbox, gaming, or out with some people I don't like. I've seen him hanging around with them and they all look a bit 'grungy'. Since my Dad left home, Edward's been very hard to live with. He's disengaged with us and doesn't get on with our older brother, Will.

He moans at me for not working and asking for stuff from Mum. He seems to always have lots of cash on him but he's always pleading poverty. He got into trouble with drugs after my Dad left.

Signed: *Sophie Fisher*

Witnessed by (sgd)

I don't know anything about the money from the sale. I have not seen a cash tin or any money.

I am willing to give evidence.

Signed: *Sophie Fisher*

Witnessed by (sgd)

# LEEDS CONSTABULARY

## WITNESS STATEMENT

Witness statement of Gary Jenkins DC 6972

Over 18

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This statement (consisting of 3 pages and 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.

Dated the 19<sup>th</sup> November 2016

Signature (sgd)

*G Jenkins DC 6972*

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CJ ACT 1967, s.9 MC Act 1980, ss.5A (3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

I am Detective Constable Gary Jenkins stationed at Fawsley CID on Mains Lane, Fawsley.

I received information on 18<sup>th</sup> November in connection with an alleged incident at the home of Mrs Doris Haines and I attended that property at approximately 2am with my colleague, DC Sandra Hutchinson<sup>3</sup>.

I found Mrs Haines to be distressed and concerned for the whereabouts of a cash box containing a sum of money.

Signed: *G Jenkins DC 6972*

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<sup>3</sup> Statement not included

There were no visible signs of entry to the property and the French doors leading out of the dining room to the garden were open as were the curtains. There are security lights above this door which came on when I stepped outside into the back garden.

My colleague DC Hutchinson remained with Mrs Haines and I and another colleague, DC Smith<sup>4</sup> attended at the post-office on Mains Lane where we spoke to Mrs Hannah Fisher and found Edward Fisher asleep in bed. The residential quarters of the post – office are accessed via a separate door to that of the main post-office which is alarmed and rings directly to the local police station. There is no similar alarm system working at the residential property.

I cautioned Fisher and then arrested him on suspicion of burglary of Mrs. Haines' property and a search was carried out of the bedroom of Edward Fisher and some other areas of the flat. Upon arrest, Fisher said, "What the hell are you talking about, I've been in bed since before 10."

Recovered from the property was a pair of grey trainers (GJ/3) which were muddy on the bottom and the mud was still quite wet.

Signed: *G Jenkins DC 6972*

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<sup>4</sup> Statement not included

A hooded top (GJ/4) and sweatpants (GJ/5) were also recovered, both black, and a black NorthFace coat (GJ/6) was recovered from another bedroom in the property. In addition to the clothing, we recovered a bag of white powder (GJ/7) from the bedside drawer of a table in Edward Fisher's room.

Fisher was subsequently interviewed at Fawsley police station at approximately 10:30am on [19<sup>th</sup> November](#). I was the interviewing officer along with DC Hutchinson. The interview was tape-recorded and a transcript of the summary of that interview was made. I produce them both as GJ/1 (tape) and GJ/2 (transcript).

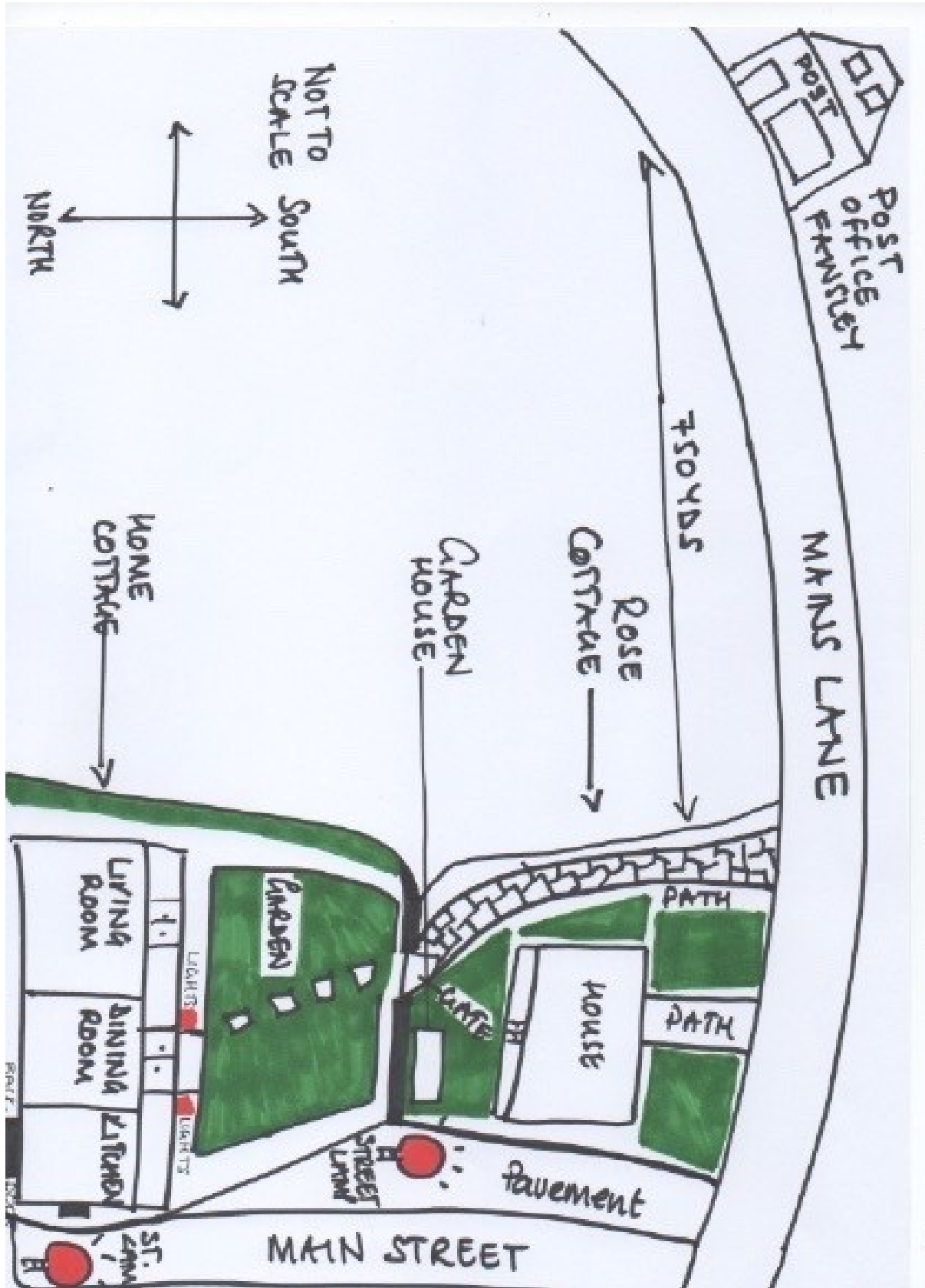
Signed: *G Jenkins DC 6972*

ESB/1 – Note of takings

*£11,785*



ESB/2 – Plan of Fawsley, Mains Lane and Main Street



# LEEDS CONSTABULARY

## RECORD OF TAPE RECORDED INTERVIEW

**PERSON INTERVIEWED:** EDWARD FISHER (D.O.B 05.06.1997)  
**PLACE OF INTERVIEW:** Fawsley Police Station, Leeds  
**DATE OF INTERVIEW:** 19<sup>th</sup> November 2016  
**TIME COMMENCED:** 10:30  
**TIME CONCLUDED:** 11:56  
**INTERVIEWING OFFICER:** DC 6972  
**OTHER PERSONS PRESENT:** DC S Hutchinson; Mr. Delaney – Legal Representative

**DURATION OF INTERVIEW:** 86 minutes

**TAPE REFERENCE NUMBERS:** 156789534/16

Custody No: GG 5678 URN: 01 GG 2343 12
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	TEXT
	<p>FISHER confirmed that he had been offered and had accepted legal representation; he confirmed that he had understood the caution and that he lived on the first floor at the Post-Office, 1st Floor, Mains Lane, Fawsley, Leeds L56 9HJ</p> <p>FISHER confirmed, when asked, that he had been arrested at home at the post-office residential quarters at approximately 4am on 19<sup>th</sup> November 2016.</p> <p>FISHER confirmed he had received the caution and that he had understood it. He was asked to account for his whereabouts between 11pm on 18<sup>th</sup> and the morning of 19<sup>th</sup> November.</p> <p>FISHER stated that he had been in bed at home since 10pm on 18<sup>th</sup> November. He denied having left the property at all between those times.</p> <p>He stated he did not know where his mum and his sister were going on Thursday evening and had no interest. He said he was playing Grand Theft Auto and then fell asleep.</p> <p>FISHER denied knowing that his mum and his sister had attended a charity sale at a local hotel. He denied knowing anything about a sale or anyone involved in it. He said he was only interested in gaming and getting through university.</p>

	TEXT
	FISHER denied being involved in taking any money from Doris Haines' house or having been there at all.
DC Jenkins	We have reason to believe that you were in the vicinity of the burglary between midnight and 2:30 am this morning and that you then burgled the home of Mrs Haines.
Fisher	I haven't seen that old woman since I was at school. She's Hugh Haines' granny. He died years ago in a car crash. I have no reason to be in her house.
DC Jenkins	You are familiar with her house though aren't you? You spent time there with Hugh Haines before he died.
Fisher	I may have been in there as a child but I don't remember anything about it. That was years ago. A lot has happened since then.
DC Jenkins	We recovered your shoes from your bedroom which were still wet with mud. We now know that a black cash tin was taken from Mrs Haines' home and found in a garden office/shed in an adjoining garden. The only way out of Mrs. Haines' garden is via the adjoining garden where this cash box was found.
Fisher	What's your point?
DC Jenkins	Well let's start with the shoes. If you hadn't been out all evening, why are your grey trainers still wet and muddy at 4am this morning?
Fisher	Oh, I might have gone out to have a smoke. I do remember that, only briefly. So brief, it had slipped my mind. It must have been raining.
DC Jenkins	What do you smoke? How many times did you go out for a smoke and where did you go?
Fisher	Probably twice. I smoke cigarettes. My mum doesn't approve. I just walked about a bit.

	TEXT
DC Jenkins	We also recovered from your home, from your brother's bedroom, a black NorthFace jacket. Were you wearing that?
Fisher	No. I don't wear mainstream stuff. That's totally something Will would wear, not me.
DC Jenkins	You should know that the person identified by Mrs Haines is you. She recognised you as you left her home in the early hours of this morning.
Fisher	No way. She wouldn't know me from Adam. I've changed loads since she last saw me. I was just a kid.
DC Jenkins	She saw you in the post-office on Wednesday. She told your mother she would be depositing a large amount of money on Friday morning after the sale. You knew she would have cash in her house.
Fisher	She's confused. She doesn't know what I look like. I am always in and out of the post-office and can't remember if I was in there then. I definitely don't know about the sale or whatever it is. People put money in the post-office all the time. That's nothing new.
DC Jenkins	The charity sale is a big deal in Fawsley. There are posters everywhere advertising it. You especially would have known. There are posters where you live, your mum and sister went and you knew about the deposit scheduled for Friday.
Fisher	Good luck making that stick pal, isn't that what they call circumstantial?
DC Jenkins	Mrs Haines recognised you. She's seen you recently. She knows what you look like and she knows your family. Apparently you look like your father?
Fisher	Well he fucked off years ago. I am four inches shorter. He's 6 feet 2. I don't look like any of my family. I can't wait to get out of this small town shit-hole and get away.
DC Jenkins	So how's it going for you at uni, Edward? Are you managing everything? Settled in well?
Fisher	Yes, I'm a student so we don't have a lot of cash – none of us do.

	TEXT
DC Jenkins	What do you do for money then Edward? How do you make ends meet up there?
Fisher	Same as everyone else, work a bit, eat badly. Come home a lot.
DC Jenkins	You've talked about getting away and you would need money to do that surely? I take it that's in short supply now that your Dad has left?
Fisher	My mum hardly makes ends meet. My older brother's a dick and won't help out and my sister is always asking for stuff. That's just how it is.
DC Jenkins	Edward, we have now found the stolen cash tin secreted under matting in a neighbouring garden. You grew up round here and you know these gardens as well as anyone. You took the box and stashed it in a garden office intending to go back for it didn't you?
Fisher	No, I didn't. I was in bed, like I told you.
DC Jenkins	Well you told us that then said you remembered going outside. We will be checking all of the available CCTV footage in the area to see who was around at that time of the morning.
Fisher	Well, OK, I was out for longer than a smoke. I was hoping to bump into some locals I know. I couldn't sleep after the gaming and just wanted to walk about. I didn't actually see anyone and just went home again.
DC Jenkins	That's quite a departure from your original stance, Edward. Sounds as though your story is developing as we go along.  I also want to ask you about a bag of white powder found in your bedside table. It has been tested and found to be Ketamine. Is it yours Edward?
Fisher	No Comment.

	TEXT
	<p>Fisher refused to make any further comment.</p> <p>The interview continued in a similar vein for a short while longer with the defendant refusing to answer any further questions. The interview ceased at 11:56 with the defendant making no further comment. The tape recorder was switched off and tapes wrapped and copies given to the defendant.</p>

## **Proof of evidence of EDWARD FISHER**

Taken at Bains & Grimshaw Solicitors on [28<sup>th</sup> November 2016](#)

I am Edward Gordon FISHER. My date of birth is 5<sup>th</sup> June [1997](#). I am charged with one count of burglary of a cash tin and some money from the home of Doris Haines in Fawsley and one count of possession of Ketamine.

I did not enter the home of Mrs Haines and I did not take her cash tin. I have not been in her house since just before Hugh Haines died in a car crash in [2012](#).

I am a university student and I receive the full maintenance award so I manage fine. I've got an overdraft.

I come home most weekends from university so I can eat properly and see some of my old mates. I get a lift from someone who travels back. My mum and my sister live at home and they both cook. I generally just do my own thing, on my Xbox or I do some studying.

I don't get on with my older brother, Will. He lives in London and works for a bank. He could help out a hell of a lot more but he doesn't. It's been quite difficult since my dad left home.

I remember now that I definitely was not in the post-office on 16<sup>th</sup> November. It was a Wednesday and I went to see about doing some work over the summer.

I have not seen Doris Haines for years.

I don't know about the charity sale except that it does happen every year. I don't know when it is or what happens at it.

I didn't know my mum and my sister were going to it on 17<sup>th</sup> November.

During the evening of 17<sup>th</sup> November I do remember walking around the town a bit when I went out to have a smoke. I got a 'phone call from someone in Leeds at the Uni who was hassling me about something. I must have walked about more than I thought. I may have been caught on CCTV.

It was raining as I recall so my trainers would have been wet.

I don't wear my brother's clothes on principle and definitely wouldn't wear a NorthFace coat. It's not my look. I prefer a more 'Indy' look. I generally don't wear a coat. I don't have a blue hoodie. I do have black sweatpants. They are very common. I am 5 feet 10, not six foot tall. I don't look like my Dad.



I was in bed before midnight on 17<sup>th</sup> November. I remember looking at my 'phone just after I got back from having a last smoke. All the lights were off in the flat. I didn't see my mum and my sister.

The next thing I knew, I was being arrested.

The Ketamine is mine. I got it in Leeds and I occasionally use it when I am stressed out.

Signed: **Edward Fisher**

Dated: **28<sup>th</sup> November 2016**

**DEFENCE STATEMENT**

*(Criminal Procedure and Investigations Act 1996, section 5 & 6; Criminal  
Procedure and Investigations Act 1996 (Defence Disclosure Time Limits)*

*Regulations 2011;*

*Criminal Procedure Rules, rule 22.4)*

**Case details**

**Name of defendant:** EDWARD GORDON FISHER

**Court:** LEEDS CROWN Court

**Case reference number:** LCC/15/9G56

**Charge(s):** BURGLARY contrary to s.9(1)(b) Theft Act 1968

### When to use this form

If you are a defendant pleading not guilty:

(a) in a Crown Court case, you must give the information listed in Part 2 of this form;

(b) in a CROWN' court case, you may give that information but you do not have to do so.

The time limit for giving the information is:

14 days (in a Crown Court case)

28 days (in a Crown Court case) after initial prosecution disclosure (or notice from the prosecutor that there is no material to disclose).

### How to use this form

1. Complete the case details box above, and Part 1 below.
2. Attach as many sheets as you need to give the information listed in Part 2.
3. Sign and date the completed form.
4. Send a copy of the completed form to: (a) the court, and (b) the prosecutor before the time limit expires.

If you need more time, you must apply to the court before the time limit expires. You should apply in writing, but no special form is needed.

**Part 1: Plea**

**I confirm that I intend to plead not guilty to [all the charges] [the following charges] against me:**

I plead not guilty to the allegation that I burgled the home of Doris Haines and stole a cash tin with money in it.

## Part 2: Nature of the defence

Attach as many sheets as you need to give the information required. Under section 6A of the Criminal Procedure and Investigations Act 1996, you must:

- (a) set out the nature of your defence, including any particular defences on which you intend to rely;
- (b) indicate the matters of fact on which you take issue with the prosecutor, and in respect of each explain why;
- (c) set out particulars of the matters of fact on which you intend to rely for the purposes of your defence;
- (d) indicate any point of law that you wish to take, including any point about the admissibility of evidence or about abuse of process, and any authority relied on; and
- (e) if your defence statement includes an alibi (i.e. an assertion that you were in a place, at a time, inconsistent with you having committed the offence), give particulars, including –
  - (i) the name, address and date of birth of any witness who you believe can give evidence in support of that alibi,
  - (ii) if you do not know all of those details, any information that might help identify or find that witness.

- a) I did not burgle the home of Doris Haines.
- b) I did not take a cash tin or money from her house.
- c) I was in bed before midnight.
- d) I played on my Xbox before going to bed.
- e) I went outside twice for a cigarette and walked up and down the road
- f) I couldn't get to sleep immediately so tried to see if anyone was out and about.
- g) I didn't bump into anyone so I went back inside and went to bed.
- h) I don't know what time my mum and my sister got back.
- i) I don't know anything about a clothes sale.

**Signed:** Bains & Grimshaw Solicitors for and on behalf of EDWARD  
GORDON FISHER

**Date:** 14<sup>th</sup> December 2016

**WARNING:**

**Under section 11 of the Criminal Procedure and Investigations Act 1996, if you**

**(a) do not disclose what the Act requires;**

**(b) do not give a defence statement before the time limit expires;**

**(c) at trial, rely on a defence, or facts, that you have not disclosed; or**

**(d) at trial, call an alibi witness whom you have not identified in advance, then the court, the prosecutor or another defendant may comment on that, and the court may draw such inferences as it thinks proper in deciding whether you are guilty.**

## ANTECEDENT HISTORY FOR EDWARD GORDON FISHER

DATE OF BIRTH: 05.06.1997	AGE: 19
CONVICTIONS: 1	OFFENCES: 1
DATE FIRST CONVICTED: 10.01.2015	DATE LAST CONVICTED: 10.01.2015

### DETAILS OF OFFENDING:

**10.01.2015:** Convicted at Fawsley Youth Court

**Plea:** Guilty

**Facts:** On 27<sup>th</sup> December 2014, found in possession of a Class B controlled drug, on school premises, namely 2 grams of Cannabis resin.

**Sentence:** Conditional Discharge 18 months