

WITNESS STATEMENT

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

Statement of PC368QK Michael Sullivan..... **URN:**

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') **Occupation:** **Police Officer 220776**

This statement (consisting of:**2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: **Date:** 22nd August 2015

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

On Friday 22nd August 2015 I was on duty in plain clothes, on mobile patrol in an unmarked police vehicle, in company with PC782QK Paul Whitcomb, at about 18.50 hours we were travelling along the Harrow Road Sudbury when my attention was drawn to two males outside Sudbury A-Z Newsagents 711 Harrow Road HA0 2LL, we were in slow moving traffic and I could clearly see that both males were drinking alcohol from open cans, we pulled over and stopped our vehicle and observed the males for a few minutes, one of the males was sitting directly outside the shop on a low rise wall, and had several empty beer cans around him, the other male was standing up pacing around, I got out of our vehicle and walked past the males as I passed the male sitting on the wall I could see he was swaying around and appeared drunk, I saw him finish the can of beer and throw it on the floor next to where he was sitting he then stood up and started staggering towards the shop, he then entered Sudbury A-Z Newsagents, I could clearly see he was having trouble walking due to being drunk, less than a minute later the male exited the shop now carrying a white plastic bag which contained cans of beer, he staggered back to the wall and sat down again and then took out one of the beers from the bag, opened it and started drinking from it, at this point I entered the shop and spoke to a male behind the counter, I now know the male to be Mr Haresh GUSHANI, I identified myself to him by showing him my warrant card, and then asked him if he had just sold alcohol to the male sitting outside on the wall he looked out at the male and said 'who him no he didn't buy his beer here' there was only one person outside sitting on the wall, I then informed him that I had seen the male entering the shop and then leaving with the beers, GUSHANI then said 'yes ok I served him' I then went outside and spoke to the male sitting on the wall, a male I now know to be Mr Robert MIGUS Whilst speaking to him I could see that his eyes were watery his speech was slurred and his breath smelt strongly of alcohol, he was drunk, I asked him where he had purchased his beers from, he pointed to Sudbury A-Z and said 'from there' I then asked where he had bought the beers he was drinking earlier from, and pointed to the empty cans next to him, he said 'yes from there' I then ask Mr MIGUS if I could take some pictures of him with the beer, he said 'yes' I exhibit these pictures as MJS/01,02, I then went back into the shop and informed Mr GUSHANI that I would need to speak with him about this matter, and asked if someone else could manage the till area as I did not want us to be distracted whilst I spoke to him, he called another male from the rear of the shop who took over the till area, myself and Mr GUSHANI then when to the rear of the shop, at 19.00 hours I explained that I was going to caution him and that he was not under arrest, and that he was free to leave at any time, I asked him if he wanted a solicitor present, he said 'no' at 19.01 hours I cautioned Mr GUSHANI, he made no reply to caution, I then explained to him what the caution meant and he stated that he understood, I then went on to ask him the following questions.

- Q 'What do you do in the shop'
- R 'I work here'
- Q 'Did you sell the male sitting outside on the wall the alcohol he is drinking'
- R 'Yes I did'
- Q 'Why did you sell the male the alcohol he is clearly drunk'
- R 'It is my mistake'
- Q 'What alcohol did he buy and how many'
- R 'I sold him WARKA I sold him four (4) beers'

Signature: **Signature witnessed by:**

Continuation of Statement of

Male then pointed to the fridge and pointed to a red and white cans of alcohol with the name WARKA which has 5.5 % AVB

Q 'Did you know that the male was drunk when he came into the shop and you served him'

R 'Yes it's my fault' I serve that man as he doesn't give me trouble other people give me trouble I don't serve them'

I recorded the questions and answers he gave me in an EAB, at this point we were joined by a male who gave his name as Mr lalit THATHOLA who stated he was a friend of Mr GUSHANI, and he lived nearby, he went on to say that he was from the same country as Mr GUSHANI.

Mr GUSHANI explained to Mr THATHOLA what was happening, and I asked Mr THATHOLA if he could read back to Mr GUSHANI what had been said and written down in his language and confirm he agreed that this was correct, I did this just to confirm that he fully understood what was said, and that there could be no misunderstanding as he stated that English was his second language, I was confident that he had understood what had been said of him due to his replies. Mr THATHOLA agreed and interpreted it to him and asked him if he agreed that it was correct, Mr GUSHANI said yes he understood and yes that is what was said, I then asked him to sign my notes as a true account of what had been said, which he did.

Mr GUSHANI then produced documents that proved his details, I then informed him that I was unable to deal with the matter today and that I would contact him within the next couple of weeks to inform him of how I would be dealing with the matter, he said ok and sorry for causing a problem, I reminded him of the licensing objectives and the fact that what he had done by selling to a drunk male constituted to an offence.

He assured me that he would not sell alcohol to any person that appeared drunk, I then left the premises.

Signature: Signature witnessed by:

RESTRICTED – FOR POLICE AND PROSECUTION ONLY
(when completed)

Home address:

Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth:

Former name: Height: Ethnicity Code:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- c) I consent to police having access to my medical records in relation to this matter: Yes No N/A
- d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable) Yes No N/A
- f) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:

Statement taken by (print name): **PC 368QK 220776 MICHAEL SULLIVAN**

Station: **HARLESDEN**

Time and place statement taken:

Signature of witness: