

WITNESS STATEMENT

2.1.01.1961, s.8 MCA 1985, ss 34(3) (a) and (b), Criminal Procedure Rules 2005, r. 2.1.

URN []

Statement of Derek Barker [Signature]

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Sergeant

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

Signature [Signature]

Date: 17 March 2008

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

I am a police officer with the South Yorkshire Police stationed at Barnsley Police Station, South Yorkshire. I am responsible for Licensing issues including the retail sale of alcohol.

At 18:10 Friday 14th March 2008 I was on plain-clothes duties in company with PC 2982 Waites making licensing visits with the Penistone area of Barnsley. At this time, PC Waites and I arrived at Green Road Penistone close to the Off Licence shop known as 'Waddies' (192 Green Road Penistone. S36 6BG) Upon our arrival, I could see a group of youths gathering outside the shop. Included in this group were two youths wearing baseball caps, one of the youths was also wearing a light coloured hood partially covering the cap. Both youths then disappeared from view apparently into a gennel by the side of Waddies. Both youths then reappeared around one minute later, the youth with the hood up was obviously carrying something within his coat, the other carrying an ASDA carrier bag containing what appeared to be cans of some kind. PC Waites and I then approached the pair, PC Waites then spoke with these two youths, and I spoke with another

Signature: DG Barker [Signature]

Signature Witnessed by: []

Continuation of Statement of: Derek Barker

youth now known to me as [redacted] 14yrs (born [redacted] as [redacted] as at this time drinking from a can of Fosters lager.

I asked where [redacted] had got the lager from, he stated the shop owner had given it to him for doing him a favour. I then escorted [redacted] back inside the shop where I could see the shop owner Ian Middleton was busy serving customers from behind the counter.

A short time later. Middleton confirmed that he had given [redacted] four pack of Fosters lager as he had been tidying up some wooden logs on the street outside for him. Pc Waites then came into the shop escorting the two youths I had seen outside wearing baseball caps. I now know these youths to be [redacted] ^{14yrs} 4yrs [redacted] and [redacted] 15yrs ([redacted] PC

Waites was carrying two ASDA carrier bags (Exhibits AW 1 & 2).

Following a short conversation with Mr Middleton he showed me the shops CCTV system, I noticed that time it showed was accurate within a minute.

At my request, Mr Middleton then produced the till role for 14th March 2008. I noticed that the till was recording time 1 hour fast and exhibited the following codes depending on which goods had been sold:

Dept 6.....Food sale

Dept 8.....Alcohol sale

Dept 9.....Non-food sale

Dept10....Tobacco sale

I then recovered the till role. Exhibit DGB 1 refers.


Signature: DG Barker Signature Witnessed by:

Continuation of Statement of: Derek Barker

At 10.00am Wednesday 19th March 2008, Ian Middleton voluntary attended at Barnsley Police Station to be interviewed regarding the events of Friday 14th March. Interview commenced at 10.16am and concluded at 10.48am, PS 1327 Derek Barker and PC 2982 Adrian Waites were present. The interview was conducted in accordance with PACE and Middleton declined the presence of a solicitor, DD/9/279/1/2008 refers. I can identify the tape by means of an exhibit label attached and signed by me. Exhibit AW 2 refers.

During the morning of Thursday 27th March 2008, I viewed the CCTV footage contained within exhibit AW 1. An 'AverMedia' digital CCTV recorder and storage device and produced the exhibits DGB 2 to DGB 11 inc as video stills from the images within.

On Monday 14th April 2008. I attended at Penistone Police Station and asked PC 346 Thompson to view and hopefully identify the persons captured within the stills (Exhibits DGB 2 to 11)



Signature: DG Barker Signature Witnessed by:

WITNESS STATEMENT

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

URN

--	--	--	--	--

Statement of Adrian Waites

Age if under 18 Over 18 (If over 18 insert "over 18") Occupation: Police Constable

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 anything which I know to be false or do not believe to be true.

Signature Adrian Waites P 2982 Date: 20-03-2008

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

I am a Police Constable serving with the South Yorkshire Police at Barnsley police station.

I am employed in the lacquer-licensing department as the licensing PC, where I have served for the past three years. I am responsible for all licensing matters including all on and off licenses in the Barnsley District as directed by the licensing sergeant PS 1327 Derek Barker.

On Friday 14th March 2008, I was on duty in plain clothes and in company with PS 1327 Derek Barker the Licensing sergeant. We were in the Pennistone area of Barnsley carrying out routine Licensing visits.

At about 6.10pm Friday 14th March 2008, PS Barker parked the car on the main road approximately 20yards from Waddies Shop, which is situated at 192, Green Road, Penistone. I looked towards the front of the shop and saw 4 to 5 youths hanging around in front of the shop. Two of these youths were wearing baseball caps, one of the youths was also wearing a light coloured hood covering his cap. Both of these youths then disappeared from view into a side alley next to the shop. Both of these youths then reappeared about one minute later, the youth with the

Signature: Adrian Waites Signature Witnessed by:

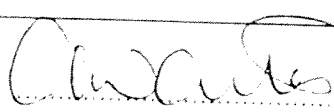
Continuation of Statement of: Adrian Waites

hood was carrying something inside his coat, the other youth was carrying an Asda carrier bag which looked heavy and appeared to have cans inside. Just as I was about to get out of the car, two youths began to walk towards our car. PS Derek Barker and myself alighted from the car and walked slowly towards these youths.

When I was about 2 yards away, I saw that one of the youths had both hands held tightly in front of his jacket, and I saw that his jacket was bulging in front. I immediately stopped the 2 youths and identified myself as a police officer by showing my warrant card. PS Barker continued to walk ahead and spoke to other youths.

I asked the 2 youths to show me what they had under their coat and in the white bag, on looking inside the white bag I saw a quantity of Fosters Lager, the other youth also produced a white Asda bag from inside his coat containing a quantity of Fosters lager. I escorted the 2 youths into Waddies store and stood at the back of the shop to make further enquiries. I now know these two youths to be [redacted] born: [redacted] (14yrs) of [redacted], Barnsley, and [redacted] born: [redacted] (15yrs) of [redacted] Oxspring, Sheffield. On entering the store other youths standing at the counter picked up their property and left.

Further examinations of the Asda bags confirmed that [redacted] had in his possession 6 x full cans of Fosters lager and one empty can of lager, and [redacted] had 7 x full cans of Fosters lager. The plastic seals were still visible confirming that the lager was part of a packs of 8 cans. I took possession of all the lager and can identify the cans by means of exhibit labels attached and signed by me for both youths. (AW1 & AW2) I asked them both where they had got the lager from, but both failed to give me an answer. The details of [redacted] and [redacted] were obtained and they were requested to leave the shop.

Signature:  Signature Witnessed by:

(Continuation of Statement of) Adrian Waites

I then joined PS Barker at the front of the shop next to the counter where he was speaking to the owner Mr Ian Middleton, also present was a person I now know to be [REDACTED] born:

[REDACTED] (14yrs) of [REDACTED] Pennistone, Sheffield. As a result of conversations with PS Barker I took possession of 3 x full cans and 1 x open can which was half full of lager from Mahon. I can identify them by means of an exhibit label attached and signed by me (AW1.)

Following a short conversation with Mr Middleton he showed PS Barker and myself the shops CCTV system, I saw that the time it showed was accurate to within one minute. I took possession of the CCTV system and can identify it by means of an exhibit label attached and signed by me (AW 1 to AW 5 refers)

At PS Barkers request, Ian Middleton produced the till roll for that day. After close examinations by PS Barker he recovered the roll (Exhibit DGB 1 refers.)

On returning to Barnsley Police Station, I booked all the property into the property register and secured the property into the property store.

At 10.00am Wednesday 19th march 2008, Ian Middleton voluntary attended at Barnsley police station be interviewed. Interview commenced at 10.16am and concluded at 10.48am, PS 1327 Derek Barker and PC 2982 Adrian Waites were present. The interview was conducted in accordance with PACE and Middleton declined the presence of a solicitor, DD/9/279/1/2008 refers. I can identify the tape by means of an exhibit label attached and signed by me (AW 2)

Signature: Adrian Waites Signature Witnessed by:

Continuation of Statement of: Adrian Waites

Page 4

I produced a record of the taped interview, and can produce it in court as evidence if required. I can identify it by means of an exhibit label attached (AW 3)

Signature: Adrian Waites Signature Witnessed by: