



**MG3A: REPORT TO THE CROWN PROSECUTION FOR A NOT GUILTY ANTICIPATED PLEA (NGAP)**

INVESTIGATION NUMBER:	625	INVESTIGATING POLICE FORCE:	South yorkshire police
DATE REPORT FINALISED:	28/04/16	DATE FOR SUBMISSION TO CPS BARRISTER:	28/0416

**SUMMARY OF INVESTIGATION (CASE BACKGROUND)**

On the 9th April 2016 at 14.51 South Yorkshire police received a 999 call from a Mr Les Smith at 9 Axdane Grove, Lincoln way estate reporting his neighbour Lee Freeman was being beaten up at the house next door. At 15.02 Mr. Freeman was pronounced dead by paramedics at the scene. Gary Neilson, Christopher Salmon and Darren Jones were arrested for murder at the scene. Les Smith later told the police that he had seen four men walk towards Freeman's house so the police asked the suspects who the fourth man was and they identified him as Mr. Phil Boyce. The next day (10.04.2016) Mr Boyce handed himself into the police station. They let him out on bail as they didn't have enough evidence to convict him and Boyce denied doing it. Detective Lindsay Denton found a shoe in a bin near the crime scene and declared a presumptive blood test. XP forensic investigators did the blood test and determined it to be blood. They confirmed it to be blood and followed it up with a blood type test and determined it to be Freeman's blood on Boyce's size 9 shoe.

**KEY WITNESS STATEMENTS**

**NON POLICE WITNESSES**

Gary: (Lee freeman's brother).

- Lee Freeman, was born 3rd January 1976 (40 years old)
- He lived at 11 Axdane Grove and has lived there for 10 years
- He started to drink heavily after he lost his job .

Les: next door neighbour, 9 Axdane Grove, my address is one of a block of 4:  
13:30-14:30am

- would describe Lee as white male, 5ft 10 tall, slim muscular build, and with short black hair.



- “I saw 4 men walking towards Lee’s garden. I can’t really describe the men, all i can say is they were all about 40 years of age and they seemed to be carrying a lot of alcohol (tins of beer, bottles of cider).”
- As “I passed Lee’s house, I saw Lee open the rear door into the garden and he seemed fit and well” and shouted “how you doing Les”, “I saw the 4 males with the alcohol go into the house, and that was the last time I saw Lee alive.”
- I could hear various people were shouting, and I am sure I heard Lee shout, “get off me!” I went into his rear garden and looked through the window. At that point he was covered in blood and appeared to be unconscious.
- At this time I could see 3 of the men I had seen earlier in the house, I could see that one male was laid out on the settee, and appeared to be asleep. Whilst two of the other men were stood over Lee looking at him.
- The two men who were stood up, one was very tall, about 6 ft 2, one was much smaller, say about 5 ft 6. The taller one was wearing a red T shirt and Jeans, the smaller one was wearing Jeans and Doncaster rovers top.

Florence : neighbour, 80 years old

- I went into the garden I saw a man leave Lee’s house by the back door and walk quickly out through the garden into the street, started to run in the direction of the shopping centre, beer belly and was about 40 years of age.

#### **POLICE WITNESSES**

##### **Mr Jones**

**Man utd football top**

**Pair of black chinos**

**Left nike trainer**

**Right nike trainer**

**Very drunken state through whole process**

##### **Mr Neilson**

**Red t-shirt**

**Pair of jeans**

**Left adidas trainer**

**Right adidas trainer**

**Right sock**



**Left sock**

**Neilson ratted out Boyce**

**Statements**

**Ian Warcup**

**3 other men in room (suspects.)**

**Darren Jones. Gary Neilson. Christopher salmon.**

**Neilson, tall slim around 6ft 2.**

**Salmon slim but smaller.**

**3 paramedics enter room where freemans body is.**

**Informed Lee Freeman is dead**

**Arrested for murder**

**Les called 999 after asking, "what is going on".**

**Intelligence report**

**Boyce- 24th october 1972 (43)**

**Convictions**

**24 offences for assault and violence**

**Not on bail or wanted**

**Believed to be at girlfriend's house- 17 Gildan grove Lincoln way Estate**

**Linked to 3 addresses**

**Homeless & hostel roots.**

**1 High street Rossington**

**81 Gorthorpe close, lincoln way estate**

**24 york road way estate**

**EXPERT WITNESSES (OUTSIDE AGENCIES)**

The pathologist identified that Mr. Freeman had multiple severe injuries to the head and neck, such as many haemorrhages and bruises with multiple injuries all over the body. They identified the cause of his death was an injury to the aorta. The aorta had been transected at the junction of the arch of aorta and descending thoracic aorta. This happened because the victim had been kicked on the left side of his upper body multiple times which eventually broke his ribs and caused a hemopneumothorax in the chest cavity. As a result of this, the heart moved out of position putting serious tension on the heart. One final kick broke the tension, causing the blood from the heart to have no where



to go and drip into the chest cavity and not go to the brain to supply it with oxygen and blood.

All of this evidence links back to the shoe that detective Lindsay Denton found in a bin near the crime scene, that had traces of blood on the tip. Our theory is that it is Phil Boyce shoe as it was Boyce's size (9) and the traces of blood did prove to be Lee Freemans. Knowing that final kick was the cause of murder, this is more evidence to use against Phil Boyce in court.

#### **EXPERT WITNESSES (XP FORENSIC INVESTIGATORS)**

After the incident, one of the detectives (Lindsay Denton) found a size 9 left shoe about a mile away from the crime scene. She found a red substance on the shoe that she presumed was blood. Just to be safe, she ordered a presumptive blood test which determined whether the 'stain' was blood or not. A presumptive blood test works by getting a cotton swab, getting a few drops of alcohol and placing them on the swab, then getting some phenolphthalein which makes the cotton swab turn a pinkish colour. Finally, adding hydrogen peroxide which told us whether it is blood. After this, the forensic team ordered a blood typing test which told them which blood type was on the shoe and which suspect or victim had the same blood type. Your blood sample is mixed with different antibodies which is checked to see whether the cells agglutinate. If the cells agglutinate, it means the blood reacted to one or some of the antibodies. The blood typing test told us it was Lee Freemans blood.



#### OTHER POLICE WITNESSES

- 2 bedroom terraced council house situated on a housing estate in Doncaster. At the rear of the property is a lounge where the murder is alleged to have taken place.
- On first inspection the room contained plenty of empty beer and lager tins, some of which have been recovered by South Yorkshire police for fingerprint examination
- I am aware that fingerprints recovered from these items confirm that they came from the victim Mr freeman, and the suspects Nielsen, Boyce, Salmon and Jones.
- In the middle of the lounge was a piece of carpet that covered most of the room, I noticed that this contained a large amount of blood, which was swabbed and confirmed to be from the victim Mr freeman. There was other splashes of blood on the walls and furniture, which again came from near the victim Mr freeman.
- Given all the evidence in the case that I have seen, I conclude that it is consistent with mr freeman being attacked in the living room of the house, and he suffered injuries caused by blunt force trauma.
- On the 16th April 2016 a number of items were received from South Yorkshire police into the forensic laboratory which our forensic team examined. The first item examined was a sample of blood taken from the victim Lee Freeman, which was profiled and a full DNA profile obtained. This sample was compared with various blood stained samples which I will report upon as follows.
- Examined a pair of jeans seized from Gary Nielsen police item JH02. They found that there were splashes of blood on the inside and outside of the bottom hem of the jeans, and this was compared with the profile obtained from the victim Mr Freeman. It was found this was a direct match, and I can confirm the blood samples match. I also examined the training shoes seized from Gary Nielsen items JH03 and 04, and again these contained splashes of blood on the upper surfaces which match with the victim Lee Freeman, The Examined all the clothing from Darren Jones and could find no traces of blood from the victim Lee Freeman on any of the items that I examined.
- Examined a pair of jeans seized from Christopher Salmon police item DM02 I found that there were splashes of blood on the inside and outside of the bottom hem of the jeans, and this was compared with the profile obtained from the victim Mr Freeman. It was found this was a direct match, and I can confirm the blood samples match. I also examined the training shoes seized from Christopher Salmon items DM03 and 04, and again these contained splashes of blood on the upper surfaces which match with the victim Lee Freeman, Philip Boyce - clothing that was seized from him when he handed himself in at Doncaster Police station



**OFFICER(S) IN CASE (OIC) SUMMARY STATEMENT AND RECOMMENDATIONS**

After closely analysing all of the evidence above, the South Yorkshire police service have decided that Phil Boyce is guilty of Lee Freeman's murder because he originally fled the scene which makes him look suspicious, but with his shoe being found with Mr. Freeman's blood on the tip proves that he probably gave the final kick and transected Lee Freeman's aorta. Because they believe Boyce is guilty they recommend you go ahead with the prosecution.



**I/we hereby submit the MG3A Report to the Crown Prosecution Service for consideration in accordance with the National File Standard 2015.**

**I/we declare that information contained within this report is based entirely on facts drawn from key evidence and is without bias.**

**I/we understand that failure to correctly prepare and present evidence in accordance with the National File Standard 2015 will result in a rejection of all evidence contained within and all charges against named potential defendants will be dropped.**

**I/we declare that evidence contained within was collected following safe and systematic procedures in which the integrity of the investigation was upheld throughout.**

**I/we declare that evidence presented is entirely factual and conclusions drawn are based on objective interpretations of the investigation team.**

**I/we declare the information contained within the report in correct to the best of my/our knowledge and that failure to declare key information may affect the prosecution proceedings to follow.**

<b>Signed:</b>	<b>Abbie Williams</b>	<b>Print Name:</b>	<b>Abbie Williams</b>
	<b>Olivia Watson</b>		<b>Olivia Watson</b>
	<b>James Hyde</b>		<b>James Hyde</b>
	<b>Lyle Haines</b>		<b>Lyle Haines</b>
	<b>Mary Waring</b>		<b>Mary Waring</b>

**Date: WEDNESDAY 27TH APRIL 2016**

<b>BARRISTER REPRESENTING CROWN PROSECUTION:</b>
<b>COMMENTS:</b>
<b>I hereby approve/reject the evidence presented as satisfactory/unsatisfactory for prosecution</b>
<b>Signed..... Print Name.....</b>

