

32321`MG3A: REPORT TO THE CROWN PROSECUTION FOR A NOT GUILTY ANTICIPATED PLEA (NGAP)

INVESTIGATION NUMBER:		INVESTIGATING POLICE FORCE:	
DATE REPORT FINALISED:		DATE FOR SUBMISSION TO CPS BARRISTER:	

SUMMARY OF INVESTIGATION (CASE BACKGROUND)

On the 9th of April, the police received a call from Lez Smith at 9 Axdane Grove, reporting a disturbance at Lee Freeman's apartment at 11 Axdane Grove. He stated that "I could hear various people were shouting, and I am sure I heard Lee shout, "get off me!" during the course of the next 20 minutes, this carried on. I also remember someone shouting he had been bitten, and didn't quite understand what was happening." After Lez called the police they arrived at the scene with paramedics, who tried to resuscitate him but he died at 15:02 hours. Three in the house were arrested on suspicion of murder, but Phil Boyce was still missing. After a media release, Phil Boyce handed himself in with washed clothes.

KEY WITNESS STATEMENTS

NON POLICE WITNESSES

Gary Freeman (brother of the victim)

Lee Freeman was born 3rd January 1976 (40 year old). He got married when he was 20 years of age, he was divorced when he was 40. Gary Freeman gave us a statement about how the victim was an alcoholic. Lee Freeman has lived at Axdane Grove for 10 years, he lost his job 5 years ago and that had big impact on him. Lee Freeman became disillusioned and started drinking.

Les Smith (Neighbor of victim)

Les Smith lives at 9 Axdane Grove and lives next door to Lee Freeman. He stated that Lee Freeman use to work as a builder but became redundant. He described Lee as a white male, 5ft 10 tall, slim muscular with short black hair. Les Smith has known Lee Freeman for 5 years. At 12:30 pm on the afternoon of the 9th of April, Les was walking his dog, when he saw 4 men walking towards Lee Freeman's garden. The men were carrying alcohol (tins of beer, bottles of cider). Les Smith thought that Lee Freeman was having a party. Les saw Lee Freeman open the

rear gate, then Lee Freeman shouted “ how you doing les”. Les described Lee Freeman as fit and well. Les Smith said the 4 men look around the age of 40 but he couldn't really describe them. He saw the 4 men go into his house and the last time he saw Lee Freeman he was alive.

Florence Harper (Neighbor of victim)

Florence Harper is 80 years of age, and lives at 13 Axdane Grove and she's lived there since 1966. At 14:45 9th of April she saw a man leave Lee Freeman's house she didn't get a good look of the man but she said he had no hair, when the man got to the street he started running. Florence Harper has a hard time hearing but she didn't hear anything. 10 minutes later Florence saw police cars and she was shocked to hear Lee Freeman was dead. After she spoke to the police officer she saw some men being led out of the house. She described the men as drunk because of them struggling to walk. She also wondered why Phil Boyce was the only man to escape the crime scene.

From these key witnesses it is in our knowledge that Lee Freeman was delusional and started drinking which would explain the nature of the gathering they had. They had lots of alcohol which could explain the incident, a alcohol and anger fueled fight. We know also know after three were arrested, that there is another man involved who fled, most likely after realising what he had done.

POLICE WITNESSES

- At 14:52 on Saturday 9th April, Ian Warcup received a call from the control room to attend an incident at 11 Axdane Grove on the Lincoln Way estate. Ian Warcup drove to the scene in a marked police vehicle and arrived at 14:55. As Ian pulled up outside the address, PC Turner and PC Harrison arrived seconds before Ian, the three of them went into the house through the rear door in the garden. The door took them into the living room, they saw four men in the room one was a male formally known as Darron Jones this man was extremely intoxicated and was laid on the settee. Sat on the chairs were Gary Neilson and Christopher Salmon. Ian Warcup said that Gary Neilson was a tall slim male who was 6ft 2 wearing a red T shirt, Chris Salmon was a slim male and wore a Doncaster Rovers top. On entering 1 Sergeant Ian Warcup went to check on Mr Freeman but could not get a response, three paramedics entered the house and began to carry out

resuscitation on Mr Freeman. Ian then turned to Gary Neilson and Christopher Salmon and asked them, “ what have you done lads ” Gary Neilson and Christopher Salmon made no response to the sergeant. After a couple minutes Ian was informed that Mr Freeman was dead, Ian informed Gary Neilson and Christopher Salmon that they were all under the arrest for the murder of Mr Lee Freeman. Ian warcup was accompanied by other offices and all three of the men were handcuffed and taken in three different Police vehicles. Ian ensured that on the arrival at the Police station, the suspect's clothing would be seized.

EXPERT WITNESSES (OUTSIDE AGENCIES)

The defendants were under the influence of alcohol.

- Gary Nielson didn't have any trace of controlled drugs but their was a high level of alcohol in his system. Their was approximately 16 units of beer which equates to 8 pints of beer.
- Christopher Salmon had a slight trace of cannabis in blood which might be linked to cannabis use over the last 4 weeks. There were around 18 units of beer that would equate to 9 pints of beer.
- Darren Jones had no trace of controlled drugs in his blood, but evidence of an antidepressant drug called sertraline. He had 40 units which equates to 20 pints of beer. He was so drunk he couldn't perform normal motor functions. He also didn't have any blood on his shoes.
- The location of where the victim died was at the rear of the lounge, the room contained a lot of empty beer cans and larger tins. The fingerprints all came from the suspects and the victim. The carpet that took up most of the room and a lot of blood on it that was the blood of the victim and the same with the walls and furniture. The injuries he received were by blunt force trauma.
- There was a pair of jeans from Gary Nielson, police item JH02. There were splashes of blood on the inside and the outside of the bottom hem, the blood samples were a match this means that the suspect had to be in close proximity of when the victim was being attacked. The suspect's shoes were seized by police item JH03, JH04 that had blood splashes on the upper surface of the shoe. The blood matched the victim's blood. This means he was in close proximity while Lee Freeman was being attacked.
- Christopher Salmon's jeans, police item DM02 had splashes of blood on the inside and outside of the hem. The blood was of the victim. This means Christopher Salmon had to be in close proximity when Lee Freeman was attacked. His shoes police item DM03 and DM04 had splashes of blood on the upper surface which match Lee Freemans blood. This means that Christopher Salmon was in close proximity when Lee Freeman was attacked.

- Philip Boyce clothing were seized on the 10th of April and was free of any blood. The clothes had been freshly laundered with traces of commercial washing powder.
- Gary Nielson had bruising on his right eye, bite marks from a human on the right forearm and his right knuckles had bruising on them.
- Christopher Salmon had a bite mark on his left forearm, he also was complaining that he had a pain in his nose because he was hit in the face with a clenched fist. There was no bleeding and wasn't broken. He had bruising on his knuckles and fingers.

This means we can rule out Jones because he was unable to move and was unresponsive. He also didn't have any blood on his clothes. We know that Gary Nielson, Christopher Salmon have definitely been involved in the murder of Lee Freeman because of the injuries.

EXPERT WITNESSES (XP FORENSIC INVESTIGATORS)

Our victim, Lee Freeman sadly died and we are trying to find the murderer and how it could of happened. We 'presume' that it was a man called phil Boyce who we think threw a size nine shoe (a perfect fit to his) into a bin covered in blood, but Boyce denied it all and got on on bail, the police did find his clothes but cannot use them as evidence due to him being clever enough to wash them. Seen as we don't know for definite if it is blood or just some other red substance but because all of the pieces collide together we are presuming that that's what it probably is. And it's called a presumptive blood test.

A presumptive blood test is an analysis of a sample of blood which comes as positive so it is definitely blood or it comes out as negative and then we know that it's definitely not blood. To go ahead with the test you must use three chemicals which are alcohol, phenolphthalein (which is a solution that changes colour with exposure to oxygen) and hydrogen peroxide (which is a chemical with the formula H₂O₂). If it is actually blood the chemicals will turn it pink after all three are mixed but if it turns pink before it's a false positive.

The results of our test came out positive, this tells us that the substance on the shoe is a high chance of it actually being blood because after we mixed all three of the chemicals together,

- Alcohol
- Phenolphthalein
- Hydrogen peroxide

Which created a pinky red substance on the swab.

The information we have gathered has told us so far that it is 99.9% chance that the substance on the shoe is blood and that it belonged to Phil Boyce. The fact that there is actually blood on the shoe suggests that one of that main injuries caused could've been

from a hard kick by Phil Boyce, and that might of been the kick that actually killed him. The next step is to match the shoe up with any of the wounds on the body but first do a DNA test with the blood on the shoe and see if it matches with the victims blood, and if it does match can we use the evidence in a court case and get him out in prison. I predict if we do get both the blood test from the shoe & Lee Freeman we can find out if Phil Boyce did kill him or if it was someone else. If we find the most recent injury on his body that might of been the one that actually killed him.

The trigonometry side to this is to due with the blood splatter and as a class we got the answer of 5.77cm, so we presumed that Phil Boyce delivered the final blow to Lee Freemans Aorta which then snapped in half due to the pressure from Phil Boyce's shoe.

OTHER POLICE WITNESSES

The cause of Lee Freeman's death was due to multiple head and chest injuries, sustained from a severe assault.

- On the external examination of the face there was a considerable number of large bruises, lacerations and abrasions to the face and the scalp. The skeleton of the face was notably fractured. Both cheekbones were fractured in numerous locations, the nose and both eye sockets (orbits) were also fractured and the upper jaw was broken. These injuries alone could have caused death due to immense blood loss and loss of facial structure, which could have bled into and obstruct the airways.
- These injures in the head are usually caused by multiple blows such as: kicks, stamps, punches, driving the head into a hard service and assault with a blunt weapon.It's not clear which caused which particular injury but we can tell that the victim was subjected to severe physical assault.
- On examination of the chest there were various internal breaks to the ribs, most likely due to hard kicks to the side of the chest. These fractures caused the ribs to be driven inwards causing the lungs to be pierced, This caused a collapsed lung or in other words a Hemopneumothorax.This would have caused fluids such as blood to pours into the chest cavity.
- The Hemopneumothorax also cause a rather unusual injury. It caused the aorta, the body's main vessel to split, causing major internal bleeding and most likely a deadly loss of blood. The pressure building up in the chest caused the heart to move across therefore causing it to split.
- The only evident cause for this his stomping or standing on the chest as there was no natural disease such as Marfan's Syndrome, which causes a weakened aorta and therefore makes you more susceptible to damage.
- This injury is not due to resuscitation.

- There were also many bruises and lacerations acquired all over the body. However one point of interest was the bruises on the hands possibly from the victim trying to defend himself from attackers.
- There was no evidence of any natural diseases that could have contributed to the death of Lee Freeman. It was infact due to multiple head and chest injuries.

In conclusion, Lee Freeman was killed due to a severe assault which lead to multiple head and facial injuries. He was kicked, punched, stamped on and generally physically assaulted. The broken ribs and Hemopneumothorax were most likely due to someone stomping/standing on the victim's chest. The aorta snapping was due to the pressure but a final kick was probably what caused the snapped, releasing the tension.

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

All the evidence definitely points towards Salmon and Nielsen being guilty due to the injuries they sustained most likely from the victim defending himself and the victim's blood was splattered on their clothes. There is now enough evidence to prosecute Boyce as well due to the blood stain on his shoe. The trigonometry of the splatter also suggests that Boyce was the one who may have delivered the final kick, snapping the victim's aorta.

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.

Signed: Chloe Welch	Print Name: Chloe Welch
Emily Poncia	Emily poncia
Dalton Hicks	Dalton Hicks
Cole Thompson-Dunn	Cole Thompson-Dunn
Sabaa Monks	Sabaa Monks

Date: WEDNESDAY 27TH APRIL 2016

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