

## **MURDER AT THE POLICE STATION! – FRIDAY 27<sup>th</sup> SEPTEMBER 2024 – 4PM – 5PM**

The client has been arrested and is being detained on suspicion of **MURDER** – it may not turn out to be **MURDER** – it may turn out to be **MANSLAUGHTER** – it may turn out to be nothing at all – as you make your way to the police station there is a checklist of things to which you must have regard – this presentation will assist you with that checklist

This 1-hour zoom presentation will take you through a checklist of **25 Things**

### **25 THINGS**

- 1 – The partial defence to murder of Diminished Responsibility – only, we don't call it Diminished Responsibility any more – the legislation and the case-law
- 2 – The partial defence to murder of Provocation – only, we don't call it Provocation any more – the legislation and the case-law
- 3 – A 2<sup>nd</sup> post-mortem at the investigations stage
- 4 – The disclosure officers (there are 2 of them) are not involved with the actual investigation and tell you they will not be conducting the interview – dealing with disclosure issues at this very early stage of the investigation
- 5 – Your client is already in a paper suit – his clothing having been taken for 'forensic purposes' – dealing with the forensic aspects of the case where the client has been arrested on suspicion of murder
- 6 – A thorough search has been made of the 10th floor flat (the scene) – your client having been arrested in the flat – the legality of the search and the legality of the seizure and retention of items found in the flat
- 7 – Others have been arrested in connection with the murder – you do not represent them – advice to the client
- 8 – The client has something worth saying but should you be advising him to talk at this early stage? – always a dilemma
- 9 – The advantages of dealing with the client's instructions by means of a prepared written statement at this stage – also, the disadvantages – you don't have a crystal ball!
- 10 – Sections 41, 42, 43 and 44 of the Police and Criminal Evidence Act 1984
- 11 – The small matter of payment for all of this – escapes and enhanced rates
- 12 – Fitness to be detained and fitness for interview – what has the FME/healthcare professional said about it all and the steps to take when you disagree
- 13 – Putting in a written statement at charge

14 – Bail pending further enquiries – the current bail regime and also Sections 47 (2) and 47 (7) of the Police and Criminal Evidence Act 1984

15 – Another lawyer arrives at the police station having been appointed by the family to represent your client – dealing with this situation

16 – Advice to give to the client who is being detained overnight for further interviews to take place the following day

17 – Assisting the client during the currency of the interview

18 – Your client has obvious learning difficulties – dealing with the appropriate adult

19 – Your client clearly has cuts and bruises – he looks as though he has been in a fight – Section 36 of the Criminal Justice and Public Order Act 1994

20 – Your client clearly has cuts and bruises – he looks as though he has been in a fight – Section 54A of the Police and Criminal Evidence Act 1984

21 – The need to keep good notes – you might be called as a witness for the defence in a murder trial or, even worse, new solicitors may have been appointed and may wish for you to be called at trial for cross-examination purposes!

22 – Exploring the defence of self defence – it is both good law and good sense that a person should be permitted to do things which they considered reasonably necessary, in their moment of anguish, to protect themselves from attack

23 – The police have seized your client's mobile phone and would like his PIN

24 – Are there any legal advantages in stating on the recording of the interview that the 'no comment' interview is on legal advice?

25 – Statements which may be made by you at the commencement of the recorded interview

[Order here](#)