

Proposed claim for judicial review

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(Insert the name and address of the proposed defendant – see details in section 2)

Lincolnshire Police Legal Department
Police Station
Swingbridge Road
Grantham
LINCOLNSHIRE
NG31 7XT

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The claimant

(Insert the title, first and last name and the address of the claimant)

Mr Jose Manuel Pedro and Mrs Carla Pedro
2 Nene Court
Grantham
LINCOLNSHIRE
NG31 7RD

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Reference details

(When dealing with large organisations it is important to understand that the information relating to any particular individual's previous dealings with it may not be immediately available, therefore it is important to set out the relevant reference numbers for the matter in dispute and/or the identity of those within the public body who have been handling the particular matter in dispute – see details in section 3)

OIC/Investigating Officer DS 3200801 C HAMMOND

PC 304 FLINTHAM

Custody Numbers: C14003125 and C14003127

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The details of the matter being challenged

(Set out clearly the matter being challenged, particularly if there has been more than one decision)

The decisions being challenged are:-

1. the Search Warrant of 20 March 2014 by Detective Sergeant 801 Claire Hammond of Lincolnshire police;
2. the Arrest of Mr & Mrs Pedro on 21 March 2014 and
3. the Pre-Charge Conditional Bail of Mr & Mrs Pedro until 21 May 2014.

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The issue

(Set out the date and details of the decision, or act or omission being challenged, a brief summary of the facts and why it is contented to be wrong)

On 20 March 2014 a Search Warrant was issued for which the basis is dubious, if not unlawful.

On 21 March 2014 Mr & Mrs Pedro were arrested without documentation or justification. They believe that the actions of Lincolnshire police were instigated as a direct result of their visit to the European Parliament in Brussels, when they requested assistance to stop the forced adoption of two and the permanent care of three of their children in the United Kingdom.

Further, Mr & Mrs Pedro consider that Lincolnshire police are attempting to impose unnecessarily long bail conditions. These are no more applicable, since negotiations between Lincolnshire County Council and the Portuguese Authorities took place on 17 April 2014.

Such action is considered to be attempts to prevent Mr & Mrs Pedro from returning to their country of origin.

Lincolnshire police have retained their passports and other documentation and it would appear that such action is now academic in light of the events on 17 April 2014.

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The details of the action that the defendant is expected to take

(Set out the details of the remedy sought, including whether a review or any interim remedy are being requested)

The defendant should close the case against Mr & Mrs Pedro and return all items seized on 21 March 2014.

Bail restrictions have prevented Mr & Mrs Pedro to see their children on 03 April 2014. Given the negotiations with the Portuguese Authorities, bail restrictions should be lifted and Mr & Mrs Pedro should be afforded their rights, as directed by HHJ Swindells QC on 10 December 2013, to have face to face contact with their children, as long as these are in the UK, asap.

A formal apology should be issued.

Compensation should be paid by the defendant for the emotional harm and financial loss Mr & Mrs Pedro have suffered as a direct result of arrest, mistreatment and abuse of power by the defendant.

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The details of the legal advisers, if any, dealing with this claim

(Set out the name, address and reference details of any legal advisers dealing with the claim)

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The details of any interested parties

(Set out the details of any interested parties and confirm that they have been sent a copy of this letter)

1. *William Fraser, Fraser Wise & Co*, 28 Avenue Road, Grantham NG31 6TH
2. *Legal Services Lincolnshire*, 45-49 Newland, Lincoln LN1 1XZ
3. *John Hemming MP*, House of Commons, London SW1A 0AA
4. *Jose Galaz*, Embassy attaché, 11 Belgrave Square, London SW1X 8PP
5. *Carlos de Sousa Amaro*, Consul General, 1 Portland Street, Manchester M1 3BE
6. *Tatjana Zdanoka MEP*, European Parliament, Bat. Altiero Spinelli, 08H144, 60 Rue Wiertz, B – 1047 Brussels

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The details of any information sought

(Set out the details of any information that is sought. This may include a request for a fuller explanation of the reasons for the decision that is being challenged)

1. Reasons for the Arrest carried out on 21 March 2014.
2. Copies of interview tapes of 21 March 2014.

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The details of any documents that are considered relevant and necessary

- 1) Warrant to Enter and Search Premises issued by Grantham Magistrates Court on 20/03/2014.
- 2) Form P.423D (05/03) signed by PC Flintham at 07:10 hrs on 21/03/2014.
- 3) Pre-Charge Conditional Bail sheet for Mr Jose Manuel Pedro dated 21/03/2014.
- 4) Pre-Charge Conditional Bail sheet for Mrs Carla Pedro dated 21/03/2014.

- 5) Letter by Duty Solicitor *William L. Fraser* dated 24 March 2014.
- 6) Letter to Lincolnshire Police from the *Association of McKenzie Friends* dated 24 April 2014 making an application for copies of the taped interviews of Mr & Mrs Pedro on 21/03/2014.
- 7) Letter to Lincolnshire Police from the *Association of McKenzie Friends* dated 25 April 2014 requesting all property including passports belonging to Mr & Mrs Pedro to be returned.

(Set out the details of any documentation or policy in respect of which the disclosure is sought and explain why these are relevant. If you rely on a statutory duty to disclose, this should be specified)

- 8) Taped video interviews of Mr & Mrs Pedro on 21/03/2014 to shed light on the allegations and potential charges.

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The address for reply and service of court documents

(Insert the address for the reply)

Mr & Mrs Pedro
2 Nene Court
Grantham
NG31 7RD

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Proposed reply date

(The precise time will depend upon the circumstances of the individual case. However, although a shorter or longer time may be appropriate in a particular case, 14 days is a reasonable time to allow in most circumstances)

Mr & Mrs Pedro have not seen their children as planned on 03 April 2014. Therefore a response should be received as soon as possible within the normal 14 days limit.

Where the claim concerns a decision by a local authority:

- The address on the decision letter/notification; and
- Their legal department

The Duty Sergeant
Grantham Police Station
Swingbridge Road
Grantham
Lincolnshire
United Kingdom
ND31 7XT

and

Legal Services Lincolnshire
45-49 Newland
Lincoln
LN1 1XZ