

**STATEMENT OF WITNESS**

**C.J.A. Statement**

*(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)*

**STATEMENT OF**

**Robin James Green**

**Age of Witness**

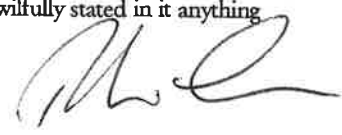
**over 18**

*(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)*

**Occupation of Witness:**

**Senior Public Protection Officer**

This statement, consisting of ... 5... pages 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 in it anything which I know to be false or do not believe to be true.



Dated the 24<sup>th</sup> day of September 2014

I am employed by Wiltshire Council, Department of Public Health and Public Protection, as a Senior Public Protection Officer in the Trading Standards Department. I am authorised to enforce the Consumer Protection Act 1987.

In March 2014 and April 2014 the department received two anonymous complaints alleging illegal tobacco was being sold from The Polish Shop, 62 Winchester Street, Salisbury, Wiltshire SP2 7QY.

On 15 July 2014 I visited a number of shops in Salisbury with my colleague Emma Carroll, a Senior Public Protection Officer. During these visits we had assistance from Adam Vizard of Wagtail UK Ltd, specialists in tobacco detection dogs.

At approximately 09:20 hours on 15 July 2014 I entered The Polish Shop, 62 Winchester Street, Salisbury, SP2 7QY. I spoke to a female who was standing behind the counter. I explained who I was and that the department had the services of a tobacco detection dog. The female then phoned a person she described as her boss. The phone was then handed to me. I asked who I was speaking with and she said she was the owner of the shop, Malgorzata Gumula. I explained to her that we



intended to use a tobacco detection dog throughout the shop floor and storeroom. At this time there was no objection from Ms Gumula. In order for the inspection to go as smoothly as possible the female member of staff agreed to close the shop to the public. During the inspection I saw the detection dog become particularly interested with some bags directly underneath the till. My colleague Emma Carroll went to the area and found a number of tobacco products that were in bags. She then handed me the following items;

L & M Link	12 packets of 20 cigarettes
Pect	3 packets of 20 cigarettes
Golden Gate	5 packets of 20 cigarettes
Marlboro	1 packet of 20 cigarettes
NZ Black	2 packets of 20 cigarettes
NZ Gold	3 packets of 20 cigarettes
Monte Carlo	4 packets of 20 cigarettes
L & M Blue	5 packets of 20 cigarettes
Cutters Choice	2 x 50g pouches
Golden Virginia	4 x 50g pouches

The dog and handler then went into the storeroom and detected another area where tobacco may be being stored. In a crate a further amount of tobacco was found;

Golden Virginia	15 x 50g pouches
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The search of the premises was then concluded, no further tobacco products were found on the premises. At this time the owner of the shop, Malgorzata Gumula entered the shop and my colleague Emma Carroll explained to her that I would be seizing the tobacco products as they failed to bear the appropriate health warnings as required by the Tobacco Products (Manufacturer, Presentation and Sale) (Safety) Regulations 2002 and failed to bear the UK duty paid fiscal mark as required by the Tobacco Products Duty Act 1979. I explained that she would be written to in due course inviting her to attend an interview under caution. As we left the premises at approximately 09:45 hours it was decided that we would return and ask to look in her vehicle which was parked approximately 100 metres from the shop. She agreed to this and in the back of her Ford Mondeo (registration number CA05JMU) we found the following tobacco products;

LD	20 packets of 20 cigarettes
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On returning to the office the tobacco products seized were placed in evidence bags and given exhibit numbers.

The L&M Link were known to me as a brand owned by Philip Morris. Therefore of the 12 packets of L&M Link seized 10 packets were placed inside evidence bag number M00081741 ~~and produced in evidence as exhibit RG/4~~. The remaining 2 packets were placed in evidence bag number M00081621 ~~and produced in evidence as exhibit RG/4/1~~.

The cigarettes listed below were placed in the following evidence bags ~~and produced in evidence as~~;

Product	Amount	Evidence Bag Number	Exhibit number
Pect	3 packets of 20 cigarettes	M00081749	RG/2
Golden Gate	5 packets of 20 cigarettes	M00081745	RG/3
Marlboro	1 packet of 20 cigarettes	M00081746	RG/4
NZ Black	2 packets of 20 cigarettes	M00081747	RG/5
NZ Gold	3 packets of 20 cigarettes	M00081748	RG/6
Monte Carlo	4 packets of 20 cigarettes	M00081744	RG/7

The L&M Blue were known to me as a brand owned by Philip Morris. Therefore of the 5 packets of L&M Blue seized 3 packets were placed inside evidence bag number M00081750 ~~and produced in evidence as exhibit RG/8~~. The remaining 2 packets were placed in evidence bag number M00081621 ~~and produced in evidence as exhibit RG/8/1~~.

The tobacco products listed below were placed in the following evidence bags ~~and produced in evidence as~~;

Product	Amount	Evidence Bag Number	Exhibit number
LD	20 packets of 20 cigarettes	P00098782	RG/9
Cutters Choice	2 x 50g pouches	M00081742	RG/10



Golden Virginia is known to me as a brand owned by Imperial Tobacco. Therefore of the 4 pouches of Golden Virginia which were located under the till, 2 were placed inside evidence bag number M00081743 and produced in evidence as exhibit ~~RG/11~~. The remaining 2 pouches were placed in evidence bag number M00081626 and produced in evidence as exhibit ~~RG/11/1~~.

The tobacco products listed below was placed in the following evidence bag and produced in evidence as;

Product	Amount	Evidence Bag Number	Exhibit number
Golden Virginia	15 x 50g pouches	P00098783	RG/12

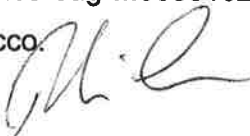
In total 1100 cigarettes and 1.8kg of hand rolling tobacco was seized from The Polish Shop, 62 Winchester Street, Salisbury, SP2 7QY.

Photographs were taken for the tobacco seized from The Polish Shop. I produce the 11 photographs in evidence as exhibit RG/13 signed and dated by me.

After the tobacco products were placed inside evidence bags I revisited The Polish Shop, 62 Winchester Street, Salisbury and handed the person behind the till a list of items seized from the shop earlier that day. I was unable to understand him when i asked for his name, instead I asked him to sign my notebook.

On 16 July 2014 I contacted Marks & Clerk Solicitors, representatives of tobacco company Phillip Morris. I advised them that I would like them to check the authenticity of L&M Link and L&M Blue cigarettes. I then posted evidence bag M00081621 containing exhibits RG/1/1 and RG/8/1 to Marks & Clerk Solicitors,

On 16 July 2014 I emailed Stephen Horsey of Imperial Tobacco. I advised him that I would like him to check the authenticity of Golden Virginia tobacco. I then posted evidence bag M00081626 containing exhibit RG/11/1 to Stephen Horsey of Imperial Tobacco.



On 18 July 2014 I wrote to Malgorzata Gumula requesting that she provide me copies of any receipts she had for the products seized and for CCTV images for the previous 28 days. In this letter I gave her a deadline to respond, Friday 1 August 2014, however the receipts and CCTV images were not received by this or any other date.

On 8 August 2014 I wrote to Malgorzata Gumula requesting an interview under caution and as a result of this letter the interview was conducted on 27 August 2014 at the Wiltshire Council Offices, Bourne Hill, Salisbury, SP1 3UZ. The interview commenced at 10.12 hours and concluded at 10.38 hours. Also present during the interview was Senior Public Protection Officer Emma Carroll.

~~I produce in evidence the CD recording of the interview as exhibit **RG/MG/1** and the transcript of the interview as **RG/MG/2**.~~

On 11<sup>th</sup> August 2014 the department received confirmation from Imperial Tobacco that the two pouches of Golden Virginia Tobacco (exhibit RG/11/1) which had been sent to him were genuine.

Signed..........