



EUROPEAN ARREST WARRANT

(Part 3 Warrant issued under section 142 of the Extradition Act 2003)

This warrant has been issued by a competent judicial authority. I request that the person mentioned below be arrested and surrendered for the purposes of conducting a criminal prosecution, sentencing following conviction, or executing a custodial sentence or detention order.

(a) Information regarding the identity of the requested person:

Surname:	[REDACTED]
Forename(s):	[REDACTED]
Maiden name, where applicable:	Not applicable
Aliases, where applicable:	Not applicable
Sex:	Male
Nationality:	[REDACTED]
Date of birth:	[REDACTED]
Place of birth:	Madeira, Portugal
Residence and/or known address:	[REDACTED] [REDACTED] - [REDACTED] (Madeira - Portugal)

Language(s) which the requested person understands (if known): Portuguese and English

Distinctive marks/description of the requested person: Shoe size - [REDACTED], Eyes - [REDACTED], Right Handed, [REDACTED] scar on left arm.

See photographs attached for further details

A photograph of requested person is attached. For DNA and fingerprint information please contact:

Name: [REDACTED]

Address: Work Place Violence Unit, Metropolitan Police Safer Transport Command, [REDACTED] London [REDACTED]

Telephone	[REDACTED]
Mobile	[REDACTED]
Fax	[REDACTED]
E-mail -	[REDACTED]

(b) Decision(s) on which the warrant is based:

1. Arrest warrant(s) or judicial decision(s) having the same effect:

- Arrest warrant issued on the 12 October 2010 in the Crown Court at Kingston-Upon-Thames for failing to surrender to bail contrary to section 6 bail Act 1976
- First instance arrest warrants issued on the 13 April 2011 by Camberwell Magistrates Court for
 - 1. Affray contrary to section 3 Public Order Act 1986
 - 2. Possessing an offensive weapon contrary to section 1 Prevention of Crime Act 1953

Type (accused or convicted)	Accused
2. Enforceable judgement(s):	Not applicable
Reference	Not applicable

(c) Indications on the length of the sentence:

1. Maximum length of the custodial sentence or detention order that may be imposed for the offence(s):

- | | |
|---------------------------------------|-----------------------------|
| 1. Theft | Seven years' imprisonment |
| 2. Affray: | Three years' imprisonment |
| 3. Possession of an Offensive Weapon: | Four years' imprisonment |
| 4. Failing to surrender to bail | Twelve months' imprisonment |

2. Length of the custodial sentence or detention order imposed: Not applicable

Remaining sentence to be served: Not applicable

(d) Decision rendered in absentia and:

- the person concerned has been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia

or

- the person concerned has not been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia but has the following legal guarantees after surrender (such guarantees can be given in advance)

Specify the legal guarantees

Not applicable

(e) Offences:

This warrant relates to in total: four offences

- (1) Theft, contrary to section 1 (1) of the Theft Act 1968
- (2) Affray, contrary to section 3 of the Public Order Act 1986
- (3) Possession of an Offensive Weapon, contrary to section 1 Prevention of Crime Act 1953,
- (4) Failing to surrender to bail, contrary to section 6(1), (5) and 7(1) Bail Act 1976

The following statement is made pursuant to Section 142(4) of the Extradition Act 2003:

The person in respect of whom this warrant is issued is accused in the United Kingdom of the commission of the extradition offences detailed in the warrant. The warrant is issued with a view to his arrest and extradition to the United Kingdom for the purpose of being prosecuted for these offences.

It is hereby certified pursuant to Section 142(6) of the Extradition Act 2003 that:

- (a) none of the conduct set out below constituting the extradition offences specified falls within the European Framework List.
- (b) the offences are not extra-territorial offences;
- (c) the maximum punishment for each offence is set out in section C above.

Statement

I am satisfied that a Crown Prosecutor in the Crown Prosecution Service, whose function is to decide whether or not to prosecute an individual for the alleged commission of criminal offences, has decided to charge the person named herein and to try him for the offences specified above and for which this warrant is issued.

Description of the circumstances in which the offences were committed, including the time, place and degree of participation in the offences by the requested person:

On 18 March 2010, [REDACTED] entered the Sainsbury's store in [REDACTED] and took a bottle of vodka from the shelf and placed it in a Sainsbury's carrier bag he had in his possession. He attempted to leave the store without making any attempt to pay for the item. This was observed on shop security cameras. [REDACTED] was confronted by security staff. He pushed and punched the security officer and ran across the road. He was detained on [REDACTED] and escorted back to Sainsbury's where he was arrested for Common Assault and Theft by the police.

In interview he denied the allegations stating that he had entered the store and placed items in his basket wishing to purchase them. He then received a call from his girlfriend who told him that she had already bought the drinks and that he did not need to buy them. He stated that he had replaced the items on the shelf and left the empty basket in the store. He further stated that he was confronted by the security

guard at the door as he tried to exit and that the security guard grabbed him so he pushed the security guard in self defence.

He was charged with Common Assault and Theft on the 12 April 2010 and attended the South Western Magistrates Court on the 27 April 2010 where he pleaded not guilty. He elected trial at the Crown Court. The case was adjourned to Kingston Crown Court. He appeared at Kingston Crown Court on the 17 July 2010. The case was adjourned for trial to start on or after the 18 December 2010. He was given the usual warning that should he fail to attend court without good reason a warrant for his arrest will be issued and the case may proceed to trial in his absence.

The solicitors acting for Mr [REDACTED] had lost all contact with him. The case was listed on the 12th October 2010. Mr [REDACTED] did not attend and a warrant for his arrest was issued by the Court.

On 21 March 2010 a bus was collecting passengers at a bus stop on [REDACTED] [REDACTED], London SW11. Mr [REDACTED] had previously been arguing with persons who had boarded the bus.

Mr [REDACTED] walked towards the bus carrying a long metal pole. He smashed through the rear doors of the bus using the pole, boarded the bus and shouted towards persons on that bus putting them in fear for their safety. He then left the bus and walked away from the scene. The offence is recorded on the bus camera.

The persons who were in dispute with Mr [REDACTED] refused to make any statements. Statements were given to the Police by several passengers who were on the bus and also put in fear for their safety. The damage to the bus was estimated to be £658.66

A television appeal was aired on the UK Crime watch programme on 18 March 2011, showing the camera footage from the bus. Police received information on 21 April 2011 that Mr [REDACTED] had returned to Madeira in order to escape prosecution.

Europol have confirmed that Mr [REDACTED] was issued with Identification documents in Madeira on the 12 November 2010 reference number [REDACTED].

At the time of these offences Mr [REDACTED] was on police bail for the offences committed on the 18 March 2010.

Nature and legal classification of the offence(s) and the applicable statutory provision / code:

Theft contrary to section 1(1) and 7 of the theft Act 1968

Theft is defined as follows

Section 1 (1)-A person is guilty of theft if he dishonestly appropriates any property belonging to another with the intention of permanently depriving the other of it.

Section 7, A person guilty of theft shall on conviction on indictment be liable to imprisonment for a term not exceeding 7 years

Affray, contrary to section 3 (1) and (7) Public Order Act 1986

Section 3 (1) A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety

- ☐ participation in a criminal organisation;
- ☐ terrorism;
- ☐ trafficking in human beings;
- ☐ sexual exploitation of children and child pornography;
- ☐ illicit trafficking in narcotic drugs and psychotropic substances;
- ☐ illicit trafficking in weapons, munitions and explosives;
- ☐ corruption;
- ☐ fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of European Communities' financial interests;
- ☐ laundering of the proceeds of crime;
- ☐ counterfeiting of currency, including the euro;
- ☐ computer-related crime;
- ☐ environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- ☐ facilitation of unauthorised entry and residence;
- ☐ murder, grievous bodily injury;
- ☐ illicit trade in human organs and tissue;
- ☐ kidnapping, illegal restraint and hostage taking;
- ☐ racism and xenophobia;
- ☐ organised or armed robbery;
- ☐ illicit trafficking in cultural goods, including antiques and works of art;
- ☐ swindling;
- ☐ racketeering and extortion;
- ☐ counterfeiting and piracy of products;
- ☐ forgery of administrative documents and trafficking therein;
- ☐ forgery of means of payment;
- ☐ illicit trafficking in hormonal substances and other growth promoters;
- ☐ illicit trafficking in nuclear or radioactive materials;
- ☐ trafficking in stolen vehicles;
- ☐ rape;
- ☐ arson;
- ☐ crimes within the jurisdiction of the International Criminal Court;
- ☐ unlawful seizure of aircraft' ships'
- ☐ sabotage

II. Full title(s) and descriptions of offence(s) not covered by section I above:

Affray, contrary to section 3 Public Order Act 1986

Possession of an Offensive Weapon, contrary to section 1 Prevention of Crime Act 1953,

Theft contrary to section 1(1) and 7 Theft Act 1968

Failing to surrender to bail contrary to section.6(1) and 7 (5) Bail Act 1976

(f) Other circumstances relevant to the case (optional information):

(NB: This could cover remarks on extraterritoriality, interruption of periods of time limitation and other consequences of the offence)

United Kingdom law provides that a person surrendered to the United Kingdom by a Member State of the European Union shall not be surrendered to another Member State pursuant to a European arrest warrant, in respect of an offence committed or alleged to have been committed before his surrender by a Member State to the

(7) A person guilty of affray is liable on conviction on indictment to imprisonment for a term not exceeding 3 years..

Possession of an Offensive Weapon, contrary to section 1 (1) and (b) Prevention of Crime Act 1953,

Section 1 (1) Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence, and shall be liable

(a)

(b) on conviction on indictment, to imprisonment for a term not exceeding four years..

of the Prevention of Crime Act 1953 prohibits the possession in any public place of an offensive weapon without lawful authority or excuse.

(4) The term 'offensive weapon' is defined as: *"any article made or adapted for use to causing injury to the person, or intended by the person having it with him for such use"*.

Offence of absconding by a person released on bail Section 6(1) Bail Act 1976

The relevant provisions of the Bail Act 1976 provide that:

6(1) – If a person who has been released on bail in criminal proceedings fails without reasonable cause to surrender to custody he shall be guilty of an offence.

6(5) – an offence under subsection (1) ... above shall be punishable ... as if it were a criminal contempt of court

6(7)-a person who is committed for sentence or is dealt with as for such a contempt shall be liable to imprisonment for a term not exceeding 12 months...

7 (1) If a person who has been released on bail in criminal proceedings and is under a duty to surrender into the custody of a court fails to surrender to custody at the time appointed for him to do so the court may issue a warrant for his arrest.

For failing to appear to bail the maximum sentence is 12 months imprisonment.

By the terms of a Practice Direction issued in 2004, dealing with procedure:

- a. Where bail was granted by the court it is more appropriate that the court itself should initiate the proceedings by its own motion. The Court will be invited to take proceedings by the prosecutor, if the prosecutor considers proceedings are appropriate
- b. Where the Court is invited to take proceedings by the prosecutor, the prosecutor will conduct the proceedings and, if the matter is contested, call the evidence. Where the court initiates proceedings without such an invitation the same role can be played by the prosecutor at the request of the court, where this is practicable.

There is no time limit on the institution of proceedings by the Crown for the offences for which this warrant relates.

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1. If applicable, cross one or more of the following offences punishable in the issuing Member State by custodial sentence or detention order of a maximum of at least 3 years as defined by the laws of the issuing Member State.

United Kingdom, save only where the Central Authority of the surrendering Member State gives its consent.

The relevant United Kingdom law is set out in Section 18 of the Extradition Act 2003 which states as follows:

'A person's extradition to a category 1 territory is barred by reason of his earlier extradition to the United Kingdom from another category 1 territory if (and only if) –

(a) the person was extradited to the United Kingdom from another category 1 territory (the extraditing territory);

(b) under arrangements between the United Kingdom and the extraditing territory, that territory's consent is required to the person's extradition from the United Kingdom to the category 1 territory in respect of the extradition offence under consideration;

(c) that consent has not been given on behalf of the extraditing territory.'

Section 96 of the Extradition Act 2003 sets out the bars upon the extradition of a person, who has been surrendered pursuant to a European arrest warrant, to a third state, i.e. a category 2 territory under the Extradition Act 2003. Section 96 states as follows:-

'The Secretary of State must not order a person's extradition to a category 2 territory if –

(a) the person was extradited to the United Kingdom from another territory (The extraditing territory);

(b) under arrangements between the United Kingdom and the extraditing territory, that territory's consent is required to the person's extradition from the United Kingdom to the category 2 territory in respect of the extradition offence under consideration;

(c) that consent has not been given on behalf of the extraditing territory.'

(g) This warrant pertains also the seizure and handling over of property that may be required as evidence:

This warrant pertains also to the seizure and handing over of property acquired by the requested person as a result of the offence:

Description of the property (and location) (if known): Not applicable

(h) The following offence(s) on the basis of which this warrant has been issued are punishable by a custodial life sentence or lifetime detention order:

Not applicable

(i) The judicial authority that issued the warrant:

Name of the issuing Judge: ~~REDACTED~~

Title: District Judge

Name of the court: ~~City of Westminster Magistrates' Court~~
Address: ~~201-202 Strand~~, London ~~WC2R 0AH~~, United Kingdom
Tel No.: (country code) (area/city code) (44) (0) ~~207 388 1122~~
Fax No. (country code) (area/city code) (44) (0) ~~207 388 1122~~
E-mail: Not applicable.

Contact details of the person to contact to make
necessary practical arrangements for the surrender:

Name: ~~Mr. [redacted]~~

Address: Work Place Violence Unit, Metropolitan Police Safer Transport
Command, ~~6th Floor, [redacted] House, [redacted] Road,~~
London ~~SW1A 1AA~~

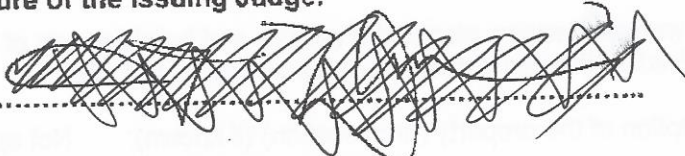
Telephone 00 44 ~~207 388 1122~~
Mobile 00 44 ~~207 388 1122~~
Fax 00 44 ~~207 388 1122~~
E-mail - ~~[redacted]~~

Where a central authority has been made responsible for the transmission and
administrative reception of European arrest warrants:


Name of the central authority: Serious Organised Crime Agency
Contact person: Fugitives Manager
Fugitives Unit,
Serious Organised Crime Agency,
PO Box 8000, London SE11 5EN.

Tel. No.: (country code) (area/city code): (44) (0) 207 238 8555
Fax No.: (country code) (area/city code): (44) (0) 207 238 8112
E-mail: london@soca.x.gsi.gov.uk

Signature of the issuing Judge:



Name:



Title: District Judge

Date:

19-7-2011

13.40 hours

Official stamp (if available).

