

# Voluntary Statement re Allegation of "Possible Assault"

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## First Allegation of an Incident

On 27 January 2014, I was asked by my FRO (Mr. Dan Wilson) if I was aware of "an incident" on 23 January involving Roberta Baldini. I replied that I was not.

I did remember the day in question, it was a Thursday, and I came in early (and wrongly) in the belief that I had to conduct an 8am telephone interview.

When asked, I informed Dan Wilson that I could not really recall ever seeing Roberta Baldini that day. It was possible that she was in, but if I saw her I did not remember. I certainly did not speak to her. She did not speak to me and there was no other meeting such as at the photocopier or anything of that nature that I can recall.

I assured Dan that I had absolutely no idea what this could be about.

## Second Allegation of an Incident

On 30 January, 2014, Dan Wilson again asked if there had been "an incident" involving Vlad Dzuro the previous day; Wednesday 29 January.

I answered emphatically no. I had absolutely no idea what he was referring to. I was not sure if I even saw Dzuro that day. I said that I thought he was in, but would not swear it, and if I did see him, I cannot recall when or where or what he was wearing.

I added that if I had seen Dzuro or passed him in the corridor, I would have ignored him because that has what I always do, as per specific instructions to that effect dating from 18 November 2013 which were agreed for the specific purpose of not giving anyone grounds to lodge further spurious complaints against me.

I told Dan that I certainly never said anything to Dzuro the previous day, he never said anything to



me and I did not “do” anything to him, for him or that was consciously in his presence. I am fairly sure I did not even say anything *about* him. I had absolutely no idea what this alleged “incident” may have been about; there had been no incident of any sort of which I was aware.

### Further and Better Particulars of Allegations of Incidents

On Monday, 3 February, after receiving notification of something unrelated, I went back to Dan Wilson and asked if he could explain what the alleged “incidents” on 23 and 29 January had actually been about. I had not asked for details at the time.

Dan informed me by e-mail on Monday 3 February at 12:56pm that he had very few details on either incident, but both had related to allegations of some physical contact that did not occur, but might have if the other parties had not gotten out of the way.

This was not really helpful; I know of no occasion when there was even the prospect of any physical contact, far less any “near miss” that required any sort of evasive action to be taken.

### Contact by Special Investigations Unit

Just after an hour later, at 2:04pm on Monday 3 February, I received an email from Sgt. Bramwell of the Special Investigations Unit inviting me to attend an interview. Sgt. Bramwell did not explain the reason for the interview or why the SIU should be involved.

I subsequently asked Sgt. Bramwell to clarify what authority he had, and challenged his reply when he informed me that he was investigating a possible assault in the OIOS offices.

Notwithstanding my reservations over the legitimacy of his enquiry, I am providing this statement on a free and voluntary basis, largely because I do not believe I have any knowledge of anything to assist him anyway.

### Assault

I am assuming the common law definition of an assault being “*an attempt to commit a battery*”, and and battery being “*the use of force against another, resulting in harmful, offensive or sexual contact*”, and I assume I could be involved in one of two ways, either

- a) as a witness, or
- b) as the accused person in the investigation.

I have no knowledge of any other person in the office having made any unwelcome physical contact on any other, whether of a harmful, offensive, sexual or even any other variety, or of any person having attempted to do so. I have certainly not seen any examples of any such contact. I cannot, by definition, be a witness to anything.

A handwritten signature in black ink, appearing to be 'M. Cole', is located in the bottom right corner of the page.

This leaves the possibility of my being the alleged assailant.

At no time did I ever attempt, intend or even consider committing a battery on anyone.

Given that I have no knowledge of even having been in proximity to either of the two persons who appear to allege that some kind of physical could have taken place, even though it did not, and am not even sure whether I saw them on the days in question; I am at a loss to understand how I may have had the mens rea element to attempt to commit a battery.

This leaves the possibility, as appears to be indicated in the vague information relayed by Dan Wilson, that there may have been alleged recklessness, or a negligence element involved in the manner in I may have been perambulating along, in the office, heedless of the roadholding limitations or the overall braking distance of an individual wearing a pair of Clarks wing-tips walking on a carpeted floor.

Unfortunately, given that I have no knowledge of any sort of “*evasive action*” having been taken by anyone, I am really unable to assist in that line of enquiry either.

I regret to being of no value in any “possible assault” investigation.

### Further Investigative Assistance


Battery involves force against another being “*harmful, offensive or sexual*”.

I think we can dismiss sexual. That leaves the question of whether this impact, which did not take place but might have taken place if someone (and I assume 'someone' means *either party*) had not moved out of the way, was capable of being either harmful or offensive.

Should it be of assistance, therefore, I would be willing to attend the Medical Services Division in order to determine by body weight.

Knowing the mass of my body, and measuring the distance of the corridors along which this alleged “near miss” is alleged to have taken place, calculations can be done using Newtons Second Law of Motion to determine the velocity to which one of these parties would have had to have accelerated before they failed to get out of the way, in order to generate the force required to cause an impact capable of being either *harmful* or *offensive*.

Inasmuch as I am able to do so, I am also happy to consent to a forensic examination of the carpet in the OIOS office for skid marks.

A handwritten signature in black ink, appearing to be 'D. Wilson', written in a cursive style with a long horizontal stroke extending to the right.