



JUDICIARY OF
ENGLAND AND WALES

IN THE DORSET MAGISTRATES COURT SITTING AT POOLE

R v Mark James Redknapp

31st October 2019

1. The defendant was charged with one offence as follows:

“On 02/04/18 at Penn Hill Avenue, Poole, drove a motor vehicle, namely KM17BPU a grey Mercedes C63, on a public place, namely Canford Cliffs Road, Poole, when the proportion of a controlled drug, namely Cocaine, in your blood, namely Benzoylcegonine (BZE) (cocaine body breakdown product) 749 ug/l micrograms of analyte per litre of blood exceeded the specified limit.

Contrary to section 5(A)(1)(a) and (2) of the Road Traffic Act 1988 and Schedule 2 to The Road Traffic Offenders Act 1988.

2. The defendant appeared at Poole Magistrates Court on the 6th June 2018 and entered a not guilty plea. It is for the prosecution to prove beyond reasonable doubt that the defendant is guilty it is not for the defendant to have to prove anything at all.

3. The Prosecution case as set out on the MG5 document in the IDPC pack can be summarised thus; the police saw the defendant driving his car in Poole he was stopped at traffic lights and was seen to be using a mobile phone. As he pulled away from the lights he was stopped by the officers and spoken to. One of the officers believed the defendant was exhibiting signs of drug use and noted he had “droopy eyes”. The defendant was requested to take a road side drug swipe, he did this. The test showed positive for cocaine as a result he was arrested and taken to the police station. He was required to provide a specimen of blood, he consented a sample was taken by a nurse and sent for analysis. The analysis

subsequently showed that the sample was 749ug/l. the legal limit is 50ug/l.

4. A requisition dated 14th May 2018 was issued for the defendant to attend Poole Magistrates Court.
5. Following the defendant's not guilty plea a Preparation for Trial Form (PET) was completed. The defence completed the form saying that the following issues arose:
 - (1) The reliability of the blood sample.
 - (2) How the blood was taken and what was done with it post donation.
 - (3) Whether there was a lawful requirement for a sample of blood to be taken.
 - (4) Whether the provisions of Code C PACE 1984 was fully complied with in respect of Mr Redknapp's rights and entitlements.
 - (5) Whether the guidance on the MGDD/A, B & E was fully adhered to.
 - (6) Whether the statutory requirements were met during the procedure in accordance with S7 RTA 1988.
6. The PET form noted that the CPS were calling the two officers, the nurse and the scientist. The defence were calling the defendant and their own scientist. The case was listed for a 4-hour trial on the 26th September 2018. The CPS subsequently made an application to adjourn that date as their expert was giving evidence in another court that day, the application was not opposed by the defence.
7. The court dealt with an application by the defence about issues concerning the 'Batch Results'. This was an application about Crim PR 19.3. The court was asked to make a binding ruling which it did which can be summarised as saying the crown did not need to disclose the batch results in accordance with CPR 19.3.
8. The trial started eventually on the 5th February 2019, The Crown represented by Mr Nightingale and the defence by Mr Lucas. The court heard from the two police officer's PC Kimmins and PC Fitzpatrick and Nurse Pinnock. The evidence was not concluded that day and the case was adjourned to the 18th April 2019, when the court heard from Nurse Pinnock again and from Mr Donohoe the Crown's expert. Because of information that came to light that day about the HORT5 document and other matters, the Crown closed their case, the defence made submissions of No Case and applications under s78 PACE to exclude the procedure at the Police

Station. It then took time to get a date when all the parties and their respective experts and representatives could attend court. Despite attempts to get the matter back before the court it was not until the 14th October 2019 that the matter could continue with everyone present.

9. Prior to the hearing on the 14th October 2019, the CPS drew to the court's attention an application by the defence to call additional defence witnesses. This notice dated 7th October 2019, listed five people the defence wished to call. Except for one witness Simone Challis whose statement had been served on the CPS earlier, there had been no reference to any of these witnesses at any previous hearing. On the 8th October 2019 the court arranged a video link so that defence counsel Mr Lucas could explain the position. Mr Lucas told the court in this hearing that those instructing him had had trouble contacting and hearing back from these witnesses. Four of them would be giving evidence as to the defendant's appearance and demeanour in the days before his arrest. One of the proposed witnesses was Mrs Lucy Redknapp, the defendant's wife. The Court said that Mr Lucas might want to clarify whether they were calling her as the court was under the impression that she had been in court for the two days of the trial that had already taken place. It was agreed at this video link hearing, that the defence would consider whether they needed to call these witnesses to give live evidence or whether written statements could be agreed with the CPS. When the trial resumed on the 14th October these additional defence witnesses evidence was admitted under s9 CJA 1967.
10. At the commencement of the resumed hearing on the 14th October 2019, the court gave a short ruling in which the time set out on the HORT5 was excluded and the defence submission of no Case was rejected. The defence called Mr Redknapp, Dr Gregory, a former Police Medical Examiner, Mr Trotter a forensic Scientist and the statements of Alistair McGiveney, Lucy Redknapp, Dr Remy Acquilina, Simone Challis and Paul Sackey were read to the court. Evidence and submissions were made concluding at 18.10 hours. The court said judgment would be delivered on the 31st October 2019.
11. On the 5th February 2019, the first witness called by the Crown was PC 2972 Alex Kimmins. She gave evidence that she was on uniformed duty with her colleague PC Fitzpatrick in a marked

police car. They were stationary at a set of traffic lights on Penn Hill Avenue in Poole. In front of her she saw the defendant in his car he was on his mobile phone. The officer illuminated the blue lights on the police car and caused to stop the defendant's car. She noticed that the defendant may be under the influence, she noted his eyelids were droopy and he was using his tongue to clean his teeth. She asked him to provide a road side drug test. The defendant said he did not do drugs, "I have not taken drugs before". Her evidence was that the drugs test proved positive. The defendant was arrested and taken to Bournemouth Police Station. At the Police Station the officer described going through the procedure as set out on the MGDD/B form, a copy of which she had in front of her. Her evidence in chief was that she obtained consent from the defendant to provide a specimen of blood and circled B7 on the form. Later in the presence of the HCP nurse Pinnock she again noted the defendant consented to providing a blood sample. In her evidence she noted that the blood specimen was taken by the HCP at 21.12 hours on the 02/04/18. The witness was handed MGDDE she confirmed her handwriting there was a bar code for the sample, the bar code was printed out and read WAP08333810. The witness was cross examined by Mr Lucas. She was challenged as to her observations she made of the defendant but maintained that his eye lids appeared droopy and blood shot and that the defendant did put his tongue out and lick his lips. She confirmed he was cooperative throughout. She noted he was..." completely normal, very calm, courteous not aggressive..." She described the road side drug swipe test. It commenced at 20.09 hours, she described the test comes in a foil bag, very simple you take 9 scrapes in 3 different areas. Takes seconds, she described how the test was conducted that the test kit needs to be on a level surface got between 8-24 minutes. Should get the result in 8 minutes, she denied telling the defendant the result would come in 6 minutes. She could not recall if there were any control lines visible at 8 minutes. She noted result came through at 20.21 hours. The test showed positive for cocaine. The defendant said that he did not do cocaine. At the police station the officer confirmed in cross examination that she had completed the statutory warning at B7 and that the defendant said "yes". When she went with the def and PC Fitzpatrick to the nurse's room. She was present she did recall the defendant saying something along the lines that he hated

blood. She was present when the nurse requested a blood sample. It was put that there were two samples taken from the defendant, her evidence was “I recall the needle going in once”.

12. The next witness for the Crown was PC Fitzpatrick. He was with PC Kimmins, he got out of the police vehicle and approached the defendant. He asked the defendant why he thought they had stopped him, the defendant replied because he was using a mobile phone. He was present when the procedures took place at the police station. In cross examination, confirmed that he recognised the defendant’s surname he asked questions about his father. This officer was not suspicious that the defendant was using drugs. He was searched no drugs or drug paraphernalia was found.
13. The next witness was Ms Julie Pinnock a forensic paramedic. She gave evidence as to being on duty at Bournemouth Police Station on the 2nd April 2018 from 19.00 to 07.00am. She said she was asked to take blood from the defendant, she made sure she had his correct details and that she got written consent from him, she did not have that document in front of her (on 05/02/19). She was shown copy of page 1 of that form and confirmed it was a signature of the detained person. The procedure lasted between 21.04hours and 21.27 hours. She accepted that some parts of the form had not been completed by her. She had no doubt as to the defendant’s understanding, he had no medical problems. She confirmed that the sample kit she used and which the blood sample was placed had the number WAP08333810, the number created is inside the blood kit. She confirmed she shook the blood for 30 seconds. She was cross -examined on her assessment of the defendant. She confirmed that whilst defendant in her presence had told the officers he consented she needed to have his consent as she was taking the sample. In her statement it said she took blood from left arm, put that it was from the defendant’s right arm, she did not think she had got that mixed up. She was then cross- examined at some length about the issues of consent and the differences between taking a forensic sample and other occasions. She was asked did she explain that the sample could be used by the police. She explained that she followed the protocol that was in force at the time. She was cross -examined on many documents some from GMC some from the College of Emergency Medicine. The court noted that none of these were produced though the document “Health Care of Detainees in Police Stations” BMA February 2009

was set out in the Defence Skeleton of the 8th March 2019. The witness said she was not aware of them. She was asked at length whether she had shaken or agitated the samples following their division into two separate ones. She said she did not make a mistake she shook them for 30 seconds. She did not recall the defendant saying, "I really hate blood". She did not recall hearing the defendant say that he might faint. The hearing concluded for the day.

14. On the 18th April 2019 the trial continued. The Crown wanted to recall nurse Pinnock, there was no objection. The witness now had in front of her the two pages of her original notes, these were copies. Second page confirmed she had taken the defendant's pulse and recorded that and blood pressure. She had noted under paragraph 7 that he took tablets for arthritis and inhalers for asthma. She also noted that "DP in anxious and does not like blood tests. Explained DP can request I stop at any time". Paragraph 9 Site L circled, left side left arm. Ms Pinnock was again cross - examined by Mr Lucas, she confirmed that there was nothing on this form authorising disclosure. He went onto explain to her that following her evidence in February his instructing solicitors had been supplied with a further copy of the HORT5 document. She confirmed that she had a copy of that in front of her when she gave evidence in February. That in the copy in front of her in February the time in the middle of the form was blank, she accepted it was her mistake, she should have completed it. She said she would not leave it for the officer to complete that time. The witness was then shown a further copy of the HORT5 by Mr Lucas, the witness said the time written on the form had not been written by her. She did not know who had filled in the time, she confirmed the rest of the form was her handwriting and signature. She accepted on the CRG form that she completed that she had left a 3 out of the WAP code. She accepts she did not fill out the form as to capacity.
15. The Crown next called Mr Donohoe from the Forensic Lab. He confirmed the contents of his report and his qualifications. He confirmed that his lab had received the samples the reference was 08333810. The sample was tested for 17 drugs in accordance with the legislation. Sample number and name Mark Redknapp confirmed. The tests were done on the 10th April 2018. The reading produced from the sample was 749ugs/ltr. Legal limit is 50.

16. In cross-examination, he confirmed that he had not received an HORT 5 in this case. The results 17th April 2018, Mr Donohoe first involved when he did report dated 19th July 2018. He confirmed he was not involved in the analysis itself. The analysis was not carried out under his direct supervision. The analyst has not produced a report. Mr Donohoe confirmed the procedure for receiving samples into the lab. He confirmed that there could be human error, he is dependent on the evidence supplied to him. He explained the Quality Control Checks. There were a series of questions about the batch results. He said that he had supplied these to the CPS on the 29th August 2018. Following brief re-examination about external audit process. The defence asked to raise some further questions, concerning cocaine contamination at the lab. Mr Donohoe says they were aware of a low level of contamination and had taken that into account when providing readings. Mr Donohoe said that they were over reporting the concern as the contamination was so low. They had made allowances when testing and reporting back.
17. The Crown closed its case, the defence made submissions of No Case and to exclude under s78 the procedure at the Police Station because of the issue concerning the HORT 5 and the time added to that document.
18. On the 14th October the court ruled on the submissions made on the 18th April 2019. The defence case began. The defendant was called to give evidence. He said he had not taken any drugs prior to driving. He explained that he was driving his car in Poole on the 2nd April 2018, he accepted he was using a mobile phone and was stopped by the police. He was not aware of having blood shot eyes. He said he had “heavy eye lids” as did his father, “everyday thing for me”. He remembered his mouth was dry, he said he was nervous when sat in the back of the police car. He said that the lady officer who he felt had taken a dislike to him asked him to provide a mouth swab. He said she told him it would be 6-8 minutes, it went over 12 minutes. He said she kept picking up the test and putting it down. He said he may have been anxious. He told the police that he did not do drugs and never have done. He was taken to the police station and stripped searched he found this humiliating. He continued in his evidence that he was taken to the nurse’s room with the two officers. He said he felt light headed that he saw the needle on the side about to go into his arm, last time he had blood taken he had fainted “made me very anxious”. I was

sweating and felt light headed. He said he was not asked for his consent, he said he did not know he had an option. He was shown the document CRG produced by nurse Pinnock. He said he was not asked about his medical condition he said that he did not remember signing the document at paragraph 3. He said he was feeling anxious and nauseous. Asked if he knew he had an option to resist it (the blood test) he replied, "I did what I was told and I did it". He said the needle went into his arm twice, he was looking the other way made him queasy. I did not see anyone do anything. I did not see anything packaged, I did not I felt nauseous blood coming out. He said the nurse gave him a glass of water, he was given a sample to take home he was supposed to keep it in the fridge but did not. He said he rang a doctor, in the defendant's mind he had not taken drugs and there was no point in sending it off and spending money on analysis.

19. In cross-examination he confirmed that he was sat in his car at the lights his phone rang and he took off his glasses to answer the phone. He recalled in cross-examination that following the booking in process at the police station and the drugs search there he was taken to another room with the two officer who went through a form with him. He was asked about his employment to which his recorded reply was property developer. He did not recall saying "Yes" to providing a blood sample, he said he was nervous. He was asked about his evidence that the needle was on the table, he confirmed that he could see the needle in the plastic bag with the other equipment, it was opened in front of him. He did not recall any questions put to him. He was shown the form CRG and confirmed that it showed his blood pressure and pulse had been taken. He said the sample was taken from his right arm, and that he turned away so that he did not have to look. He said the sample was not timed this was not in response to any question that was put to him. He said he was given a glass of water "I came round ...I felt back in the room". In re-examination he said needle went into right arm and that his arm was resting on the table, he demonstrated to the court.

20. The defence next put the witness statement of Dr Remy Aquilina dated the 28th January 2019 before the court. In his statement he confirmed he was a Consultant anaesthetist, on the 14th September 2017 he had anaesthetised Mark for an eye lid operation, he recalls that Mark was very nervous and told him he

was needle phobic. The Doctor, “managed to insert a 20 gauge cannula on the back of his left hand and that he had to use more than the usual amount of Propofol anaesthetic agent to induce anaesthesia due to his nervous state”. The next statement was from Mr Paul Henry Sackey, an Ambassador at Wasps Rugby Club, dated 10th October 2019. He has known Mr Redknapp for 10 years. He is Godfather to his sons. On the 31st March 2018 he went to see Mr Redknapp in Bournemouth. They played some rugby and football in the garden, a friend came over and they had a takeaway meal. Mr Sackey never takes drugs, he said Mark had never spoken to him about drugs. He was not aware that Mark had taken any drugs or showed any signs of having taken drugs. The next statement was from Mr Alistair McGivney dated 9th October 2019 a surveyor. He said in his statement that he had been with Mark and Paul Sackey on the 31st March 2018 and had not seen any signs of Mark taking drugs on that or any other occasion. He said, “I have never had any cause to suspect that Mr Redknapp has used drugs”. The next statement read to the court was from Simone Challis dated 30th August 2018 she was a neighbour of Mark Redknapp she has known him for about 12 years and their families socialise regularly. On the 1st April 2018 Simone Challis went to Mark Redknapp’s house for a Sunday roast with her children she said, “I had no reason to suspect that he had taken any drugs and had no concerns about him when I left”.

21. The defence next called Dr Gregory who had produced a report dated the 5th April 2019. His evidence was about the issues around the Consent obtained by Nurse Pinnock in her dealings with Mr Redknapp. He explained that there are two different types of consent that in taking the sample of blood from Mr Redknapp that this was going to be used by the police there was no confidentiality and she should have explained that to him before the sample was taken in failing to do so she did not have informed consent. He set out the BMA and GMC guidance and framework. He said that capacity needs to be determined first and that you have to make an informed decision about consent. He said that he did not think there was evidence that Nurse Pinnock had carried out a proper assessment in connection with capacity. In cross -examination it was put to him that Nurse Pinnock had given evidence that she had looked at (Mr Redknapp) and made an assessment and that he was fully orientated, his reply was “That was her evidence”. When other

parts of her evidence were put he again replied; “That was her evidence”. In re-examination he said it was the duty on the clinician to get consent.

22. The next witness was Mr Trotter a forensic scientist, who had previously worked for LGC and he had been a laboratory manager and team leader. He had worked there from 1989 to 2016. He confirmed that he had received the Data pack, he had requested the Batch Sheets. He was asked why he needed them and said they maybe relevant to a sample. He went on to say he has received them before in other cases, that they have been useful sometimes.

23. He went on to give evidence about the Drug wipe test that PC Kimmins carried out at the roadside. He referred to the guidelines for the use of DRUG WIPE 3S and in particular the timings of the procedure as set out at paragraph 10 “Start timing 8 minutes. Hold vertically, blue up. Slide down grey cover. With tip of thumb, PRESS several times and break ampoule completely. Count to 10 seconds. Slide grey cover back up. At paragraph 12 at 8 minutes read results from window. It was put to Mr Trotter that with Mr Redknapp’s test at 8 minutes there were no red lines according to the officer, had he failed? Mr Trotter said No. My note of the evidence from PC Kimmins is that at 8 minutes she could not recall what the test showed and not that at 8 minutes there were no red lines. He confirmed that he had not used or tested this procedure. He was relying upon the manufacturer’s guidance and Home Office spec. He gave evidence as to the observable signs that one might expect a person to display if they had taken drug. He compared that that the witnesses had seen with Mr Redknapp. Finally, he dealt with issues concerning potential human error within the lab.

24. In cross -examination he confirmed that he had not used the Drug Wipe 3S. In connection with the blood sample analysed by the laboratory he had seen no divergence in the materials. He confirmed that he had not seen any signs of human error. He was aware of the contamination and the allowances made for it by the lab. In answer to a question from the court he confirmed that he had visited the lab used by the prosecution but not in respect of this case.

25. The defence closed its case and the court heard submissions form the Crown and the defence the defence had filed a skeleton argument which had been considered.

26. The court makes the following findings:

- (i) On the 2nd April 2018 the defendant was driving a Mercedes motor vehicle on Penn Hill Avenue in Poole.
- (ii) At traffic lights he picked up his mobile phone and spoke on the phone, this was seen by a police officer in a police car nearby.
- (iii) Mr Redknapp's car was stopped by the police and he was spoken to by the police. PC Kimmins believed from his appearance that Mr Redknapp may be under the influence of drugs.
- (iv) Mr Redknapp agreed to undergo the test. I am satisfied that PC Kimmins correctly carried out that test and that the test result was positive for cocaine. I reject the suggestion that she did not correctly time the procedure or that the reading given was unreliable.
- (v) Mr Redknapp was arrested and taken to the police station, he was strip searched, no drugs were found on him. I accept that Mr Redknapp was anxious and nervous at finding himself in the police station and I accept that he had a fear of blood.
- (vi) Pc Kimmins and PC Fitzgerald took Mr Redknapp to a room, where they started going through the Drug drive procedures on the pro-forma MGDDB forms. I am satisfied that Mr Redknapp understood what was being asked of him, to provide a specimen of blood, and I am satisfied that he gave his consent to the blood sample being taken.
- (vii) Mr Redknapp escorted by the officers went to the nurse's room and met Ms Pinnock, the Health Care Professional on duty. On entering the room, the kit for taking the blood sample was on the table, it was opened by the nurse. I am satisfied on the evidence that nurse Pinnock correctly obtained Mr Redknapp's consent to provide a blood sample to her. I find that Mr Redknapp on his own evidence and of the statements provided to the court by Dr Aquiliana and Lucy Redknapp show that Mr Redknapp had a deep-rooted fear of blood. I find

that while he described being light headed in the nurse's room. I am satisfied he was conscious and knew what was going on, he was concerned that he was going to provide blood, he was anxious and he was worried. However, I am satisfied that he knew he was being asked to provide a specimen of blood and he gave his consent. I am satisfied that it is his signature on the CRG form produced by nurse Pinnock, though I accept he was not wearing his glasses. I reject his evidence that he was not asked to consent. The evidence is clear that the nurse took his blood pressure and pulse. I find that nurse Pinnock took one sample that was divided into two, I reject Mr Redknapp's evidence that she took two separate samples from him. I have already dealt with the issue concerning the HORT 5 at the conclusion of the Crown's case. The defence in their closing submissions have asked the court to go back to that ruling and reverse it as they want the evidence that the HORT 5 was altered with an incorrect date added. The court does not feel it is necessary to alter those findings. I reject the defence argument that nurse Pinnock did not obtain consent. The law is set out as follows; [Section 15 of the Road Traffic Offenders Act 1988](#) ("the RTOA 1988") governs the use of specimens in proceedings for an offence under the relevant provisions of the RTA 1988 and provides that:

"...(2) Evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by or taken from the accused shall, in all cases (including cases where the specimen was not provided or taken in connection with the alleged offence), be taken into account and, subject to subsection (3) below, it shall be assumed that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen..."

(4) A specimen of blood shall be disregarded unless-

(a) it was taken from the accused with his consent and either—

(i) in a police station by a medical practitioner or a registered health care professional; or
(ii) elsewhere by a medical practitioner; or
(b) it was taken from the accused by a medical practitioner under [section 7A of the Road Traffic Act 1988](#) and the accused subsequently gave his permission for a laboratory test of the specimen.”

[Section 11\(4\)](#) provides that a person provides a specimen of blood if, and only if, (a) he consents to the taking of such specimen from him, and (b) the specimen is to be taken from him by a medical practitioner or, if it is taken in a police station, either by a medical practitioner or by a registered health care professional. Before its amendment by the Police Reform Act 2002 [section 11\(4\)](#) read as follows:

“A person provides a specimen of blood if, and only if, he consents to its being taken by a medical practitioner and it is so taken.

Friel v Dickson [1991] R.T.R. considered. That case is not an authority for the proposition advanced by the defence that some form of more detailed informed consent is required before the sample can be taken. There was no evidence to suggest that Mr Redknapp lacked capacity.

“But there remains the next stage when the person is seen by the medical practitioner. Now it is clear that the medical practitioner who is to take the specimen can only take it from the person with his consent. No one can be forced to provide a specimen of blood against his will. What the legislation requires is that the taking of the specimen by the medical practitioner is with the person's consent. The point of time to which this requirement relates must be the time when the specimen is taken, and it is on this point that [section 15\(4\) of the Road Traffic Offenders Act 1988](#) may be seen to be more precise. Accordingly, the medical practitioner who takes the specimen must have the consent of the person from whom it is to be taken before he takes it. It is not sufficient for this purpose for the Crown to prove that at some earlier stage the accused told the police that he consented to the procedure being carried out. It must also be proved that the accused signified his consent to the medical practitioner at the stage of the taking of the specimen, because only then can it be said that the specimen was taken with his consent by the medical practitioner.”

- (viii) The sample taken from Mr Redknapp. I am satisfied that sample was received by the laboratory and that it had the same bar code that had been assigned to it at the police station, namely WAP08333810. The

sample was analysed and Mr Donohoe's evidence is that the sample of BZE was in excess of the legal limit of 50ug/L namely 749ug/L. I do not accept the defence argument that Mr Donohoe's report should not be relied upon. The defence referred to *R v Kershberg [1976] R.T. R. 526* a Court of Appeal Authority but the court is clear that it is not a requirement that the scientist has overseen every part of the procedure:

“The fact, said Mr Leech, was that the analysis was shared between Miss Lowe and her assistant. It was not therefore an analysis by Miss Lowe who alone was duly qualified. This court does not agree. The certificate of course must be signed by an authorised analyst possessing the qualifications prescribed but it does not involve that every stage and step in the analysis must be done personally by the analyst. The analyst must be in a position to give that certificate in the sense that the whole process of analysis was done under his or her control so that he or she could vouch for the propriety of the procedure and could support the results which followed it. In so far as that formed a ground of appeal, it did not find favour with the court”.

(ix) The court is satisfied that Mr Donohoe could and did “vouch for the propriety of the procedure”. I do not see there is a basis for the batch results to be disclosed. Neither am I satisfied that the batch results are covered by CPR r 19.3. The evidence of the defence expert was that there was nothing in the prosecution expert's evidence to suggest there was anything wrong with the analysis that was undertaken. Therefore, no evidential basis to raise any issue that there was anything wrong in the prosecution expert's report. The line of authorities in drink drive cases is clear from *H and C [2004] UKHL 3*; *DPP v Manchester and Salford Magistrates Blakey [2017] EWHC 1208 Admin*. The defence have not shown that there is any evidential basis for any further disclosure. I find no basis for excluding the prosecution forensic evidence in accordance with s78 PACE. There is nothing in those submissions.

(x) I am satisfied so that I am sure that Mr Redknapp had consumed cocaine and that the readings in his blood sample of the breakdown of cocaine namely BZE were over the prescribed limit. I reject his evidence that he had not used cocaine.

27. The Court is satisfied so that it is sure that the defendant Mark James Redknapp is guilty of the offence charged of driving a motor vehicle with a proportion of a specified controlled drug above the specified limit.

District Judge (Magistrates' Courts) Nicholls – 31st October 2019

Following judgment the defendant was sentenced.

28. The defendant was fined £3000 and ordered to pay costs of £2,500, £120 Victim surcharge (payable in 14 days) and disqualified from driving for 3 years.