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**URGENT**

**FAO:**  
Crown Prosecution Service  
Bethnal Green Police Station

Our reference **ETP/LKP/02S0263/1**

Your reference **DC McGarry**

When calling please ask for **Ellen Peart**

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28 May 2010

Dear Sir/Madam

**MICHAEL JOHN SHILLAKER**  
**BETHNAL GREEN POLICE STATION**

We write in respect of our above named client who attended Bethnal Green police station on 30 April 2010 and was arrested for an offence of sexual touching against Ms Amy Walker which allegedly occurred on 16 April 2010.

Mr Shillaker was originally bailed to return to the police station today but was re-bailed administratively on the basis that the police are still awaiting the results of toxicology tests. In anticipation of a new bail date and at this stage when Mr Shillaker has not been charged with any offence, we ask you to take the following representations into account when considering whether charges should be brought in respect of our client.

We seek to persuade you that it is not necessary to bring charges in all of the particular circumstances of the case and that it is appropriate to determine that no further action be taken under your discretion, as provided for in the Code for Crown Prosecutors.

Mr Shillaker is a 39-year-old man, born on 7 January 1971 and a person of good character. He is a qualified chartered accountant and has worked for KPMG, Lehman Brothers, Deloitte, UBS and is currently employed by Credit Suisse where he is an equity research analyst.

As you are aware, an allegation has been made by Ms Amy Walker that Mr Shillaker kissed her, groped her breast and touched her between her thighs without her consent. At interview on 30 April 2010, Mr Shillaker commented in full thereby co-operating with the police investigation and he continues to do so. He denies the allegations as made by Ms Walker.

Ms Walker is also employed by Credit Suisse as a financial analyst. On the evening in question, Mr Shillaker was unable to fly to Madrid for the weekend as he had planned to, given that flights were cancelled following the problems arising from the volcanic ash cloud. Mr Shillaker therefore asked members of his team and others including Ms Walker if they wanted to go for a drink after work. It is accepted that previously Mr Shillaker had along with others commented that Ms Walker was dressed smartly that day and she openly admitted that she had done this with the intention of impressing a difficult client with whom she had a meeting earlier that day. Ms Walker agreed to go for drinks with Mr Shillaker and the other colleagues providing that [REDACTED] her colleague also attended, which he duly did. You will no doubt be aware of the other witnesses in this matter who were also in attendance on the evening in question and to which we propose to refer to in part in the course of this letter.

Partners  
Ian Burton  
Harry Travers  
Brian Spiro

Mark Haslam  
Richard Sallybanks  
Jane Glass

Robin Booth  
Rachel Hubbard  
Samantha Moore

Paul Morris  
Guy Bastable  
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Mr Shillaker, Ms Walker and five other colleagues eventually convened at Corney & Barrow near the Credit Suisse building. By this stage it was around 6.30pm. They sat outside on the busy terrace amongst huge crowds of other city workers. There ensued conversation amongst the group about relationships at work which all those present contributed to. Thereafter Mr Shillaker spent some time in conversation with [REDACTED]. Ms Walker was still present but talking to others in the group. It is evident from the statements put to Mr Shillaker in interview that everyone was in a good mood and enjoying the evening. One by one from approximately 7.30pm, their other colleagues left the terrace eventually leaving Mr Shillaker alone with Ms Walker but still sitting on a table on this busy terrace at Corney & Barrow. Ms Walker chose to move to sit next to Mr Shillaker.

It should be recognised that Ms Walker had ample opportunity to leave at any point in the evening with her other colleagues. You will note from the pre-interview disclosure that Ms Walker states that she 'despises' Mr Shillaker. One must ask why someone with such strong feelings regarding a colleague would accept such an invitation to drinks in the first place.

Mr Shillaker stated in interview and accepts that following further lucid conversation between himself and Ms Walker about relationships amongst other matters, he and Ms Walker engaged in consensual kissing. He accepts that he touched her breast and her thigh but that the activity was wholly consensual throughout. They further had a discussion about whether or not to go back to a hotel and Ms Walker told Mr Shillaker that she could 'do what she liked' even though she had a boyfriend. The fact that the sexual contact was consensual is supported by Ms Walker herself who in her statement recalls that a passer-by shouted 'Get a room!', a phrase which when used indicates that what the said passer-by has seen is a couple engaged in *consensual* sexual activity and not activity to which Ms Walker was not consenting.

Some time later, Mr Shillaker accepts that Ms Walker very suddenly became intoxicated to the extent that he felt that he should take measures to make sure that she got home. He walked with her to a taxi rank outside Credit Suisse and when he was told that the taxi driver would not take her unless he escorted her; he helped her from the taxi. At this stage, Ms Walker became ill and started vomiting. Mr Shillaker contacted Ms Walker's boyfriend who agreed to come and collect her. As you will be aware, the rest of the evening's events are captured on the CCTV footage which has been made available by Credit Suisse. Mr Shillaker is seen holding Ms Walker's head and talking to her while she is being helped by Canary Wharf Security. As you will be aware, Mr Shillaker waited with Ms Walker whilst her boyfriend arrived and he is seen to shake the boyfriend's hand and then leave.

Mr Shillaker received a text from Ms Walker's boyfriend later that evening as follows:

*"Hey Mike, thanks for your help with Amy - she's home now and starting to sober up. Appreciate your having stuck around. [REDACTED]."*

Mr Shillaker then replied stating that he hoped she was fine and was glad that he had come to collect her.

Mr Shillaker's account is supported by statements from those colleagues who were also present in the earlier part of the evening. This is highly significant when one considers the question of consent. There is a statement from Mr Shillaker's colleague [REDACTED], who left at around 8pm: [REDACTED] recalls that neither Ms Walker nor Mr Shillaker appeared to be drunk and that [REDACTED] had no concerns about leaving Ms Walker with Mr Shillaker. [REDACTED] was also shocked and surprised that such allegations had been made in respect of Mr Shillaker as [REDACTED] believed the behaviour alleged to be entirely out of character. Similarly, [REDACTED] another colleague, recalls seeing Ms Walker and Mr Shillaker talking and that Ms Walker did not appear to be frightened by Mr Shillaker. [REDACTED] also recalled that Mr Shillaker in [REDACTED] view was not drunk. Another colleague recalls that neither Ms Walker nor Mr Shillaker appeared to be drunk and what [REDACTED] saw seemed to be a normal business relationship.

We are told that Ms Walker has alleged that she had not drunk enough to be drunk and that her drink must have been drugged and that she believes that this was done by Mr Shillaker. We are awaiting the results of the toxicology tests but Mr Shillaker absolutely refutes the allegation that he administered any

noxious substance to her drinks. Firstly, Mr Shillaker gave another colleague money to purchase the drinks and in addition, further drinks were brought to the table by a member of the bar staff. We submit that any allegation that Ms Walker's drinks were spiked must be speculation. [REDACTED] In addition, we are aware that Ms Walker is taking anti-depressants, a fact only made clear to Mr Shillaker after the incident on the evening in question.

As you will note from the pre-interview disclosure documentation, Mr Shillaker did indeed send e-mails to Ms Walker on two occasions following 16 April 2010.

On Saturday 17 April 2010 at 10.30, he sent an e-mail as follows:

*"Hey I hope u r ok. God was really worried about u last night. Are you alive? Hope u r recovering at least. See u Monday !! And get well. Mike"*

On Monday 19 April 2010, Mr Shillaker sent a further e-mail to Ms Walker asking if she was ok and telling her that he had not told anyone in the office what had happened on Friday. By this, Mr Shillaker intended to allay her concerns that he may have told any other colleagues about what for Ms Walker was an embarrassing episode, in that she had been tended to by Canary Wharf security and had to be collected by her boyfriend.

After Ms Walker made the allegation to the police, Mr Shillaker was immediately suspended from Credit Suisse pending the outcome of the police investigation. However, it is significant that such was the company's desire to allow Mr Shillaker to return to work and following the Credit Suisse Human Resources department's consideration of all but one of the witness statements disclosed by the police, Mr Shillaker was asked to return to work and is now back at Credit Suisse and working there full time.

Mr Shillaker has to travel frequently as part of his day-to-day business life. As such a criminal caution or conviction would have a devastating impact on his career and he has real fears that a criminal record will lead to insurmountable difficulties in obtaining visas to travel to certain countries that are vital in his business.

In conclusion, we would respectfully ask that the Crown Prosecution Service use their discretion under the Code for Crown Prosecutors to recommend that no further action be taken against Mr Shillaker.

As you are aware, Prosecutors should swiftly stop cases which do not meet the evidential stage of the Full Code Test and which cannot be strengthened by further investigation. We submit that this matter cannot require prosecution. Turning to the Full Code Test we suggest that the matter does not even pass the evidential stage in that a court would be satisfied that Mr Shillaker's account is credible and supports an innocent explanation in that he and Ms Walker are colleagues who shared a consensual kiss and engaged in consensual sexual touching following an evening drinking with other colleagues.

It is with the above in mind that we respectfully ask you to use your discretion and recommend that no further action be taken against Mr Shillaker.

We trust that this letter gives you sufficient information for your purposes, but of course, should you require any further information before reaching a decision, then please do not hesitate to contact Ellen Peart, the solicitor with conduct of this matter on 020 7841 1307.

With many thanks in anticipation of your consideration.

Yours faithfully



**BCL Burton Copeland**