old case. And juries have to be particularly careful when approaching identification evidence, because an entirely honest witness can still be a mistaken witness, and can be a very convincing witness, but still be wrong. Juries are extremely good at telling when witnesses are not telling the truth, are not wanting to tell the truth and are telling lies. Nobody is suggesting that KS is not telling the truth as she believes it to be, or is not being entirely honest. As far as she is concerned, she is giving wholly straightforward, honest evidence, and she genuinely believes that she has correctly identified her attacker. The question is not whether she is being truthful, but whether she is being accurate and is correct in her identification. So that is the reason for the need for caution. First of all, that mistakes can be made, and secondly, that you have got a wholly honest telling what she, in this case, believes to be the truth.

So you should examine with care all of the evidence surrounding the identification. You should examine the circumstances of the attack itself and the opportunity that KS had to observe her attacker. How long did she have her attacker in view? What was the lighting like? Did she have any particular reason to remember the person? Was her observation impeded in any way? Was there anything that might have affected her ability to recall the person that she saw? How long elapsed between the attack and the subsequent identification? Were the circumstances of the identification satisfactory? Were there any differences between the description that she initially gave and the description of the Defendant? So you look at all of those factors and you look at them with care."

28. As Lord Widgery CJ explained in R v Turnbull at [227] the judge "should remind the jury of any specific weaknesses which had appeared in the identification evidence" and that a failure to follow this (or to follow the other guidelines established in that case) is likely to result in the court quashing the conviction. The Crown Court Bench Book reminds judges that this is a necessary ingredient of a summing up in an identification case (page 108). There were a considerable number of points to be emphasised as regards the potential unreliability of this identification evidence, as rehearsed above, and given it was the sole evidence that incriminated the appellant it was critical that the judge directed the jury as to the main matters on which they needed to focus in this context. Even allowing for the fact that this had been a short trial, on the particular facts of this case the failure by the judge to identity the specific weaknesses in the identification evidence at any stage constituted a significant defect in the summing up such as to render the verdicts unsafe.

29. Conclusion - 30. It follows that this appeal must be allowed and the convictions, which are unsafe, are quashed. - The prosecution is to indicate within 14 days whether it seeks a retrial and short written reasons are to be provided within that timeframe if the Crown applies to retry the appellant. The appellant has 7 days thereafter to submit any written grounds of opposition. The case will then be listed in order to resolve the issue if the prosecution seeks a retrial.

Hostages: Margaret James, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq

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MOJUK: Newsletter 'Inside Out' No 470 (27/03/2014)

The Sleep of Reason That Produces Monsters! *Bob Woffinden, 'Insidetime' March 2014*

CCRC now assert that unfair trials do not unsafe convictions make - On a Sunday afternoon just over 22 years ago, Karl Watson was driving around the M25, taking his children to visit his mother, when the front offside tyre suffered a blow-out. The car was catapulted into the central reservation before ricocheting back across the lanes of traffic and coming to a shuddering rest on the hard shoulder. Through a combination of German engineering (the car was a Mercedes), prudent precautions (Karl had strapped the children in) and extraordinary providence, everyone escaped unharmed. But it had been a terrifying experience. Karl returned home and, a couple of hours later, murdered his mother's partner, John Shippey. That may seem an improbable scenario but, according to the Crown Prosecution Service, that's what happened. Unfortunately, the jury at Karl's trial deprived of much essential information did accept the prosecution account, and he has been in prison ever since.

That central implausibility, though, is buttressed by a host of others. Shippey was in deep trouble at the time. He had three houses in England and another in Spain. He had a wife and three other girlfriends, including Karl's mother; a Porsche that cost twice his annual salary; and a boat. But his colourful lifestyle was reaching flashpoint. He had defrauded his company by more than £800,000, was seemingly involved with other fraudsters and vanished just hours before the police turned up to arrest him. Few would imagine that this shady background could be unconnected to his disappearance and subsequent murder. Yet, when the case went to trial, all of that was indeed deemed irrelevant. The only motive that could be suggested for the murder was that Shippey owed Watson money although, when Shippey offered to pay, Watson murdered him anyway.

Shippey disappeared in the early hours of 15 December 1991 and his body was recovered on the following Wednesday in the boot of his burnt-out Ford Sierra. The prosecution asserted that remains of buttons found on ashes from a fire in Watson's garden came from a coat that Shippey kept in the boot of his car. This is an intrinsically illogical argument (why would anyone remove a coat before setting a car alight in order to burn it on a different fire?) and its deployment at trial spoke volumes for the paucity of evidence.

Virtually the entire case depended on Bruce Cousins, who testified that he saw Watson committing the murder. However, Cousins' account, which changed every time he was asked to provide it, contained no convincing detail. Most notably, the character of Shippey was conspicuously absent from his accounts. One supposes that, if he was being murdered, he'd have had something to say about it; though not according to Cousins, whose narrative skills were rather threadbare.

The pathology was undertaken by the highly respected Dr Iain West. Cousins could account neither for the individual injuries that West specified, nor the pattern of the blows. West suggested that three people could well have been involved, and this chimed exactly with the evidence of independent witnesses who happened to see the car just before it was set alight. West also noted the important absence of stomach contents, which suggested the murder occurred later than Cousins and the prosecution suggested. Of course, Cousins had reached a backstage deal and was giving evidence merely to save his own skin after being arrested on car-ringing charges. The upshot was that one guilty man was allowed to go home; the murderers of John Shippey escaped scot free; and an innocent man has been in prison for a very long time.

As Watson's imprisonment lengthened, I came to believe that the case represented one of those wholly rare examples of pure evil at work in English public life; but I had not expected the Criminal Cases Review Commission to condone that evil. On 11 February 2014, the CCRC declined to refer the case to appeal and issued its quaintly termed statement of reasons. It is a 199-page document. But it is not reason at all; this is the *'sleep of reason'.*

Much of the legal dialogue in the case in recent years has revolved around two matters: the non-disclosure of psychiatric information on Cousins which had found that he was of 'very low intelligence', and 'abnormally susceptible to leading questions', and 'would change nearly all his answers, regardless of his memory for the facts'; and the fact that Watson took a legal practice to court for negligence in not having submitted his case to the European Court of Human Rights. On that occasion, Watson won the day. Mr Justice Owen found that, if his case had been forwarded to the ECHR, it was likely that he would have won on the basis that he hadn't had a fair trial. The judge thanked Mark Tempest, Watson's barrister, for having appeared pro bono, adding that such work was 'terribly important'. He asked that a transcript of his judgment should be provided 'at public expense' as Watson would no doubt wish to use it elsewhere. All of which seemed as deftly-signalled a judicial nod and wink as one could reasonably expect. But not to the CCRC.

The CCRC now assert that unfair trials do not unsafe convictions make. (My own view is that if a trial has been unfair, that in itself is sufficiently serious to warrant sending the case back to the Court of Appeal. It is for the appeal court judges then to resolve the position. The CCRC should not arrogate to itself decisions that should properly be made by senior judges.) Then, by speculating on the significance of what Mr Justice Owen didn't say, the CCRC has been able to reject all the arguments in this area of the case.

A bewildering situation has arisen with regard to the psychiatric report prepared on Cousins, because the CPS seem to have denied ever having seen it. This is despite what would in other circumstances be highly persuasive evidence; the psychiatrist has headed her report: This report is prepared for the Crown Prosecution Service. The report was clearly commissioned, and was presumably paid for; the CCRC should have found out who did pay for it. However, they have simply rejected all the points about Cousins' suggestibility and low intelligence by determining that these would not have dovetailed with the defence case at trial in which Watson's lawyers tried to portray Cousins as 'an outright villain in his own standing'.

However, the only point that matters here is that if the defence had had the psychiatric information, as they should have done, then they may well have pursued a different strategy. This also brings us to the fraught area of legal representation and three areas of particular difficulty. In preparing this document, the CCRC have communicated a great deal with case lawyers past and present in order to tease out various problem areas. It is apparent from the responses of some legal practices that their English language skills are not robust.

Embedded at the core of the UK judicial system is the extraordinary presumption that all lawyers, notwithstanding the inability of some of them even to construct simple sentences or to use apostrophes correctly, are perfectly equipped to represent their clients at all times with scintillating brilliance. This presumption is palpably bogus. On the contrary it is likely that lawyers, just as they routinely make mistakes in their grammar, will be guilty of muddle and miscalculation in their representation.

Secondly, there is the concept that lawyers are at all times acting in complete accordance with their client's instructions. Obviously, if defence lawyers had tried to portray Cousins as an 'outright villain', then that was misconceived, but whose fault was that? As a family member

The Images used for the Identification Procedure

24. We have viewed the compilation of the images and we do not accept Mr Pettersen's complaint as to the choice of the others who were selected to form the "line up" along with the appellant. In general terms, they bore a good resemblance to him, particularly as to hair length and their facial features, and given they all had short hair, the difference in hair colour was of lesser importance. The fact that one of the men selected was apparently bald does not of itself mean it was an unfair procedure. This is, at least in part, an impressionist and subjective exercise, but in our estimation the victim was asked to make a selection from a number of individuals who "as far as possible resemble[d] the suspect in age, general appearance and position in life" (see Code D, Annex A (a) 2 of the Police and Criminal Evidence Act 1984 Codes: "Video Identification").

The Previous Convictions

25. The August 2011 previous convictions of the appellant were left to the jury on two bases, the first of which was that they potentially supported the identification of the appellant by KB: the "enormous coincidence" that the man she picked out had a pair of earlier convictions which bore similarity to the present allegation. However, what the jury did not know was that the appellant's image had been selected to be included in the identification procedure because was he was a man with these previous convictions who lived in the area (and because of his general appearance). In our judgment, if the jury had been aware of the true reason why he had become a suspect, it may well have influenced their decision as to whether this suggested coincidence had the force for which the prosecution contended. Put otherwise, if the jury had looked for support for KB's identification of the appellant – for instance, because they were concerned she may have been mistaken – the previous convictions may have had less force than otherwise would have been the case if they had been told that a central part of the reason why she viewed his image was because of his past offending. On this basis, the jury would have been entitled to conclude that it was not a powerful coincidence that the man she picked out had these convictions. We consider that, in the particular circumstances of this case, this critical additional piece of information should have been before the jury in order to enable them to reach an informed decision on this issue. Its absence gives rise to a clear risk that the jury may have attached disproportionate significance to the suggested "enormous coincidence" and thus renders these verdicts unsafe.

26. The second basis on which this evidence was left to the jury was that it potentially established a propensity on the part of the Appellant to commit this kind of offence. However, given our conclusion that the convictions are unsafe for the reason just indicated, it is unnecessary to investigate whether these two pairs of convictions shared sufficiently common or unusual features such as to endow the single earlier incident with probative force in relation to the events charged (or for other reasons potentially demonstrated propensity).

The Failure to Rehearse the Potential Weaknesses in the Identification Evidence

27. Another feature of this case which has caused the court real concern is the failure by the judge to rehearse any of the evidence that was relevant to the potential weaknesses in the identification of the appellant during the summing up. The directions by the judge on the issue of identification were as follows: "This is an identification case and the only evidence pointing to the guilt of the Defendant is the evidence of – the identification of the Defendant as her attacker by KS. Experience of the Courts over many years has shown that there is an especial need for caution in identification cases, and that is because mistakes can be made and have been made in identification, and miscarriages of justice have occurred in the past – Mr Petterson addressed you about a particularly famous

The Submission of No Case to Answer

20. It is submitted the recorder erred in not withdrawing the case from the jury following the close of the prosecution case, for the reasons we have extensively rehearsed above.

21. The prosecution highlights that the defendant concedes that this was not a fleeting glance case. Whilst the observation of the assailant by the complainant was made late at night and there was little or no natural light, the Crown suggests that this did not necessarily diminish its quality. Although the complainant had been drinking earlier that night, she had taken a taxi to her boyfriend's home and then walked a considerable distance without difficulty before the attack. It is pointed out by the Crown that there is no evidence that her powers of observation were impaired in any way and there was some street lighting. Further, it is contended that the complainant had her assailant in sight over some distance as he approached, and she saw him at close quarters whilst he attacked her. It is argued, finally, that the other areas of suggested weakness were matters for the jury's evaluation.

Discussion

22. By way of background, we observe that on any view this was not a particularly strong case against the appellant. It was dependent on the identification by KS at a procedure that took place over two months after the incident and her selection of the appellant was the only evidence that directly connected him to the offence. The appellant was not in his 30s and the image of him used for the identification "parade" shows his ears as being compact and closely aligned with the side of head. Therefore, it is not suggested he has a "sticky-out ear". The victim indicated she had only seen the side of her attacker's head but she was nonetheless able to identify him from a single image of his face viewed from the front. The DNA evidence, the lack of material indicating he was in the area that night and the failure to find any clothing or aftershave linking him to the man responsible are all relevant factors in this context.

The Submission of No Case to Answer

23. Although as we have just observed this was not the strongest of cases, there was sufficient evidence for the two counts to be left to the jury based on the identification by the victim. This was not a fleeting glimpse by KS – instead, she watched the perpetrator during an incident that included a number of different events – and she was certain of her identification of the appellant. Undoubtedly these were not the easiest circumstances for a witness to identify her assailant, given the time of night and the assault to which KS was subjected. However, KS provided a coherent explanation for the differences in her descriptions of the perpetrator, and the jury was well placed to analyse the points made by Mr Petterson, such as the potentially poor lighting and the absence of other supporting evidence. KS was very close to her attacker and would have been able to see him, whether from the side or from the front. It follows that we do not accept the second ground of appeal that the case should have stopped the case at the close of the prosecution evidence. It did not come within the situation envisaged by this court in R v Turnbull [1977] 1 QB 224, at 229 and 230 when the judge is obliged to withdraw the case from the jury – notwithstanding the fact that the opportunity to view the perpetrator was a longer observation than a fleeting glimpse – because the identification was made in difficult conditions and it was unsupported by other evidence. Although there were clear points for the defence to make as to the reliability of the identification, the circumstances did not reach the level of difficulty that meant the judge was obliged to halt the case because of the real risk that the identification was inherently unsafe.

in another prominent miscarriage of justice said to me only last week, 'What we had really needed was a solicitor to protect us from our solicitors'. Family members in other cases will generally cite the old saying that 'you don't get a dog and bark yourself'. Defendants, especially those who have never previously faced prosecution in major cases, will always defer to their lawyers.

Thirdly, there is the reality of what happens. Anyone who has been wrongly convicted may strive for many years to find a committed and tenacious solicitor. The journey of discovery will involve papers being sent around the country from practice to practice and surprise, surprise documents will be lost. What then happens is that official bodies tell prisoners they can do nothing in their case because of the lack of documentation. It is as if people like Karl are being additionally punished for having been wrongly imprisoned all this time.

Such matters need to be addressed not pushed under the carpet. The reality at present as almost everyone in the system is perfectly well aware is that many are serving long terms of imprisonment through no fault of their own but through errors of one kind or another in their legal representation. In rejecting this submission, the Commission did not feel it worthwhile to see Karl himself. By doing so, they deprived themselves of the opportunity to meet a man of enormous humanity, integrity and courage.

I had not intended to return to matters concerning the CCRC's competence so swiftly, and would not have done so, were it not that this statement in Watson represents a new nadir in its brief but troubled history. Using legal casuistry to cut down a few trees is more or less pointless. What is so remarkable here is the CCRC's failure to see the wood.

[*The Sleep of Reason Produces Monsters is an etching by the Spanish painter and printmaker Francisco Goya. Goya imagines himself asleep amidst his drawing tools, his reason dulled by slumber and bedeviled by creatures that prowl in the dark. The work includes owls that may be symbols of folly and bats symbolising ignorance. The artist's nightmare reflected his view of Spanish society, which he portrayed in the Los Caprichos as demented, corrupt, and ripe for ridicule.]

Dopey Burglar Jailed After Taking A 'Selfie' & Sending it to Victim's Mates

Bungling burglar Ashley Keast took a 'selfie' and inadvertently sent it to his victim's work colleagues thus landing himself in jail. Keast, 25, snapped a picture of himself wearing a white sleeveless vest using a SIM card stolen from a house at Fernleigh Drive, Brinsworth, Rotherham. He was given a two-year-eight-month jail term along with co-accused Anthony Hunt Thrybergh, who was sentenced to 18 months for burglary. He and Hunt broke into the property on 11 September last year while the occupants were on holiday. They stole jewellery, electrical items and an Audi A4 worth a total of about £27,000. The car was found crashed a short time afterwards at nearby Centenary Way. It had suffered extensive damage.

South Yorkshire Police said: "Keast had stolen a SIM card from the property and, using another phone, took a selfie and posted it on the whatsapp messenger application, However, unknowingly, Keast also sent the picture to the victim's work colleagues, who became suspicious and contacted police." Police visited Mr Keast at home the following day and found a stolen Rolex watch, worth £4,000, hidden behind a radiator. Keast also admitted being in breach of a suspended sentence. PC Adam Broughton, of South Yorkshire Police said: "Burglaries cause the victims and their families a great deal of pain and suffering and in this case many items of sentimental value can never be replaced. South Yorkshire Police is committed to identifying and arresting offenders. The result of this case should act as a deterrent to would-be offenders who should think twice about committing such offences."

Crime Stoppers Official Ate Evidence to Protect Informer

Miami-Dade Crime Stoppers Executive Director Richard "Dick" Masten faces being locked up after a courtroom stunt where he ate a piece of paper containing information regarding an anonymous informer. "I probably shouldn't have eaten that piece of paper, I really didn't like that courtroom snack, Masten said.. "I mean I don't like the idea of going to jail, but we promise the people who give us information to solve murders -- serious violent crimes in this community -- that they can call with an assurance that they will remain anonymous and that nothing about them or their information would ever be compromised,"

Observation on Kevin Nunn Supreme Court Hearing

The CPS argues that post-conviction the presumption of innocence no longer applies and therefore they do not have the same obligations to disclose or permit inspection (analysis/testing) of evidence as they do pre-conviction. They will disclose or permit inspection of evidence if they are given an explanation of how disclosure or inspection of evidence could affect the safety of a conviction. The elephant in courtroom 2 of the Supreme Court on 13 March was the unacknowledged fact that most fresh evidence appeals rely on evidence that should have been disclosed by the CPS at trial, but wasn't - in other words, on the CPS's own faults, which they would have to admit when disclosing such evidence. Hence the need for common law full disclosure rights post trial - because it is not appropriate that the CPS and/or the police should act as disclosure gatekeepers. But no one called into doubt the bona fides of prosecutors. Lawyers are so polite - at least, to each other. *Andrew Green, INNOCENT*

Chris Grayling Forced tp Cough up £814.97 to Avoid Visit from the Bailiffs!

The savage beating I received resulting in the injuries many of you have see photos of, which was administered at the hands of the officers of HMP Frankland, was insufficient to satisfy their thirst to inflict pain. With the need to cause harm still burning inside the animals, they entered my cell and let out their rage on my property. Theft and destruction of whatever they felt like led the Prison and Probation Ombudsman to recommend I be given an entire £10 compensation. Obviously this was totally ridiculous when my broken clock alone was worth that much, so I took the matter to the county court. Finding fault at every stage of the complaints process, including the Ombudsman, the court ordered that an extra £814.97 be paid into my spends account within 14 days.

Happy to have finally received a fair assessment of the loss, after 14 days passed without a penny compensation being given, I decided to write to the Treasury Solicitor with a view to taking further action if necessary. The Secretary of State for Justice Chris Grayling is above the law, was the message between the lines in the response I received. So the next step to test Grayling's god-like status was to send in the bailiffs!

After filling in the required application and attaching the relevant evidence, I posted the court my request for an enforcement order. Unfortunately the criminals at HMP Manchester censor's office stole my outgoing legal letter, so whilst I sat waiting, nothing actually happened.

My family contacted the court on my behalf to find out the situation and, after I told them on the phone to submit another enforcement order on my behalf, the funds magically appeared in my account. So, although it may have been a few months late, Grayling paid up, showing contempt of court is something he will only try to get away with as long as he believes it is possible. It is a shame though – I was quite looking forward to the bailiffs going into the Ministry of Justice!

Kevan Thakrar (Seg Unit), A4907AE, HMP Whitemoor, Long Hill Road, March, PE15 0PR

Submission of No Case to Answer

14. The application was mounted on the basis that the identifying witness was under the influence of alcohol at the time of the attack; there was no natural light; the street lighting was poor; the opportunity for identifying the attacker was short and KS may only have seen the man from the side of his head; the appellant is not in his 30s; and the image of him used for the identification procedure shows his ears as being compact and closely aligned with the side of his head. Furthermore, it was argued the other members of the line up did not bear any real resemblance to the appellant – indeed, it was suggested that in the main they were markedly dissimilar in appearance. Counsel emphasised the wholesale lack of any supporting evidence (viz. he had not been seen in the area, no relevant clothing or aftershave had been seized and his DNA had not contributed to a mixed sample taken from the victim's neck). Finally, it was suggested that the circumstances of the previous convictions admitted by way of bad character bore little resemblance to the present allegation.

15. The judge refused the half time submission of no case to answer observing this was not a "fleeting glance case" and the quality of the images used during the identification procedure was satisfactory.

The Defence

16. The appellant said in evidence that he had not gone out that Friday/Saturday night. He did not attend the identification procedure because his father was in poor health and had been hospitalised. He did not have time to get legal advice and decided he did not want to go any further with the identification procedure without legal advice. He had felt under pressure to take part. He provided a DNA sample to the police but no traces relating to him were found on the complainant. He said he has never owned a Henley shirt and the only aftershave he possesses is "Joop".

17. In response to a question from the jury whilst they were in retirement, the DVD of the images viewed by the victim during the identification procedure was replayed.

The Grounds of Appeal against Conviction

The Appellant's Bad Character

18. It is suggested the recorder erred in allowing the prosecution to adduce evidence of the appellant's previous convictions for sexual assault and assault occasioning actual bodily harm. Mr Petterson, for the appellant, in forceful and well-constructed submissions contends that the convictions did not establish a propensity to commit offences of this kind and they did not support the identification evidence. He highlighted that the previous convictions relate to a single incident, which differs markedly in circumstances and location from the present facts. The instant case concerned an attack on a deserted street at night when the victim was by herself, whereas the previous incident occurred on the dance floor of a private party. The common assault in the present indictment was part of the sexual assault in contrast to the earlier occasion when it followed a gap in the events, after an argument. Finally, it is suggested that the prosecution impermissibly used this single previous conviction to support the identification of the appellant in a weak case.

19. The Crown argues that the appellant's previous convictions were properly admitted. It is contended that they were relevant to an important matter in issue between the defendant and the prosecution and it is argued that the evidence established a propensity to commit offences of the kind charged. It is suggested that, as in the present case, the previous convictions in May 2011 involved a sexual assault followed by a violent physical assault upon a female. Given that identification was in issue it would have been an affront to common sense to exclude them.

dence which supports her identification, whether there is anything which you think is capable of supporting the identification and anything which in fact does. And that latter thing that I mention, ladies and gentlemen, is part of the reason that you have heard in this case, and you have been permitted by me to hear, the fact that the Defendant was convicted in August 2011 of two linked offences of sexual assault and assault occasioning actual bodily harm. You heard some brief details of those offences from the Officer in the case, who, putting it shortly, said that the Defendant sexually assaulted by, if I may use the colloquial term, groping a female in a public house, and then shortly afterwards he head-butted her.

Now, it is matter for you to assess. You may think, and certainly the Crown would invite you to think that whilst, happily, amongst the general population, sexual offending is a rarity, that this, they would say, is a somewhat unusual combination, of a sexual assault followed shortly thereafter by a separate physical assault, not actually part of the sexual assault but a separate one afterwards. The Crown would say there is the head-butt afterwards then here after the sexual assault, very shortly after, of course, there is the kneeing in the stomach. And the Crown say that that previous behaviour provides support, or is capable, they say, to provide support – it is a matter for you whether it does provide support, certainly it is capable of providing support to the identification, on the basis that it is the most enormous coincidence, the Crown would say, that here KS identifies as her attacker a person who, just by coincidence, happens to have a pair of convictions not a very long time before, which the Crown say bear similarities. It is up to you whether you in fact think they do bear similarities and whether in that case it is stretching coincidence too far, and it does provide support.

They also say that his behaviour in that way previously shows that he has a propensity, or a tendency to behave in that sort of way, and they say that that supports the case generally. Now, just because somebody has behaved in a particular sort of way previously, does not mean to say that they would behave in a similar sort of way on any subsequent occasion. And it is question for you whether that offending does in fact satisfy you that the Defendant has a tendency to behave in that way. And even if he has a tendency, it does not say that he has behaved in that sort of way on this occasion.

As I have already said to you, what is essential is that you do not say, "Well, he's done that previously, he must have done it this time". That would be completely illogical, it would be unfair, it would be contrary to the law. That is an approach you must not take. But you are entitled, should you think it right, to look at the evidence in the way that I have described and say to yourself, "Now, is that in fact support for KS's identification? Is it really taking coincidence too far?" And you are also entitled to say to yourself, "Well, are we satisfied that it shows that he has a tendency, and if he has a tendency to behave in that way, does that in fact generally support the Crown's case on this occasion?

Of course, ultimately, ladies and gentlemen, the case relies upon the correctness of the identification, and if you are not satisfied about the correctness of that identification, then that would be end of the matter. There is no other evidence to support the guilt of the accused. But you are entitled to look at the evidence of the previous behaviour and ask yourselves, does it in fact support the identification and does it in fact demonstrate he has got a tendency to behave in that way, and see whether that supports the case generally. If you took the view that it does not support the identification and it does not show that he got a tendency, then completely put it to one side. Just ignore that evidence, and concentrate purely upon the evidence of the identification."

Early Day Motion 1212: Strip-Searching Of Children *House of Commons: 20.03.2014*

That this House is appalled that in five years 4,638 children between the ages of 10 and 16 years were strip-searched by Metropolitan Police officers; understands that this can require searches of body cavities, including intimate areas; notes that police are allowed to do this if they suspect the person is hiding Class A drugs or an object that could cause harm; further notes that permission for the search need only be given by a police inspector; and calls on the Government to require an independent adult to be present when these searches are carried out.

HMP Belmarsh - Too Much Security

Report on an unannounced inspection of HMP/YOI Belmarsh Inspection 2/13 Sept 2013, report compiled March 2014, published 21/03/14

The focus on security that HMP Belmarsh needed for its small group of high-risk prisoners was having a disproportionate impact on its more mainstream population. HMP Belmarsh holds up to 800 prisoners, most of whom are relatively low risk individuals on remand or recently sentenced. Belmarsh also holds approximately 50 category A prisoners, a number of whom are considered particularly high risk, and a very small number of whom are considered the highest security prisoners in the country. Most of the high risk prisoners are held within a specialist high security facility. The task and challenge at Belmarsh was to ensure it met the needs of public safety by keeping in custody a small number of high risk individuals, while at the same time addressing the needs of the vast majority of mainstream prisoners who would inevitably be returning to the local community. This inspection suggests the prison has more to do to get this balance right. The findings of the survey at Belmarsh were concerning and significantly more negative than surveys from comparable prisons.

Inspectors were concerned to find that: - The provision of regime in the special units did not appear to be meeting stated operating standards and was failing to provide reasonable levels of stimulation and engagement. We were told that prisoners in the special secure unit could not access any education for security reasons: a statement we did not understand or accept. - many additional security measures were only needed for a tiny number of prisoners on the basis of their security categorisation, but security could become a catch-all explanation for weaknesses and inadequacies in outcomes for lower category prisoners; - use of force had reduced but was still greater than in comparable prisons; - there had been three self-inflicted deaths at the prison since its last inspection in 2011 and there were some weaknesses in the way those at risk were managed; - segregation in the main part of the prison was not used excessively but the facility was poor; quality of staff supervision and engagement was unimpressive. - the small segregation unit in the special unit was austere and the prisoners held there experienced a significant level of isolation; - It was concerning that on more than one occasion we found this facility unsupervised with a prisoner still there. - just 60% of prisoners felt staff treated them with respect, significantly lower than in comparator prisons, and some staff seemed disengaged; - purposeful activity was very poor quality, prisoners had limited time out of cell and inspectors found over half of all prisoners locked in their cells during the working day; - learning and skills were inadequate in every respect - with underused places, no vocational training and poor educational achievements; and - offender management and resettlement services were poorly coordinated and supervised, with a backlog of risk assessments. - there were too many cases where three prisoners were held in cramped cells designed for two. - Inspectors made 111 recommendations

Frank Fearon Awarded £23,000 Against Merseyside Police for Assault

A merchant seaman who sued police over injuries he allegedly suffered in custody has received around £23,000 in an out-of-court settlement. Frank Fearon, 63, claimed he was left bloodied and bruised with memory loss after spending a night in a cell when he was wrongly arrested for being drunk and disorderly. Mr Fearon, who was stopped outside his home in Longmoor Lane, Fazakerley , said he lost a tooth and suffered swollen kidneys and broken ribs in the incident. He could have killed me in that police cell, I was off work for four months. I was devastated. Mr Fearon said he thought the police settled out of court "because they had no chance of winning". - A Merseyside Police officer, who was a former boxer, later admitted punching Mr Fearon four times in the face, in order to restrain him. The force said the officer had since been fired for "an unrelated misconduct matter". *Source Liverpool Echo*

Risley Prison [Excessive Number of Lock Downs] *House of Commons / 19 Mar 2014*

Helen Jones: To ask the Secretary of State for Justice (1) when workshops have been closed at HM Prison Risley since October 2013; [183443] (2) which wings at HM Prison Risley have been locked down for half a day due to staff shortages since October 2013; [183444] (3) how many times a wing at HM Prison Risley has been locked down during the lunch period since 1 October 2013.

Jeremy Wright: A workshop was closed at Risley prison on 110 occasions, either for a morning or an afternoon, between 1 October 2013 and 17 January 2014. Seven wings at the prison have been locked-down for half-a day at some point as a result of staff sickness. The prison management take every step possible to reduce this to a minimum. There have been 76 occasions when a single wing at Risley has been locked down during lunchtime during the same period.

All unplanned regime curtailments have been caused by high levels of staff sickness absence and not staff shortages; A new strategy for managing staff sickness was introduced in February to address this. The prison remains fully resourced to deliver an effective and purposeful regime. We also recently introduced changes to the regime to rotate necessary wing closures during the core day, but ensure that workshops and education remain open at all times.

'Britain's FBI' in Crisis as Officers Face Data Charges *Indpendent, 22/03/14*

The National Crime Agency is embroiled in its first controversy after two of its officers were suspended and charged with data protection offences following an investigation into criminals in Essex, The Independent can disclose. Sheila Roberts and Brian Adair – who both work for the agency dubbed Britain's FBI – have been accused of unlawfully obtaining sensitive information, including intelligence reports and details of people inside NCA operations. They were initially held on suspicion of misconduct in public office after their own agency investigated allegations of links between its staff and the criminal underworld.

Ms Roberts and Mr Adair worked on a drug-trafficking investigation by the NCA, which was set up by the Home Secretary, Theresa May, at the end of last year. All proceedings in relation to the allegations of misconduct in public office have been dropped by the Crown Prosecution Service. Both officers have, however, been charged with data protection offences along with Glyn Evans, a former superintendent from Norfolk Police, who is listed as a co-director of a British private security firm that protects UK embassies across central America. The two NCA officers remain suspended and are also subject to internal disciplinary proceedings. Details of the long-running case can only now be reported after The Independent overturned a court order banning any mention of the charges.

appellant's account, on 27 June 2012 he told the police he had not yet sought legal advice and as a result he would not be participating in the identification procedure.

9. An identification "parade" was held on 8 August 2012 (therefore in excess of 2 months after the attack). There had been no prior notification to the appellant that this was to take place, and the victim viewed a "line-up" of the heads of nine men on a DVD, taken face on. One of the participants was bald and otherwise they were all young men who had short hair of a variety of colours. She asked to view image No. 4 twice (this was a picture of the appellant). She said "I only seen the side (and she gestured to the side of her face) but number 4, the side of it" and she identified the appellant as her attacker. She said she was 100% sure that this man was her attacker.

10. The appellant was arrested on 23 August 2012 whilst serving a sentence for an unrelated criminal offence, and he was interviewed under caution with, on this occasion, a solicitor present. He was charged on 10 September 2012 and he provided samples for DNA analysis. There was expert evidence that a mixed DNA sample was found on the victim's neck from three people, but it was agreed the appellant was not a contributor to this cellular material.

The Bad Character Application

11. The prosecution applied to adduce evidence of the appellant's bad character. This related to his previous convictions for offences of violence and an offence of assault occasioning actual bodily harm following a sexual assault. The application was put, first, on the basis that the convictions demonstrated a propensity to violence and sexual offending. Second, it was suggested they corrected a false impression as regards comments made by him in interview when, in response to the allegation in the present case, he said he would not behave in this way and that he considered it was a horrible thing to do to another person, thereby giving the impression that offending of this kind was anathema to him. Finally, the prosecution sought to adduce the convictions as evidence supporting the identification of the appellant, given this was the issue in the case and the appellant had convictions for similar offending.

12. The judge decided that two of the appellant's convictions, from August 2011, relating to a sexual assault and a common assault on a woman in May 2011 were admissible as being relevant to an important issue in the case, namely the correctness of the identification. Accordingly, those convictions alone were admitted and the appellant's other convictions for violence were excluded. The circumstances of these two linked offences were that the appellant had approached a woman in a public house and he had felt ("groped") her breasts over her clothing. He walked away, but when he returned a little later there was an argument during which he head butted the victim cutting her left eye. The judge's ruling on these two convictions was as follows: "[…] the linked convictions of the sexual assault followed by the common assault upon a female, albeit that it took place in a public house and in somewhat different circumstances, seems to be of such a nature that it is admissible as being relevant to an important issue in the case, namely the correctness of the identification, since it does seem to me it would be an affront to common sense to say that it is not relevant that the very person that this witness picks out happens to have been guilty in the not too far distant past, in fact quite recent past in terms of offending, in May 2011, it is just about exactly a year previously pretty well, that is clearly relevant and supportive of identification and those two convictions I do permit to be given in evidence."

13. However, the judge left the bad character evidence to the jury during the summing up on two bases, as follows: "And you should also look to see whether there is any other evi-

not at home. She waited outside for about half an hour. She had had her last alcoholic drink about an hour and half earlier. She then started to walk down the street. It was by this time about 3.30 am. There was no natural light and the dawn chorus was starting. The streetlights were on in the area but there were not a great number of them. A man approached her and she described the events that followed as happening fairly quickly. The man asked if she was all right. She said she was fine and was going to find her boyfriend. He said "Are you keen?" She took this to be referring to something sexual and replied she was not. The man then slid his right hand across her left breast, over her clothing, down to her stomach and across her vagina towards her left thigh before sliding it back up again. As he did so his hand caught the belt of her jeans which came loose. She told her assailant to get off but he grabbed her clothing and pulled her towards him before kneeing her in the stomach. She pushed him away and managed to run to a nearby 24 hour Asda store to find help. Her attacker fled in the opposite direction. She had only had a side view of him during the incident.

6. In her original description, KS described her attacker as being in his early 30s. In evidence she said he was 23 to 24. She explained the discrepancy by saying that when the attack took place he looked "older, a bit rough". She described her assailant as about 6' tall and of skinny build. She said he had mucky blonde hair that was shaved at the sides but longer on top. She recalled he had a "sticky out" right ear. When she attended the identification procedure and saw the image of the appellant, she was satisfied that he was her attacker although he looked "younger and quite clean shaven". She also described the attacker as smelling of a combination of alcohol and after-shave – the latter she thought she recognised as being "Lacoste", a brand used by her brother. She believed the man had been wearing a white Henley shirt, perhaps with studs. In her statement KS described his clothing as including blue stone-washed jeans and black boots similar in style to 'Timberland' boots but of a cheaper make.

7. On 9 June 2012, the police searched the appellant's home without a warrant. He was not in the house at the time but his father agreed to the search. No Lacoste aftershave, white Henley shirts, blue stone-washed jeans and or black Timberland-style boots were found.

8. The appellant was asked to attend at a police station on 20 June 2012 without any advance notice of the reason for the visit. The Full Court on the 17 January 2014 requested information as to why the appellant had been required to attend. The answer, set out in a Note from prosecuting counsel to the court, states as follows "The appellant was not arrested at this stage. He was invited to the police station on a voluntary basis. He was a suspect because he matched the description of the offender; he lived in close proximity to the offence and he has a previous conviction for a similar sexual assault". He was interviewed under caution, but without a solicitor (although he was told that he had the right to legal representation). In the main he did not answer any of the questions put to him, although at the end of the interview he said he did not use Lacoste aftershave. He indicated his aftershave was called "Joop". He denied responsibility for the attack. He said he was banned from the public houses in the Spennymoor area and he invited the police to check the CCTV film footage because he had not been in the area at the relevant time. We interpolate to note that during the trial the officer in the case gave evidence that the relevant local authority and public house cameras had been checked and the publicans and door staff had been questioned, and there was no evidence that the appellant had been in the area during the evening of the attack. The appellant agreed to participate in an identification procedure, but he said he wished first to obtain legal advice. On the

The prosecutions of Ms Roberts and Mr Adair are the first big blow for the NCA, which was handed a £450m budget to hunt down cyber criminals, drug barons, paedophile gangs and people traffickers. Last night, Keith Vaz, chairman of the Home Affairs Select Committee, said: "I am astounded by these revelations given the fact that this organisation was set up to provide a fresh approach to policing serious and organised crime. It is vital that all those who enforce the law act with the utmost integrity."

The two NCA officers and Mr Evans, who is alleged to have unlawfully obtained secret counter-terrorism documents, are being prosecuted by the Information Commissioner, who enforces the Data Protection Act. According to his LinkedIn page, Mr Evans spent 23 years with Essex Police before moving to Norfolk where he rose to be a superintendent. He then became a director of Corporate Security Consultants (CSC), based in Harlow, Essex. On its website, CSC claims to have provided security for British, American and Canadian diplomats – and one "member of the British Royal Family".

The company's co-director, Andrew John Mullen, was present in Sonsonate, El Salvador, in 2010 when one of CSC's then employees, David Koch Arana, was arrested in possession of an M-16 rifle. Mr Arana is a retired colonel from the El Salvador military and is a controversial figure in the region. Following a local outcry after the arrest, the UK ambassador to Guatemala, Julie Chappell, publicly backed Mr Mullen and told a newspaper that he was a "charitable and respectable businessman". The following year, Mr Mullen was made an MBE for "services to the British community, charitable activities and British commercial interests in Guatemala".

A CSC spokesman said: "We were totally unaware that Mr Evans was involved in any ongoing investigation, and as soon as we were made aware of this fact his employment with the company was terminated immediately. Group CSC has had no further dealings with Mr Evans." Mr Evans, who is still listed as a CSC director at Companies House, was charged with unlawfully obtaining sensitive information in the form of a counter-terrorism tasking assessment classed as secret.

Brian Adair was charged with unlawfully obtaining sensitive information in the form of intelligence reports from a Soca (Serious Organised Crime Agency) operation. Sheila Roberts was charged with three counts of unlawfully obtaining and disclosing sensitive information, including intelligence reports and information about people in another Soca investigation. An NCA spokesperson said: "The NCA expects the highest standards of professionalism from all of its officers, and has a zero-tolerance approach to corruption."

A Love of Secrecy: The National Crime Agency was created by Theresa May in October last year in an attempt to tackle serious and organised crime. The Home Secretary was said to be frustrated with Scotland Yard's performance following a series of scandals over 'Plebgate', Hillsborough, undercover police officers and the murder of Stephen Lawrence. Led by former chief constable Keith Bristow, the NCA is staffed largely with officials from the troubled Serious Organised Crime Agency, which was wound up last year following a series of revelations in The Independent. The NCA has inherited Soca's love of secrecy, and obtained a court order banning any mention of the arrest of Roberts, Adair and Evans until The Independent successfully challenged it last week.

The lack of accountability echoes controversy over the NCA's arrest of Downing Street aide Patrick Rock on suspicion of child pornography offences. The Daily Mail broke the story about David Cameron's trusted adviser but the NCA refused to "confirm or deny" its involvement in any "ongoing investigation". It later emerged only a tiny proportion of the 350 NCA arrests since its inception have been publicised, leading to accusations of "secret justice".

Conspiracy with - Oneself? - Justice for Margaret James

When I first met Peter Solheim through the lonely hearts column of a local newspaper in September 1995, little did I dream the ensuing relationship would find me incarcerated 9 years later wrongly convicted of conspiracy to murder him. His death remains a mystery to this day.

Meanwhile I await an appeal against my conviction, having spent the last 9 years in prison for a crime I did not commit, courtesy of the great British Justice System. Like too many before me I went to trial full of complacency and faith in a system I believed would treat me fairly, confident I could not be found guilty of something I hadn't done. Having waited 5 years for a painfully slow solicitor to prepare my appeal, I was refused Leave to Appeal partly because it has taken so long!

I'd last seen Peter Solheim on Wednesday 16th June 2004 when I'd left him at Mylor Harbour waiting to meet an old friend called Charlie for a proposed fishing trip. The following day I received a text from him saying he may be going to France, which struck me as odd, since our only experience of the country had been a day trip, during which he complained bitterly of the country, its people and its food vowing never to set foot there again. As a keen buyer and restorer of guns however, his text suggested that this was a business trip.

On Friday 20th June his body was found in the sea by a fishing vessel several miles off The Lizard in Cornwall. He had unexplained injuries and pathologists thought he had drowned, though their opinions on how he acquired his injuries differed greatly.

Having first been interviewed as a witness I did everything I could to help the police uncover the mystery of my partner's death. Events took a dramatic turn however when I was arrested a month later on suspicion of involvement. I was released on unconditional bail during which time I attempted to come to terms with my loss and recover from the nightmare.

Seven months later I was rearrested and taken to Falmouth police station in a state of disbelief and bewilderment where I was held for 3 days before being charged with Murder and Conspiracy to Murder. My trial began on 18th April 2006 at Truro Crown Court before Judge Graham Cottle. My legal team consisted of a local firm (all ex police), a junior barrister, Simon Laws, and a QC, Paul Dunkels who I was assured was the creme de la creme. I voiced my concern that they were from the same Chambers as the prosecution barrister but was told that this was common practice. One of the jurors I was told, was a golfing buddy of the Crown Prosecutor. This again was shrugged off as unimportant and another juror I was sure I'd seen before also remained after insisting he had never laid eyes on me.

The CPS case was based on supposition and suggestion. Sarah Monro opened the Prosecution by telling the jury that she would show how a damning text was sent from my house at Porthoustock. As anyone with even minimal knowledge of cell sites knows this is an impossibility particularly in rural areas, so why was she permitted to make such a statement when she knew it was a deliberate lie! My friend who was forced to be a CPS witness is convinced her statement and phone records were tampered with.

As the trial unfolded I was concerned to see further instances of attempts to mislead the jury and the corrupt lengths to which the CPS will go. I was bemused by their theatricals which I saw as desperation. The judge I thought looked bored. That was not boredom I was told. It was disappointment that the CPS case was so weak. Their chief witnesses were my daughter's ex-boyfriend Stanley Reeves, and a woman who claimed to be Peter Solheim's fiancee. This had come as some surprise to me since he and I were as good as living together. Reeves, who I later found held a grudge against me, mistakenly blaming me for the breakup of his relationship with my daughter, had made a number of contradictory statements to the police

No Duty to Investigate In Respect of Civilian Deaths in Malaya In 1948

After an interesting analysis of the time limits for claims under Convention in response to a claim made in relation to actions by British soldiers in Malaya in 1948, the Court of Appeal dismissed all their human rights, customary international law and Wednesbury arguments. There was no obligation in domestic law for the state to hold an inquiry into the deaths of civilians killed by British soldiers in colonial Malaya in 1948, even though the Strasbourg Court might well hold that such a duty ensued. *Rosalind English, UK Human Rights Blog*

Report on an Unannounced Inspection of HMP Erlestoke

Inspection 30 September –11 October 2013, published 19.03/13

Erlestoke fulfilled a national responsibility, delivering a number of important, high intensity offending behaviour programmes. This complemented its purpose as an establishment providing rehabilitative services to longer-term prisoners. Nearly half of its 488 prisoners were serving indeterminate sentences and three-quarters were aged over 30. This brought advantages in terms of the stability and maturity of the population but also the recognition that many of those held had been capable of serious offences and there were significant risks still to be managed.

Inspectors were concerned to find that: - not all prisoners were subject to an adequate risk assessment before co-location and more needed to be done to improve the induction of new arrivals; - the segregation environment and regime were poor and arrangements to ensure accountability in segregation and reintegration of prisoners following segregation also required improvement; - despite a vigorous approach to reducing the supply of drugs and mandatory drug testing, suggesting that illicit drug use was being tackled, nearly half of prisoners still thought it was easy to get drugs; and - teaching and achievements in education were not good enough and only a third of the population were involved in learning. - Inspectors made 88 recommendations

Hugh Raymond Frederick Holmes Conviction for Rape Quashed

[A must read case where because the jury did not know the full reason as to why H had been suspected of the crime, and therefore took part in an identification procedure, it rendered the conviction unsafe (see para 11 onwards). Further, the Recorder's failure to follow the basic bench book instruction in relation to summing up identification evidence constituted a significant defect in the summing up such as to render the verdicts unsafe. CrimeLine]

Lord Justice Fulford: Introduction - 1. On 13 December 2012 in the Crown Court at Durham, the appellant (who is 24 years old) was convicted of sexual assault (count 1) and common assault (count 2). 2. On 7 January 2013 the trial judge, Mr. Recorder Duff, sentenced him to 3 years' imprisonment on count 1 and 3 months' imprisonment concurrent on count 2. 3. The Full Court granted leave to appeal against conviction on 17 January 2014. His application for leave to appeal against sentence was adjourned to the hearing of the appeal against conviction. 4. The provisions of the Sexual Offences (Amendment) Act 1992 applies in this case. No matter relating to victim shall be included in any publication during her lifetime if it is likely to lead members of the public to identify her as the victim of this offending.

The Facts: 5. On the evening of Friday, 25 May 2012 the victim, KS, went out drinking with friends in Durham. She drank 6-7 alcopops and a number of glasses of vodka and coke. Although in her statement she described herself as "drunk" she meant that she was tipsy or merry. During the course of the evening she fell out with her boyfriend during the course of a telephone conversation. At approximately 2.10 am she took a taxi to his house but he was

Report on an Unannounced Inspection of HMP Liverpool

Inspection 14–25 October 2013 by HMCIP, Published 25/03/14

HMP Liverpool has had a difficult history with some seemingly intractable problems. However, inspectors were encouraged to find the prison retained a clear leadership focus on providing more decent and progressive treatment for those held. The progress, albeit slow, identified at the inspection in 2011 had continued. Many men arrived at the prison with substance misuse issues, mental health-related problems and disability. The mainly 19th century infrastructure presented real impediments to providing a decent living environment and recent staffing changes had presented risks in maintaining stability. Nevertheless, the prison had done a reasonable job of addressing those challenges although gaps remained.

Inspectors were concerned to find that: - although first night and induction procedures had improved, many prisoners still felt unsafe on their first night; - more generally, too many prisoners felt unsafe; - too many prisoners at risk of self-harm were being held in segregation; - there were real challenges with the diversion and trading of prescribed medications; - the segregation unit and regime were particularly poor; - prisoners with disabilities suffered from poor access to some areas of the prison; - The prison needs to improve the way it deals with vulnerable prisoners. - too much teaching and learning was inadequate and the achievement of qualifications on some courses had fallen. - There remain gaps and weaknesses in some provision and the often negative perceptions of prisoners should be addressed - - Support for other protected groups was mixed; older prisoners received good support, but there was no paid carer scheme for disabled prisoners and we saw evidence of poor continuing support for some with more substantial disabilities. There was a reasonable focus on the needs of gay and bisexual prisoners. Inspectors made 101 recommendations

Prisoners: Domestic Violence *House of Commons: 4 Mar 2014 : Column 98W*

Philip Davies: To ask the Secretary of State for Justice (1) what data his Department collects on the number of men in prison who have been victims of domestic violence; (2) what data his Department collects on the number of women in prison who have been perpetrators of domestic violence; (3) pursuant to the answer of 5 March 2014, Official Report, column 866W, on prisoners: females, in how many of those cases were the women victims of (a) partner domestic violence where the perpetrator was (i) male and (ii) female and (b) family domestic violence where the perpetrator was (i) male and (ii) female.

Jeremy Wright: An estimate can be made using the Offender Assessment System (OASys), which asks whether there is "Evidence of domestic violence/partner abuse (including threats and psychological abuse)" and whether this is as victim or perpetrator.

Of the 2,192 women under sentence in custody at 31 March 2013 who had an OASys assessment of sufficient quality, 382 (17.4%) were recorded as having been perpetrators of domestic abuse. Of the 51,362 men under sentence in custody at 31 March 2013 who had an OASys assessment of sufficient quality, 3,750 (7.3%) were recorded as having been victims of domestic abuse.

However, there are no further items in OASys identifying the gender of the perpetrator where the prisoner has reported being a victim, or to distinguish whether domestic abuse was partner or familial abuse. This information could be obtained only at disproportionate cost. NOMS provides a range of programmes and interventions which are suitable for prisoners who have experienced domestic and other forms of abuse, as well as interventions aimed at those who have been perpetrators. These are available in both the male and female estate.

and became an informant in February 05 no doubt tempted by the prospect of reward money and taking the heat off himself. Rumours that I had asked various people to kill Peter had been circulated following his death. All allegedly started by Reeves. In 2010 I found CPS statements from those he said I'd 'asked'. All said I'd asked them nothing yet he was still allowed to state it in court. The statements could have been used in my defence. When Reeves was asked why he had told the police this he stated he was covering his own back! The judge when summing up told the jury to treat his evidence with caution as he'd been shown to be lying.

Jean Knowles when examined turned out to know virtually nothing about the man she claimed she was to marry. Curiously she had phoned the police having seen a vague description of a body found in the sea and told them it was her fiance. This was on 19th June 04.Detectives visited my home on 20th June. Following a phone call one commented that a Jean Knowles claimed to know the deceased but they had been told to take everything she said with a pinch of salt as she was known to fabricate things. They later denied having said this but it turned out to have been told them by a member of her family and was documented. There was no way that I could have recounted those particular words had I not heard them. So why did they lie? A PC who claimed to have written his own notes was also shown to be lying when Paul Dunkels pointed out that his notes were identical to his colleague's even down to the spelling mistakes! A detective whose colleague had been examined the previous afternoon answered a question in cross examination the next morning. He was rendered speechless however when Paul Dunkels demanded to know how he could possibly have known that fact unless someone had told him. He looked in desperation to Sarah Monro who sheepishly stood up and announced that at breakfast in the court canteen that morning, the detective, his previously examined colleague, police officers and CPS barristers were all sitting around the table discussing the first detective's evidence (and obviously ensuring the second's would back it up). I could have had the trial stopped at that point but naively decided to carry on. The jury were brought back and the incident glossed over with a short speech by Sarah Monro stating that this should not have happened.

As an alternative to the jealousy motive, they came up with a financial one in the form of an empty box, which had once contained a safe. This packaging had been found in the vast amount of clutter in Peter's house and since he was forever acquiring things from car boots, the local tip or job lots at auctions, could have come from anywhere. The CPS' chosen scenario however was that the safe which the box had once contained must have been in the house and therefore stolen by me. To emphasise this, a later model was paraded around the courtroom in an attempt to convince the jury. Other than pointing out that a safe of this type would have been screwed to a wall or a floor, Paul Dunkels did little else to challenge this assertion. I had no copies of anything, other than my own police interviews. It was not until mid 2010 when my files were finally obtained, that I had sight of CPS statements, used and unused, in which I found one from PC Lenton involved in a firearms raid in Peter's house in March 04. He stated that there was no safe present at the time of the raid. The CPS had chosen to pursue their preferred scenario despite being aware of this fact. He had obviously been approached initially in the hope he would confirm there was a safe present. So why did the CPS continue with this assertion when they clearly knew there was not? They claimed that £900 was found under my bed. Whilst I knew there was cash there, I only had their word as to the amount. This they claimed to be money that Peter had offered to a local builder for work on his mother's drive, giving the impression that he had waved this cash under the builder's

nose. The builder stated however that Peter had merely asked whether he wanted any money up front. He declined, preferring to be paid when the job was completed. He never actually saw any money at all and none of Peter's prints were on any of the seized notes, yet the CPS pursued this point also. Why were they permitted to do so?

A bad character application by the defence relating to the sexual abuse of a female from the age of 6 until she was 18 was refused three times by Judge Cottle despite Paul Dunkels' insistence that it showed propensity for him to abuse females and for others to want to cause him harm. The learned Judge maintained that this was an isolated incident within the family which had no bearing on the case in question! He was evenutally grudgingly forced to concede when I was asked a question in cross examination and reference to the abuse formed part of my answer. Further statements confirmed that Peter was not averse to raping females. A box of female undergarments was found in his attic along with a considerable collection of hardcore porn videos which he was pirating. Illegal firearms were hidden at his mother's house. She was the beneficiary of his will. There were no insurance policies on his life, negating the CPS' financial motive for me. I had nothing to gain from his death. A number of other witnesses gave evidence of his unpopularity in various occult circles due to his vindictiveness and attempts to take over and control just about everyone he came in contact with.

The two detectives involved in the court canteen collusion had been the first to visit me on the 20th June 04. DCs Nic Stidwell and Debi Hunt claimed to have spent a very short time with me but it turned out to be a good two hours during which a great deal of conversation took place. DC Debi Hunt had asked me whether I had received a text from Peter, re engine trouble. I couldn't remember but later discovered I had signed a statement written by Hunt that same afternoon that I had received such a text when in fact I would not have said that since I couldn't remember the content of most texts once deleted. The CPS made much of this however since according to phone records only Jean Knowles had received a text to this effect. I vaguely remember discussing several aspects of engine trouble with the detectives including problems Pete and I had encountered when out on his boat (later confirmed by a boat engineer who he had consulted). On one occasion he had collected me from my house by car instead of in the boat as arranged due to the boat having engine trouble. DC Hunt however had later denied that she had broached the engine trouble text. I was later to realise why when I was accused of being the author of this text. The reports by the CPS and the defence mobile phone experts were vastly differing, with the CPS report suggesting my involvement. Sarah Monro later boasted to a client (who was remanded on the same wing as me at Eastwood Park) of how she had secured my conviction. She stated that mine was the hardest case she'd ever prosecuted but that what the jury don't realise is that the CPS expert will say whatever they want him to say but that 'it doesn't work like that'. The defence expert report concluded that there was nothing to suggest I was the author of any texts sent from Peter's phone or that I was ever in possession of that phone yet curiously it was mobile phone evidence which convicted me.

When the jury retired the CPS were all looking worried and grim-faced. When they were returning however after only 9 hours a detective in the public gallery was grinning triumphantly at me and Sarah Monro's young son was openly making rude gestures. So how did they know the verdict before the jury had actually returned to the courtroom?

Partway through the trial a jury member had approached the defence mobile phone expert and attempted to speak to him, blatantly flouting the strict rules on this. One wonders how much more discussion went on during the 10 week trial which never came to light. There

was plenty of adverse publicity prior to the trial which was held locally to our home area.

Whilst the CPS bombarded the jury with every insignificant unconnected fact they could think of, my defence QC did alarmingly little. The trial lasted 10 weeks of which the defence took only 5 days choosing not to use several vital statements which would have presented my case in a totally different light, despite my requests to them to do so.

Jean Knowles' daughter and grandson both approached my solicitors as they were so concerned that I could be wrongly convicted on her evidence. They said her story re the engagement to Peter was untrue, that she was a fantacist whose lies had caused untold trouble within the family for years. Another witness also contacted my solicitors to tell of a conversation he'd had with a man who claimed to have killed Peter over a firearms dispute. My barrister failed to call any of these people as witnesses despite the compelling statements they had made. Two other statements confirming Stanley Reeves was a drug dealer, which would have totally undermined his credibility as the CPS 'star witness', also went unused. Looking back I wonder who the defence QC was working for since his 'tactical' reasons for not using such important pieces of evidence were so feeble.

The single judge in the appeal court refused to consider the very valid criticisms relating to my trial. Having spent 5 years waiting for a painfully slow solicitor, who took on my case in Novermber 06, to prepare for Appeal the judge also refused leave to Appeal on the grounds that it took too long! She appeared to have barely considered the Grounds put forward by my barrister which included criticism of some of the decisions made by the trial judge and defence barrister. She even refused to consider potential new evidence, leaving me feeling badly let down yet again by the system and with the realisation that they are more interested in cover ups than exposing the all too obvious flaws and underhand practices of their peers, which leave so many like myself wrongly incarcerated for nothing.

The definition of conspiracy is 'agreement between two or more people' so I have never understood why this charge was brought in the first place.

The case is still officially open but no further investigation appears to have been made since my conviction other than a flurry of activity when my trial solicitors were made aware that an appeal may be imminent. Two men were arrested then bailed without charge but curiously, the CPS have stubbornly refused to disclose details and interestingly the single judge also refused to make an order for disclosure of what is potentially new evidence. Why the secrecy! Corruption? Definitely. Justice? No way!

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Report on an Unannounced Inspection of HMP & YOI Wetherby

Inspection 7/18 October 2013 by HMCIP, published 18/03/14

HMP & YOI Wetherby was last inspected in early 2012. Since then two units have been mothballed owing to the fall in the national juvenile population. It now holds just under 230 young people, excluding the specialist Keppel Unit which was not inspected on this occasion.

Inspectors were concerned to find that: - young people continued to be admitted to the establishment late and this made it more difficult for staff to settle them in safely; - there was some emerging evidence to suggest incidents involving group assaults on individuals were becoming more common; - conditions in the separation and care unit remained bleak and the regime for most young people held there was inadequate; and - incidences of self-harm among young people were higher than in comparable establishments, though most cases were comparatively minor. - Inspectors made 71 Recommendations.