

Criminal Cases Review Commission 14 Referrals in 2020

14) CCRC Refers The Convictions of Courtney Harriott and Paul Green – two members of the Stockwell Six

The CCRC has referred for appeal the convictions of two members of the “Stockwell Six” who were tried together in 1972 on the evidence of a now discredited police officer.

The CCRC is keen to contact the remaining four co-defendants from the Stockwell Six case because it believes it may also be able to send further convictions for appeal.

Courtney Harriot and Paul Green were part of a group of six young men (who later became known as the Stockwell Six) who were charged with assault with intent to rob on a train on the London Underground in 1972. The victim of the alleged attempted robbery was a police officer in plain clothes – Detective Sergeant Derek Ridgewell. At the time DS Ridgewell led a team of officers from the British Transport Police called the “anti-mugging squad” who worked on the London Underground.

Source CCRC: 14th December 2020 <https://is.gd/Y9I453>

13) CCRC Refer Sexual Assault Conviction of Ahmed Mohammed

In February 2004, at Kingston-upon-Thames Crown Court, Mr Mohammed was convicted of indecently assaulting two women in separate incidents in Tooting, South London, in the summer of 2001.

Mr Mohammed denied having anything to do with the indecent assaults. The central issue in proceedings against Mr Mohammed was whether or not he had been correctly identified as the attacker.

In 2002, a jury decided that, because of mental health issues, Mr Mohammed was not fit to plead in a full criminal trial. A trial of the facts was therefore held in which Mr Mohammed played no active part.

In spite of alibi testimony from a member of Mr Mohammed’s family, the jury in the trial of the facts concluded that he had carried out the indecent assaults. The judge made a hospital order, with restrictions under s41 of the Mental Health Act 1983. The effect of that order was to have Mr Mohammed detained in hospital. His name was also added indefinitely to the Sex Offenders Register.

Source CCRC: 29th September 2020, <https://is.gd/1kmtbJ>

12) CCRC Refer Murder Convictions of Robert and Lee Firkins to Court Of Appeal

Brothers Robert and Lee Firkins were convicted together in January 2006 at Exeter Crown Court for the murders in 2005 of Carol and Graham Fisher at their home at Perch, near Wadebridge in Cornwall. The brothers pleaded not guilty to the murders. Both pleaded guilty to other offences including causing grievous bodily harm, actual bodily harm, possession of a firearm and robbery*. They were sentenced to life imprisonment with a minimum term of 26 years.

Robert and Lee Firkins sought leave to appeal against the murder convictions in February 2006. Their appeals were dismissed. They applied to the CCRC for reviews of their convictions in January 2015. The Commission has decided to refer their murder convictions for appeal because it believes there is new evidence and / or new argument that gives rise to a real possibility that the Court of Appeal will now quash those convictions.

The Commission has sent full details of the reasons for its decision to the Court of Appeal and provided an outline of the reasons to the brothers’ legal representatives. The Commission cannot make public any details about its decision because it is based on sensitive information. Lee Firkins was represented in his application to the CCRC by Jane Hickman of Hickman and Rose Solicitors. Robert Firkins was represented by Rhona Friedman of Commons Law CIC.

Source CCRC, 6th August 2020, <https://is.gd/TGBWEj>

11) CCRC Refer Eight More Post Office Cases for Appeal – Bringing Total to 47

All of the CCRC referrals so far are being made on the basis of an abuse of process argument concerning issues with the Post Office’s Horizon computer system which may have had an impact on the safety of the convictions. Then CCRC believes the argument gives rise to a real possibility that the appeal courts will quash these convictions. More details about the circumstances of the convictions and the reasons for the CCRC referrals are set out below in our press release from 26th March in which we announced our decision to refer the first 39 cases. It can be seen here: Those cases have now been formally referred with the individual applicants and the Court of Appeal having been sent CCRC Statements of Reasons setting out in detail the reasons for the decision. The referral of the eight further cases has been decided and the formal referral will follow in the coming days. As with the earlier 39 referrals, because of the Covid-19 lockdown, the CCRC decision-making committee met virtually to decide these cases using remote access IT technology.

Read more: 3rd June 2020, CCRC, <https://is.gd/WTGzEZ>

10) Shrewsbury 24: CCRC Refers Ricky Tomlinson and Five Ors to Court of Appeal

The Criminal Cases Review Commission has referred to the Court of Appeal the convictions of a further six members of the Shrewsbury 24. The six cases are those of Ricky Tomlinson and George Arthur Murray as well as Alfred James, Samuel Roy Warburton, Graham Roberts and John Kenneth Seaburg. The last four applicants are deceased and applications to the CCRC were made on their behalf by relatives. The referrals follow the eight Shrewsbury 24 cases referred for appeal by the CCRC on 4th March this year. All fourteen men were members of a group of 24 construction workers convicted in a series of three trials held in 1972, 1973 and 1974. Together they became known as the Shrewsbury 24. The men were convicted of a range of offences such as unlawful assembly, conspiracy to intimidate; affray and threatening behaviour. All but one pleaded not guilty and all were convicted. The sentences imposed varied from three years' imprisonment to three months' imprisonment suspended for two years.

Read more: 26th May 2020, CCRC, <https://is.gd/Quciis>

9) CCRC Forced to Refer Murder Conviction of Gary Walker to CoA

Mr Walker applied to the CCRC in October 2014 and in September 2017, following a lengthy review, the CCRC concluded that it could not refer Mr Walker's conviction to the Court of Appeal. Mr Walker sought to challenge the CCRC's decision by way of Judicial Review and, in May 2018, he was granted permission to bring his case by the High Court. After carefully considering the Court's detailed permission judgment, the CCRC decided to withdraw its September 2017 decision and look again at Mr Walker's case.

The decision to refer this exceptionally complicated case to the Court of Appeal is based on new expert opinion on cause of death and the CCRC's view that the jury were effectively precluded from considering a potentially viable route to acquittal, which now has more expert support. Mr Walker was convicted at Stafford Crown Court on 22 October 2004 of the murder of his partner, Audra Bancroft, and sentenced to life imprisonment, with a minimum term of 12 years and 26 days.

The prosecution case was that Mr Walker had attacked Mrs Bancroft at their home in the early hours of 8 December 2003. This attack, the prosecution alleged, included punches and manual strangulation and resulted in fatal injuries to her head and brain. At trial Mr Walker maintained that the head injury must have been caused by a fall earlier that night, when he was not with her. He agreed that there had been a violent incident at their home, which may have accounted for the signs of strangulation, but said that Mrs Bancroft had been the aggressor, attacking him with a potato peeler, and he had therefore acted in self-defence.

Read more: 18th May 2020, CCRC, <https://is.gd/i0JwAd>

8) CCRC to Refer 39 Post Office Cases on Abuse of Process Argument

The Commission will be referring all those cases, which involve convictions for theft, fraud and false accounting, on the basis of the argument that each prosecution amounted to an abuse of process. (The details of the individual cases being referred are listed at the end of this release). The abuse of process argument is based on issues with the Post Office's Horizon computer system which may have had an impact on the cases referred. The argument arises out of two civil court judgments – the Common Issues Judgment of the 15th March 2019 (Bates v Post Office [2019] EWHC 606 (QB)), and particularly the Horizon Issues Judgment handed down on the 16th December 2019 (Bates v Post Office [2019] EWHC 3408 (QB)).

The CCRC can only refer a case for appeal if it considers that there is new evidence or new argument that raises a real possibility that the appeal court will quash the conviction(s). The 39 cases to be referred are among a total of 61[1] applications to the CCRC from Post Office applicants. In relation to the remaining 22 cases, the CCRC has further work to do before it will be in a position to announce decisions as to whether or not it can refer those cases.

Those involved in the Post Office cases at the CCRC will continue their work and the decision-making committee will convene again as necessary so that the remaining decisions can be made and communicated as soon as possible. Unusually, and because of the Covid-19 situation, the CCRC decision making committee met virtually using remote access IT technology over two days on the 24th and 25th March. The referrals will be formally made when the appropriate papers are sent to the relevant appeal courts (35 cases will be referred to the Court of Appeal as convictions obtained in Crown Court, and four will be referred to the Crown Court as magistrates' court convictions). Covid-19 restrictions may mean that that process may now take a some time to complete.

Helen Pitcher, Chairman of the Criminal Cases Review Commission, said: "This is by some distance the largest number of cases we will ever have referred for appeal at one time. Our team has got through a huge amount of work, particularly since the judgment in December, in order to identify the grounds on which we are referring these cases. The Covid-19 situation threatened to delay things but we used an IT solution to resolve that and we will continue to do whatever we need to in order to make decisions in the remaining cases as quickly as we reasonably can." Twenty seven of the 61 Post Office applications received to date have arrived since December 16th when the Horizon Issues Judgment was handed down. The referrals announced include applications received before and after that date.

Read more: 26th March 2020, CCRC <https://is.gd/lqXsZJ>

7) CCRC Refers Shrewsbury 24 Pickets Case to the Court of Appeal

The Criminal Cases Review Commission has referred the convictions of eight of the Shrewsbury 24 to the Criminal Division of the Court of Appeal to consider the lawfulness of their convictions in 1973/4. Members of the Shrewsbury 24, supported by the Shrewsbury 24 Campaign, had asked the CCRC to refer their 1973/74 convictions to the Court of Appeal on the basis of a number of grounds, including: (i) recently discovered evidence that original witness statements had been destroyed and that this fact had not been disclosed to the defence counsel; and (ii) the broadcast of a highly prejudicial documentary during the first trial, the content of which was contributed to by a covert agency within the Foreign Office known as the Information Research Department. The original application was made in 2012 and the CCRC originally refused to make that referral in 2017.

Following that first refusal, four of those applicants pursued a judicial review on behalf of the wider group. Permission to proceed to a full hearing was originally refused on the papers, but was subsequently granted by Mr Justice Jay in November 2018. The CCRC continued to defend the proceedings until the day of the hearing before Lord Justice Flaux and Mrs Justice Carr DBE; unusually conceding part way through the submissions of Danny Friedman QC that the CCRC would withdraw its decisions and reconsider them. The CCRC has now confirmed it will refer those convictions to the Court of Appeal in respect of the two grounds identified above "because it now considers that the new evidence and argument outlined above create a real possibility the Court of Appeal will quash the convictions."

Read more: Bindmans Solicitors, 4th March 2020, <https://is.gd/0rmBQe>

6) CCRC Refers Conviction of E to the Crown Court

Mr E was convicted in May 2006 after he pleaded guilty at Harlow Magistrates' Court to using a false instrument with intent (contrary to section 3 and 6 Forgery and Counterfeiting Act 1981). He was sentenced to 12 months' imprisonment. He could not appeal against his conviction because there is no right to appeal following a guilty plea in a magistrates' court. Mr E, an Iranian national, was arrested after he arrived at Stansted Airport and presented a false French identity document (the false instrument). He eventually admitted that the document was false and sought to claim asylum. The Home Office eventually granted Mr E five years' leave to remain in the UK and he has since become a naturalised UK citizen. He applied to the CCRC in 2017. Having reviewed the case in detail, the Commission has concluded that there is a real possibility that Mr E's conviction will not be upheld if referred to Chelmsford Crown Court on the basis of new evidence and new argument indicating that Mr E would now have a statutory defence under section 31 of the Immigration and Asylum Act 1999 in relation to the charge of using a false identity document with intent. It is the Commission's view that, in those circumstances, the Crown Court will conclude that to allow his guilty plea to stand would be an affront to justice and that therefore there is a real possibility the Court will allow him to vacate his guilty plea and enter a not guilty plea, and that he would either not be prosecuted, or would be acquitted at the rehearing of the case. Mr E was not represented during his application to the CCRC.

Read more: 19th February 2020, <https://is.gd/Awc8CO>

5) CCRC Refers the Case of D for Appeal

The Commission has decided to refer D's prison sentence because it has identified new information which it considers raises a real possibility that the sentence will be reduced on appeal. The sentence has been referred on the basis of sensitive information. Issues relating to safety and security mean that the Commission can provide no further details in case they lead to, or contribute to, the identification of D.

Read more: 14th February 2020, <https://is.gd/rpSraD>

4) CCRC Refers the Life Sentence in the Attempted Murder Of Case Of C, A Minor

The Criminal Cases Review Commission has referred for appeal the life sentence for attempted murder imposed on Mr C when he was 16 years old. C was a minor when he pleaded guilty in 2013 to the attempted murder of another minor. He was sentenced to detention for life with a minimum tariff of seven. The CCRC has decided to refer C's sentence for appeal because it considers there is a real possibility that the Court of Appeal will replace the sentence with an order under sections 37 and 41 of the Mental Health Act 1983.

Read more 28th January 2020, <https://is.gd/YyDUZW>

3) CCRC Refers Public Order Conviction of James Robson

Mr Robson was convicted at Bexley Magistrates' Court on 13th September 2017 of using threatening, abusive or insulting words or behaviour in order to cause harassment, alarm or distress. He pleaded not guilty but was convicted and sentenced to a six month community order with a four month curfew. Having investigated the case in detail, the CCRC has decided to refer Mr Robson's conviction for appeal at the Crown Court because it considers there is a real possibility that the court will not uphold the conviction. The referral is based on new evidence in the form of previously undisclosed material relating to the credibility of a key witness in the case. The Commission considers that the non-disclosure of that material was a breach of s.3 of the Criminal Procedure and Investigations Act 1996 in that it was material which could have assisted the defence or undermined the prosecution case.

Read more 28th January 2020, <https://is.gd/xuUQex>

2) CCRC Refers Conviction of Human Trafficking Victim T to CoA

The Criminal Cases Review Commission has referred for appeal the cannabis production conviction of a Vietnamese woman who was trafficked into the UK and twice trafficked within it. T was arrested in July 2014 after police raided a property adapted for growing cannabis and containing more than 100 cannabis plants and two carrier bags of loose cannabis. Later that month T appeared at Hendon Magistrates' Court where, on the advice of a solicitor, she pleaded guilty to the production of cannabis. She was later sentenced at Harrow Crown Court to six months imprisonment. Because Ms T pleaded guilty in a magistrates' court she had no right of appeal. The referral is made on the basis that evidence available at trial, and new evidence about T's status as a victim of trafficking, gives rise to a real possibility that the Crown Court will conclude that to allow her guilty plea to stand would be an affront to justice and, as a result, will: allow T to vacate her guilty plea and enter a not guilty plea; establish whether or not the CPS intends to prosecute the case again, and, if it does, stay the proceedings.

Read more: 24th January 2020, <https://is.gd/ujqaGE>

1) CCRC Refers For Appeal The Conviction of the Fourth and Final Member of the 'Oval Four'

The CCRC has referred the 1972 theft and police assault conviction of Omar Boucher to the Court of Appeal on the basis of police misconduct. The four men, Winston Trew, Sterling Christie, George Griffiths and Omar Boucher, were convicted together at the Old Bailey on 8th November 1972. All four were convicted of assaulting a police officer and attempted theft. Mr Christie was also convicted of the theft of a police woman's handbag. The four men became known as the Oval Four. The CCRC referred the convictions of Messrs Trew, Christie and Griffiths in late 2019 on the basis of new evidence and arguments concerning the integrity of DS Derek Ridgewell who was the arresting officer and key prosecution witness.

Read more: 13th January 2020, <https://is.gd/Y3fs2e>