

INQUIRY

THE QUARTERLY NEWSLETTER OF THE INNOCENCE NETWORK UK

INSIDE THIS ISSUE:

AINE KERVICK: PICKING COT- TON: A STORY OF TRUTH, IN- JUSTICE AND REDEMPTION	1
DR ANDREW GREEN: PLANNING FOR A BREAK- THROUGH	7
JAMES HUGHES: THE FALLIBILITY OF ID EVI- DENCE: R V CLEOBURY AND THE ALLURE OF DNA	13
BRUCE KENT: RAYMOND GIL- BERT'S 31 YEARS IN PRISON	16
NEWS	20

Picking Cotton: A story of truth, injustice and redemption

by Aine Kervick, BPP Law School

On the 7th of March 2012, the Bristol Festival of Ideas hosted a presentation by Jennifer Thompson entitled 'Innocence and Forgiveness'. It is difficult to adequately describe the inspirational quality of Jennifer's story and the strength she has shown in her journey to explain to others how she, 'got it wrong'. The honesty with which she speaks commands attention and offers a remarkable insight into her struggle to cope as a victim of crime and the subsequent tragedy of a wrongful conviction was remarkable.

Jennifer's story began with an attack that would change her life forever but it was to be the trial and conviction of the man who she believed to be her attacker that would determine the course of her future.

A theme running through my follow-up conversation with Jennifer was the concept of 'questioning our belief systems'. Fact is often said to be stranger than fiction and it is the unbelievable truth of stories such as this that forces us to challenge our established belief systems. For Jennifer, the reality that she had mistakenly identified Ronald called into question everything she had previously assumed to be real and true. Such stories of the system failing, of which there are many, need to be told and heard so that we too can question our assumptions about justice, evidence and convictions.

Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide (USA), playing a role in more than 75% of the 273 convictions overturned through DNA testing.

Jennifer's Story: Rape to First-trial

In July of 1984, Jennifer Thompson was a 22-year old student who, in her words, felt she had arrived. She was dating the 'right guy', her college studies placed her top of her class and she was on track to graduating magna cum laude. One evening, Jennifer had returned home after dinner with her boyfriend and gone to bed with a headache. Her boyfriend stayed with her until 11pm.

Around 3am, Jennifer felt an overwhelming sense that she was not alone; she heard a noise like feet shuffling on the carpet, felt something brush her left arm. Turning to the left side of her bed, Jennifer saw the top of someone's head. In a panicked stupor, Jennifer tried to make sense of the situation but could not. A man straddled her and put a knife to the side of her throat telling her to shut-up or he would kill her. Fearing she would be robbed, Jennifer told the intruder he could have her car keys, money, wallet, whatever he wanted. He replied, 'I don't want your money' and the reality of the imminent attack became clear to Jennifer. As the attacker began to rape Jennifer, she promised herself two things:

'First, I will live. Second, I will remember everything about your face. I will pay attention in every nano-second I have as to who you are. I will study you as if it is the most important test I ever have to take in my life.'

The attack continued for about 20 minutes. In an inexplicable moment of clarity, Jennifer told her attacker,

Innocence Network UK (INUK)
School of Law,
University of Bristol
Wills Memorial Building
Queens Rd
Bristol BS8 1RJ

EDITORIAL

Editors

Ms Gabe Tan
Dr Michael Naughton

Editorial Assistant

Laura Tomlinson

For any queries about
INQUIRY, please e-mail:
Innocence-
network@bristol.ac.uk

PICKING COTTON

'I'm afraid of knives. If you can place the knife outside and I can hear it drop on my car then I will let you back in'. He responded, 'Really?' and Jennifer knew she had achieved a small victory. As she stood next to him, Jennifer tried to assess his height and build, his age, his feet, his clothes. Jennifer managed to get to the bathroom and turned the light on for a second and looked at her attackers face before he told her to turn it off. Jennifer could not escape from the bathroom so she tried the kitchen. She went to the kitchen after her attacker asked her to get him a drink so that they could 'have a party'. He turned on the stereo and a blue light reflected of his face. Just a moment, but Jennifer could see his face. Jennifer ran out the kitchen to a neighbour's door but there was no-one at home. Her attacker had followed her outside and now he was angry. As he ran towards Jennifer, she looked for an escape. Jumping a dog fence and banging on a door at 3.30am a man came to the door as Jennifer frantically explained what had happened to her. The man's wife recognised Jennifer as a student from the local college and they let her in. Jennifer fainted.

Arriving at the hospital, Jennifer's body became the crime scene. A woman down the corridor cried a deep, moaning 'all is lost cry'; she had just been raped by the same man. In less than a mile he had climbed in a window, punched this woman and shined a torch in her eyes while he raped her. Jennifer told the police she could give a description and remember everything she had tried so hard to process during her attack.

Working with a police artist, Jennifer put together an image of the attacker. A woman phoned in to say that the sketch looked a lot like a man called Ronald Cotton. In fact, this woman had seen Ronald cycling his bike right next to Jennifer's apartment complex in the early morning hours of July 29th. Three days after the rape, Jennifer was asked to do a photo lineup. After selecting an image the police officer said, 'Good job. That's who we thought it was'. Jennifer felt relief, she was responsible for removing a rapist from the streets. Subsequently, Jennifer attended a physical lineup. The police station was being renovated so Jennifer was taken to an abandoned school and no glass or wall separated her from the lineup. She se-

lected Number 5: 'Good job,' the cop said, 'That's the same guy you picked out of the photo lineup'.

In January 1985, the State v Cotton trial began. Jennifer testified over two days. The jury took 4 hours to deliberate and sentence Ronald Cotton to life in prison plus 54 years. After the trial, Jennifer toasted the system at the Prosecutor's office because the system had worked for her.

Ronald Cotton: Fight for the Truth

Following the horror of misidentification and a wrongful conviction, Ronald was facing a life in prison for a crime he did not commit. While Jennifer was fighting to cope in the aftermath of her attack, Ronald was fighting to survive in prison. He faced a daily battle to avoid confrontations with other inmates and wrote countless letters to people on the outside to help prove his innocence.

In an unbelievable turn of events, Ronald came face to face with the man he believed to be responsible for the crimes that put him in prison. The composite sketch compiled following Jennifer's attack flashed in Ronald's mind as he spotted a newcomer, Bobby Poole. One day, Ronald spoke to Poole, who had been convicted of rape, and asked him where he was from. He had just arrived from Burlington. Ronald explained about the sketch and asked him if he had anything to do with the crimes Ronald was charged with. 'Nah, man. Not me', Bobby Poole replied.

While working on kitchen detail, one of the kitchen stewards would repeatedly confuse Ronald for Bobby Poole. Although infuriated, for Ronald this was proof that his case was one of mistaken identity. One day, Poole asked Ronald for his sister's address so that he could write to her. Calm and collected Ronald cleverly suggested Bobby provide him with a photo to show to his sister and see what she said. Poole fell for it and Ronald was able to send a photo of the two men, standing side-by-side, to his lawyer.

Three and a half years after the attack, the second victim came forward and said that she now remembered that it was Ronald who had raped her. Ronald was now charged with two rapes.

PICKING COTTON.

Facing an all-white jury, Ronald went to trial again. Ronald's defence team managed to get Bobby Poole into court for a voir dire hearing. Poole had blood type-A which was found at the scene of the second victim. Ronald's was O-Positive. Jennifer Thompson and the second victim watched Bobby Poole in court that day and when Jennifer took the stand, she again identified Ronald Cotton as her rapist. Neither woman recognised Bobby Poole as her attacker.

Ronald was sentenced to two life sentences plus fifty-four years. The judge allowed him run the two life sentences concurrently. In 1991, the Supreme Court of North Carolina upheld Ronald Cotton's conviction.

The Truth Will Out

In 1994, the OJ Simpson trial dominated the news media internationally. DNA Testing became widely discussed and Ronald's lawyers set about bringing a motion for DNA testing on the evidence from Ronald's case. In 1995, Jennifer was approached by the detective in her case and the District Attorney of Alamance County. They requested that she provide a blood sample for DNA testing. Her sample had disintegrated over the past 11 years. Jennifer gave the blood, sure in the knowledge that the truth would remain that Ronald was the man who raped her.

Results came back, not only was Ronald Cotton's DNA not present, but Bobby Poole's DNA was found at the scene. Ronald was released after 11 years in prison. When Bobby Poole was confronted with the evidence he confessed and was indicted on two additional charges of rape.

Jennifer described the shame and guilt she felt that she had taken 11 years of a man's life away. Jennifer was also fearful for her and her children's safety as she anticipated a backlash from Ronald.

The timing of Ronald's release was remarkable in that the DNA that linked Bobby Poole to the crime scene was slated to be incinerated 3 days before the subpoena came in to retest it. Without it, Ronald Cotton would never have been freed and

the truth about those events in 1984 would never have been told.

Search for Redemption

Jennifer and Ronald contributed separately to a documentary entitled, What Jennifer Saw. Jennifer had one condition; that she would not have to be near Ronald because she was afraid of him, he hated her. Jennifer ended the documentary saying that, although she knew Ronald was innocent, it was still his face that appeared in her nightmares. After the documentary Jennifer realised she had to speak to Ronald or else she would remain stuck in her own personal torment. Eventually, she contacted Detective Mike Gauldin and asked him to arrange a meeting.

Jennifer and Ronald met in private, at a church in April 1997. Waiting in the Pastor's Study Jennifer anticipated every possible angry response from Ronald. On his arrival, Jennifer broke down and pleaded:

'Ronald, if I spend every second of every minute of every hour of every day, for the rest of my life, telling you how sorry I am for what I did to you, could you ever forgive me?'

Ronald did the one thing Jennifer did not expect. Taking her hands and beginning to cry, Ronald told Jennifer that he forgave her years ago. He told her to have a good life and move forward:

'Don't be afraid. Don't look over your shoulder because I won't be there'.



PICKING COTTON

Watching Ronald allowed Jennifer to forgive. After 11 years in prison, he walked out full of love. The man Jennifer wanted to die had taught her to live again. By watching Ronald's capacity for forgiveness Jennifer began to think she could possibly forgive Bobby Poole. Watching Ronald sent her on her own journey of forgiveness. Jennifer says:

"If you ever want to have a life that is loving and joyful, you cannot stay a hateful and bitter person."

Jennifer was able to move from being a victim to a survivor. Ronald and Jennifer became friends that day and vowed to tell their story.

The Difficulties with Eye-witness testimony

Jennifer explained how we routinely contaminate people's memories. Vital to preventing miscarriages of justice is to learn how to preserve memory as best we can without contamination.

When Jennifer arrived at the police station to give her statement she worked with a policeman to develop a composite sketch of her attacker using an identikit. During her presentation in Bristol, Jennifer asked the audience to imagine going to the police station and composing a sketch of their mother. Someone you have looked at many times, over prolonged periods, in non-traumatic situations.

The Problem: Your mother's face is not in the identikit. You can create a likeness but not her.

When faced with a photo line-up, the brain looks for the picture that looks most similar to the composite. Not the initial memory. Jennifer picked the photo that looked most like the composite sketch. By the time Jennifer arrived at the physical lineup the following week, Jennifer was recalling the photograph from the line-up: 'Who in this physical lineup looks like the man in that photograph that I picked?' When this 'unconscious transference' occurs, the original memory, the eyewitness 'evidence', is no longer the reference point.

A number of best practices have been developed arising out of Ronald's case, such as, not using

simultaneous lineups which creates relative judgment. Instead best practice dictates using double-blind sequential testing. This is using lineups where the administering officer doesn't know which person is the suspect and the witness views one suspect photograph at a time. Unfortunately, only three US states have mandated the above best practices, North Carolina, New Jersey, Ohio.

Jennifer explained that eyewitness testimony can be useful but it has to be handled in such a way that the process does not contaminate a witness's memory. Most importantly, it has to be corroborated with other evidence.

Questioning our Belief Systems: "Don't Ya Wanna Know?"

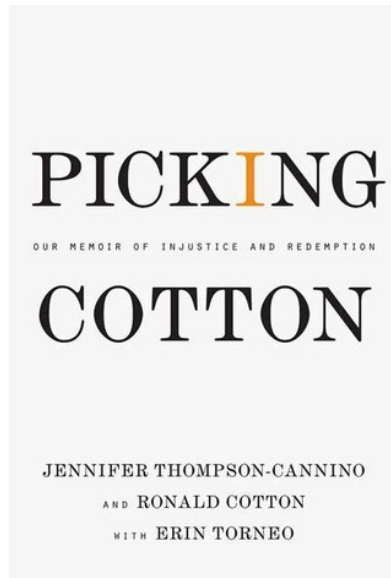
Jennifer's campaign for change within the criminal justice system arose out of her experiences of its failings. For Jennifer, the experience highlighted the importance of questioning your belief system. She described how, both times that Ronald was sentenced for her rape, the police, prosecutor and Jennifer's family toasted the system because 'it worked'.

Exclaiming 'Don't ya wanna know?', Jennifer asks a serious question.

We should want to know when the system fails so that we can fix it. This is not about challenging the system at every stage in order to be difficult or anarchic. The system undoubtedly does work in many cases but when it fails we need to know. It is not good enough that people like Ronald become collateral damage in a system that works 'most of the time'.

Ronald and Jennifer have travelled around America showing people what it looks like when the system gets it wrong. The system did not just fail them as individuals: Ronald and Jennifer suffered, their families suffered and 6 women who were raped by Bobby Poole following his attack on Jennifer suffered. The whole community had been failed.

PICKING COTTON



I spoke to Jennifer about her views on other criminal justice areas. She told me she had previously been a supporter of capital punishment but through learning more and challenging her belief system she began to change. The case of Gary Graham, where Jennifer maintains there was more than reasonable doubt, was the case that started Jennifer questioning her beliefs. In that case, Gary Graham was convicted on the testimony of a single eyewitness who said she saw him for a few seconds, in a dark parking lot, committing the murder. Jennifer and Ronald marched together against the execution of Troy Davis, another case with questionable eyewitness testimony. Jennifer told me she began thinking, beyond sentencing relating to innocent people, to what we as a society are doing to people. The bigger picture of capital punishment. A powerful message from a victim of serious crime.

Jennifer has since become a lobbyist for the Racial Justice Act in North Carolina. The 2009 law allows prisoners facing execution and capital murder defendants to present evidence of racial bias, including statistics, in court. Jennifer points out that there are 2.8 million people imprisoned in the US. Jennifer told me a conservative estimate is that 5% are innocent. That is 140,000 people. In Ronald's case there was biological evidence but in many cases there is none.

Conclusion

The power of this story is incomparable. As Jennifer commented when I interviewed her:

We have been incarcerating poor, minorities for years but there had never been a story of 'us'.

It is the juxtaposition of the two voices in this story that allows us to appreciate the true devastation caused by a system that fails. At the same time, the two voices allow us to appreciate the strength of forgiveness and redemption and the positive futures that can be forged out of such despair.

The frightening element to this story is that Ronald's innocence could so easily have gone unnoticed. He might not have met Bobby Poole; the DNA evidence was almost incinerated; Ronald could have easily broken down completely and become unable to fight for his freedom. Prior to 1972, Ronald would have been executed for the rape of a white female.

This story and related events changed a lot of lives. It certainly changed Jennifer and Ronald's lives, and the lives of their families. More than that, it changed the way that eyewitness testimony is approached in North Carolina, Ohio and New Jersey. Jennifer's bravery and Ronald's strength have allowed a tragic series of events to be transformed into a cause for good. **I**

Click here for a link to a film of Jennifer talking about her experiences:

<http://www.youtube.com/watch?v=EF9MIMFBXnE&feature=plcp>



Innocence Network UK (INUK)

‘Educating to overturn and prevent the wrongful conviction of innocent people.’

7th Annual Conference for Innocence Projects

Date: Friday-Saturday, 23-24 November 2012

Venue: Norton Rose LLP, 3 More London, Riverside, London, SE1 2AQ

Organised by:



Hosted by:



Sponsored by:



For booking information, go to: www.innocencenetwork.org.uk/events

Planning for breakthrough: a framework for investigating cases

By Dr Andrew Green

Founder, INNOCENT [1993]; Chair, United Against Injustice (UAI)

Assistant Director, University of Sheffield Innocence Project

Students in Innocence Projects (IP) are brave. They take on the most difficult cases, in which it appears nothing more can be done to discover whether the claim of innocence being made can be supported by evidence or argument. Experienced lawyers will have spent many hours examining them; usually CCRC case reviewers will have scrutinised them; those convicted, their families and friends will have racked their brains to think where fresh evidence might be found – all without success. Yet students, with fresh minds, intelligence and commitment can often find something new in even the most intractable of cases, and turn what they have found into evidence and argument that might just win an appeal.

To achieve this goal, students need support. Undergraduate IP students may quickly gain a wide knowledge of the law in theory, but are unlikely ever to have seen a custody record or a trial judge's summing up, or to know how to extract the information that will enable them to understand the case they are working on. They need the support of their IP and a framework within which to work, so that their insights and hard work can produce useful results. This article aims to provide the beginnings of a framework. It is based on a method I've found useful.

Some of what I say may seem very basic. You may already know about the methods and documents described here. But a few months working with Sheffield IP has taught me that even the brightest of students may know virtually nothing about the practical workings of the criminal justice system, so I make no apologies for assuming that my readers are ignorant on this subject.

I hope not to repeat the excellent advice that INUK has already provided: chapter 9 of the *Claims of Innocence* booklet and the article 'What's in the Box' in *Inquiry 3* by Mark George QC. Both are available on the INUK website, and every IP student should read them carefully.

Those articles plus this one form a system which, if followed, cannot guarantee success, but will improve the chances of making significant advances with cases to which it is applied. It is not a perfect system: your feedback, suggestions, and accounts of your own experience of investigating cases is

welcome, and will be used to improve our system.

Key documents: clarifying the issues

Piles of paper, some in good order in lever arch files, others secured by perhaps no more than an aging rubber band which is about to snap, letting the documents slide in disorder to the floor... this is the sort of nightmare you may face. Arm yourself in advance with empty files, hole punchers, bulldog clips and post it notes, and, with the guidance of *What's in the Box*, restore order before entropy can take over.

Then, extract the key documents which tell you what the key issues are in your case. By reading them first, you can then develop an idea of what you have to achieve in order to reach your goal – a compelling case for a new appeal.



The key documents include:

The prosecution case summary and the defence statement, and related correspondence.

These tell you the evidential position before the trial started, and what disclosure was sought by the defence, and what they were actually given – important when it comes to arguing that any evidence you find is 'fresh' in the way that the appeal court defines this term (also important to save you wasting time on reinvestigating matters

PLANNING FOR BREAKTHROUGH

which were fully covered at the trial).

Legal arguments

These arguments were aired during the course of the trial (if there were any). Transcripts of these may be available if the arguments were referred to in an appeal application. 'Legal arguments' may sound dull, but in practice they clarify the issues in the case with precision. Typically they may concern abuse of process claims (likely to be about police investigation failures or malpractice that could prevent the possibility of a fair trial), disclosure, when the prosecution is failing or refusing to disclose evidence which might assist the defence, admissibility of evidence, such as evidence which might be hearsay or admissions challenged under s.76 of PACE 1984, and 'no case to answer' (NCTA) submissions, made at the end of the prosecution case, where the prosecution has to summarise the evidence actually heard and the judge gives precise reasons as to why s/he considers the prosecution case may be safely left to the jury to decide.

Trial judge's summing-up

This is *the* key document, which should be read and indexed carefully. The question which is at the heart of any *appeal* is, what difference might any argument or evidence which was not considered at the *trial* and not heard by the jury, but is admitted by the Court of Appeal, have had on the jury's decision? The summing up contains the instructions on the law applicable to the case given to the jury, plus the evidence that the judge thought was important for the jury to consider. So the summing up is the central point of reference for our work on the case.

Advice on appeal

This is written by counsel. If it is negative, it may still explain what are the problems to be overcome. If positive, then it will explain the evidential position at the end of the trial, and what counsel

thought might be done next. The initial advice will be supplemented by perfected grounds and skeleton arguments if the case was heard by the full court of three judges.

Appeal judgement

This summarises the parts of the case relevant to the grounds of appeal, and may also contain references to precedents and legal argument, as well as the reasons for the judges' decision. If fresh evidence was heard at the appeal, then it is of course no longer fresh for the purposes of any subsequent appeal.

CCRC Statement of Reasons (SoR)

Always a clear summary of what has happened in the case so far, of all the submissions made in the application, the work it has done, the records it has consulted, and the detailed reasons for why it refused the application. Often it's *the best starting point* for anyone who wants to understand the case.

The applicant's completed INUK questionnaire

Applicants, their families and friends are often the best sources of ideas for finding fresh evidence. These ideas may have been ignored by defence lawyers who saw them as troublesome and requiring work to be done not covered by the meagre legal aid available for criminal case preparation. Or the evidence may have appeared post trial. Placed in the context provided by the other key documents, we can assess which ideas are worthy of further investigation.

The end result of all this reading is both an overview of the whole case, and a list of what evidence is important in the case – what must be proved or disproved in order to win an appeal.

PLANNING FOR BREAKTHROUGH

Tasks, tools and goals

The initial reading puts you in a good position to make a provisional assessment of what has to be done. There are likely to be three immediate tasks facing you:

Obtaining missing records – it's unlikely that all the key documents will be in the box you receive, and as you put all the others in order and check with the *What's in the Box?* article, you will realise that others are missing.

Viewing unused material. It's safe to assume that trial lawyers have not read all the records disclosed to them. Although the appeal court is likely to assume that lawyers *have* done their work thoroughly and so none of the disclosed records could possibly be 'fresh' evidence, nevertheless the records that have never been read may contain *leads* pointing to possible fresh evidence. In some cases there are extensive records, such as hours of CCTV footage, which no one has had time to view or analyse.

Expanding the **Timeline** (with a capital T, because I think it's the most important tool for case investigation).

At the start – even before you read the key documents – you need a Timeline on which you can record every event recorded in any record you read. The first entry will be the date(s) of birth of applicant(s). The latest entry will be the date that documents were received from INUK (after that the case log takes over).

Create a table using Word, Excel or the program of your choice (there undoubtedly exist sophisticated programs which will do this better – and one is available from INUK, free – but none of us have learnt to use it yet).

Assign five columns with these headings:

Date

Time (some items will be timed to a precise second, e.g. phone calls)

Event/content what the item is about. It may be helpful to include brief quotes from documents.

Source for the information – sometimes more than one source. You will need a scheme for abbreviating sources (e.g. SU for summing up) and a method of locating the source amongst all the other paperwork.

Cross references/notes. Comments that explain the significance of the entry, questions about it you want answered (highlight these), and references to other related entries. Sometimes a single item needs two or more entries – e.g. a witness statement on the date on which it was made as well as the date(s) of the event(s) to which it refers.



It helps to colour code related items, such as all those that refer to a single strand of evidence.

Later you may need to create *subsidiary timelines*, for example relating to the finding, processing and continuity of a particular item of evidence subject to scientific examination.

The Timeline forms a central reference point which you can visit to check how events in the crime or crimes and police investigation fit in with each other, but it can also show up anomalies, pointers to as yet not-thought of possibilities for fresh evidence... (see 'Investigating Police Investigations', *Claims of Innocence* p.51).

The Timeline must be available to all the team so that everyone can add to it and use it. It's useful to put a 'last updated' entry at the top, which anyone who modifies it should complete with the date they change it.

If other case records are stored in electronic format, you may be able to insert hyperlinks to

PLANNING FOR BREAKTHROUGH

timeline entries that refer to these sources or cross references.

The reading of key documents is likely to have thrown up a number of leads, but before starting out on investigations of these, it's best to stop and look at the case as a whole, perhaps by brainstorming and drawing diagrams on a white-board. What are now the key issues, and how might they be resolved? Focus on your analysis of the case and understanding of what kind of fresh evidence would have made a difference at the trial, if it had been available then.

List the lines of investigation that are important, and which give you opportunities for further investigation. These lines are likely to fall into distinct categories, such as forensic evidence, phone evidence, fresh witness evidence, other suspects, etc. which can be assigned to sub groups or individuals. Each of these should develop a clear brief, so that everyone knows what they are trying to achieve. You now have initial goals. You may add to these later, but you can have a concept of what you could achieve and even how long it might take.

Of course, if you have found no leads that could lead to the discovery of fresh evidence, then, after further consultation with the client, you may have to acknowledge that you cannot help them, and return the case to INUK. You will not have failed or wasted your time – the work had to be done by someone - but it's better to move on to a case which offers a chance to achieve a positive result.

Generating ideas

When you have done the initial hard work and reached the brainstorming and assigning of tasks moment, you have a chance to come up with your own new ideas. It's impossible to predict what these might be, but here are a few points which might help.

The most basic and obvious defence preparation may never have been carried out. Never assume that lawyers, at any stage including trial, appeal or CCRC application, have done their work thoroughly. I've been caught out time after time by assuming that the checking of essential prosecution evidence must have been done, only to find it

never happened. Legal aid is not adequate for thorough defence work, and there is in practice no check on the quality of work carried out by defence lawyers or any penalty imposed for poor or even negligent service.

Defence lawyers routinely ignore conflicts of interest. Did the same firm represent more than one defendant in the same trial? Have they other clients who may have been involved in the crime for which your client was convicted?

It is likely that, if your client is telling the truth, then prosecution witnesses must be mistaken or lying. Remarkably, defendants and their lawyers often do not fully explore the reasons why witnesses may lie, or how they came to give false testimony with confidence. The obvious – but often never asked – question is: what did they get out of it?

Is it because they are working with the police as informers? If they are registered informants, then the police will have records about them, which they will have not disclosed, perhaps protecting them with public interest immunity (PII) certificates. If they are not registered, they are likely to be criminals, perhaps allowed to continue criminal activity in exchange for helping the police. Somewhere there may be evidence about them, in investigating officers' notes or diaries.

Some of the police investigative process will be shown up by the Timeline. It may raise further questions. In any case, a reconstruction of the police investigation of your case can produce ideas of where fresh evidence might be found. If the case concerns a serious crime, such as homicide, and an extensive search for a perpetrator, then MIRSAP (Major Incident Room Standard Administrative Procedures) will have been used and everything recorded using the HOLMES computer program (Google MIRSAP for more information). Precisely how did your client become a suspect, and why? Sometimes it is obvious, sometimes clients themselves do not know. You may have a case of framing – the substitution of a fall guy for the actual perpetrator in order to protect the perpetrator, perhaps because the actual perpetrator is an informant who the police don't want to sacrifice. Trust no one in the murky world of serious crime and its investigation.

Any item of evidence submitted for scientific examination must be precisely accounted for from the moment it is found through to its storage af-

PLANNING FOR A BREAKTHROUGH

ter analysis, in the way it is handled, stored and processed. Any defect in records is a reason for suspicion of careless handling (which can lead to contamination) or worse, such as planting. But before asserting that something is suspicious, check whether the defence asked for the records, whether the defence statement indicated that the records should be disclosed, and exactly what was disclosed in practice. A crime scene should have been recorded in notes, plans, photos and video as soon as it was discovered.

Your ultimate goal: fresh evidence

Keep in mind the concept of fresh evidence, as defined by the CCRC and the appeal court. Basically it's evidence that was not used or available at trial or appeal. The appeal court tends to be very strict about the definition of 'fresh', and assumes that if defence lawyers did not obtain evidence, it was because they decided not to do so for tactical reasons. So if you find evidence which you are sure is 'fresh' in the way that any normal person understands the term, you will not want to find out whether defence lawyers might have known about it.

The most undeniably fresh evidence is evidence that the police failed to disclose – hence the reason for concentrating on the investigation and what records it will have generated.

If you think there could be evidence so significant that if the trial jury had heard it, they would have been unlikely to convict your client, then you should pursue it whether or not you fear it might be argued that the defence lawyers could have found it if they had tried. Contrary to the impression that they like to give, appeal judges are not necessarily consistent, can be open to reason, and can ignore the question of whether evidence is technically 'fresh' – and the law permits them to do so. The immediate obstacle which we face is presented not by the Court of Appeal, but by the CCRC, who interpret appeal judgements too strictly and are too timid to refer cases in which it's clear that the original prosecution evidence is in shreds. But how to make applications to the CCRC is beyond the scope of this article. **I**

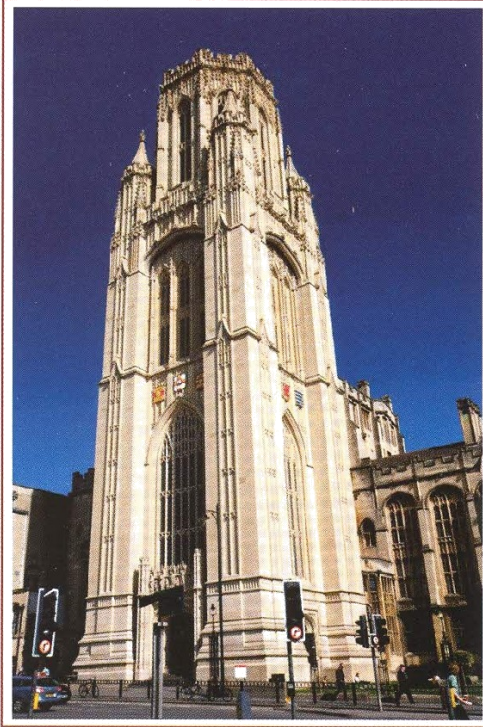


Dr Andrew Green



University of
BRISTOL

School of Law



Full time taught Postgraduate Programmes

LLM by Advanced Study
MA in Law
MSc in Socio-Legal Studies

Postgraduate Office

(+44) (0) 117 954 5357 (tel)
(+44) (0) 117 954 5312 (fax)

Law-pg-admissions@bris.ac.uk
www.bris.ac.uk/law/pgdegrees

'The Fallibility of I.D. Evidence: *R v Cleobury* and the Allure of DNA'

By James Hughes, Pupil Barrister, St John's Chambers, Bristol

Introduction

The recent decision of the Court of Appeal in *R v Cleobury* [2012] EWCA Crim 17 emphasises how even the most hallowed of identification evidence, DNA, can lead to erroneous conclusions when improperly put before a jury. In that decision, what amounted to inconsequential DNA evidence, led to a conviction for rape. This evidence was compounded by eyewitness identification evidence, itself infamously capable of error, which was given unduly inflated importance and not adequately addressed by a reviewing Court of Appeal.

A Degree of Circumspection

In *R v Doheny & Adams* [1997] Cr App R 69 the Court of Appeal commented that although DNA can be highly probative, if not confirmatory evidence *where a match is found*, it should nevertheless be approached with a degree of circumspection. Phillips LJ observed that the significance of the DNA evidence will turn on what else is known about the suspect. Where there is evidence that corroborates the DNA samples found, this is likely to be indicative of guilt, even where the nexus between D and the crime scene is only slight.

This is the trap into which advocates, juries and even experts can fall. Where a jury is told that there is a match between DNA samples found at the scene and those taken from the suspect, the expert is required to explain their DNA match statistics in evidence. Match statistics, if dealt with improperly, have the ability to lead to disingenuous conclusions as illustrated by *Cleobury*.



The Allure of DNA

In *Cleobury*, D was convicted, by a 10-2 majority, of rape following a party where some 20 people or so were present. Evidence presented by the expert for the prosecution suggested that there would be a lower yield of DNA during non-lubricated, and therefore non-consensual, intercourse. On appeal, however, evidence was produced by the newly instructed expert for the defence, Mr Clery, which challenged that view. The contrary would in fact be so - there would be a higher yield of cellular material given increased abrasion during non-consensual intercourse.

In this case DNA evidence was found on D's boxer shorts. This DNA evidence could have come from at least *three* individuals. This raises the *prima facie* assumption that there were elements of two other individuals DNA found D's boxer shorts in addition to the complainant. The third individual would most likely have been Mr Cleobury's girlfriend, but could have been any individual present at the party. D had given evidence at trial that he had washed his boxers at the party. The transfer of the DNA found relating to the other two individuals could, therefore, have occurred in a myriad of places and come from any person who had touched D's boxer shorts or had washed them previously.

Crucially, the statistical match probability of the complainant's DNA on the boxer shorts was misleadingly put to the jury. Two DNA components on D's boxer shorts could not have come from either Mr Cleobury or his girlfriend, but could have come from the complainant. At trial it was said that no statistical match evidence could be given in relation to these components. Despite this, evidence of these two components of DNA corresponding with the complainant was put before the jury as a 'match' by the expert for the Crown with little qualification other than:

The Fallibility of ID Evidence

The Complainant could have been a contributor of DNA to that result, albeit in a low amount; and because there were three elements to the DNA found, this added a complexity to the result which meant that statistical evaluation would not have been sufficiently robust.

The failure to correct the original mischaracterisation of the DNA evidence as a match snowballed. Counsel for the defence accepted in cross-examination of the Crown's expert witness that the swabs taken from the boxers were a match to the complainant. Evidently such a misinformed concession proved fatal to Mr Cleobury's defence. The fact that some 15 of the 20 DNA components taken from the swabs could have related to the complainant was put to the expert for the defence by the judge at first instance. The reply called for caution, given that nothing in those 15 components was unique to the complainant. Indeed, full DNA profiles contain 20 components. It is submitted that this cogent reply should be characteristic of the approach of first instance trials to DNA evidence.

On Appeal – Eyewitness and Partisan Expert Evidence

Sir John Thomas, giving judgment for the Court of Appeal, noted that there was other evidence in addition to the DNA evidence which allowed the jury to convict. This other evidence was the complainant's identification of D during the alleged non-consensual intercourse. The complainant alleged that while she was half awake, in a dark room, she had identified D whom she originally thought was her boyfriend. This is surely a classic case for a direction to the jury as to the need for caution when considering poor quality identification evidence as set out in *R v Turnbull* [1976] 3 All ER 549.

This other evidence was simply stated by the Court of Appeal as being of sufficient weight to justify a conviction. The fact that D had been subjected to a malicious, and entirely false, rumour that he had been previously convicted for another sexual offence was not explored. The Court seemed more concerned with setting out the proper procedure for an expert to develop his/her opinions in an impartial manner. Sir John Thomas

was at pains to highlight the criticisms made by Mr Clery. He likened these comments to submissions made by an advocate of the conclusions drawn by the experts, the defence barrister and the trial judge's summing up at first instance. That an impartial expert serves justice far better than a partisan one is without question. In light of the capacity of improper conclusions on DNA to deceive however, Mr Clery's criticisms do not seem to be without some justification. Moreover, the fact that the *defence* barrister described the DNA on the boxer shorts as unique to the complainant, when it could have come from a number of persons, compounded the mischief caused by the mistakes as to DNA.



Justice Miscarried?

The Court of Appeal explicitly noted that there was no blood or semen obtained from the complainant's vaginal swabs or her knickers. Sir John Thomas observed that, in light of this, the Crown did not consider DNA evidence to be important to its case. On the contrary, DNA evidence, or the lack of it, is pivotal in any rape case. The eyewitness identification evidence in *Cleobury* was collateral at best. Had it been properly discredited in cross-examination the jury need not have attached any significance to it whatsoever. It was made plain that swabs from the penile shaft did not contain reportable DNA. Surely these observations lead inexorably to the conclusion that D and the complainant did not have intercourse.

In *R v Henderson* [2010] EWCA Crim 1269 Moses LJ observed that there might be a real risk that juries would decide between the views of experts on the basis of *general impression* rather than on a proper evaluation of the evidence. This was ex-

UK SUPREME COURT

actly the type of mischief the court sought to avoid in *Cleobury*. Parallels can also be drawn with *R v Hookway* [2011] EWCA Crim 1989. There the defendants had been convicted of robbery on the basis of DNA evidence and CCTV surveillance. The Court of Appeal rejected the argument that the DNA evidence should properly have been withdrawn from the jury given that it was insufficient to lead to a conviction where the prosecution's case did not depend entirely on DNA evidence. Stanley Burton LJ observed that one of the reasons for allowing DNA evidence to remain before a jury is where it has not been criticised as being fallacious and/or wholly undermined. This had been argued by the defence in *Cleobury*, but *Hookway* was not considered by the Court of Appeal when it could and should profitably have been.

Conclusion - The Need for Caution

The argument that DNA evidence should be treated cautiously is well-versed and of considerable weight, particularly where there is only a partial DNA profile. Taken at its highest, the level of DNA components (15 of a necessary 20) linking Mr Cleobury to the complainant could only be said to be partial, and certainly not conclusive. This falls far short of the lack of reasonable doubt needed for a jury to return a guilty verdict. Only two components of DNA evidence could not have come from Mr Cleobury or his girlfriend but from the claimant. As was made clear during the appeal, this is meaningless DNA evidence. But it was meaningless evidence that led to a conviction for rape.

It is considered a truism that juries are not well-placed to evaluate expert opinion is a truism. The Law Commission has also noted that current conventional wisdom suggests that expert evidence is not subjected to sufficient scrutiny. However, the potential for DNA evidence to facilitate miscarriages of justice cannot be a tenable position for the Court of Appeal to endorse. This is particularly so where evidence is simply brushed aside in favour of setting out procedures to which experts must accord when giving their opinions on complicated evidence. This is an important consideration, but on balance it must yield to the urgent need for reform of the way expert evidence, particularly that concerning DNA, is put to juries. The decision in *Cleobury* seems to imply that the mere suggestion that DNA evidence is fallable is tantamount to iconoclasm. Until the issue is properly addressed, however, the most hallowed of evidence is a threat to the liberty of those who, like Mr Cleobury, are arguably innocent of the crimes for which they have been convicted. **I**



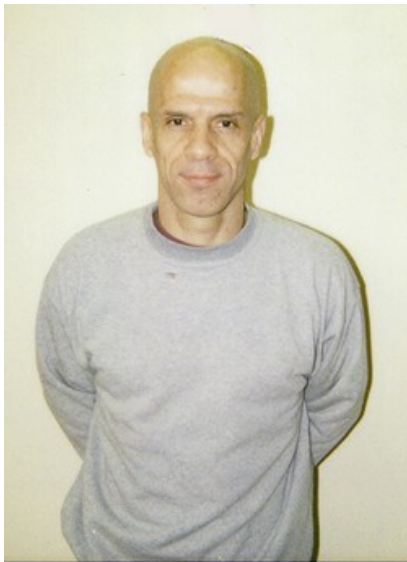
RAYMOND GILBERT'S 31 YEARS IN PRISON

By Bruce Kent,

Chair, Progressing Prisoners Maintaining Innocence (PPMI)

Shortly after he retired as Chairman of the Criminal Cases Review Commission (CCRC) in 2008, Professor Graham Zellick said that wherever there is a 'lurking doubt' a claim of wrongful conviction should be referred to the Court of Appeal.

In the case of Raymond Gilbert, convicted in 1981 of the murder of a Liverpool bookmaker, John Suffield Jr., there are a whole series of doubts. They are not lurking. They are obvious and there for anyone who has studied the case to see.



I list some of them.

First and foremost, why would a man given a 15 year tariff, who could have been released from prison years ago had he been a model prisoner, taken the necessary anger management courses, and admitted his guilt, nevertheless go on claiming that he did not commit the crime? He has now served over twice his tariff in prison, and even if he is successful at his parole hearings, it is still likely to be a number of years until he is free.

That is a general doubt. But there are many more specific ones.

In 2001, John Kamara, Mr Gilbert's co-defendant, had his conviction quashed by the Court of Appeal. It was found that the prosecution in the 1981 trial had failed to reveal to the defence 201 witness statements which did not support their case, and indeed contradicted some other witness

statements which did support the prosecution's case. In addition, Gilbert was never identified by witnesses during an identification parade, though Kamara was.

A significant question arises out of the quashing of Kamara's conviction.

Kamara had been falsely identified by Gilbert after Gilbert was shown a number of photographs of him by the police. It is clear that the crime for which Kamara and Gilbert were tried involved two people – it involved probably forcible entry, tying up and then stabbing the victim in his betting shop. Yet since Kamara's conviction was quashed the police have not reopened the investigation to search for the true accomplice. If Kamara was not involved, then who else was?

The most likely suspects were the two men who had a row with the bookmaker the day before and who threatened to return and 'sort him out'. Their alibis were never subjected to the same scrutiny as were Gilbert's and Kamara's. So serious were their threats that John Suffield Jr. told his father how upset he was, and that he had decided to give up his job. He returned early on the fatal morning of 13th Feb 1981 to meet a representative of Coral, who owned the shop, and to hand over the keys. However the Coral's representative was, tragically, late.

Why was Gilbert arrested? I imagine because he, a mixed race young man with little education, was a local petty criminal, known for robbery and gang fights, and might be worth questioning.

At no time, then or now, has there ever been ANY evidence - witness recognition, bloodstains, fingerprints, or a weapon - to connect Gilbert with what was a very bloody crime.

Indeed, Gilbert had an alibi. He says he was in bed with his girlfriend, June Bannan, on the morning of Friday the 13th and only went out briefly to a local shop to buy cigarettes. We know that the night before, he was in a club drinking and did not get back to her flat until well after midnight. Yet, we are asked to believe that he was up by 7am to collect his accomplice, the knife, and the tape used to bind the victim, and to make his way to the betting shop.

At first Bannan supported his claim to have been

Raymond Gilbert's 31 years in prison

in bed with her that morning. But she was threatened with prosecution for obstructing the course of justice. We know that, at some stage, she was in the same prison van as Kamara. She eventually changed her story and said that Gilbert had gone out for some hours on the morning of the murder

Interestingly when the trial began in December 1981 the judge did not seem to notice a contradiction in Bannan's statements made after Gilbert had been removed from the court. She was produced as a witness when the court was hearing the case against Kamara. She was questioned about a row she had had with Gilbert over allegations of having had sex with Kamara. She said that the row took place at about 11.30 am when both she and Gilbert were still in bed. She could not, however, remember the exact day, but went on to say it 'may have been on the Friday morning at 11.30 am'.

This would have been Friday 13th, the morning of the murder. In other words, she was essentially supporting Gilbert's alibi, inadvertently, during questioning. The Judge did not seem to notice this contradiction. Why, therefore, was Bannan pressured to withdraw the alibi she had first given and why did the Judge not notice her later contradiction?

If there was no evidence, why a prosecution?

During the 48 hours that Gilbert was held at the police station after his arrest, he was questioned at different hours of the day and night by two policemen and was told that Bannan had withdrawn her alibi. No lawyer was present and no taped record was kept. During these 48 hours Gilbert, certainly very scared, crumbled when he was told that Bannan had changed her story. He then made a confession, which in its final form he signed.

So, that is that?

Gilbert later repudiated the confession when he had access to a lawyer who reported that Gilbert was 'disorientated' when he first saw him after the questioning.

The written confession shows clear signs of manipulation, omission, and contradiction. For example, the timings of events in Gilbert's confession were adjusted to fit with witness accounts. At first Gilbert said that the attack started at ten minutes past 10 am. He could give the exact time,

he said, because he looked at Kamara's watch. But this did not fit in with witness evidence, and in the signed version it became just after 9am.

At first, Gilbert said that he disposed of the murder weapon down a drain near the shop. No knife was ever found in the drain, and in the signed confession Gilbert states that he took the knife back to someone's house. There was a kitchen type knife found in the house, as there would be in most households, but no evidence whatsoever was found to connect it to the murder.

In an early answer to a question Gilbert said that the door to the bookmaker's was open and the two of them walked in and then attacked the bookmaker. In the signed version, (fitting in with one witness statement,) the two of them attacked the bookmaker outside and, after a struggle involving a knife, got him to open the door. This does not correspond with the statement made by Detective Superintendent Olson on the 11th May 1981 that 'the front door of the betting office had been forced open'.

Another doubt arises over the milk bottle and paper which the bookmaker collected from a local shop as usual. The crime scene photograph show both these items on a bench or table, intact, inside the shop. Inspector Olsen, an early witness to the crime scene, stated that they had been placed 'neatly' there. But the signed confession describes a violent struggle outside the shop. It is impossible to imagine how the bookmaker would be able to keep holding the milk bottle while being violently attacked. It seems much more likely that the bookmaker entered his shop in the usual way, put down his bottle and paper and was then overpowered. But that is not the story in the signed confession, and it is not what one passerby said she saw.

The bottle would almost certainly have smashed on the outside steps of the shop if the confession story were true. A juror raised this point with the judge at the trial and all the judge could say was that he did not see how it mattered. But by then he was summing up on the Kamara case and had possibly forgotten the details of Gilbert's 'confession'. In fact, the judge may not have even been aware of the full details in the first place. At an earlier stage in his summing up, the judge referred to the bookmaker's collection of his 'paper and mail' from a local shop rather than his 'paper and milk'.

Raymond Gilbert's 31 years in prison

Another difference between the signed statement and the admissions preceding it is that there is no mention of supposed disposal of the stolen money. Gilbert first said he gave some of it to Bannan, which she used to buy some items of furniture. Bannan, however, rejected this version of events and explained to the police where she had legitimately got the furniture. Perhaps she could prove this. In any case, in the signed statement, there is no reference to Bannan receiving any money, and it is not clear how Gilbert or Kamara are supposed to have disposed of it.

The CCRC also suggested, in a previous report, that Gilbert knew facts about the murder scene that only someone who had been there might have known. They dismissed the idea that the police might have 'fed' him some information. Why? The murder took place a few months before the Toxteth riots and the trial a few months afterwards. The racist atmosphere in the Liverpool police force at that time is now a matter of record.

The Chair of the Merseyside Black Police Association has recently reported 'make no mistake about it, the Police were abusing black people then (in 1981)'. Gilbert was of mixed race and it is therefore reasonable to suspect that he was subjected to discriminatory behaviour by the police. Even if not, if the police thought they had their man, it may even have been understandable and considered justifiable.

Nevertheless, the murder was a major item of Liverpool concern that weekend. Gilbert was going to the police station every day to report and there would have been gossip. A wide range of people apart from the police would have seen the murder site. The event was prominent news in local papers. Gilbert knew the layout of the betting shop since he had been there infrequently as a customer in the past.

One of the most significant omissions of the signed confession is that it fails to mention that inside the main money safe there was an inner section with a time lock. The bookmaker could not have unlocked it even had he wished to do so. He did open the main safe with its ordinary combination lock. It had inside it a small amount of petty cash, but he would not have been able to open the inner section with its timed combination. This is probably what caused his death. The real robbers, knowing that he had already opened the main door to the safe may have thought that he

was refusing to open the inner section of the safe and stabbed him to try to make him do so

There is no mention in the signed confession of any inner section to the safe, yet this surely would have been a critical factor of the crime. Why was this not mentioned in the confession? Perhaps Gilbert did not mention it as he simply did not know about it because he was not there? If the police involved in the questioning and 'feeding' Gilbert facts did not know about it either, they could not introduce it into the signed confession?

A further doubt arises as we delve deeper into the facts revealed at the trial. The bookmaker's father was urged not to attend the trial but Coral, the bookmaking firm, was present with their lawyer. According to the bookmaker's cashier, the time locked safe section had a statement on it to indicate that it could not be opened by Coral employees. This would have been prudent for the protection of Coral's employees, if not a legal requirement. But was the notice actually adequate? For failing to clearly mark the safe, the firm may have been legally negligent. The statement was never mentioned in court, however. Was this some arrangement with the police?

It must also not be forgotten that a confession obtained under such circumstances of incessant questioning without any legal representation present would unlikely have led to a prosecution today. Why, therefore, did the discrepancies between the confession and the facts of the case not arise during the trial? Because the jury never had a chance to hear these doubts raised by the defence. No jury has ever heard Gilbert's defence.

The case finally came to court in December 1981. After the prosecution had made its case, and Gilbert was in the witness box he suddenly sent a message to the Judge saying words to the effect of 'I am guilty.'

Gilbert was immediately removed from the court and took no further part in the trial. What efforts his lawyers made to get him to change his mind, we do not know, but granted the lack of any evidence, it would seem that he had had a good chance of getting a not guilty verdict.

Gilbert gives several reasons for this sudden switch of plea.

Firstly, Gilbert says that he was being physically

Raymond Gilbert's 31 years in prison

threatened by Kamara and his friends, who were also in the same prison. It was made clear to him that if he did not get Kamara off the charges, he would be injured. In reality, this change of plea made things worse for Kamara. Secondly, he thought he was done-for having heard the prosecution case. And finally, he was fed up with all the court procedures (there had been two abortive attempts to bring the case to trial) and just wanted to get it all over with.

As a result, no defence on his behalf was ever presented. The inconsistencies in the confession were never pointed out. Only at the very end of the summing up of Kamara's trial did one juror ask about the miracle of the surviving milk bottle, only to be told by the judge that he did not see how it mattered.

A guilty plea does not, however, mean the end of the story. The fact that false admissions are sometimes made under pressure is now a widely recognised legal phenomenon.

Gilbert made a further admission to Kamara's solicitor in January 1982, after his conviction, this time mentioning the inner safe and naming another person as his accomplice. This may well have been another attempt to establish Kamara's innocence. But, by this time the existence and significance of the inner safe would have been public knowledge. When Gilbert was finally put into a prison without Kamara and his friends later that year, he again claimed innocence as he has since done consistently now for over thirty years.

This whole story has much more than a 'lurking doubt' attached to it. I believe, as do many others, that, at the very least, the Court of Appeal ought to have the opportunity to decide on Gilbert's case. The CCRC needs to refer his case there.

This is also the wish of the murdered man's father who wants the issue to be decided in a court of law. He has since been told by the police present at the original crime scene that they had found shoe print that was neither Kamara or Gilbert's.

At the moment efforts are being made to find out if any physical evidence remains which it might be possible to carry DNA analysis on. This should have been sought from the moment that the significance of DNA became known. If Gilbert's DNA is not present then it would be almost certain that he was not there. If there is other DNA, apart

from that of the murdered man, then that might even now lead to the identification of the real killers.

The CCRC, granted all the doubts listed, must surely accept that this is a case which should be reviewed by the Court of Appeal as a matter of urgency. Yet it has consistently refused to refer it.

Why not?

The media prejudice against Gilbert has been consistent and substantial. Gilbert did cause an innocent man to spend many years in prison, no matter what the pressure upon him to do so. Those who rightly campaigned for the release of Kamara had little concern for Gilbert and his possible innocence.

'Lose no sleep over Gilbert', the public were once told on a major television programme. Yet there are too many doubts about Gilbert's conviction for the case not to be re-examined in detail by a Court of Law. I



Bruce Kent

News

Casework News

The Scottish Criminal Cases Review Commission announced in September 2012 that it has made a decision to refer the conviction of Mr **William (Wullie) Beck** back to the High Court of Justiciary. Mr Beck was arrested for an armed robbery in Livingston, Scotland in December 1981. Convicted mainly on eyewitness identification, Beck has made numerous unsuccessful attempts to appeal against his conviction, including two previous failed applications to the Scottish Criminal Cases Review Commission. Two submissions were made by the **University of Bristol Innocence Project** following research by post-graduate students Mark Allum and Ryan Jendoubi. They centred on the problems with the identification evidence that led to the conviction and the errors in the judge's summing up of the case. They were able to successfully persuade the Scottish Criminal Cases Review Commission that there may have been a miscarriage of justice in Mr Beck's case. For more information, go to www.innocencenetwork.org.uk/news



From left to right: Ryan Jendoubi, Louise Beck, Dr Michael Naughton, Wullie Beck, Gabe Tan and Mark Allum.



In July 2012, the **University of Gloucestershire Innocence Project** submitted an application to the Criminal Cases Review Commission on behalf of Mr **Waseem Mirza**. Convicted in 2001, Mr Mirza is serving a life-sentence for the murder of Christine Askey and has steadfastly maintained his innocence. He was convicted mainly as a result of his DNA found at the crime scene. He maintains that he was at the victim's flat by invitation prior to her death, which accounts for the presence of his DNA. Further, Mr Mirza maintains that he was at home with his family at the time of the murder. In addition, there was other DNA, fibre and pathology evidence which supports Mr Mirza's claim of innocence. Supervised by staff director Dr Alan Davies, the University of Gloucester Innocence Project has been investigating Mr Mirza's case since January 2010. For more information about the University of Gloucestershire Innocence Project, go to: www.glos.ac.uk/latestnews/archive/september10/pages/justice.aspx

Events

The **INUK 7th Annual Conference for Innocence Projects** will be held on the 23-24 November 2012. It is hosted by **Norton Rose LLP** in London. The Conference will comprise of sessions by victims of miscarriages of justice, criminal appeal lawyers, forensic scientists and leading academics in the field of criminal justice in the UK. The conference is kindly sponsored by Lexis Nexis. For information, go to www.innocencenetwork.org.uk/events.

News

Events (Cont.)

Dr Michael Naughton (Founder and Director, INUK) and **Ms Gabe Tan** (Executive Director) gave their respective papers at the **International Conference on the Prevention of Wrongful Convictions**, hosted by Renmin University and Jilin University in Changchun City, China, on the 6-8 August 2012. Speaking to around 150 delegates comprising of prosecutors, defence attorneys, judges and academics, Dr Naughton's paper discussed the causes of wrongful conviction in the UK and Ms Tan spoke about the limitation of the Criminal Cases Review Commission as a model for redressing wrongful convictions. For more information, go to: www.evidencelaw.net/icpwc.html



The **University of Sheffield Innocence Project** (supervised by Dr Claire McGourlay and Dr Andrew Green) will be hosting the **United Against Injustice (UAI)'s 11th Miscarriage of Justice Day Public Meeting**.

The meeting will take place on the 13 October 2012, from 10 am to 5 pm at St Georges Lecture Theatre, University of Sheffield. For more information, go to: www.unitedagainstinjustice.org.uk.

Press Coverage

The referral of Wullie Beck's conviction back to the High Court of Justiciary was covered by BBC Radio's Good Morning Scotland, Scottish Daily Record and the Scotsman. In addition, Dr Michael Naughton was interviewed by BBC Television News Scotland, BBC Points West, BBC Radio Bristol's Drive time and This is Bristol. To view the media coverage, go to: www.bris.ac.uk/news/2012/8773.html.

Fundraising

Louise Clare Taylor, a former student volunteer at the **University of Bristol Innocence Project**, will be running a sponsored half marathon for INUK on the 28 October 2012. Louise graduated from the University of Bristol in 2009 and worked with the innocence project throughout her degree. She is presently doing her LPC at the College of Law in London. To sponsor Louise, go to: www.justgiving.com/LouiseClareTaylor.



Louise Clare Taylor

Case Statistics

Total number of enquiries for assistance: **1150**

Total number of applications assessed/under assessment by INUK: **584**

Total number of cases referred to member innocence projects: **104**

Total number of cases on the waiting list: **111**

Total number of cases referred to the CCRC/SCCRC: **12**

Total number of referrals to the Court of Appeal: **3**

(Statistics as of 8 October 2012)

SPONSORSHIP

INQUIRY is seeking sponsorship to help finance its publication .

Logos of sponsors will be printed on the newsletter and will appear on the 'Newsletter' page of the INUK website.

Sponsorship rate: £1,290 per annum (4 issues of INQUIRY).

For more information on how to be a sponsor, please e-mail: innocence-network@bristol.ac.uk.

ADVERTISING

INQUIRY will carry a limited amount of advertising for law firms and law schools to reach out to students and academics.

Advertising from law firms and law schools are welcomed for the following:

- Recruitment of students for undergraduate/postgraduate/vocational programmes
- Recruitment of trainees
- Events/conferences

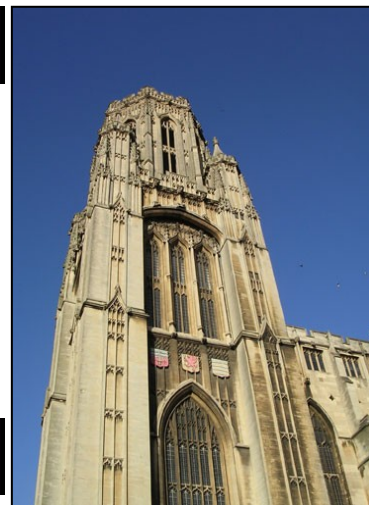
Current rates per issue are:

Full Page £1,000

Half Page £600

Eighth Page £300

For more information on how to be a sponsor, please e-mail: innocence-network@bristol.ac.uk



CALL FOR SUBMISSIONS

INQUIRY welcomes submissions for any of the following categories:

- 1) Feature Articles on any issue relating to wrongful convictions and/or innocence project work (no more than 2,000 words).
- 2) Reviews of books, articles or films on the subject of wrongful convictions and/or innocence projects (no more than 1,000 words).
- 3) Innocence Project News from Members (no more than 250 words)
- 4) Research Updates (no more than 250 words)
- 5) Student articles on any issue relating to wrongful convictions and/or innocence project work (no more than 1,000 words).

Please note: all submissions from students must be from member innocence projects and must be vetted and sent via their staff director.

DEADLINES & SCHEDULES FOR 2012

Next Issue

The deadline for the submissions for all of the above categories is 12 November 2012

INSTRUCTIONS

All submissions and expressions of interest should be sent by e-mail with INQUIRY in the subject line to:

innocence-network@bristol.ac.uk

Founder & Director

Dr Michael Naughton (University of Bristol)

Executive Director

Ms Gabe Tan (University of Bristol)

Treasurer

Ms Caroline Andrews (University of Bristol)

Membership Secretary

Mrs Jacqueline Nichols (University of Bristol)

**Patrons:**

Bruce Kent

Sir Geoffrey Bindman

Michael Mansfield QC

List of Member Universities 2012-13**University Members**

BPP Law School

Nottingham Trent University

Sheffield Hallam University

University of Aberysthwyth

University of Bristol

University of Cambridge

University of Durham

University of East Anglia

University of East London

University of Exeter

University of Gloucestershire

University of Greenwich

University of Lancaster

University of Leicester

University of Plymouth

University of Portsmouth

University of Sheffield

University of Southampton

University of Strathclyde

University of Wales, Bangor

University of the West of England

University of Winchester

Corporate Members

White and Case LLP

