

Issue
23

SAFARI

October
2005

Supporting All Falsely Accused with Reference Information
Web Site: <http://home.vicnet.net.au/~safari>

"The only thing necessary for the triumph of evil is for good men to do nothing." (Edmund Burke)

JOHN FLANAGAN, who was convicted for the murder of Sharon Lynch in 1998, has had his conviction quashed. Mr Flanagan had always maintained he was innocent. His conviction was based on a secretly-taped admission to a fellow drug addict. But Court of Appeal judges heard evidence from two medical experts who agreed that Mr Flanagan was a highly vulnerable and suggestible individual who was prone to making confessions to crimes he clearly had not committed.

DID THE CCRC LOOK AT YOUR CASE? If so, did they look at it properly? Do you feel that they failed to investigate properly? Please write and tell us your experiences with them. As usual, remember to keep your letter short – all we need are the basic facts to see whether they are doing their job properly. If they're not, SAFARI will want to discuss the issue with them and see if they can agree on a better way forward.

UNITED AGAINST INJUSTICE (UAI) are holding their 4th Annual National Miscarriage Of Justice Day at the Friend's Meeting House, 6 Mount Street, Manchester, M2 5NS on Saturday 15 October 2005. Speakers include Susan May & Dr Graham Smith. For more details email Dr Andrew Green at andrew@fitting-up.org.uk or ring 07931 182 189. Workshops begin at 10:30am and the main meeting starts at 2pm. All are welcome to attend.

WORKING WITH THE PAROLE BOARD. We're delighted to announce that, following on from the Parole Board asking SAFARI to contribute to their new communications strategy, they have asked us to attend their Stakeholders Meeting next month. One topic that is going to be included at our request is *making report-writers accountable*. In our view, part of what this means is that if someone lies about you in their report, or states as 'fact' what is only an *opinion*, then they should be liable for *punishment* for doing that.

DEFENCE INCOMPETENCE. Mark Stobbs of the Bar Council has confirmed that it *is* possible to appeal against conviction on the basis of your barrister being incompetent. He states: "We agreed guidelines with the Lord Chief Justice some years ago for appeal cases where it was proposed to criticise the barrister who had conducted the original case. My understanding is that it is not unusual for criminal appeals to have, as part of their grounds, that the barrister did not present the case competently. I also recall the case of Fergus in the early 1990s where, as I recall, the defence barrister had failed to call a number of witnesses who could testify to an alibi and the conviction was overturned on appeal. We subsequently found the barrister guilty of misconduct. That was a fairly extreme case. I think the courts are generally reluctant to allow appeals on this ground unless there is very clear evidence that the barrister's conduct was sufficiently incompetent to affect the result."

ENHANCED STATUS UPDATE. Section 1.7.8 of Prison Service Order (PSO) 4000 states: "The loss of an earned privilege - whether a key earnable or another included as part of an establishment's scheme - must be seen as a normal consequence of a general deterioration in behaviour and / or performance. It must not be associated with guilt and punishment. Schemes must operate by administrative action, with the prime aim of rewarding and thus encouraging good behaviour and performance by means of giving, withholding or removing privileges." *In short this means that Enhanced Status must not be removed just because someone maintains their innocence.* If your Enhanced status is removed / refused as a direct result of maintaining your innocence, quote this section back at the Prison. If they still refuse Enhanced status, send SAFARI copies of your Applications in which the Prison states their reasons and we'll ask them to account for their actions.

SAFARI HAS BEEN TRYING TO PRODUCE a list of solicitors whom we could recommend to those who have been falsely accused. To date, there are 0 (yes, zero) on the list. This is because we have yet to find a single solicitor who has a proven track record of working with the falsely accused. So we're working it another way. We now have five solicitors (more expected to join as time goes by) who have agreed to defend robustly and with vigour against false allegations, both in the first instance and at appeal; more importantly, they also understand that SAFARI members WILL report back to us about their solicitor's successes or failures! It means they won't want to do anything that goes against their clients' interests! If you want a copy of the list, please contact us, we'll supply it with your next newsletter or email it to you if you are on our eMail list.

FINALLY, A REMINDER: we read all your letters, make use of anything that can help the falsely accused, chase the authorities on occasion, but are rarely able to respond to you personally. All information is 'grist to our mill', and eventually helps the cause in some way.

Thanks to Terry McCarthy at the Parole Board for supplying us with the latest figures for those who achieved release on Parole whilst maintaining innocence.

August 2005

Non-lifers:

All offences	25	of 67	37.3%
Rape	5	of 25	20.0%
Indecent Assault	4	of 14	28.6%
Other Sex	0	of 1	0.0%
Violence	4	of 6	66.7%
Property	4	of 12	33.3%
Drugs	4	of 4	100.0%
Others	4	of 5	80.0%

Total Sex	9	of 40	22.5%
Total Non Sex	16	of 27	59.3%

<i>Lifers only</i>	1	of 5	20.0%
--------------------	---	------	-------

(1 of the 5 lifers recommended for open conditions)

Donations very much appreciated at:



Or hit the
button on the
website!

a/c name: 'SAFARI', Sort Code: 30-92-02, a/c No.: 2702360

Contact us by eMail at SAFARI_Editor@yahoo.co.uk

(We can accept no responsibility for errors in this newsletter as we only share information received)