

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

PROSECUTORS 'BLOCKING' APPEAL in murder case. "I know there is material which undermines my client's conviction and I am being denied access to that," solicitor John McLeod says. He is representing Glasgow lorry driver Thomas Ross Young - who has served 30 years in Peterhead Jail for killing bakery worker Frances Barker. Thomas Ross Young was accused of killing Frances Barker in June 1977 after she had been abducted by a kerb crawler near her home in Maryhill Road, Glasgow.

Although Young protested his innocence throughout his trial, it took the jury at the High Court in Glasgow only an hour to return a guilty verdict, and he was jailed for a minimum of 30 years. However, in 2005 an FBI profiler, asked by Strathclyde Police to look at a series of murders of young women, including Barker, concluded that one man was responsible for all of them. Crucially, several of the women had been killed *after* Young had been jailed.

This evidence had been gathered as part of the recent failed prosecution of Angus Sinclair for the World's End murders of Christine Eadie and Helen Scott, but was never presented in court. It clearly implicated Sinclair in all the murders, including that of Frances Barker and strongly suggested Thomas Ross Young was innocent.

John McLeod says: "I first learned there were doubts about Young's involvement in Barker's murder in 2005 when police asked if they could re-interview my client. They asked him if he had really killed her. Yet that was supposed to have been established in the High Court in 1977. So why ask now? As for my client, he vehemently denied killing Barker." Later, two officers involved in the World's End murder investigation told McLeod of the existence of evidence that linked Sinclair to Barker's murder, which suggested Young had been the victim of a miscarriage of justice.

"I then approached the Scottish Criminal Cases Review Commission and the Crown Office and asked to see this evidence. In both cases I was refused access to it, despite its immense importance to my client," said McLeod. Despite claims in September by Lord Advocate Elish Angiolini, in the Scottish Parliament, that the Crown Office had "supplied information to aid the case against Young's 1977 conviction", Mr McLeod says he has received no material and no information of any kind that could help his client. A Crown Office spokesperson said: "We told Strathclyde police to tell Young's solicitors of the existence of new evidence that was important to Young's conviction for Barker's murder." This statement did not impress McLeod, however. "Basically they are telling me evidence exists that can help my client, but that I cannot find out what it is. It is no use whatsoever, in fact." A major problem affecting the Young case is that the authorities don't know what to do with him. Young is now 72 years old and suffers from a series of debilitating heart and blood illnesses. Caring for him in the community will be very difficult. In addition, if he is released, and if his appeal against his conviction for the Barker murder is upheld, Young would be due to receive a massive sum in compensation for his wrongful conviction. "It would be so much simpler if Young was to die in jail," said a senior legal source. "That would make things so much easier for the authorities."

ACCESSING BOOKS FROM PRISON: Remember that if you need access to a book to assist you in fighting your case, you can usually order it (for free) from the prison library. You will only be able to *borrow* (not keep) the book but you'll at least be able to find the information you need. To order the "Fractured Families" book referred to in issue 46 you need only supply the library with the name of the book and the ISBN number (0955518407).

NORTHUMBRIA POLICE FORCE is to be sued for false arrest by freelance Press photographer Marc McMahon, who was cleared recently of obstructing an officer. Newcastle Magistrates found McMahon not guilty and said he had acted "professionally". Marc and his 16-year-old daughter Carly were called to an incident in October 2006 on the Tyne Bridge, where a man was threatening to jump. Despite showing his press card, Northumbria PCs James Mennie and Thomas Fowler told Marc he could not take photographs. Marc told the officer that they were well within their rights to take photos as there was no police cordon, it was a public place and there were other people standing about taking photographs.

A Police spokesman, speaking last year after the incident, said: "In this case, officers were concerned that media attention could have exacerbated what was already a tense situation with a man threatening to jump from the Tyne Bridge. This led to an arrest for breach of the peace." The charge was later changed to obstruction. Carly says PC Mennie knocked her mobile phone out of her hand when she tried to take a snap of her dad being arrested. Marc was handcuffed and taken to a police cell - being forced to leave behind £10,000 worth of photographic equipment, which was left undefended by the Police and was later stolen from the scene.

Marc now says: "I'm feeling very relieved about the verdict. The last year has been immensely stressful for my family and we're glad the magistrates came to the right decision. My daughter and I were carrying out our jobs within the law and the last thing you expect is to be arrested and put in a police cell. And the loss of the equipment on top of that was devastating as it's our livelihood." Now he is set to launch a civil case against the force to reclaim the cost of his equipment and related loss of earnings.

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

BRUCE HYMAN IS THE FIRST BARRISTER in 800 years of the English Bar to be imprisoned for attempting to pervert the course of justice. Hyman went into Law after working on a legal discussion programme titled "Unreliable Evidence" (ironically); he was called to the Bar in 2004. Shortly afterwards, Karen Sanders Young (a friend), who was recently divorced and embroiled in a dispute with her ex-husband over access to their daughter, received a call from him. Hyman explained that he was now a lawyer and offered help, which to begin with was simply advice and 'brainstorming', bouncing ideas around. In July 2006, Hyman offered formally to represent her. On 22nd September 2006 he sent an email from an electrical store in London to Simon Eades, Karen's former husband. The email purported to be from the campaign group Families Need Fathers (and carried the FNF logo) documenting a Court of Appeal precedent, which appeared to bolster Simon's case. Thinking it genuine, Simon presented it before the court during the divorce hearing. The moment he did so, Hyman promptly stood up and suggested not only that the document was a forgery, but that Simon, who was representing himself, might have been responsible. Simon Eades was "frantic, panic-stricken, not to mention angry", at being accused of such a serious crime. When Simon was able to discover that the email had been sent from that particular shop in London, it was relatively simple to recover the CCTV footage from that day and establish that it was Mr Hyman who was behind it. Hyman is undoubtedly quite genuinely horrified by his own actions, done in a moment of madness probably brought on by genuine mental health problems – but one can only hazard a guess as to whether or not the truth would have come out if Simon Eades had not been able to prove who had really forged that "unreliable evidence".

DIANE BERRIMAN (31) who falsely claimed she had been raped by two men, causing them to spend time behind bars, has been jailed for eight months. Ms Berriman alleged she had been raped by a married pub landlord twice in the space of three years and also cried rape against another man. Police became suspicious and Ms Berriman was prosecuted after they discovered she had a history of making false allegations. They arrested her and she confessed to inventing the sex attacks. She then pleaded guilty to two charges of perverting the course of justice and one of harassment.

THE GOVERNMENT IS TO ABANDON a controversial proposal to use expert witnesses to brief juries on the "myths" surrounding rape after judges warned the plan could lead to miscarriages of justice. Under the original proposal, psychologists and psychiatrists would give evidence about the range of behaviour among rape victims. They would tell the jury, for example, that rape victims will often not report the rape immediately, and explain that they may appear controlled rather than emotional when telling their story.

Judges who preside over rape cases told ministers that allowing the prosecution to call expert witnesses to demolish rape myths could give rise to miscarriages of justice and double the length of some rape trials. They argue that defence lawyers would insist on calling their own experts.

Ms Baird, the attorney general's deputy, said: "There were split views even among the women's lobby about it. The dangers were twofold: one is that you would facilitate the defence calling expert evidence too. The second danger was that there would become a profile of a true rape victim, how they behave, and then women might be put off complaining, thinking 'I don't know if I fit this profile'."

A group of experts has now been asked to draft a statement about rape and its impact, which could be agreed by all parties as representing the "truth" about the crime. This could be presented to the jury in every rape case, either by the trial judge or in a public information booklet.

SAFARI's view is that, if this is to be done, in all fairness to the Defence the jury should also be given an equivalent booklet outlining the devastating effects on innocent people of being falsely accused and wrongly imprisoned for a crime they did not commit. 'Jury-nobbling' isn't legal, and it's not legal for good reasons. But if one side's going to be allowed to pre-programme the jury, the other side should at least be given a chance to show the jury the other side of the coin!

LOUSY LAWYERS NAMED AND SHAMED! Barristers found guilty of misconduct are to be named on a website run by the Bar Standards Board (BSB), the new body set up to regulate 15,000 advocates in England and Wales. The move follows criticism that the Bar has, in the past, tried to cover up allegations of serious misconduct by not publicising disciplinary proceedings.

Under the scheme, barristers' names and the charges they face will be published, along with the date and time of the tribunal hearing. All findings of guilt and resulting sentences will be made public within seven days of the end of the hearing. Suspensions and disbarments will remain on the website indefinitely, with other findings removed after two years. The scheme brings barristers into line with other professions, such as doctors and dentists, which have opened up their disciplinary systems. The BSB director, Mark Stobbs, said: "Where hearings are open to the public, it is essential that the public should be able to find out that they are taking place. Our arrangements in the past have been criticised because it can be difficult to discover details of the hearings. This section of the website will meet these concerns, and provides further evidence of the BSB's determination that its regulatory arrangements should be transparent and open."

SAFARI E-PETITIONS: Please get everyone you know with Internet access to sign our latest on-line Government ePetition requiring prosecution and defence barristers to take the oath at trial and allow for them to be prosecuted if found to have misrepresented evidence or law in a way which would tend to pervert the course of justice. We need at least 200 signatures on *each* of our petitions to get a Government response. Please visit:

<http://petitions.pm.gov.uk/>
followed by.....CounselTakeOath

[Our ePetition links are on our website]

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| Thanks to Terry McCarthy (Parole Board for England and Wales) for statistics of those granted release on Parole despite maintaining innocence. | | | |
| Figures for month of September 2007 | | | |
| <i>Non-lifers:</i> | | | |
| All offences | 6 | of 63 | 9.5% |
| Rape | 0 | of 31 | 0.0% |
| Indecent Assault | 2 | of 7 | 28.6% |
| Other Sex | 0 | of 3 | 0.0% |
| Violence | 2 | of 8 | 25.0% |
| Property | 1 | of 3 | 33.3% |
| Drugs | 0 | of 2 | 0.0% |
| Others | 1 | of 9 | 11.1% |
| Total Sex | 2 | of 41 | 4.9% |
| Total Non Sex | 4 | of 22 | 18.2% |
| <i>Lifers only</i> | 0 | of 0 | n/a |
| [No lifers were considered for parole this month] | | | |