

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

GOVERNMENT 'RESPONDS' to SAFARI Petition. SAFARI recently petitioned the Government to require juries in criminal trials who find a defendant guilty, to record their reasoning behind each verdict. Our point was that by doing this, the defence would be able to see whether the jury's decisions were correctly based on the evidence, or incorrectly and unreasonably based on opinions, misunderstood directions, etc. It should then be possible to appeal, where it can be shown that the jury failed to make their decision based on the evidence. The grounds of appeal could be that 'no reasonable jury acting reasonably would have come to that conclusion'. This would go a long way to increase the number of falsely accused and wrongly convicted people who can have their wrongful convictions overturned.

The Government's response (see... <http://www.pm.gov.uk/output/Page15284.asp> ...on the Web) was as follows: "Juries make an invaluable contribution to the criminal justice system. The institution of the jury is an important way of involving the community in the administration of justice, and an integral component of citizenship. Trial by jury will remain the way in which the vast majority of criminal trials for serious offences are conducted.

The Government does not propose to require juries to give reasons. Jurors are ordinary members of the public, drawn at random from the community. It would not be appropriate to expect them to give reasons for their decision, as if they were legally trained. Furthermore, different jurors may have different reasons for their individual decisions. Bearing in mind that the verdict is the verdict of the jury as a whole, the reasons would have to be agreed by all twelve members of the jury. Such a requirement would be a recipe for disruption and would undermine trial by jury.

Where there is reason to believe that a jury has returned a guilty verdict in the face of contrary evidence, there is nothing to prevent the defendant from appealing against conviction in the normal way."

Trial by combat, trial by ordeal, and all the other barbaric systems, which were 'undermined' when people began to realize that they were without reason and therefore the results could be wrong, were dispensed with quite some time ago. For a system to be (and be seen to be) truly just, people must be able to look at the reasoning behind the outcome. If the Government consider that a jury aren't 'educated enough' to give reasons for their decisions, there's nothing to stop those juries flipping a coin if they can't all agree or get a majority to agree. They can decide someone's guilty because they 'don't like the look of him' if they want. (Some of you may remember when, in 1994, the jury at Stephen Young's trial consulted a Ouija board – more commonly used to talk to the deceased at a séance - during deliberations.)

The Government's comment "Where there is reason to believe that a jury has returned a guilty verdict in the face of contrary evidence, there is nothing to prevent the defendant from appealing against conviction in the normal way" is simply a revelation that they don't understand the appeal process. "The jury got it wrong" is *not* grounds for appeal. An appeal currently has to be based on fresh evidence or fresh legal argument – it can't (yet) be based on the jury ignoring the evidence, forgetting bits of it, or simply misunderstanding it.

Over and over again Appeal Judges comment that it is not their place "to usurp the function of the jury" by reconsidering evidence which has already been put before that jury. The jury do not have to give "reasons for their decision, as if they were legally trained", as it is not their function to decide on points of law. The function of the jury is to make decisions about *fact*, based on the *evidence*. Anyone should be able to give their own personal reasons for coming to a decision (even if those reasons are "I could see his aura", "the kid was crying, she was obviously telling the truth", "he looks shifty", etc.)

The CCRC will *not put forward* a recommendation for appeal based on any evidence that the jury have already heard, unless there is *fresh* evidence that would substantially change the way the original evidence was looked at. When this changes, perhaps justice *will* be done for those falsely accused. In the meantime, perhaps (to protect the innocent from irrationality and unreason) juries should be required to give their own reasons for interpreting the evidence in the way that they did, and the Government should brush up on their knowledge of the appeal system!

LORRAINE ALLEN WINS THE RIGHT to appeal a decision by the Government not to award her compensation for a miscarriage of justice. Lorraine was originally convicted of the manslaughter of her four-month-old son, Patrick, in 2000, after prosecution experts claimed that the only explanation for his collapse was 'shaken-baby' syndrome resulting from violent shaking or shaking plus impact. She was sentenced to three years imprisonment, and a child born while she was serving that sentence was taken away from her and placed for adoption. Lorraine's conviction was quashed in 2005, after fresh medical evidence proved it to be unsafe. She applied for compensation for the wrongful conviction but this was refused by the Home Secretary because her claim, it was argued, "did not meet the statutory criteria". Now, Mike Pemberton, manager of the Crime / Special Cases department of Wigan solicitors Stephenson's, and a specialist in human rights and judicial review cases, has secured the right to appeal over the Government's denial of compensation. The decision is being seen as a test case that will be used for similar victims of miscarriages of justice. Mr Pemberton said: "This has been a long road for Lorraine. Nothing can rectify the loss of her son Patrick, the subsequent miscarriage of justice and adoption of her second child as she began her sentence. However, this appeal allows her continued hope that some kind of just closure will be obtained and allows her to deal with the traumatic events she has endured."

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...or hit the button on the website!

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

ZOE WESTON (23) has admitted three counts of attempting to pervert the course of justice after falsely claiming that she had been raped by a man in 2005. Summing up the case, Mr Justice Richard Henriques said this particular fabrication was “on a grand scale” as Weston pretended the man had broken into the house and sexually assaulted her. She provided police with a detailed description, including describing a four inch silver knife with a jagged edge, and details of the exact clothes he was wearing.

In May 2007 Weston admitted asking a fellow worker to lie for her to police, and offering him a bribe to say the defendant had been in the shop. He refused and contacted the police. It has become clear that Weston had also falsely claimed the man had raped her in June 2000 in the school grounds, when she was a virgin, in March 2005 on a car bonnet, and again at a party in 2006.

Her defence barrister, Marc Le Brocq said: “We are still trying to determine why she made these repeated allegations against this person. There is a personality disorder and Weston is willing to receive help.” Judge Henriques sentenced Weston to a total of 18 months in prison, saying: “Over two days you have used this court as a platform to repeat your falsehoods”.

IF YOU'RE IN THE RIGHT, DON'T QUIT! If you're in prison having been convicted of a crime you didn't commit, even *trying* to achieve anything useful can seem futile. The entire system appears designed to block access to true justice. In these situations, our advice is just to *accept* that the system is bad, but keep calm and keep fighting. When you stop fighting, you lose. When you never quit fighting, you're more likely to win. And when you *do* win, please share your news with SAFARI. There's no doubting that 'the system' and many of those involved in it are in denial, but there is a glimmer of light at the end of the tunnel.

CAROL BEASLEY (42) has admitted wasting police time by making a false allegation that she had been raped by a stranger in February this year. She had originally claimed that the stranger pushed her to the ground, pulled her trousers off and raped her. Beasley was given a one-year supervision order, 150 hours' unpaid work and ordered to pay £329 compensation to the police forensic science service for wasted tests. After the hearing, Beasley declined to comment.

KAYLIEGH ANDREWS (19) has admitted wasting police time by making a false allegation that she had been sexually assaulted in January this year. Her case was heard on the same day, in the same Court, as Carol Beasley's. Andrews had hinted that her soft drinks might have been spiked after a man befriended her in a Grimsby pub.

District judge Daniel Curtis said Andrews made a “wicked false allegation of a very serious nature”. He went on to say “It is difficult to imagine a more serious allegation for a woman to complain about that doesn't involve death.” Andrews had claimed she felt “woozy” and could remember nothing after 9pm. She also said she later found herself naked from the waist down in a bathroom in a mystery house. She gave false details of her movements, including claiming she had been for a job interview at a Grimsby hotel and for a solicitor's appointment.

After the police viewed CCTV pictures of the pub she claimed to have met the man in, and failing to see her there, she eventually agreed that she had made up the whole story. Andrews was given a year's supervision, including 20 sessions of basic skills, and was ordered to pay £70 costs.

WHO'S IN DENIAL NOW? The Government and those involved in the Justice system can surely no longer be under the delusion that false allegations are rare. To have two such similar cases heard in the same Court on the same day proves them wrong. False allegations of sex offences are becoming as common today as false allegations of witchcraft were in the 17th century.

SAFARI NEEDS YOUR HELP! In the past year (1st April 2007 to 31st March 2008) SAFARI spent £791.24 on postage, £596.15 on printing and £150.80 on stationery – making £1,538.19 in total. (With around 850 people on the 'SnailMail' mailing list [over 1,000 also access the newsletter via the Web], this equates to approximately 15p per person per month.) Donations totalled £908.85, leaving a deficit of £629.85 which we have to find from our own pockets. There are only two of us and we're fast running out of money! We do not charge a subscription - and do not want to start doing so - therefore please consider making regular voluntary donations from your bank account by completing and returning the Standing Order form at the back of this newsletter. Even £1 per month would help.

SAFARI OFTEN RECEIVES LETTERS asking for legal advice on subjects like sentencing. Please remember that legal advice should always be sought from a solicitor, not us! We are not legal professionals or experts, and we don't have the time or resources to trawl for every legal ruling or precedent asked of us. All we can do is publish references to legal rulings (if we can find them!) for you or your legal team to investigate. Remember you can ask family and friends to search the Internet for previous case details.

CLEVELAND KENNEDY says he is intending to take out a private prosecution against a 14 year old schoolgirl after she falsely claimed he brutally raped her as she walked home from school. The girl, who made the allegation in 2006 when she was 12, was taken abroad on holiday to get over her 'ordeal' but during that holiday, she agreed she had made it all up. After the false allegation, Mr Kennedy was arrested and held on remand for 75 days in a special sex offender protection unit in Bristol Prison. Karen Harrold, the Chief Crown Prosecutor for CPS Wiltshire, said there was sufficient evidence to prosecute the girl 'but that it is not in the public interest to proceed with a prosecution'. She said “I have advised that the young girl should receive a final warning which will involve her working with Wiltshire Youth Offending Service, and include restorative justice approaches and counselling.”

SAFARI E-PETITIONS: Please get everyone you know with Internet access to sign our on-line Government ePetitions. Please visit:

<http://safari-uk.org>

..to view all our ePetitions.

Thanks to Terry McCarthy (Parole Board for England and Wales) for supplying us with the statistics of those granted release on Parole despite maintaining innocence.			
Figures for month of March 2008			
<i>Non-lifers:</i>			
All offences	6	of 25	24.0%
Rape	0	of 9	0.0%
Indecent Assault	0	of 2	0.0%
Other Sex	1	of 1	100.0%
Violence	2	of 6	33.3%
Property	1	of 4	25.0%
Drugs	2	of 3	66.7%
Others	0	of 0	N/A
Total Sex	1	of 12	8.3%
Total Non Sex	5	of 13	38.5%
<i>Lifers only</i>			
	0	of 0	N/A
[There were no lifer applications this month]			