

SUPPORTING WINNERS

Six successful appeals have been made by prisoners supported by Conviction since our last newsletter came out. Even the Appeal Court has to agree with us sometimes. Unfortunately the Appeal judges make some bad mistakes too - see Robert Taylor's case inside. Of course, we don't like to boast - but it shows that when Conviction says someone is innocent, it must be true, and it's time that the judges and the Home Office listened to the prisoners whose voices can be heard through our newsletter.

WEST MIDLANDS

On 19 May Robert Haughton had his conviction quashed. Robert was found guilty of conspiracy to cause unlawful wounding and was sent down for 10 years in 1986. The only evidence against him consisted of unsigned police statements purporting to record "admissions". The ESDA test commissioned by his solicitors indicated that these notes had been tampered with and could not be said to be contemporaneous record of interviews.

After his initial arrest, Robert was released from police custody, and police suddenly produced these interview notes at a later bail hearing. Supported by Conviction since early 1990, Robert has announced that he intends to 'sue the bollocks off' the officers of the West Midlands Police involved in the malpractice

in his case.

On 23 June Michael Brommell, already released after four years of his seven year sentence for unlawful wounding, had his conviction quashed. Irish-born Michael had been forced to leave the West Midlands where he had been living due to police harrassment, and returned to spend the Christmas of 1986 with his relatives but early in 1987 he was arrested by Serious Crime Squad officers, who claimed to have obtained admissions from him after his arrest. Michael maintained that these confessions were fabricated and in the summer of 1989 he wrote to West Midlands Chief Constable Geoffrey Dear to request

that material from his released for an ESDA test.

As many Conviction readers remember, Dear sent for the file only to find that papers from it had vanished. It transpired that two SCS officers had had unsupervised access to the file, and it was this malpractice that led to the disbanding of the infamous SCS in 1989. (Dear was rewarded for his management of the wonderful West Midlands force by being elevated to the position of Inspector of Constabulary, so that he could tell other forces how to follow the SCS example.) Michael has been supported by Conviction since the start of 1990. He too is taking action against police officers involved in his case.

On 23 July Glen Lewis's retrial came to an abrupt end when the Crown withdrew their case against him, and he was free at last. He had been given a ten year sentence for robbery in 1987, after West Midlands SCS officers had produced signed statements containing admissions. At the time of his arrest, Glen had been subjected to racist abuse and threats of violence by police officers - one of them produced a syringe filled with an unknown şubstance, saying he would inject Glen unless he signed interview records.

His appeal was heard in April this year, and his conviction was quashed and a retrial ordered. Although forensic tests showed that the written statements were not genuine, Glen was kept in prison on remand until the retrial, when the admissions were declared inadmissable as evidence. Glen had been supported by

Conviction since summer 1990.

Glen was the thirteenth prisoner convicted on alleged confessions obtained by the West Midlands SCS to have won an appeal since the Squad was disbanded. More appeals are to be heard.

GREATER MANCHESTER

On 27 July Michael Royle and Robert Hall, who were framed by the Greater Manchester Police, had their conviction

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quashed. They were sentenced years' 1990 ten to imprisonment for armed robbery, the evidence of local supergrass George Allen, who had committed the robbery and claimed that Mike and Robert were his accomplices. Allen had helped another supergrass, Brian Sands, concoct the evidence which was used to frame Ged Corley, a Manchester police officer. Ged Corley's convictions for organising robberies and supplying firearms to local criminals were quashed by the Appeal Court, and his claim against the GMP was settled outof-court for E235,000. Allen's credibility had totally disintegrated.

supporting Mike since the end of 1990, and more recently Robert as well. Robert was freed after the appeal, but Mike had been convicted on another matter, and his appeal against that conviction was unsuccessful: he is due for release early in 1993.

CREDIT

Of course, Conviction can't claim all the credit for these successes. They wouldn't have happened without the use of ESDA tests, or the exposure of the West Midlands malpractices, or the discrediting of the Greater Manchester Police's supergrasses; some of the cases were supported by other campaigns, and they all needed the work of good and dedicated lawyers (fortunately such people do exist). Our contribution included finding help tor prisoners, getting publicity for their cases, generating support from other organisations. Conviction is an important link in the chain that can lead to a successful appeal. We contribute to the monitoring and examination of police malpractice that lies behind these cases of framing.

Perhaps the most important work Conviction does is writing to and visiting and expressing support for framed prisoners—showing that someone believes in them: we help them to keep



Steve Davis

fighting, and each victory in the Appeal Court helps to validate our work and show that it can yield results.

WINSTON SILCOTT

Conviction has always supported Winston Silcott who is one of the Tottenham Three framed in 1987 for the killing of PC Blakelock at Broadwater Farm in 1985. Their convictions for the murder of PC Blakelock were overturned by the Appeal Court a year ago.

Winston remains in prison as he was convicted on another charge of murder. This other conviction was secured in the middle of the trame-up proceedings against the Three in an atmosphere which was very hostile to Winston as a defendant, and his defence was poor and misleadingly presented. charge concerned an incident in which Winston was attacked by three knife-wielding men at a party, and a man called Anthony Smith died after Winston took action to defend himself. new witnesses have now come forward to testify that Winston was acting in self defence.

Activists from the Tottenham Three campaign have launched the Winston Silcott Defence Campaign. Contact them c/o The Selby Centre, Selby Road, London N17 8JN, tel. 081 365 0448.

Winston has voiced his support for the book Climate of Fear by David Rose (Bloomsbury, pb., E6.99), which covers the Broadwater Farm riot, the Tottenham Three framings, and the Anthony Smith murder conviction.

STEVE DAVIS APPEAL FUND

A fund to help obtain a report from an expert on identification evidence to support Steve Davis's appeal case has been set up by Conviction - as many of you on our mailing list will know, since we wrote explaining the asking and case contributions. (We didn't prisoners, for obvious reasons.) We need to raise £400 - £500, and so far have E243, with more So donations are promised. welcome, Will and we information on the case out to anyone who is interested in it.

We hope that the money will be recoverable, so that we will afterwards have a small fund to be used for similar purposes. (Alternatively, contributions could be repaid.)

Donations have been received from anon., RH, BH, MB, PB, RDM, AB, and the Bradford Branch of the MSF Union. fuller (Anyone who wants acknowledgement or a reseipt should let Conviction know.) We are very grateful for these contributions, and Steve is very much encouraged by the willingness of people who don't know him to support his case. It is an important and very clear case, and we cannot let it fail there is such little protection for defendants under the law on identification evidence stands now.

UNIONS

We are very pleased to have support from a union branch, and would like to make more contact with the trade union movement. We are willing to send a speaker to branch meetings or trades council meetings - as long as it isn't too far from our Sheffield base. Please let us know if you would like someone to explain both Steve's case or the work of Conviction in general to your branch. Makes a change from union business!

Steve Hayward, who since 1986 has been the producer of the BBC tv programme Rough Justice, and the presenter of the programme, David Jessel, have left the BBC and are setting up a new programme to be called Irial and Error. They plan to put out more programmes than Rough Justice has been doing recently, and each programme will be longer. Steve assured Conviction

that research for the new programme will be carried out to the same high standards he has always observed. Prisoners who want to write to him should send letters to Trial and Error, Just Television, PO Box 2 HA, London WIA 2HA

Readers of *Private Eye* may have noticed that there has been some bitterness over this move. The new producer of *Rough Justice* is **Charles Hunter**. He tells us that suggestions that *Rough Justice* is being restricted in its work are completely untrue. The

programme makers will be investigating cases as thoroughly as they always have done in the past. You can write to Charles at

Rough Justice, room 1072, Kensington House, Richmond Way, Shepherds Bush, London W14 OAX.

We warmly welcome Trial and

programme which promises to extend the work that Rough Justice has been doing. The programme makers have achieved some impressive results, including the recent release of the Darvell brothers. Our only complaint has been not about the standard of the work (which has been very high), but that there have been too few programmes, when there are so many cases needing their

help. The more programmes that are made, the better!

Before you contact either programme, please check that your case is appropriate. For both programmes: cases must have passed through the normal appeal process before they will be considered. The programme makers do not want to repeat evidence that has been heard before: they want the opportunity to reinvestigate cases and turn up new evidence themselves. If they

will do so very thoroughly, following up leads that no one has taken the trouble to follow before. If you think your case would be suitable, contact them directly. If you're not sure whether your case is suitable, contact them anyway - they will be sympathetic.

Please let us know if your case is being taken up by anyone, and we will keep a record of what's happening and help if we can.

Conviction receives many interesting letters which we'd like to follow up. In the most cases we can only send our advice sheets in response to prisoners, hoping that other organisations will support them.

We can include suitable letters in our newsletters. Someone may be able to help - to visit the writer in prison, or to take an interest because they live in the place that the prisoner comes from.

Prisoners should read our advice about presenting their case, and make sure that they include essential information in their letters – such as where and when, and for what crime they were convicted, and how long their sentence is – and, of course, what the evidence against them is, and what's wrong with it. (And keep it brief, please).

People outside who want to help: please keep us informed about what's happening. We may be able to help you in supporting framed prisoners.

Below is a letter from someone in a Scottish prison. We can't look into a case hundreds of miles away when there are so many needing attention nearer to us. We hope a reader will contact

and help Thomas Murphy.

from Thomas Murphy 643/92. C Hall, HMP Glenochil, Tullibody, Clacks. FK10 3AD

I am a person who has been wrongly convicted and sentenced to 15 years imprisonment. I have an appeal pending, but I believe that I was deliberately wrongfully convicted and that such being the

letters please kelp

case my appeal will be denied in order to cover up the fact of collusion between the police and the Crown office to have me sent down.

I was convicted of assault and robbery at Edinburgh High Court in April 1992. I was accused of robbing my business partner. He and his tamily were attacked at home, tied up and robbed by four men on 16 December 1991. My partner who was robbed was at the time being sued by me for

obtaining E25,000 from my wife and I by traud. This had been reported to the police on 9 December 1991. The evidence on which I was convicted consisted of my partner and his wife saying they recognised my voice as that of one of the robbers. The police arrested me in my house some ten to twelve miles from the scene of the robbery. The police forensic people took casts of footprints at the scene of the crime. They also took casts of tyre marks made presumably by the robbers getaway car. None of this evidence was attributed to me, or my car. No money was found in my house. The robbers were purported to have worn ski masks and boiler suits or something. Again, nothing was found in my house or my car. The only evidence was my partner and his wife saying I did it, that they recognised my voice.

I did not commit any crime. I believe my partner implicated me in order to subvert my attempts through the civil court to obtain my £25,000, which he had

I hope someone can help as my wife and I are at our wits end.

HOW EVIDENCE IS "FOUND"

Why did officers of the Greater Manchester Police (GMP) Serious Crimes Squad arrest Michael da Silva for robbing a hotel he'd never even visited? It's always difficult to piece together what lies behind the fitting of an innocent person into a frame.

The robbery, of £8,500 from Gorsty Hall hotel in Crewe, Cheshire, was planned, it appears, by a group including a woman who had worked there, Mary Bates. She knew John Lord, to whom she may have passed on information about how the hotel's owners handled their cash. He in turn knew Michael da Silva. Perhaps not knowing him directly made it easier for Mary Bates to accuse Michael of being one of the robbers, especially since this service to the police seems to have gained her immunity from prosecution.

Following such leads (we must assume), the GMP were willing to provide Cheshire police with suitable suspects so that they could clear up this unsolved crime. Using what appears to be an illegally obtained warrant, they searched Michael's room and found there E1,000 in cash and some martial arts weapons (Michael is a martial arts expert). They found too (according to GMP officers including DS Derek Holland) some brochure balaclavas and a advertising the hotel that had been robbed. (Regular Newsletter readers will be aware of how regularly GMP detectives "find" balaclavas in such cases as that of Jerry McCarthy and Robert Hall the latter now released following a successful appeal...) The problem presented to them was that balaclavas always retain traces of the hair of those who had worn them - and these

possible exhibits were never adduced in evidence, because there was no forensic evidence to link them, or indeed anything else they found in Michael's room, to the robbery. The cash had been given to Michael by his guardian, and had not come from the hotel.

Clearly the case wasn't strong enough, and despite being held for six days and not being allowed to



see a solicitor, Michael had failed to confess to something he had not done. John Lord and another man who knew Michael - Carl Carroll - gave in to such pressure and confessed, implicating Michael as well. Two men claimed to have heard Michael admit to the crime when he was on remand. The evidence of one of them was so untrustworthy that the judge instructed the jury to disregard it. The other, Michael Collina, became very confused in court, and had to be given his statement and allowed to read it when in the witness box.

By now the use of methods the police sometimes adopt to shore up a poor case - inducing people on remand to make statements about "confessions"

they have heard in return for such favours as bail, charges being dropped and light sentences should have alerted the lawyers as to what was being done to Michael. Afraid of what might happen, Michael had decided not to use Manchester lawyers and had secured the services of black barrister Rudy Naryan. But he was not available when the case came to trial: his solicitor had, in his brief to counsel, put him off the case. The solicitor, Karim Laxman, failed to prepare his case as instructed, and his barrister, Judith Nutt, failed to call alibi witnesses or challenge fully the very dubious police evidence, and refused to call Michael as a witness, despite his wish to give evidence.

Michael's fate was sealed by the judge, Judge David, who commented on Michael's failure to provide rebuttals to accusations against him by giving evidence. He remembered this defendant. On a previous occasion when a jury had dared to find him not guilty, this same judge had presided and angrily warned him, saying, "You may have deceived the jury by your story of innocence, but I am not easily deceived... if you come in front of me again, I shall show you how severe I can be in dealing with you." This time Michael was found guilty on a majority verdict, and sent down for 11 years. John Lord received 7 years and Carl Carroll 2 years.

His appeal was refused. Now aged 38, Michael continues to fight his case. We will undoubtedly be hearing more of him.

Michael Da SILVA (H28888), HMP Frankland, PO box 40, Finchale Avenue, Brasside, Durham DH

RACISTMYTHS

One word. It defies belief that Abdul Hag's double life sentence results from one word. Few people realise that there is no minimum quantity of evidence required for conviction in an English court of law. A jury can convict you because they don't like. your face. It doesn't help if your face happens not to be white.

And it wasn't just a word spoken clearly, unambiguously admitting guilt. Abdul Haq said the word when he went to visit his brother where he was being held on a murder charge in a Huddersfield police station.
They were sitting on a bunk in a cell, and underneath the bunk (unknown to them) was a microphone. The recording obtained was (not surprisingly) of poor quality. The brothers spoke rapidly, in Punjabi. In the course of their conversation, Abdul Hag said a word which means 'implicate'. In Punjabi, there is another word with a similar sound meaning 'cut'. It was so translated by a Punjabi speaker employed by the police. who placed it in the phrase 'l cut her'. This was then held to be confession by Haq that he had murdered both his sister and her

the word 'cut' had not been spoken because no murder had There were no taken place. bodies. There was no motive. Certainly there had been family the sister had quarrels when decided to leave her husband and go to live with her lover. The couple may well have decided to move away and start life afresh somewhere else. Perhaps one day the tragedy that overtook the brothers will be brought to their attention, so that they can declare themselves to be alive and have Abdul Haq and Mohammed Saleem freed.

lover.

In this issue of the Newsletter we are publicising the case of Haq. We are looking into the case of Saleem, and will probably be reporting on it in the future. But

we cannot ignore the case of Haq. Visiting him in Wakefield prison, we asked him just how he could be convicted on the basis of a single word, badly recorded and at best ambiguous. It was the story told in court, he explained to us: it was like a thriller, not remotely related to his own life, it seemed, until he found that it would affect the rest of his life.

brother had visited Pakistan and caused trouble there with their relatives. Some of them were prepared to go so far



as to say that Saleem had claimed to have killed his sister and her lover, especially if they were encouraged to an all-expensespaid trip to England so that they could tell the court about it. To put a case together showing that Saleem had murdered two people, an accomplice was needed, and an explanation of what might have happened to the bodies. The police asked Haq if he owned any property other than the house in which he lived. Haq said he didn't.

But he did. Haq, a bus driver like his brother, had bought an old terrace house in order to convert it into flats and sell in order to earn extra money. Because he was trying to avoid paying tax on the profit on the property sale, he did not want to admit public ownership to any authorities. The policé searched the house, and found a peculiar smell in the cellar. Hag had

wanted to put in new toilets, and had dug a hole there in order to find where the drains ran. He had failed, and filled it in again. There was a smell of drains there, and perhaps a long-dead rat somewhere. The police dug out the hole again, although it was not big enough to contain two bodies. They found no more than a human finger nail: the age, sex or racial origin of its first owner could not be determined. It meant nothing. They found no evidence: but somehow the hole and the strange

smell were fitted in to the story the prosecution created.

Meanwhile the relatives from Pakistan gave their evidence. Questions, answers, explanations, examination and cross-examination all had to be translated from English to Punjabi and back again. It was so tedious that members of the jury dozed off. The story was completed with speculative motives attributed to the brothers, concerning family honour which had been besmirched and had to be It was rubbish avenged.

racist rubbish: an assumption that because people's families come from another country, because they are thought to profess a minority religion, because they're members of an ethnic minority, then they are so alien that they can murder a sister and her lover following a family quarrel. The allwhite Leeds jury fell for the story, believed in the stereotype presented to them, and convicted the brothers. Perhaps the prosecution barrister and the members of the jury would claim that they are not 'racially prejudiced': but what they did was racist in practice. Haq's appeal is yet to go before the full court. We must ensure that they deal with it seriously.

Abdul Haq DF0413, B Wing, H. M. Prison, 5 Love Lane, Wakefield WF2 9AG

FORENSIC EVIDENCE CONTAMINATED

Out late on the night of 30 June 1988, Derek Barnes saw police searching the area through which he was passing. He had with him drugs that were for his own use, so he dumped these before they stopped and searched him. When they did so, they turned out his pockets. He gave them a false name and address. Shortly afterwards he returned for the drugs, and was again stopped by recognised him from a previous encounter, and he was arrested.

The police were looking for the "bedsit beast" who (they assumed) had been responsible for the robbery that night of a 93year-old woman, who had been brutally attacked in her own flat. Derek fitted the frame. Like his friend Robert Taylor (see letter in this newsletter, and previous newsletters), members of the Greater Manchester Police had been trying to secure a conviction on a serious charge against Derek for years - most notably when he was accused, with Robert, of hijacking a lorry loaded with cigarettes: the trial had been stopped when it was shown that the ID parade had been badly conducted. The judge - also named Taylor, now a lord chief justice - had been very unhappy because he was obliged to free robber must have trodden. Derek and Robert. Derek's barrister in that trial was now a judge - Judge Burkitt - and he conducted Derek's trial for robbery, knowing all about his former client's colourful past.

TORN POCKET

The evidence against Derek was entirely forensic, with exception that DI Carter and Sgt Leigh claimed that they saw a

television licence stamp card fall from the pocket of his trousers when they arrested Derek: the card had probably come from the flat where the woman had been robbed. On the first occasion when he was stopped, he had been searched and had not had this card on him: unfortunately the police officer's pocket bood recording that search had been "lost" some time before the the police: one of them beginning of the trial. The licence card, which had not been folded, was too big to fit in the pocket of Derek's trousers. Conveniently, the pocket was enlarged by tearing. This tearing took place during the period between the completion of the examination of Derek's clothes by the forensic science lab and the start of the trial.

> Strange things also happened to other garments he was wearing. Blood which may have come from the victim of the robbery was spattered on his shirt: yet it was not the topmost garment he was wearing, and appeared to have been thrown downwards on to the garment an impossible event if it had been contaminated during the attack on the woman. And on his shoes there was no trace of blood, or of the broken glass on which the

In his trial, the police were not adequately challenged over this dubious evidence, or other matters, such as the strange "loss" of the custody record relating to Derek which would have recorded what he had in his pockets when arrested. He was sent down for 9 years. Since his conviction, Derek has been helped by James Stevenson of the McKenzie Manchester Organisation. Mr Stevenson

hoped to arrange for the trial exhibits to be re-examined by independent experts. Alas, they had already been destroyed. Mr Stevenson prepared meticulous and comprehensive explanations of the forensic evidence and what it implied - demonstrating conclusively that the court had been mislead and that Derek is innocent. His work was dismissed by the Court of Appeal as consisting of "tenuous argument based on overly technical or literal analysis of the evidence" in other words, he was too careful and thorough. You can't win with some judges - in this case, lord justice Taylor lyes, the same Judge Taylor) who delivered the judgement.

POOR DEFENCE

Derek's case should be reopened. But how is this to be done? Like many other cases, the problem is that we can't find new evidence to challenge the evidence given in court, because the evidence was inadequate in the first place - and now that the police have destroyed the real evidence, how that it was can we show contaminated? That Derek's defence that he was being framed was not put, is blamed on him rather than on his barrister, C.R.Garside, who refused to put it. All we can do now is publicise Derek's case until it is taken seriously - not dismissed by judges who have failed to get to grips with technical detail, perhaps because they don't like what they're reading implies about their colleagues and the Manchester police.

Derek Barnes AK2029, South Unit, HMP Rudgate, Wetherby, W.Yorks. LS23 7AZ

FORCED TO PLEAD GUILTY

Waiting for his trial to start on the morning of 12 July 1989, Darren Southward received unexpected news from his solicitor, Mr Mackey of Burton Copeland in Manchester. A deal had been arranged: if Darren changed his own plea from not guilty to guilty, then charges against his mother, who was his co-defendant, would be dropped. His sisters came to see him too. They were worried that if their mother went to prison, there would be no one at home to look after their younger brother and sister, twins aged nine. Darren gave in and pleaded guilty: the charge was murder, carrying a mandatory life sentence. He was 19 at the time.

Darren wasn't guilty of murder. Many years before, his parents' marriage had split up, and later his mother had lived with George Robertson, but he had become violent towards her, and in 1984 she left him. Robertson refused to leave her alone. On one occasion smashed the windows of her house, and she called the police. He was taken to court and fined, but the amount was derisory, and she felt that the police did not want to help her. Robertson continued to harrass her. He would wait outside the school where she had to collect the children, and chase her as she ran off, trying to escape. He was a big man, over six feet tall, and he had previous convictions for violent offences. He was a heavy drinker, and known locally as Mad Jock - he came from Glasgow, but was afraid to go back, having made too many enemies there, it seems.

Darren wanted to divert Robertson's attention from his mother. Late one night, on the way home with his mother in a taxi, they passed Robertson's house. Darren got out, and Mrs Southward followed him. They argued on the pavement as she tried to persuade him not go into Robertson's house; it would only

make things worse, she said. The taxi driver tired of waiting, and drove off. Darren went in while his mother went off home. At first he thought no one was there. He went in, and found Robertson sitting in front of the television. There was a confrontation: Robertson rose to attack Darren. Darren, who is small and slim, looked round for something which he could use to defend himself. He found a hammer, and with it he hit



Robertson several times, then ran out of the house.

When he had recovered from his fear and panic, he called an ambulance to help Robertson, thinking he had only injured him. The hammer, still in his hand, he took with him and threw into a lake. Later, after the police had found him, he showed them where to look for it. The Greater Manchester Police Serious Crime Squad, lead by DS Derek Gardner from Collyhurst police station, arrested the whole family, including Darren's father, but charged only darren and his She had lied to them mother. Darren's whereabouts, about trying to protect him. But nothing connected her with Robertson's death - the police accepted she

had not entered the house. She, like Darren, was held on remand, although she had no previous convictions and two small children to care for.

On the morning of the trial, she too was approached by her solicitor, Mr Rogerson. He told her she was facing a sentence of 8 to 14 years if found guilty of murder; if it was manslaughter, she was likely to get 8 years; if she pleaded guilty to manslaughter, she would soon be freed. To add to the pressure on her, the prosecution added a further charge that same morning, of "wasting police time". agreed to plead guilty to manslaughter and the new charge, and received a sentence of three years imprisonment. Reunited in the dock, Mrs Southward and Darren heard each other's guilty pleas and sentences with astonishment.

Conviction supports Darren in his demand for a hearing by the Appeal Court, because he was denied a trial (at which he would probably have been acquitted) by being placed under great pressure to plead guilty and forced to make an immediate decision on something which will adversely affect his whole life. We have not taken up a guilty plea case before. There may well be more of framing involving cases pressure to plead guilty than cases which went to trial. It is a longstanding problem, exposed in book published in John (Negotiated Justice, by Baldwin and Mike McConville). We hope that many more such cases will be exposed in the future. The Court of Appeal must declare Darren's plea null.

Mrs Southward too should have her conviction quashed. She is back with her family, but the stigma of her conviction remains with her, causing problems for her children and herself.

Darren Southward AK3761, B Wing, HMP Full Sutton, York, YO4 1PS

DANGEROUS MYTHS

lan Marriot, under-manager at the Mecca Ritz ballroom in Manchester, died following the inhalation of hydrofluoric acid fumes on 28 September 1990. His death was horrific and anyone who used such a method of committing murder would find no sympathy from Conviction or anyone else. But this death was not a murder. The police did not suggest it was at first. They appealed for anyone who knew how the death had been caused to come forward, saying they understood it had been an accident, and when interviewing Carl Golds (later convicted of murdering Marriot) they continued to accept that this death was accidental.

What happened was that Mark Taylor, then a doorman at the Ritz, discussed with Carl Golds how all the staff hated Ian Marriot, and how he would like to give him a leaving present — perhaps a bill for damage to his car. Golds' intention was to throw the acid on to the car, but as he did so, Marriot appeared: Golds panicked, threw the acid recklessly, spilling some on his own hand. The rest went on to the car and Marriot's clothes, and from this he breathed in fumes. (Mark was not present.)

It isn't clear how Marriot died, because no one knows much about death by inhalation of hydrofluoric acid fumes. It has happened perhaps once before, 30 years ago. It would appear to be an uncertain way in which to deliberately cause death.

B-MOVIE

Then the tactics of the police changed. DS Bernard Rees, in charge of the investigation, told the media that this was a gangland killing, perhaps a revenge killing. They appealed to the "underworld" to help in tones reminiscent of a 30s B movie. They arrested Mark Taylor, and charged him with conspiracy to

murder.

The evidence against Mark was slight: statements that he had quarreled with Marriot and asked Golds to harm him from three people who, in court, contradicted the statements and said that they had made them under pressure from the police: tape recordings made secretly during family visits to Mark when he was on remand, in which he said he hated Marriot and the police for the way they were treating him; and his co-accused Golds, who during the course of the trial changed his plea to guilty and gave evidence against Mark. Even Golds' evidence was ambiguous. There was no case against Mark.

Why then was he sent down in July 1991 for life, with a recommendation by the judge that he serve 20 years?

STEREOTYPES

prosecution's representation of Mark as a dangerous underworld figure. Building on a stereotype of doormen as thuggish bouncers, the police presented Mark as a threat to the security of the court. They claimed that there was a threat to the jury, and gave them police protection. Finally the jury, unable to make a decision, was allowed to listen to the covertly recorded tape despite the protests of the Shortly afterwards detence. they found Mark guilty.

On the tape, Mark was heard to be very abusive about the police. He was held for a long period in police "container" cells, where he suffered trom claustrophobia and depression - he had never been locked up before -and he made a serious suicide attempt. He was not pleased about the what the police were doing to him, or to friend: DC Hatton his girl

repeatedly visited her demanding that she should make a statement incriminating Mark, until she was forced to make a complaint about him.

AGAINST VIOLENCE

It was this experience that made him dislike the police on his Mark is no underworld figure, but (until his arrest) was doing a responsible job for a respectable organisation; his task was to prevent violence, and he did this well - on one occasion saving lan Marriot from a severe Mark has only trivial beating. previous convictions, which happened long ago. It is not Mark, but the police who need the underworld - as a gang of vicious men condemning their victims to brutal and agonising deaths, a constant danger to all respectable citizens for whom only the police can offer protection. The villains of Manchester, and their relations with the police, are in practice rather different. In order to renew the fictional underworld, the police need to show us people who they've caught and who they can represent as dangerous. Mark's admitted stupidity (wanting to damage his boss's car) offered the police the kind of opportunity they were looking for. It was therefore important that the police be challenged about the way they had treated Mark and the prosecution witnesses. Mark's counsel, Mr Burke, failed to obey instructions to do this.

Since his conviction, Mark (now aged 31) has been fighting his case, which is now making slow progress towards the Appeal Court.

Mark Charles Taylor EE0302, HM Prison, 5 Love Lane, Wakefield, West Yorks. WF2 9AG

AMBUSHED BY ARMED MEN

On 26 March 1991 Scott Tomlinson came out of his girl friend's house and got in his car. He was immediately surrounded by men who smashed the windscreen and pointed guns at him. Thinking they were going to kill him, he drove off at high speed, knocking over two of the men and, shortly afterwards, a passer-by. He stopped the car and ran off. He thought that the men attacking him were armed robbers - and so did four independent witnesses. It may come as no surprise to readers of Newsletter 6 lcase of Jerry McCarthy) that these armed "thugs" were in fact members of the Greater Manchester Police's Tactical Firearms Unit.

Scott was arrested shortly afterwards and charged with possession of drugs and firearms. These had been discovered under the floorboards of his sister's house, following surveillance of this place by DS Paul Boone (or so the police claimed when they obtained a search warrant). If the house had been watched, then the police would know that Scott's sister had not been living there for the previous three months, and that Scott had not been into the house during this period. Unfortunately, DS Boone denied that he had been watching the house, and so surveillance records were not available.

There was no evidence to connect Scott to the drugs and guns. He had a key to the flat (he used to help his sister, a single parent, by doing shopping and odd jobs in her house). Police found a single fingerprint of Scott's on a carrier bag (along with many other prints from unidentified people) which DC Howson and DS Speak (who searched the house) claimed to have found under the floorboards. Like contested real evidence involved in other GMP Serious Crime Squad cases, there is doubt as to whether this bag was handled with the rigorous procedure usually employed whether it really was under the floorboards. Even if it was, the was no evidence that Scott had put it there.

The only other evidence the prosecution produced were selfseal plastic bags loften used by drug dealers, the police tell usl, found in places where Scott had been. There was little enough to link the bags to Scott, nothing to link them to bags found in his sister's house. Their introduction as evidence served only to brand Scott as a drug dealer (which he is not, and never has been). That was all the evidence. So two questions (at least...) need to be answered: why arrest Scott for possession of drugs and firearms when police records must show



that he has never had anything to do with such things? and how could he be convicted on such little evidence? These are questions very similar to those we find ourselves asking in almost every case we investigate, and the answers are necessarily speculative.

Scott has been arrested six times for armed robbery since 1980, but never convicted of this offence. On one occasion DS Terry Brown and other SCS officers were keeping watch on a bank, having heard it was going to be robbed. All they got was Scott, committing a minor offence for which he received a suspended sentence. DS Brown was unhappy with this result. He set up a surveillance operation involving 4 other officers from Longsight police station, called

Operation Scottie. They arrested Scott and he was later convicted of "conspiring to rob" - he had been picked up near where a Securicor van was collecting cash. The only evidence against him were uncorroborated statements by police officers. After two trials which the police found reason to abort, Scott was convicted and sentenced to 7 years' imprisonment at Preston Crown Court. Scott had been transformed (in police terms) into a "villain" who could be slotted into any suitable frame.

Trying to understand his latest trial, we asked Scott how he could be convicted on such minimal evidence. He explained that there was a third charge, of reckless driving, which should have been dealt with separately, because it was used to prejudice his defence The on the other charges. members of the Firearms Unit claimed that they had identified themselves and shouted warnings before Scott drove away. The prosecution represented this "reckless" driving as a flight indicating guilt. It proved nothing, but it dominated the court proceedings. Once more Scott had been successfully labelled a dangerous villain, and was sent down for 11 years by Judge Michael

The framing of Scott Tomlinson leaves many questions unanswered: who did own the drugs and guns? Were there no other leads the police could have followed, if they had indeed been watching the house where the drugs and guns were found? Do they really imagine that these things belonged to Scott? or if not, do they not care about finding who did hide them under the floorboards? The police claim to be protecting all of us from dangerous villains and that they are clearing up major crimes: this case suggests they are doing neither of these things.

Sachs.

Scott is now waiting for his appeal to be heard.

Scott Tomlinson EE0495, H.M.Prison Full Sutton, York YO4 IPS

CONVICTION case - Desmond Brady GUILT DETERMINED BY POLICE On 26 February 1991 two masked conversation." They were - that he was talking

On 26 February 1991 two masked men held up a post office in Middleton, north Manchester and pointing what appeared to be a gun at the postmistress, robbed

her of **E2,314**.

A passing motorist followed the robbers' getaway car. He stopped to phone the police from a triend's house. She could see the robbers from her bedroom window as they ran along by a canal. She told the police that two of them wore turquoise tops and the third, who was taller, was wearing a dark blue sweater.

PC Peter Wolstencroft says that he saw two youths walking together: he recognised them as Desmond Brady and John O'Connell. "Brady was wearing a turquoise top and O'Connell a royal blue top, "he said. "It was quite obvious that both of them had just been running, they were red in the face, sweating and were out of breath. Both youths were engaged in

conversation." They were dragged into a police car and arrested on suspicion of having committed the robbery. At this point both of them jumped out and ran away. John O'Connell was chased and arrested by PC Wolstencraft and PC Stopford.

Desmond was not out of breath and had not been running; he was wearing a multi-coloured cagoule-type top. Police denied that PC Stopford was present. Later, police arrested a friend of Desmond, mistaking him for Desmond himself. He was wearing a multi-coloured cagoule-type top - and was told the reason for his detention was because his description matched that of the robber, including the top he was wearing.

Desmond ran from the police because of a fine he had not paid. He was picked up by the police

later in the day.

The evidence against Desmond

else the police suspected, and that he was himself out of breath and wearing a turquoise top—came from PC Wolstencroft. PC Stopford made no report of the incident. In the course of the trial the police found opportunities to brand Desmond as a criminal, showing that they knew him well. This case fits the pattern of police fitting up someone who has a history of minor offences, to convict them of serious crime.

Desmond wanted his barrister to challenge the police evidence, but this was not done: he thinks that the lawyers acting for him did not believe in his innocence. He received a 10 year sentence.

He is now trying to find a good solicitor who will help him with his

appeal.

Desmond Brady EE0982, HMP Full Sutton, York YO4 IPS

MARTIN FORAN

Conviction veterans familiar with the case of Martin Foran: Martin was framed in 1978 by the infamous West Midlands Serious Crime Squad (SCS) on charges of robbery and then again in May 1985, on charges of robbery and conspiracy to rob. Martin engaged in a number of hunger strikes during the first sentence to protest his innocence, which had an adverse effect on his health, so that during his next sentence it deteriorated, aggravated by the lack of medical care in prison. A further sentence of 6 years was imposed on Martin for the "false imprisonment of a prison warder", tollowing an incident in which Martin held an officer in his cell medical treatment was refused in 1986.

New evidence has emerged which may well confirm Martin's innocence. During the 1985 trial, the prosecution made much of the fact that at the time of Martin's arrest tools, including a large knife, a crowbar, and a screwdriver were found on the back seat of his car. Martin claimed that these were tools he was using for work as a scrap dealer, but the prosecution implied that these were used in a pub robbery the previous September. Now the Crown Office has has conceded that forensic tests were done on

these tools and that the tests indicated that the tools cannot have been used for the robbery.

Yet this information was witheld from Martin's defence back in May 1985.

The Crown Office have also investigated information which was given by the police to the appeal hearing in 1986. Part of the evidence against Martin was that he had made a verbal admission at the time of his arrest to DI paul Matthews of the SCS. Martin always denied making this admission. Ilt was Matthews who claimed to have obtained an admission against Paddy Hill of the Birmingham Six in 1974; he was also discredited after offering an admission against a suspect named Malcolm Herring in 1986, who was acquitted when his case reached trial.

Martin heard that Matthews was suspended from the force in 1986, and applied for an appeal hearing as the testimony of Matthews was a major part of the prosecution case. The judges wrote to the West Midlands police in April 1986, and they responded quickly by stating that Matthews had not been suspended from duty. Yet they did not disclose the fact that this officer was facing disciplinary proceedings following his transfer from detective duties to lock up duties in August 1985. Matthews was

dismissed from the force in November 1986 for "failing to obey lawful orders".

The police have continued to harrass Martin and his family. Martin was allowed a home leave to see his tamily as one of his daughters was facing the possibility of surgery. On Wednesday August 5th, whilst the family were out, police stopped them and arrested Val Foran (Martin's wife), took her to a nearby police station and strip searched her for alleged possession of drugs. Meanwhile members of the family were warned by officers that Val faced the chance of a drug plant land a 10 year sentence) unless Martin gave up his appeal.

Val and Martin Foran first made a complaint against the police, then decided to withdraw it so that they could bring civil proceedings against the officers

concerned.

On September 1st Martin appeared before the board of visitors in Wellingborough Prison, charged with escaping last year. The board sentenced him to 28 days, to run concurrently with his current term, and advised the Home Office that Martin should no longer be in prison.

Martin Foran C51796, Cwing, HMP Millers Park, Doddington Road, Wellingborough, Northants.

Robert Taylor writes

As the supporters who have been involved in my campaign for Justice, to prove that I was innocent and was trained by the Greater Manchester Police on such a blatant trame up Identification Parade that sent me to prison for 12 years for a robbery that I am mnocent of, are aware: after tighting and with help from different bodies for nearly four years, I went to the Appeal Court on May 18th - 22nd. My grounds of appeal were that the police blatantly disregarded and broke the 1984 PACE (Police and Criminal Evidence Acti law on the conduct of Identity Parades. Vital evidence was also witheld from the Defence even after an order to disclose was issued by a High Court Judge.

DC Morris gave evidence for the Prosecution and was caught bang to rights lying out of his notebook. He also denied being the investigating officer in the case. The Appeal Court conceded that the Police had broken the PACE 1984 Law. They

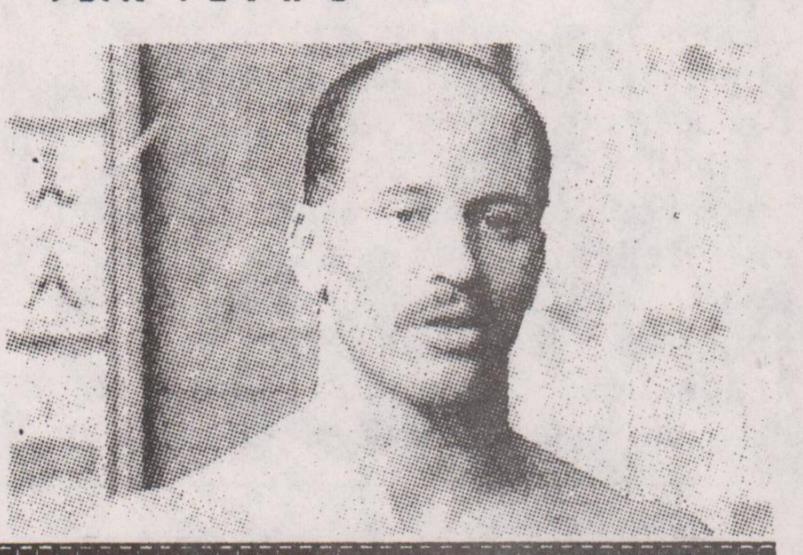
also admitted that the police had witheld evidence which should have been given to the Detence. They went on to say that notwithstanding the Law had been broken, I was a dangerous man and high up in the Manchester Criminal World and they would not grant my Appeal.

What amazes me is how Judges can order the Police to do something and the Police can totally ignore them with immunity. How can the highest Court in the land, who are supposed to uphold the Law, concede that the law has been broken and not quash the conviction? Is the Law there like goalposts to be moved when they deem fit to do so? Because that is not what they preach to the Public. Anyone at my Appeal was left in no doubt, including prison officers in the dock, that / was blatantly framed and I defy anyone, including the Home Secretary, to read my case and appeal papers and say that my conviction is safe.

Eventually the Truth will

prevail, especially now that they concede that they have broken the Law. I need all the support ! can get, and would appreciate letters of support and will reply to all eventually, stamps allowing. / thank you all for your support because it is only with Public awareness that myself and people like me will ever get the chance for Justice in this so-called fair legal system that we have; which does not like to admit the wrongs that they do. They'd rather leave us hoping that we'll go away. Well here is one person who will never give up the fight to prove his innocence.

Robert Taylor AK3468. HMP Full Sutton, Moor Lane, York YO4 IPS



CONVICTION TAKES CASE TO EUROPEAN COURT

Jerry McCarthy has appealed to the European Commission of Human Rights, supported by Conviction.

fair trial guaranteed under article 6 of the Convention of Human Rights," says Jerry "That article guarantees my right to have the witnesses called that essential for my defence. lawyers could have found those witnesses and the police could have produced them, but they was accused of refused. conspiracy, and these missing witnesses set me up for that They were police charge. informers, working with the Greater Manchester Police Serious Crimes Squad. I'm serving 9 years

for a conspiracy | knew nothing about. The only conspiracy that happened was a conspiracy you can be set up for a crime that never existed. I've tried everything, and now I'm forced to ask the European Commission to help."

Jerry is aged 42 and was born in Belfast. He was convicted in 1988 of conspiracy to rob and possession of a firearm with intent to commit an indictable offence. He is currently in Rudgate Prison, near Wetherby, West Yorkshire. Following a refusal by the Court of Appeal to hear his case, and the recent refusal by the Home Office to redirect the case to the

Court of Appeal, he asked Conviction to help him present his case to the European court.

against me. No one in this Most of Jerry's problems are "I was denied my right to a country wants to hear about how due to the failures of the lawyers who acted for him in his trial: they failed to present his case, to demand the production important witnesses and challenge the prosecution's failure to produce witnesses and disclose Subsequently lawyers evidence. have failed to support his case with full commitment because of a to criticise their reluctance colleagues. Conviction has no such inhibitions and will assist Mr McCarthy to make presentation of his case - because we are certain of his innocence of the crimes for which he was convicted.

CASEMENT PARK

From Justice for the Casement

Park Accused letter:

41 people have been charged for a variety of offences arising from the killing of two British army corporals who drove into a funeral in N. Ireland in 1988. It was the last chain of a sequence of tragic events connected with the shooting dead of the SAS Gibraltar Three by personnel. The funeral of the Three at Milltown cemetry in Belfast was attacked by armed loyalist Michael Stone, who killed three people. Several days later,

VOICE OF THE INNOCENT

Belfast youths from the Ballymurphy area have been rounded up, subjected to "intense physical and mental torture" in Castlereagh Interrogation Centre, forced to sign confessions and held for long periods on remand in terrible conditions in Crumlin Road jail. Many of them continue to suffer constant headaches, depression, and pains in their arms and legs caused by

at the funeral of one of these mourners, two armed soldiers in civilian dress drove their car into the procession. The crowd, fearing an attack, disarmed and removed the men who were eventually killed by the IRA

Following the incident hundreds of people were arrested or raided by the security forces. Charges have ranged from assault and affray to false imprisonment and murder. But none have been accused of the actual killing or being members of the IRA. Instead the Crown has relied on an interpretation of the doctrine

RUC's interrogation the techniques, and their health is

deteriorating.

An interview with the parents of one of the internees, Stephen McMullan, is published have abolished internment in in the current Fight Racism! Northern Ireland, but instead Fight Imperialism! (FRF). It gives a full and frighteningly detailed picture of what the RUC is doing to Belfast youth, and is highly recommended (FRFI has an excellent 'Prisoners' Fightback page and is available from BCM box 5909, London WCIN 3XX).

Voice of the Innocent is campaigning for their release support: for needs and information phone 0232 232234.

of "common purpose" which" would make it possible for someone to be found guilty of murder simply on the basis of their presence...

The local community feels that it is being punished for its spontaneous reaction to soldiers' armed intervention the funeral and for subsequent actions of the IRA.

Help in monitoring the trials needed: donations are and Justice for the contact Casement Park Accused. Bookshop, Ink Green Archway Mall, London 5RG

BEECHMOUNT

In May 1991 a RUC sergeant was killed in an IRA attack in the Beechmount area of Belfast. The Beechmount Five are teenage youths who were forced to sign confessions that they were involved in this incident, after being physically and mentally tortured Castlereagh.

Contact: Free the Beechmount Five, c/o Margaret Hillick, 3 Shaws Park, Belfast; or phone Bridget Coogan 0232 248957

NEIL

Amongst the most unfashionable causes a person can adopt by the standards of the British left are cases of framing amongst the loyalist communities of N. Ireland. Such cases might not fit in with the 'correct' analysis of the N. Ireland / Six Counties troubles but there is increasing evidence that individuals from these communities are sometimes victims of a shoot-to-kill policy and can be jailed for crimes they have not committed. (See Justice for All magazine, from 252 Shankill Road, Belfast 13, and the article on Thomas Green in Newsletter 6.

The Armagh Four case was featured in Newsletter 4. Four serving UDR soldiers, Neil Latimer, James Hagan, Noel Bell and Winston Allen were said to have shot and killed a young Catholic man in Armagh Town in

November 1989. The evidence against the men was mainly LATIMER 'confessions' beaten out of them in Castlereagh interrogation centre. The statements made to the police had been rewritten by the time of their trial.

> In the case of Neil Latimer there was identification evidence: a witness statement implicating the witness him (although described the gunman as being 5'2" tall when he is 5'8"). Interviewed on Irish TV network RTE on 5 February 1990, she

retracted her evidence.

On 30 July 1992 the Appeal Court quashed the convictions of Messrs. Bell, Hagan and Allen, but upheld that against Neil Latimer. Although the judges conceded that the ESDA tests on the men's supposed admissions showed that they had been they ruled that Neil Latimer had made some 30 statements to the police, and that the alterations made in them were not

substantially different from the text detailing comments he made himself; and although the court acknowledged that the first statement he had made had been rewritten four days later by police officers, and others subsequently altered it seems that this does not warrant a successful appeal.

Yet after the men had been interrogated by the police, all maintained their innocence and Neil Latimer claimed that he was subject to bullying. shouting, abuse and threats", including threats against his parents' lives.

So Neil Latimer is kept in jail thoughn the most the prosecution can offer is the words of a witness who has been trying to retract her evidence for years and a series of rewritten statements made under rewritten by police officers, pressure during a stay in custody in Castlereagh. It isn't surprising that campaigners for the UDR Four are carrying on their work until he is released.

The Bridgewater Four

At the time of writing the Home Secretary is due to make a decision regarding the case of the Bridgewater Four, the men framed for the killing of newspaper boy Carl Bridgewater by burglars he disturbed as they robbed a farm in the Midlands in 1978. Pat Molloy, James Robinson, Michael Hickey and Vincent Hickey were convicted of murder in 1979. They were working class and had criminal records - easy prey for officers from the notorious West Midlands Serious Crimes Squad (SCS), taking advantage of genuine public outrage at such a cruel act of murder: ideal conditions for wrongful convictions to occur.

alleged confessions made by James Robinson and Pat Molloy, which various witnesses claimed to have heard them make. No forensic evidence could be produced against the men. The prosecution could not decide who they thought had pulled the trigger and

actually killed the boy.

Vincent Hickey made admissions to the police in an attempt to make a deal with them over another offence. Officers from the SCS interviewed him. Molloy's statement became the main evidence against the men. It was corroborated by witnesses who later proved to be unreliable.

convicted on the word of a fellow prisoner who claimed that Michael had confessed to him whilst in a prison shower. Pat Molloy received a reduced sentence, James Robinson and Vincent Hickey were given life sentences, and Michael Hickey was ordered to be detained at Her Majesty's Pleasure.

Pat Molloy tried to retract his "confession" after their convictions, but died in prison after suffering a heart attack in 1980. The men have been fighting their convictions since 1979, and both Michael and Vincent Hickey made lengthy rooftop protests in the early 1980s to publicise their Evidence against the men included innocence. Michael Hickey's mother, Ann Whelan, has campaigned tirelessly over the years for the men's release.

In 1989 an appeal was heard but it failed to overturn the convictions. Now new evidence has emerged: speech experts presented a report in June 1991 to the Home Office that suggests that Molloy's alleged confession was the work of several people, and possibly was contrived by police officers. The authorities ordered a police investigation: begun in October 1991 by Staffordshire police, it was taken over by Merseyside police in November 1991.

Michael Hickey, then 17, was In September 1992 the BBC screened a sympathetic programme on the case, making the point that if the appeal had taken place after the summer of 1989, when the notorious SCS had been disbanded, the result could have been different. The day after the broadcast, the contents of the Merseyside police report was leaked to the media, and it was claimed that their inquiry had found no evidence of police malpractice (ignoring the fact that officers involved in the case have been linked to convictions which

were later quashed).

Campaigners for the Four have pointed out that police inquiries into malpractice are usually very secretive and enclosed affairs. Often the Home Secretary will refuse to refer a case to the Court of Appeal, but the defendant concerned will not know the details and the full results of the police inquiry into their conviction. In this case there seemed to be an attempt to deliberately leak the contents of the report to counteract the TV coverage. (Paul Foot's book Murder at the Farm (1986) is a good account of the case).

Bridgewater Four Campaign, c/o Houndsfield Cottage, Houndsfield Lane, Wythall, West Midlands B47 6LS

HELP!

CONVICTION is a tiny organisation in terms of active supporters and resources. We always welcome

offers of help from readers. The few individuals who do the work have too much to do and the high expectations of framed prisoners places a heavy burden of responsibility on them. When the dossier of 110 cases was submitted to the Home Office last July, by Conviction, Liberty and NAPO (the National Association of Probation Officers, the publicity that followed was very helpful to the prisoners concerned, and to the credibility of Conviction in general. Steve Davis, for example, was heard on Radio 1 and TV news bulletins. We were overwhelmed by phone calls coming in from journalists in every part of the

country. We are re-submitting the dossier, with additional cases and changes, on Il November which has been declared Justice Day by Liberty. On that day, we will be on the platform of a meeting in Manchester public of (where cases our many originate).

Responding to this publicity and the needs of the prisoners we are supporting is pushing us beyond our limits. Some individuals in different parts of the country have already made offers of help, and we will be trying to make use of these. If any other readers want to help, there are several ways:

* support a prisoner directly write to any prisoner whose name, number and address are given in the newsletter;

* write in and ask us how to help whether we know of cases from your area, or people in prisons near you;

* help with publicity - such as the newsletter;

and (of course!)

* send money: a minimum of £2 a year for those who can afford it (we will send the newsletter free to unwaged readers who write in once a year and confirm they want to continue receiving itl, and donations - anything you can afford, because we have no other income. Please make cheques payable to Conviction.

NOTTINGHAM

friends in Nottingham Some involved with the Free Information Network - NottFin - are setting up a group there to help framed prisoners from, or imprisoned in the East Midlands. We will pass on messages to them from anyone who wants to help in that area, or from prisoners who would like to hear from them.