

## Saved from Framing - Gerry McCarthy

What happens after you've spent a long time in prison, never admitting your guilt for something you didn't do, always fighting to overturn your conviction, and you're eventually released?

In 1987 Gerry McCarthy was set up on charges of conspiracy to rob and possession of a sawn-off shotgun with intent to commit robbery. He was lured into an ambush of armed police by grasses Alan Bretherton and John MacLaren, who were working with the Greater Manchester Police Serious Crimes Squad as their *agents provocateurs*. He asked for these two to be brought to court to give evidence, but his lawyers failed to do this. He told his barrister to challenge police evidence, but his instructions were not carried out. He was given a 9 year prison sentence, and released in 1992. We covered his story at greater length in earlier *Newsletters*.

Since then he has constantly searched for work, but each time he finds a job (he works as a doorman for clubs and pubs, the police ask the management to sack him. They make out that he is a major criminal.

Worse still, another attempt has been made to fit him up.

He was accused of assaulting a woman late one night, in a street brawl following a party. She gave a vague description of her assailant, which was nothing like Gerry. A man approached him and said he could get the charges dropped if Gerry paid him £5,000. Gerry told the police of this attempt at bribery, but they weren't interested in this crime - only in convicting Gerry again.

***Innocent*, Dept 54, 1 Newton Street, Piccadilly, Manchester M1 1HW.**

Gerry chose a full committal hearing, in which the witnesses against him were supposed to appear at Salford magistrates' court. By now he had the full support of both *Innocent* and *Conviction*, so when he came to court he had plenty of friends to support him, wearing white *Innocent* tee shirts. Curiously, the prosecution witnesses failed to turn up. Perhaps they had thought twice about telling lies in court, now that it was clear that Gerry was no longer an isolated victim of the criminal justice system. Twice the hearing was postponed on some feeble excuse. A stream of people came up to Gerry's supporters to ask what *Innocent* was and to say that they, or their friends, or members of their families, were being fitted up. This seemed to embarrass the court staff. For its final hearing, the case was moved to a room just by the entrance, so that *Innocent* tee shirts would not be seen all over the building. The witnesses still didn't appear, and the police dropped the case.

Afterwards a young man walked up the front steps of the court in the bright midday sunlight and pissed on one of its magnificent classical columns. Then he went inside. Since there are toilets inside available for public use, this can only have been a gesture expressing how he felt about criminal justice in Salford.

While waiting for the end of this attempt to put Gerry away again, police arrested him and his daughter for a theft they had not committed. And we hear they have not given up targeting this "major criminal". So when you've served your sentence as a model prisoner - perhaps, like Gerry, for much of the time in an open prison - you can expect to be fitted up again: unless you find some friends who will make sure it won't happen.

## SUBSCRIPTIONS

The *Conviction* Newsletter is published quarterly, and provides reports and updates on cases we are supporting and other related news. Subscriptions are £5 (£3 unwaged). This may seem a bit pricey, but we send it free to prisoners; they pass it around in prison, and it is how many prisoners get to hear about us. We also send it free to people who we want to keep informed about cases. Subscriptions help us to keep on producing the Newsletter, which is the only way we have of sharing the information we uncover, much of which is not available elsewhere. Occasionally (as with this issue) we will delay publication if we are waiting for the outcome of a case or for particular information.

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# CONVICTION

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## Frustrations in Court of Appeal

**Colly Wilson was due to have his appeal heard on Tuesday 8 November. Despite the ludicrous nature of his case (he is black and the robbers were white) he has already spent 2 years and 7 months waiting for this. It took 14 months for the Appeal Court to actually get round to hearing his application for leave to appeal. It was then a further 7 months from leave to appeal being granted to the date of the appeal itself.**

Colly had suffered what all victims of miscarriage of justice go through: the agonising wait for the wheels of "justice" to grind at their exceedingly slow pace. At last it looked like the end might be in sight.

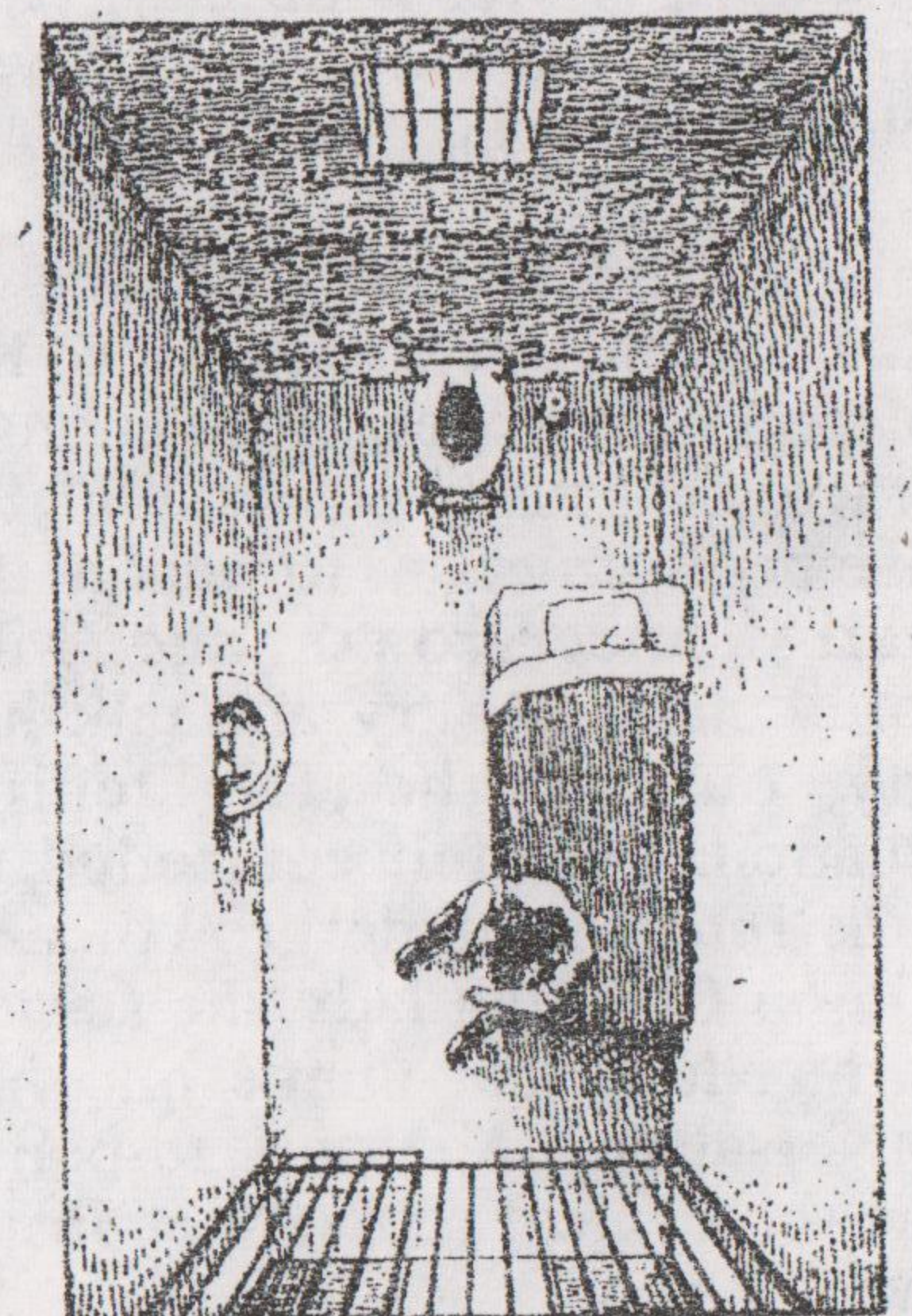
At *Conviction* we did our best to interest journalists in the case, getting a good response mainly from local and black media. In the meantime Nottingham Anti Fascist Action (NAFA), alarmed by the racist overtones of the case, worked hard to gain the attention of other like-minded organisations around the country.

Come the day of the appeal we turned up early, only to find that 5 cases were listed to be heard before Colly's (they give you no clue as to what time the case will be heard until the day itself). The long wait was torturous enough for those outside the court, God knows what Colly must have been going through, alone in a small cell with no one to talk and nothing to do.

When we returned to the Court after lunch, we found that the case before still hadn't finished. The judges discussed with the defence and prosecution barristers how long they thought that Colly's case would take, and decided that they did not have time to hear the whole case that afternoon. As the same three judges would not be sitting together the next day, the case could not simply be carried over. It therefore had to be postponed.

Outside the court, no one could quite believe what had happened. On top of everything else that Colly had gone through, the agony of waiting was to be prolonged - at that time we didn't even know how long it would be. We now have the new date for the appeal: **Friday 16 December**. The result will of course be reported in the next Newsletter.

Letters of support can be sent to: **Colly Wilson, JJ3012, HMP Gartree, Leicester Road, Market Harborough, Leics LE16 7RP.**



Meanwhile **Sean Farry** has been messed about in a similar way. His application for leave to appeal was accepted in May, and over the summer his barrister made enquiries as to when it might be heard. He found out that the court of appeal had neglected to tell the CPS that leave to appeal had been granted. Because of this oversight, it seems that they were unable to list Sean's case, and his appeal only went into the queue for the appeal court in September. Sean is now in **HMP Littlehey, Huntingdon, Cambs PE18 0SR.**



## JOSEPH ROCHE

On 24 May 1993 Linda Hardy was walking her dogs in the woods at Chipperfield Common. She met and conversed with villager George Durrant in the car park on the common at approximately 10.20 am. The conversation took place close to where Joe Roche's car was parked, George Durrant was able to describe later in court that Joe was wearing a light coloured shirt and was looking at a puzzle book. After passing the time of day with Mr Durrant, Linda Hardy walked into the woods with her dogs for her regular walk. In court it was said she reached the Apostles Pond at approximately 10.30 am where she sat on the seat beside the pond and lit a cigarette.

A short while later she was aware of a young man with whom she "passed the time of day". The young man appeared to be in his early 20s, white, with short dark hair, and she noticed he was holding a weapon.

This is Mrs Hardy's account of what happened next: He placed the weapon near to her, close enough for it to be actually on her skin. He gave her instructions to walk to the nearby undergrowth and Mrs Hardy started to try and talk her way out of the frightening situation. She felt compelled to walk into the undergrowth and being a Christian lady she started to introduce that theme into her conversation. The only response was the cynical reply, "Let Jesus save you now".

The attacker then pushed her to the ground and indecently assaulted her. When she started to scream he threatened to shoot her two dogs. The man began a brutal attack upon her, repeatedly striking her about the face and head with the weapon until her resistance had gone.

Joe Roche was keeping a check on the time because he was going to pick up his girlfriend, Claire, to take her to an 11.00 am appointment in Hemel Hempstead. He finished the puzzle and left the car park at approximately 10.30 am. He drove in his distinctive Citroen 2CV to pick up Claire, who lives a short distance away.

He arrived early and her parents commented upon this fact because Claire's father had an appointment with a neighbour and was also clock watching.

A neighbour, Pat Flynn, saw Joe leaving the Close with Claire approximately 5 - 10 minutes later, (10.40 am). Defence witnesses Mr and Mrs Fox had gone for a walk on the common and had seen Joe's 2CV in the car park with a young man sitting in it. They returned to their house and had a cup of coffee and between 10.30 - 10.45 am they left for a shopping trip to a nearby village, Kings Langley. Mrs Fox, who had never heard of the Roche or Hardy families in Chipperfield, said: "I was at the junction of the A41, and The Nap, waiting to turn right into The Nap - I looked to the left and saw the same Citroen car waiting to go straight across the road. I could see the front of the car, I could see a young lad and a girl. The time would have been approximately 10.45 - 11.05 am." These timings were supported by another defence witness, Mrs Joan Bryant, Claire's mother.

### Timings

Joe was seen on the common in his car at 10.20 am by George and Barbara Durrant. He was next seen by Mrs Joan Bryant at approximately 10.30 am at her house (other witnesses can support this.). It would have been impossible for Joe to leave his car, follow Mrs Hardy to the other side of the woods, talk to her, attack her, get back to his car, clean himself up - and be at his girlfriend's house by 10.30 am.

### Forensics

The attack was quite brutal, and the attacker would have been covered in blood. Joe's car was examined and it was noted that the car had not been cleaned, and there was no evidence to link Joe to the attack. The forensic scientist concluded:

**"In my opinion, the results of the laboratory examinations provide no scientific evidence to associate Mr Roche with the attack on Mrs Hardy."**

Joe was examined the day after the attack and no marks or scratches were found on his entire body - Mrs Hardy had stated that she had scratched her attacker.

### ID Parade

Joe attended an ID Parade at Kilburn Police Station approximately three weeks after the attack. Joe was the only man from the village attending. He was the only person on the parade wearing a white shirt and was refused permission to put a jumper on over this (the attacker had been wearing a white top). There is also a very strong chance that Mrs Hardy would have seen Joe around the village, and hence his face would have been familiar to her. **Her identification was the only factual evidence against Joe. The Judge described it in his summing up as "rocky".**

*This article is based on a summary of the case written by Joe's parents, and on additional information which we asked them for. Unfortunately we do not have a caseworker in their area to take up the case.*

For more information contact: **Friends and Family of Joseph Roche, Bucks Hill Stables, The Common, Chipperfield, Herts WD4 9BN.**



Something which prisoners can get sent to them for Free is *Green Anarchist*, a quarterly paper which covers a wide range of issues. For everyone else it costs £7 for 10 issues or £3.50 for 5 issues (send cash or postal orders, not cheques).

Get it from: Lancaster Bomber, c/o Box 407, Camberley, GU15 3FL.

## Fighting Back - Where to Begin?

*This article has been contributed by Kevin Callan, celebrated miscarriage of justice victim from Manchester (see Newsletter 8), who has worked hard to prove his innocence - he was granted leave to appeal by the appeal court on 31 October, and they have suggested that it should be an early hearing, hopefully before Christmas.*

"No one enjoys being under a sentence of imprisonment, more so those of us who are genuinely innocent. How do we contest a wrongful conviction? Who can we turn to? How do we begin an appeal? Who do I contact regarding an appeal?"

It is more than difficult in the early stages of wrongful conviction as we suddenly begin to realise that the trial - at which we were going to "walk" - is now over and here we are sat in prison wondering what the hell went wrong. Yes, we blame anyone and everyone for wrongful convictions but who truly is to blame?

In this year of 1994 we are being taken over by the advancement of science. Forensic science, pathological science, medical science is that much more complex than yesterday. It is these three fields that are the main areas responsible for miscarriages of justice. Never, in the history of legal practice, has there been greater scrutiny of these scopes than today. Why? Because, as I say, they have played a major part in the celebrated miscarriages of recent times.

So, how is it possible to challenge such complex evidence? Really, it is more than difficult, as I personally found out. Having said this, one is clearly entitled to make a challenge to any evidence responsible for a wrongful conviction. I began by writing to the Queen, then the judge from my trial, such was my greenness at how to begin an appeal. Oh, I soon learnt. Why wouldn't the people from within the prison help me, I kept asking myself. I was left alone and totally isolated as my solicitor would not answer phone calls, mail etc etc. I didn't even receive any advice on appeal. I began to fight back very strongly and very hard. I read medical books galore on pathology, neuropathology, neurosurgery, law, celebrated cases of miscarriages were cropping up all the time. I was learning from the scandals revealed from these cases.

I made contact with some people who were called "experts". I asked them whether the medical evidence from my trial was consistent with myself being guilty of shaking my 4 year old stepdaughter, causing a cerebral haemorrhage (bleeding within the brain). Each and everyone of these experts all said the same - "shaking injury is not an acceptable answer as an alleged cause of death". Jesus, I thought, then why did the jury not believe me and my girlfriend?

I continued to study medical aspects of my case. I made contact with New Zealand and quickly had the backing of world leaders who are based in Auckland. So much so that they form part of my "medical team" for my appeal. I then made contact with one of England's best neuropathologists. Again the answer came back the same: I am not guilty of any crime. I did not leave it there, I went further and further down the corridors of world leading experts' minds.

Once I had enough evidence from the experts, I requested a well known solicitor to come and see me. He did so but with some reluctance - until, that is, he saw the evidence which I had massed. He told me, "you should not do it this way". I replied, I have proved my innocence, there is no right or wrong way when proving such. Since that day, we have been as one; in fact we are now a "legal team" of four - solicitor, barrister, QC and myself.

If you have been convicted wrongly and your case is based on medical aspects which you feel unable to challenge, even though you are 100% innocent, then I am only too willing to help you if at all possible. It can be done and it can be won but there is a reservation of which we must all be fully aware. No one person can prove innocence via medical evidence unless they are truly innocent. If, as in my own case, pathological and paediatric evidence was put forward in a deliberately misleading manner then each and

everyone of us can undermine that same evidence. Experts do not like other experts dragging their own profession down and they will assist us so long as we are truthful and have a genuine innocence. No one is better equipped at the fight than you. It is a battle which is fought very much on your own. However, unless we challenge the evidence head on then we are going up a blind alley. Go forward with the best people available, make contact with them and do not be afraid of their reputations as "leaders". If they can help, then they will. The road is long and hard and it requires much dedication and inner strength; vital ingredients when fighting a wrongful conviction. I wish you luck in every aspect of your fight and I join you in your plight with solidarity."

**Kevin Callan, EE0946, HMP Wakefield, 5 Love Lane, Wakefield WF2 9AG.**

**People rarely spare a thought for the coppers who actually fit people up in the first place. Perhaps this explains why no police ever seem to get done for fitting people up!**

The latest two to be let off are Detective Chief Superintendent Graham Melvin and Detective Inspector Maxwell Dingle, responsible for the framing of Winston Silcott, Engin Raghup and Mark Braithwaite (the Tottenham 3). They were cleared on 26 July of perverting the course of justice, despite evidence that the 2 fabricated incriminating interviews.

So Winston Silcott has to watch the men who fitted him up walk free, while he remains in prison, having been fitted up for another murder in the midst of and as a result of the publicity surrounding the original case.

**The Winston Silcott Defence Campaign can be contacted c/o 79 Tangmere, Broadwater Farm, LONDON N17.**



## Terry Allen

Terry Allen was wrongly convicted of the murder of Anita Kirkwood in 1985. We covered the case in Newsletter 6 (back issues of no.6 available, just send a large SAE). The case is covered much more thoroughly in the new book *Trial and Error* by David Jessel (reviewed in this issue). Terry is still fighting to have his conviction overturned, and has uncovered important new evidence. The dead woman had a bite mark on her breast, and this was said to match Terry's teeth. This evidence was always very dubious, and now Terry says he has the name and address of the person who bit Anita Kirkwood, and of the man who raped her - they are also, presumably, the murderers.

Terry says that the police knew the identity of these people 6 months before his conviction, but continued to fit him up.

"All the data is backed by hard evidence," he writes, "but I can't find a QC with the balls to get my case back to court. Too many bent coppers."

There's a challenge for QCs and barristers everywhere, with or without balls. Any takers?

**Terry Allen, L55957, Weald Wing, HM Prison, 36 County Road, Maidstone, Kent ME14 1UZ.**

## Writing to Prisoners

The following letter is taken from the *Subversion* paper. We thought it was a good account of why you should write to prisoners, from an inmate's perspective, and decided to reprint it here.

"Being in prison is a hard life for anyone no matter what the crime. Being in prison is soul destroying for someone like me who has committed no crime at all. The only benefit for most in similar positions as I find myself in, is that you do gain great strength from the fighting that you are forced to do.

Most men and women who are fighting their convictions get locked away in solitary at some stage.

I was locked in a room with a toilet and a sink which was no bigger than the average loo in the average house: for 14 months solid - try sitting in your toilet for 14 months.

The most important thing a prisoner can have is some source of communication. Letters are vital and the more the merrier. You cannot begin to imagine the feeling at receiving a letter even from a complete stranger: someone who is showing a tiny bit of interest or even concern.

Prisoners ask for little and most will not impose on those that write. Letters from the occasional stranger kept me sane, kept me alive when I was way down the hole that was seemingly getting bigger. No way out, just never ending constant mental brutality inflicted by warders. The physical torture one is forced to endure.

Two men hanged themselves during this 14 month period and at least one a week tried to do so, and in so doing caused serious damage to himself.

Often one cannot tell one's family what is happening to them in prison but can relate this to a complete stranger who occasionally writes.

It matters not what anyone writes to me about. I always find time to reply and believe it or not give advice when I feel I can. The knowledge that someone has bothered to write does give you hope

when there is nothing else except four walls and 17 screws every time your door is opened.

Thanks.

**Stephen Windsor, HMP Noranside, Fern-by-Forfar, Angus, Scotland."**

We have received two letters from prisoners in America. We simply do not take on international cases, as we do not even have enough resources to cope with all the British ones. However, both men specifically say that they would like pen-pals, and bearing in mind the above printed letter, we thought we would publicise their requests. They are both on death row and protesting their innocence. Arthur Williams, who has been on death row since 1983, writes:

"Here in Texas, prisoners sentenced to death are locked up in a 5' by 9' cell for 21 hours a day, denied any kind of physical contact with the outside World and very limited in educational, cultural and intellectual opportunities. Such an environment is extremely hostile, oppressive and, for the most part, negative so it's very important (if not life and sanity saving!) to be able to have mental, emotional and spiritual contact with the World through pen-friends!"

His address is: **Arthur Lee Williams II, 736, Ellis I Unit, Huntsville, TX 77343, USA.**

The second man, Johnny Rey, has been on death row since February 1992, and doesn't have anyone corresponding with him. His address is **Johnny Rey, 999021, Ellis 1, Huntsville, Texas 77343, USA.**

We hope you will consider writing to these men, and to the prisoners from this country whose cases we publicise - it does make a difference.

## Robert Taylor - Public Enemy Number One?

*Pissing in the Same Pot*, Black Economy Books, Box 8, 1 Newton Street, Manchester M1 1HW, price £1.50.

Just before he went on the run from prison in 1992, I visited Robert in the company of a friend. He was not a happy prisoner. It was just after his unsuccessful appeal, and Robert said, "They've given me home leave this weekend." He was surprised at what appeared to be a kind gesture by the prison authorities. "I'm thinking of not coming back. What do you think?" We didn't know what to say. I said, "It won't help your case, Robert," but it was a bit feeble. Who could blame him for doing a runner? What prospects of freedom did he have this side of middle age? It was only after all the headlines appeared ("GUN TERROR IN CAR CHASE") that I began to realise what was going on.

After the appeal hearing, DC Morris (a detective in the case who had been embarrassed over exposure of his own inconsistencies in the witness box) claimed that Robert had shouted threats against him and his family. Others present in the court knew that this had never happened, but the allegation gave the Manchester police (fully supported by the *Manchester Evening News* and crime reporter Steve Panter) the opportunity to label Robert as highly dangerous. When Robert absconded the police knew where he was, but instead of arresting him they kept him under surveillance, waiting for a chance to make out that he was planning armed robberies. The complete story is in Black Economy's *Pissing in the Same Pot*. If you want to read Robert's story of one fit-up on top of another, get a copy.

It now seems obvious that Robert was released on home leave so that he could be fitted up again. It was predictable that Robert, who had gone on the run before (when he was on remand, to protest his innocence) would go on the run again. It makes you wonder about those other cases where people on home leave from prison are said to have committed more crimes - why were they released if it was predictable that they would commit crimes, unless their crimes were hoped for? The end result is Home Secretary Howard's new restrictions on prisoners' home leave and his new bill to create a new offence of absconding while on leave. We know other prisoners who suspect that the reason they were offered home leave was *in the hope that they would try and escape*.

If you also want to know just what can happen on ID parades, and just what the Manchester police are capable of, then get a copy of *Pissing in the Same Pot*. This booklet, much of it in Robert's own words, is all too brief. It leaves you wanting to know more. Perhaps one day we will see the autobiography Robert says he is writing. Until then, we must make do with this well-produced booklet. Regular readers of this Newsletter will be familiar with Robert's name, but nowhere is the case all put together in one place - which is why *Black Economy Books* has done us a service by drawing it all together and bringing it up to date. But don't doubt that there will be more instalments. You can rely on Robert to bounce back, whatever they do to him.

By the way: Robert Taylor is innocent.

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**We reported in Newsletter 10 on the case of Sally Croft and Susan Hagan, who were facing extradition to the United States on a conspiracy to murder charge.**

They were extradited earlier this year, despite the fact that the evidence against them would never support a prosecution in this country.

However, in the States they have got off to a good start by being granted bail. Getting bail in a murder charge is not common place and shows the weakness of the prosecution case. The judge even refused the prosecution's demand that the surety be half a million dollars.

The campaign is still calling for pressure to be brought on the British Government to intercede with the US Government. The Public Prosecutor was quoted in *The Guardian* as being "perplexed" by the amount of support shown to Sally and Susan, and Les Weatherhead, Sally's counsel, said in his affidavit to the court that he had never seen so many letters of support for an accused person in his career. So their campaign has been noticed!

The women are still struggling financially, as they have no way of earning money in the States, and a standing order has been set up comprising regular small donations from many people, so that they can have a reliable regular income.

For more information contact: **Sally Croft and Susan Hagan Campaign, c/o Helen Walsh, 278a Brixton Road, London SW9 6AG.**



## The TV Men Who "Know"

### Book Review: *Trial and Error* by David Jessel

For fitted up prisoners, their last hope is often a television programme. By the time the appeal process is finished, lawyers are no longer funded from legal aid, families and friends have used up whatever money, energy and contacts they had, and organisations like *Justice* or *Conviction* are simply too small or too poor to gather together enough evidence to persuade the Home Secretary to send cases back to the appeal court. Complaints about lawyers and police only provide a chance for them to cover up their incompetence and corruption.

TV programmes like *Rough Justice* (BBC) and *Trial and Error* (Channel 4) can be genuinely independent (they don't even ask for the police side of the story, on the grounds that it has already been aired in court and preserved in the case papers). They spend tens of thousands of pounds investigating cases, using skilled researchers, and paying for expert opinions. They have behind them the power of national TV exposure when they knock on doors. They can take as long as they like, waiting until a crucial witness is flushed out to tell a story never revealed in court. No wonder many prisoners nourish a desperate hope that these investigative resources, far in excess of anything deployed by the police in their case (let alone by their own defence team), could be used to expose how they were fitted up.

A new book, *Trial and Error* by David Jessel, presenter of the programme of that name, tells us about both the cases they have covered and their investigations. It's an encouraging book: the *Trial and Error* team are not put off by the smelliness, bad breath and neglect of social niceties shown by Mary Druhan (wrongly convicted of murder), or former petty criminals and "hard men" like Gary Mills and Tony Poole. Wasted journeys and threats from assistant chief constables don't deter them in their search for hidden truths. It's uplifting: we must all share their pleasure in the release of Mark Cleary when his conviction was overturned earlier this year, as a

direct result of their work. And it's both readable and based on very thorough research - an unusual combination. **So read it** - especially if you hope they might take up your case - to see how it's done, and to see what they want from you.

Because it's not all one sided. Being innocent is not the only criteria for having a programme made on your case. For a start, it must make a good and entertaining programme (p.49). This means that the researchers must be able to uncover fresh evidence and show themselves doing so - cleverly seeking it out and showing persistence and insights that sloppy police investigation and under-funded defence could never achieve.

Read it carefully in order to see not just what opportunities TV programmes offer, but what limitations they place on themselves - what they *won't* talk about.

They don't need to talk about why the police fit people up because they already "know" that "many miscarriages of justice spring from the understandable frustration of policemen who know that so-and-so is a villain, but can't get him bang to rights" (p.101); and that police neglect their responsibility to search for truth on occasions when they have convinced themselves they know who is guilty, and so only look for evidence to support what they believe. Jessel records "our belief that most miscarriages of justice arise not from malice but from the onset of fatal preconception, which accentuates any information tending to support it, while blinkering officers from anything that tends to challenge it" (p.167). Never mind that these are platitudes repeatedly produced by the police themselves; forget that police corruption and malpractice have a pedigree as long as that of the police force itself; in the eyes of the programme makers, corruption and routine fitting-up as causes of miscarriage of justice are ruled out!

This explains why researcher Bob Duffield has been waiting since he joined *Trial and Error* for a Manchester case - although we all

know that it's stitch-up city. Eventually he went there because he was tipped off that "there might be some mileage in the Brannan and Murphy case" (p.146). It appears that there wasn't, despite the fact that half of Manchester has assessed the case and reached the conclusion that John and Bernard are innocent. Robert Taylor from Manchester, fitted up for armed robbery, has approached both *Rough Justice* and *Trial and Error* in the hope that someone will do a programme on his case. It features a wrong identification on a parade, an armed robbery, escapes from custody, witness identification allegations - all exciting real-life drama, complete with leads to follow up for the investigation of new witnesses.

So why aren't the programme makers interested in these cases? Could it be that the allegations are not that the police mistakenly believed that Robert was involved in the robbery, but that they knew that he wasn't and rigged the ID parade in order to construct evidence against him? That the police are said to be not clearing up crime but covering it up? That his case seems to have vendetta, corruption and malpractice written all over it? (See *Pissing in the Same Pot*, advertised and reviewed in this Newsletter.) That in both these cases, the only way to demonstrate their innocence (which is easily done) is to expose that the police deliberately and maliciously framed these people, something which the programme makers would deny is happening.

But we don't need to look outside the text of this book to see that the explanations offered - that police investigations go wrong because they are blinkered, or that malpractice is just "gilding the lily" - are unconvincing. For example, police deliberately doctored the tape recordings of interviews with Peter Fell, and put pressure on him, although they knew that he was not likely to be the murderer they were seeking: in other words, they were not creating evidence to support a case they believed in, but one that they didn't.

Just an exception? But what about Gary Mills and Tony Poole (chapter 7)? A crucial witness doesn't turn up to give evidence because of threats from a detective inspector; another witness lies under pressure from the police - and why were the police willing to go to such lengths? Because they knew that Gary and Tony didn't kill Willie Wiltshire (for whose murder they stand convicted) yet still wanted to convict them.

Gary had a fight with Wiltshire in which Wiltshire was injured. Gary and Tony called an ambulance for him, and at the hospital he was found to have only superficial injuries. He was discharged into the care of the police, who wanted him for unrelated matters. When the police surgeon arrived, "there was blood everywhere". Wiltshire went back to hospital, then back to the police station. When his solicitor arrived, "there was blood on the walls, blood on the blanket, blood on the floor" of the cell in which Wiltshire was being held. He was taken off to hospital for a third time, where much more dramatic injuries were found, including a broken leg. He died shortly afterwards. Read this chapter and decide where *you* think Wiltshire received the injuries from which he died, and who was responsible.

Yet it is headed "A Murder by Neglect"! The book claims that Wiltshire died because police and hospital didn't look after him properly and suggests Gary and Tony were fitted up for it because they were nuisances as petty criminals on the streets - rather than because the police desperately needed someone to blame for the death of a man who was in their care. Perhaps David Jessel wants to convince himself that the police couldn't possibly be so bad that they could murder someone in a cell.

Tony and Gary have been corresponding with *Conviction* and sending copies of case papers, but because the case is not from an area we cover we have never become involved. We'd like to record that from what *Trial and Error* have uncovered, and from the information Tony and Gary have sent us, we are convinced that they had nothing to do with Wiltshire's death. They are scapegoats for what the police did and what the hospital failed to do. We look forward to their release

following an appeal which we expect to succeed.

Programme makers already "know" who the victims of miscarriage of justice are - people overwhelmed by the power of the criminal justice system who need the help of experts; preferably people who appear as inadequate or defective, and lacking in social skills. Sheila Bowler (chapter 11) is an obvious exception, but she is middle class and presumably had no dealings with the police before she was suspected of the murder of her aunt. In TV programmes, people who are fitted up are people who mislead the police: by their inadequacies, by being in the wrong place at the wrong time; they are in some way partly the authors of their own misfortunes. Robert Taylor perhaps created problems for the police by refusing to take any shit from them, but it's not possible to characterise him as inadequate or incomplete. No one is going to supplement his character. Much the same could be said about John Brannan and Bernard Murphy - or any other prisoner who contacts *Conviction* and asks for help. It is *because* they are strong and able to fight for themselves that we have heard of them. Usually we only get to know the tough ones - how many others endure injustice unheard?

So if you don't fit the TV frame - forget it....? Well, not necessarily. Everyone who has been through the criminal justice process will have learnt (to some extent) to speak the right language, play the right games. For example, you might have had to change your accusations that the police planted or made up evidence into suggestions that they made honest mistakes, in order not to antagonise a pro-police judge. But tactics like these can have disastrous consequences - you are stuck with the story for ever, and can't raise the question of police malpractice at your appeal. Defendants are stuck in a "heads-I-win-tails-you-lose" system.

There is a need for someone to challenge this, to expose the truth (no matter how unpalatable it may be) that people have been deliberately fitted up, *and to demand their release on this basis*. Unfortunately, the programme makers won't do this, and approaching them requires yet another exercise in self-presentation.

Show them a sad individual who needs help, who needs someone to come and listen to your story. Yes, you may have succumbed in the past to the temptations of petty crime or drugs, but with help (especially theirs) you can be a whole person, restored to society. Take a tip from researcher Bob Duffield and don't protest your innocence too much (p.148). Allow the police the benefit of the doubt - they really thought you were a villain, but it was a mistake and they went over the top, due to pressure to clear up crimes (especially the one for which you were wrongly convicted); and perhaps hint, not too assertively, at the routine malpractice and corruption which was probably what landed you in jail and which we would all like journalists to be exposing.

All of this is meant as genuine advice - from what we have seen, it appears that this is the way to present yourself if you want the TV companies to be interested in your case. It is also cynical comment. Organisations like *Conviction* are approached by the TV companies for appropriate cases - despite hundreds of prisoners sending out convincing evidence that they were wrongly convicted, very few fit the programme makers' own criteria of suitability for a programme (p.53). Prisoners also contact us and say that the programme makers are interested in their case, and would we supply materials, write letters, make phone calls and arrange meetings in order to convince them to make a programme in support of their case?

Of course we do what we can. We know that this may be the last hope for a fitted up prisoner. We always feel that what happened in the cases we support should be exposed as publicly as possible. But all this takes time and money - and both commodities are in desperately short supply in an organisation staffed by a few unqualified volunteers who fund it out of their own pockets. While we do appreciate the work that *Trial and Error* have done and are doing, you cannot help but feel frustrated when you witness the lives of so many innocent people being ruined, when you become closely involved with those lives, and the people who are best placed to expose what is *really* going on are instead perpetuating myths which keep the public ignorant.