

'Stitched up by the CPS, the cops, the Crown Court and the Appeal Court'

Dear Friends

My name is Stephen 'Pippy' Perry, commonly called 'Pippy'. I am 37 years old and have had more than my share of run ins with the police. I was first arrested over 20 years ago, a PC Perry (no relation) was involved in my first arrest, who you will hear more about later. I have had several convictions and have done a bit of time on these previous convictions and sentencing I have no complaint, 'I did the crime, I served my time'.

But now I am inside again, **'Stitched up by the CPS, the cops, the Crown Court and the Appeal Court'**.

On 17th March 1999 following a trial which lasted 17 days in the Crown Court at Wolverhampton I was convicted of three offences of robbery, namely the alleged robberies of three taxi drivers. On the other two alleged robberies of two other taxi drivers I was found not guilty. I was sentenced to serve five years' imprisonment.

I am in prison simply because the law was ignored, numerous breaches of PACE were allowed by the Crown Court.

The trial judge in the Crown Court, fully aware that a conviction was not likely to happen without me being picked out on an 'identity' parade, allowed the use of illegally obtained video evidence, which the CPS admitted had been obtained illegally. He even had the gall to admit the video breached PACE but still allowed its use.

The judge made it obvious from the start that his sympathies were with the prosecution, he allowed the prosecution to tell the jury that I had a string of previous convictions and then told the jury to completely disregard what they had just heard.

One of the witnesses, told the jury that at the police had told him at the identification 'he had to pick someone out', the learned judge, instructed the jury to disregard this statement.

I have taken the next section from the transcript of the appeal hearing:

I was brought from Strangeways Prison on 19th November 1997 to Bilston Street Police Station, under false pretences, namely that the intention was to interview me only.

On arrival at Bilston Street Police Station **Detective Constable (DC) Bullman** arrested me in respect of robbery.

A video was taken without myself or my solicitors knowledge.

DC Bullman had been instructed to obtain advice from the Crown Prosecution Service (CPS) in relation to the procedure to be adopted at the video recording identification, **he was given wrong advice** which undoubtedly resulted in breaches of the Codes of Practice made under the provisions of the Police and Criminal Evidence Act 1984 (PACE). DC Bullman said that I had been told that the purpose of the visit was an interview and an identification parade and that if I had agreed to do so then they would not have used the covert video. ***Bullman agreed (on oath) that neither I nor my solicitor had been told of the video film*** and that is a breach of the Codes of Practice.

Inspector Humphries was in charge of the identification procedure. He gave evidence and he **read - ily agreed** that there had **been breaches of the Codes of Practice**. Inspector Humphries said that I could have washed and shaved if I had wanted. He agreed that it was a mistake not to have provided an opportunity for my solicitor to be present on the parade and also a mistake not to have told myself that the police intended to use the video and not to have shown the compilation to myself or my solicitor.

My defence applied to the judge to rule that the evidence of the video identification should not be admitted pursuant to the provisions of section 78 of the Police and Criminal Evidence Act 1984. "The suspect should be asked for his consent to a video identification and advised in accordance with paragraphs 2.15 and 2.16. However, where such consent is refused the identification officer has the discretion to proceed with a video identification if it is practicable to do so." D.2.15 provides, in so far as relevant to this appeal: "Before a parade takes place or a group identification or video identification is arranged, the identification officer shall explain to the suspect: (i) the purposes of the parade or group identification or video identification; (ii) that he is entitled to free legal advice (iii) the procedures for holding it (including his right to have a solicitor or friend present); (vi) that he does not have to take part in a parade, or cooperate in a group identification, or with the making of a video film and, if it is proposed to hold a group identification or video identification, his entitlement to a parade if this can practicably be arranged; (x) that he or his solicitor will be provided with details of the description of the suspect as first given by any witnesses who are to attend the parade, group identification, video identification or confrontation." D.2.16 reads: "This information must be contained in a written notice which must be handed to the suspect. The identification officer shall give the suspect a reasonable opportunity to read the notice, after which he shall be asked to sign a second copy of the notice to indicate whether or not he is willing to take part in the parade or group identification or cooperate with the making of a video film. The signed copy shall be retained by the identification officer."

It is common ground in this case that the police failed to comply with paragraphs D.2.1 5 and D.2.16 and that ***that failure amounted to a breach of the Codes of Practice***. The judge of course found that there had been a breach of those paragraphs and also of paragraph D.2.11.

The judge considered the submissions that had been made to him. He said: "It is plain that he [myself] should have been told under section D.2.15 that he could if he wished cooperate with the making of a video film; that if he did not cooperate they could covertly film him; and then under the Annex B other steps should have been taken here which were not taken. At Annex B, D.7 he should have been shown the compiled film and given the opportunity to make any reasonable objection to the video that he wished to make. He was also entitled to have his solicitor present at the time that the witnesses viewed the video under D.8 although in the event because no-one was present that process itself was video-ed. So there are those further breaches of the video, in particular of Annex B.

It may be that if Mr Perry had been told that the police had already obtained a covert video and they intended to use it that he would have changed his mind and either stood on an identification parade ***at all events he was not told of it, he was not shown the compiled video and his solicitor was not present when the witnesses viewed them.***

It is the fact that DC Builman who is an investigating officer in the case, was standing beside Mr Perry at the time the video of him was taken when standing at the custody desk. In order to replicate the same view, the same scene when the other volunteers were filmed Mr Builman stood with them in exactly the same place,

I return to the fact that there were breaches of the Code in that the defendant was not told that the video film was created or going to be used, nor that he was given any opportunity to view the compiled film -in other words to make reasonable objection to it -- nor that his solicitor was entitled to be present when the witnesses saw it.

The Prosecution are entitled to say to the defendant, which is the one thing they did not do here, 'We have a covert video which we will use if you do not agree to stand on a parade. They should have given Mr Perry an opportunity of looking at the compiled video here and having his solicitor present.

Mr Pearce-Wheatley (my barrister) has submitted to us that everything that the police did in relation to this video identification was, as he put it, illegal and unlawful. He says that there was a wholesale and deliberate breaking of the rules in relation to identification evidence. He submits that the failure to tell the appellant and his solicitor of the video identification strikes, as he put it, at the very heart of the solicitor's duty in advising and protecting the rights of his (the solicitor's) client.

"The video parade was not carried out in accordance with Annex B D.2.12. In order to compile the

video identification tape police officers arranged for volunteers to imitate the movements of the appellant as seen on the covert video of him. ***The police officer (PC Perry) principally concerned with coaching volunteers had arrested the appellant in the past, had close contacts with the officers investigating these offences and was acting under the direction of the officer in the case DC Builman. DC Butiman stood beside the appellant during the making of the covert tape. 1. This is a fundamental breach of D.2.2 and Annex B.D.2. No officer involved with the investigation of the case against the suspect may take part in these procedures. 2. The investigating officers knew the applicant's clothing and demeanour on the video used in the identification.***

3. The procedure was a clear breach of the principle in R v Gall 4. PC Perry went on to pick up the witnesses for the video ID parades. (g) The volunteers of the video did not comply with Annex D 2.3. ***Had the appellant and his solicitors been given the opportunity to do so, vigorous representations would have been made that most volunteers were too young to comply with the description of the appellant. Other volunteers had different facial hair and skin colouring.*** (h) The video was taken in unsatisfactory circumstances. In a properly conducted video parade the suspect and all volunteers face the camera, turn left and right. (i) Because of the breach of annex B D.8 it is impossible for the appellant or his solicitors to say whether D.9, .10 and . 11 were complied with. The witness Cutter gave evidence that he was told 'You have to pick one of them'. Since no solicitor was present as should have been the case, this potential serious breach of the codes and principles of identification could not be explained. The Crown refused to disclose the identify of its volunteers. (k) There were two significant flaws in the identification evidence. 1. Mrs Campbell refers to a three inch scar on the face of her attacker. The appellant has no such scar. 2. Mr Descai refers to his attacker as having grey hairs at the back. The appellant does not have grey hair at the back in any event the back of his head is not disclosed on the video."

Have those breaches caused any unfairness?

The Crown court judge, concluded that the admission of the evidence would not have such an adverse effect on the fairness of the proceedings that he ought not to admit it and accordingly he admitted the evidence.

The Court of appeal upheld this ruling, saying It is a full and careful one. We have no doubt at all that if the judge who heard the evidence had come to a conclusion that the admission of the evidence would have such an adverse effect on the fairness of the proceedings that he ought not to admit it, he would not have hesitated to make that ruling. In our judgment on the facts of this case it is quite impossible to say that this conclusion reached by this judge was not one that he was entitled to reach.

Well what can you say about the above. The CPS admitted they were wrong, the police admitted they were wrong, the Crown Court said both the CPS and cops were wrong, but then went on to say 'So what' and then the Court of Appeal said exactly the same.

Submissions have been made to the Criminal Cases Review Commission and to the European Court of Human Rights but they take forever to make their decisions..

So here I rot, 'Inside and Innocent'.

Yours Sincerely

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