**Miscarriages of JusticeUK (MOJUK)**
**22 Berners St, Birmingham B19 2DR**
**Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk**

# MOJUK: Newsletter 'Inside Out' No 919 (06/10/2022) - Cost £1

**EDM 412: Remembering Tony Paris**

That this House mourns the passing of Tony Paris at the age of 65: remembers his fight for justice after his wrongful conviction and imprisonment alongside Yusef Abdullahi and Stephen Miller as part of the Cardiff Three for the murder of Lynette White in 1990; - notes that despite having their convictions quashed at the court of Appeal and receiving full apologies from South Wales Police, the corruption trial against the former police officers involved in the case fell due to administrative errors; - further notes that the case of the Cardiff Three will be recounted in communities across Wales for generations to come and has come to symbolise the fight for BAME communities to be treated equally under the criminal justice system; celebrates Tony's life work in championing justice for all and whose legacy now continues through his daughter Cassie Paris; - and supports her campaign in naming a street in Butetown, Cardiff after Tony.

Tabled by Liz Saville Roberts MP: 23 September 2022, https://rb.gy/z0ee3i

**Should Lawyers Pay More Attention to Client Feedback?**

Transform Justice:The impact of good or bad criminal legal representation can be life-changing. Defendants can end up entering the wrong plea, getting convicted when they were innocent or receiving a much more punitive sentence than their offence merited. Our research into the quality of criminal legal services found it to be a mixed bag. We asked criminal defendants about their experiences. Some spoke well of lawyers who communicated with them regularly and proactively, and gave clear advice about options: "Mine messages me on Facebook, 'you've got to do this…let me know you're reading my messages. Let me know what date you've got to go back to the police station'" - "My solicitor gave me things to think about so I can make that decision. He advised me what the best option is, but it was still left for me to tell him whether I want to go guilty or not guilty." (defendant) But we heard negative experiences too, which do not seem to have been addressed. In new research by the charity Revolving Doors, criminal court defendants reported changes in assigned solicitors, irregular and/or impersonal communication, and legal representatives not answering questions or taking the time to explain what was happening: "It felt like they had more important things to worry about. Brushing me off when I did ask questions. Told me to send things across and we will deal with it, but they didn't do so."

It's not a surprise that the quality of criminal legal services is variable. Competition doesn't work to drive up quality, because defendants rarely have the necessary information at hand to judge the quality of different firms – it's a "blind choice", as one defendant told us. It's also difficult to switch lawyer if you're unhappy; some defendants don't even realise that switching lawyer is possible.

The long-term trend to lower criminal legal aid fees has also made it harder for firms to do a good job for their clients. Jonathan Black, president of the London Criminal Courts Solicitors' Association at the time, said in our report's afterword that current criminal legal aid rates were "becoming unfeasible for firms who pride themselves on high quality provision", leading to the rise of "firms which put profit before those they represent." Sir Christopher Bellamy's recent review of criminal legal aid found rates were about one third less than they were 13 years ago. These significant funding issues have only partly been addressed through recent government proposals for criminal legal aid fee uplifts.

*What else would lead to better quality provision and stronger confidence in legal services?*

One solution is to encourage legal representatives to give greater credence to client feedback. Firms providing criminal legal aid are required to have in place a way to gather and analyse client feedback. But this often just amounts to a text message sent to clients at the end of their case, generating very few responses which lawyers don't pay much attention to: "It's about the most meaningless form you've ever come across." (defence lawyer)

Lawyers worry that defendants' feedback would be entirely coloured by the outcome of their case: "nearly all of [the responses] are outcome-driven rather than reflective in terms of the quality of the service. You know, I got off: good, I went to prison: bad. I really don't see anyone within the criminal justice system reflecting on the quality of service that they're provided and giving objective and articulate feedback." (defence lawyer)

But recent LSB research says otherwise, concluding that "in the end, people's experiences depend less on the result, and more on how legal professionals respond to their vulnerability". It's possible that some feedback might be biased but many defendants understand that the lawyer has limited ability to influence the outcome of each case. Anyway, feedback can be gathered from many quarters, not just clients.

Research shows professionals best develop through getting and reflecting on regular feedback. If we want to improve the quality of legal services and to strengthen confidence in the legal system, the client's perspective shouldn't be overlooked.

**Urgent Call For Review Into Sentencing Pregnant Women Due to Health Risks**

*Observer:* A coalition of campaigners and health experts is calling for an urgent review into the sentencing of pregnant female offenders, warning of the increased risk of adverse outcomes to babies born in custody. An open letter to Brandon Lewis, the justice secretary, and the Sentencing Council for England and Wales warns that pregnant women in jail suffer severe stress and highlights evidence suggesting they are more likely to have a stillbirth. The signatories include the Royal College of Midwives and Liberty. The letter states: "Research into the experiences of pregnant women in English prisons found that [they] were unable to access basic comfort, adequate nutrition or fresh air, and that the fear of potential separation from their baby or shame of being made an incarcerated mother was debilitating."

Women represent less than 5% of the total prison population, with about 3,200 in jail in England and Wales. The government says it has taken a package of measures to improve support for pregnant women in prison. In 2021/22, there were 50 births to women in jail in England and Wales: 47 at a hospital and three in transit to hospital or within a prison. The prisons and probation ombudsman published a report last year on the death of a teenager's baby after she gave birth alone in her cell in 2019 at HMP Bronzefield in Surrey. The woman had to bite through the umbilical cord and wrapped her baby in a towel. The child was dead by the time medical help arrived in the morning. Data published by the Observer in December suggested women in prison were five times more likely to have a stillbirth and twice as likely to give birth to a premature baby. Research by the Nuffield Trust, an independent thinktank also found female prisoners are almost twice as likely to give birth prematurely as women in the general population.

Babies and toddlers accompanied by their parents on Saturday 24th September, protested outside HMP Bronzefield in a "kids' toys noise" demonstration against babies being born in custody, organised by Level Up, a gender justice campaign group, and the No Births Behind Bars campaign. Anna Harley, 36, who gave birth while she was remanded in custody ahead of her sentencing, joined the protest. Harley told PA Media she went into labour at 5.30am, but the prison did not get her into an

ambulance for another five hours. She gave birth in hospital with two prison officers nearby. She was granted bail for three months after the birth of her son, but was ultimately sentenced to a prison term. It took six weeks to secure a place on a mother and baby unit so she could be reunited with her child. She said: "I have been home five years but still to this day, it was the worst time of my life."

Janey Starling, co-director of Level Up, said: "Judges and magistrates must know that when they are sentencing a pregnant woman to prison, they could be sentencing her to a stillbirth too. "The Sentencing Council has the power to prevent the senseless, needless harm that the prison system causes to pregnant women, new mothers and babies. It's time the UK stopped the inhumane practice of imprisoning pregnant women, mothers and babies." Kath Abrahams, chief executive of Tommy's, the pregnancy charity, said: "Tommy's believes everyone should have equitable access to good maternity care, no matter who they are or where they are based. The shocking statistics on pregnant women in prison and their babies show prison is not a safe place to be pregnant."

A MoJ spokesperson said: "We now have specialist mother and baby liaison officers in every women's prison, have put in place additional welfare observations and carry out better screening and social services support so that pregnant prisoners get the care they require. "The number of women entering prison has fallen by 24 per cent since 2010 and we are investing millions into community services like women's centres and drug rehabilitation so even fewer women end up there."

**Victims' Commissioner Quits, Launching Scathing Attack on Government**

Haroon Siddique, Guardian: In letter to justice secretary, Dame Vera Baird says 'criminal justice system is in chaos' and victims' interests not a priority. The victims' commissioner for England and Wales has announced she is quitting the role as she launched a scathing parting attack on the government's commitment to those she represents. Dame Vera Baird KC said she would not stay in post beyond her current term of 30 September, accusing the government of downgrading victims' interests, reducing her access to ministers and failing to provide clarity regarding her reappointment. She said she had not met the former lord chancellor, Dominic Raab, who stood down earlier this month, since January, a lack of engagement that reflected poorly on the Ministry of Justice's priorities.

In a resignation letter to his replacement, Brandon Lewis, Baird also criticised the state of the criminal justice system and Raab's plans for a British bill of rights to replace the Human Rights Act, which she said "so severely threatens victims' human rights that it undermines what little progress the victims' bill is set to bring. I am told the bill of rights is set to return in some form and that its withdrawal was only temporary. "Further, little has been done to effectively tackle the enormous and catastrophic backlog of cases, particularly in the crown court where the most serious crimes are tried. This has exposed victims of these crimes to intolerable delay, anguish and uncertainty. It is no exaggeration to say that the criminal justice system is in chaos. This downgrading of victims' interests in the government's priorities, along with the sidelining of the victims' commissioner's office and the curious recruitment process make clear to me that there is nothing to be gained for victims by my staying in post beyond the current extension."

Baird's first three-year term was due to end in June. Instead of being reappointed like her predecessor, she was told by Raab the post would be open to competition but at the same time encouraged her to apply, she wrote. Her tenure was twice extended in a process that Baird said led to uncertainty for her already disrupted and destabilised office, describing the latest request for her to reapply as seemingly "a ploy to keep me in place as a nominal post-holder in the short-term than a genuine invitation". Baird has been particularly vocal about violence against women, an issue that came under renewed focus last year after the murder of Sarah Everard by a serving Metropolitan police officer. She said police forces should be compelled to deal with violence against women and girls with the same level of resources, expertise and urgency as terrorism or organised crime.

Baird claimed rape had effectively been decriminalised as a result of a collapse in prosecutions and accused the director of public prosecutions for England and Wales, Max Hill, of presiding over a "catastrophic" period in the history of the Crown Prosecution Service, with rape convictions having hit a historic low. Baird's criticism of Raab for not meeting with her echoes complaints by the leaders of the Criminal Bar Association (CBA) that he had refused to meet them since its members began industrial action in April. By contrast, Lewis met the CBA on Tuesday, after the Queen's mourning period ended. When barristers this month escalated their action over legal aid fees to an indefinite walkout this month, Baird described it as "the latest symptom of a criminal justice system that is severely and recklessly underfunded".

**Scotland Moves to Scrap 'Not Proven' Verdict**

*Inside Time:* The Scottish Government is proposing to scrap the country's unique system which allows juries to find a charge "not proven". It is a unique feature of Scottish law that three verdicts are available at the end of a criminal trial – guilty, not guilty or not proven. But in a consultation earlier this year, 62 per cent of the 194 respondents said they would like to see an end to the not proven verdict. A Criminal Justice Bill planned by Nicola Sturgeon's Scottish National Party government would introduce the change, bringing Scotland into line with England and Wales where juries can only find a defendant guilty or not guilty. Sturgeon said the change, if approved by the Scottish Parliament, would be "a change of truly historic significance in Scotland". She said the reform was "firmly intended to improve access to justice for victims of crime". However, critics warned that it could lead to juries convicting defendants despite having doubts over the strength of the evidence against them.

Murray Etherington, president of the Law Society of Scotland, said: "It is in the interests of every citizen that we have a fair, just and accessible criminal justice system for all those involved. We are deeply concerned that making such a fundamental change as removing the not proven verdict must be done with the upmost care and consideration for the wider implications and to prevent an increased risk of miscarriages of justice."

The Scottish Conservatives, who are the official opposition party in the Scottish Parliament, welcomed the move. The party's justice spokesperson Jamie Greene MSP said his party had been "demanding the abolition of the outdated not proven verdict for a considerable time", adding: "Getting rid of not proven is just one step the SNP government must take to rebalance our justice system in favour of victims of crime rather than criminals." The Criminal Justice Bill will also introduce greater protection for the anonymity of complainants in sexual offence cases.

**Prisoners Held Under Immigration Powers Struggle to Get Legal Advice**

*Inside Time:* A report has highlighted the difficulties faced by people held in prison under immigration powers when they try to access legal advice. Foreign national prisoners who have passed their release date may be kept in prison if the Home Office is seeking to deport them. Immigration Removal Centres, which are run by the Home Office, offer an advice scheme for residents to book an appointment with a lawyer, and they are entitled to 30 minutes of free immigration legal advice – but this is not offered in prisons. After the High Court last year found this situation to be discriminatory and unlawful, a telephone helpline was established for immigration detainees in prisons. However, a survey of 27 immigration detainees in prisons, carried out

by the charity Bail for Immigration Detainees, suggests that the new system is not working well. According to the results, three-quarters of respondents said they were locked in their cells for 22 hours a day or more. Two-thirds did not have a legal representative in their immigration case. Practical difficulties faced by people in prison trying to access free legal advice using the telephone helpline included: Not being given sufficient information by the prison to enable the scheme to work effectively; Not being given a list of solicitors, as required under the rules; Delays and difficulties in getting legal numbers added to PIN accounts, allowing the numbers to be dialled; Lack of telephone credits to make the calls.

Rudy Schulkind of BID, the author of the report, said: "People in prisons have to fight their immigration case with limited telephone access, no internet access, and are heavily dependent on a prison postal system that is often slow. Many are locked in their cells for almost the entire day. "Those of us who work with people in this appalling situation felt hopeful that [the launch of the telephone advice scheme] would result in meaningful change and those people would finally have some semblance of access to justice. Sadly, this has not materialised, and for our clients in prisons, very little has changed."

**Sean Parker Sentenced to 8 and a Half Years for a Rape he Says Never Happened**

Introduction: In this article, I outline the context and details of my wrongful conviction and imprisonment for an alleged rape that I maintain did not happen. I highlight my appeal points, which were dismissed by the Court of Appeal and by the Criminal Cases Review Commission (CCRC), which showed extreme deference to the decision of the trial court and an overt lack of interest in getting to the truth of a conviction for rape based only on the word of the accuser.

This article was mostly written from Dartmoor Prison, where I had been since April 2018 after an initial two months at HMP Winchester, and following fourteen months on bail. That March, I was sentenced to eight and a half years at Portsmouth Crown Court on two allegations, two arising from the same complainant, and one being an unrelated 'kiss' incident from six months prior. I pleaded not guilty and continue to maintain my innocence. I also applied to the Criminal Cases Review Commission (CCRC) and two of my appeal points were investigated as official complaints by the legal ombudsman. My main claims are that my legal team were so demotivated by the 'Believe the Victims' policy that they conspired to persuade me into not speaking at my trial, including citing my stammer as an adverse factor, and that the main allegation was pressurised into being reported by the complainant's parents and boyfriend.

As a writer and lecturer on cultural theory and speech therapy, shortly before trial I sent a video of my TED talk titled 'Stammering and Creativity' to my barrister, ostensibly to introduce myself and for him to know something of what I was about professionally. I was six dates into a UK speaking tour of the same name when I was sentenced. This stammer led my barrister to suggest in private that I not give evidence at my trial, in case the jury saw it as 'A sign of guilt'. After a legal representative of my firm - whom I understood to be my court solicitor - also advised me and my family not to stand at the same time as my barristers' suggestion, I finally agreed, though I had been nervously looking forward to giving my side of things. I now see this as fatal, but assumed my defence knew something procedurally that I didn't.

While rejecting my request for an extension of time to appeal, the appeal court Single Judge commented on this witness: 'Summoning him to court and calling him without knowing what he would say would have been very dangerous, particularly as he was likely to be unhelpful.' The complaints manager at my original legal firm further noted: 'Whether or not [the witness] has



been persuaded to change his evidence, I do not know.' Another tenant testified that the complainant had been 'fine, coherent' when she went up to bed at 5am. The legal ombudsman commented that 'if Mr B had taken the stand and told the court what he told the police he had heard, then the matter may have been decided differently and may have received a different verdict'.

I believe that what happened between us that night was used by the complainant's parents as a scapegoat for pre-existing problems in her families' lives. I had to leave town shortly after my arrest due to social media intimidation. In the months between then and trial, the circles of the accusers had plenty of time to muddy any decent reputation I might previously have had. My ex-director partner and the Seafish venue itself losing their alcohol licences being reported in the local press just a week before the allegation was also very problematic, particularly in reference to some intensely applied local government pressure.

The complainant returned to bed twice, and left the next morning in a cheerful and helpful mood, sending a jokey text about parking later on. She had been visiting me at the venue every other evening for the prior week to ten days, and we had talked about my spending Christmas day at her place. On the evening after our sleeping together, her parents physically attacked me in my home and her boyfriend (whom I had previously employed/contracted as a cook at our mini-festival Blakefest, barely knew but was at that point applying to join the police) in his own words 'Pushed and pushed her until she was compliant' with his reporting of the night as per the charges. He said that the complainant had implored him not to report, as I was a friend. He would evidentially reprimand her after she had been drinking, was morally judgmental in his text messages, and I presume the complainant would want to avoid this kind of treatment.

I believe she wanted to avoid his initial castigation for drinking, and the allegation became escalated; the police made sure there was no contact between us and the allegation thus became their truth. The complainant's boyfriend also testified that he had been 'Trying to push her down this route which she did before her parents arrived home. By the time I finished she was compliant'. He seemed quite proud of his pressurising the complainant into this compliance in his testimony.

The complainant's parents were later made to apologise for their subsequent assaults by means of a community resolution, apology and caution, and the complainants' father was later conspicuous by his absence during the trial. The complainant claimed under oath that she 'Had not been a stressed person' before the alleged incident, whereas many mutual friends will testify she complained often and publicly about having various issues relating to this since childhood, regarding claims she had previously made of abuse in her family. This alleged abuse is significant in the possibility of there being a pattern of complaint, or as the Single Judge noted 'Whether the complainant was over-stating the level of stress she had suffered as a result of these matters'.

When I complained eighteen months into my sentence to the investigating police force about the complainant's boyfriend (who was the de facto complainant) acknowledging he coerced his girlfriend into supporting his complaint, and the subsequent prejudicial questioning about drink spiking, they responded that they 'Consider that your complaint is an abuse of the complaints system. This is due to the fact that the matters you raise should or have been already considered by the courts or they should be raised during an appeal against your conviction'. By then essentially representing myself, I wasn't aware there was an appropriate order of complaint in regards to this process. I was also unsure as to how this constituted an 'abuse' of the police complaints system. My barrister commented in his notes on appeal that the boyfriend's coercion was 'before the jury' - but the jury weren't sitting at a perversion of the course of justice trial.

With regard to 'victim impact', the complainant had responded to a violent and aggressive

social media post by her father about the incident that evening with the comment 'Haha'. She also ran to be a local councillor two months later. The atmosphere created by the extremely hostile public gallery would have had a palpably influential effect on the jury, sitting directly opposite them – particularly regarding myself as the (inexplicably silent) defendant. I'm convinced that the factual details which clearly supported my position would have been eclipsed by my not speaking in the eyes of the jury. The best weapon in my defence - my own testimony - was mystifyingly stood down on the suggestions of my legal team.

The key question as it was explained to me was: Did I believe that consent had been given? The answer is that after drinking together for around ten hours (the last couple of which were in deeply intimate conversation), being at a similar level of inebriation, going up to my bedroom together, the subsequent laughter/happy sounds and positive, generally non-verbal cues, I believed that consent had indeed been given. This was further shown by my friend/complainant staying the night, agreeing to meet the following day and sending jokey text messages later on. There was absolutely no force, violence or intent to harm whatsoever, with two other room neighbours also reporting hearing nothing – but the jury were unable to hear my testimony on any of this. In my opinion the balance of probabilities in favour of the fact that there was no malicious or reckless intent in my behaviour vastly outweighs the alternative when these points are considered.

A week before the night in question the complainant had complained of she and her father's businesses having severe financial difficulties, and this was the subject of much of our conversation on the night itself. I am not claiming the allegation was explicitly financially motivated, but when you've heard how much compensation is or was paid out on such charges (up to £22,000) it can't be 'unheard'. Our friendship, though close, unfortunately wasn't so solid or long-term to exclude compensation as a motivating factor.

Eight months after conviction I observed an email from the police claiming that the complainant had somehow become 'Convinced' that I was her boyfriend that night. Other customers and mutual friends at the venue had commented on their opinion of the complainant being attracted to me, or sharing their opinion about there being a mutual attraction. I have no comment on this; despite everything I wish nothing but the best towards my complainant - we were good friends once.

On the Wednesday morning of the trial, there seemed to be a concerted effort by my legal team to dissuade me from speaking in court after my solicitor spoke to Mr B. This decision must have looked in hindsight like either evasion or arrogance on my part by the (nine woman, three man) jury, neither of which should have been the case. On no occasion was I given more than five minutes to make any 'strategy decision' before being called back into court. Not only did I not realise we needed a strategy in the absence of any real evidence, but my barrister knew I was nervous about speaking, was easily persuadable not to do so, and I believe used this as leverage to have me not speak, having previously told me he thought I was a 'loose cannon'. To deny that he had given this advice (and I will swear on any oath that he did) was deeply disappointing to me. He said in a response to my official complaint that other details of the case had become lost 'due to the passing of time'.

The Single Judge wrote that: 'Your stammer would have had no relevance to the decision apart from the need to mention it in evidence and the lady whom you say spoke to your parents was not in a position to give advice'. My response to that is that the decision may have been mine, but the suggestions, advice and persuasion were those of my legal team – people whose word one needs to trust. My parents and accompanying friend, a law tutor, were also under the impression that the legal representative advising them was my (trained) court representative, Ms P. The legal ombudsman commented: 'I cannot definitively say what was discussed between Mr Parker and Ms P'.



They may have been able to had they interviewed my family and friend as well as the legal firm under complaint. From a position of nervously looking forward to having my say, my barrister's suggestion about my stammer turned my perspective. Finally the legal agent's reassurance of the normality of this - echoed by my friend and parents - sealed my decision not to speak.

SAFARI (Supporting All Falsely Accused with Reference Information) had this to say, in the Sep-Nov 2019 issue of their newsletter: *'Discrimination on the Grounds of Disability?:* One reader has told us that he had been advised not to give evidence at his trial as he stammers, and the jury might have interpreted this disability as a sign of guilt. We were horrified to read that this advice had been given. Our own advice (although we're not legally qualified) would be that NOT giving evidence at trial could also appear as a 'sign of guilt' even if the jury are told not to do this. Instead, we suggest that you DO give evidence, but if you suffer from any kind of disability, including stammering, dyslexia, involuntary physical movements ('tics', clonic spasm, tremor, etc) you tell the court that you have a disability and ask that they not interpret it as a sign of anything other than having a disability'. Even apart from the points listed, it is surely perverse that someone maintaining their innocence in such a he said/she said case should be sentenced to such a length of time, when the only two real pieces of exculpatory evidence (CCTV footage of a contextual kiss by the alleged victim in the earlier allegation, and post-incident text messages in the later) could be seen as in their favour?

With regards to the supporting allegation, for some reason the judge wouldn't allow my barrister's question about the couple having taken substances before arriving as contributing towards their behaviour on their night at Seafish, regarding her altered inhibitions and his extreme violence. There were at least two falsehoods in the testimony of the boyfriend of this supporting complainant, including his omission of his assault on me (a punch, not a 'shove') and his subsequent semi-destruction of the venue. Regarding this allegation, in his appeal request response my barrister noted that the supporting complainant: 'Was shown on the in house CCTV kissing the defendant during a long after hours session of drinking at the bar in question'. A PC Brown noted at the time that it seemed like the later complainant had been 'Caught in the act' of some kind of indiscretion. Both complainants answered that they 'Couldn't remember' to various questions in cross-examination (on more than a dozen occasions).

The joindering of the two events together to create a tenuous case in place of actual evidence also seems unjust and arbitrary, let alone not playing the defendant's police interview video in court at all (just having it read out by the prosecution barrister and investigating officer) - but playing the complainants' videos in full, and always first. If I had known in advance that my own ABE interview – which apparently couldn't be found - wouldn't be played, I would never have agreed not to give evidence. Also if the charges had been tried in timeline order, I believe the 'propensity' argument would have evaporated (with the CCTV footage of the supporting complainant clearly kissing me).

A complaints manager at my legal firm found that he 'could not exclude' the fact that their legal representative may have talked to me, my parents or my attendant friend about not giving evidence. I signed my legal team's hastily written waiver, with less than five minutes before court resumption, only after my barrister and the representative had separately persuaded me not to speak. The legal ombudsman's position on this was that my parents and I 'should have realised' that the firm's agent giving the advice wasn't a trained solicitor. I consider the trial judge's opinion that I had seen Seafish as 'A useful place to attract women' was untrue and arbitrary, particularly as I hadn't even spoken in court to adduce this. The Justice for Men and Boys party have said that it appears to be 'A clear miscarriage of justice', and the sentence

given unduly harsh. FACT (Falsely Accused Carers and Teachers) wrote 'Your case is extraordinary … we wish you well and hope you will be able to appeal your case as it clearly deserves', and pointed out that in their opinion the lurking doubt necessary for reconsideration in their opinion was present in abundance. Diana Davison of The Lighthouse Project (Canada) described it before trial as a clear case of 'relabelling'.

My past writing work has been removed from the websites of many of the publications for which I have written, presumably because of the conviction, and I was cancelled at a charity speaking event in Brighton, pre-trial. The fourteen months on bail and first year in prison had a very deleterious effect on my stammer, undoing years of therapeutic work. The Equality Advisory Support Service (EASS) said 'Being ill-advised by [your] legal representative does not represent an equality or human rights matter'. While the legal ombudsman investigated two of my complaints, the Single Judge's lack of response to my first appeal point couldn't help but lead me to the conclusion that encouraged or coerced allegations are now permissable in these kinds of trials.

It has been noted by my original case solicitor, and nearly everyone who has heard about it, that the one charge wouldn't have been brought without the other. The fact that they are so disparate in context, nature and perceived seriousness to me makes the whole situation feel all the more bizarre. SAFARI reported that a HMCPSI report of January 2020 said that 'in more than half of the criminal cases looked at, the CPS's charging advice did not deal properly with unused material; and in only 16% of cases where police performance was sub-standard did prosecutors identify the failing and feed this back at the charging stage'. The best chance I had of being found not guilty in a time of 'believe the victims' - my own version of events - was extinguished by counter-intuitive legal advice. The complaints manager at my original legal firm noted that 'Had your defence been put differently, the outcome may have been acquittal. I do appreciate you consider your conviction to be unjust, and that you will continue to fight it'. The judge instructed the jury not to find based on emotion, but when no evidence is needed to convict and only one side of the emotion is heard, the verdict is almost bound to be adverse.

To summarise, the appeal court single judge wrote that my stammer should have been 'No obstacle' to my speaking in court; the legal ombudsman wrote that my family and I 'Should have known' that an advising agent of my legal firm wasn't legally trained; and the investigating police force considered my own complaint to be an 'Abuse' of the complaints system. While my legal team and I were responsible for our failings at trial, the whole process showed that the 'believe the complainants' policy was also being exploited by some organisations and other parties. The Westminster Commission on Miscarriages of Justice included parts of my account as evidence in their CCRC report of 2019-20.

*Appeal points, In all, I have eight appeal points as follows:* Complainant's boyfriend, whom I barely knew but was applying to join the police, admitted in court to 'Pushing and pushing and pushing her until she was compliant' with his reporting the night as per the charges. My barrister noted: 'It was clear that as a result of his encouragement a complaint had been made to the police'. It was suggested by my barrister in private that I do not give evidence due to my stammer potentially being seen as 'A sign of guilt'. A legal representative, whom I understood to be my court solicitor, openly advised my parents and I that I not stand. A complaints manager for my then legal firm later said he 'Could not exclude' that she may have spoken to us.

A key witness and tenant who heard 'laughing and moaning' on the night in question wasn't called due to developing an unexplained 'animus' against me during my bail time, and I was persuaded not to call him to give evidence. My barrister noted: 'The noises he was noted to have heard were



not compatible with the relevant part of the complainant's account'. Supporting complainant said: 'I do not recognise the person in that video' as clearly herself kissing me downstairs in the venue, before the kiss upstairs that led to her boyfriend's allegation. As I understand it this allegation, which originally resulted in an NFA, also came from the boyfriend. Complainant commented 'Haha' on her father's social media post that evening, celebrating his earlier assault. Complainants' jocular text messages to me after leaving the next day were apparently ignored by the jury. What happened between us only became the main allegation when she got home to be confronted with emotionally pressuring boyfriend and parents. If there were any 'Lurking doubt' that I believed consent had been given, then the persuasion by my legal team not to give evidence would seem to have removed it. The coordinated nature of my being encouraged not to speak was I believe a fatal procedural error, leading to an incorrect (non-existent) representation of myself to the jury.

The Criminal Cases Review Commission (CCRC) rejected all these points. They said that it was because they had already been considered by the single judge at the Court of Appeal. However, the specific purpose of the CCRC is to examine cases that appear like they might not have received fair treatment at a first trial. The Westminster Commission report into Miscarriages of Justice found that more attention should be paid to 'lurking doubt' cases, and look beyond having new evidence or there having been legal error.

At trial the index complainant stated she had not been a stressed person before this incident, yet she had spoken to friends of anxiety, depression, eating disorders and childhood familial abuse. The CCRC said this was not relevant to the issue of consent, so was not a point of appeal. It was claimed by some who attended the trial that the jury seemed to be influenced by the hostile atmosphere created by the public gallery. The CCRC said that since there was no complaint made at the time, this was not a point of appeal. The judge refused to allow my barrister to question the supporting case complainants about their cocaine use on the night of their allegation. The CCRC said this was not relevant to the issue of consent, so was not a point of appeal. I argued that the punishment was excessive due to the fact that the index complainant seemed fine on social media, and ran to be a local Liberal Democrat councillor a couple of months after the alleged incident. The CCRC disagreed, saying that the judge was correct in his giving a sentence of 8 ½ years of imprisonment. I raised the point that the conviction and sentence were excessive for a he said/she said case where two adults went to bed together after drinking the same amount of alcohol, and where there was no evidence of force or violence. The CCRC said that because I had only applied to appeal the conviction and not the sentence, this wasn't a point of appeal.

Conclusion: My family, friends and I are saddened by my wrongful conviction, which will have lasting impacts on my future life, some of which I acknowledge I may not yet be aware of. Prior to these experiences I believed that criminal convictions required evidence beyond a reasonable doubt, which is something that I now know to be a myth. Convictions for serious crimes such as rape can be, and are, given on nothing more than the word of an accuser. This should trouble all men who have ever had a drunken one night stand who are equally vulnerable to false and unfounded accusations and convictions for rapes that never happened.

I am also frustrated that that wherever I turn to redress my wrongful conviction I have been met with resistance and deference to a flawed pre-trial and trial process. I still find it hard to process why I was charged, let alone convicted. The poor advice by my legal team that I believe contributed significantly to my wrongful conviction has no consequence for them as they move onto the next case, possibly another innocent victims of a false allegation who will also receive the same treatment and end up in prison for an alleged crime that did not occur.

But, none of this should matter in a criminal justice system that has the so called safety net of

the CCRC. Indeed, the CCRC was supposed to have been set up with the task of correcting the errors and wrongs of criminal trials that can convict innocent victims and imprisonment them for crimes that they didn't commit or, like in my case, that did not happen. Despite this, the CCRC seem to be unwilling to investigate my claims of innocence to get to the truth or whether I raped the complainant or it was, as I am saying, was a consensual act that was transformed into an alleged rape by a boyfriend who pressured his girlfriend to make that accusation and then stick with it.

It is from this perspective that I fully support the Empowering the Innocent (ETI) campaign for the CCRC to be reformed or replaced with a body that can truly assist innocent victims of wrongful convictions to overturn their convictions. Until such time as we have such a body with a focus and commitment on getting to the truth of alleged miscarriages of justice, innocent victims will continue to be wrongly convicted and imprisoned and there will remain no effective remedy to assist them/us/me in their/our/my pursuit of justice.

The trial took place right at the height of the original #MeToo/Harvey Weinstein allegations, with its accompanying blanket media coverage - to illustrate the climate of the time. As victims commissioner Dame Vera Baird has said: 'Cases that would have been brought two years ago aren't being brought now', which would seem to imply a degree of time-sensitivity for cases like mine, dependent upon Ministry of Justice policy. Most legal organisations I approached referred my case onto other organisations, but some, including the National College of Speech and Language Therapists and Disability Rights UK, didn't even respond to my letters. Charities are apparently prohibited by law from publishing the work of serving prisoners, regardless of their maintaining innocence status. Other organisations won't publish before an appeal, which won't be granted without new evidence. This is a terrible Catch-22 pincer-movement for prisoners maintaining innocence.

Sean Parker Current Social Media Coordinator for FASO (False Allegations Support Organisation)

**Call to Re-Sentence 3,000 Prisoners Trapped Under Indefinite Jail Terms**

Haroon Siddique, Guardian: "The long and painful history of the IPP sentence has been punctuated by moments of searing honesty about its dreadful impact and the need to take decisive action. This is such a moment. The Justice Committee has chosen not to look away, and is unequivocal in its call that government, judiciary and parliament must act together to end the injustice which the sentence represents. Continuing to prevaricate would be grossly unfair both to those serving the sentence and to the victims of their crimes, all living with the uncertainty that creates.

The indefinite nature of ja"The long and painful history of the IPP sentence has been punctuated by moments of searing honesty about its dreadful impact and the need to take decisive action. This is such a moment. The Justice Committee has chosen not to look away, and is unequivocal in its call that government, judiciary and parliament must act together to end the injustice which the sentence represents. Continuing to prevaricate would be grossly unfair both to those serving the sentence and to the victims of their crimes, all living with the uncertainty that creates.il terms under the imprisonment for public protection (IPP) scheme has contributed to feelings of hopelessness and despair that has resulted in high levels of self-harm and some suicides among prisoners, according to the justice select committee.

Almost 3,000 prisoners in England and Wales stuck behind bars under an abolished "irredeemably flawed" indefinite sentencing scheme should be re-sentenced, MPs and peers have said. It says that despite IPPs being scrapped in 2012, there remain 2,926 legacy prisoners. These include 608 who are at least 10 years over their original minimum tariff, of whom 188 were originally given a minimum sentence of less than two years. IPP offenders are on indefinite licence so even



after being released they can be recalled at any time. The cross-party committee's report says the failure to support them both inside and outside jail has led to a "recall merry-go-round", so that almost half (1,434) of current IPP prisoners have been recalled to custody.

The Conservative chair of the justice committee, Sir Bob Neill, said: "They [IPP prisoners] are currently being failed in a prison system that has left them behind, with inadequate support for the specific challenges caused by the very way they have been convicted and sentenced. "Successive secretaries of state have accepted that change needs to happen but little has been done. The decision must be made once and for all to end the legacy of IPP sentences and come up with a solution that is proportionate to offenders while protecting the public."

IPPs were introduced in 2005 to detain indefinitely serious offenders who were perceived to be a risk to the public. However, the extent of their use, including for offenders who committed low-level crimes, raised concerns. The government expected about 900 people to be jailed under IPPs but 8,711 individuals received such a sentence before the scheme was scrapped, according to the committee. In 2020, former supreme court justice Lord Brown called the scheme "the greatest single stain on our criminal justice system".

The committee's report, published on Wednesday 28th September, says that an independent panel should be appointed to advise on the process of re-sentencing IPP offenders, acknowledging that it is likely to be a complex task. It further calls for the current time period after which prisoners can be considered for the termination of their licence after release should be halved, from 10 years to five. Neill said: "After a decade of inertia the status quo cannot be allowed to continue." The committee says that the parole process as it stands is ineffective for IPP offenders and the Parole Board should be provided with sufficient resources to consider their cases – which should be prioritised – without delay.

**HMP Manchester - Strangeways Tower is Crumbling**

*Inside Time:* One of the best-known structures in Britain's surviving Victorian prison estate has begun to crumble. The 144-year-old tower at Strangeways – now known at HMP Manchester – is in such a precarious state that the grounds beneath it have been made out-of-bounds for the safety of prisoners and staff. The 234-foot tower, a local landmark which has Grade 2 listed status, forms part of a backlog of prison repairs in England and Wales which officials admit would cost £1.3 billion to complete. The current spending of £225 million a year on capital maintenance for prisons is not enough to reduce the backlog.

The Independent Monitoring Board at HMP Manchester highlighted the problem in its latest annual report, saying that the sealed-off area beneath the tower had become a collecting point for litter and a breeding ground for vermin. It added: "The crumbling brickwork of the Grade 2 listed tower has become hazardous to all personnel. Because of its listed status, agreeing a method of repair with the various agencies interested has not been easy or quick and was still not resolved at the end of the reporting year."

A Prison Service spokesperson told the Manchester Evening News that in 2021, the Ministry of Justice commissioned an extensive programme of repairs to address problems with the fabric of HMP Manchester, which also includes a partial roof repair of the main buildings and replacing cell windows. Repair work is due to begin in early 2023, the spokesperson said. The tower was designed by Alfred Waterhouse and built between 1866 and 1868, from red brick with standstone. It was first listed in 1974 for its "special architectural or historic interest",