

Joint Enterprise

Not Guilty by Association

JENGBA

News

"You're Not Alone"

ISSUE 22: January/February 2013

Dear Friends and fellow JENGBA Campaigners

Apologies for the delay in getting this newsletter in to you – this is our first of 2013. As we reported in the December edition, the DPP Keir Starmer told us that he 'can't change the law', that has to be done by Parliament. So 2013 is about raising awareness of the abuse of the doctrine with both the public and MP's. The House of Lords meeting was a good start. MP's are notoriously unwilling to discuss individual 'cases' but your supporters can argue this is a human rights issue. When they get MP's support please ask them to contact Jeremy Corbyn and the Justice Select Committee at the House of Commons. The DPP Guidance on JE shows that this doctrine is not fit for purpose and never was. It is about filling up our prisons and why the prison population has gone from 45,000 to just under 90,000 in only 15 years. What's the sense of keeping innocent people in prison at a cost of £45,000 a year when they are closing hospitals because of austerity measures?

Amanda Allden's mum Pat was on local Birmingham radio recently as was Anthony Davis's dad Patrick, both highlighting their children's wrongful convictions. These local stations are really worth approaching and are amazed to learn of JE prosecutions. I am doing one on Saturday in West London. Encourage your supporters to approach local radio, if we all chip away at this together the message will spread and it always comes out in our favour. This means more people can check our website, join us on twitter and support our message.

Well done to Roger Khan who argued a Habeas Corpus writ in the Court of Appeal against his imprisonment. Campaigners attended the hearing and Roger had some good points but they were thrown out. He was trying to issue the HC to the Queen arguing that his conviction was unsound as JE is common law however the writ was changed so that it was against the prison.

JENGBA campaigners are working non-stop, some of our upcoming meetings include: London School Economics March 6th; House of Commons, Andy Slaughter Shadow Justice Secretary March 12th; CCRC April 6th. If anyone has any info they wish us to take to the CCRC meeting please let us know.

And finally, Lord Herman Ouseley has agreed to be our second Patron (joining Jimmy McGovern) and has promised to raise questions in the House of Lords. Great to have such a wise and humane gentleman on board! In solidarity and faith that we will overcome.

Gloria Morrison

The House of Lords on 5th February 2013 - another packed house for JENGBA and reminiscent of the first House of Commons meeting back in March 2010. This was very a different meeting though, instead of a room full of sadness and pain the room held a vibrant energy I had never felt before.

Everyone had a plan of what needed to be done; everyone expressed confidence and determination to make it happen. JENGBA has achieved a significant amount in such a short space of time, no one can deny that, but as the mother of an innocent but convicted blind teenager who is almost halfway through a life tariff, it is not yet nearly enough.

I am sure I speak for everyone when I say that I am proud to be part of the small network of people who decided enough was enough and this wilful injustice must be stopped.



JENGBA meeting hosted by Lord Ouseley on 5th February 2013

More and more people are realising that Joint Enterprise, or Common Purpose, is the only law in the World that focuses on convicting those who do not commit the actual crime for which they have been charged. Trials that prove people innocent but find them guilty. There are no words that can express the sheer disgust and contempt of how I now feel towards those who continue to condone this legal technicality that favours only the Prosecution. If there was a legal technicality that favoured the defendant you could guarantee that Parliament would fix it in a flash.

The Joint Enterprise doctrine in its modern application is NOT and never has been fit for purpose in the 21st century. And everyone in the House of Lords meeting that day in February agreed and all held the same vision of a social breakthrough. It is time for JENGBA to burst through new boundaries, to break taboos, to teach the public what is going on and to start demanding the justice you all so clearly deserve.

Jan Cunliffe

JOINT ENTERPRISE IS A COURT FULL OF LIES!

When I thought all hope was lost, then came JENGBA

The day was Thursday 13 December 2012. It was cold and windy. I had just finished teaching five hours of geography to active and opinionated secondary school students. I was emotionally tired. The last thing I wanted to do was go to a meeting to watch a film, in the centre of London. I just wanted to rush home and stay in my personal prison of my bedroom. It made me feel closer to my eldest son who was on remand on charges of section 18 wounding with intent and violent disorder with joint enterprise. We had been told by his solicitor that he would be looking at a possibility of three years for the violent disorder and up to 15 years for the section 18 wounding.

On the night of the meeting, I had an argument with his solicitor who had previously persuaded my son to plead guilty to violent disorder and was now advising him to do the same for the section 18 wounding even though there had been no medical documents and no unedited CCTV provided. The police had removed my son's car and clothing on the night, they had not found any weapon or DNA to link him to the stabbing, yet his solicitor was insisting on him pleading guilty in order to 'not get a double figure sentence'. The trial was set for 7 January 2013. I was so scared and on many occasions believed that his solicitor was doing the job of the CPS not a defence solicitor.

Even though I have three other children, I could not focus on them. It was a sad day, when my younger son, told me that what I was doing was 'having an impact on all of them' and that 'they had also lost their older brother'. It had become common for me to sit on the stairs at home and cry like a wounded animal. My older daughter felt the need to come home every weekend from university just to be at home.

My world ended on Sunday 15 July 2012. My 22-year-old son had gone clubbing the previous night in central London to celebrate his girlfriend's 21st birthday. The night ended with a group of unknown, older men deciding to argue with him and his girlfriend outside the club. The argument was broken up by the police and the older men were asked to leave. Instead of going home, they waited and attacked my son who was on his way to his car. His half-brother and his friends were in cabs driving past and saw the attack. They got out to stop the fight, but things got out of hand and the fight ended with one of the older men being stabbed. No-one knows how the knife came in to the fight or who brought it. My son and seven others were arrested in the days following the fight and held on remand. Their bail applications were refused because the CPS had found YouTube videos of the some of his co-defendants from more than six years ago rapping and making signs. They were branded a 'gang' and were going to be trialled as such.

My emotions were so high, that I often thought about driving in to the path of a speeding police car with its siren on in order to end it all and call it a day. I only hesitated because I felt that by doing that would be worse for my son, as he would have the guilt of my death on him for the rest of his life.

I watched the film in central London, opposite the Houses of Parliament and felt sick for the family of Sodiq. I listened to the guest speakers. But throughout the night my eyes were fixed on Patricia in front of me with her red jumper. When Gloria spoke, I looked up and thought, 'Damn she is talking to me'. Patricia spoke about her experience and sat down. I later asked her how she slept at night. I could not believe what I was hearing. I was shocked that joint enterprise was actually something that was not very unusual.

The next day, I knew I had to get rid of my son's solicitor. He wanted to write to the court to enter the early guilty plea and have my son produced before the judge so that he could agree. My son and I were against this decision, and his solicitor become very annoyed. He did not want to give my son, the rights of 'presumed innocent until proven guilty'.

On Saturday 15 December, after an early morning call from my son, pleading for me to help him, I decided to call JENGBA and spoke to Gloria. He felt that his solicitor was making him plead guilty for something that he did not do and did not know about. I told him about JENGBA and he said 'Mummy, please call them, maybe they can get me a new solicitor.'

I was shocked when Gloria answered the phone. I honestly did not think someone would answer on a Saturday, but tried anyway. I didn't even know what to say or how to say it, but rambled on because I felt that I had to help my son. It was a Saturday and the courts were due to close for Christmas, the following Friday. The trial was going to start in the first working week of January. I did not honestly feel that anything could be done in that short space of time but talked anyway.

I sent an email following my telephone conversation with Gloria and was shocked to receive a phone call and voice mail from her on the Monday. To be honest, things happened very fast. I recall speaking to Deb Madden and then getting in my car to go home after work. In less than five minutes, she called me back and was giving me the name of someone she was going to speak to.

For the first time in many months, we had hope again. We knew the battle was not won, but we did not feel as if there was a bereavement in the family. Following several more phones calls from Deb Madden, I got a phone call from David Wells of Wells Burcombe Solicitors in St. Albans. He had managed to speak to my son's solicitors and was willing to take on the case. He gave me the name of a new barrister and the solicitor who was going to be in charge of his case.

By Thursday 20 December, one week after hearing about JENGBA, I met the new team of lawyers at the Old Bailey and the energetic Deb Madden. I could not believe the pace and energy that they applied to helping my son. That was the first night since 16 July that I did not walk up and down in my house whilst everyone else slept.

By the time the case went to trial, Suezanne King had met with my son every day and got to know him as a person. She kept the family informed of all the meetings and prepared us for the trial. The new team prepared the case so well that the CPS could not use the YouTube videos or the alleged gang stories. Original CCTV showed that the victim had got out of his car carrying a screwdriver.

On Wednesday, 6 February 2013, the judge dismissed the charge of section 18 wounding and joint enterprise. I recall that I cried and almost vomited in my classroom when informed.

My younger son turned 16 today (13 February) so I feel it is only right to end with a quote from him: 'JENGBA gave us hope when all was lost'.
Mavis Francis

Ishmael's plight shows us that 'good' legals are essential. JENGBA are now able to recommend lawyers, we're working on our appellant team - more to follow, but if you know anyone on remand charged under joint enterprise you can pass on our contact details.

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