



# JENGbA

## News

ISSUE 10

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“You’re not alone”

### From our Campaign Co-ordinator:

Dear Friends & Campaigners

It's been a very busy time for JENGbA over the past few months. The Miscarriage of Justice Day in Birmingham was well attended and Janet Cunliffe did JENGbA proud speaking about her son Jordan and the campaign. Paddy Hill (Birmingham Six served 17 years until acquitted) made a very stirring speech. He told us some truths about prison life that left no-one in the room doubting what a horrendous place prison is, especially for the innocent. Paddy is very supportive of our campaign and has agreed to speak at events for us.

JENGbA supporters have been out on the streets petitioning again it

is tough as the public are so gobsmacked when this law is explained to them they doubt it can be true!

Anthony Parsons' (HMP Rye Hill) dad Jesse did ask a policeman but was



politely refused (police are not allowed to sign petitions). It is surprising how many police, probation officers and those in the legal profession are also ignorant that the law is being abused.

The Justice Select Committee brief inquiry was interesting — we were given challenging questions and a few Tory MP's did not like what we had to say. They had all the prisoners' and families' supplementary evidence before them. The MP's also used our legal brief when interviewing Jeremy Horder (Law Commission) and Crispin Blunt (MOJ) which shows how good it is. A complete lack of statistics from Keir Starmer (DPP) and Crispin Blunt was shocking and indicates a serious problem being swept under the carpet, fortunately for JENGbA there are many of us now armed with a very large broom! The MP's were incredulous that a judge could say a 'nod or a wink' was enough to prove joint venture — we intend to give them further evidence to prove it is so.

An apology goes out to Dion Griffin (HMP Full Sutton) for it was he that got the Newcastle United Team to sign petition. And big thanks to Jesse and June Parsons for purchasing red bracelets with JENGbA Not Guilty by Association embossed on them. Please let supporters know if they would like to buy one, they can contact us by email for further info (see below).

Hopefully some of you managed to see Newsnight on 1<sup>st</sup> November and the piece on joint enterprise mentioning our campaign - it was pulled previously because of Gadaffi. We were only told on the day so it was hard to get a message in to you but we did try! Families can still see it on the web.

This is a time to write to MP's again — mention the brief inquiry and the lack of data and clear guidelines from the DPP and ask them to lobby on your behalf. It is through campaigns like JENGbA that will bring about change!

Gloria Morrison

### Some quotes from our Inside Campaigners:

*I would like to thank you for letting people like me see that we can still count on people like you and all the lawyers that can see that this law is a crazy law. Because if it was not for this law I would be home with my family. There is something about it that just upsets me because I believe it was made for Black people. They have used this joint enterprise to lock up so many of us. A lot of us just give up but I will fight till the day I die for my freedom.*

**Anthony Green HMP Swaleside**

*This campaign has given 256 joint enterprise victims hope and the strength to carry on and stand up to the government and expose to the public what this joint enterprise is doing to innocent people and their families and loved ones.*

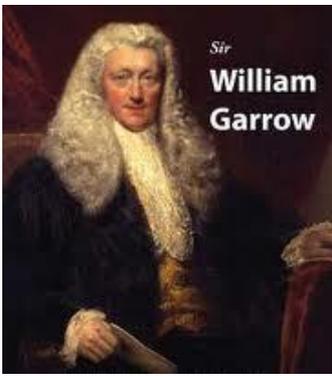
**Wyndham Thomas HMP Earlstoke**

*"It ain't about black, it ain't about white, it's about right!!"*

*Danny Mason's (HMP Full Sutton) Mum Maureen who will help set up a JENGbA group in Birmingham*



JENGbA supporters join Paddy Hill (standing in middle, white shirt) at the National Miscarriage of Justice Day held in Birmingham on Saturday, 8<sup>th</sup> October 2011



I can hear your voices saying "why wasn't it like this at my trial?"

From Janet Cunliffe, [JENGBA](#) Campaigner

You may have heard of SIR WILLIAM GARROW (Attorney General for England and Wales 1813). For those who haven't this may interest you. It will help you realise that our legal system has regressed back to darker times rather than progressed and developed to protect the innocent and find the truth.

Garrow is best known for his criminal defence work, which, through his aggressive defence of clients, helped establish our modern adversarial system. Garrow is also known for his impact on the rules of evidence, leading to the best evidence rule. I would also like to make you aware that Garrow coined the famous phrase "Innocent until proven Guilty". Which then leads us to the Presumption of Innocence.

The presumption of innocence means: (with respect to the critical facts of the case)

1. Whether the crime charged was committed and whether the defendant was the person who committed the crime - the state has the entire burden of proof.
2. The defendant does not have any burden of proof whatsoever. The defendant does not have to testify, call witnesses or present any other evidence, and if the defendant elects not to testify or present evidence, this decision cannot be used against them.
3. The jury or judge is not to draw any negative inferences from the fact the defendant has been charged with a crime and is present in court and represented by an attorney. They must decide the case solely on evidence presented during the trial.

I can hear your voices, all of you saying "this is how I thought the law was supposed to be, this is what I was brought up to believe in ... why wasn't it like this at my trial?"

I'm with you on this one, and everyone I know thinks the same way. That this is our Great British Justice system and although sometimes flawed the common thread is what you have just read above.

It was because of this that I couldn't wait to sit in on the Select Committee's brief inquiry on JE at the House of Commons, sitting just a metre away from Keir Starmer himself, (Director of Public Prosecutions) albeit not the Attorney General, but in my opinion the first and most important witness of the day. It would be a privilege to be so close to a great legal mind, a man who would know all about Garrow and the history of the modern British legal system. Of Garrow's massive impact on the modern, adversarial court system used in several western nations and the rules of evidence. He would know all about the Presumption of Innocence and of Innocent until proven Guilty.

Can you imagine the shock and the horror when he explained the application of the JE doctrine, and that they (the CPS/Prosecutors) cannot "pinpoint" a defendant's liability before the trial, or even at the beginning of the trial? Or that somewhere during a JE trial it "becomes pretty clear (you) are not guilty of the offence" you have been charged with, but of other acts. He did not go on to explain what these other "acts" may have been.

My head was spinning with questions, I wanted to ask how on earth can *they* justify charging someone for murder when they cannot "PINPOINT" if someone even took part? How can *they* continue to prosecute with the serious charge of murder when *they* are "clear" during the trial that (you) are not guilty of that offence?

He was of the opinion that "it is counterproductive to send someone to prison for murder when they have played only a very minor role". I would argue that "counterproductive" was too slight a description for the horror and devastation that comes with a murder conviction and a life sentence.

And finally he made this statement, "If you are a victim of crime and someone appears to be acquitted because "technically" they did not do the act that the Prosecution sought to prove, but it is pretty clear they were involved, there will be a "perceived injustice" on the part of the victim. On the other hand I can see the argument that, if you are a defendant, it is only fair that you know in as great a detail as possible precisely what is alleged against you at the earliest possible moment and you are judged on that."

Again just my opinion, but he seems to be telling us it is better to create another "victim" of another person's crime and let *them* suffer the "injustice" in order to appease the first victim regardless of who is the guilty culprit. As I sat in the House of Commons I wanted to scream, "*Can someone please tell me what Century it is because this is the most ridiculous thing I have ever heard. At what point did it become right to swap one victim for another?*"

I'm still at a loss as at what point in my life, or even what point in Keir Starmer's life, did the presumption of innocence become obsolete, of what happened to Innocent until proven Guilty? Who is responsible for this and why was I never informed? Don't they teach them about Garrow anymore and why does the legal system he helped develop out of fairness for everyone have no significance?

It appears my friends you would have had more chance of a fair trial if you had been charged back in 1792.

I wonder if, deep down, Keir Starmer has the same doubts?

As I walked back through the corridors of the House of Commons, the same corridors that Garrow would have once walked, I had a vision of him spinning in his grave.

Janet Cunliffe  
November 2011

**USEFUL LINKS**

[www.innocent.org.uk](http://www.innocent.org.uk)

[www.unitedagainstinjustice.org.uk](http://www.unitedagainstinjustice.org.uk)

[www.insidetime.org](http://www.insidetime.org)

Offenders' Families Helpline 0808 808 2003

Mon-Fri 9am-8pm, Sat & Sun 10am-3pm

Write to us at **JENGBA**, 27 Old Gloucester Road, LONDON WC1N 3AX

Email: [jointenterpriseinfo@gmail.com](mailto:jointenterpriseinfo@gmail.com)

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**JOINT ENTERPRISE IS A COURT FULL OF LIES!**