

REPORT ON THE INNOCENCE PROJECT 2008-2009

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The Innocence Network UK ([INUK](#)) was set up in Bristol in September 2004. INUK works towards educating to overturn the wrongful convictions of innocent people. It supports universities to set up clinical projects where students can investigate cases of individuals who have been convicted but who have also, in maintaining their innocence, exhausted the initial appeals process. In 2008 the University of Plymouth established an Innocence Project as reported in the [previous issue of this Review](#) and this report reviews its first year of operation. For this inaugural year 14 students were involved under the supervision of law lecturer Sarah Butcher who has now sadly left the Plymouth Law School to take up a role at Otago University, Dunedin, New Zealand.

There were many challenges to setting up the project. There are policies, procedures and codes of conduct which have to be tailored and ratified. An unexpected moral and emotional challenge lay in the selection of potential cases. The view that we wanted to help and hopefully make a difference to real lives was generally agreed among every member. However, the process of selecting cases is neither moral nor emotional. We had to make decisions based on legal practicalities and consider rationally if and whether we could help an individual. In many of these cases we relied on the input from our advising solicitor and barrister. The decisions to reject cases were very difficult as it felt as though we had let people down. It was a steep learning curve but we were privileged to work with and have the advice and support of experienced practitioners Barrister Jason Beal from Devon Chambers and Solicitor Hannah Turner from Foot Anstey

A highlight of the year was the Miscarriage of Justice day in February which we organised. Speakers included, Paddy Hill, Mike O'Brien and Paul Blackburn (respectively left to right in photographs below). Paul was 15 years old when he was convicted and had served 25 years in prison before his conviction was overturned. Paddy Hill is a member of the Birmingham Six whose case prompted significant change in the British justice system. Paddy set up and runs the Miscarriages of Justice Organisation in Scotland. Mike O'Brien was a member of the Cardiff Newsagent Three

¹ Currently a final year student and involved with the Innocence Project at Plymouth since its inception

and spent 11 years in prison for a crime he did not commit. They told their harrowing stories to a packed lecture theatre in the University. This was followed by a talk from Michael Allen from the Criminal Cases Review Commission who outlined the role and work of the Commission.



After much soul searching our Project agreed to take on two cases. Both are murder cases which resulted in life sentences. Students rarely get to see the papers from a murder investigation and trial and again we found ourselves on a steep learning curve. The papers included numerous statements, forensic reports, trial bundles, notes, maps photographs and judges' summing up. That was just the start. Boxes contained CDs with unidentified information and partial unidentified documents. Speaking to Innocence Project members in other Universities we probably got off lightly. One student explained to me that they asked a solicitor for the papers relating to a case and they arrived in a large black bin bag of loose pages. Unfortunately that is not an unusual story. Once a person has exhausted the appeal process their case tends to be put aside. This emphasises the importance of Innocence Projects which can at least offer some hope however remote.

I currently work on a murder case. The murder took place over 5 years ago and the prisoner is serving a life sentence. We are at the early stages of piecing together documents and witness statements. We are researching the appeal process and the role of the Criminal Cases Review Commission (CCRC) in order to understand the reasons why the case has not been returned to the Court of Appeal by the CCRC. There are forensic elements and the case is complicated by issues of Public Interest Immunity and allegations that witnesses may have been involved with drugs.

As a student my involvement in the project from its inception and as a year 2 student has been a fascinating and enlightening learning experience. I am more familiar with the procedures and challenges of the appeal system. I feel confident handling and recognising case papers and understanding how they need to be organised to consider a case. When I first started working on potential miscarriage of justice cases an experienced practitioner gave me some advice and I can say with confidence I had no idea what he meant. He told me that I had to look for what wasn't there. I have been working on potential miscarriage of justice cases for over a year now on a weekly basis and I am slowly learning how invaluable that advice was. People are often wrongly convicted because of information that is not properly disclosed. Now in my third year the Innocence Project is an integral part of my studies as part of my Work Based Learning module. Also within the work based learning module I undertook a work placement with the Crown Prosecution Service, the Youth Offending Service and Birnberg Peirce Solicitors in London.

Innocence at Plymouth has been a challenging and rewarding project to establish and despite the challenges has convinced me to follow a career in criminal law.