

## **The Innocence Project, One Year On: September 2009-September 2010**

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Our Innocence Project is part of a nationwide network of projects across the country (INUK), working to overturn convictions of prisoners who maintain their innocence. Frequently, the prisoners have already tried and failed to win an appeal. There is a twofold aim to the Innocence Network. For those convicted of the offence, it provides another, possibly final, review of their case and therefore the possibility of establishing grounds of appeal and a referral to the Court of Appeal for the judges to consider quashing the conviction. There is also an educational aim, as the students gain valuable experience, which would otherwise never be offered before legal qualification.

### **Casework**

The year commencing September 2009, the Project's second working year at Plymouth, was our opportunity to develop the initiative after a tough first year. At the beginning of the year two murder cases had been referred to us, both in the early stages of investigation. Unfortunately, due to logistical problems we had to drop one case after the client chose to instruct solicitors in London to try to establish grounds and present a further appeal. This then left the Project's 13 members working on the remaining case until we received a fresh case from INUK; unfortunately by the time we had selected and received the new case, the academic year was coming to an end.

The case the Project worked on last year, and continues with this year, involves a drugs network surrounding a shooting, for which our client received a life sentence. We have made significant developments on the case this year. Our first hurdle was a lack of documentation and difficulty tracing it. Once obtained, we began to sift through the evidence. This enabled us to gain more knowledge of the case and also raised lines of enquiry to investigate. As

well as following up material coming out of our review of the papers, our client also had input. Our research led us to a lawyer who had acted for our client at trial, on appeal and has since undertaken pro bono work on the case. The lawyer was able to give us further information about the issues surrounding the case and what had happened. During the course of our reading, we came across a range of evidence including witness statements, tapes and transcripts from initial interviews, photographs and expert reports on DNA, ballistics and handwriting. After an initial review of the documents we consulted our supervising lawyers for advice on various technical points of law. They also gave us an overview of the criminal justice system and an idea of which documents may be missing from the set we had received.

### **Innocence Day**

We arranged an 'Innocence Day', for the second year running, which was held in March at the University of Plymouth. We had invited guest speakers, Paddy Hill, of the Birmingham Six, Paul Blackburn, who spent 25 years in prison for a crime he did not commit, and John McManus from the Miscarriage of Justice Organisation (MoJO). Paul and Paddy spoke of their harrowing experiences, giving us an insight into prison life, and the difficulties they experienced post release. John talked of MoJO and the work it undertakes. All three were able to spend the morning talking separately to the Innocence Project members before giving moving speeches in the main lecture to 160 people, consisting of mainly first year law students.

The 'Innocence Day' came at a good time for the Project. The day reminded us of our ultimate aim, to identify potential miscarriages of justice and take action, and encouraged us to work towards this. The talks highlighted the importance of what we are doing and put the Project's role in the criminal justice system into perspective. We had encountered difficulties during the year, largely due to the paucity of documents and the lack of access to documents. Particularly disheartening was hitting a dead-end due to Public Interest Immunity (PII) statements. Those working on the defence have no access to these after the judge has decided that the sensitive information should be withheld from the public domain. Often this decision is made to protect police investigative methods and intelligence. Not only did we experience technical issues relating to the law and legal system, but also some scientific issues which we had to overcome and spend time on in order to understand, such as medical conditions and forensic techniques.

## **Current Projects**

We also faced a dilemma in selecting a new case from those sent down by the INUK central database based in Bristol. The new case that we accepted involves another murder, for which our client received a life sentence. It surrounds an attack on a victim suffering from a medical condition, with issues surrounding causation. Time was spent deliberating over which case to accept and debating the moral issues and selection criteria. Some had the view that time left to serve should have an influence, whilst others viewed the chances of success as important. A conflicting view was that the decision should be based on what the students could gain from it, with the nature of the crime, the circumstances of it and how high profile the case had been also being taken into consideration. We also had to be aware that many of those who would be involved in the case the following year were not there to express their views, as the selection process for the new year had not yet started.

We began the selection process for new members at the end of last year (May) and successful candidates were informed over the summer. This meant that the induction course could begin in September 2010. There is no obligation for work to continue over the summer due to students returning home for the university holidays. We were aware that work had to resume as soon as possible as our clients were awaiting further contact. There was also a conscience element, in the sense that we felt that the summer holidays were a long time for our client to be sitting in prison with less progress being made.

The induction included an overview of the Innocence Project and the members were allocated to a case depending on their personal preference. This year the remaining Project members have been joined by eight law students, from both second and third years, with some doing the Work Based Learning module and others as volunteers. There is a lot of work to be done on each of our two cases this year. On one case we will need to review DNA evidence, handwriting expert opinions and ballistics. The other case will involve specific knowledge of medical conditions and causation issues. After our talk from our supervising lawyers and the CCRC, everyone is ready to commence work and morale is high.