

PLYMOUTH INNOCENCE PROJECT REPORT FROM 2012-13

Pippa Trimble¹

Introduction

The Plymouth Innocence Project (PIP) was set up in the academic year of 2008-9 and has been building in strength and sophistication year on year. It provides invaluable clinical legal experience for law undergraduates. The law students work on real cases for real clients and gain many useful legal and non-legal transferable skills in the process. PIP also crucially provides its clients with legal assistance when the legal system is unable to do so. PIP operates under Innocence Networks UK and is grateful for the support it provides. The academic year of 2012-13 saw PIP expanding both its student numbers, from 13 to 19 and its casework, taking on a further two cases to give a total of four, three murders, one rape.

The students are drawn from second and third year law undergraduates, with some using the experience for a work based learning module, others participating as volunteers. Many of the students are involved for two years, ensuring real progress is made in terms of casework. All students attend an induction morning the week before the autumn term commences. This provides an overview of criminal law and criminal litigation to students who have studied neither at this point, ie. the context in which their casework will take place and an understanding of both the grounds for and the process of appeal, their ultimate casework goal. Casework is done in groups of five and therefore provides the well documented pedagogical advantages of small group work such as building self-confidence, team working, rhetorical and debating skills and other soft skills. PIP also provides considerable opportunities for autonomous learning, with much of the detailed casework being done by the students themselves, requiring organisation, discipline, leadership and teamwork.

1 PIP Events:

In order to help raise awareness of and discuss general issues associated with miscarriages of justice, in addition to its casework PIP hosts and attends a variety of events during the academic year:

In 2012-13 PIP **hosted a miscarriage of justice talk from Susan Caddick** (the sister of Eddie Gilfoyle) on their family's experience. Eddie Gilfoyle was convicted of his wife's murder in 1992 and served 18 years in prison (see <http://www.eddiegilfoyle.co.uk/>). He was released in December 2010. He had consistently maintained his innocence. Since his conviction, his family and friends have worked tirelessly to overturn his conviction/prove his

¹ Pippa Trimble is the Director of PIP and an Associate Lecturer pippa.trimble@plymouth.ac.uk

innocence. In 2010, the police force who originally investigated the crime, released his wife's diaries showing previous suicidal tendencies, and which they had failed to disclose to the defence for 16 years. Eddie Gilfoyle's legal team have subsequently applied to the Criminal Cases Review Commission (CCRC) with this new evidence and hope the CCRC will agree this provides grounds to show his conviction was unsafe and will refer his case back to the Court of Criminal Appeal. His sister, who has led the campaign to clear his name, gave an extremely moving talk about both the practical difficulties they had faced trying to find the evidence and the impact it had had on their family.



PIP also **hosted its annual Question-time style Debate**. The topic for discussion this year was 'How well does the English Legal System deal with those maintaining innocence post conviction?' PIP was delighted that it was able to bring together a panel of very experienced professionals that was, once again, chaired by His Honour Judge Taylor, the senior Circuit Judge for Plymouth prior to retirement and currently Chairman of Plymouth University's Board of Governors. He was joined by Jason Beale, a barrister of 20 years call and Head of Devon Chambers and Nigel Lyons, partner and Head of Advocacy at Foot Anstey solicitors, both of whom provide pro bono advice for the PIP cases. PIP was also delighted to welcome three distinguished guest panel members; Dr Hannah Quirk from Manchester University, previously a caseworker at the CCRC (the body that determines which appeals are referred on to the Court of Criminal Appeal and which are refused) , Stephen Pearce who served in the police for 37 years, including as Acting Assistant Chief Constable before retirement and who is currently Vice-Chairman of Plymouth University's Board of Governors, and DI Charles Pitman, currently working with the Public Protection Unit. PIP was very honoured that Professor Wendy Purcell, Vice-Chancellor and Chief Executive of Plymouth University, joined the audience. Questions included, 'Should there be circumstances in which jury deliberations are opened to scrutiny post conviction?' 'Is there a lack of accountability within the police when cases are declared unsafe due to improper practice?' and 'Why should convicted persons who maintain innocence spend longer in prison than those who admit

guilt?' The questions promoted lively debate, which continued during informal drinks for the panel and audience afterwards.

Plymouth University also kindly enabled six PIP students to attend the ***INUK annual conference*** in London in November 2012. The conference hosted miscarriage of justice speakers, legal professionals specialising in miscarriages of justice and experts who presented on areas of casework that are frequently problematic, such as forensic evidence, gathering/challenging witness evidence and how to critically review police investigations.

2 Reports from the Cases

PIP is currently acting for four clients all of whom have been convicted of a serious crime and are currently serving prison sentences. All have all maintained their innocence from the outset. They have already appealed to the Court of Criminal Appeal without success.

Case A

This case is in its second year with PIP. It is a murder case, with the conviction based on opposing witness testimony and complex medical evidence. Documents are limited as many have been destroyed by previous solicitors. The case group examined the medical evidence in great detail, becoming lay experts in diabetes. PIP was extremely grateful to two senior medical consultants at Derriford hospital who gave up an evening to explain, discuss and advise on the medical position. The case group were also successful in locating and meeting with the solicitor from trial and appeal. She was able to provide an invaluable insight into the background of the case and the case progress during trial and appeal, especially helpful given the lack of documentary evidence. Finally, towards the end of the year, the case group were able to meet with PIP's supervising barrister to discuss both the witness and medical evidence to determine whether there were or were not grounds for appeal.

Case B

This case is in its fourth year with PIP. It is a murder case; a shooting over drug money. It has a very large number of documents running to approximately 40 lever arch files. The first couple of years were predominantly spent obtaining, reviewing and organising the vast amount of documentation. Having done so, the case group were finally able to start a more detailed investigation. This year they started to review and consider the police investigation and several different areas of forensic evidence, learning about DNA matching techniques, handwriting analysis and bullet matching.

Case C

This was a new case for 2012-13. It is a murder case with likely drugs involvement. Our client was convicted on the basis of joint enterprise. He was one of several people alleged to have been at the murder scene but the only one to have been convicted of the murder. The case group located and obtained case documents. They reviewed the court papers, the police investigation documentation, forensic reports on blood spatters and finger prints and expert evidence on meteorology from the relevant period. They drew up profiles of all those involved in the case and a timeline to better understand the chronology of events. They then identified and pursued various avenues of more detailed investigation relating to the forensic and expert evidence. They also spent time researching the law on joint enterprise to fully understand the basis of the clients' conviction.

Case D

This was also a new case for 2012-13. It is a rape case. Our client was convicted of three counts of specimen rape and three counts of indecent assault of his step grandson. The case group located and obtained case documentation, which proved to be very time consuming due to a lack of co-operation by the client's previous solicitors. The case group did finally obtain core documentation though hope to obtain more this year. They reviewed and considered the core case papers, drew up a family tree to understand the complex family relationships, a timeline to better understand the chronology of events and reviewed expert medical evidence relating to the mental health of alleged victim. They also spent time researching the legal aspects of rape and specimen rape.