



JENGBA

Newsletter

You're not Alone

Issue 33

March/April 2015

Dear Campaigners, As usual **JENGBA** Outsiders have been grafting hard to make your voices heard and we really believe that chinks in the megalith that is joint enterprise charging and mandatory sentencing are starting to show. This is down to all of us. All of you who have trusted that our campaign would never give up until we achieved justice, all of you who have written to your MP's, all of your families that have been able to go to the press and all of you who have helped the academics gather the data that is so important in campaigns like ours tackling such a difficult legal issue.

Which is my build up to why we are sending in another questionnaire! The Supreme Court is now looking at the issue (explained by Jan below) and this is a huge step forward. We need to support our submission with hard data from our cases but also there is another research project being carried out by the Centre for Crime and Justice Studies and Manchester Uni into Gangs, Race and Joint Enterprise. This questionnaire is designed to assist them and those of you who filled out Cardiff's research will recognise some of the questions. One of the most telling bits of data that bothered the Justice Select Committee was the fact that 28% of the respondents in Cardiff's research had no previous convictions. You simply don't go from no serious convictions to a murderer – it is illogical.

But also we need to update our own files. Some of you contacted us years ago or your families did and we have not heard from you since. To be blunt if we are grafting to send in newsletters to you but you don't want to be part of the campaign we won't send you the newsletter. We also need to know data like ethnicity as this is going to be key as to why the law will have to change. We understand that you may find it difficult to answer some questions or may not even want to and that is fine. Do not feel compromised just don't answer them but help us with answering what you can and return it so we can update our files. **JENGBA's** submission to the CCRC meant that 2 prisoners who had never met each other, in prisons miles away from each other, sent us their experiences at the CCRC. We keyed them in and sent to the Justice Select Committee and copies of that submission to those who had submitted. These two both independently stated that an officer in charge of their cases had changed their statements and his name was the same. And guess what they both had the same commissioner at the CCRC who turned them down! Only **JENGBA** can join these kinds of dots because we have your trust and support.

Once we start getting the questionnaires back we can then instruct solicitors to do proper investigations into cases, using real investigators not lawyers promising appeals that they are not carrying out. So please fill it in and return in the SAE. Or ask us to send to a family member who can do it for you.

2015 is **JENGBA's** most important year – let's make it happen together.

In Solidarity, Gloria

SUPREME COURT INTERVENTION

JENGBA are going to 'intervene' on a Supreme Court Appeal later this year. It's a case that Felicity Gerry QC has worked tirelessly on to get there. We congratulate Ms Gerry on her hard work and our recent meeting with her at her office in London showed us she really is on board as far as the **JENGBA** campaign is concerned.

It was great to hear her talk about the select committee evidence all of which happened because of our innocent prisoners and **JENGBA's** commitment. At the end of the meeting she shook our hands saying 'I hope you don't think I have just come along and stolen your baby' Myself and Gloria took her to be acknowledging all of our hard work and because of that I light-heartedly told her '... sometimes baby needs to be taken for a walk'.

And let's face it a walk all the way to the Supreme Court is a very important walk indeed. It could be the massive breakthrough we have all been patiently waiting for. I'm sure you will understand how we cannot give much information regarding the actual case that she represents right now, but we can tell you that parts of her argument are those of the campaigns. Our intervention will focus on the second question posed by the Supreme Court, which is, '...does Joint Enterprise over criminalise?'

You don't have to be a rocket scientist to work that one out but you do need to have a very good legal brain to argue this in front of the top judges in the land. It will mean a vast amount of work needs to be done in a very short time and we are committed to undertaking this work, regardless of cost and man hours.

You are all aware we work as volunteers and that we are not Government funded. We rely wholly on donations from generous people who believe in your innocence and that joint enterprise is unfair and being abused by over zealous prosecutors.

Keep your families informed and those of you with trusted media contacts make sure you keep them updated so that any breakthroughs can be reported along with your case to further highlight the injustices being served.

Jan x



JENGBa families marching through the streets of London to Downing Street
 "FREE OUR INNOCENT!"

Handing our petition in to No. 10

Many of you may have seen the JENGBa campaigners on the news when we went to 10 Downing Street with our greatest supporter, Jimmy McGovern.

We didn't just go to hand in the petition, we also marched through London. The turn out was amazing. Rapper GODDAZ turned up with a film crew and sang the JENGBa rap live on the streets of London.

Actors Andy Tiernan and Susan Lynch, the two stars of Jimmy's film COMMON came along too. Even the film's producer Colin McKeown walked the streets carrying a "*proven innocent found guilty*" banner and chanting 'free our innocent.'

It was a beautiful day and the sun shone on us all as we handed out leaflets and tied yellow ribbons with your names attached to trees and railings. People on double decker buses cheered us on and cars beeped and waved in approval.

Downing Street was a strange experience because it is closed off from the main road, was strangely silent, except for the distant, yet constant chants from Deb Madden on her megaphone. Followed by your families calls of "free OUR innocent" from beyond the gates on the other side of the road.

Gloria and Patricia Brown took the bold move to knock on the door and as you can see from the photo for some reason it tickled them. I reckon they giggled on account of how severely they banged. I bet David thought the flying squad had arrived to steal him from his family on a pumped up charge of Joint Enterprise.

But no it was just us with a massive box of hand signed petitions that families from all over the country had got signed.

It was a proud day for me. I have fought for many years for my innocent son Jordan Cunliffe. I sometimes feel I have been turned away and ignored too many times, especially by those in government who should be voicing their concerns but choose not to. Even so, on that particular day JENGBa went knocking on the Prime Minister's door. We went together. We will keep going together knocking on every possible door, and we will not go away, not now, not ever.

Jan x



JENGBa were joined by Jimmy McGovern to hand in the 10,000 signature petition

APPEAL NEWS

At the time of writing this newsletter it is 28 days since Roy Smith was acquitted of murder in the Court of Appeal in London. There was no question of a retrial arising for Roy. Sadly Kelly Taylor who appealed alongside him had her appeal rejected, but on conversing with her family and supporters they are in no way giving up on her fight for justice.

Stuart Layden the 3rd defendant appealing in this particular case was also acquitted, however, the prosecution was allowed to consider recharging. Stuart was released on bail, so at least he is no longer in prison, but with his family awaiting for the next step. By all accounts as it is 28 days today since his acquittal and no new charges have been put in place it looks like the nightmare of Joint Enterprise could well now be over for him too.

His supporters have criticised the lack of evidence used against him in the first place... it appears the prosecution were grasping at straws to gain his conviction and I'm sure they may well be doing the same again. Let's hope they've used up all their straws, and like Roy Smith, Stuart can now rebuild his life. Good news for them but let's not forget Kelly Taylor, their friend, and a woman who's children now face growing up without a mother.

Emma Hall also had an appeal, again like Kelly, sad news, because her conviction was also upheld. JENGBA campaigners attended and by all accounts her legal team put up a decent fight. I'm sure you will all agree that those who represent you must in the very least put forward a very strong argument otherwise they shouldn't bother representing you in the first place. Emma's family are continuing to fight with the full support of JENGBA.

I've saved the best piece of news until last and that is the Gerard Childs and Stephen Price appeal. I attended this one with other JENGBA Campaigners and we sat with Gerards mum Mandy throughout. It looked quite positive from the start, but you can never be too optimistic. It wasn't the result Mandy had dreamed of but it was a breakthrough and one Gerard Childs has accepted with dignity. It was in my opinion one that brought the issue of joint enterprise overcharging to the forefront.

When the three judges came back to deliver their verdict they acquitted both men of joint enterprise murder. It's what we had all hoped for. We remained silent out of respect for the victims family who were seated directly in

front of us, and importantly because we never forgot throughout our process of support to these young men, that another young man lost his life. It's the same with every appeal we attend, there is always a victim, but to create new ones through injustice is equally as wrong.

The judges changed Gerard's conviction to manslaughter and that of Stephen Price to affray. The senior judge was very firm in his opinion that this spontaneous and unfortunate incident was in no way a joint enterprise and he made this clear to the prosecutor. He also pointed out the failures of both defendants QC's during the original trial. Speed and pathology where his key points. There was no weapon in this case and the victim died due to a single injury that could have only been delivered by one person.

When the 3 judges came back they acquitted both men of joint enterprise murder.

The speed in which it happened meant there was no time for the two friends to negotiate a joint enterprise plan. I took that to mean without a plan,(it was spontaneous) and in such a fast paced incident, (less than 30 seconds), there can be no foresight. There can be no joint enterprise.

Gerard no longer has to serve a life sentence for murder and hopefully he will be home with his family early next year. Stephen was given two and a half years for affray and as he had already served 18 months of his life sentence at the time, this meant he was ready for immediate release.

It's a mixed bag of news that all of us at JENGBA hope you can draw something positive from. We know and expect there to be failures, it's disappointing but it's not the end. If you are innocent of the crime for which you have been convicted then your time will come. If that means being convicted of the actual crime you did commit, as with Stephen Price and Gerard Childs there's hope. A mandatory life sentence is something I have issues with, but if it exists it should be for those who actually commit murder and do so with intent. No intention to kill is called manslaughter, affray is not murder or manslaughter and to play no part is INNOCENT.

INSIDE VOICES

To everyone at **JENGbA**

I would just like to say thank you so very much for the work and dedication you have all been doing to get justice for everyone serving long sentences due to the joint enterprise law. I was sentenced to Life imprisonment back in 2007 and thought this is it my life is over and that I would be branded for the rest of my life. I began to think this is a dream, its not real and I would wake up soon. But no I kept waking up to the same sound of the door being unlocked. I really did get used to the idea of being in here for a long time.

But then a couple of months ago just before the television programme was aired my mother had seen your website and got in touch. After a few days you at **JENGbA** wrote to me and ever since I've began to have a spring in my step and a smile on my face. Just knowing somebody does care and believes as well as my family this is a miscarriage of justice is amazing and I want to thank you all so very much.

So very gratefully yours, Brothers **J. Billingham and M. Billingham**
HMP Lowdham Grange

I've been in hospital for a month, following a stroke and heart attacks. I want to thank the Lowdham Grange officer who saved my life Tara Brown. Her actions on 4th March cannot go unrecognised as the nurses on the wing did not believe I was having a serious stroke that has left me unable to walk. Thanks for all the messages I've received "thank you from my heart". Remember all 'No Justice, No Peace.' **Steve Kidd HMP Lowdham Grange**

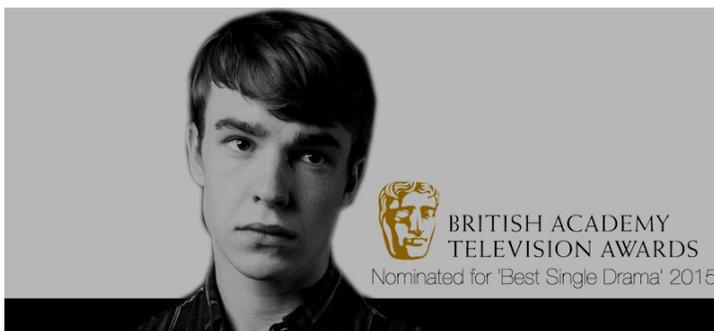
At the Royal Courts of Injustice last month **JENGbA** listened with Dean Winston's family and friends to what the Judges decided in the grounds of his appeal – remember this is common law so handed down from Judge to Judge – why Dean and his co-defendant who had not killed anyone should serve 26 year sentences. Anyone who has been to the appeal court will know what a farce it is; the decision has already been made before anyone takes a step in court. As ever Dean got knocked back, the Judges said even though they were not sure that he knew of the intention of his co-defendant his presence was enough. Then considering the appeal against sentence, something interesting happened. Dean was 19 when the incident took place and received 26 years even though the principal pleaded guilty on the 3rd day of trial. But because of Schedule 21 which was repeated several times they could only reduce it to 24 years – as if this was a kindness! Even Dean's lawyers thought so. These people think we are absolutely stupid.

Schedule 21 is the statutory mandatory Life sentence introduced in 2006 by then Home Secretary which took away the Judge's discretion in sentencing and meant that knife murder starting point (now) 25 years and 30 for gun crime. The judges hated this parliamentary interference in their powers then but it was passed as law by the government. But nobody knew it was going to be used so widely in joint enterprise and this is what is so inherently unjust about the law.

This is **JENGbA's** next fight – abolition of the mandatory sentencing (Schedule 21) and a full review of every person serving a mandatory sentence who was not the principal. We are starting a new petition to that effect. You must also spread the word people are still very shocked when they hear about it and you will know of many prisoners who have committed much more heinous offences than you who are serving lesser sentences.

Join us at the BAFTAs!

Common has been nominated for best Single Drama at this year's BAFTAs to be held on Sunday 10th May. It will be televised on BBC1 that night but we don't know the time yet, look out for it in the news. Grab a cuppa and join us as we all settle down to root for Common!



Contact Us

Write to us at:

JENGbA

Axis Community Hub

Office A

Norland House

Queensland Crescent

LONDON W11 4TL

07709 115793 or

07725 727520

Visit us on the web at
www.jointenterprise.co

Email: jointenterpriseinfo@gmail.com