Miscarriages of Justice
Why the Criminal Justice System Fails Defendants
Miscarriages of Justice

- A miscarriage of justice is when innocent people serve prison sentences for crimes they are not guilty of. Despite the Criminal Justice System allowing appeals against conviction and/or sentence, miscarriages of justice still occur today.
- A miscarriage of justice may happen because of the fabrication of evidence, misinterpretation of evidence, a confession given under police pressure, being wrongly identified by a witness, misleading expert testimony, psychological instability and misdirection by a judge during trial.
Misleading Expert Testimony

Sally Clark, Angela Cannings and Donna Anthony were convicted of killing their babies after the paediatrician Professor Sir Roy Meadow, gave evidence in their trials. He told the jury in the Sally Clark case the chances of two cot deaths in a family like hers were one in 73 million.

The Royal Statistical Society disagreed and wrote to the Lord Chancellor saying there was "no statistical basis" for the figure. Experts now believe the risk could be anywhere between one in 100 and one in 8,500!
In the Sally Clark case, a solicitor from Harrogate (Marilyn Stowe) who hadn’t any experience in the criminal law believed that there must have been another factor at play in the Sally Clark case, perhaps involving medical evidence that had not been uncovered or used at the trial or appeal.
Sally Clark

A pathologist's report unearthed by Stowe proved Clark's second son, Harry, had died of a viral infection. With that new evidence, which had not been disclosed at the previous hearings, Clark was granted a second appeal and won - quashing the conviction of two life sentences.
Fact Vs. Assumption

Forensic evidence is robust and has brought massive technological change to solving crime but it can be hard to translate what that evidence actually means. Watch the clip below to see how scientists don’t take forensics at face value.

https://www.youtube.com/watch?v=CYsaqIKE2X0#action=share

Professor Ruth Morgan (UCL Security & Crime Science) set up the UCL Centre for the Forensic Sciences. In 2018 they found that evidence in 22% of cases at the Court of Appeal where criminal evidence was critical, may have been misinterpreted, potentially leading to miscarriages of justice.
Miscarriages of Justice

- Those who have suffered a miscarriage of justice look to have their wrongful conviction overturned through the criminal courts appeal system which can be very expensive and could take years before the appeal comes before the court.
- If the Court of Appeal upholds your conviction, the only way of getting your case back before the courts is through referral from the Criminal Cases Review Commission (CCRC).
Miscarriages of Justice - a Case Study

- In 1988, aged 19, Raphael Rowe was sentenced to life imprisonment for a murder and robbery he did not commit.
- In July 2000, after 12 years in prison, the Court of Appeal quashed his wrongful convictions and he was freed. After a year travelling the world, Raphael returned to the UK determined to become a reporter.
- Raphael Rowe, who was wrongly convicted for 12 years, explains how miscarriage of justice affected him and how he coped. He's now an investigative journalist for BBC Panorama.
- Watch his BBC interview here: https://www.youtube.com/watch?v=4cw5O_KPpe0
‘Damage Limitation’

- Every conviction / sentence that is overturned is an example of the Criminal Justice System making a wrong decision about someone’s guilt.
- These decisions damage our trust in the justice system and the system goes into ‘damage limitation’!
- Read The Guardian article below about Raphael’s release and how it was described as a release based on a ‘technicality’.
- Even the judge, Lord Justice Mantell finished his judgment by saying: "This is not a finding of innocence, far from it."

https://www.theguardian.com/uk/2000/jul/22/race.world
The Criminal Cases Review Commission is the organisation set up to investigate suspected miscarriages of justice in England, Wales and Northern Ireland.

They have the power to refer criminal cases back to an appeal court for a fresh appeal and, if they do, the appeal court must hear the appeal.
CCRC - the Criminal Cases Review Commission

The Commission is completely independent. They do not work for the courts, the police, the prosecution or for the people who apply for a review of their cases. They stay independent of all sides so that they can impartially investigate alleged miscarriages of justice.

The CCRC have special legal powers to obtain information from public bodies such as the police, the Crown Prosecution Service, social services, local councils and the NHS.
The CCRC made this film to help reach young people with convictions. They produced it as the CCRC get far fewer applications than they would expect from people under the age of 18; in fact, over the last five years they have received only 35 applications from people under 18. They receive an even lower proportion from under 18s from BAME (Black, Asian and Minority Ethnic) population who make up around 45% of under 18s in custody.

https://www.youtube.com/watch?v=kvQHvx-Q2wM#action=share
CCRC - the Criminal Cases Review Commission

Find out more at:

Criminal Cases Review Commission

Or from this summary sheet:

https://docs.google.com/document/d/1xYZOL4lbUC58ff6k28_4pjDyghJ1URjtJCnMj04Qyhk/edit?usp=sharing
Representing the Innocent

- **APPEAL** is a UK organisation, who in their own words:

  ‘... SCREEN TO FIND CASES WITH MERIT AND HIGH POTENTIAL IMPACT, AND THEN DIG DEEP TO FIND THE FRESH EVIDENCE THAT PROVES A CONVICTION IS UNSAFE OR A SENTENCE IS UNFAIR’
APPEAL

● Their lawyers represent the victims of miscarriages of justice arising from the courts of England and Wales.
● As a charity, APPEAL only represent people who cannot afford to pay for a lawyer.
● Visit their website: [http://appeal.org.uk/our-work](http://appeal.org.uk/our-work) to find out more about the important and vital work they do in fighting for justice in this country.
Law Challenge

We would like you to take one of the case studies on the next slide and research the case, finding out the following:

A summary of the facts;
Outcome of original case and reason why that constituted a miscarriage of justice;
How the case was subsequently dealt with;
Whether the case led to any changes in the law;
Anything else of importance or interest about the case.
MISCARRIAGES OF JUSTICE CASES

1. Sean Hodgson
2. Barry George
3. Stephen Downing
4. Stefan Kiszko
5. Birmingham 6
6. Eddie Gilfoyle
7. Reg Dudley and Bob Maynard
8. Sally Clarke
9. Colin Stagg
10. Shelia Bowler
11. Judith Ward
12. Sam Hallam

You can choose any of the cases above to research OR you can perhaps find one to research.
Law Challenge

You can present it in any format of your choosing, for example:

- A poster
- A leaflet
- A mock up newspaper article
- A piece of writing
- A PowerPoint

Entries are to be submitted by Friday 10th July to law2020@qeliz.ac.uk

The winner will win a copy of ‘In Your Defence’ by Sarah Langford.