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Date:

Dear

In the 1980's the Court of Appeal attracted a good deal of criticism for the way that a number of worthy high profile appeals were dismissed.

In the 1990's it seemed that things were improving with the setting up of the Criminal Cases Review Commission. There appeared to be a greater readiness to accept that miscarriages of justices did occur and the Criminal Justice System was in fact strengthened, not by denying their existence, but by dealing with them and correcting them.

But in recent times, a number of practitioners have recognised a trend within the Court of Appeal, which seems to suggest that certainly amongst some Judges the pendulum has swung back in favour of an approach where convictions are sustained in the face of compelling fresh evidence or new arguments never before a jury.

There has been a succession of cases, many of them references by the Criminal Cases Review Commission itself, where such appeals have been dismissed.

Some have expressed the view that it is time for Parliament to intervene to spell out to the Court of Appeal how such cases should be approached in a manner that takes into account the right to a fair trial before a jury.

Others argue that the Court of Appeal showed in the 90's that it could put its own house in order in the face of sustained criticism and in October this year the House of Lords will in fact deal with the case of Donald Pendleton where the issue of the role of the Court of Appeal is the principle question for it to consider.

Many of those practising in the Court of Appeal and preparing applications to the Criminal Cases Review Commission are truly alarmed at the current situation.

Campbell Malone, a highly respected Solicitor of Stephenson's in Bolton, has expressed extreme concern about the present role of the Court of Appeal and the approach by the Judges towards evidence presented to them. He is supported by a growing number of his professional colleagues and practitioners in the Appeal Court. He is asking for your support in order that he can highlight the deficiencies in the Appeal Court process to bring about a fundamental change that takes into account the right to a fair trial by a jury.

Please support this campaign by endorsing the attached form and returning it to Campbell Malone at the address given on the form. (Please mark the envelope 'Appeal Court Issue').

Yours sincerely

STATEMENT OF PURPOSE

THERE IS A TREND WITHIN THE COURT OF APPEAL THAT SEEMS TO SUGGEST THAT AMONGST SOME JUDGES THERE IS AN APPROACH WHERE CONVICTIONS ARE SUSTAINED IN THE FACE OF COMPELLING FRESH EVIDENCE OR NEW ARGUMENTS NEVER BEFORE THE JURY.

IT IS TIME FOR PARLIAMENT TO INTERVENE TO SPELL OUT TO THE COURT OF APPEAL HOW SUCH CASES SHOULD BE APPROACHED IN A MANNER THAT TAKES INTO ACCOUNT THE RIGHT TO A FAIR TRIAL BEFORE A JURY.

I/WE GIVE MY/OUR SUPPORT TO THE ABOVE CAMPAIGN

NAME/ORGANISATION.....

TITLE.....

ADDRESS.....

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DATE.....

I/WE RECEIVED THIS FORM FROM

OF.....

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Please return this form to Campbell Malone Solicitor, 'Appeal Court Issue', Stephenson Solicitors, 16-18 Bradshawgate, Bolton, BL1 1DG
