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Who judges the Judges?

January 2020

**A criticism showing how the police investigation,
forensic officers, and Crown Prosecution legal teams
'targetted' Susan May in 1992
manufacturing a case that resulted in her murder conviction.**

Opening comment.

Because most of this presentation relates to the 1993 trial and pre-trial issues at the start of this presentation we make a small number of observations that make it clear that a miscarriage of justice has occurred.

Three stains on a wall, claimed to be blood, were said to be the main plank of the evidence against her.

1. Crown fingerprint enhancement forensic expert Javaid Hussain tested three stains on a wall with a TAB chemical reagent and declared at trial he was certain they were made in blood.
2. The CCRC confirm that no other forensic expert has ever relied on the TAB test in a British court.
3. Blood expert Prof. Allan Jaimieson, in a report to the CCRC affirms that any biological material would have given a positive reaction to that chemical reagent (he is supported by twelve other forensic scientists).
4. Head of the Fingerprint Department for the Netherlands police, Mr Arie Zeelenberg, after a visual examination of the stains, stated in a report to the CCRC, 'their appearance is contra-indicative of the stains being blood but rather they are made in sweat'.
5. In 1993 Europe's foremost blood expert, Prof. Brinkman, in his lab in Germany tested the stain with the alleged fingerprint with the blood test recommended by Britain's Home Office Handbook, ie Kastle-Meyer, and obtained negative results on two tests.

This stain contains the 'dark spot' relied on by the fingerprint expert at trial to demonstrate his testimony that 'wet blood had run down'.

Introduction.

In the year 2000 after Susan's last failed appeal I, along with the Friends of Susan May, was so appalled at the behaviour of the judges presiding that the question 'Who judges the Judges?' became a serious issue. From the first moment that appeal judge Lord Justice Kennedy opened his angry mouth we could see that Susan was not going to get a fair hearing. And so it was. He showed her no **kindness** throughout, even taking over five weeks after the hearing in court before calling her back to hear him pronounce the failure of the appeal. Five weeks of agony and suspense in prison before hearing she was not to be released.

From the first moves to bring an appeal against the trial verdict in May 1993, we were counselled not to criticise anyone. And so we did not. But now, as the Criminal Cases Review Commission have ceased their investigations and have closed the file on Susan's case, it must be time to criticise.

Susan passed away in October 2013 but you can still 'meet' her on YouTube via a TV programme that was made about her case (<https://www.youtube.com/watch?v=F6fiGC88deA>) and alongside that is a reasonably thorough appraisal of the nuts and bolts of the case by myself, Geoff Goodwin (<https://www.youtube.com/watch?v=p0yClyAy04Q>). Search for 'Susan May a miscarriage of justice'

My qualifications to make this 'appeal' are based on my being an honest and reasonably intelligent man, on my perusal of most court and investigative documents that have been produced on the case, and on my conversations with Susan relating to every issue of the case. Indeed, Susan considered me her 'expert', particularly in relation to the forensic issues.

In this presentation we will judge:-

- 1 The trial defence team
- 2 The appeal defence teams
- 3 The Judge at the last Appeal
- 4 The Crown Prosecution Service
- 5 The forensic expert witnesses
- 6 The police
- 7 The Criminal Cases Review Commission
- 8 The trial Judge

I have sought to be as brief as each category allows.

Susan, in her naivety, trusted in the integrity of our courts. After all, 'the British system of Justice is the best in the world', isn't it? We all know that don't we?

Well let's see.

Title

Who judges the Judges?

**Or, How well have the below servants of the Crown
administered their responsibility to deal in**

'the truth, the whole truth, and nothing but the truth, so help them God'.

Section 1

The trial defence team

The first mistake was made by Susan in engaging a local Oldham based firm of solicitors. She should have at least sought one who had done a murder case before. They were as naïve as she. She was told, 'It will all be fine', 'You didn't do it', and, 'The police cannot prove that the stains were actually in blood'. In my opinion a solicitor's name should be on an official register of competence before being allowed to take on such serious legal cases.

In a case where it was said the main evidence was forensically based the solicitor brought no defence forensic experts to give evidence. In fact he called only one defence witness, Susan's daughter Katy.

During his time in court, her defence lawyer made no reference to:-

1. the fact that the police had spent the first days of the investigation looking for the inhabitants of a red car that had been seen outside the house at 12 o'clock that night with its engine running and no one inside.
2. the local violent burglar, who the police believed to be a 'good suspect' and who had been drawn to the polices' attention by an anonymous phone caller, probably his father.
3. the presence on the wall of a fourth stain, on the same wall as the damning three stains. But that this one, being found behind a towel on a radiator, was simply dismissed without explanation as having no relevance to the murder.
4. the presence in the kitchen of a paper bag that contained meat scraps that had bloody fingerprints on the outside (more later)
5. the presence of clothing fibres on the hands of the deceased that did not belong to any of Susan's or her aunt's clothes.
6. the presence in the house of several unidentified fingerprints and foot marks, etc.
7. When the motive was said to be for financial gain he did not make clear that Susan had been given power of attorney by her aunt.

The work of the police and SOCOs was so poorly executed and recorded that it was difficult for the defence team to understand the processes that allowed the police and forensic officers to make the claims they made, and even to understand the claims themselves.

Even so, that should have focused their attention, rather than cause them to give up and hope for the best. Had they done so they would have discovered that the SOCO Michael Davie had carried out no Kastle-Meyer presumptive test for blood on the stains. They would have found no record of it on his contemporaneous notes, and that he had not even completed a test record sheet - both documents fundamental to the integrity of an enquiry.

They did engage one forensic expert, George Walker, and he would have spoken into the situation to undermine the Crown's case with some substantial challenges. However, though he was in the court building he was not called to give his evidence. It seems that Susan's defence team were so ignorant of the issues they had no confidence to call him.

Section 2

The appeal defence teams

We have valued the work of these people who for the most part worked without payment and without funds to employ new experts to examine the evidence. We record here our gratitude and that of Susan for all this freely given time and effort which was also given by many others with their various expertise, all working pro-bono.

But for completeness I have to record some instances where they also missed the mark.

The first instance of note was that the new QC after the trial informed us of two things,

First, that there was no way we should criticise anyone - Judge, CPS, police, forensic experts, etc.- because the appeal judges would not appreciate it.

Second, we should not think we could challenge the decision on the basis of the forensic evidence. (In fact, it would be years before a different QC would point out the obvious, that no appeal judge would overturn a verdict based on forensic issues without those issues being overturned).

Most upsetting from this QC was that towards the end of the first appeal he conceded to the judge the Crown's position on the bloody marks issue. This he knew to be directly against Susan's express instructions. At the second appeal, though instructed, he did not correct this situation.

The QC above was not helped by his then pro-bono solicitor who again did not do the work to discover the truth regarding the three stains through the chaos that was the forensic investigation. The chaos was caused simply because neither the police nor the forensic officers kept proper records of what they were doing, or not doing, as the case may be. These solicitors dropped Susan unceremoniously when the first appeal failed.

Subsequently, the solicitor who had been involved with Stefan Kiszko was approached and he agreed to help. After he had retired when I saw him at Susan's funeral he gave me permission to quote his mistakes if it would help, so once again you appreciate we are dealing with nice people.

As with the previous solicitor, here again (and he would agree) he did not get his head around the forensic issues. It was during this period that a good number of forensic scientists came alongside to help.

Critically and unwisely this solicitor made forensic enquiries of the Crown experts, who answered his questions, but in doing so flagged up to the CPS issues that they could also use and that were subsequently very damaging.

But more critically, he had been informed of an internal investigation by the Forensic Science Service, that completely undermined the reliability of Michael John Davie, the senior scene of crimes officer who had been responsible for the crime scene forensic investigation, including testing for blood at the scene and in the lab. This report demonstrated twenty six areas of concern.

He was not automatically sent a copy; he was required to request one, which he neglected to do. Susan's QC said that had we had that report before the second appeal our approach would have been different and much stronger.

Section 3

The Judge at the last Appeal

You may have heard the phrase, 'hanging judge'? Well, Lord Justice Kennedy, the presiding judge at the second appeal in 2000, had that reputation. And so it turned out. From the moment he first opened his mouth he was angry, and he obviously had no patience to hear any of the defence evidence and argument throughout.

During the appeal, and in the absence of the Forensic Science Service's report that expressed twenty six concerns regarding the work of the senior scene of crimes officer, the defence had now to demonstrate the concerns expressed in the report in the appeal court.

The most serious point was that Mr Davie could not show from his records that he had tested the stains alleged to be blood.

Further, when he was asked after the first appeal to produce his records, it was demonstrated by the CCRC that he had secretly amended a set of his contemporaneous notes with the inclusion of a note stating he had obtained a positive result for a Kastle-Meyer test for blood, and that he had actually forged a test record document to say he had tested the stains with a Kastle-Meyer test and found them positive.

From this man's evidence it was clear that the appeal judge had no option but to have his evidence withdrawn, which is what he did.

The evidence before the appeal judge now was that the investigation had no reliable investigator heading it. Indeed, if the scientist had been so willing to act so dishonestly, how could anything that his team produced be relied upon?

It is now clear that the original forensic investigation had no interest in looking for evidence honestly and that any evidence that might have been helpful to Susan would have been hidden or ignored, which was in fact what happened.

Obviously from this point on the real murderer has got away scot free.

If this appeal judge had any integrity and even a little care about what people might think about the integrity of the British Justice System, he would have called a halt to proceedings at that point and sent Susan Home.

But he did not and the CPS were not finished. They brought to the stand Joanne Ashworth who had been Mr Davie's young assistant. They had her state that she, not Mr Davie, had carried out the tests and obtained a positive result (why had Davie not said that she had done that??). And this the judge accepted. **EVEN THOUGH SHE HAD NO CONTEMPORANEOUS NOTES OR TEST RECORD DOCUMENTATION TO CONFIRM HER TESTIMONY.**

The judge and the CPS were playing their own game and it had nothing to do with truth.

Later in the appeal the senior police investigating officer, Supt. William Kerr, came to the stand.

His first words to the judge were to apologise that he had misled the court on a previous occasion. Surely alarm bells should start to ring?

His previous testimony had been to explain why he had confessed, whilst on the stand at trial, that he had touched the blooded face of the deceased and the blood on the pillow alongside her head. Alarm bells getting louder?

Surely this action, that he was confidently affirming that he had carried out, would have broken the most fundamental serious crime scene rule, that anyone, let alone a SIO, would be aware of? Don't touch anything! Are his hands now not covered with blood and DNA to distribute, contaminating the crime scene, wherever he goes?

When asked about any record of events he had made in his notebook Supt. Kerr replied that he did not use a note book. Pointing to his temple he said, 'I keep everything in here'.

Why was this judge willing to patiently continue to listen to this man's testimony?

Now let me bring you to the craziest thing you have ever heard.

Having just dismissed the testimony of the Senior Scene of Crime Officer, which should have given the Judge a clue as to whether his subordinates were trustworthy, and having heard that the Senior Investigating Officer had perjured himself in this case in an earlier court, casting doubt on the testimony of his subordinates, THE APPEAL COURT JUDGE THEN COMMENDED THE JUNIOR SOCO AND THE SIO AS **IMPRESSIVE WITNESSES**, **declaring that Susan's appeal had failed**.

In doing this he condemned Susan to a further four years in prison and the distress of fighting to clear her name until the day she died.

Section 4

The Crown Prosecution Service

Let us just remind ourselves that there should be an obligation for honesty and truth running through and validating the CPS's involvement.

The role of the CPS is to assess the case being given to them by the police. If it stands their scrutiny, to proceed, if not, to turn it down. It is not their role to make the case for the police. But that is what they did in this case.

The SIO, commenting that this was a complicated case, brought them in for their assistance a number of days before the arrest was made. Because of the haphazard, disorganised nature of the investigation carried out by the police and forensics the majority of the 'evidence' and statements from witnesses was not available to the CPS until days, weeks, and months, after the arrest.

When the CPS barrister initially sat down to start to compile his case and asked for the senior SOCO's blood test records, as we have seen, he would be told that there wasn't one.

When he came to the fingerprint officers and asked for an overview photo of the wall with

the stains on, he would be told that there wasn't one. This was his starting point.

At this very early stage the CPS would be looking for the evidence and it wasn't there.

They should have walked away and told Supt. Kerr to do some proper police work and find the people in the red car.

Before I continue I should tell you that the red car seen at midnight outside the house where the murder occurred was found by the police on the 14th April 1992, 15 days after Susan's arrest. The police were committed to so many untruths by this time that they did not disclose this information. It was only found in 2003, well after the failed last appeal.

As the CPS tried to build the case from after Susan was made the prime suspect on the 23 March they would ask the questions:-

(Q) Where is the evidence to show that the stain with the fingerprint was actually made in blood?'

(A) We will be testing the stains tomorrow for that, on the 24th March.

(Q) Where is the evidence that the stains are in human rather than animal blood?

(A) 'We haven't taken that stains off the wall yet, we will be doing that on the 29 April in four weeks time.' (The test, when it was done did not show the hand print stains to be of human origin.)

(Q) Where is the test to show that it is the blood of the deceased?

(A) Oh, that's the third stain found near the light switch. It's still in the post on its way to a different lab.

We took that stain off the wall on the 18th March and we intend to send that off on the 27th March. (The results came back on the 5th May, only able to say that it was blood of human origin. It did not show the blood to be that of the deceased).

(Q) Who first saw the stains?

(A) That was the SIO Supt. William Kerr.

(Q) How do we know all three stains were made at the same time? What evidence does forensics have?

(A) We don't have anything on that, you will just have to blag it.

(Q) Did you ask the cleaner, who was in the house the day before, if these stains had been on the wall then?

(A) No, we thought she might say that they **were** so we didn't show them to her, but she will testify that if she had seen any stains she would have had a go at getting them off. We will get her to say that in four weeks time on the 29th April 1992 when we take her statement.

Numerous witness statements will all be taken at that late stage.

"STOP, STOP, STOP! GO AND FIND THE VIOLENT BURGLAR FROM THE RED CAR WHO LEFT FIBRES FROM HIS CLOTHING ON THE DEAD LADY'S HAND" should have been the cry from the CPS.

No photos, no test results, just a series of verbals (more later) by police personnel. At this point I am caused to ask, 'Did the CPS actually tell the police what statements they needed?'

The CPS, as they tried to compile the police's case against Susan, could not have believed that they had anything with any truth or integrity about it; they should have rejected it.

But in dishonesty they went ahead, knowing Susan had a weak solicitor, knowing they would have a top QC, and expecting, with all the reputation of the 'Great British Justice System' on his side, that the jury would succumb to his seductive tones and he would blag his way to a conviction.

I should tell you at this point that the man who was the police's 'good suspect' was some years later murdered himself and that his murderer contacted Susan's then appeal stage solicitor, who went to visit him in prison. He said that the man he had murdered had spoken about having killed an old lady in Tandle Road Royton. Had the police waited the extra 15 days it took them to find the red car they could have got the real murderer and **saved his life**.

Section 5

The Forensic Science Experts

It is the stated position of Supt. Kerr that the three stains on the wall were seen by him on the first day of the investigation and taken seriously by the forensic team from then on. It is the opinion of every forensic expert that has reviewed the evidence for Susan that these stains were not taken seriously in the early days of the investigation.

We have seen have we not that Michael Davie, the senior SOCO did not carry out the appropriate Kastle-Meyer test.

The fingerprint officers did not take any photos on the first day and only two on the second. It wasn't until the 19th March, the sixth day of the investigation, when an enhancement officer came from a different lab, that they began to take their photos **after** he had enhanced the stains.

Prior to enhancement work they took no photos of the full wall for orientation purposes, only one of each of the first two stains and none at all of the stain near the light switch.

So no photo has ever existed of the third stain, it having been removed from the wall on the 18th March 1982.

They only started taking photos after the enhancement work on the 19 March.

If it was really thought that the marks contained the fingerprints of a murderer who was now out running loose looking for money for his next drugs fix, these exercises were very late into the investigation.

Only now, when it was becoming a possibility that the red car with its murderous occupants may not be found, was the SIO turning to the stains.

From only after the 19th, would he instruct them to go through the house with a fine tooth comb.

From only after the 19th, would he be asking for someone to test the stains for blood.

Every wall had to be checked again for fingerprints, washing them down with the enhancement chemicals.

Amongst others, an unidentified fingerprint was found adjacent to the door jamb of the bedroom where the murder had happened, and also one at the top of the stairs. Who made these?

But what would they do when on the 26 March, 13 days after the murder, they found a stain

that might possibly be blood? It was on a wall behind a towel so all agreed it could not have had anything to do with the murder. So that's what they said and Supt. William Kerr testified at trial that there had been only three stains found, ignoring this one and happy to keep the jury in the dark about it.

On that same day, the 26th, (this shows how poor the earlier forensic examination of the house had been) they found a paper bag containing meat scraps. On the outside of the bag were fingerprints in blood. If these were Susan's fingerprints it would blow their case wide apart. What did they do? They gave the exhibit the innocuous sounding label. 'Craftsman baker Paper Bag' and sent it to the lab with instructions **not to examine** it.

The fingerprint officers, if they did not suspect before, would know from that moment on that this investigation was setting Susan May up to be the culprit.

They should have shouted STOP.

We point out here that all this work at this late stage makes Supt. William Kerr's words to be devoid of any truth.

It would not be until the 24 March, the day after Susan was made the prime suspect, that they called in Javaid Hussain to test the stains to see if they were blood.

The cover up is in full flow now as they change the description of 'fibres found on the hand of the deceased' to 'hairs', thus hiding the importance of that exhibit from the defence.

We come now to the evidence of Javaid Hussain

His expertise was Fingerprint Detection and Enhancement, which he carried out on the 19th of April 1992, successfully enhancing the stains.

But, when he was called back to the crime scene on the 24th to carry out tests for blood, he was being asked to do work and express opinions outside of the area of his expertise. But who else was Supt. Kerr going to ask? He couldn't ask Mr Davie.

Being unqualified, Mr Hussain should not have been asked to carry out this work and, most certainly the trial judge was at serious fault in allowing him to present it at trial.

Nevertheless he came and carried out the tests, not using the Kastle-Meyer test, which was the standard presumptive test for blood recommended by the Home Office Handbook, but a test of his own devising called TAB (Tetra-aminobiphenil), thus demonstrating his ignorance in this field.

Yet this was the test that the CPS used to claim that the stains were in blood at trial. How could they do that? Did they not think they would be caught out?

They had not asked Mr Hussain to produce a scientific paper to confirm that the scientific community had confirmed his 'test' valid for use – there was none.

Further, this test was being carried out on the 24th March, the day after the police had made Susan their main suspect.

Who among these forensic people should have called a meeting to confirm their obvious growing awareness that they were witnessing the SIO targeting Mrs May?

The CCRC have confirmed that the TAB test used by Mr Hussain has not been relied on by any other scientist in any other court case in Britain.

Michael John Davie, Senior Scene of Crime Officer.

I will finish this section with this last point that fundamentally demonstrates the chaos of the investigation, as well as the lateness and bias shown by the police and forensic scientists in producing the case against Susan in the way they did. And also the abiding fragility of that case.

The process for testing a stain on a wall to see if it is blood and whose blood it is, is a three-stage process. First, presume that it is blood and apply a Kastle-Meyer test. If it passes that, it merely means that it might be blood. Second, take it off the wall to the lab and test it with a precipitin test. If it passes that then it is said to be human blood. The third test would be for DNA which would tell you which individual person it came from.

As well as not doing the Kastle-Meyer test, Davie had not taken the stains off the wall to his lab to do the precipitin test. He had simply informed Sup Kerr that there was insufficient material for such a test. Nevertheless, on the **23 March**, after it was claimed that Susan's fingerprint had been found in one of the stains and she had been made the prime suspect, Supt. Kerr, in a telephone conversation with Mr Davie, urged him to do the precipitin test at the lab. Mr Davie disobeyed and it was only on the **29 April**, six weeks after the murder, that Supt. Kerr, not Mr Davie, had the stains removed from the wall and taken to Mr Davie's lab. Mr Davie carried out the precipitin test and as predicted it did not show the stains to be of human origin. A negative precipitin test negates a positive KM test had we had one which we didn't. **That therefore means that the stains had not been shown to be blood.**

To this day this test has never been repeated by anyone. From a scientific point of view we must accept that these handprint stains are not blood.

Possibly Mr Davie's refusal to take the stains to his lab was his way of trying to shout stop but it went unheeded.

When later on DNA was found in the stains, the DNA could not be said to be in blood but must have been in some other bodily substance, saliva for instance.

Any honest use of these stains for DNA analysis was lost when Supt. Kerr used a policeman, rather than a scientist, to take the stains off the wall, package and label them and transport them to Mr Davie's lab.

A simple, innocent explanation for Susan's aunt's DNA in the stains could be that she had tried to wipe them off the wall with saliva on her handkerchief.

No DNA from Susan herself was found in the stains.

Additional note; when after trial the stains were requested by Susan's solicitors so they could be taken for further testing, Supt. Kerr told them that they were never taken off the wall. Later when pressed he said they were at Mr Davie's Lab; but they were not. It turned out that a member of the public, a certain John King, had been to Mr Davie's Lab and collected them. They were finally located, having been held 'for safe keeping' in a filing cabinet in Supt. Kerr's office.

Section 6

The police

Since the last appeal the CCRC have investigated both Supt. Kerr and Joanne Ashworth, the young forensic assistant, and have confirmed their belief that, *'were they to appear in court again it is not likely that they would be considered 'impressive witnesses'.*

Miss Ashworth:

She had given evidence from 'clearly remembering standing on the stepping plates'. Her evidence cannot now be relied upon because stepping plates were not in use in Oldham at the time of the murder. She is 'clearly remembering' somewhere else.

Supt. William Kerr:

The CCRC had asked Supt. Kerr (why, I do not know) to contact Detective Chief Inspector Moreland, a second senior police officer who had accompanied Supt. Kerr to the crime scene that first morning, for his recollection of seeing the stains. Supt. Kerr reported from a phone conversation they had, that DCI Moreland *'can remember only a series of blood stained marks on the wall in question'.*

Later, when the CCRC contacted DCI Moreland themselves he told them he had not heard from Supt. Kerr, and he had certainly not said what he was reported to have said. Indeed he had no memory of seeing any stains on any wall in that house that morning.

Thus we have a clear record of Supt. Kerr being willing to make up evidence if it is needed.

Supt. Kerr's confession of misleading the trial court.

We referred earlier to Supt. Kerr testifying to touching the blooded face and bloody pillow when he first arrived at the scene, something we all know to be an incorrect thing to do.

The first explanation he gave at trial for doing this was that he was checking if the lady was dead (she had of course already been examined by the paramedics and declared dead). The later reason he gave to the judge at the last appeal was that he was checking the temperature to see how long she had been dead.

The truth is, that Mr Davie, the forensic SOCO had confirmed to Supt. Kerr in a telephone conversation on the 23 March, that the stains were still wet at 10.30 when he had arrived at the house. Mr Davie also mentioned this in his witness statement.

Supt. Kerr's murder scenario needed the blood to have been dry when Susan discovered the body, so that if she said she had touched her aunt, she could not have innocently got blood on her hands to make the stained fingerprints on the wall after discovering the body.

So Supt. Kerr himself took the stand to declare the stains to be dry, a complete untruth.

Supt. Kerr's power to convince.

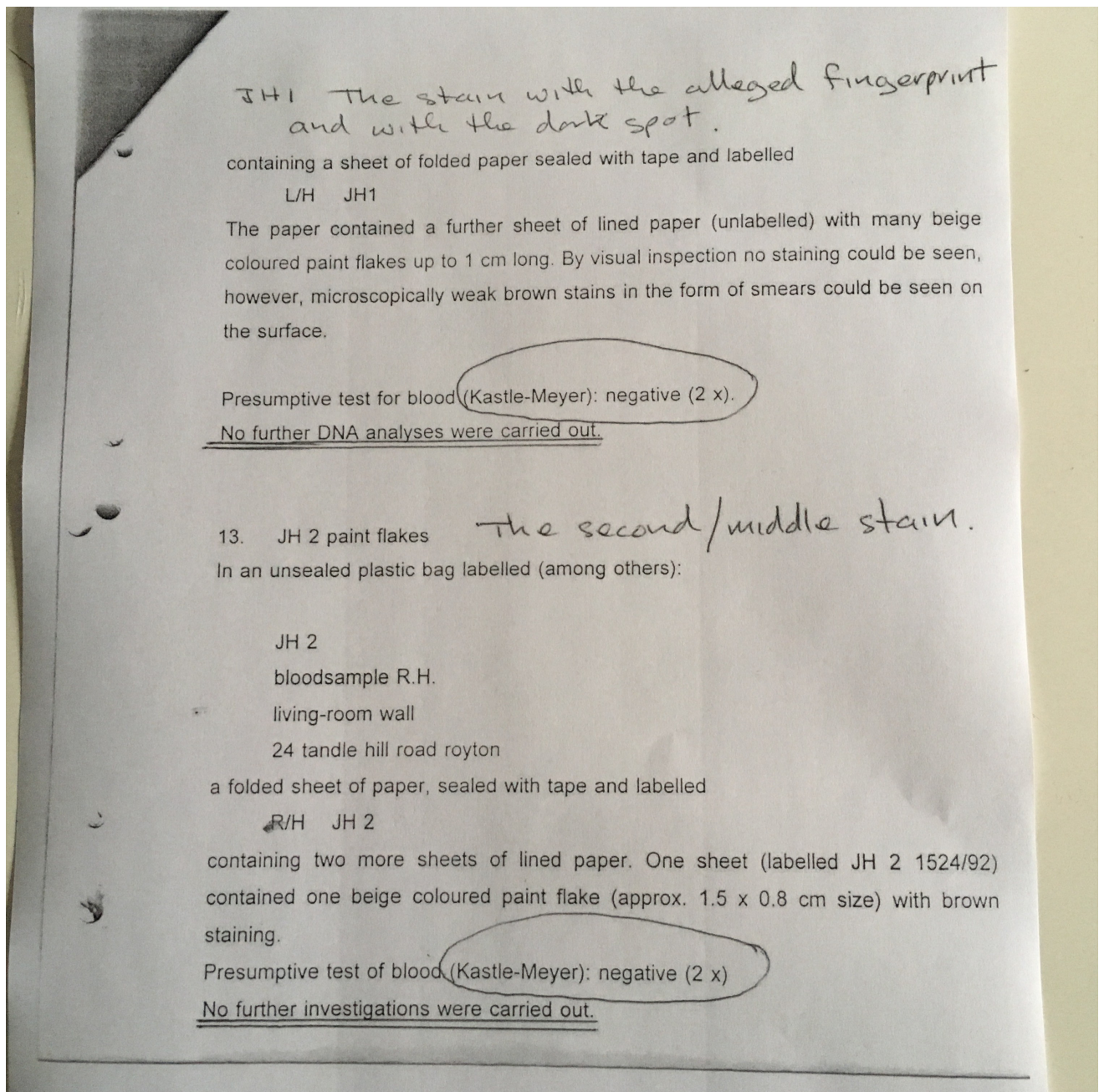
This next point regarding Supt. Kerr shows how strongly and convincingly he can quote a forensic expert's evidence whilst stating something that is not true.

Whilst answering a question put to him by the Police Complaints Panel in response to a complaint by Susan, he referred to the evidence of Prof. Brinkman, who had been asked to carry out DNA tests on JH1, JH2 and MSN14.

Supt. Kerr stated.

'It is also fair to say that the blood was subsequently examined by Prof. Brinkman of Germany and that he proved the probability was that the blood was Hilda Marchbank's. Without any shadow of a doubt it was Hilda Marchbank's'. So the actual fingerprint in blood on the wall was in Hilda Marchbank's blood.'

The truth is that the stain that had the fingerprint in it when tested by Prof. Brinkman, tested negative to the very sensitive Kastle-Meyer test. He tested it twice and got a negative result both times. So convinced was he that they were not blood that he did not progress them to test for DNA.



This is how careful Supt. Kerr is with the truth.

Verballing (Made up statements by the police)

It seems that those working under Supt. Kerr were happy to make untrue statements for him, commonly referred to as 'verballing', i.e. statements made by the accused heard by the police outside the caution of the interview room.

Sgt. Rimmer testified that she had on the 18 March whilst in Oldham police station heard Susan refer to '*scratches on her aunt's face*', something she could only know if she was the murderer.

There are three problems with this. One, there were no scratches on her aunt's face (please see photo later on in this document). Two, the prosecution scenario had Susan murdering her aunt in the dark. Three, Susan swears that the first time she heard about this was after her arrest in the Crown court and it was being given as a reason to hold her over in prison for a further thirty six hours.

Susan's daughter Katy was the only defence witness called and it was to rebuff this claim. She had been with her mother at the time when the remark was supposed to have been made and Katy swore that her mother had not said it.

The remark was not recorded on the Holmes computer, the notebook in which it was supposed to have been written has been lost, and if Susan had really said this on the 18 March then she should have been made a suspect from that day rather than from the 23 March.

Sgt. Rimmer also testified that Susan had told her that she did not touch her aunts face. Again, this is not in her notebook but in her contemporaneous notes – of which strangely there are two different versions.

Susan's position on this was that she did not think she had touched her aunt's face.

PC Ogden took the stand to corroborate Sgt. Rimmer's testimony. Not making a note in his notebook but only supposedly signing Sgt. Rimmer's notebook.

Also a PC Roberts, in an attempt to demonstrate that Susan was angry with her aunt that evening, came to the stand to testify Susan had told her she '*had an argument on the phone* (with her aunt) *and had slammed the phone down and gone round..*'. Once again not recorded in her notebook but in her witness statement taken on the 27th April and completely untrue.

Susan was a devoted niece and exercised endless patience in her care for her aunt.

Section 7

The Criminal Cases Review Commission

Susan was convicted in 1993, her first appeal was in 1995 and the CCRC was formed in 1997. Susan was one of their first clients. Her case worker was Dawn Butler, who was allowed to be very personable. She would receive and send letters and have phone calls with Susan and even visit her in prison. It was largely her work that got Susan's case back to the second appeal with what we believed was a good case. As has already been seen above, any case before Lord Justice Kennedy would have failed.

Over the last twenty years the CCRC have become less and less accessible and they closed the file on Susan in 2008.

In 2011, following a dramatic discovery of some photos showing the stains before they were enhanced and a photo of the whole wall showing it to be extremely dirty, Michael Mansfield QC wrote to the CCRC requesting the file be reopened.

In early 2012 Susan prepared a new application that she, my sister, and I presented to two CCRC commissioners who were so impressed with our outline of the case that they encouraged us to make the documents we had brought for discussion the basis of the new application that they said we should make on the following day. In due course the file was reopened on the basis that only the three stains issue would be looked at.

Our complaint against the CCRC, simply put, is that like others before them they have not got a true understanding of the forensic issues.

They have ignored the obvious conflict of interest in using the Forensic Science Service scientists to produce reports to challenge reports produced by crown FSS scientists.

They have ignored the obvious conflict of interest in using the police fingerprint panel.

And most significantly, they have briefed those 'experts' with wrong information on which to base their findings.

We have no confidence in the present staff that they would be able to produce an accurate statement of reasons.

Section 8

The trial Judge

How can I be brief in this section, when I have 52 areas of concern arising from reading Mr Justice Hutchison's Summing Up.?

Discussing the financial evidence.

In his summing up on page 15 at D of the financial evidence the Judge stated, *'It did occur to me once or twice that it is the topic which has actually occupied us for more time than any other.'*

When on page 17 at H he suggested to the jury to *'assume in the defendant's favour that her assertions as to the financial matters are broadly correct; that she, with her sister initially and latterly more she herself were being treated very generously by her aunt and mother,'* he virtually pronounced the murder to be motiveless.

This evidence would be given at the start of the trial and so should have caused him to call a halt to the trial or to at least be very critically observant regarding the Crown's evidence.

Javaid Hussain, fingerprint-cum-blood expert??

An expert in fingerprint enhancement and detection, Javaid Hussain, was called to the stand and testified that he was called to the crime scene on the 19th March and that he had enhanced the stains. Then he went away. That is fine.

He was called back to the scene on the 24 March, not to do fingerprint work, but to test the stains to see if they were blood. Not fine.

This man is not forensically trained in this area so it is against the law for him to testify about it. The defence QC should have objected, but even when he did not the Judge, who is responsible, should not have allowed this man to continue.

Javaid Hussain's blood test not a valid test.

He was allowed to continue on the stand. Mr Hussain had taken out of his fingerprint officer's case his bottle of tetraaminobypenil (TAB), a chemical reagent. He used it on the stains on the wall, explaining that this was not the normal reagent used, and pronounced them to be in blood.

Not the normal reagent, not the one specified by the Home Office Handbook, not the Kastle-Meyer one that is sensitive to blood at 1 part in 10,000 parts. Just a concoction of his own brewing.

Again no objection from the defence QC and no intervention from the Judge.

He was not even asked to produce his scientific paper which would demonstrate to all the forensic fraternity the validity of his claim to have a reliable presumptive test for blood. He does not have one of course.

On the basis of this test Mr Hussain testified that he was 'certain' the stains were in blood. No other scientist of repute would use the word 'certain' even if using the KM test.

The CCRC have recently confirmed that no other scientist has ever relied on this TAB 'test' in a British court.

This 'certainty' by this unqualified 'expert', using an unrecognised technique demonstrates his ignorance as he overstates his case.

The Judge was in serious error in allowing this testimony and in subsequently relying on it so heavily in his summing up.

Lack of clear presentation of the evidence.

There was a lack of clarity in the Crown's presentation of the examination of the 3 stains. This is clear from what the judge says on page 33 E of his summing up. I will quote the whole paragraph.

*'Members of the jury, I am afraid I do not remember (and it is not clear from my note) whether anyone tried to test blood in that regard from all three sites or only the samples taken from the right hand one. I think it was only the samples taken from the right hand one, **but it matters not** because the tests were inconclusive.'*

What? It's a murder trial, it's the main plank of the Crown's case, and it doesn't matter? This statement demonstrates that the judge had not got a clear understanding of the forensic case, that he had a bias to believe unquestioning the evidence of the police and the forensic team and unconsciously signalled to the jury that they could do the same.

What are the facts that he claimed did not matter?

A clearer presentation

First, that the third stain had been removed from the wall on the 18th March, the day before Mr Hussain set foot in the place. Hussain's reference to testing 'all three marks' is an aberration and quoted on numerous occasions ('*tried to test blood from all three sites*', etc.) by the judge.

The third stain was tested by Dr basely and found, as reported, only to be of human origin.

Honest blood tests

Second, when the two hand print stains were eventually tested by Prof. Brinkman's lab in Germany (and at a FSS lab, experts outside the influence of the SIO at Oldham), the stain with the finger and palm print tested negative for blood and the second stain tested negative for blood. Both Labs had used the very sensitive Home Office Approved KM test.

Third, the first and second handprint stains were taken off the wall six weeks after the murder by a policeman, who took them to Mr Davies Lab, where he tested them to see if they were human blood. He could not find them to be of human origin.

Therefore, if you bother to dig a little you find that scientifically speaking the stains with the handprints are neither blood nor of human origin.

These tests now clearly put the first two stains separate from the third stain near the light switch and a fourth stain. This fourth stain was not referred to at trial, is said to be in blood but was there prior to the murder as it was covered over by some towels. Not all made at the same time at all.

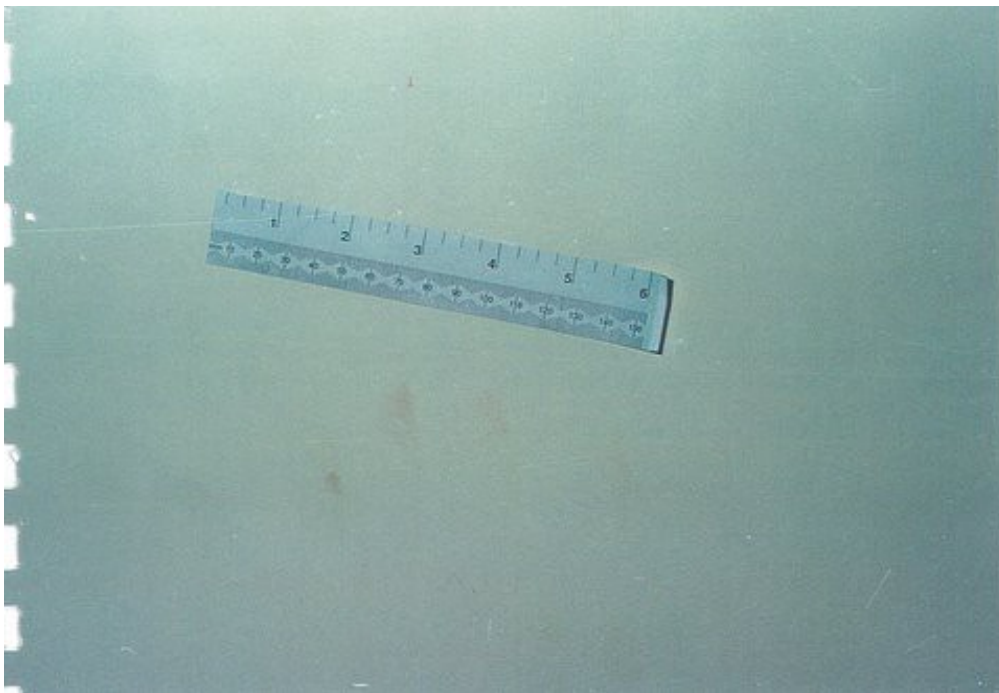
For such a corrupt and inept investigation and a set of lazy servants of the Crown, Susan served 12 years behind bars and fought everyday of the rest of her life to clear her name.

How visible were the stains?

Page 31 E of the Judge's Summing up reads, *'It gave the appearance of having been made in blood, by which I take the evidence to mean that if any of us would have seen it we would have said 'there's a bloody hand print on the wall''*

And at 31 F, *'there would need to have been quite a lot of blood on the hand to produce the mark.'*

Please look at the photo below and ask yourself where the judge got these ideas from?



This photo is of the first mark, a right hand impression, it was not taken by the fingerprint officers but by a SOCO photographer on the first morning of the investigation. He also took a photo of the second handprint and one of the whole wall, showing it to be very grubby.

(When the fingerprint experts came to take their photos they would forget to place a ruler in the shot, thus precluding an accurate measurement of the size of the hand.)

These photos were known about by the Crown QC but he did not use them when interviewing the main fingerprint expert Geoffrey Abbott preferring to use photos taken after Mr Hussain's enhancement.

So you see a wrong impression is given to the judge and jury making a much more dramatic statement than is merited.

Here is the photo that is actually shown to the Judge and jury by the CPS



This of course is the photo after enhancement that you can see would be in the Judge's mind when he said *'there's a bloody hand print on the wall'*. You see how he and the jury were mislead.

They would be further mislead as the dye in the reagent coloured the marks being tested to a dark brown, blood like colour.

Confusion on the stand

When Geoffrey Abbott took the stand, because the Crown only used the photos of the stains after enhancement, there was **great confusion**. (to appreciate this confusion fully please read his evidence in chief). By the end of the defence QC's questioning it was clear that no one had any idea about what was being presented.

The dark spot.

The Judge is responsible to officiate for a clear, in depth appraisal of the evidence This he omitted to do regarding the key darker area seen on the left in the handprint above.

Geoffrey Abbott testified that this spot **alone** was where wet blood had run down, obscuring the finger prints. Of course he shouldn't have used the word blood as he wasn't a blood expert. By the end of his evidence the Crown QC had extended that testimony to say that blood was running down everywhere.

I should include here a note to tell you that in recent years two very qualified top forensic experts have both agreed that the spot was not part of the original underlying fingerprint.

It being different means there is a time laps and therefore the finger marks were old. Which is of course Susan's position.

It is not clear that the Judge and jury were shown a photo of the second stain and no photo existed of the third stain, all aspects of evidence that needed to be disclosed to the jury.

Mavis Brady the cleaner

She was never shown the stains in the house by the police.

Her statement and evidence were all from her memory of a wall with lots of food spills and grubby marks on it – neither of these points was rehearsed for the jury in his summing up

When on the stand she was shown the photo above and asked whether, if she had seen such a mark, she would have tried to get that off. She said, “No”.

Our main criticism of the judge.

The Judge came to this trial completely unprepared. Knowing that evidence would be presented that related to blood, he had not made himself aware of the basic methodology and the kinds of tests that he would expect to come before him.

He demonstrated this ignorance on page 33 H, *'Members of the jury, as I listened to all the talk about animal blood I did wonder where one could imagine that handprints with an animal blood on them could have got on the wall, but there it is. Perhaps that is an inappropriate comment to make, or an irrelevant one.'*

This point would have been absolutely appropriate if the defence QC had raised the issue of the Craftsman Baker Paper bag, with its bloody fingerprints on it, which of course would have been animal blood.

Overall, our criticism of the Judge is that he was not critical at all and that he allowed lots of unsubstantiated evidence. This resulted in a lack of clarity and sometimes evidence that contradicted other evidence.

The scratches issue.

An example of this last point can be seen from evidence relating to the scratches issue, said to be the second main plank of the case: It was the Crown's scenario that Susan killed her aunt in the dark (page 21 A, *'feeling their way in the dark room towards the door'*).

Wanting to put Susan at the crime scene they 'verbal' her claiming that she saw the scratches on her aunt's face.

Firstly, how could she have seen the scratches in the dark?

Secondly, a look at the photo below of the deceased lady's face reveals that there were no scratches there to be seen. This is confirmed by Susan's sister's testimony from when identifying the deceased. Susan's aunt was beaten black and blue and then suffocated, she was not scratched to death.

Gruesome photo alert.



I agree that the judge and jury are not being helped by the defence team.

Not recorded correctly.

But the judge knows the law and when he also saw that the recording of this alleged statement had not been done correctly, the notebook had gone missing, and it was not recorded on the Holmes computer, and Susan had not been made a suspect at that time, should he not have ruled this evidence inadmissible?

The photos of Susan's hand relating to the scratches are '*not very helpful*' – the Judge's words.

This Crown evidence on this scratches issue becomes completely untenable when you include the Judge's observations about the photos taken of Susan's hands.

At page 42 A the judge quotes Sgt. Rimmer's evidence that she observed Susan's hands on the 18th March the occasion it is alleged she made the scratches remarks, saying, '*prior to 18th fingernails on both hands were manicured*'. Surely to be relevant they would have to have been noticed on the first morning of the investigation and that they are manicured shows no irregularity? Note that I say, 'alleged'.

At page 42 B the Judge made the observation that the photos '*are not very helpful*' because they were '*not taken till the 30th*' - making the point I make above and, at '42 C, they '*do not really display a startling difference*'.

The photos, being taken on the 30th, the day of Susan's arrest, corroborate her evidence as he quotes her at page 46 D, '*The first I knew of this was when Inspector Kerr requested the Magistrates to grant a 36 hour extension as a new piece of evidence (new, from the 18th?) had come into his possession..*'

The judge rehearses this evidence on pages 41 to 48 during which time he lapses into periods of inaudibility 7 times. The judge did not dismiss what he felt to be '*not very helpful*' evidence on what he said was an '*important matter*'.

Diversion away from the disputed false evidence to a question of 'who is the liar?'

To conclude this section the judge makes the issue, not the scratches and not the condition of Susan's fingernails but rather who is lying? Is it the defendant or the two police officers - at **48 C**, '*or are they lying about it and have they decided to deny and pursue their lies ..*'

And then the Judge moves on immediately and, somewhat pointedly and unhelpfully for Susan, at **48 E** '*The last point relied on is the question of lies by the defendant.*'

The Judge's responsibility.

The trial judge is in charge of everything that happens in his courtroom. That everything is done according to the legal rules and that the CPS and the defence legal teams present their evidence in a clear way so that the jury are in no doubt of what the issues are.

As far as clarity goes, he himself, during the second half of his summing up, lapsed into periods of inaudibility some 17 times, mostly when discussing critical issues. This must have been very distracting for the jury, especially so as there had been a break in the trial of four days for the May Bank Holiday weekend.

I will finish this section at this point lest I exhaust you.

Concluding remarks

So who will judge these servants of the Crown? I will send a copy of this presentation to Lord Robert Reed, President of the Supreme Court of the UK and to the Lord Chancellor, Robert Buckland QC for their consideration. And also to the police and CPS.

But I ask that everyone who has read this document or watched the Youtube presentation consider themselves part of a group of 'Good men/women and true'. Please view the matter as though considering the verdict is not for Susan but for your mother, wife or daughter. Have the Crown proved their case? Or do you see that there is reasonable doubt that this lady, who is innocent until proven guilty, and the conviction should be declared unsafe?

Please write to the gentlemen named above at, The Royal courts of Justice, Strand, Holborn, London WC2A 2LL

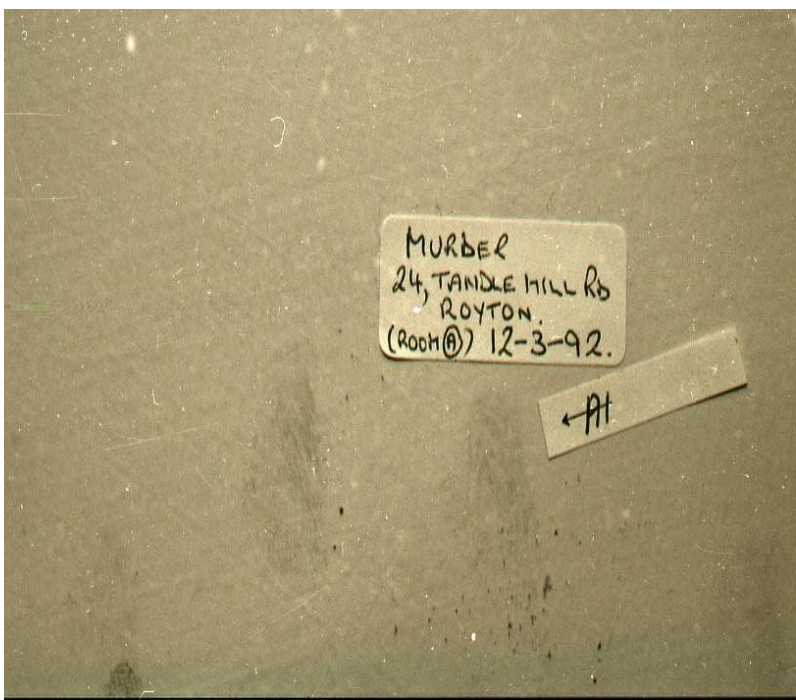
Personally I hold the CPS mostly responsible, for they knew how corrupt the investigation was and still went ahead and built and prosecuted the case.

The statements at the head of this presentation represent new evidence.

With the CCRC not seeming to have the ability to 'see wood for trees', we would respectfully ask the CPS to carry out an initial informal review, which I believe is in their remit to do. Simply appoint someone to produce a report having read this presentation and viewed the two Youtube presentation's cited above.

I do not believe that anyone, having read this document and watched the two YouTube presentations can possibly not be convinced that Susan's conviction for the murder of her beloved aunt is unsafe.

Finally I leave you with these two last photos of the enhanced handprint. A1 is the only fingermark alleged to be identified as Susan's. Only if the handprint marks are undamaged can it be claimed they may have some relevance to Hilda Marchbank's murder. Can you not see the marks from the cleaners cloth cutting through the background wall paint and the finger marks themselves? Are the black spots not on top of the handprints? And do the scratch marks not sometimes cut through the handprints? Any damage declares these stains to be old.





Geoff Goodwin

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Friends of Susan May

Susan had the full support of:-

- her previous MP Michael Meacher, who sent a letter to be read at her memorial service
- Jim McMahon MP, his current successor

After the trial fifty two local people gave statements to affirm Susan as a patient, none violent, loving carer of her aunt.

Ninety six members from both houses of Parliament formed the Friends of Susan May Parliamentary Group and signed a petition declaring their belief that the conviction was unsafe.