Reasons to Doubt

In the case of Susan May

November 2010

Introduction

Susan was convicted in May 1993 of murdering her elderly aunt on the 13th March 1992. This presentation is made at the point when the CCRC have closed their file on Susan's case.

In a miscarriage of justice the truth, the whole truth and anything but the truth, rules the day.

No one may be trusted; nothing may be taken at face value. Everything must be scrutinised.

In this document we hope to show the reader that this miscarriage of justice occurred because the police 'targeted' Susan. They massaged the evidence; if anything was helpful to the police's case against Susan, they made much of it, and it anything found was unhelpful to their case, they made light of it or concealed it.

The observations below have been made by Susan and The Friends of Susan May group (FOSM) over the last 18 years to her legal team and more latterly to the CCRC (Criminal Cases Review Commission), but all to no avail and seemingly falling on deaf ears.

The CCRC are the only body in the land with the power to refer a case back to the court of appeal. FOSM feel, in the light of the overwhelming evidence set out below that demonstrates Susan's innocence, if they cannot refer this case after nine years of considering it, that they are unfit for purpose and need to be reformed.

The question we are asking you to address in this presentation is not whether Susan is innocent or not but rather, in the light of what you read, do you believe her conviction to be 'safe'.

Every point below represents mismanagement, ineptness, deceit, even collusion to pervert the course of justice.

In presenting these points we have mostly concentrated on what the trial judge said was the main plank of the prosecution case – the fingerprint in blood. Many other reasons to doubt could be made from other aspects of the case.

Background

Susan's elderly aunt lived alone in a house about 1 mile from where Susan lived with her daughter and her elderly mother, her aunt's sister; Susan was her aunt's main carer. On the morning of 13 March 1992, having collected a sandwich for her aunt's lunch from the shops in Royton town centre Susan went to her aunt's house. On entering the house Susan came upon a scene of horror, her aunt was laid on the bed in the rear downstairs room that was being used as her bedroom, with her bedcovers and nightdress thrown back to reveal her lower body, her face beaten and bruised. After spending 10 days looking for the occupants of a red car that had been seen outside the house at about 12.00 a.m. the previous night without success, the police turned their attention to Susan. She had concealed from them that she was having an affair with a younger man and they had found what they claimed to be her fingerprint in blood on the wall adjacent to the bed where the body lay. And so the target was found and the massaging began. With the help of a very poor defence team, who gave the jury no alternative suspects or explanations, what else could the jury do but to believe the police and prosecution allegations and find her guilty?

In his summing up the trial judge said there were five things that contributed to the case against Susan.
1 – Susan had opportunity to murder her aunt – *Susan volunteered to the police she was at the house at 9pm on the evening prior to the murder*.
2 – It was said that her bloodstained fingerprint had been found on a wall near the body – *the judge said this was the main plank of the case against he*r.
3 – The house had been disturbed but nothing had been stolen – *again this was information given voluntarily to the police by Susan*.
4 – A police officer alleged that Susan had told her of scratches on the face of the deceased 'that only the murderer would know about' – *Susan declares this to be a blatant lie*.
5 – She lied about her financial dealings with her aunt's money – *over 60% of the trial time was spent by the prosecution on this issue to blacken Susan's character before the jury*. The judge in his summing up said Susan, who had full power of attorney, had not misused her aunt's money.

The defence at the first appeal pretty much ignored issues raised by forensic experts and was something of a farce. The second appeal was on the basis of a good CCRC report. However, the police and forensic expert prosecution witnesses, along with the judges, made a travesty of it. Since that failed appeal in December 2001 the case has been with the CCRC.

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Skeleton Argument

The Skeleton Argument

I.e. everything that needs to be considered, but for which there is no time in the appeal court; a background to the grounds of appeal being focused on in the appeal court.

1 The credibility of forensic and police officers

1. Michael John Davie, the senior forensic scene of crime officer (SOCO), the first to claim that the three stains were blood, was discredited at the second appeal and his evidence withdrawn.

2. Davie was discredited because at first appeal stage it was found that he amended his crime scene contemporaneous notes to give the impression he had carried out a Kastle-Meyer presumptive test for blood on the three stains - he marked his notes to give the impression he had obtained a positive test for blood on that first day.

3. Davie was further discredited because he forged an official test record document to show that he had done the test and had obtained a positive result.

4. Unfortunately, although Davie was the first expert to declare that the three stains were in blood, he was not called at trial to testify to this. Why not? Did the police and prosecution know that he had no records to corroborate what they needed him to say? If Davie had indeed been called to testify at trial to what he was at that time claiming (that the stains were blood), the case against Susan would have completely fallen apart when he was subsequently discredited and his testimony withdrawn.

5. Incredibly for the second appeal, knowing that Davie would be discredited, the CPS brought his assistant to testify that she had carried out the Kastle-Meyer tests. Like Davie she could not produce any test records to confirm her statement but never the less her evidence was accepted and she acclaimed an 'impressive witness'.

6. Detective Superintendent William Kerr was the senior investigating officer in charge of the case. At the last appeal he also was described by the judges as an 'impressive witness' allowing them to sustain the conviction. Since then, as a result of investigation into a number of matters raised by FOSM, the CCRC now believe that this would "*almost inevitably have some impact on Det Supt Kerr's credibility and would be unlikely to persuade the Court to remain of the same view that he is an impressive witness*". Taking into account that these references relate to the senior investigating officer in the case, the unwillingness of the CCRC to refer the case back to the Court of Appeal on this ground alone, calls into question its credibility.

7. Det Sup Kerr provided to the CPS and the CCRC a critique of his approach in the investigation. The CPS and the CCRC are unwilling, even when requested under the freedom of information Act, to give Susan's solicitor a copy. What we know is that every time Det Sup Kerr makes a statement he contradicts himself, therefore it is important that we have access to this document. Part of the information used to discredit Det Sup Kerr, as stated by the CCRC above, comes from this document.

8. When asked about what contemporaneous notes he had used to coordinate his investigation, Det Sup Kerr stated at appeal that he had not made any, that he kept everything in his head.

9. Not picked up by Susan's defence or the CCRC, in notes of a telephone conversation on the 23 March 1999 between Det Sup Kerr and the CCRC, Det Sup Kerr made a statement that completely undermines the whole of the forensic argument. Copied below is what was written:-

10. ""Notes of telephone conversation with Bill Kerr" – 23/3/1999

11. JH1 and JH2 were marks found on the wall on 12 March 1992. The decision was taken to identify the prints, as this was deemed more important to the enquiry than identifying the substance at that time.

12. *The marks were then **useless** for anything else owing to the general heat of the house and the [*chemical enhancement*] tests that had been conducted on them in trying to identify the prints. This was after full discussion and advice from scientists*."

13. The underlined part of the note above is hand written, added as he read the draft before signing on the 4 August 1999.

14. What this means is that, with the understanding given to him by unnamed 'scientists' (plural), Det Sup Kerr knows the stains to be useless for further tests to identify the substance of which they were made. Why then does he, within seven days of being given this understanding, order a scientist to carry out such a test?

15. Why does the scientist who carried out the chemical enhancement work, who presumably was one of those informing Det Sup Kerr that the stains would be useless after chemical enhancement, now submit to doing a test to identify the substance, a test that he knows and has advised will be useless?

16. For Det Sup Kerr to show he has not lied, he will need to show the record of the reversal of the *full discussion and advice from scientists* who had advised him, and that discussion would have had to be within seven days of the chemical enhancement work, i.e. before Javaid Hussain's test for blood.

17. Why do all the other scientists down the years keep carrying out tests on these 'useless' stains? By Det Sup Kerr's statement all these tests are invalid, not to say 'useless'.

18. Why were these 'useless' tests relied on in court at the trial by the CPS?

19. No scientist has ever addressed the question of how the chemicals used in the fingerprint enhancement work would actually effect future testing of the stains.

2 The 3 stains: The main plank of the prosecution's case

1. The fourth stain. The trial was conducted on the premise that there were three, and only three, stains found that were said to be in blood. But after Susan had become the prime suspect a fourth stain was found; it was covered over by a towel and Davie said it must have been there prior to the murder.

2. The claim regarding the 3 stains was that they were all the blood of the victim and all put on the wall at the same time, the time when Susan murdered her aunt. There is no forensic test to tell how old a blood stain when dry might be so the jury surely should have had the benefit of knowing of the presence of this pre-murder stain.

3. Javaid Hussain , fingerprint expert, applied the chemicals iodine and then nynhidrin to enhance any fingerprints in the marks. He found what has been claimed to be a single fingerprint of Susan's in one of the marks. In a statement to the CCRC Det Sup Kerr said, that following the application of these two chemicals to the stains, scientists had told him that they would be 'useless' for further testing.

4. Nevertheless, Det Sup Kerr called JH back seven days later to test the stains to see if they were blood. Why did he do this if he had been told that any such test would be 'useless'?

5. Why did Hussain carry out this 'useless' test?

6. But Hussain did test the three stains for blood using a TAB test (tetra-amino-biphenyl) and claimed to have obtained positive results. He is the expert who testified for the prosecution so damningly at trial that he was 'certain' that the stains were blood.

7. When Hussain applied the chemical iodine the stains changed colour (to say pink), when he then applied the chemical Nynhidrin they changed colour again to purple, and when lastly he applied the chemicals for his TAB presumptive test for blood they changed colour again to a dark brown – not dissimilar to what you might think blood would look like. In this way all subsequent visual observations, particularly at the DNA testing stages, claiming that the satins 'looked like blood' were spurious.

2.1 An explanatory note regarding the testing of blood

1. The claim to finding hand prints in blood next to a murdered body, where there is some blood around, automatically leads the hearer to presume the so called blood to be the blood of the victim. However, before this can be claimed, four tests must be applied:-
2. a) presumptive test to ascertain if the stain might be blood.
3. b) If that is positive, a precipitin test is carried out to see if it is human (as against cow, sheep, pig, etc).
4. c) If it is human, a test to see what blood type it is (O, A, B, etc.)
5. d) After that a test for the presence of DNA. By checking results of DNA tests against individual persons' DNA profiles, it is narrowed down to a single individual.

6. Prior to trial, tests c. and d. above were not carried out at all. Test c. has not been carried out to this day.

7. Davie's Kastle-Meyer (type a.) test was the correct test to use because it was quite 'blood specific' – i.e. it would only give a false positive reading in a small number of substances that were not actually blood. But without a test record it cannot be known if he ever carried it out. And in any case his evidence has now been withdrawn.

8. Hussain's TAB (type a.) test, carried out on material said to be 'useless' for testing in such a way, was a test that is not 'blood specific' and many more substances will give a positive result with this test method.

9. The unsuitability of the TAB test for the claim that the stain material was 'certainly' blood has been shown in a report by forensic science students from Paisley University Glasgow and confirmed by other qualified scientists (See the report at www.susanmay.co.uk).

10. It is a further cause for concern that Hussain's TAB test was carried out thirteen days after the murder and after Susan had become the prime suspect, just four days before Susan was arrested.

11. Significantly, Hussain's test was carried out after the police had given up on finding the red car (more on this to follow) and after they had not been able to make a case against the violent burglars that they had arrested and brought in for questioning.

12. Davie's and Hussain's (type a.) presumptive tests for blood were the only indications that the substance might be blood of some kind when they arrested and charged Susan. They did not know whether or not it was human. They did not know what blood group type it was. They had done no DNA testing either. At the time of arrest this was the strength of the main plank of the prosecution's case.

13. The prosecution's case was all based on asking the jury to infer and assume the things they wanted them to believe without actually producing any solid proof - it was all speculation.

14. There never was a basis in science for their claims and, as we shall see, that remains the case to this day.

15. Curiously, what was the need for the second (TAB) test by Hussain? They already had Davie's Kastle-Meyer test. At the time of the test both Hussain and Davie were in the house together. Why ask Hussain, the fingerprint expert and not the more specifically qualified Davie, to do it? And again, why use Hussain rather than Davie to testify at trial?

2.2 Scientist's qualifications

1. Basely – Batchelor of Science and Dr of Philosophy
2. Davie – Batchelor of Science, Chartered Biologist and Member of the Institute of Biology.
3. Hussain – Batchelor of Science, a degree in Zoology.

4. Hussain's field of expertise is 'fingerprint detection and enhancement'. The question has still not been answered - did he have the relevant qualifications and expertise to test stains on walls to ascertain the nature of their substance?

2.3 Craftsman Baker paper bag

1. At the time of Hussain carrying out his TAB test thirteen days after the murder, he found a paper bag with meat food scraps in it. On the outside of the bag were blood stained finger prints. Surely the hand that had made these fingerprints could have been the hand that made the marks on the wall?

2. Hussain sent the bag to Davie's laboratory for further testing. No further tests were carried out. Presumably it was not even tested for fingerprints.

3. The bag was not entitled 'paper bag with bloody hand prints on it', it was entitled 'Craftsman baker paper bag'. Because no reference to blood was made in this exhibit's title this item was not spotted by the original defence team. The cover up had begun even before Susan was arrested.

4.

2.4 Removal of two stains from the wall

1. All the above relates to the first two marks on the wall. Their official references are JH1 and JH2. One would think, as it was thought for some years, that these were the initials of Javaid Hussain the forensic scientist; a scientist, you would think, qualified to handle the delicate DNA carrying material. This is not the case.

2. They refer to John Hooley, not a scientist but a policeman, whose actions were seriously incompetent (more on this to follow). Not that this seemed to concern the police or the CPS.

3. Five days after the murder, Michael Stuart Naylor – a forensic science officer removed the third stain MSN14. It was sent to a forensic science expert in Birmingham – not to Davie's lab at Chorley. It would be several weeks before these test results were made available to the police.

4. Meanwhile, some six weeks after the murder and some four weeks after Susan's being charged, Hooley (that is policeman John Hooley) was sent to take the first two marks off the wall and take them to Davie's lab. He made no witness statement about his involvement in removing these key pieces of evidence from the crime scene of a murder.

5. At his lab Davie carried out a test to see if he could determine if the stain substance that he was claiming to have tested and found to be blood – type a. test above, was of human origin – type b. test above. According to the test records (that FOSM have not been allowed to see) the results were 'no results'. He could not find JH1 and JH2 to be of human origin.

6. At this point, four weeks after Susan had been charged, all the police had was an alleged finger print and a questionable positive presumptive test for blood of some kind.

2.5 Other suspects

1. No mention was made at trial of the possibility of any one else being suspected of carrying out the murder.

2. A number of violent burglar-type people had been arrested and interviewed. One of these men, Michael Rawlinson, was even described as a 'good suspect'.

3. He had been separately named as being involved in the murder by an anonymous phone call (said by the police to have been made by his father) and a girlfriend who he still confided in.

2.6 The unidentified red car

1. At about midnight on the night of the murder the next door neighbour, on hearing voices in the street looked from his bedroom window and saw what he described as a red car, similar to a Ford Fiesta, parked outside the house. Its lights were not on but its engine was still running. After about fifteen minutes it was driven away. It was seen by another neighbour who said it had a V or W registration and the rear bumper was sloping from one side. Susan's defence team were told that this car was never found. The following information has only come to light since the last appeal.

2. On the 14 April 1992, two weeks after Susan was charged, a car fitting the above description was found. It belonged to the sister of Michael Rawlinson, the man above considered a 'good suspect' by the police. Michael was known to sometimes use the car. It took the police so long to find it because his sister had sold it three days after the murder.

3. At that time samples for forensic examination were taken from the car but not processed at the lab. Why not?

4. When asked why the defence had not been notified that this car had been found, the CCRC were informed that it had been accidentally filed in the wrong file.

5. Rawlinson's alibi was that he had spent the whole twenty-four hours from lunch time to lunchtime with his girlfriend in the house of a friend. All three of their testimonies claimed that they were drinking, they did not see anyone, they did not watch TV, but just chatted. As all three maintained the same story and the police could not prove them wrong they could not be pursued.

6. In the opinion of FOSM there is enough information on file to believe that Rawlinson was the murderer.

7. When the defence failed to draw attention to Rawlinson and the other violent burglars that might have been the culprits, then the prosecution's story of alleged financial irregularities and a 'toy boy' lover was the only scenario left for the jury.

8. Despite the accumulation of evidence regarding Rawlinson, the police and CPS maintained their pursuit of Susan. Strictly speaking, the police should carry out their investigation of a case and present their findings to the CPS for their consideration whether to go ahead with the arrest and prosecution of the suspect. But in this case Det Sup Kerr had asked for their involvement even before the arrest. And because the police were continuing to investigate, the CPS was obviously collaborating in the investigation. This is not how it is supposed to work. One wonders what evidence the CPS had been given that they felt it sufficient to continue as bedfellows of the police?

2.7 MSN 14 human blood

1. On 8 May 1992, seven weeks after the murder and five weeks after Susan had been charged, the delayed test results of the third stain, MSN14, were finally received. Forensic scientist Basely of Birmingham declared this stain to be blood, and of human origin. Fortuitously for the police, this seemed to support the speculations on which they had already charged Susan.

2. Though there is no scientific basis for claiming that all three stains were made at the same time and were all of the same substance, that is exactly what the police and forensic experts did. Because MSN14 was human and near JH1 and JH2, then these two must also be human. And sadly, because they are the police and forensic experts, the judge and jury believed them. And perversely it is because the forensic case at trial was so weak that it has been so hard to undermine for the appeals.

2.8 When were the stains made?

1. JH1 and JH2 were hand prints, MSN 14 was a thin smear and the fourth stain, MJD 28, was just a mark; all were said to be faint in appearance. JH1 and JH2 had been made with enough of the stain substance for it to have run so that the fingerprints were too distorted to be identified (except for the single finger print and a small area of Susan's palm in JH1)

2. Susan cannot remember ever having put wet hands on the wall. The police say that they were made on the night of the murder. The following points address the issue;

3. The bloody meat scraps in the Craftsman Baker Paper bag had to be a strong possibility for JH1 and 2 for the original investigating team to consider – should they have wished to be objective.

4. Although the attending ambulance men said they did not get any blood on their hands there is evidence to the contrary. They legitimately were required to touch the injured face of Susan's aunt. A flake of dry blood was found on the pillow of an adjacent bed, which must have adhered to one of their hands by wet blood. They

were known to have operated the light switch near to where the smear in human blood, MSN 14, was found.

5. By his own testimony Det Sup Kerr touched the bloody parts of the deceased face (which is contamination of the murder scene of the first order, but no one seems concerned about this).

6. As Det Sup Kerr turned round from touching the blood on the body there is a possibility when he saw the three stains on the wall that he touched them thus transferring blood and DNA to the stains. This would explain why the stains might have tested positive in the early stages and negative later on.

7. There is one question that FOSM have asked and have received no response for over 15 years. We know the stains were made in enough wet substance, allegedly fresh new 'blood', for them to run somewhat. If it was blood that was only twelve hours old it should have been a rich red/brown colour. Why was it of a very faint appearance? How had it faded so quickly?

8. The judge in his summing up said that the cleaner, who had been in the house only the day before, had cleaned any marks off that wall. She had said that but under cross examination she said that there were marks on that wall that she had tried to get off in the past and had not been able to. The cleaner's actual testimony, therefore, was that there were marks on the wall the day before the murder.

9. The cleaner, just three days after the murder and before the marks were chemically enhanced, was taken to the house to check if she recognised if anything had been stolen. Her evidence as to whether or not the stains were on the wall prior to the murder should have been solicited on this visit as it was vital to the police's investigation and the prosecution case, yet she was not shown them or asked about them. Because she was never shown the actual marks, her statement relating to the stains, which was taken on the 30 April 1992, four weeks after Susan's arrest, only appealed to her memory about the state of the wall.

10. It is known that over time a blood stain will fade. The fact that the stains if they were blood were faint, whether by time or the cleaner's scrubbing, is clear evidence that the stains were old.

2.9 Was the blood on the deceased wet or dry when Susan found her aunt?

1. The issue here was that if when Susan arrived the blood was wet and she touched it, then any marks she may have made were without any suspicion of her being the murderer. Susan's clearest memory is that she has no memory of what she did from the time of realising her aunt was dead until she found herself outside on the drive with her hands held up before her face.

2. Det Sup Kerr made quite an unbelievable statement at this point. He (as previously mentioned) confessed to touching the face where the injuries were. At trial he said he did this to see whether or not the lady was dead. At appeal he voluntarily changed that story to say that he was checking the temperature of the body to ascertain how long she had been dead; equally incredible! But what this

allowed him to do was to testify that the blood was dry when he arrived that morning just an hour or so after Susan.

3. Davie, in his witness statement said that the blood on the deceased's face and pillow was wet when he first arrived at the scene and includes the time (10.30) in brackets.

4. Months after the murder Davie carried out some tests for the trial, spilling blood on pillow material and timing how long it took to be dry to the touch. This I take to be pure deception because its purpose is to disprove what he had seen with his own eyes. I don't think the defence at trial even asked him in what state he found the blood on that first morning.

5. In a documented telephone conversation with Davie ten days after the murder, Det Sup Kerr asked him if the blood was wet when he arrived at the scene and Davie again confirmed that it was. At first appeal stage Davie changed his statement, saying he didn't mean 10.30 he actually meant sometime later in the afternoon when the body had been disturbed.

6. Notably, it seems acceptable for the police and forensic personnel to change their testimony, which many of them have done over the years, but that is not something Susan can do.

2.10 Did she touch the body?

1. Susan was allocated a bereavement officer, Det Sgt Janet Rimmer, who came and talked with Susan on a daily basis. The CCRC discovered that she made two sets of contemporaneous notes, one not mentioning the matter of Susan touching the body and the other saying, in capital letters, that Susan had said that she did not touch the body.

2. DS Rimmer further testified that on 18 March 1992, five days after the murder, Susan had spoken of knowing about 'scratches' on her aunt's face – something only the murderer would know about (more on this to follow) and which made DS Rimmer suspicious. Susan vehemently denies making this statement.

3. Legally, once someone has become a suspect they must be charged and have a solicitor present at any future interviews. The police did not indicate to Susan that she was under any kind of suspicion and they went ahead and took a witness statement off her on the 23 March 1992 – five days after the alleged scratches remark and three days after they had begun investigations into her finances.

4. It was on the basis of Susan saying in the interview ten days after the murder on 23 March that she did not think she had touched her aunt, that her fate on this issue was sealed. The appeal judges have naively believed that the interview was genuinely carried out and not entrapment at all.

5. Det supt Kerr and DS Rimmer had become the two main prosecution witnesses. Because they were the police, everything they said was believed by the jury.

6. Overlooked by everyone is the statement that the neighbour made who Susan contacted after leaving the house. The neighbour and Susan went back into the house to use the phone to call the police; the neighbour testified that she had to tell Susan to "*stop touching things*." Clearly Susan did have a second opportunity to have touched the body and to have made the marks.

2.11 The trial judge

1. It is disappointing that the trial judge did not intervene to cut short the protracted prosecution evidence regarding Susan's handling of her aunt's finances. It was within his rights to do so and he did in his summing up say he felt too much had been made of it.

2. As stated above, the trial judge misrepresented the cleaner, saying in his summing up that she stated there were no marks on the wall, when in fact she had stated that there were marks on the wall that she had been unable to get off.

3. In his summing up the trial judge, regarding the forensic expert Javaid Hussain's evidence, observed that he had said 'he could not be categorically certain' that the stain substance was blood, but he had also said 'he was certain that it was blood'. Before sending the jury out to deliberate on their verdict he should have required this massive anomaly in this testimony to be cleared up.

4. In his summing up the trial judge ridiculed the possibility that there might ever be animal blood in a house that the stains could have been made in. Clearly this is misdirection to the jury as there is ample animal blood present in any piece of raw meat that might be being prepared. Such blood would be found to cover both hands and would also be faint in appearance if placed on the wall.

5. It is disappointing that the trial judge, after rehearsing the evidence as to whether or not the stains were blood, thereafter referred to them as 'blood'. Thus he led the jury to a conclusion that was theirs, and theirs alone to reach; he should have referred to them as 'stains'.

6. The trial judge, during the course of presenting his summing up, and more frequently towards the end when the jury would need him to be most clear, lapsed into periods where what he said could not be heard by the jury. The court stenographer, who would be nearer to the judge than the jury, recorded the word 'inaudible' some sixteen times. So the jury went into their deliberations with sixteen points of confusion; this point on its own, in the opinion of FOSM, makes the verdict unsafe.

3 The 'scratches' issue: The second plank of the prosecution's case

1. Susan's aunt died in a very brutal manner. The scenario presented by the police and CPS is that the murderer (allegedly Susan) approached her aunt who was in bed, viciously beat her about the head and face so that her face had numerous cuts, abrasions, scratches and bruises and a blood blister the size of an egg on her left cheek. There were internal bruises to the neck that could indicate that her attacker had held her by the neck whilst administering the beating. Then Mrs Hilda

Marchbank had her head put back on the bed and the pillow was drawn up from both sides to smother her to death. Blood from the blood blister is found adjacent to the injury on the pillow on the left side of her face. The murderer's final act was to raise the bedcovers and the deceased nightdress to leave her exposed; no sexual interference is alleged.

2. In the morning when Susan discovered her aunt the curtains were still closed and the room was relatively dark. DS Rimmer claimed five days after the murder that Susan spoke to her regarding the scratches on the face. The proposition was that Susan could not have seen them in the darkness of the room that morning; she must have seen them when she murdered her aunt the night before. That is the CPS's case.

3. Strangely, it is also the police and CPS case that Susan, after killing her aunt, turned away with blood on her hands and in the dark stumbled against the wall, thus making the three marks. However, if she murdered her aunt in the dark she couldn't have seen the scratches then either. The prosecution have been allowed to have it both ways (more on the weakness and ineptitude of Susan's defence to follow).

4. The simple truth is that the deceased's face was a mass of tiny cuts, abrasions, scratches and bruises but none large enough to deserve any attention above the others. Indeed there were no injuries bloody enough for Susan to have got blood all over her hands to correlate to the marks on the wall. The only real blood came from the blood blister that was no doubt made by the attacker pinching the cheek to extract information about where any valuables might be and it probably burst in the act of smothering the victim. In FOSM's opinion the murderer, whoever it was, would not have much, if any, blood on them.

5. This opinion is confirmed by Susan's sister Ann. When identifying the body she stated, "*She looked peaceful and there was no visible signs of facial injury other than a bright purple appearance of the facial skin. I could see no evidence of breaks in the skin*". She was looking with good light. The pathologist said the three scratches were 1. - "*at the front of the chin across the mid line (1cm*)," 2. – "*in the left upper lip immediately below the aspect of the nose (2cm*)" and 3. – "*and at the under surface of the nose (0.5 x 0.4cm*)", all reasonably visible from the viewing position.

6. Dr Lawler was the pathologist who noted the three scratches and the longest is only 10mm long (about 3/8ths of an inch).

7. When Dr Lawler, on the stand at appeal, was asked to point out the scratches he could not identify them on a photograph. Ludicrously the Crown QC had to lean over his shoulder and point them out for him – in a brightly lit courtroom.

8. Even more ludicrously the three judges, who could not be reached by the QC, were using magnifying glasses to try to work out which marks were being referred to.

9. Yet no one questioned the validity or honesty of DS Rimmer's testimony regarding the self-damning statement she claimed Susan had made about the scratches.

10. And, when requested for inspection prior to the first appeal, DS Rimmer's notebook in which she allegedly recorded the alleged statement by Susan had gone missing.

3.1 Blood on the underside of the pillow?

1. The proposition of the police and CPS is that Susan got blood on her hands from beating up her aunt and then turned and made the marks on the wall, is seriously undermined. Allegedly the hands that made the stains were wet with the stain substance on all ten fingers and on both palms after committing the murder.

2. If the final act of the murderer was to lift up the pillow and smother the deceased there should have been blood on the underside of the pillow and there was none.

3. Neither was there any blood on the bedclothes or nightdress that had been raised to expose the victim.

4. Neither was there any blood in the kitchen where she might have gone to wash her hands, no blood on any of the drawers and items disturbed by the burglar/murderer, no blood on Susan's clothes and no blood in her car.

4 The inadequacy of Susan's defence solicitors

1. It is hard to express how poorly I believe that Susan has been represented by her defence teams both for the trial and for her appeals.

2. Many of the points raised above could have been brought to the trial but were missed by her first defence team and there is a legal rule that if something was available to be used at trial and was not used it may not be used for an appeal. An appeal must have brand new evidence.

3. Susan's legal team at trial did not bring any of the over eighty people who had voluntarily come forward to testify about her good character and particularly that she has a gentle rather than a violent nature.

4. The legal team did not bring Chris Ross, with whom she had been having a secret affair, to testify that she had not lavished him with expensive gifts from her aunt's money, as claimed.

5. The team did not bring to the attention of the jury that the police had arrested several violent burglar-type men, at least one of who was said to be a 'good suspect'.

6. There was an anonymous phone call, later believed to be by Michael Rawlinson's father, and an independently and voluntarily made statement from Rawlinson's ex girlfriend, both stating their belief in his involvement, neither of which were made known to the jury.

7. Neither was the jury made aware that a burglar called Barry Bolton, who had been out robbing houses on the night of the murder, had spoken to his sister about the

murder on the morning at a time before Susan had even discovered that her aunt had been murdered.

8. The legal team brought no expert witnesses to challenge and qualify prosecution forensic expert witnesses, so they had a clear field to be as cavalier as they wished with their evidence.

9. No time of death expert.
10. No fingerprint expert.
11. No blood expert.
12. No expert in criminology.

13. No witnesses from the numerous people she spoke with during the evening after she was supposed to have violently murdered her aunt.

14. No witnesses from a number of people she spoke with whilst shopping in Royton town centre shops on the morning before going to her aunt's house and discovering the murder.

15. In a murder case where no stone should be left unturned Susan's defence called only one witness, Katy, Susan's daughter. She was called simply to confirm her mother's claim not to have made the statement about the scratches.

16. Susan's local Oldham based solicitors had never had charge of a murder case before.

5 Post trial lawyers

1. A London based solicitor and QC were engaged for the first appeal and a Manchester based solicitor with the same QC represented Susan for her second appeal.

2. In FOSM's opinion the first appeal was a very poorly cobbled together affair; the second appeal was based around a good referral by the CCRC. If Susan's then CCRC caseworker, or even Susan herself, had represented her in court they would have done better than the QC.

3. Against instructions from Susan, at the end of the first appeal the London QC voluntarily conceded to the judges that the stains were all in blood and all made at the same time by Susan. Both Susan and FOSM were astonished by this flagrant disregard of her instructions.

4. Then, having promised Susan that at the start of the second appeal he would retract that statement and offer his apologies, the QC did not fulfil his word. As far as the law is concerned his statement still stands.

5. The advice from this QC from his first involvement was that there was no way we could quash the conviction on the forensic evidence, we had to look elsewhere. Several years later a different friendly QC advised the obvious; namely, that if the

judge had said the forensic evidence was the main plank of the case no appeal judge would overturn the conviction without the forensic evidence being overturned.

6. FOSM maintains that no solicitor or CCRC caseworker has ever taken the time and trouble to understand the forensic issues fully.

7. Susan's QC further advised that there was no point in trying to base our appeal case on criticism of the police, the CPS or the trial judge. He stated that the appeal judges do not like to have their colleagues criticised. Susan has a report from the Office of the Supervision of Solicitors (OSS) that is critical of her trial defence solicitors that has not been presented at appeal.

8. At the point when Susan has heard that an appeal has been granted the first question was always, 'who is the judge'. Like Lord Denning, who said in a TV interview after a failed Birmingham 6 appeal, "*I would rather ignore possible miscarriages of justice than do anything that might undermine the criminal justice system*", some are known to prefer to keep an innocent person in prison rather than to have the police or legal system shown to have been in error – such was the judge for her second appeal.

9. When the Forensic Science Service, the body for whom Davie worked, heard from the CCRC some of the criticisms about him they conducted their own investigation into his work. They produced the Holman Report that confirmed that there were many areas of concern about his work.

10. The Holman Report was given to the CPS, who wrote to Susan's solicitor asking if he wanted a copy. He failed to ask for a copy. Had the QC known of this report he would have petitioned for the CPS to withdraw Davie's evidence voluntarily rather than suffering the embarrassment of having it done in the appeal court. The case for the defence at the second appeal would have been prepared completely differently if that had been the case.

11. Susan's second appeal was delayed five months because her QC was engaged with the Jill Dando case. During that period her solicitor contacted <u>prosecution scientists</u> with some questions. This caused them to start a new line of thinking that generated the 'gorilla blood' theory (more of this later), that was very unhelpful for Susan at her second appeal.

6 More on the forensics

(all 'useless' according to Det Sup Kerr remember)

1. After trial Susan changed her solicitor to a London firm, which requested the stain samples JH1, JH2, MSN 14 and its control sample MSN 15, and MJD28, along with blood samples of Susan and her aunt. They were to be sent to Prof. Brinkman, a top German forensic DNA specialist.

2. Policeman John Hooley's samples JH1 and JH2 were nowhere to be found. Letters went back and forth for several months before they were finally located - not in the freezer at the FSS laboratory, but in Oldham police station. They had not

been logged in to the store at Oldham and were finally retrieved from Det Sup Kerr's office filing cabinet.

3. Some time before trial, without any official documentation, they had been taken by a civilian named Michael King from Davie's laboratory in Chorley to Oldham and had ended up in Det Sup Kerr's office filing cabinet. Can anyone think of a good reason why he should have wanted them back at Oldham rather than in an appropriate freezer at Davie's lab?

4. FOSM have tried to find out without success who Michael King was, who instructed him to collect the samples, and to whom he handed the samples at Oldham police station.

5. Because of the known fragility of the samples, court instructions were that they were to be sent direct to Prof Brinkman. The CPS and FSS ignored this directive (claiming deceptively to have Brinkman's permission) and carried out their own tests prior to sending them. The prosecution scientist involved at this time was Timothy Clayton. FSS results were as follows:-

6. Test results on JH1 (the only stain with a finger print remember) – "*A presumptive test for the presence of blood carried out on the staining gave negative results*". The perversity of science is that it cannot or will not say 'it is not blood'.

7. Test results on JH2 (it is only true to say this about half of the stain, the other half was negative for blood of any kind. More later) – "*This stain gave a positive reaction with a presumptive test for blood*."

8. Test results on MSN14 – "*No blood could be observed on the remaining blood flakes."* The prosecution conclusion to all these negative, or less than positive, results is not to admit to a mistake but to say 'Well it used to be blood so it still is blood'.

9. Test results on MJD28 – "*No blood was observed on these paint fragments*."

10. Why could it not be argued the other way round - that JH1 and MJD28 are not blood so therefore neither is JH2 and MSN14 stands on its own?

6.1 Prof. Brinkman's tests

1. Timothy Clayton took the samples by hand to Germany and remained to observe the testing process.

2. When Brinkman finally received the samples he tested JH1 twice using the Kastle-Meyer presumptive test. On both occasions he got negative results; he could not find it to be blood of any kind. Because of this he did not send it for DNA testing.

3. Brinkman found JH2 in two packets. Material in the first packet reacted slowly but positively for blood so he DNA tested it. Material in the second packet tested negative for blood of any kind.

4. What can be done with a sample that tests both positive and negative? Is there not room for reasonable doubt and the results to lean more toward the defence than the prosecution? Surely it is too simplistic to always take the result that supports the police and prosecution case?

6.2 DNA test explanation (In layman's terms)

1. All life is made up from strands of DNA.
2. Animals and plants have DNA much of which is identical to that of human beings.
3. On a strand of DNA there are thousands of positions (loci) that influence what the DNA belongs to.
4. For identification test purposes six loci are chosen and two results at each loci are sought. The results come out as two numbers for each loci, e.g. 16. 18
5. If a test is too weak to produce numbered results something called 'ladder bands' might be observed.
6. For a test for DNA to identify a person there has to be enough material of human origin.
7. Later tests carried out would require ten rather than six loci to be examined.

8. Brinkman agreed with FSS regarding JH1, the only stain with a finger print in it. He tested it twice and could not find it to be blood of any kind. He therefore did not test it for DNA.

9. For the part of JH2 that had tested positive for blood he found indications of DNA but agreed with the English FSS scientist who was observing the tests that they should not be considered (for some scientific reason FOSM could not follow).

10. FSS in England examined the key stain MSN14 prior to sending it to Brinkman in Germany and could not find it to be blood. Brinkman tested MSN14 for blood and got a positive result.

11. Brinkman's DNA test for MSN14 produced results that allowed him to say that it probably was material from the deceased.

12. At this time prior to the first appeal FOSM wrote to Prof Brinkman and asked him three questions, here are his answers;

13. "*By this* (his negative test of JH1for blood) *it is self evident that no statement can be made, as to whether JH1 was blood or whose blood it was*."

14. "*there is no possibility to test whether JH1 was deposited on the wall on the 11th, 12th March 1992*."

15. "*Because we did not analyse JH1 further we cannot say whether JH1 and MSN14 are both the same*."

16. The prosecution made much of Brinkman finding DNA in MSN 14, in contrast to the defence, who made nothing at all of the fact that JH1, the stain with the identifying finger print, had been tested by two separate scientists and found to be negative for blood.

17. Brinkman would have testified as you see above but he was not called. So the first appeal, as at the trial, continued without defence experts to speak in support of Susan, which was a complete travesty!

6.3 1997 and the CCRC

1. In 1997 the CCRC came into existence and took Susan as one of their first cases.

2. The case worker produced a really strong report, the main plank of which was that she had found the undisclosed 'Craftsman Baker Paper Bag' with its bloody finger marks. This of course presents as an innocent source of blood for the fingerprints on the wall.

3. Along with forensic scientist Davie having been discredited, and the introduction of the fact that there were other suspects, violent burglars known to have been working the area, as well as the police breaking the rules of PACE (how the police are allowed to interview people), the prosecution case must surely fall.

6.4 Gorilla blood

1. With Susan's solicitor having drawn attention again to the DNA issue with Timothy Clayton he, with the CPS, revisited Brinkman's JH2 DNA results. Why on earth were the defence seeking help from prosecution scientists? Conflict of interest must obviously occur.

2. At one of the loci for JH2 there seemed to be some weak (brackets denote weak) results (9. 10), and at another loci there were some weak ladder bands (LB) observed. In his report, Brinkman, for scientific reasons had stated that these results "*cannot be taken into consideration*."

3. At the time of the Brinkman tests Timothy Clayton had concurred with the above statement saying, "*I concur with this statement and reiterate that in fairness to the appellant, the prosecution should not seek to rely on results at the FES and F13B loci*."

4. Without reference to Brinkman, Clayton changed his position and turned to rely on the results at the F13B loci. Apparently human beings have this loci in common with 'higher primates', gorillas.

5. The blood in the Craftsman Baker Paper bag would be from animal meat of some 'lower' kind, Cow, sheep, pig, etc. it certainly would not be gorilla.

6. With only two weeks to go to the second appeal, and without the scientific contacts that FOSM now has, the defence team were unable to counter these claims and once again Susan was in court with no defence scientist to speak on her behalf.

7. In the absence of good positive tests for blood of any kind for JH1 and JH2, Clayton argued that the presence of DNA in the red smears proved that it was human blood because human blood is a relatively rich source for DNA.

8. Once again Susan is in the appeal court without the support of defence scientists and at the mercy of the prosecution scientists.

9. Judge Kennedy presiding had the reputation of a 'hanging judge' and he dismissed Susan's appeal applauding the police and forensic personnel as impressive witnesses.

10. Following the failed appeal, the CCRC decided to carry out further DNA tests. First MSN14 and 15, then later JH1 and 2, and later still MJD28. They used a scientist called Whittaker, who works for the FSS - the same company Clayton works for. Michael Meacher, Susan's MP, felt so strongly that there was a conflict of interest issue here that he made a thirty-minute Adjournment Debate speech concerning this in the House of Commons on 24 November 2005.

11. With the passage of time and the advances in DNA testing, partial DNA readings were found in all the stain samples (JH1, JH2, MSN 14 and MJD 28) and Whittaker confirmed what Clayton had said, that blood was a relatively rich source for DNA. In this way, this so called 'defence' FSS expert scientist argued, as though for the prosecution and along with his FSS prosecution colleague Clayton, that all the stains are human blood and that of the deceased.

6.5 Control samples in DNA testing.

1. Explanatory note:- The DNA test examines the whole of the substance presented to it. The test simply looks for DNA, which may be a very tiny amount. In Susan's case all the stains were still attached to the original painted plaster surface of the wall. So it needed to be ascertained whether the DNA was in the stain or was simply on the wall prior to the stain being made. To do this a control sample would need to be taken and tested.

2. Equally, and harder still to discern would be DNA deposited onto the already existing stain on the wall. This might happen by someone simply touching the stain with perspiration on their hands, or if a handkerchief has been used and then rubbed against the stain, or as easily as someone sneezing in the vicinity of the stains.

3. MSN14 is a number of plaster flakes taken from the wall near the light switch that have a faint smear on them that looks like blood. MSN15 is a number of plaster flakes taken from the wall about 150mm from MSN14 that have no visible stains on them. MSN15 is the control sample of MSN14.

4. Thus if tests show there is DNA on MSN15 it is concluded that the DNA in MSN14 is from the wall surface rather than from inside the stain material.

5. Without the control sample it is not possible to know from where the DNA originates.

6. It should be remembered that these stains come from a wall that Susan and her aunt had been walking past several times every day for several years.

6.6 Back to the testing

1. Missing from Whittaker's test record report are any results from any control samples. FOSM believe he got clear readings for MSN15 (MSN14's control sample) but have not seen his notes. I know that there were weak ladder bands in Brinkman's report for MSN15, so it would be surprising if it really is free of any signs of DNA in Whittaker's test, because his test was much more powerful and did produce the extra readings on JH2.

2. Brinkman had earlier carried out a DNA test on MSN15 and in the forbidden areas that Clayton was so happy to use he did find the presence of ladder bands. This of course suggests that all the DNA that anyone has ever found comes from the background wall rather than the stains.

3. Turning again to the policeman John Hooley (the non-scientist), when he removed JH1 and JH2 from the wall he did not take control samples for them from the wall nearby. Therefore, no statement can be made relating to these two stains regarding whether the DNA is from the wall or from the stain.

4. Since the second appeal and since Whittaker's test records have emerged, with particular reference to his, and Clayton's assertion before the court of appeal, that, "*bloodstains are a relatively good source of DNA*", there has been time to check with other scientists. This is what some of them say:-

5. Miss Bassett of the FSS, in the context of confirming that we should go ahead and test MJD28 for DNA, "*although it should be pointed out that any DNA profile obtained would not be scientifically attributable to blood*".

6. Sue Woodroffe of Control Risks – "*Finally when considering blood as a source of DNA it is worth mentioning that the type of DNA we are testing for is contained in the nucleus of a cell. It is the red cells which give the blood its colour which in turn is used as a visual assessment of the amount of blood present. These do not contain a nucleus and therefore do not contain DNA. The DNA in blood is contained within the nucleus of the white cells. There are far fewer white cells in the blood than red cells. Consequently I consider it somewhat misleading to refer to blood as a relatively rich source of DNA*."

7. FSS Clayton has misled the court of appeal. FSS Whittaker continues to mislead the CCRC in their search for an honest appraisal of the forensic issues in this case?

8. And all this carried out on stains said to be 'useless' for further testing!

7 Some other things to say about the forensics

1. Saliva, not blood, is a good source for DNA; this is what the scientists working for the National DNA Data Bank use.

2. Brinkman obtained 'complete' (i.e. 2 readings at all 6 loci he tested) DNA profiles for both Susan and her aunt.

3. Whittaker used the National Data Base for Susan's profile. He obtained only a 'partial' (i.e. 12 reading from his 10 x 2 loci) DNA profile for Hilda. Whittaker's loci names are different than Brinkman's but I wonder if Whittaker used Brinkman's readings because his own test failed for some reason? This argument applies to the other very important stains MSN14 and JH1 as well.
4. (It just seems improbable that Whittaker would obtain exactly the same number of readings as Brinkman.)

5. JH2 is just 2 readings short of being complete. Whittaker argues therefore that JH2 is the same as Hilda's, but he is 8 out of 20 readings short for making that argument. The argument really should be that Hilda's possibly may be the same as JH 2. Too much sloppy science requires me to be this pedantic. And with Whittaker obtaining such good test results for JH2 FOSM wonder if he used what appears to be the better of the 2 JH2 samples that had tested negative for blood. Pedantic and suspicious!

6. Under the 'Sex' column Whittaker records 'XX' for Susan and Hilda. But for all the stain samples readings his test results are 'XF'. According to these DNA test results it is not at all clear whether the stain samples come from a man or a woman. This seems extraordinary and should cause deep concern. It is equally worrying that should Whittaker be asked about this he will have some very convincing reason why it is not a problem.

7. In addition to all the arguments FOSM have brought relating to the DNA results for JH2, none of the CPS claims regarding these results should be held as legitimate for the further following reason. The stains were examined and tested contrary to appeal court instructions at a FSS lab in England before being sent to Brinkman in Germany. The stain that Brinkman assumed to be JH2, that tested Kastle-Meyer positive for blood, was taken by him from an unlabelled folded piece of paper, which had been inside an unsealed envelope labelled JH2. That the envelope was unsealed and the folded paper unlabelled disqualifies the integrity of the material they contained. A second folded piece of paper labelled JH2 was also in the envelope and this tested Kastle-Meyer negative for blood.

8. Policeman Hooley took no control samples from the wall for JH1 and JH2 and as we write it is not at all clear from reading the reports who generated the control samples that Brinkman tested – himself or FSS? Neither is it clear from where Whittaker obtained the control samples that he tested.

9. Prior to any DNA testing was the belief in Brinkman and Clayton's minds that the wall on which the stains were found, being a wall that was frequently walked past by the deceased, would have her DNA on it.

8 Grounds of appeal

(The appeal court limits you to only bringing new argument or evidence so these grounds have to fit that legal requirement)

8.1 Items to raise from the last appeal

1. That Det Sup William Kerr misled the Court of Appeal and has been shown not to be the 'impressive witness' noted by the appeal judges in their judgement – use the arguments in the CCRC's latest report.

2. That Forensic expert Joanne Ashworth misled the Court of Cppeal and has been shown not to be the 'impressive witness' noted by the appeal judges in their judgement – use the arguments in the latest CCRC report.

3. That FSS scientist Timothy Clayton misled the Appeal Court when he claimed that blood was a relatively rich source for DNA and argued that thus the three stains were blood from the body of the deceased. Bring Miss Bassett of FSS and Ms Sue Woodroffe of Control Risks to testify.

8.2 New evidence and argument

1. New DNA tests have been carried out on the 'fourth' stain MJD28. The test results for this stain are similar in pattern to those of JH1 and JH2 and as such it is reasonable to argue that they were all made at the same time. MJD28 was said to have been made prior to the murder, as it was concealed behind some towels, therefore, none of the stains have any relevance to the murder!

2. Challenge on two counts the validity of Javiad Hussain's TAB test by which he was 'certain' that the stain substance was blood. (It was this test and evidence that was relied on at trial).

3. Count 1 – That Det Sup Kerr had stated, after full consultation with scientists, that any test after the chemical enhancement work had been carried out would make the stains 'useless' for further testing to identify the substance of the stain.

4. Count 2 – That the first year forensic science students at Paisley University Glasgow have produced a report completely undermining Javaid Hussain's TAB test as a valid test for him to be 'certain' that the stains were blood.

5. Dr Alan Jamieson of the Forensic Institute in his report to the CCRC confirms the students' findings.

6. Note: the lead investigation scientist, Michael John Davie, was discredited at the last appeal and his evidence withdrawn. There is, therefore, now no statement before the Courts from the first day of the investigation claiming that the stains were blood. If the evidence of the students and Dr Jamieson is accepted, there is no evidence at trial to claim the stains to be blood. And if Timothy Clayton's evidence is judged to have been misleading there is no evidence subsequent to trial to support the claim that the stains were blood.

7. We note that Michael John Davie, on the 29 April 1992, six weeks after the murder, presuming JH1 and JH2 to be blood, precipitin tested them to confirm that they where blood and of human origin but could not find them to be such. This evidence was available to the defence at that time but they overlooked it. The CPS knew of it but disregarded it.

8. To date no precipitin test has ever given a positive response for JH1 and JH2 and it must, therefore, be insisted that JH1 and JH2 have not scientifically been shown to be blood, let alone human blood.

9. Further, the absence of legitimate control samples for JH1, JH2 and MJD28 preclude any understanding of whether any DNA found originates from within the stain substance or from the surface of the wall. We note that prior to the tests, Clayton and Brinkman speculated strongly that the wall on which the stains were found would have traces of the deceased's DNA and that DNA from the general environment may have contaminated the stains themselves.

10. We believe the above to completely undermine the evidence heard by the jury regarding what the trial judge said was the main plank of the prosecution case, and that at this point the judges may rule the conviction unsafe.

8.3 items of none-disclosure which have come to light since the last appeal

1. The red car, seen outside the house at around midnight, without occupants but with its lights out and engine running, possibly a Ford Fiesta V or W reg, with a sloping rear bumper, said not to have been located, was in fact located by the police on the 14 April 1992, two weeks after Susan was arrested and charged; two weeks after the police have committed themselves to too many lies to turn back.
2. The car had belonged to the sister of Michael Rawlinson, a known violent burglar and he was known to borrow the car. It had proved difficult to find because the sister had sold it three days after the murder.
3. The police claim this information was accidentally filed in the wrong file.

4. We claim non disclosure of the forensic exhibits that were taken from the car. These were sent to Michael Davie's lab at Chorley and were never examined.

5. We claim non disclosure of the blood-related evidence contained in the 'Craftsman Baker Paper bag' and that this bag was not forensically examined at the time of its being found. At the time of the trial it would have provided an innocent source for the stains on the wall.

6. We claim non disclosure of fibres that were found on the hand of the deceased that were said not to belong to the clothes of either Susan or her aunt. For presentation to the defence the fibres were mischievously renamed 'hairs'.

7. We claim non disclosure, subsequent to the last appeal, by FSS scientist J Whittaker. When testing the fourth stain MJD28, he simply reported that his colleague Miss Bassett had obtained the stated results. He omitted to mention that she had asserted that the results should not be taken to indicate that MJD might be in blood. This contradicted Whittaker previously stated assertion in agreeing with Clayton that 'blood was a rich source of DNA'. (This has contributed to the CCRC closing Susan's file.)

8.4 Poor defence representation at trial and subsequently (new argument)

1. Refer to OSS report.

2. Note the absence of any defence expert witnesses to counter balance the prosecution expert witnesses.

3. Note the mistakes and omissions by Susan's present solicitor.

4. Note the actions taken against Susan's instructions by Susan's QC.

8.5 Anomalies in the trial judges summing up (new argument)

1. We are disappointed that the trial judge did not intervene to cut short the protracted prosecution evidence regarding Susan's handling of her aunt's finances. It was within his rights to do so and he did in his summing up say he felt too much had been made of it.

2. As stated above, the trial judge misrepresented the cleaner, saying in his summing up that she stated there were no marks on the wall, when in fact she had stated that there were marks on the wall that she had been unable to get off.

3. In his summing up the trial judge, regarding the forensic expert Javaid Hussain's evidence, observed that he had said 'he could not be categorically certain' that the stain substance was blood, but he had also said 'he was certain that it was blood'. Before sending the jury out to deliberate on their verdict he should have required this massive anomaly in this testimony to be cleared up.

4. It is disappointing that the trial judge, after rehearsing the evidence as to whether or not the stains were blood, thereafter referred to them as 'blood'. Thus he led the jury to a conclusion that was theirs, and theirs alone to reach; he should have referred to them as 'stains'.

5. The trial judge, during the course of presenting his summing up, and more frequently towards the end when the jury would need him to be most clear, lapsed into periods where what he said cannot be heard by the jury. The court stenographer, who would be nearer to the judge than the jury, recorded '(inaudible)' some sixteen times. So the jury went into their deliberations with sixteen points of confusion; this point on its own, in the opinion of FOSM, makes the verdict unsafe.

8.6 Forensic science statement

1. The investigations by the CCRC into Davie's pre-trial work led to the Holman Report, which discredited MJD and led to his evidence being withdrawn. This report has never been presented to the Courts.

2. FOSM hope to generate a statement by a number of scientists to catalogue their concerns about the way the DNA forensic evidence has been handled, its storage, packaging, labelling, transportation, handling, testing and recording, subsequent to trial.

9 In Conclusion

1. **<u>The case in very brief summary</u>**

2. No tests remain to confirm or even presume that JH1 and JH2 are blood of any kind.

3. Because JH1, JH2 and MJD28 have never tested positive for human blood they cannot be said to be human blood.

4. Human blood is not a rich source for DNA as claimed.

5. Because no control samples were taken for JH1, JH2 and MJD28 no statement can be made as to whether the DNA found in tests was from within the stain substance or from off the painted plaster wall in the sample.

6. MSN14, because of its faint appearance, was probably an old stain or contamination by Det Sup Kerr, an ambulance man (both of whom must have had the deceased DNA on their hands after touching her) or one of the unknown people who touched the body to remove it to the kitchen or touched the pillow to take it to the lab. A photo of the pillow after the body was removed revealed three wet areas in the stain from the blood blister; the crime scene was most certainly violated and contamination of the evidence definitely occurred by one or more unknown person or persons.

7. The faintness of the stains and the poor quality of the test results suggest that the stains if blood, or any other substance for that matter, were old.

8. The absence of blood stains anywhere else, especially in relation to Susan, preclude the notion that the three stains were made at the time of the murder. It is not conceivable that with so much alleged blood on her hands Susan could have left the murder scene without leaving many more blood stained marks.

FOSM BELIEVE THE ABOVE DEMONSTRATES SUSAN'S CONVICTION TO BE UNSAFE.

FOSM BELIEVE IN AS MUCH AS THE CCRC HAVE NOT BEEN ABLE TO RETURN SUSAN'S CASE BACK TO THE COURT OF APPEAL THAT THEY HAVE DEMONSTRATED THEMSELVES UNFIT FOR PURPOSE.

10 Contact Details and Supporters

10.1 Contact Details

If you find yourself concerned please write to;
The Home Secretary - 2 Marsham Street, Westminster, SW1P 4DF

With copies to;
The CCRC **-** Alpha Tower Suffolk Street Queensway Birmingham B1 1TT
Susan May **-** 42 Dogford Road Royton Oldham OL2 6UA
And her MP Michael Meacher - 11 Church Lane, Oldham, OL1 3AN

Please also take a copy of this presentation to your own MP and, if they find themselves concerned about the safety of Susan's conviction, ask them to contact John McDonnell MP to register as a Parliamentary Friend of Susan May.

And don't forget to sign the online petition at www.susanmay.co.uk

susanmay.fosm@gmail.com
geoffgoodwin@gmail.com

10.2 Parliamentary Friends of Susan May

Following the failed appeal in December 2001 the Parliamentary Friends of Susan May group was formed; the following MP's and Members of the House of Lords signed up to declare their belief that Susan's conviction was not safe:-

Rt Hon Michael Meacher MP	Oldham West & Royton
John Mc Donnell MP	Hayes & Harlington
Diane Abbott MP	Hackney North & Stoke N.
John Austin MP	Erith & Thamesmead
Harry Barnes MP	North East Derbyshire
John Barrett MP	Edinburgh West
Dr Henry Bellingham MP	North West Norfolk
Harold Best MP	Leeds North West
Peter Bottomley MP	Worthing West
Malcolm Bruce MP	Gordon
Vincent Cable MP	Twickenham
Martin Caton MP	Gower
Michael Clapham MP	Barnsley West and Penistone
Ann Clwyd MP	Cynon Valley
Harry Cohen MP	Leyton & Wanstead
Iain Coleman MP	Hammersmith & Fulham
Tony Coleman MP	Putney
Frank Cook MP	Stockton North
Jeremy Corbyn MP	Islington North
Jean Corston MP	Bristol East
Tom Cox MP	Tooting
Ann Cryer MP	Keighley and Ilkley
John Cryer MP	Hornchurch
Jim Cunningham MP	Coventry South
Rt Hon Dr Jack Cunningham MP	Copeland
Claire Curtis-Thomas MP	Crosby
Wayne David MP	Caerphilly
Jim Dobbin MP	Heywood & Middleton
Clive Efford MP	Eltham
Bill Etherington MP	Sunderland North
Paul Flynn MP	Newport West
Andrew George MP	St Ives

Win Griffiths MP	Bridgend
Mike Hancok CBE MP	Portsmouth South
David Hanson MP	Delyn
Dr Evan Harris MP	Oxford West and Abingdon
Kate Hoey MP	Vauxhall
Kelvin Hopkins MP	Luton North
Andrew Hunter MP	Basingstoke
Dr Lynne Jones MP	Birmingham Selly Oak
Nigel Jones MP	Cheltenham
Fraser Kemp MP	Haughton & Washington East
Piara Singh Khabra JP MP	Ealing Southall
Oona King MP	Bethnal Green & Bow
Terry Lewis MP	Worsley
Elfyn Llwyd MP	Meirionnydd Nant Conwy
Andrew Love MP	Edmonton
Liz Lynn MEP	MEP
Fiona MacTaggart MP	Slough
Christine McCafferty MP	Calder Valley
Kevin McNamara MP	Kingston-upon-Hull North
Alice Mahon MP	Halifax
Judy Mallaber MP	Amber Valley
Robert Marris MP	Wolverhampton South West
Alan Meale MP	Mansfield
Chris Mullins MP	Sunderland South
Lembit Opik MP	Montgomeryshire
Owen Paterson MP	North Shropshire
John Randall MP	Uxbridge
RT Hon John Redwood MP	Wokingham
Geoffrey Robinson MP	Coventry North West
Bob Russell MP	Colchester
Phil Sawford MP	Kettering
Alan Simpson MP	Nottingham South
David Taylor MP	North West Leicestershire
Kieth Vaz MP	Leicester East
Dr Rudolf Viz MP	Finchley & Golder Green
Robert Wareing MP	Liverpool West Derby
Betty Williams MP	Conwy
Hywel Williams MP	Caermarfon
Peter Wishart MP	North Tayside

Upper House 25

Lord Ahmed
Lord Alli
Tony Benn Parliamentarian
Lord Bruce of Donnington
Lord Corbett of Castle Vale
Lord Dormand of Easington
Baroness Golding
Viscount Goschen
Lord Joffe
Lord King of West Bromwich
Lord Laing of Dunphail
Baroness Linklater of Butterstone
Lord Maginnis of Drumglass
Bishop Michael of Durham
Baroness Nichol
Lord Ouseley
Lord Pearson of Rannoch
Lord Renton
Lord Rogers of Riverside
Lord Sandberg
Lord Weatherill
Baroness Wilkins
Baroness Williams of Crosby
Lord Wright of Richmond
Baroness Young of Old Scone