

Submitted under JENGBA (Joint Enterprise: Not Guilty by Association)

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**LEVESON INQUIRY Submission by Janet Cunliffe
MODULE 2**

Press reports concerning the death of Garry Newlove

My son is called Jordan Cunliffe who was one of the five defendants charge with Mr Newlove's death in August 2007.

Reporting by the media began instantly in this case. The police investigation had barely begun, no trial date at this point had been set and journalists, for example Brian Reade of the Daily Mirror (attached) as early as 15 Aug 2007, were writing articles supporting the theory that this was a "gang" attack and that those charged were not only well known to the community, but well known as alcohol drinking, drug taking thugs, who on other occasions had tried to instigate violence.

He gave them all bad character representations outside of a courtroom. My son Jordan Cunliffe's legal team failed to seek a good character representation for him and at the time, we did not realise the importance of this, nor did we realise that journalists were making claims of bad character against him prior to the trial regarding unknown incidents that held no bearing on the trial or how this would affect the jury. We were too busy building a case for Jordan to worry about media reports.

Jordan was one of only two defendants that did not have a good character representation, it was an unfortunate failing by his legal team at the time, but as the only other defendant not given this, (even though Sorton was and it had been established in court he had received a caution for minor violence against a friend previously), it would have appeared to the jury that he was not entitled.

In Brian Reade's article, Brian Koppe lives on the same estate as "the infamous gang" he knew the "Gang" Confirming they are a gang, and he knows them. I still own the same house in Warrington where we lived as a family prior to moving to Wigan, and have asked various people who Brian Koppe is and no one seems to be aware of him.

My family lived in Padgate for many years and we had a close bond with all our neighbours, but for two years prior to Mr Newlove's tragic death lived in Wigan and Jordan rarely left the house due to the severity of his condition. We lived in Cinnamon Brow, Padgate for many years and as I have stated we do not know Brian Koppe or his mother, who appear in this article. My son never had an ASBO as Koppe claims and neither did the other defendants. My son was only know to the Police because of a minor shop lifting offence 18 months earlier, in which I insisted he was charged so he

would learn right from wrong. These boys were not Gang members. If my son was just 13 when he last lived in Warrington and had no shoplifting offence against him at the time and never had an ASBO who was Brian Koppe talking about?

As Jordan was blind at the time it is also ridiculous to infer that at the tender age of 15 years, whilst living in Wigan, he would walk into a pub in Warrington and ask a burly 36 year old man he did not know to come outside and fight with him. It is highly unlikely he would do this even if he was with other people. Why would a vulnerable child put himself in such danger? This man did not give evidence at the trial. Nor did he give evidence at any other trial as far as I am aware. If this type of evidence was not allowed into the Court why was it allowed to go unchallenged through the media.

It is surely reasonable to ask how did Brian Koppe know who had been charged and how did this journalist know if Brian Koppe was talking about the right people. Names had not been disclosed at this point and as four of the defendants were under the age of 18 years their names were not released during the trial.

"What they did to this poor fella" What had actually happened had not yet been fully established. Brian Koppe did not witness the attack so why was what he was saying being relied upon as being accurate, where had his information come from?. As the trial date had not yet been set, all defendants should have been allowed to be considered innocent until proven guilty. False allegations made by members of the public, and done so through the media should not have been allowed.

Should the Police have not intervened and put a stop to this, as at the time there was an ongoing investigation. It must have occurred to them that this type of reporting could be detrimental to a pending trial. Or was this something the police supported as it would mean less investigating and the opportunity to rely on the Joint Enterprise principle to gain convictions on very little evidence in Court, (but masses of unsubstantiated, unproven and unreported evidence through the media).

Mr Newlove died due to a hard blow behind the left ear as stated in another Mirror article on the 15th August (attached). This article refers to what was said by Prosecutor Joanne Parsons at Runcorn Youth Court. The trial then proved that Mr Newlove had not received any injuries that could be considered as constant with a beating. This was stated on oath by the Police Forensic Pathologist.

Why was the media allowed to refer to this incident in such a damaging and inaccurate way when no evidence suggested a sustained beating, and for them to do so before the trial must certainly be viewed as highly contentious and damaging to all the defendants and to the detriment of Justice being served fairly.

I must also add (in attached article) at no point were sniffer dogs sent out to hunt out people hiding in trees. Three of the defendants walked over to a Police Officer, who had a dog, to basically hand themselves in due to Stephen Sorton being arrested at my property. Had the Police told journalists that this had happened in order to throw guilt at them. Making it look like a manhunt.

Peter Fahy in another report (attached) talks of the perils of drink, he is reinforcing a theory that these defendants were the cause of all the problems caused to locals in the area, that they were all drunk and killed Garry Newlove because of this. None of the defendants were breathalysed on arrest so it is not known how much they may have drank. My son has never used drugs and there were no allegations or evidence against him doing so at the trial.

"Youths who intimidate and threaten people" At this point it was not established what had happened, Peter Fahy had no business making this statement, one that is suggesting all 5 defendants threatened and intimidated people on a regular basis. Had no one informed Peter Fahy at this point that Sorton had confessed to it being him and him alone that had kicked Mr Newlove. Had Fahy not been made aware of the Pathologist report.

This same article clearly implies that Mr Newlove tackled yobs who had been "terrorising Warrington". The five defendants. The trial proved that Mr Newlove left his house to tackle someone who had caused damage to a mini digger, two doors away, unfortunately he mistakenly confronted the wrong people, he chased them and he accused them of something they had not done. Sorton alone kicked out and tragically cause his death. These boys did not seek out Mr Newlove, he confronted them.

The mini digger was vandalised by Tony Hemsall, who was convicted of this offence in March 2008. There was no evidence of damage to any of the Newlove property. Tony Hemsall (age 19 at the time of the offence) and his friends were the catalyst for this tragedy and yet they go protected and unnamed. Tony Hemsall was unknown to my son. Tony Hemsall's group of friends may have been those that terrified locals and my son and his friends must unfortunately now take the blame for all other crimes ever done by young people in the area. Hemsall was arrested on the night and it was established that it was he who caused this damage, it was he that Mr Newlove should have challenged for behaving badly not the defendants.

Also in this report Alan (no surname supplied) talks of a "weedy" 15 year old threatening him in a number of very serious ways. Further down in the article it gives the age of the defendants. Readers can assume the 15 year old he talks of is one of those very defendants. The journalist wants readers to believe this why else place the two stories together. This man (Alan) did not give evidence at the trial. My son Jordan Cunliffe was 15 years old and quite small for his age. Who was this 15 year old that threatened him with a knife and to burn down his property, and why has this unknown boy never been brought to justice. Why has the journalist who wrote this article or the Police not sought to find the culprit, or is it more convenient to assume it was one of the five defendants. Or was everything just a complete and utter lie, done to sell Newspapers?

These articles imply that locals lived in fear of these particular defendants. Again in Brian Reade's article a local tells of how "many of them even have ASBO's" This is not something that a jury would be allowed to hear at trial and yet it can be falsely announced in a National Newspaper for potential

jury members to read. No one informed the Jury that if they had read that they had ASBO's that they were to disregard this as it was a false allegation.

Mirror article 14 August

This journalist claims Garry Newlove died because he confronted a "Vicious gang of thugs" She also claims these thugs filmed the "sickening attack" on their mobile phones. At no point during the trial was any of the defendants accused of filming this on mobile phones. Jordan Cunliffe did not own a mobile phone. Where did she receive this information? It did not appear in a single witness statement. These are all things that would have remained in the juries thoughts regardless of whether a Judge told them to forget about anything they had previously read. As they were never given information that this was NOT true by either the Judge or any of the defendants they would have been left to make up their own minds, to speculate and to do so with no direction.

Joint Enterprise was used to convict my son of a murder he did not see, let alone commit. He was blind and very vulnerable and should not have even been charged. Joint Enterprise relies on the media throwing bad character onto the defendants in these cases in order to gain multiple convictions. The Police and the media work closely driving a public frenzy. If this was about truth and accuracy why was it never allowed that my son's serious eye condition was not to be reported. We wanted this in the public domain. Who made the decision on Jordan's behalf to not allow this into the public domain and yet allowed vicious untruths to go unchallenged..... Untruths that would have perhaps been less believable if it was being said about a blind 15 year old.

At the beginning of the trial one of the other defendant's mothers informed me that she had been made aware that journalists were filling the local pubs and telling locals that they knew who the defendants where and that they would do all they could to see them convicted. At the time I considered this to be very strange, and thought maybe it was the Police that had said this. She said she had thought the same but insisted it was journalists as that is who they were telling people they were. I suppose this could be considered anecdotal evidence, but then if you read Brian Reade's article it is easy to come to the conclusion that this is perhaps true and that he was urging people to give him sensational stories so that he could in some way get justice for the family of Mr Newlove. However, as a journalist this was not his job to take the law into his own hands and nor was it for all the other journalists that falsely reported on this incident. It was a matter for the Courts.

At the trial witnesses appeared to give evidence. It was clear they had not been eyewitness to the attack as they admitted this. However, it was clear they too had been seriously influenced by media output by the descriptive words they used. For instance one witness claimed it was terrible how "they had all attacked him like a pack of wolves" She claimed she had not seen the attack and yet used a statement that had already appeared in the media a number of times prior to the trial. She followed this up by saying "how could they stamp on his head, they are animals." Witnesses who said these types of things were then reported to have said this in the following day's newspapers. It was never acknowledged by the press that these witnesses admitted on oath and in their statements that they had not seen the attack or that they were perhaps giving evidence on the basis of what they had read in past media reports. Proving the power of the written word is more effective and has more influence over people than the actual reality of what they did or did not see.

This obvious influence by the media, was taken into the court and effectively would have influenced the jury. Reaffirming in their heads what they had read was also true. Every member of the jury would have been aware of the case, it was front page headlines continually and in the same vain as the few reports I have enclosed. Reporting in the media was relentless. The defendants were described as a pack of wolves, feral yobs, thugs and part of a drunken gang that terrorised locals. The jury must have been under immense pressure to follow public opinion at the time.

The tone of the articles imply bad parenting and poverty, in comparison to the middle class values of the Newlove family. No journalist approached me or my family to see what kind of person I was, they did not know anything about me or my background. So how could they assume to know anything of my values or parenting skills or how that would have reflected on my children. It is an underhand means of making the public (potential Jurors) believe that bad parents (which I must have been), have bad children, who are therefore guilty as charged, and all based on the speculation of a journalist.

The evidence at trial shows that Jordan Cunliffe did not kill Garry Newlove or that he could have played a part in his death. He was unable to give any detailed evidence, he was a poor eyewitness, due to his severe eye condition. He would have been considered guilty weeks before the trial began on account of unbalanced media reporting and stood very little chance of proving otherwise.

You will be all too aware that Joint Enterprise does not mean you are the actual perpetrator, but that you must have "possible foresight" to a murder or really serious harm. The media supplied this information from unreliable sources who did not appear at trial. This information would have guided a jury into believing the defendants past behaviour was such that it was inevitable that something like this would eventually happen. The evidence provided at trial was in no way as damning as that made up by journalists. The media referred to them as ticking time bombs, when in fact this was not the case, helping to guide the jury to the conclusion that it was appropriate to consider this as a Joint Enterprise based on bad character and past incidents.

The Joint enterprise conviction he received would not have stood a chance if not for the sensationalised and inaccurate reporting beforehand.

The Police will know all too well that defendants' families will be traumatised by the actual charge and will be concentrating fully on the trial process. In our case we had just 3 short months and that in itself caused massive issues. To have been expected to tackle media output at such a time was impossible. Journalist behaving immorally and acting as Judge and Jury prior to trial have made my son Jordan Cunliffe the victim of another person's crime. He must serve a life sentence because of their irresponsible reporting.

Justice should be about real evidence and put into process by the courts not by the media. The media should not influence or colour the public's view of a person's character before trial, nor should they speculate in order to sell more copies.

May I also add that journalists did NOT sit in at the trial when the evidence was being given so to this day what was said during the trial is still not public knowledge. Journalists still write inaccurate accounts of what actually happened to the victim that evening, reporting that Mr Newlove was kicked in the head and received 40 internal injuries. This simply is not the case and this will continue until Journalists are forced to investigate the truth and be able to back up what they say before reporting an incident. Some reports have even said my son stood and watched. Again not true, because, logically a person who is blind cannot stand and watch. This case was driven by public opinion; however, public opinion was driven by media inaccuracies and not the need for Justice. This has lead to a serious injustice that until responsibility is taken will remain in place and to the detriment of not only my son but for my entire family and for the rest of our lives.

What right does a profit making organisation have to destroy innocent lives, and most importantly what right do they have to interfere and influence our justice system in a way that destroys the very fabric of our society. The media has so much power and yet takes no responsibility. There are no words that can express the pain we have and continue to suffer and with no recognition insight. Until now there has been no possible avenue to express our concerns and feeling or of how deeply these reports have negatively affected our lives and continue to do so.

I have only referred to three articles in this submission but I have attached others. There are far too many to try to consider in this submission but all are of value in making my point. It is because I feel it is possible for you to establish the tone from just this small selection that i have only printed them for you to view. I would like you to bear in mind that the articles I refer to were just the beginning and kick started the tirade that followed so I urge you to acknowledge there were further reports that followed and continued in the same vain.

I am happy for my submission and supporting documents to be published.

Janet Cunliffe
13th March 2012

Statement of Truth

I believe the facts stated in this witness statement are true.

Signed ...J. Cunliffe.....

Date ...19th April 2012.....