

**Miscarriages of JusticeUK (MOJUK)**  
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## **Justice for Jake and Keith Mawhinney**

**"If you don't fit the Bill, the Bill will fit you"**

### **Justice for Jake and Keith Mawhinney**

Firstly let me explain that our names were not just picked out of a hat by Hartlepool police. They have spent years racially physically and mentally abusing us since we moved to England. We have been labelled as Irish Scum, Paddies, Bogtrotters, IRA Bastards, and lots of other choice names. They have smashed up our home they have attacked us, we have been victims of crime and when we have reported it we were laughed at.

We tried to take court action against these people and it went nowhere. So please do not for one moment think we are complaining simply for the sake of it. These people meant to uphold the law have destroyed our lives. The latest being they fabricated evidence with resulted in my son and I being sentenced to life imprisonment.

#### **Arrest**

On the 22nd December 1998 my son and I were arrested by Hartlepool police on suspicion of murder. I was taken to Hartlepool police station, Keith to Stockton. Naturally we became concerned due to the previous actions of Hartlepool police. I had been acquitted of charges prior to this, after I was attacked at my own front door.

I was held in custody for 4 months, my Mother died while I was in custody and I was even refused permission to attend her funeral, in August 1998 I was acquitted of all charges and told I could go, I got the ferry straight back to Ireland.

Due to my daughters medical condition we had to return to England and in December we were looking for accommodation as she had to undergo tests at Freeman's hospital to see if she could be placed on the waiting list for a heart and lung transplant.

We had been arrested, assaulted and threatened and abused by this people over the years so we thought this was just another one of these occasions.

We were informed during an interview that a Hartlepool man Anthony Clark whom we did not know had been attacked in his home 3 days earlier and had subsequently died the following day.

We gave an account of our movements, which they refused to believe we were then taken to court and remanded in custody. The charge was one of 'Conspiracy to Murder'. We later discovered another man Michael James Casey had already been remanded on the same charge on Monday 21st December. Casey was to become our coaccused.

We were warned by our solicitors not to discuss the case with anyone as we did not want the police appeared with a witness claiming we had confessed to him. We explained we couldn't discuss anything as we didn't know anything. His words still ring in our ears nearly 5 years later.

On 16th January we were taken to Hartlepool police station after being arrested for murder a statement was put to us which he allegedly been made by a local Hartlepool drug dealer. Zeiff Alexander Payne. It was stated that hours after Mr Clark had been attacked we had arrived at Payne's home and went into graphic details of how we had attacked him. The statement read like something from a Gerald Seymour novel complete with Irish accent, except in was southern Irish and we are from North.

It took Payne and the police 25 days to concoct this statement it was finalised 1 day after they spoke to the last prosecution witness she was to allege that she had been told by another witness that we had been seen with a fireman.

Payne had never mentioned a firearm prior to this now he was saying it was a browning 9mm etc, we returned to prison now fearful of the lengths the police were prepared to go to.

### The Trial

On the 8th November 1999 we went on trial at Teeside Crown Court, after 4 weeks of what can only be described as a farce we were convicted and sentenced to life imprisonment. They say the evidence against us fell into two categories, that of Zeiff Payne who they were presenting as a paid police informer, and what they said was circumstantial evidence.

The circumstantial evidence turned out to be as much of a travesty as Payne's. The majority of the witnesses claiming from the witness stand that they had been bullied threatened bribed and intimidated by the police.

### The circumstantial evidence consisted of

1. A reconnaissance trip to the home of the deceased two days before the attack. A witness for the prosecution gave evidence to say that on the night in question she had asked us to accompany her to Milton Road it was for her purposes and at her suggestion.
2. Association with Casey earlier on the evening prior to the attack. We have always maintained we were not with him that evening.
3. Lies as to the above. We still maintain we did not lie.
4. Phone calls at or around the time of the attack that the prosecution speculated happened around 3.00am. The calls they relied on were 3.12am, 3.22am and 4.48am. Firstly my sone made the 3.12am call from my mobile phone after he had received an incoming call at around 3.00am. Due to the conduct of the Hartlepool police on earlier occasions he did not volunteer this information during interviews. However he did give the full detail in evidenc.
5. Lies in relation to the phones and there use. I did not lie the phone was not even in my name if I had anything to hide I would have denied it was my phone, I didn't yet I was still accused of lying.

### The evidence of Zeiff Alexander Payne

This started out well with the police and the prosecutor all smiles but after Payne was found to be lying over our movements phone calls etc, his calm exterior started to slip, he was questioned about drug dealing which he tried to deny.

He was questioned about insurance fraud while on the witness protection scheme that he could not deny.

He started to accuse the police of offering him massive inducements to make a statement, he claimed he was involved with drug dealing for the police also that he had sold senior police officers class A drugs, That he had bullied and tricked into making a statement. That he been told what to say in that statement by the Senior Investigating Officer.

He claimed that 3 police officers from Hartlepool CID had offered him a house abroad i a country of his choosing fully paid for, that he could take his family with him. That he would have his criminal record quashed and a new identity, they would supply him with two new cars and a large sum of money. However Payne complained I was tricked into making that statement because I got nothing.

It was known that Payne had severe psychological problems and was being treated for cocaine addiction, he had already attempted suicide twice and had threatened that he would do it again. He was found to have tried to defraud an insurance company of thousands of pounds after he claimed his house had been burgled.

After a suicide attempt the police were searching his home to ensure there was no medication with which he could harm himself they came across all the items he had claimed were stolen.

The police had supplied Payne's girlfriend with a car he was instructed not to drive it, as it was not insured for him. Payne drove it anyway and eventually crashed it when he contacted the police he stated he was going to say his girlfriend was driving at the time. He was advised against this.

Payne was described in court as an admitted liar who had lied throughout his evidence there was nothing to corroborate anything he said he was serious drug dealer and user.

He had ulterior motives for giving evidence and getting out of Hartlepool, one of his handlers Gary Smith a D/C with the National crime squad took the stand to contradict Payne's evidence. Another D/C Gary Nobel also one of Payne's handlers went sick due to stress after Payne accused him of taking drugs money as a loan.

### *Leave to Appeal*

In April of 2000 we were granted leave to appeal by the single judge on the grounds that the trial judge misdirected the jury, however Mr Justice Hooper also put it to the jury that they could still convict on the remaining circumstantial evidence if they choose to ignore Payne.

The logic in this was the judge put it to the jury that Keith had said in evidence that around 3.00am he had received a call on my mobile I was asleep in bed in the house we were staying at in Brough Court Hartlepool. The conversation on the phone was as follows Hello is Casey there? Reply no! Well when you see him give him this message. Tell him he is going in an ambulance like that other cunt Clarky. The caller was anonymous.

At 3.12am Keith looked through my phone found the number for Casey and rang his home, Casey's common law wife answered and informed Keith Casey was out when he asked for him so he relayed the message to her. There was nothing sinister about this and if police had investigated the case properly they would have discovered that 3 men who had taken Casey from his home after it was alleged he was involved in a burglary, the same 3 men had been in his home looking for him on the evening of the attack they may have found evidence we were not Mr Clark's

attackers. But it suited them much better to fabricate a case against us.

Mr Justice Hoppers, statement to the jury was, Keith Mawhinney did not inform the police about any of these calls during interviews, therefore if you do not believe his account of the incoming call for him to the information that Clarky was going in an ambulance at 3.12am he must be the murderer or have been with the murderer at the time of the attack. What utter nonsense.

1. 1 There was no evidence to state what time Mr Clark was attacked.
2. 2 The prosecution could adduce that it may have been sometime between 1.30am and 3.25am. As Shirley Clark said it was about 1.30am when she left Milton Road with Casey and it was 3.25am when she phoned the ambulance.
3. 3 If the other evidence by prosecution witnesses had not been ignored in order to reach this conclusion it may have been feasible, but one witness told how he had seen Casey in Clark's car at 2.00 to 2.15am that morning and Casey had told him that Clark has had his kicking we've had to give him smelling salts 3 times to bring him round.
4. 4 Ms Clark herself told how Casey took a phone call with the same message while they were at Casey's home at 2.45am.
5. Another witness states both Ms Clark and Casey arrive at her home at 2.45am to 3.00am to inform her that Clark has been beaten and left for dead. She still maintains this account in a second statement.
6. 6 Ms Clark had been arrested at the scene her clothes were taken for forensic testing her blood was found on cushions beside her husband her hair and blood was under his fingernails, Casey's blood was found at the scene.
7. 7 A large battery charger found at the scene which was sitting beside Mr Clark on the chair, it was taken by police but never tested for forensics they were later to claim it had been overlooked. When it was tested it was found to contain Mr Clark's hair and blood spatters inside the vent.

This all may appear strange but if you consider that there was no evidence against us other than that fabricated by corrupt police officers you have to ask How were a jury able to convict? How are they able to keep us incarcerated for 5 years for a crime we are completely innocent of?

The answer is really quite simple ***"The righteous live in the hope of Justice for all - The wicked have no such concern. "***

At present my son and I are still waiting to go to the court of appeal we have now got two QCs who are prominent advocates to argue our case Mr Micheal Mansfield and Mr Edward Fitzgerald so hopefully will find justice.

We would like to Thank everyone for their prayers and support especially our family as without their sheer determination and faith this nightmare would have been unbearable.

Jake and Keith Mawhinney HMP Long Lartin