

## WHY ME

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Stephen Cooper  
Founder  
[www.falsleyaccused.co.uk](http://www.falsleyaccused.co.uk)

World Association of Professional Investigators  
UK Outstanding Investigator of the Year 2006

Before I tell you the reader specifically about why I undertake this type of work (or should I say "passion") and why I personally believe what the causes of false allegations and miscarriages of justice in serious arrestable offence (SOA) case's are, I must personally thank my team. So thank you.

If you are guilty of a crime you would be well advised to stop reading as this advice will not help you avoid what is rightfully coming, and those who are guilty of it deserve to be rightfully imprisoned for a very long time.

This article is written with no political bias or preference to sexuality, race, creed, colour, religion, age and from whatever walk of life.

When writing this article I have put a huge emphasis on prevention rather than cure so you have been fully warned!! I have also tried my utmost to avoid any "legal jargon" as to make this article easy to read.

The purpose of this article is for those who are innocent. For whom no real proof exists that they are, indeed, a criminal. This article is designed to be a self-defence guide to help you resist the baying hands and those who wish to prosecute you to abide by the law in dealing with you in a humane manner.

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All Enquirers, Clients and or the Defendant/s & Appellant /s are reminded that to the extent of any information supplied within this article which may include general and legal advice; specific advice should always be sought for individual cases from a qualified Solicitor and or Barrister or Queens Counsel.

Most people never want to hear that this kind of case "will be expensive". When you are falsely accused of SOA, you are placing yourself in a very high probability of criminal

charges, and if you are facing criminal charges in one of these areas you are facing a high probability of conviction and a lengthily custodial term unless you take strong steps to prevent the issues from getting out of hand.

This will require taking some steps such as getting specialised defence teams as well as lining up other necessary evidence and experts. All of this costs. You need to adjust your thinking to thousands of pounds instead of hundreds of pounds.

For an example on a Representation Order (formally Legal Aid) the "average" court case lasts five days (approximately 25 hours), solicitor's preparation 10 hours and barrister's preparation 5 hours totalling 40 hours. The average case on a privately instructed basis would be in the region of 200 hours and maybe more.

There are those who promise to do a good job cheaply, quick and easy however you'll likely to find that they will not really be cheap, quick or easy. They can send you away for a very long time!

When I met people for the first time in my social surroundings, I am often asked what I do for a living (as most of us do), I could answer by replying "oh I defend criminals" if I did the reaction would be something like, "they deserve what they get". My usual response is "I deal with people who have been falsely accused" the response is somewhat different why do you think this is? Well read on.

Despite being told on many an occasion that this is a hopeless and impossible endeavour, I (for the past 16 years) continue with what I see as a very constructive passion because I truly believe that the more false allegations and miscarriages of justice in SOA cases that can be legitimately shown to be occurring, the more forceful the criticism of the criminal justice system and the likelihood that something will have to be done in response.

Throughout this article you will be informed about many areas of the law, please read these areas carefully.

However those accused of a SOA (even the guilty), deserve to have the same rights that are offered to all other criminals, minor or major. That they be allowed to confront their accusers (in Court) and be able to sue them for damages if proved in a court that they lied in their allegations.

It would be very wise indeed for you the reader to understand the consequences now if you underestimate the legal ramifications for your life if you make the wrong decisions. Unfortunately most people go into some level of denial and minimise the trouble they are in. As a consequence they fail to do things they must find themselves in much deeper legal trouble than they started out with. For an example, your current legal team says "they

have no case". So you do nothing or bumble along, and then you find criminal charges against you.

One potential client told me having spoken to him for over an hour "I'll keep my options open" six months down the line a family member contacted me stating he was given 12 years, I was asked for help in lodging an appeal. My reaction was simply "he didn't listen to me then, so what makes him want to listen to me now"?

What if you had reacted properly and the eventual cost would have been a fraction of what it will cost if things get out of hand, believe me it does!!!

The main area of work that I have dealt with could be split into two areas.

1. Pre-trial preparation. 2. Appeals.

The most common of these can be broken down as follows:

Pre-trial: All Major Serious Offences

Appeals: Almost every conceivable serious offence you can think of.

Remember you have legal rights don't ignore them. Those pursuing you will try and use you to give them permission to ignore your legal rights, the patterns that you will find in their treatment of you in their efforts to twist your every word and action to show guilt where none exists.

A word of warning to those facing a false allegation, if for some reason you are unsure at any stage of your case about what your defence team tells you pick up the telephone and dial the number on contact us page and my team or I willingly advise you. If you feel you need to change your defence team do it, before it's too late, remember it's your case not theirs.

You will also be given a partial list of the things the Police / CPS / Social Workers / Probation Service use to you, and some tips for your use in resisting their advances. It is hoped that if you are forewarned, you will be better able to stop them from "raping" you and your family the way that they do about seventy percent of the others who are accused of these offences.

"Why is the Complainant telling lies" well this can be highlighted with the following: the problem of prosecution non-disclosure, police error or misconduct, problems with identification, false confessions, perjury, misleading scientific evidence and the most common aspect in my experience is simply a poor defence.

"Don't worry it won't go that far", how many times have I heard that? Nearly every time I speak to someone who wants to appeal (remember prevention is better than cure and

often at appeal its too late), what these poor defence lawyers don't consider is the harm it causes to the many more indirect victims – wives, husbands, partners, parents, children, friends and wider communities of people wrongly accused and wrongly convicted of these offences. Of course poor defence teams don't have to go to prison if their clients are convicted!

Don't be intimidated into participating in this situation. There is no law (yet) forcing you to do so, no matter what you are told. In fact, you ought to become active in exposing this situation as to as many people as possible.

Golden rule: Tell the truth, the whole truth and nothing but the truth from the word go.

Never contact the alleged victim(s), their family or any prosecution witness. Any and all such contact will be construed as an attempt to "pervert the course of justice" and or "a serious interference with the administration of justice or investigation of and offence", you will also been seen to be threatening the alleged victim into silence or recantation. Such contact must be done by a qualified & seasoned Legal Enquiry Agent who will work through or with your solicitor and barrister.

I would suggest that you hire an Enquiry Agent who specialises in serious offence cases. IT IS CRUCIAL THAT AN ENQUIRY AGENT BE IMMEDIATELY ASSIGNED TO YOUR CASE.

You will not be automatically entitled to an Enquiry Agent under a "Representation Order" (formally Legal Aid) so you may have to pay privately for this part of your defence. It is of the utmost importance that you obtain references.

Seasoned Enquiry Agent's investigations are confidential and will never be discussed without your knowledge; the complainant and CPS may not be aware of an ongoing investigation and I personally never talk to anyone about individual cases that I work on, remember "walls have ears".

Many people I have represented (at an appeal) where I have not been involved with the trial that have been their own worst enemies. You will have to watch what you say and do. Any ill-considered comment's can send your case into the wrong direction. One very key thing is getting you prepared to handle yourself as early as possible a good legal team has someone who can do that.

When you instruct the people for your defence they should supply a "Client Care" letter or even a contract. This helps set the boundaries of your agreement and protects both you and your defence professional from failure. The people I work with for your defence are professionals and will work toward finding a solid defence.

When selecting anyone to represent you, it is always a matter of *Caveat Emptor*, (let the buyer beware). You should never rely solely on anyone, not even me! You can't help

defend yourself from a place of ignorance. You'll need to educate yourself on the subject area of the allegations you are facing. When your defence team tells you that you need to do "something" it is important that you understand why you need to do that. Lots of time can be wasted trying to explain every step to you, and often the effort spent "selling" you on the need to do "A" or "B" becomes so tiresome that your defence team may decide to stop trying. You need to understand why the things are necessary and not just be a cash dispenser and a passenger along for the ride. The best results come from a fully involved client. Many solicitors don't like that, but the better ones demand it.

I would advise that you draw up a "time-line" starting from day one and go through to today in as much detail as you can recall. This will be a great aid to your defence team.

You should start compiling a witness list. Include the people's name, addresses, phone information, as well as their employment and a brief biography, also a brief section on what they can say about the allegations. Don't limit yourself on who you have written down, use bad witnesses as well as ones on your side. Under NO circumstances whatsoever tell your defence team "I didn't think that was relevant". Let them decide who is important and who isn't. Often people (and circumstances) you think are unimportant turn out to be the key to the case (as in R v Lee).

A daily journal should document what you do, where you go and people who see you or are with you. Keep receipts or purchases for evidence of activities. Go through your bank statements, wages slips, photo's, video's, and holiday experiences to back-date a journal. Try to reconstruct everything you did and where you were at the time of the alleged allegation. Give a copy of the journal to your Enquiry Agent and solicitor; it could provide crucial evidence.

The more you do for your defence team, the better armed your team will be, and the easier it will be to "prove" your case. Don't just pay your team and walk away expecting them to do the rest. Your team cannot paddle your lifeboat for you unless you inflate it first. Help your team defend you. Do your own research. Don't be afraid to ask questions, and keep your team fully informed, it's your case not theirs!

Keep records of everything concerning your case (phone calls, research, etc.). Find cases similar to your own that have been proved, make copies of your findings, and give a copy to your team. Make it easier for your team to defend you by preparing your team well.

Do **not** get character references, statements or affidavits (from friends, colleagues) let your team advise you first on what is required. Witness preparation and interviews can be at the heart of your case. You will need a professional who has a proven track record (believe me when I say, I've got "Blood out of a stone") for doing interviews on potential witnesses, and preparing your witnesses to give evidence and making recommendations to your solicitor and counsel.

Once these statements / references & affidavits are obtained then they can be attached to your file. Once they are attached to your file and forwarded to the court the judge is mandated by law to read them. The "affidavits of character" cannot be thrown out of court nor do they have to be entered into court as "evidence". Another advantage to this is that it allows your friends and colleagues to give evidence for you without having to be subjected to a cross-examination by the prosecution. It is strictly a one-sided view, in your favour!

If possible, document everything, tape record or videotape all conversations with anyone involved in your case, as well as any visits you may have with people involved with your case. The law says that it is legal to make tape recordings as long as the person being taped consents to it. To legally tape record anyone you must advise them that you are going to tape record the conversation and that if they do not wish to be taped then they have the right to remain silent. If you are unable to tape conversations or visits, then document the situation as it is happening or as soon afterwards as possible. Be sure to include as much detail as possible.

Every time you talk to the "opposition", document what was said and write a letter to that person asking them to confirm or deny the contents of the letter within 10 calendar days. In your letter state "failure to confirm or deny the contents of the letter will constitute an agreement that the information contained therein is accurate". Send the letter by Registered mail or request a receipt by return. Faxes and Emails can be sent as long as you have verification that the fax / email was sent and received. Make sure that you cc: copies of all these letters to your Enquiry Agent and Solicitor. Advise your Solicitor (in writing) to send copies of the letter to other people involved in the case and to the court if your solicitor feels that it is appropriate and that it might be to your advantage.

Knowledge is power. Knowing how the system works and what is required of it can help you put them on the defensive when you force them to do their job properly!

Every bureaucracy has patterns in their operations. If you can figure out what these patterns are, you're a lot closer to beating them than if you're ignorant of them. Remember prevention is better than cure.

Here you will read some of the patterns used by those who work on the "prosecution side".

They'll twist everything you say or do to indicate your guilt. If you refuse to let them in to your home without a warrant, you've got something to hide. If you insist on your legal rights that's an indication of guilt. If you refuse to say anything without your solicitor being present that's indication of guilt. In fact, just about anything you can do or say indicates your guilt in their minds. That's a major pattern. The Judge at your trial may not agree to it but then, the Judge might. They often do.

At this point you are in a better position as you're not in prison, so don't let it go that far. Speak up and tell your solicitor and counsel (barrister) that you want this "Area of your case disclosed to the jury". Your defence team must give you a valid reason as to why they do not wish the jury to hear certain information. If you are still not happy put it in writing. To often I hear from trial solicitors "I took instructions from my client" but did they really? Very few "appeal" clients I represent are aware that it is the client's case and not the defence teams. You should and must speak up.

You're automatically guilty if they or someone else accuses you. Anything you do from that point on is evidence of guilt. They go in with a bias, since they are taught that every person accused is a potential offender. Then it's just a short step to do whatever they have to do to establish your guilt, including intimidation, lies, deceit, and even violation of your legal rights.

Your protestations of innocence are an indication of guilt. When you're accused of anything, your first inclination is to claim your innocence. This is human nature, and in real life, has nothing to do with your guilt or innocence. But with Prosecution workers, the very fact that you protest your innocence is, to them, evidence of your guilt. This is one of the basic things they are taught when they are training to become Prosecution workers. They've even got a clinical-sounding term for it. "You're in denial". Anger is an indication of guilt. If were to get angry when they accuse you that's an indication of guilt. Never mind that accusations such as this would make a saint angry. Never mind that their supercilious, officious attitude is guaranteed to make you angry even if you're innocent. To get angry means, to them, you're guilty.

Many times, they intimidate their way into your home. Threaten to throw them out of your dwelling if they don't leave you're guilty. Then, when they make it evident that they're collecting evidence of your guilt, and you ask them to leave, they insist that your request itself is an indication of guilt and make no effort to leave. Then when you order them out, and tell them that if they don't leave, you'll throw them out, it goes in their report. Now you're marked down as "potentially violent." Don't threaten. Just tell them to leave and don't say another word even if they try to get you to talk. Silence is one of the most powerful pressures there is, and it is non-violent. An attitude of standing still with your arms folded might help (although at the Police Station it might not be wise to not say anything – See: Before Conviction) on our website.

Intimidation in place of a warrant, In many cases, the fact that they (meaning Social Services) have no warrant, and are bound by the same legal restrictions as are police means nothing to them. They are trained to use every route there is to gain entry to your home without it. Once in, they use just about anything they see as evidence of a potential offender.

Anything they see can be twisted into "evidence against you," and they're well trained to do the twisting. The list of things that can be used to establish an offender is long, and completely subjective. They can twist just about anything to prove the point where they force you to ransom them by your actions, and with your finances.

They think nothing of telling you lies to gain entry into your home, and of using intimidation to convince you to sign papers that allow them to do things that the law would otherwise prevent. Once you've signed those papers, you've given up those rights. Never sign papers they demand you sign, even if they tell you that you must, without advice from your own solicitor. Never let them recommend a solicitor. Never believe anything the "other side" tells you because they're probably lying. They're trained to lie in order to get around the legal restrictions. It's a sorry thing to have to say, but it's true. And it's something basic that you must remember in order to deal with them. They impose their own values on their "clients" and not you.

If you were an impressionable person and are told something by an all-powerful police officer, what would you do? Remain silent or make something up to make it easier for you? When they question the suspect, they tell them things like. "If you admit your guilt, you'll get a lighter sentence or you may not go to prison" (not forgetting that it is a Judge who passes down the sentence under sentencing guidelines (remember these are not tramlines but guidelines) – not a police officer). If however you stick to your story, you could lose your freedom for a long time or permanently because you are seen as a liar.

When on a fishing expedition they ask you questions that have no bearing on the accusations. Their excuse here is that they are searching for signs of any offending behaviour without any kind of probable cause.

The use of plea offers to get people to give evidence against each other and plead guilty even when they're innocent. Extorting it from others who are under false charges is their way of getting it.

When you win (I prefer prove), you're still not home free because they commonly make other charges for the cost of their victimisation. This allows them to thumb their noses at those who have beaten them.

Trump-up charges against their critics. Woe unto you if you dare to criticise what they're doing in any way. They'll find something to charge you with, even if they can't prove it. Such charges have a way of discrediting people who are hurting their cause so they're common. I expect them to trump up some charges against me one of these days, because I intend to severely hurt their cause. I hope they do so I can hurt it some more. Justice should be fair on both sides!

All it takes is an anonymous call or a misinterpretation to set the "snowball" rolling after both innocent and guilty people, and they don't bother to make a distinction, in most cases. "If you're reported, you must be guilty" in their view. The "standards of proof" are much lower. They can easily trump up charges against their critics, since all it takes is the accusation for CPS to start the "snowball" rolling.

They don't face penalties which could range from reprimand to the loss of their family and or financial ruin, even charges being laid against them. But what they don't know is what such charges are going to mean for themselves.

They even get to keep their compensation. This is another area that needs a desperate change. My friend David Luxford had to raise thousands of pounds to prove his innocence and when I proved that he was innocent (with the assistants of fellow campaigners) he was informed that he was not entitled to receive a penny. His accuser kept her compensation!

There is a well-documented anti-offender bias in the prosecution industry and when prosecution workers go after you, you are deemed guilty as soon as you're reported. Never mind the proof. They think they're right, and they won't hear otherwise.

I must make it quite clear that I don't believe every prosecution worker to be a monster, far from it. There are many well-meaning, but unfortunately ill-trained individuals out there who really want to do well. Unfortunately, they, themselves, have been brainwashed into believing that if you are charged as a potential offender then you are guilty.

Another common theme is for prosecution people to come in on a case where the suspect has found evidence that someone else has committed an offence. Then they proceed as if you were guilty.

In a criminal court, the accused must be proven guilty beyond a shadow of a doubt. In hearsay evidence, the subjective judgement and the opinion of the CPS are given much more weight than that of the defendant. The cards, in other words, are well and truly stacked in favour of the CPS.

"Why would the "they" go through this"?

Here lies the problem "we shouldn't upset the judge or the jury", what does this mean, can your defence team "mind read" the answer is simple "no". I have spoken to many juries after my client/s have been acquitted and asked them "did that evidence help"? Never has a jury member said "no".

If they can't prove you're guilty and if the court (& Jury) acquits you of an offence, their opinion is this "Just because we couldn't prove it does not mean you are innocent. This 'not guilty' verdict only means we couldn't come up with enough or the right evidence to prove your guilt." In other words, you have been

guilty since they first accused you, because they accused you, and even though the court (& Jury) has not convicted you, you are still guilty and labelled with it for a very long time. You just can't and will never win with these people.

Then again a well known public figure told me last year "Just because a jury found me guilty doesn't mean to say I am". I have proved this on many an appeal.

I know it seems as if they have all the laws on their side, and it is fruitless to try to beat them. But that's wrong. Whether or not they accept it, prosecution workers are subject to the same legal limitations as the rest of us. That's why they rely on intimidation, lies, and conditioning to get around that. If they could really flout the law, they'd just do it without attempting to intimidate you into signing permission for them to do what they do.

So you should look at ways and means to force them to abide by the legal limitations just as the police must do in confronting a rapist or a murderer, simply by forearming you to resist their intimidation.

The first and most important thing to do to keep a false accusation out of your life is very simple: don't give them a real reason to accuse you. You should at all times treat your fellow human with dignity and fairness.

Some of the risk factors used to snag their victims are: Illness or handicapped condition at birth (Sometimes defined as; Signs of "failure to thrive") Delay in any area of development: (Low functioning, due to limited ability or illness: (blindness and/or deafness has been used); Inability to connect with, or relate to another human. Overindulgence, spoiling the complainant and under indulgence: not giving the complainant enough love. Low level of verbal response with the complainant, negative or hostile behaviour toward the complainant, undue stress that adversely affects your functioning:

The CPS uses key phrases like: "indicates, seems to think, appears and could be" and others to gain advantage in court. Learn to use their key words in everyday language so it becomes natural and then use them to your advantage on the witness stand. Their use of these phrases is no accident. They KNOW how it will look to the judge. The judge won't see their statements as implications and opinion's but will accept them as facts instead. Whatever you do, never tell lies, but DO use their key words to your advantage. You MUST be better prepared than they are!

Check all court documents for errors. Simple things like names and birth dates are often wrong. List all errors; give your solicitor a copy. It establishes a pattern of errors which may be used in your favour (i.e. incompetence).

Don't be intimidated into participating in this situation. There is no law (yet) forcing you to do so, no matter what you are told. In fact, you ought to become active in exposing this situation to as many people as possible.

The so-called "They can't do anything to me, as I've told the truth". I'm making this point to emphasise that and repeat last, because it's one of the most important. There are laws that may prevent you from suing either the complainant or others involved in your nightmare for creating the nightmare. However you may be able to sue them for demonstrably violating your human rights. If a police officer forces his way into your home in a fit of misplaced zeal, he can be sued personally for damages. A little-known fact is that a police officer or other person in authority is personally liable for damages if he or she has violated your human rights.

If a prosecution worker stretches some minor problem into an excuse to take your freedom, often you can sue them in the courts they don't control and you may be able to get damages if the court doesn't agree with the worker's subjective judgement of what constitutes "neglect". Some police officers and most bureaucrats think that the end justifies the means. If they think you're an offender, they're already mad at you. So don't give them an excuse. But if they do violate your legal rights, by all means, sue them. Take them for all you can get (example: The Cardiff Three). You're going to need it to pay all the unnecessary expenses they've caused you.

The common view of a miscarriage of justice victim is of a person who is wrongly convicted for a crime that they did not, in fact, commit. In line with this, existing accounts of the causes of miscarriages of justice have, generally, focused upon cases of successful appeal against criminal conviction and charted the reasons given by the appeal courts for the wrongful conviction.

My view is that to begin to get a more adequate picture of the true scale of the miscarriage of justice problem we have, at the very least, to include all routine successful appeals as well. By so doing, the scale of the miscarriage of justice problem increases from around 9 cases each year that were successful in appeal following a referral back to the Court of Appeal by the CCRC (see CCRC page) in its first five years to around 3,750 cases per year.

The following statistics provide an indication of chances of success:

Up to 31<sup>st</sup> October 2004

6,487 Applications considered

0,257 Referrals back to the Court of Appeal

0,202 Appeals heard  
0,140 Convictions quashed  
0,061 Convictions upheld  
0,001 Reserved judgement

Although I must add that I am a little sceptical of how the CCRC advises some of its applicant's, as a few of my client's have submitted their applications to the CCRC and received the response "there are no grounds" but yet when my team and I have successfully appealed convictions, having been previously refused by the CCRC, I can only presume that the commission is funded publicly its resources must be limited. Plainly, the chances of achieving a referral are not high.

One of the most popular reasons given for miscarriages of justice is that the police and prosecution services are under an enormous pressure, not only from the government but also from the public, to tackle rising crime rates. This might seem to have at least some theoretical merit when a crime has actually been committed. But what about the number of innocent people who are currently being convicted for crimes that have never occurred? Recent cases of successful appeal that I personally dealt with have documented the problem that juries have in adjudicating between competing and conflicting evidence. These include the cases of Tim Holt who spent 20 months in prison, David Luxford who spent 34 months in prison, Neil Young 22 months in prison.

These are just a small number of such cases that have been overturned over the last three years following new evidence.

Despite this, the Criminal Justice Bill represents a reversal of the principle that it is better those ten guilty offenders are acquitted than one innocent person wrongly convicted, which has long been a cornerstone of the criminal justice system. On the contrary, the operational principle of the criminal justice system now seems to be that the excessive conviction of the innocent is a necessary and palatable fact.

In conclusion, my belief is that false allegation figures for serious offences is grossly underestimated, I list several reasons below.

1. Researchers only count as 'false' those allegations where the evidence that they are false is "very strong".
2. The vast majority of offences (rape in particular) cases are excluded from the 'false-allegation research' because they hold 'the Stigma'. And yet it is in these stigma cases where most false allegations are likely to be made.

3. Many "Victims" are emotionally unstable and are also prone to making false allegations in all sorts of areas.

4. More training should be given. As one police officer told me recently "My job is to gather the evidence", then why did I (and my team) find evidence, but the police never bothered with it (referring to R v Young)?

5. I have come across many police officer's who are on a personal mission to discredit the "suspect", there are procedures that need to be followed and should be.

6. The CPS and the Defence (Stone's Justice manual clearly states: "there is no property in a witness") should be able to interview the complainant themselves so that they can build up a complete picture of the complainant and hear the story themselves. It is perhaps easier to be prejudiced or act upon stereotypical beliefs when making a decision on a case laid down on paper or video before them.

7. An officer of the Criminal Injuries Compensation board should interview and assist the complainant and not a police officer.

8. If on appeal based on fresh evidence (if then the conviction is quashed) the complainant should be made to repay any compensation they received.

9. That a new crime of False Allegation be recognised and legislated for, with proven malicious accusers to face a sentence equal in length to that which their victim would have faced if justice had miscarried.

10. A register of False Accusers to be kept, similar to the Register of Sexual Offenders.

All questions of guilt should be decided on the innocent until proven guilty standard used in all other courts, as directed by the law.

In short I would like to see the same rights afforded to a suspected offender as granted to the Complainant. The Complainant has the right to anonymity (in sexual cases) then so should the "defendant's" details not permitted to be published (prior to conviction).

Over the years I have proved that the "Victims" or should I say liars do get caught, yes it may take many years (Just look at Derek Bentley's case) to untangle their lies, what they can be sure of is "what goes around comes around".

That's it. No bias here in favour of the suspected offender, as CPS would have you believe. But a definite bias in favour of everybody concerned obeying the law of our land.

I will continue my fight for justice and sincerely hope that you are never falsely accused of this type of crime or any other crime.

You should at all times treat your fellow humans with dignity and fairness.

[www.falselyaccused.co.uk](http://www.falselyaccused.co.uk)