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Private and Confidential
Mr Martin Glasgow
3 Tansley Court
Highfield Lane
Chesterfield
Derbyshire
S41 7AW

From Commissioner
John Weeden CB

Our ref: 00069/2009

8 April 2009

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Dear Mr Glasgow

Final decision on your application

Thank you for your letter of 31 March 2009 with its various enclosures. The Commission has reached a final decision not to refer your case. The file on your case has now been closed.

We wrote to you on 10 March 2009 letting you know the Commission's provisional view of your application for review of conviction and sentence, and giving you until 7 April 2009 to make any further submissions to us. In our earlier letter we said:

"Firstly I have reconsidered the various issues dealt with by Mr Allen in his letter of 16 January 2009 and confirm that I am in agreement with his conclusions.

Secondly, in my view only the following issues can be said to amount to matters that you have not raised before with us, and I give you my views on them as follows:

1. As regards the injuries, and in particular any scarring that may have been seen on a CCTV of Mr Johal 19 days after the trial, there was evidence at trial that Mr Johal suffered some bruising. The summing-up makes clear that he showed some photographs of his bruising in court but the judge did not appear to think that they helped very much as they had been taken one or two weeks afterwards. However it was clearly not a main plank in the prosecution case against you that Mr Johal was badly injured, and it did not need to be as there is no requirement for a charge of Affray that injury must be caused to anyone. There only has to be

evidence of unlawful violence. In my view your arguments concerning injury to Mr Johal cannot amount to a reason for referral of the case back to the appeal court.

2. Your arguments that Mr Munt and Mr Johal knew eachother and that this made your conviction unsafe are totally unsupported by any specific evidence and are therefore speculation.
3. The venue of your trial cannot, in your circumstances, affect the safety of your conviction.
4. Your submissions about the 1983 school photograph and the possible use of different names by the Johal family have no bearing on the safety of your conviction, and are also speculation. What mattered was whether the jury were sure that you used unlawful violence and that this made people of reasonable firmness afraid. There was evidence available on which they could have reached that conclusion.

Thirdly, although not new points as such it may help you if I explain the following;

1. Barristers working in Chambers do sometimes accept instructions to prosecute for CPS although this is becoming less common.
2. The jury would not have seen any proofs of evidence at any stage. They only heard the witnesses give evidence and were not entitled to see their earlier statements.

You are aware of the statutory basis on which we operate from the information contained in our enclosed letter. On the information currently available, and in relation only to those matters referred to in the second issue above, the Commission is not minded to refer your case for an appeal."

Further submissions

I would comment on your further submissions as follows:

1. The taped interview with John Cooper which includes his own views about your case cannot assist you. It was the jury's view of the facts, based on the evidence that they had seen and heard, which was all important.
2. The whole issue of who had what injuries and what conclusions could be drawn from them was again a matter for the jury that was dealt with at trial. The witness statements and your co-defendant's statements to the police were all known about at trial and it is too late to raise issues on them now.
3. Whatever may have happened when PC Greatorex took the co-defendants statement, what mattered was the evidence given at trial by

the co-defendant. There is no mention of photographs of Johal in his statement of 5 June, the day of the incident, despite what you say, but there is mention of them in his police interview of 24 June. This is presumably because the photos had been taken by then. He had told the court that the photos were taken about 2 weeks after the incident, and this was not challenged. This ties in with his later statement making mention of them. There is a complete answer therefore to your allegations about the photos.

I regret that we have now considered the further submissions that you made and have decided that there are no grounds to refer your conviction or sentence for a fresh appeal.

Your file has now been closed. For the next three months we will keep at our offices any material you sent to us. The files will then be moved into storage for a minimum of four years and nine months before being eventually destroyed. If you need any of your material to be returned please get in touch immediately.

Yours sincerely,

John Weeden