

The defence case.

Mr McArthur claimed that he approached Mrs King, a witness in an assault case in which he was the defendant, because he knew that she had made a false statement to the police. His defence was based on two points.

1. His work, which is ongoing and extraordinary, would give him a high profile.
2. He would be able to prove that her statement in the assault case was false. He claimed that she would then also have a high profile, but as a liar. He can now do this.

As this would cause her considerable emotional harm he warned her not to continue with her false allegations telling her that she would 'be in serious trouble', that 'her life would become unbearable' and she would 'become the next Heather Mills', famous for lying.

Mr McArthur claims that the things said were warnings to Mrs King that any lies she told in court would be exposed. No threats were made, and King was not asked to withdraw her statement.

The prosecution produced two witnesses, Mrs Julie King and her daughter, Sophie King (then aged fifteen). Sophie King said nothing of significance as she was only present for the first moments of the encounter between Mr McArthur and Mrs King. The two relevant pages from the transcript of the interview the police conducted with her are in Appendix 1, pages 9 and 10 for completeness.

The defence needed to prove that Mr McArthur had not threatened or intimidated Mrs King, and that he had good reason to approach her. Evidence existed that showed that these things were true.

Grounds for application.

1. New evidence.
2. [REDACTED]
3. It can now be shown that the 'witness' approached had conspired to pervert the course of justice in the assault case. She was not a witness, she is a criminal.

1. New evidence.

This supports Mr McArthur's claim that he will have a high profile, but an explanation of his work is needed before the new evidence is described.

General election results in Britain can be decided by a small number of floating voters, the ones who might change who they vote for, who live in the key marginal seats, the seats that can switch from one party to another. In a British general election 27 million people might vote but the result at close elections can be decided by tens of thousands of people, and in very close elections as few as a couple of thousand (1992, 1,300 votes). Mr McArthur realised that at election time this small number of people have complete power over the politicians. If these people come together and demand something reasonable in

return for their votes, their demand will be met.

Mr McArthur set up a campaign, the Campaign for Democracy (CfD). The campaign targets these voters and gets them to pledge to vote only for parties that will give them the campaigns demand. Whichever party agrees to support the campaign first gets the votes, and power. The demand is for a political reform process that allows people to initiate referendums on political reform, and a system of direct democracy that is based on the Swiss federal model and allows people to initiate referendums on any matter. This is a fundamental change as it transfers sovereignty from Parliament to people.

Establishing that the ideas behind the campaign were credible was the key objective of the defence as the only reason King was approached was because of the existence of the campaign.

At the time of the trial the campaign had not progressed far beyond it's preparative phase and so was not credible to people not active in politics, especially as Mr McArthur was working on his own and with almost no support from public figures. Much has been accomplished since then.

On release from prison Mr McArthur got back to this work and some extraordinary results were achieved. Had this information been available to the jury this would have increased the credibility of the campaign and the defence, and led to a 'not guilty' verdict being returned.

By the beginning of February 2010 Mr McArthur had almost given up any hope of success for the campaign at the 2010 election. About £140,000 was needed to run it and there were only three months left before the election, however if that money could be raised there was still a possibility of success as it is possible to collect pledges from voters in marginals on the website. Voters simply enter their postcode and if they are in a key marginal they can pledge online. Once the campaign is news, it is won. On the 3rd February an email was sent to Eric Pickles, then chairman of the Conservative party (Appendix 1, pages 1 - 3). It explained why the Conservatives would not get an outright majority at the general election in 2010, and how a successful CfD campaign would change that. It also discussed the effect the AV voting system would have on the Conservatives. The Conservatives knew Mr McArthur's analysis was correct. They could not respond directly to such a radical initiative but both Pickles and David Cameron responded indirectly in a way that could have enabled the money needed for the campaign to be raised.

Six days later on the 9th of February Cameron announced that the Conservatives would introduce legislation that would allow people to create petitions that would lead to debates in Parliament. This was reported in an article in 'The Independent' newspaper. The political parties believe Mr McArthur reads this newspaper. The origins of the project go back almost 20 years to a time when Andrew Marr was political editor at 'The Independent', and was told about it. The project then lay dormant until a close election was looming in 2010.

Under CfD's system for the UK a one million signature petition would get a referendum on any subject, a one hundred thousand signature petition would be enough to initiate a referendum on political reform. You will see that Cameron's article, (the text is in Appendix 1, page 19, or the article can be accessed online by Googling 'Cameron power to the

petition'), states that one million signature petitions will lead to a debate and vote in Parliament, and one hundred thousand signature petitions would lead to debates in Parliament. Pickles also did a video on the AV system on the same day (partial screen print, Appendix 1, page 20). This can be watched by Googling the words 'Pickles AV video'. These two things were done to show potential donors that it was acceptable for Conservative supporters to help the campaign, and donations were made to the campaign later because of this. This would have made a significant impression on a jury.

Cameron and Pickles were told about Mr McArthur's convictions and the circumstances around them, and saw much of the evidence in Appendix 2 that showed Mr McArthur was not a criminal but the victim of a conspiracy to pervert the course of justice.

There was not enough time to run the campaign in 2010, but after the election the electoral system in Wales was examined. It uses a proportional representation system but still has forty first past the post seats. It was realised that there were enough FPTP seats that were marginal to allow the pledge collection system to be used in Wales to swing election results at any Assembly election. It was decided to approach the parties in Wales to see if they would like to support the campaign before it went public. The parties knew about Mr McArthur's work and meetings were arranged with senior party figures in Wales.

These included meetings with Nick Bourne, then leader of the Conservative Party in Wales, and Kirsty Williams, leader of the Liberal Democrats in Wales. Meetings were also held with Elin Jones, then Plaid minister for rural affairs, Helen Mary Jones, now Plaid Chair, and Jocelyn Davis, then Plaid deputy minister for housing. Meetings were held with other Assembly members and their staff. Meetings with party staff were also held at Plaid and Labour headquarters in Cardiff. A report was prepared for the Welsh Conservative Group in the Welsh Assembly at their request. Letters and emails confirming that some of these meetings took place are in appendix 1, pages 11 - 16. More can be obtained. The Conservatives also agreed to support the formation of a Welsh Assembly Committee to examine the introduction of the CfD system, (email, appendix 1, page 4).

The creation of a new committee requires a debate in the Welsh Assembly and this would have attracted the attention of the Welsh media, thereby bringing the campaign to public attention and bringing the online pledge collection system into play.

It should also be noted that Lord Pearson of Rannoch mentioned the campaign in the House of Lords. This is in Hansard 6th July 2009 column 521, at the end of the column. He states that 'There is also evidence that the proposed system is very much wanted by the people. There is an excellent new organisation called the Campaign for Democracy, to be found at campaignfordemocracy.org.uk, which is finding 50 per cent support on the doorstep in the marginal constituencies for the introduction of binding national referenda. I understand that that is a very high figure.'

A CD is enclosed with a recording of the Prime Minister stating that people would be allowed to initiate local and national referendums. Allowing people to initiate referendums transfers sovereignty from Parliament to the people, and is the most profound change that could take place in our system. This came about because Mr McArthur was approaching members of the Open Europe group, many of whom turned out to be Conservative members. Word got back to Cameron and he knew Mr McArthur was talking to people who could afford to fund the campaign. Mr McArthur believes this promise, made in 2009, was

done as a bit of prepositioning. Cameron is also on the record as describing Swiss style democracy as the ideal democracy. CfD can give the Prime Minister what he wants.

The above (with the exception of the statement by Lord Pearson) is new evidence that proves the campaign, and therefore this part of the defence, is credible.

In fact the *only* reason why Mr McArthur approached Mrs King was because of this work which will soon give him a high profile.

2. [REDACTED]

[REDACTED] in examination of evidence and Mrs King's allegations.

Key parts of Mr McArthur's claims are supported in King's written statement. King uses slightly different words but the meaning is the same and these are,

- 'You will be in big trouble' and 'you are in deep trouble'. (Appendix 1, page 6, red highlights)
- 'Your life will become unbearable' (Appendix 1, page 7, second yellow highlight)
- 'You will become the next Heather Mills' i.e. famous for lying. (Appendix 1, page 7, blue highlight)

This clearly supports Mr McArthur's claim he was trying to warn her that if she lied in court she would be in serious trouble. The 'Heather Mills' comment makes it clear that the warning was intended to warn her that she would be famous for lying, and it can then be imagined why this would cause her serious social and legal problems. It also explains why her life 'would become unbearable'.

The use of Heather Mills' name in this creates the context and confirms Mr McArthur's claim that he went to the school only to warn her that if she continued in her attempts to pervert the course of justice she would be in trouble.

[REDACTED]

Mr McArthur hoped that King would offer to withdraw her statement but he deliberately avoided asking her to do that in the hope that she would feel ashamed about making a false statement and offer to do this without prompting, as indeed she did. This would have allowed Mr McArthur to truthfully claim that King had voluntarily offered to put things right when he was questioned about what had happened by politicians and journalists once the campaign went public.

Examination of King's statement will show that King agrees that Mr McArthur did not ask her to withdraw her statement. [REDACTED]

King's claim that Mr McArthur told her that her life would become unbearable changes to 'I will make your and Sophie's life unbearable' later in her statement (Appendix 1, page 7, green highlight). In court she was challenged on this point but when the defence barrister pointed out that Mr McArthur had said 'your life will become unbearable' and not the other version she replied 'same difference' meaning that she believed the statements were the same.

They are not. The first, 'life would become unbearable' is a warning. Something would happen that will make life unbearable. The other, 'make your life unbearable' is a threat. Mr McArthur claims that the first version is what was actually said and that King has reinterpreted the statement when she mentions it a second time. [REDACTED]

A careful explanation of the difference between the two statements [REDACTED]

In her written statement on two occasions King claims that Mr McArthur asked her to 'change her statement'. (Appendix 1, page 7, two red highlights) This is unlikely as Mr McArthur understands the difference between a 'statement being changed' and a statement being withdrawn. The first would open Mrs King to a charge of perjury, and knowing that Mr McArthur would not ask her to do this. It is important to note that even though King claimed that Mr McArthur had asked her to change her statement twice she did not repeat this claim in court. This undermines her credibility.

Mr McArthur claimed that Mrs King had made false allegations before and so the [REDACTED]

[REDACTED] As expected during examination King made additional allegations.

The first of these was that Mr McArthur had threatened to harm her daughter. This was picked up and when challenged to find this allegation in her original statement she could not do this. No mother would forget to put a threat to her child in her written statement.

She was then asked if she had been involved in the campaign and replied that she had been a trustee 'for a couple of weeks'. It was then pointed out that she had been a trustee for about seven months, and she could not deny this. She had lied to the jury. Both points were picked up by Mr McArthur, [REDACTED]

[REDACTED] towards the end of King's testimony when she suddenly claimed that Mr McArthur had asked her to say that she was not present at the assault. Mr McArthur was only half aware of this as he was preoccupied with taking notes about a previous answer.

[REDACTED] that Mr McArthur had made a detailed statement to the police describing King's actions at the original incident. Not only that, but there were three independent witnesses to the incident, one of whom, Mr Eger, was known to both Mr McArthur and King (see his statement, Appendix 2, section 2, page 7). Mr McArthur could not have asked King to say she had not been there.

[REDACTED] King's credibility would have collapsed at that point, as would the case against Mr McArthur, however, [REDACTED] *They had already seen the allegation that Mr McArthur had threatened to harm King's daughter challenged,* [REDACTED]

[REDACTED] in examination of Mr McArthur.

[REDACTED]

The defence depended on a full explanation of the campaign and its effects on Britain to give credibility to one of the two key points in the defence, that Mr McArthur would have a high profile and this was the only reason he went to see her.

Mr McArthur's defence began with an invitation from the defending barrister that he explain what had happened. Mr McArthur began to talk about the campaign. At this point the judge interrupted to ask why Mr McArthur's political views were relevant. [REDACTED]

[REDACTED]

[REDACTED] when Mr McArthur was being questioned by the prosecuting barrister. Mr McArthur was asked if Sophie King had felt intimidated. This question should not have been asked as Sophie King was not a witness in the original case. Sophie would have felt threatened because she did not know that the allegations made by King and Vaughan were false, and would have believed Mr McArthur had assaulted Vaughan. She would have felt intimidated when Mr McArthur approached her and her mother at the school, and Mr McArthur admitted this would have been the case. [REDACTED]

[REDACTED] Sophie King was not the witness Mr McArthur was accused of intimidating, and whether or not she felt intimidated was not relevant to the trial.

[REDACTED] and taken Mr McArthur's testimony that she would have felt intimidated as an admission of guilt.

[REDACTED]

[REDACTED] King's written statement agreed with Mr McArthur's claims that he went to see her to warn her against lying and that the warning was clear and specific. This was crucial for a successful defence.

[REDACTED] Mr McArthur did not ask King to withdraw her statement.

[REDACTED] King's written statement did not match her testimony in which she claimed her daughter had been threatened. [REDACTED] that King had lied to the jury about the length of time she had been a trustee of the campaign.

██████████ the fact that she herself had written that Mr McArthur had said her 'life would *become* unbearable', as well as writing that he would 'make her life unbearable' because ██████████. ██████████ mention why this was important. ██████████ mention that King's claim that Mr McArthur had asked her to say she was not present at the original incident was a ridiculous claim for the reasons ██████████ ██████████ whether or not Sophie King felt intimidated was irrelevant, ██████████

██████████ in examination, or in summary, Mr McArthur's version of events would have been seen to be true, and in the key points, confirmed by the prosecutions main witness, Julie King.

Evidence of perjury by King at the assault trial.

Examining the documents in Appendix 2, sections 1 & 2, will show that Mr McArthur can now show that all the allegations made by King in the original assault case are contradicted by independent witnesses, or can otherwise be shown to be untrue, or are not credible. This satisfies the second part of Mr McArthur's defence, that he would be able to show that King had lied in the assault case. Mr McArthur had originally thought that unusual means would be needed to do this, but all that was needed was a proper analysis of the existing evidence.

This is an important point as this changes King from a witness who may have been intimidated to a criminal who was warned that her attempts to pervert the course of justice would be exposed. If she was not a witness but a criminal the conviction is wrong.

Other points.

Much of King's written statement is devoted to blackening Mr McArthur's character and several allegations and claims are made that cannot be substantiated, however many can be shown to be implausible.

The first point to be tackled is King's admission that she voluntarily stopped to speak with Mr McArthur (appendix 1, page 7, first yellow highlight). King claims several times that she was frightened of Mr McArthur. She claims that he made her stop her car in remote areas, and that this was very frightening (appendix 1, page 7, third yellow highlight), that at the time of the incident she was very frightened (appendix 1, page 6, highlight green), and that after the original incident she was scared Mr McArthur would come back and cause trouble, and that she was in constant fear of him (appendix 2, section 2, page 5, second green highlight). King also claims that she could not open her shop for three weeks because she was afraid of Mr McArthur, (appendix 2, section 2, page 6, green highlight).

It is impossible to imagine why a woman who was so scared of an ex-partner would stop at a quiet location, with nobody else around, so that she could talk with him. It should be noted that Mr McArthur was sat in his car, not out on the road trying to get her to stop. The point was raised in court and King tried to explain it away, as she did in her written statement by claiming she would be alone at home, and therefore more vulnerable (appendix 1, page 7, first yellow highlight). An examination of satellite photographs of the

locations, [REDACTED] show that this claim is not credible. A photograph of the town, (appendix 1, page 17), shows that the lay-by where King stopped is right on the edge of town, and well away from her home, which is right in the centre of town and part of the shopping area, the busiest and therefore the safest part of town (appendix 1, page 18, lower picture, red dot).

Instead of heading for a safer area, or going back into the school, or phoning the police, or easiest of all, simply driving past Mr McArthur, King stops in this quiet location to speak to him, a man who she claims carried out a vicious and sustained assault on her partner. The exact location where she stopped is the school bus parking area (empty by the time King stopped) and can be seen in appendix 1, page 18, the top photograph. Her claims are not credible once the evidence has been examined properly.

King also claims that Mr McArthur repeatedly told her that she was lying. King has not thought this through. No reasonable person would tell another person they were lying if they knew that the other person was telling the truth. Mr McArthur claims he did not do this for the simple reason that they both knew this and it didn't need to be mentioned, however he claims he did tell her that she would have to tell the truth.

Whilst testifying Sophie King (then aged 15) blurted out something about her mother having told her about the original assault. She had not been asked about this, and the comment was completely out of context, indeed at that point the court was quiet as the defending barrister considered what to ask her next. This raises the question of why she said this. Mr McArthur claims that when he saw Sophie and her mother, Sophie kept repeating the words 'I know the truth, I know the truth', and as she was clearly upset Mr McArthur kept repeating 'I'm here to help'. Mr McArthur claims that Julie King then looked over to him and said 'I haven't told her anything'. Mr McArthur took this to mean that everything told to Sophie about the assault had been told to her by Vaughan, the 'victim' of the assault. Later, realising that this would not sound good in court, Julie King told her daughter that if the point was raised in court Sophie should say that her mother had told her about the assault. Mr McArthur believes that when testifying Sophie suddenly remembered that she had to make that point and blurted it out. [REDACTED]

A point made in the court of appeals case summary is that King claimed in court Mr McArthur said he would 'make her life hell'. If this is the case this change undermines King's credibility as it is not in her witness statement, but as Mr McArthur does not remember this happening it will not be included in the summary at the end of this document. Another point made in the same case summary that does not appear in King's witness statement is that King claimed in court Mr McArthur said he would 'he would make sure she was more hated than Heather Mills.....'. Mrs King clearly writes in her statement that Mr McArthur told her she would *become* the next Heather Mills, famous for lying. The words 'make' and 'hate' do not appear in her written statement. If this is the case this change also undermines King's credibility, but as Mr McArthur does not remember this happening in court neither will this be included in the summary at the end of this document. The same applies to another claim made in the summary that Mrs King claimed that Mr McArthur would 'make her life very difficult'. This does not appear in her written statement. Mr McArthur does not remember any of these things being said in court and they are not in King's written statement so they are not included in this summary.

The verdict.

The jury's verdict was correct based on the information given to them, in particular two points. They had been told that Mr McArthur had asked King to say she was not there and [REDACTED] and shown to be implausible. Mr McArthur admitted Sophie would have felt intimidated, [REDACTED] this was irrelevant.

[REDACTED] the jury would have seen the first point was not credible and the second irrelevant. A 'not guilty' verdict would have been returned.

And finally.

It is unlikely King will testify at appeal because she has had a draft copy of this document for some time. She knows her lies will be exposed if she appeared in court again, and she will not want to be humiliated in this way.

In January 2011 when it looked as if a Welsh Assembly committee might be formed Mr McArthur sent King several emails and letters explaining to her what was going on and what effect this would have on her, in the hope that she would at last see sense and help him clear his name. Mr McArthur had a good moral reason for doing this. When Mr McArthur went to see King at the school she decided not to go ahead with her accusations in the original assault case. She was going to put right her mistake, however because Mr McArthur turned up when her daughter was present her daughter became upset. They went into the school and King and some teachers helped calm Sophie down.

King then left the school, spoke to Mr McArthur and then suggested she withdraw her statement, but it is likely that later the teachers offered their support to King as a teacher at the school had been a witness in the assault case. The teachers would have assumed this was a case of witness intimidation and offered to help. In order to keep up appearances King would have had to complain to the police about what had happened. If Mr McArthur had approached King at a time when Sophie King was not present it is unlikely that any complaint would have been made. The assault case would have been abandoned as King would have withdrawn her false statement because she knew she had made it in anger, and then regretted doing it. It was Mr McArthur's lack of thought in approaching King when her daughter was present that led to this case.

This became important later when the campaign started to succeed. Mr McArthur felt obliged to warn King that the truth was likely to come out about both cases, and give her another opportunity to put things right. He did this by sending her a series of letters and emails warning her about what was happening, and what was likely to happen. These emails included a draft copy of this document. The letters also explained to her that the proceedings in a crown court are recorded by a stenographer. She was told that what she had said in court could not be denied, and those records show that she changed her story. Under these circumstances she would not want to undergo any questioning about her written statement and the changes she made to her story in court. As soon as an appeal is allowed it is likely that she will refuse to testify again, and the case against Mr McArthur will collapse.

In trying to warn her again and for the same reasons as before, to prevent harm to King, Mr McArthur has demonstrated that his motives in the witness interference case were as

described and genuine.

The sending of these letters and emails led to a charge of harassment and Mr McArthur was convicted of this in 2011 at Welshpool Magistrates Court. The magistrates decided that two courses of action Mr McArthur had taken had constituted harassment. The first was a claim by King and her partner Vaughan that Mr McArthur had videoed them on one occasion, a claim Mr McArthur denied. The second was the fact that Mr McArthur had used the word 'liar', done in the context of warning King that she would be exposed as a liar, in the emails and letters sent to her. The use of the word 'liar' was deemed to be insulting under section 5 of the 1986 public order act. The fact that King had lied to a jury, specifically about the length of time she had been a trustee of the campaign, and in the other matters mentioned above, was not investigated or taken into account.

It can be seen that a successful appeal in this case would lead to the overturning of the harassment conviction, as the actions Mr McArthur took were legal under section 1, clauses 2 and 3(c) of the 1997 Harassment Act and it can be shown that King is a liar (appendix 2).

Summary of application.

- The offence was witness intimidation. King was not a witness. She is a criminal who perverted the course of Justice. The contents of Appendix 2 prove that. On that point alone the conviction should be overturned.
- It has been seen that at least in the early stages of the encounter there could not have been any intimidation because King voluntarily pulled into the lay-by to speak to Mr McArthur, and at a place which is quiet. If any of her claims that she was frightened of him were true she would simply have driven past him.
- King's statement agrees with Mr McArthur's version of events in that she agrees he tried to warn her against lying in court, and that he stated the consequences of that would be serious.
- King agrees that Mr McArthur did not ask her to withdraw her statement.

King's credibility is then destroyed by the points in her written statement she forgets to repeat, and the points that she raises in court that she 'forgot' to put in her written statement.

- King claims twice in her written statement that Mr McArthur asked her to 'change her statement' but failed to mention this in court, and it has been seen that Mr McArthur understands why a request like that could not be made.
- King claimed in court Mr McArthur threatened to harm her daughter but forgot to put a serious threat to a child in her written statement. (The threat described in court was a very different threat from the 'make your and Sophie's life unbearable' claim).
- King then claimed that Mr McArthur asked her to say she was not at the original incident, a claim that is not in her written statement and is not credible when examined.

- King lied to the jury about the length of time she had been a trustee for Mr McArthur's campaign.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In addition to this the satellite images of the town submitted with this application show that King's claim that she would be safer stopping at the lay-by to talk to Mr McArthur rather than drive into town is ridiculous. This is new evidence.

The most important part of this application is the contents of Appendix 2. These show that King is not a witness, but is instead a criminal who conspired to pervert the course of justice.

Once that problem is dealt with the allegation of witness intimidation against Mr McArthur cannot be sustained.