

IN THE MATTER OF

Michael SHIELDS

- and -

The Republic of BULGARIA

Petition to the Varna District Prosecutor

1. Michael Shields respectfully petitions the District Prosecutor, pursuant to the Bulgarian Criminal Code, to re-open his case (Number 1031/2005) with a view to further investigation and return to the Court.

Pertinent facts

2. At about 05:30 on 30 May 2005 a barman, Martin Georgiev, was viciously assaulted by English football hooligans. Subsequently, four men were arrested; Michael Shields, Bradley Thompson, Anthony Wilson, and Graham Sankey. On 26 July 2005 Michael Shields was convicted of attempted murder and sentenced to 15 years imprisonment, later reduced to 10 years imprisonment, and a fine. Mr Thompson and

Mr Wilson were convicted of lesser offences and given non-custodial sentences. Mr Sankey was released without charge.

3. Mr Shields was aged 18 at the time and had never previously been in trouble with police. Neither has anyone else in his family. He has always strongly denied that he was involved in the incident in any way, or that he was at the scene.
4. It is submitted that there is compelling new material which undermines the conviction, indicates that Michael Shields did not commit the crime, and suggests that the assailant was in fact Graham Sankey. Mr Sankey has a number of previous convictions and is currently facing charges of racially aggravated assault in the UK.

Summary of evidence at trial, the previous appeals, and context

5. The prosecution evidence against Michael Shields was exclusively identification. There were no admissions, evidence of association with the other two convicted men, scientific, or video evidence. In his defence he asserted that he was asleep in his hotel bed at the relevant time, and called associates to support the alibi. The identification evidence was countered in a variety of ways; the parades were unfair and witnesses changed from their original accounts when giving evidence at trial.
6. Subsequently, Graham Sankey gave a signed confession statement to his own solicitor
7. The Courts of Appeal and Cassation rejected appeals, holding that the identification evidence was sufficient to support the conviction, the alibi came from associates and was therefore partial, and the confession of Mr Sankey contained factual inaccuracies.
8. On 20 December 2007 Michael Shields was subjected to a polygraph test under controlled conditions and in the presence of a forensic psychologist, Dr Keith Ashcroft. The test indicates that Mr Shields was not at the scene or involved in the assault.

9. The context of the case can be seen from the 'dossier' annexed to this petition at 'A'.
The Polygraph report is annexed at 'B'.

Fresh evidence

10. It is respectfully submitted that the following new material should be considered in the context of the above summary, the 'dossier' and the Polygraph report;
 - a. A new witness, Ian McGuirk, has given a detailed eye-witness statement, indicating that Michael Shields, a man he did not and does not know, was not one of the assailants. He had been in the Big Ben diner prior to the incident and his partner had befriended Mr Georgiev. This is evidenced by photographs taken at the time. Mr McGuirk was the Englishman who told persons at the scene that he did not know the names of the attackers, but that they were staying at the Hotel Crystal. He came forward to give his statement, having seen media pictures of Michael Shields, and realised that the wrong man had been arrested.
 - b. A videotaped TV interview with the Hotel Crystal doorman, Miroslav Radev, which takes his trial evidence further. He indicates that he saw Mr Shields in the hotel prior to the incident, identifying him by braces he had on his teeth. He did not see Mr Shields leave the hotel or indeed return. However, he did see Mr Sankey return to the hotel at a time shortly after the assault on Mr Georgiev. Mr Sankey was intoxicated and arrogant, and his key card was broken. Mr Sankey was subsequently found by police in a hotel room with Bradley Thompson.
 - c. The two properly convicted men, Anthony Wilson and Bradley Thompson have spoken to a Senior Councillor and leader of the Labour group on

Liverpool City Council, Joe Anderson, admitting that Graham Sankey was the 'third' man and not Michael Shields. The only involvement these men had with Mr Shields was at trial. They were not associates of his before the incident as evidenced by the statements of Mr Thompson and Mr Sankey to Bulgarian police after their arrest, and they have not seen him since.

Councillor Anderson has provided a signed statement confirming this evidence.

- d. During the filming for a TV documentary a young Finnish woman came to light, who was in the same hotel room as Michael Shields at the relevant time. She confirms that there was a male in Mr Shields' bed, supporting his alibi. There is a signed statement from John Weate, Solicitor, who has spoken to the witness and confirmed these details.

Concluding submissions

11. It is submitted that although the Polygraph results are not directly admissible in court under Bulgarian law, they should be accorded real significance in the decision whether to re-open the case. The results strongly indicate that Michael Shields was not involved in the attack on Mr Georgiev, nor was he at the scene.
12. The conviction was based wholly upon identification evidence. Such evidence is recognised internationally as requiring special caution and there have been notorious cases where convictions based on uncorroborated identification evidence have turned out to be miscarriages of justice.
13. In this case the fresh evidence does not only suggest that Mr Shields is innocent. It suggests that Graham Sankey was the perpetrator of the crime. It should be remembered that Mr Sankey was a suspect of the police from the outset. He gave

police a statement indicating that he was an associate of Messrs Wilson and Thompson, but not Mr Shields. This association evidence was corroborated by the statement of Mr Thompson at that time. In the first Sankey statement he accepted that he had been with Wilson and Thompson, near the scene of the crime, shortly before the assault. He claimed to have left the two men at the Diner, and then waited near the hotel where he was joined by Mr Thompson. This not only associates him to the other two assailants, at the relevant time and place, but its exculpatory content is inconsistent with the evidence of Mr Radev who recollects Mr Sankey returning to the hotel alone, drunk and arrogant in a white sports shirt, at around the time of the assault. As noted, Mr Sankey was later that morning found by police in a hotel room with Mr Thompson.

14. Mr Sankey was released without charge and returned to the UK where he made a signed confession to his own solicitor. The Court of Cassation rejected that confession indicating it was factually inaccurate and must have related to another violent incident the morning before. But there was no such incident and it is clear that Mr Sankey was referring to the Georgiev assault, albeit that the statement contained errors of fact. We now know this to be so because it is supported by the recent admissions of Messrs Thompson and Wilson, that Mr Sankey was indeed the guilty man. The errors of fact are easily explained by the amount Mr Sankey admits to have drunk; lager through the day, followed by nearly a whole bottle of vodka. It is unusual for offenders to make untrue confessions unless they have highly abnormal psychological traits or are under coercion. There is no evidence of either.
15. It is therefore respectfully submitted that the new material should be considered and further investigated as necessary under the rules of the Bulgarian Code of Criminal

Procedure, and that, after investigation, a proposal should be addressed to the Supreme Court of Cassation of the Republic of Bulgaria to reopen the case.

16. We understand that the UK authorities will be happy to assist as appropriate, and the new witnesses referred to above will be happy to cooperate with the Bulgarian authorities.

Michael Shields.....

4 February 2008

.....

Pete Weatherby
(Legal Counsel)
Garden Court North Chambers
22 Oxford Court
Manchester
M2 3QW

4 February 2008