

Judge and Jury convict Allan Titford without defense!

Judge and Jury convict Allan Titford without defense!

It is hard to understand how the Jury found Allan Titford guilty when they had only heard from the Crown's witnesses, but after reading, The Summing Up of Judge Duncan G Harvey which included a 91 page Issues Tree, we believe they had no other option?



The 91 page **Issues Tree** Judge Duncan Harvey gave the Jury during his **Summing Up** and the instructions on how to use it with a **yes/no** questionnaire gave little chance of the jury deliberating with each other over each of Mr. Titford's 58 charges. Especially when Allan Titford was not allowed one witness in his defense. The Judge also mentions "**beyond reasonable doubt**" numerous times in his **Summing Up** but without witnesses in Mr. Titford's defense, medical records, documented evidence and Susan being given immunity to help the Crown lay charges, we cannot see how the Jury could find Mr. Titford, "**guilty beyond reasonable doubt**". Mr. Titford pleaded, "**Not guilty to all charges**"!

Under the Official Information Act and with Allan Titford's authority, we requested a copy of Judge Duncan Harvey's 91 page "**Issues Tree**", but we were refused this request by a Judge of the Whangarei District Court. **What are they hiding; "A miscarriage of Justice"?**

In June 2009 Susan Titford decided to leave her husband because she had had enough of fighting the Crown for compensation when it took their freehold titled farm under duress, without legal advice then tampered with the documents in 1995 to help settle Te Roroa's "*alleged*" Treaty of Waitangi claim and the constant harassment before, during and after by the claimants, the Police, the Crown and the Rural/National Bank. On the 7 July 2009 Susan emailed Barrister, Mr. Greg Denholm asking, "*For instance, if he was jailed would I be able to get control of the Trust back or would he still hold the title of Trustee*".

Then on the 13 October 2009 Susan wrote to the Minister of Justice, Hon Simon Upton asking him how to escape from being charged with Perjury. The Minister replied, "*I note Section 24 of the Crimes Act provides that where a person commits an offence under "compulsion" they will be protected from criminal responsibility. Compulsion means that the person commits the offence only because someone else, who is present when the crime is committed, has threatened them with immediate death or grievous bodily harm*". Was this the basis of Susan's charges against her

estranged husband? Susan now knew if she could make out Allan had raped her and physically abuse her and the children, then the Police would give her immunity.

Once the Crown found Susan was divorcing her husband, Allan Titford, the Crown gave her immunity to help it lay as many charges as possible against Allan. In total 58 charges! Susan stating in an email to Ross Baker, Researcher, One New Zealand Foundation Inc. on the 3 July 2010, *"And I think when they (The Crown) go to get him, they are going to get him for as much as they can"*, then on the 15 March 2011, *"The hold up now is the Crown have taken over so they will look into it, change charges, either throw some out, add new ones and whatever they think is right"*. And the Crown certainly did with 58 charges in total that resulted in Allan Titford being jailed for 24 years without a fair trial.

As Susan had been given immunity she could now virtually say whatever she wanted without fear of prosecution. Even helping her children write statements to testify against their father with a promise of \$5000 each as mentioned during the trial. Young Ulanda Titford writing on the 2 February 2011, *"And all the stuff we had to write and say about dad. I didn't understand any of it. I tried to ask, but was told just to do it"*. Then on the 3 February 2011, *"I want to see my dad more than anything. It hurts me not to be able to spend time with him. I want my dad back, I miss him and love him"*.

The whole trial revolved around evidence from Susan Titford, who had been given immunity by the Crown and wanted *"control of the Trust"*, her children and her brother Richard Cochrane. Allan Titford, on the other hand, was not allowed one witness in his defence by his Crown paid lawyer Mr John Moroney, of Thode Utting Lawyers, Whangarei. Mr. Titford had given his lawyer a list of witnesses he wanted to call but his lawyer failed to call one in his defence! Mr Moroney charged the taxpayers/Mr Titford \$130,000 to "represent" him.

How did the Jury hand down a guilty verdict when they had only heard evidence from the Crown's witnesses? Did the jury base its guilty verdict on, **Judge Duncan Harvey's Summing Up** and his 91 page **Issues Tree**? Judge Duncan Harvey had also only heard evidence from the Crown's witnesses, so how could he sum up the case and issue his 91 page **Issues Tree** without hearing from Mr Titford's witnesses?

A fundamental principles of our legal system states, *"One of the most crucial aspects of a fair legal trial is the right to call witnesses on both sides"*. Mr Titford was never given this right by his lawyer at his trial, which was accepted by Judge Duncan Harvey.

One main witness that was denied to appear was Allan's sister-in-law, Sheryll Titford who had no time for Allan but was a good friend of Susan's but could not allow Allan to be convicted of burning down his house and wrote a statement for the Police that Susan had told her, Susan's father, Graham Cochrane, had confessed on his deathbed to burning down the house to get Susan and the children away from the never ending threats by the claimants. This vital piece of evidence was withheld from the Court by the Police, Graham Cochrane being a retired Police Officer. How many other witnesses were denied giving evidence in Allan Titford's defence who may have cleared him of any wrong doing?

The Supreme Court has held that a trial court cannot deny an accused the right to summon

witnesses he/she has cited for examination at any stage of a trial. *“A fair trial entails the interests of the accused, the victim and of society, and therefore, includes the granting of fair and proper opportunities to the person concerned, and the same must be ensured as this is a constitutional as well as a human right. Denial of such right would amount to denial of a fair trial. **It is a “cardinal rule of the law of evidence that the best available evidence must be brought before the court to prove a fact”***. Why didn't Judge Harvey ask Mr. Titford if he had any witnesses, he was in control of the court and it was Mr. Titford's constitutional as well as human right, but the Judge failed to do so resulting in Mr. Titford being jailed for 24 years without a fair trial?

So the question that must be asked, *“How did the jury come to a guilty verdict when they had only heard from the Crown's witnesses? Was it based on **Judge Duncan G Harvey's Summing Up** and his 91 page **Issues Tree** who had also only heard from the Crown's witnesses that had contradicted each other many times? There was no evidence of physical abuse that must surely have required hospital treatment, especially when it was “alleged” young James had his back and neck jumped on by his 90 kilogram father, Alyssa when it was “alleged” Allan had punched her in the mouth or when it is “alleged” Allan punched and kicked Susan. But no forensic evidence was given with hospital records, school records of abuse of his children, photos or documented evidence by the Crown's witnesses or the Crown. It was all based on verbal evidence by the Crown's witnesses without one document of evidence!*

The One New Zealand Foundation's Researcher, Ross Baker, who has stayed with the Titford's on many occasions in New Zealand and Tasmania while researching the “alleged” Te Roroa claim and the methods used by the Crown to acquire the Titford's farm, stated, *“I have never seen any physical abuse or signs of physical abuse on Susan or the children whenever I have stayed with them”. Susan and the children never showed any fear of Allan and while they gave each other verbal abuse, this seemed normal in the Titford household and never escalated into physical abuse in any way while I was there”. At the time, Susan was just as keen as Allan to fight the Crown for compensation when it took their freehold titled farm under duress and without legal advice, even writing to the Prime Minister and the Queen for help. They were a young innocent family just starting out in life, but this was all taken away from them when Te Roroa place an “alleged” Treaty of Waitangi claim on their farm.*

How could the Judge and the Jury convict Allan Titford to 24 years jail based on the verbal evidence from his estranged wife who had been given immunity and hoped, *“to get control of the Trust if Allan was in jail*, the children that did not understand what they were told to say or write and Susan's brother Richard who disliked Allan. Off course not, it seems they just went along with the **Judge's Summing Up** and his 91 page **Issues Tree!**

Allan Titford has waited over three and a half years for an Appeal, but the Crown has him where they want him and there they want him to remain; **“A Political Prisoner”!**

Conclusion.

We believe Mr Titford's trial must be declared null and void and an inquiry held into the way the charges were laid by the Crown and the trial was conducted by Judge Duncan Harvey not hearing any witnesses in Mr Titford's defence. What started as a matrimonial dispute turned into a *“witch hunt”* by the Crown to clear it of any wrong doing when it took an innocent farmer's freehold titled

farm under duress and without legal advice then tampered with the documents to help settle Te Roroa's "alleged" Treaty of Waitangi claim. A claim that had been rejected by Parliament in 1942 after a full judicial inquiry by Chief Judge Shepherd.

In a letter to the Minister of Treaty Negotiations at the time, the late and respected Ngapuhi chief, Mr Graham Rankin, who knew the history of this land and its people far better than anyone else was completely ignored when he stated, *"No living person should suffer the pain he (Allan Titford) and his wife and children, at the hands of Government, its associates and Ministers in particular. Te Roroa people are only squatters, living on the edge of Waipoua Forest. They don't even know what they are! Ngatiwhatua or Ngapuhi. The work of the claim was shoddy, unclean and destructive in the eyes of our New Zealand Society. My question Minister, the land can never be given to Maori, sitting as a "crown jewel" when it should be returned to Allan Titford, now"! But the Government, its associates and the Ministers failed to listen! **An innocent family destroyed, "at the hands of Government, its associates and Ministers in particular"!***

"A malicious prosecution of a political nature to pervert the course of justice"!

Prepared by the One New Zealand Foundation Inc. 24/4/2017. www.onenzfoundation.co.nz

Copies of; **The Summing Up of Judge Duncan G Harvey** can be obtained from,
ONZF@bigpond.com.au

This article, with others are posted on our website, www.onenzfoundation.co.nz. (c) 24/4/2017