

Judge Constance Briscoe Sentenced To 16 Months Imprisonment For Lying During Police Investigation

Judge Constance Briscoe [has been sentenced](#) to 16 months in prison after her convictions of lying to the police and falsifying documents during a police investigation -- becoming the first British judge in several decades to be imprisoned for her criminal activity.

The convictions of Judge Briscoe, 56, were the result of her lying to the police investigating media leaks that were traced back to her concerning a speeding case in 2003 that involved Christopher Huhne -- who served as the UK's Energy Secretary from 2010 until he was forced to resign in 2012 due to the public scandal created by the media leaks.

In 2003 Huhne was a member of the European Parliament when he was issued a ticket for speeding. His wife Vasiliki Pryce was a passenger in the car. If convicted Huhne would have had his driver's license suspended for exceeding the maximum allowable "speeding points," so Pryce protected her husband by admitting guilt for the speeding offense he committed.

Seven years later Huhne was the UK's Energy Secretary when he left his wife Pryce for another woman, and the two divorced in 2011. Pryce wanted to retaliate against her husband for ending the marriage by publicly exposing what he had done in the 2003 speeding ticket case. Judge Briscoe was Pryce's friend and neighbor, and she had known about the speeding ticket incident since 2003. To help Pryce in her revenge scheme to destroy Huhne's political career, Judge Briscoe agreed to leak the story to the press in emails and telephone calls.



Vicky Pryce, the day before she began serving her 8 month prison sentence on March 11, 2013. (Daily Mail)

The story developed into a major scandal in England. Huhne resigned his Cabinet position in February 2012 when he was charged with perverting the course of justice related to his wife pleading guilty to the 2003 speeding ticket.

Ironically, Huhne's former wife Pryce was also charged for her role in the incident.



Judge Constance Briscoe (The Telegraph)

The police obtained email and phone records proving she was the source of the media leaks about Huhne, which she had denied in her two official police statements — the first in May 2011 and the second in October 2012.

As a result of her prosecution Judge Briscoe was suspended from the judiciary and as a barrister.

Judge Briscoe was charged with a two additional counts of perverting the course of justice after it was discovered she altered a copy of her second witness statement, which she then provided to a defense expert who didn't know his testimony during her trial was going to be based on the fraudulent document.

In February 2013 Chris Huhne, 58, pled guilty to perverting the course of justice, and his former wife Vicky Pryce, 60, was convicted by a jury in March 2013. They were each sentenced to eight months imprisonment.



Chris Huhne, after Judge Constance Briscoe was convicted on May 1, 2014.

Judge Briscoe's January 2014 trial in London's Central Criminal Court [ended in a mistrial](#) because the jury couldn't reach a verdict.

During Judge Briscoe's retrial that began in April 2014, the prosecution produced evidence that Huhne suspected from the beginning she was the source of the media leaks. [Huhne said](#) during a recorded phone call with his then wife Pryce about the media leaks: "The only person batty enough to go on this sort of vendetta is [Judge] Constance [Briscoe]." There was also evidence a journalist wrote to a colleague about the media leaks he knew were from Judge Briscoe, that she "is determined to go for the kill. ... she wants Huhne to get his comeuppance, i.e., to lose his position as Energy Secretary ..."

Prosecutor Bobbie Cheema QC [told the jury](#) the 2003 speeding case was "a tiny

snowball of deception [which] caused a mighty avalanche many years later." On May 1, 2014 a 12-person jury unanimously found Judge Briscoe guilty of all three counts of perverting the course of justice.

[Judge Jeremy Baker](#) stated during Judge Briscoe's sentencing that she "considered that respect for the law was for others," and he said regarding her role in the 2003 speeding case media leaks:

"... you sought to hide your true motive and role in the exposure of that story. You then compounded your position by deliberately fabricating evidence when you thought that you might be exposed.

... I am sure that you realise only too well that such conduct strikes at the heart of our much cherished system of criminal justice, which is integral and invaluable to the good order of society. ... your conduct not only involved deliberately seeking to paint a false picture of your role and attitude for the purposes of enhancing your credibility in the Chris Huhne and Vicky Pryce prosecution, but was compounded by the deliberate manufacturing of evidence so as to avoid your own detection. The last of these deceptions taking place during the period leading towards your own trial. In those circumstances, and having regard to the principle of totality, I consider that the least sentence which can properly be passed upon you is one of 16 months imprisonment."

Judge Briscoe is expected to be released on parole after eight months imprisonment.

Judge Briscoe's pattern of dishonest conduct over many years was exposed during her trial, and in the press, including that [while visiting in Australia](#) "she forged the signature of a friend, an Australian judge, so she could skip a course, fly home and collect an award"



Carmen Briscoe-Mitchell, the mother of Judge Constance Briscoe.

The Independent newspaper [published a story](#) that in 1999 — 15 years before Judge Briscoe's convictions — [her mother](#) filed a nine-page complaint with the UK's Bar Council that "her daughter should be barred from the profession because of dishonesty and financial wrong-doing." The complaint

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asserted Judge Briscoe “forged the signature of a relative to obtain a council flat and falsified information on a passport application.” The Bar Council protected Judge Briscoe by dismissing the complaint without conducting an investigation.

After Judge Briscoe’s conviction Huhne **told reporters Judge**: “Constance Briscoe has been revealed as a compulsive liar and self-publicising fantasist. ...the Bar, the Crown Prosecution Service and the judiciary went on entrusting her with responsibility for people’s lives because they were not prepared to blow the whistle on one of their own.”

During Judge Briscoe’s trial the BBC published a story that Scotland Yard confirmed **a criminal investigation** had been opened into allegations she committed fraud by lying under oath and relying on forged documents to successfully defend in 2008 against a defamation lawsuit brought against her by her widowed mother Carmen Briscoe-Mitchell. Judge Briscoe’s mother alleged in her 2006 book “Ugly” that her parents abused her as a child. Judge Briscoe relied on two medical documents to prove the abuse denied by her mother and her siblings, but the doctor whose signature is on the documents told the BBC they are fakes because he did not author or sign either document. The lawsuit bankrupted Judge Briscoe’s 80-year-old mother who told reporters after her daughter’s convictions that she is going to pursue having the libel verdict overturned, which it is now known was based on fraudulent evidence submitted by a convicted liar.

Sources:

Judge Constance Briscoe found guilty of lying to police, *The Guardian* (London), May 1, 2014.

Constance Briscoe guilty: High-flying barrister faces jail for lying in Chris Huhne speeding case, *The Independent*, May 1, 2014.

R v Constance Briscoe, Sentencing Remarks by Judge Jeremy Baker.

Judge accused of lying to police investigating Chris Huhne’s points swap case is facing a re-trial after the jury failed to reach verdict, *Daily Mail* (London), January 31, 2014.

Constance Briscoe guilty, *The Independent*, May 1, 2014.

Constance Briscoe faces new criminal inquiry, *The Telegraph*, May 1, 2014.

Constance Briscoe: **ugly tale of the barrister who lied to police**, *The Guardian*, May 1, 2014



Appeals Court Acquits Man Of Rape Who Experiences Sexsomnia

Mikael Halvarsson has **been acquitted** of raping a woman who was sleeping in his bed by a Swedish Appeals Court.

On the morning of April 2, 2014 a woman called the police in Sundsvall, Sweden and reported that she had been raped. Sundsvall is a city of 51,000 about 235 miles north of Stockholm. She told the police that she and Halvarsson were sleeping in the same bed under separate blankets when she woke up and found he was having sex with her. When the police arrived Halvarsson was asleep, and when questioned he said he had no recollection of having sex with his friend.

Halvarsson was charged with rape, and based on his accuser’s testimony he was convicted. He was sentenced to two years in prison.

Halvarsson appealed, arguing the prosecution failed to prove the essential element he had the criminal intent to rape the woman because he suffered from the medical condition of sexsomnia. Halvarsson presented expert evidence that sexsomnia is a **sleep disorder** in which a person will unknowingly engage in sexual activities while asleep about which they have no memory when awakened. Sexsomnia is considered a type of non-rapid eye movement sleep parasomnia that includes: Somnambulism (sleep walking); Somniloquy (sleep talking); sleep eating; nightmares or night terrors; and sleep paralysis. Halvarsson also presented evidence from a previous girlfriend that he had tried to have sex with her while she was sleeping, and that he had acted confused when she stopped him and woke him up. In addition he presented evidence from his mother that he had suffered from disturbed sleeping patterns in the past.

Based on the evidence he had sex with the woman due to sexsomnia and not his conscious intention, the appeals court acquitted Halvarsson in September 2014. The **appeals court ruled** the evidence supported that Halvarsson “was in a state of sleepiness, unconscious of what was happening.”

Halvarsson’s acquittal is one of a **growing number** of cases in which a man has been cleared of sexual assault based on a sexsomnia defense. Lack of conscious awareness while asleep has long been recognized as a valid medical defense to sexual assault in England, where at least a dozen men have been acquitted of rape since 1996 based on a sexsomnia defense. It is also recognized in

Canada, where Jan Luedecke relied on it for his acquittal of rape in Toronto in 2005.

Matthew Walker, professor of neurology at the National Hospital for Neurology and Neurosurgery in London, has acted as an expert witness in sexsomnia cases.

Professor Walker said about sexsomnia: “The people I see are often couples and usually both are very distressed. The person doing it has no recollection of doing it, and it’s usually not much fun for the person having it done to them. The sex is usually loveless and more aggressive.”

After Halvarsson acquittal Dr. Kingman Strohl — a professor of medicine and director of research at the Sleep Center at Case Medical Center in Cleveland — **told ABC News** about patients who report sexsomnia, “Usually people are very scared and also quite confused as to what’s going on.”

It is estimated that as much as 1% of the population suffer from “sexsomnia” or have seen it, and the *Sun* newspaper in London **published a story** about a married couple who have been battling the husband’s sexsomnia for five years.

Information about sexsomnia (also known as “sleep sex”) is available at:

* Sleep Sex, Wikipedia.org

* www.sexsomnia.org

* www.sleepsex.org, founded by psychologist Dr. Michael Mangan.

* A book on the subject is *Sleepsex: Uncovered*, by Michael Mangan Ph.D. (Xlibris, 2001), 108 pgs., that can be purchased from Amazon.com by **clicking here**.

Source:

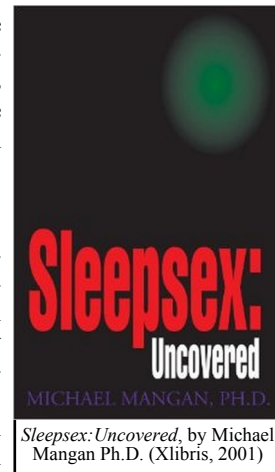
Swedish court accepts ‘sexsomnia’ defence and acquits man of rape, *The Guardian* (London), September 18, 2014

Swedish Man Acquitted of Rape Due to ‘Sexsomnia’, *ABC News*, Sep 20, 2014

Are men getting away with rape by pretending they were asleep? Rising number of attackers are trying extraordinary defence that they had ‘sexsomnia’, *Daily Mail* (London), December 28, 2012

Meet the sexsomniaics: Kelly and Stephen have battled with condition which makes him have sex in his SLEEP for five years, *The Sun* (London), January 27, 2012

Sleep Sex, Wikipedia.org



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